

**EMILY'S LIST AUSTRALIA/ABORIGINAL & TORRES
STRAIT ISLANDER PARTNERSHIP FOR EQUITY
NETWORK**

**SUBMISSION TO SELECT
COMMITTEE ON THE
ADMINISTRATION OF
INDIGENOUS AFFAIRS**

INTRODUCTION

In 2002 EMILY's List, an organisation that supports the election of more progressive Labor women to Parliaments, decided to join in partnership with Indigenous women to revive the spirit and the action to make Indigenous equity a reality.

EMILY's List members agreed and formed a working party to begin the partnership. The Northern Territory EMILY's List Action Group (ELAG) and working party hosted a planning seminar in Alice Springs in May 2003.

The National committee of Partnership in Equity Network (PEN) was established as a result of the Alice Springs gathering, under the auspices and as part of EMILY's List Australia. We are in the process of convening State and Territory networks. Our Co-convenors are Linda Burney MP (NSW), Hon Marion Scrymgour MP (NT) and Carol Martin MP (WA).

This submission constitutes EMILY's List and the PEN response to the Select Committee on the Administration of Indigenous Affairs Inquiry into the Administration of Indigenous Affairs.

We will address the three aspects of the terms of reference. That is:

- a) The provision of 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.

Whilst this will not be a lengthy written submission, EMILY's List and PEN would appreciate the opportunity of appearing in front of the Inquiry.

We have attached an Appendix that clearly outlines the Background, Aims, Objectives, Outcomes, Role of PEN, Membership of PEN, Role of State and Territory Committees, Structure, Meeting and Funding in relation to PEN.

It is worthwhile to stress in this Introduction that the aims of PEN are to:

1. Establish an effective political advocacy and support network between EMILY's List Members including our Indigenous MP's and Indigenous women activist.
2. To support the election of more Indigenous into Parliament, Regional Local Governments and community decision making bodies.
3. To develop a policy and action framework for EMILY's List that addresses challenges in achieving equity working with Indigenous women and their communities.
4. To provide support for Indigenous women MP's.

The objectives are:

1. To revive the spirit of equity and justice.
2. To embrace human rights.
3. To face and overcome the divide.
4. Share our experience and knowledge.

It goes without saying that EMILY's List and PEN share enormous concern about the future directions of Administration of Indigenous Affairs at a Federal level in Australia.

It is our view that the proposed changes and in particular the abolition of ATSIC and the mainstreaming of services currently provided by ATSIC, will have a deleterious affect on the capacity of Indigenous people to enjoy the same sorts of social justice outcomes experienced by mainstream Australia.

This will be further explored in the body of the submission.

It should be noted by the Inquiry that social justice outcomes for Aboriginal people in Australia are a national and international scandal. As a group of women activist the one statistic that paints a picture more poignantly, is the difference in life expectancy of Indigenous and non-Indigenous women. That is that most women in Australia on average can expect to live until the age of 88 yet for Indigenous women, it is only 66. Whilst there are myriad of statistics, it is our view that this one encapsulates just how inequitable life choices and chances are for Aboriginal people in Australia.

If one steps back and looks at the slow but sure destabilisation of an Aboriginal voice by the present Federal Government, this final act of the abolition of ATSIC would appear to be the last act in the silencing of Aboriginal Australia.

AMENDMENT BILL 2004

The thrust of the proposed Bill is the abolition of Aboriginal and Torres Strait Islander Commission both at the Federal level and within a 12-month timeframe the Regional Council Network and its administrative structures. It also deals with the transfer or mainstreaming of ATSIC's programs. There are a number of consequential amendments to other acts arising from propose abolition of ATSIC.

When the Prime Minister made the announcement that a decision had been taken to abolish ATSIC, there was one phrase that was more telling then any other. In essence he said, "that the experiment in a separate arrangement for Indigenous people has failed". With those ideology driven words the voice of Indigenous people in Australia was silenced. This is the real issue at hand with this piece of legislation.

Australia is now the only first world nation with a colonial history that no longer supports the principle of self-determination when it comes to the administration of Indigenous Affairs. This is a cause for great shame. It renders us as a nation back to the days of assimilation. A number of older members of our network have made this point very strongly.

