



COMMISSIONER

Senator Trish Crossin
Chairperson
Senate Select Committee on the Administration of Indigenous Affairs
The Senate
Parliament House
CANBERRA ACT 2600

Dear Senator Crossin

**Inquiry into the ATSIC Amendment Bill, Mainstreaming of Indigenous Programs,
and Related Matters**

Please find attached my submission to the Inquiry.

I cannot stress too strongly the importance of this Inquiry. Recent changes to ATSIC and ATSIIS will impact not only on Indigenous affairs but on the manner in which governments and their agencies function across the board.

My submission examines the ATSIC Amendment Bill and rejects it as an instrument that decimates Indigenous representation and self-determination, and contradicts the essence of a fair and just Australian society. The submission reviews the transfer of ATSIC/S programs into mainstream agencies and recommends mandatory principles to be incorporated within the philosophy of receiving agencies. Further, two important issues related to the bill are briefly discussed: Indigenous governance and reforms to public administration. It is absolutely essential that the structure and processes for Indigenous representation are developed by Indigenous people and communities, and not imposed by the government as is the current case with the National Indigenous Council.

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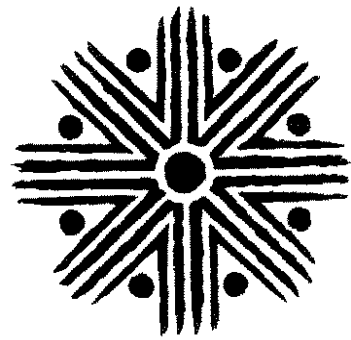
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I would be pleased to provide further information if required. I can be contacted by phone (08) 89445517 or e-mail akarriyuwu.hill@atsic.gov.au.

Thank you for considering my submission.

Yours sincerely

ANKARRIYUWU HILL
Commissioner
NT North Zone
July 2004



ATSIC

**Commissioner Ankarriyuwu Hill
Northern Territory North Zone**

Submission to the

**Australian Senate Select Committee on the
Administration of Indigenous Affairs**

**Inquiry into the ATSIC Amendment Bill,
Mainstreaming of Indigenous Programs,
and Related Matters**

July 2004

Aboriginal and Torres Strait Islander Commission
Commissioner Ankarriyuwu Hill, NT North Zone

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1 Executive Summary

For the past two centuries Indigenous affairs has had one constant - change. In 1990 the Australian Government established the Aboriginal and Torres Strait Islander Commission (ATSIC) as an unprecedented mechanism for Indigenous representation and involvement at national, regional and community levels. The past decade has been a bumpy road for ATSIC, chiefly marred by perpetual and unwarranted criticism. Now the Government intends to dismantle ATSIC following on the dissemination of its programs to mainstream agencies from 1 July 2004.

I welcome the Senate's creation of the Select Committee to not only examine the bill aimed to abolish ATSIC, but to also scrutinise the feasibility of administrating Indigenous programs through mainstream agencies along with any other related issues.

My submission claims:

- The Bill is an affront to Indigenous people and totally contradicts the essence of a fair and just Australian society.
- The ATSIC Amendment Bill should be rejected as it: eliminates Indigenous decision-making and participation in matters impacting on their lives; removes the obligation of Indigenous consultation in favour of Ministerial decision-making; and transfers assets from Indigenous hands to the Commonwealth.
- The preamble to the *ATSIC Act* should be maintained in new legislation as it asserts the need for mechanisms to allow Indigenous people an effective role and voice in Australian society.
- An Office of Evaluation and Audit as outlined in Schedule 2 of the ATSIC Amendment Bill should be implemented to impress transparency and accountability upon agencies.
- Substantial extra funding to overcome disadvantage experienced by Indigenous people is urgently needed.
- Structural and policy changes to public administration must incorporate a number of principles in relation to Indigenous people.
- The structure and processes for Indigenous representation must be developed by Indigenous people and communities and not imposed by governments.

2 Terms of Reference

Formed on 16 June 2004, the Senate Select Committee on the Administration of Indigenous Affairs announced it would inquire into the following Terms of Reference:

- a) the provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
- b) the proposed administration of Indigenous programs and services by mainstream departments and agencies; and
- c) related matters.

