



The Secretary
Senate Select Committee on the Administration of Indigenous Affairs
Parliament House
Canberra 2600

Submission

26.7.2004

1. Relevant Background

Prior to my term 1900-1996 as Senator for Victoria, I spent a year(1978) at the then Alice Springs Community College, preparing a five year Development Plan for the College with particular responsibility for a new course for Aboriginal Community Development Workers. I was a member of the Board of the Institute of Aboriginal Development and of the Central Australian Consultative Committee on Community Relations. In 1979 I carried out a Survey on Youth Needs for the NT Govt., which necessitated brief stays on eight Aboriginal communities.

During my Senate term I was responsible for handling the Native Title Bill negotiations and amendments for the Australian Democrats.

After leaving the Senate, I became one of the founders of the Victorian Watch Committee on Deaths in Custody and of 'Defenders of Native Title', now 'Australians for Native Title and Reconciliation'- ANTaR Vic (a continuing commitment in various committee positions). Two years ago our family and some friends established "Towards a Just Society" a small philanthropic fund supporting Indigenous Education initiatives which led to involvement with Worawa Aboriginal College Inc(Healesville) the only registered secondary school in Victoria owned and run by Aboriginal people for Aboriginal students and to the formation of "Friends of Worawa", a support group I am chairing.

2. Focus of this submission

I have had the benefit of sighting drafts of submissions being prepared by the national office of ANTaR, by ANTaR Vic and by various concerned individuals and I am therefore aware that the Committee will receive submissions addressing the internationally recognised rights of Indigenous peoples to self determination and to representation as a means of politically effective participation in decisions affecting their lives, as is the case with most sizeable Indigenous communities in other countries eg the Inuit in Canada. I endorse the views expressed on these and related matters in the ANTaR submissions and wish to concentrate on specific issues which are informed largely by my practical experience in this field.

3. Self Determination and Representation.

In this section I submit that the current responsibilities of ATSIC/ATSIS demand a level of local and cultural knowledge not as a rule available to mainstream government departments, and further that generally accepted management practices and principles demand delegation and self management and that the emphasis should be on training and capacity building rather than on removing responsibilities.

It will be useful to list the current responsibilities of ATSIC/ATSIS, adding comments on the need for the culture specific administration only Indigenous management can provide (figures quoted refer to expenditure in 2002/3).

Community Development Employment Projects(CDEP) (\$484m, 35,000 participants, 270 CDEP organisations) These are handled differently in each community, depending on the needs of both the community and the workers and the freedom to make these decisions is essential for the acceptance and success of these schemes. This autonomy becomes even more important when communities attempt to move from this structure to market based employment, as they must eventually do, since this developmental approach requires local and cultural knowledge not usually available to mainstream public servants.

Housing and Municipal Infrastructure(\$243m, 6800 people accommodated, 48,000 people serviced by funded municipal services) The above comments on local and cultural knowledge apply here also, with the addition of the need to foster managerial efficiency based on the motivation derived from personal autonomy. The suggestion that we

should move towards service delivery by government departments instead of enabling communities to manage themselves indicates ignorance of the advances made in management practice during the last four decades, starting with the autonomous working groups at Volvo, moving through Pateman, Herzfeld and others to the current almost universal management systems emphasizing capacity building at all levels.

Home Loans (\$327m, 537 home loans for 1600 people) – see above.

Law and Justice (\$57m for 25 Indigenous Legal services and 13 Family Violence Prevention Services, 8000 people assisted) – see above.

Native Title Services(\$52.5m for 17 Native title Representative Bodies) – see above.

Broadcasting, art and culture(22 licensed stations, 105 remote stations) – see above – cultural knowledge and background particularly relevant.

Business Loans(\$74m(loans portfolio), 120 new loans) – see above.

Repatriation of Aboriginal Remains – various initiatives – see above.

Stolen Generations – various initiatives – see above.

In summary: To a greater or lesser extent, the three considerations outlined in the first two paras – local knowledge, cultural knowledge and understanding and managerial effectiveness apply to all current ATSIC responsibilities and it is difficult to see how they could be discharged effectively by mainstream government departments. The following **recommendations** are submitted:

- i) current ATSIC responsibilities should remain with ATSIC/ATSI during the transition period, and then be transferred to the new representative body.**
- ii) additional training and capacity building resources should be made available to ATSIC/ATSI and to the new representative body(note Rosemary Neill’s comments in her excellent book “White Out” : we are paying lip service to self determination but are cutting resources, withholding expertise and waiting for the failures).**

- iii) **Once the new body is in place with better resources and expertise, consideration should be given to expanding responsibilities to include health and education.**

4. New Representative Structure


The ATSIC electoral structure was modelled on our system and imposed on the Indigenous community with little or no consideration of Indigenous customs or the family based tribal structures. As a result some, perhaps many Indigenous people questioned the legitimacy of a representative system which did not take account sufficiently of their cultural heritage.

We should learn from that experience and I submit the following **recommendations:**

iv) **Allow adequate time and provide sufficient resources to enable Indigenous Australians to consult within their own communities and with the wider community and with Australian Governments at all levels to arrive at a structure and at processes which reflect their cultural traditions rather than our established electoral systems.**

v) **The overriding need is to arrive at an elected, representative structure which satisfies these cultural requirements as well as the standards of managerial efficiency and of accountability expected by the wider Australian community. To replace it with an appointed advisory committee would mean turning the clock back by several decades and would place Australia seriously at odds with the way other countries manage their relationships with their Indigenous communities.**

I would appreciate an opportunity to expand on this submission at a Public Hearing of the Committee, preferably in Melbourne.


Sid Spindler
26.7.2004.