Essentially the proposed Bill invests in Ministers and CEO's of Federal Agencies the responsibility and decisions that should remain the responsibility of Aboriginal people through the vehicle of ATSIC or a similar model. The single most important requirement being that, whatever the vehicle it must be democratically elected. As an organisation that is concerned with adequate representation of woman in elected positions we would strongly suggest that consideration should also be given to defining ways that woman can be equally represented at not only local but regional, state and national levels within any representative structure.

The nature or model of such an election needs careful consideration. A criticism of ATSIC has been a very low voter turnout. This is a valid observation. However, voting

was not compulsory and you had to be on the Electoral Roll to be able to vote. Two points:

1. there was no legal compulsion to vote and;
2. many adult Aboriginal people are not on the Electoral Roll.

Consideration should be given on how these two issues can be addressed. One train of thought would suggest that to make elections truly democratic, all Aboriginal and Torres Strait Islander People on the Electoral Roll must vote in elections of a National Indigenous voice. This would encourage many people who are currently not enrolled to enrol.

This piece of proposed legislation and its implications has caused enormous concern, confusion and distress to the Indigenous Communities in this country. Its philosophical underpinnings are based on assimilation and take Indigenous affairs back to a time when there was no recognition given the special status of Aboriginal People as the first peoples. That Terra Nullius was valid. And that appalling living conditions were out of sight and out of mind where an Aboriginal mother could not dare think she might see all her children live.

The complete abandonment of any semblance of Self Determination as a basic principle by what is suggested in the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004, is the most retrograde aspect of all. Like countries, America, Canada and in New Zealand relationships between the first peoples and the rest of the population especially Governments are based on the principle of Self Determination. This is what John Howard meant when he used the term “experiment”.

The final two points we would like to make in this component of our submission relates to the disbursement of ATSIC’s assets and liabilities and the winding up of Regional Councils by the end of this financial year.

Much of what is delivered to Indigenous people is delivered in various degrees of success to Aboriginal and Torres Strait Islander people by way of mainstream provision. In the main, it cannot be disputed that if the indicator is the social justice outcomes for Indigenous people, then provision has failed. The effect of this Bill will be total mainstreaming. The notion that somehow it will work this time is seriously flawed. Many Indigenous people are seriously asking the question, “What will this mean especially for the protection of culture, language and the arts?”

Finally, we would like to address the issue of ATSIC Regional Councils. EMILY’s List and PEN believe that the abolition of a Regional Council Structure is not warranted and the implications of such a move are far reaching.

The criticisms levelled at ATSIC at the national level should not reflect in a negative way on Regional Councils. Regional Councils not only provide services and support local organisations, they are a point of advocacy for the community. Many are signatories to important local agreements. They provide an avenue for the development of young Indigenous leadership. The abolition of the Regional Structure will render communities less rigorous and self-sustaining. The long-term effects will be disastrous. The role of Regional Councils should be strengthened not abolished.

THE PROPOSED ADMINISTRATION OF INDIGENOUS PROGRAMS AND SERVICES BY MAINSTREAM DEPARTMENTS AND AGENCIES

Our basic premise is that the proposed direction is an attack on the rights of Indigenous people and the extinguishment of the long held principle of self-determination. In other words the extinguishment of a national voice for Aboriginal people. This can only be

regarded as unprincipled and a disaster in terms of having proper negotiation arrangements in place at a national level.

If one steps back and looks at the slow, sure destabilisation of an Aboriginal voice by the present Federal Government, the abolition of ATSIC would appear to final attempt to silence it.

The unilateral decision to abolish ATSIC and mainstream services meant there was no input from Indigenous people on the biggest shake up we have seen in recent history of the Aboriginal Affairs portfolio. The real outcomes of total mainstreaming and no National voice will ensure that there is no requirement for Government to consult with anyone again.