This submission will address each of the above in turn.

3.1 The bill in general

This is a bad bill. It has very little logic and no reference to any other legislation that enables a free, fair, just and equitable society. If passed in its present state it will be seen as the ultimate political oppression of Indigenous people in this country. Overall, the bill is a startling slap in the face of the democratic process because it:

- snubs consultation with Indigenous people on its drafting;
- ignores the fact that Indigenous people freely elect their choice of representatives;
- overlooks the successes achieved by ATSIC in its short life;
- disregards the failures of governments in addressing Indigenous disadvantage; and
- threatens to set a dangerous precedent of Ministerial interference and control without any Indigenous participation.

The question is raised as to why this Bill is being introduced? The Prime Minister argued that it was because the 'experiment' in Indigenous representation had failed and that ATSIC had become too focussed on 'symbolic' issues to the detriment of addressing disadvantage experienced by Indigenous people.

In fact, the 'experiment' has been a great success in:

- enabling Indigenous people throughout the nation to participate in the political process as candidates and councillors;
- allowing Indigenous people to decide who will represent their unique interests in the political arena;
- facilitating Indigenous decision-making on matters affecting their clans, families and communities;
- including all Indigenous people in these processes, not just select groups (for example, stolen generations' members are often excluded from other forums);
- contributing towards policy and program development by allowing avenues for Indigenous people to provide advice to governments and private agencies; and
- raising awareness throughout non-Indigenous populations (nationally and overseas) on pertinent cultural, moral, human rights, and social justice issues affecting Indigenous Australians.

ATSIC is not perfect but it does provide, for the first time since the British arrived, a co-ordinated national and regional avenue through which Indigenous issues can be highlighted, debated, and resolved.

The Prime Minister claimed this bill is necessary because ATSIC has failed to address the appalling disadvantages in health, education, employment, housing (etc) experienced by Indigenous people. This is a mischievous accusation as the responsibility for these services rests solely with Australian and State/Territory Governments. ATSIC is being used as a scapegoat for government failure. Australian governments have had more than two hundred years to address these ongoing issues.

ATSIC has had a little over a decade as a body designed to *supplement* government programs. If the Prime Minister is serious about addressing Indigenous disadvantage then he should direct criticism towards the correct sources and government agencies that have repeatedly failed would likewise be dismantled as this bill aims to do to ATSIC.

3.2 The preamble

Despite the aim of decimating the *ATSIC Act*, the preamble to the bill will remain. This sets out strong statements about past injustices against Indigenous people as well as the historic 1967 referendum that identified the need for the Commonwealth to take a lead in tackling the issues. The preamble asserts the need for structures that ensure Indigenous participation in the development and implementation of programs, and for processes to provide Indigenous people 'with an effective voice within the Australian Government'. It also makes reference to international human and civil rights' codes.

This preamble is a positive declaration that will be utterly contradicted by the remainder of the current bill. It is recommended that the preamble be maintained within new legislation enshrining Indigenous representation and self-determination.

3.3 Control by the Minister and Department

The bill contains amendments removing references to consultation or involvement of the ATSIC Board and Regional Councils in place of either the Minister, the Department, or departmental officials. This is outrightly rejected as it harks back to colonialist attitudes of imperial control over Indigenous people. No other group in Australian society would tolerate a situation that prevents their participation and contribution towards decision-making on matters pertinent to their lives.

3.4 Transfer of assets to the Commonwealth

The bill states that ATSIC assets will be transferred to the Commonwealth (schedule 1:3; schedule 3:3). These assets were purchased by Indigenous people using funds or grants that were identified for the purposes of promoting Indigenous interests or overcoming disadvantage. Acceptance of these amendments will set a precedent whereby any organisation or individual who has legitimately and legally received a grant to purchase an asset will be in fear that the Australian Government can claim back ownership at any time. In the lead up to the introduction of the bill, the Prime Minister and Senator Vanstone (as Minister for Indigenous Affairs) stated that all ATSIC assets will remain in Indigenous hands. The bill does not follow through with the promise and these relevant amendments must be rejected.

3.5 Office of Evaluation and Audit

Schedule 2 of the bill establishes a new Office of Evaluation and Audit within the Department of Immigration and Multicultural and Indigenous Affairs. This Office will evaluate and audit all relevant Australian Government agencies. This mirrors ATSIC's

internal Office of Evaluation and Audit except it will have a far wider target group. This arrangement should subject agencies to the same level of scrutiny imposed upon ATSIIC. The Office needs to be more than a report-producing outfit and should be structured so that it will have significant influence on making agencies deliver real outcomes. Whilst the remainder of the bill has been rejected, it is recommended that some form of evaluation and audit office be implemented.

3.6 No obligation to consult

Schedule 4 of the bill lists other Acts that will be amended to remove references to the Commission and *ATSIIC Act*, to be substituted with the Minister, the Department, or a departmental official. These Acts cover a broad range of subject matters such as social welfare, land and native title rights, environmental protection, health, and governance:

- *Aboriginal and Torres Strait Islander Heritage Protection Act 1984*
- *Aboriginal Councils and Associations Act 1976*
- *Aboriginal Land (Lake Condah and Framlingham Forest) Act 1987*
- *Aboriginal Land Rights (NT) Act 1976*
- *Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989*
- *Environment Protection and Biodiversity Conservation Act 1999*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *National Health and Medical Research Council Act 1992*
- *Native Title Act 1993*
- *Remuneration Tribunal Act 1973*
- *Social Security Act 1991*

The amendments mean the authorities charged with administering these laws will be under no obligation to consult with Indigenous people. This, again, sets a dangerous precedent of ignoring Indigenous input. It also disregards many decades of lobbying by Indigenous people towards governments and agencies to acknowledge the need for Indigenous involvement in matters affecting their lives. The amendments must be rejected.

3.7 ATSIIC Board's submission to ATSIIC Review

From consultations undertaken by the ATSIIC Review Panel in 2003, clearly the *ATSIIC Act* needed to be amended. The ATSIIC Board welcomed the opportunity to work with the Australian Government to develop a law that would retain the requisite elements of Indigenous self-determination but alter representative mechanisms so as to improve accountability to communities. The Board's submission to the Review Panel should be considered by this current Inquiry.

3.8 Recommendations

- 1 That the Select Committee recognise that in drafting and introducing this bill the Australian Government has:
 - not consulted Indigenous people;
 - contradicted the essence of a fair and just Australian society;
 - ignored Indigenous people's democratic right to elect their choice of representatives;
 - overlooked the successes achieved by ATSIC;
 - disregarded the failures of all governments in addressing Indigenous disadvantage; and
 - threatened to set a dangerous precedent of Ministerial interference and control without any Indigenous participation.
- 2 That the ATSIC Amendment Bill be rejected except for Schedule 2 (Office of Evaluation and Audit) to be utilised in separate arrangements.
3. That Schedule 2 (Office of Evaluation and Audit) be implemented through other means and that the Office be structured in a way that its evaluations and audits have significant influences on making government agencies deliver real outcomes for Indigenous people and communities.
- 4 That the preamble of the *ATSIC Act* be retained within new legislation aimed to provide Indigenous people with an effective voice within the political system and ensure Indigenous participation in the development and implementation of programs.
- 5 That the Select Committee consider the submission of the ATSIC Board to the ATSIC Review Panel.

4 The proposed administration of Indigenous programs and services by mainstream departments and agencies

4.1 Failure of practical reconciliation

The disadvantage and social injustice experienced by Indigenous peoples has been recorded for decades. Our peoples are the:

- poorest;
- less educated;
- most unemployed;
- sickest;
- most likeliest to die earlier;
- most discriminated against;
- most incarcerated;
- most policed; and

- most represented in the welfare system.

This situation is not improving and, in almost all areas, is deteriorating¹. The Australian Government's policy in addressing disadvantage experienced by Indigenous people is called Practical Reconciliation. This is supposedly focused on improving health, housing, education and employment - basic services enjoyed and expected by all Australian citizens. The Government has refused to recognise issues regarding inherent and cultural rights (the so-called 'symbolic' issues as described by the Prime Minister). The Aboriginal and Torres Strait Islander Social Justice Commissioner slammed Practical Reconciliation in stating that it simply

'manages the inequality that Indigenous peoples experience, rather than providing a detailed, comprehensive plan for *overcoming* this disadvantage. It is a cruel illusion of equality that perpetuates Indigenous people's position at the bottom rungs of our society'².
(emphasis in original).

Despite repeated assertions of the growing crisis, Practical Reconciliation is not being accompanied by vital resource and funding support. The Minister for Indigenous Affairs claimed the abolition of ATSIC and transfer of ATSI programs to mainstream agencies would not result in any decrease in funding. This is hardly soothing relief as what is clearly needed is significant funding boosts. Even though the Australian Government claims record spending on Indigenous affairs there have been constant calls for a massive injection of funds to halt the decline in standards. For example, in the area of health, a few years ago experts claimed an extra \$400million was urgently required yet the Government allocated about \$270million³. In the same year it was estimated about \$3billion was needed for housing where funding from the Commonwealth was merely \$23million⁴. In the intervening years there has not been any significant funding increases.

This lack of funding support and inability of mainstream services to address the situation was highlighted in the *Indigenous Funding Inquiry*⁵ which found:

- 'Mainstream services do not meet the needs of Indigenous people to the same extent as they meet the needs of non-Indigenous people' (page 43);
- 'There is no obvious and simple proportional relationship between measures of needs and the funds required to achieve outcomes (page 52); and
- 'Indigenous people in all regions have high needs relative to the non-Indigenous population' (page 52).

¹ State of the Regions, Australian Local Government Association, 2002; Atlas of Health-Related Infrastructures in Discrete Indigenous Communities, ATSIC, 2002

² Statement at the Senate Legal and Constitutional References Committee Reconciliation Inquiry Media Conference, Dr William Jonas, 28 August 2002.

³ Why \$400m per year from Medicare needs to be quarantined for Improving Aboriginal and Torres Strait Islander health, (S Jan, AMSANT, October 2002); How much is needed? A needs-based funding formula for Aboriginal and Torres Strait Islander health (J Deeble, AMA, March 2000); A Packet of Tomato Seeds: Aboriginal health, community and capacity (P Anderson, Chair of NAACHO, National Press Club address 28 August 2002); Indigenous Affairs Ministerial Statement, Honourable Philip Ruddock MP 14 May 2002 page 16

⁴ A reconciliation budget?, in ATSIC News, Autumn 2001. pg 3; Hon Philip Ruddock Ministerial Statement (op cit) pg 14

⁵ Report on Indigenous Funding, Commonwealth Grants Commission, September 2001. Canberra: Commonwealth of Australia.

The Australian Government's response⁶ reiterated the policy of Practical Reconciliation alongside mainstreaming of services but the next budget contained no significant funding increases.

At the same time there is ample evidence of the success of ATSI/S's programs and that, to a great extent, these programs are filling the gap left from under-resourcing or withdrawal of government programs. ATSI NT's submission to the House of Representatives *Inquiry into Local Government and Cost Shifting* detailed how ATSI funds were substituting rather than supplementing government services⁷. The submission showed that ATSI funds were used for local government services and far exceeded the contribution made by the Commonwealth by several million dollars.

This situation was highlighted in an ANAO Performance Audit of ATSI's Municipal Services funding that declared 'At the heart of ATSI's role in 'municipal services' is the fact that mainstream services are not being made available to some Indigenous communities by State or local government bodies⁸'. As well, the ANAO's audit of the ATSI Grant Management System again reiterated the fact that mainstream programs are not dealing with demands so ATSI programs are substituting rather than supplementing funding from other agencies⁹.

ATSI's Community Development Employment Projects (CDEP) scheme is also utilised by governments in substitution for their services. Some years ago a report reviewing local government's capacity to implement the *National Commitment to Improve Outcomes for Indigenous Peoples* found that CDEP was used for administration, airport maintenance, construction, fencing, health, landscaping, recycling, security, sport and recreation, and community aged, youth and children services¹⁰. Little has changed in the intervening years since that report. A recent internal investigation by ATSI NT of how CDEP is utilised within the local government sector found that more than a third of participants were working in local government, and that Community Government Councils and Association Councils used 50% of their CDEP participants for those services.

The NT Department of Education and the Department of Health and Community Services also rely on CDEP workers to act as assistant teachers and in health clinics in many Aboriginal communities.

The irony of the situation is that the Australian Government claimed 'failure' as a major reason for dismantling ATSI and ATSI yet reinstated all ATSI programs under the mainstream system. If ATSI/S programs had not been so successful they would have been abandoned in the Government's shake-up of services to Indigenous people. On the

⁶ Government response to The Commonwealth Grants Commission Report on Indigenous Funding 2001, June 2002.

⁷ ATSI Northern Territory Submission to the Standing Committee on Economics, Finance and Public Administration, Inquiry into Cost Shifting and Local Government, July 2002. pg 10

⁸ Municipal Services for Indigenous Communities, ATSI Performance Audit, Australian National Audit Office, 2001. pg 49.

⁹ Grant Management, ATSI Audit, Australian National Audit Office, 2002. sections 1.3; 1.6; 1.7; 2.6; 2.29; 2.30.

¹⁰ Local Government Services to Aboriginal and Torres Strait Islander Communities: Its Capacity to Achieve the National Commitment to Improve Outcomes for Aboriginal and Torres Strait Islander Peoples, Report to the Local Government Ministers Conference, June 1998. pp 4-14.

contrary, all programs have been endorsed by being moved to mainstream agencies - agencies which have, in the past, failed to overcome Indigenous disadvantage.

4.2 Structural change and policy shift

Elevating Indigenous affairs to be worthy of a Ministerial Taskforce and a Secretaries Group on Indigenous Affairs is commended and long overdue. However, the aims of the new the Office of Indigenous Policy Co-ordination bear remarkable similarity to those of ATSIC, such as: provide advice to Government on Indigenous issues; encourage collaboration amongst agencies; monitor the performance of government programs; and manage a small number of programs¹¹. Naturally, this Office will comply with government policy of the day and it is doubtful whether there would be the same level of independent advice to the government that ATSIC was able to produce owing to its grass roots basis.

In the enthusiasm of promoting the new structure, it may be believed that the new Indigenous Co-ordination Centres (ICCs), to replace ATSIC Regional Offices, will be 'one-stop-shops'. This is not borne out in the material that describes the role of the ICCs, as one document states that 'They will not, however, be direct service delivery shopfronts like Centrelink offices'¹². This suggests that ICCs, housing staff from relevant Australian Government agencies, may be little more than referral centres.

There are aspects of the changes that are welcomed, such as the whole-of-government approach to service delivery and emphasis on partnership approaches with Indigenous communities. This is reflected in the Government's promotion of the COAG trial sites but these have proved to be labour-intensive and expensive. To date, there have been no announcements of when (or if) there will be an extension of the scheme to places beyond the trial sites. If the Wadeye COAG trial has been such a success as the Government claims then expansion of the scheme should be urgently implemented. Wadeye is just one of hundreds of communities in the NT where Indigenous people are burdened with disadvantage and discrimination.

What is missing in the equation of the new structure is mechanisms to ensure and enshrine Indigenous involvement and direction. Without this, the changes reflect assimilation policies of the past. The ATSIC Amendment Bill significantly waters down the role of Regional Councils to mere advisory bodies, with their total abolition by July 2005. Although the Prime Minister has said some form of Indigenous representation will be established, the detail is absent as well as any commitment to consult on this representative structure.

To varying degrees, most mainstream agencies lack experience, awareness and sensitivities when it comes to dealing with Indigenous clans, families, communities and issues. Not many departments can cite Indigenous employment numbers in double figures and several have never had regional offices. On 1 July ATSI staff were transferred to mainstream agencies and it is hoped that receiving agencies will embrace this wealth of experience and skills to gain a greater understanding of Indigenous issues.

¹¹ Office of Indigenous Policy Coordination, Implementation Plan, DIMIA July 2004, page 3.

¹² Candidate Information, Manager of Indigenous Coordination Centres, July 2004, page 9

However, many Indigenous organisations are fearful that their uniqueness of being an Aboriginal organisation or a Torres Strait Islander body may be lost in the overwhelming mainstream focus of agencies.

Recently, COAG announced a National Framework approach to overcoming Indigenous disadvantage. This is supported but in the scant amount of literature available there is little evidence that OIPC, ICCs and agencies will direct their efforts towards the framework's indicators and goals.

Mainstreaming of ATSIC/S programs is more than just transferring staff and funds. Far more effort is needed within the structural and policy changes than has been forthcoming from the Government if they are really serious about improving the quality and quantity of Indigenous people's lives.

4.3 Recommendations

- 6 That real support to the policy of Practical Reconciliation must be implemented by way of substantial extra funding to health, housing, education, employment and training, economic development (etc).
- 7 That the structural and policy changes to Indigenous affairs must incorporate:
 - a commitment by the Australian Government to overcoming Indigenous disadvantage with time-frames and outcomes;
 - a commitment to capacity building of individuals, families, clans and communities;
 - accountability and transparency mechanisms for agencies;
 - intensive cross-cultural training for mainstream non-ex-ATSIC/S staff;
 - recognition of the cultural uniqueness of Indigenous organisations; and
 - involvement of Indigenous people in the design, implementation and evaluation of programs and policies.

5 Related matters

The future rests in the hands of today's people. Plainly the Government has embarked on an ambitious plan of change in Indigenous affairs. Not many people would claim that change was not needed. However, it is vital to get it right now so that we are not facing the same questions, the same problems, and the same issues in the future.

Two important related matters for this Inquiry to consider concern how Indigenous people want to be represented through their own devised governance models and how Governments will interact and conduct business with those governance structures, Indigenous people, communities, and organisations.

5.1 Indigenous governance

In recent years, governance systems for Indigenous people and communities have come to the forefront of debates throughout the world. The University of Arizona's Harvard

Project on American Indian Economic Development has lead the way with innovative and stimulating discussion about how Indigenous communities can move away from welfare dependence towards economic independence through strong and productive governance. The principals of this movement have visited this country a number of times to highlight their work in relation to the Australian situation. They present four main attributes of governance which are worth adopting in deliberating a new governance system for Australian Indigenous people and communities¹³:

<i>legitimacy</i>	the way structures of governance are created, leaders chosen, and the extent of constituents' confidence and support;
<i>power</i>	the acknowledged legal capacity and authority to make and exercise laws, resolve disputes, and carry on public administration;
<i>resources</i>	the economic, cultural, social and natural resources, and information technology needed for its establishment and implementation; and
<i>accountability</i>	the extent to which those in power must justify, substantiate and make known their actions and decisions.

It is difficult to see how the Government's proposed National Indigenous Council can fulfil any of the above criteria. The Council, being an appointed body, will certainly not legitimately represent Indigenous people; it will have not have power as it will be simply an advisory body; it will undoubtedly have little resources; and it will only be accountable to the government, not to Indigenous people.

In the NT North Zone, ATSIC Regional Councils have been considering a number of governance models. It is vital that the chosen model/s or system/s come from the people and are not imposed from above. No more panels of academics and so-called 'experts' hand-picked by governments in the belief they know, understand, and speak on behalf of all Indigenous people in this country. It is also important that the final arrangement receives bipartisan recognition and support in keeping with a renewed partnership approach in Indigenous affairs.

Recommendation 8 (below) sets out principles that will ensure valid and productive representative systems developed for, by and of Indigenous people.

5.2 Reforms to public administration

As mentioned elsewhere in this submission, the results of moving ATSIC/S programs and staff to mainstream agencies should not be the end of the matter and the Government has indicated there will be major reforms. For instance, Dr Peter Shergold from the Prime Minister's Department has produced a paper outlining five characteristics within the new connecting government/whole-of-government approach¹⁴.

However, how the Government and agencies will actually conduct business and interact with Indigenous communities is still unclear. The recent *Inquiry into Capacity Building in Indigenous Communities* recommended instilling a whole-of-government approach

¹³ *The Importance of Indigenous Governance and its Relationship to Social and Economic Development*, Neil Sterritt, paper delivered at the National Indigenous Governance Conference, Canberra, April 2002

¹⁴ Connecting Government: Whole-of-Government Responses to Australia's Priority Challenges, Management Advisory Committee Report No. 4, April 2004.

and capacity building ethic in all programs and agencies but by its own admission, the Inquiry concentrated only on service delivery¹⁵. If the catch-cry 'partnership approach' is to be adequately implemented, then government agencies must make significant and major changes to the way they view and relate to communities. It is hoped the recommendations from the capacity building Inquiry will be adopted along with legitimate Indigenous representative systems.

Recommendation 8 (below) sets out principles which should be adopted within reforms to the public service system to ensure government agencies work for and with (not 'to') Indigenous communities.

5.3 Recommendations

- 8 That all Australian Governments adopt the following principles in relation to Indigenous representation and public administration:
- The structure and processes for Indigenous representation is developed from communities and not imposed by governments;
 - There will be bipartisan support for this representative system;
 - The Attributes of Governance (legitimacy, power, resources and accountability) are suitably enshrined within this system;
 - Government agencies will adopt a capacity building ethic in everything they do in relation to Indigenous communities and will direct efforts towards outcomes, not inputs and outputs

6 Summary of Recommendations

- 1 That the Select Committee recognise that in drafting and introducing this bill the Australian Government has:
- not consulted Indigenous people;
 - ignored Indigenous people's democratic right to elect their choice of representatives;
 - overlooked the successes achieved by ATSIC;
 - disregarded the failures of all governments in addressing Indigenous disadvantage; and
 - threatened to set a dangerous precedent of Ministerial interference and control without any Indigenous participation.
- 2 That the ATSIC Amendment Bill be rejected except for the preamble and Schedule 2 (Office of Evaluation and Audit) to be utilised in separate arrangements.

¹⁵ Many Ways Forward, the Report of the Inquiry into Capacity Building and Service Delivery in Indigenous Communities, House of Representatives Standing Committee on Aboriginal and Torres Strait Islander Affairs, June 2004. Canberra: Commonwealth of Australia.

3. That the preamble of the bill be used within new legislation aimed to provide Indigenous people with an effective voice within the political system and ensure Indigenous participation in the development and implementation of programs.
4. That Schedule 2 (Office of Evaluation and Audit) be implemented through other means and that the Office be structured in a way that its evaluations and audits have significant influences on making government agencies deliver real outcomes for Indigenous people and communities.
5. That the Select Committee consider the submission of the ATSIC Board to the ATSIC Review Panel.
6. That real support to the policy of Practical Reconciliation must be implemented by way of substantial extra funding to health, housing, education, employment and training, economic development (etc).
7. That the structural and policy changes to Indigenous affairs must incorporate:
 - a commitment by the Australian Government to overcoming Indigenous disadvantage with time-frames and outcomes;
 - a commitment to capacity building of individuals, families, clans and communities;
 - accountability and transparency mechanisms for agencies;
 - intensive cross-cultural training for mainstream non-ex-ATSIC/S staff;
 - recognition of the cultural uniqueness of Indigenous organisations; and
 - involvement of Indigenous people in the design, implementation and evaluation of programs and policies.
8. That all Australian Governments adopt the following principles in relation to Indigenous representation and public administration:
 - The structure and processes for Indigenous representation is developed from communities and not imposed by governments;
 - There will be bipartisan support for this representative system;
 - The Attributes of Governance (legitimacy, power, resources and accountability) are suitably enshrined within this system;
 - Government agencies will adopt a capacity building ethic in everything they do in relation to Indigenous communities and will direct efforts towards outcomes, not inputs and outputs.