The administration of Aboriginal affairs is a very complex. It deals with the most disadvantaged group of people in Australia. Problems seem intractable. The legacy of history hangs heavily. Dispossession, entrenched poverty and their outcomes are part of the daily experience for Indigenous people. Over the years there have been many different policy approaches to addressing the issues. Some of the foundation points for success in the administration of Aboriginal affairs are ripped away by this Bill.

1. Aboriginal affairs cannot be dealt with in isolation.
2. Aboriginal people must be involved in the design, implementation and evaluation of programs.
3. Aboriginal people must be at the decision making table on issues affecting them.
4. There are many aspects of Aboriginal affairs that should be dealt with by Aboriginal people and communities. This is very important around issue like culture, land, language, some aspects of family and community business, and the arts.

5. The national disaster of the lack of social justice outcomes for Indigenous people is a clear indication that there is a need for specific programs, agencies and critically a mechanism for Aboriginal people to have a proper say.
6. No regard has been given to what these changes will mean at a state or local level. For example ATSIC has MOUs with most if not all State and Territory Governments. These MOUs are fashioned around the delivery of services and capacity building. Some wonderful work is being undertaken at a local government level with ATSIC. What will these changes mean at the State and Local level.
7. Many mainstream agencies do not have the capacity to deliver successful programs to Indigenous people. This could be because they do not have the understanding, the policy experience or the appropriate staff.

OTHER RELATED MATTERS

The only issue we wish to highlight in this section is not part of the proposed legislation. It is a flow on, a consequence of the Legislation. That being the establishment of a Government appointed Indigenous Advisory Group.

This approach is paternalistic. The group would never gain credibility in the broader community let alone the Indigenous community.

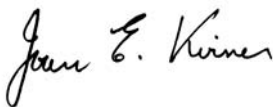
EMILY's List and PEN does not accept an appointed advisory structure. We call for nothing less than a democratically elected body at the national and regional level. Such bodies must have a fair representation of woman and young people, perhaps obtained by

setting minimum targets for the number of women as was done in East Timor. A body that is able to express Self Determination in a way that is beneficial for all Australians.

SUMMARY

1. EMILY's List and PEN would appreciate the opportunity to appear in person before the Committee to build on points made in our submission.
2. Whatever replaces ATSIC it must be democratically elected with fair representation of woman. It must also include young people.
3. The process undertaken to abolish ATSIC and mainstream programs was unilateral and will do nothing to advance the social justice outcomes for Indigenous people.
4. Consideration should be given to the model adopted for elections.
5. There are aspects of Aboriginal Affairs that are culturally specific and cannot be dealt with by mainstream organisations.
6. ATSIC Regional Councils should be strengthened not abolished
7. Self Determination should be the foundation rock for the administration of Aboriginal affairs.
8. We are of the view that this legislation is unacceptable and we do not support its content or intent.

Submitted 4 August 2004.



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**EMILY'S LIST AUSTRALIA/ABORIGINAL AND TORRES STRAIT
ISLANDER**

PARTNERSHIP FOR EQUITY NETWORK TERMS OF REFERENCE

1. BACKGROUND

At its Annual General Meeting and Workshop in Adelaide on November 9-10, 2002 EMILY's List was challenged by Carol Martin MP, Kimberley WA, the first Indigenous woman to be elected to Parliament, to join her in a partnership to revive the spirit and the action to make Indigenous equity a reality.

EMILY's List members agreed and formed a working party to begin the partnership. The Northern Territory ELAG and working party hosted a planning seminar to explore the idea and establish the partnership in Alice Springs on May 2-4, 2003.

The National Committee of PEN was established on 11 April 2003.

2. AIMS

- To establish an effective political advocacy and support network between EMILY's List members, including our Indigenous MPs and Indigenous women activists
- To support the election of more Indigenous women to Parliament, Regional, Local Government and Community decision-making bodies
- To develop a policy and action framework for EMILY's List that addresses

challenges in achieving equity working with Indigenous women and their communities

- Provide support for Labor women Indigenous MPs

3. OBJECTIVES

- Revive the spirit of equity and justice
- Embrace human rights
- Face and overcome the divide
- Share our experience and knowledge

4. OUTCOMES

- Establish National and State PEN that can share experiences, knowledge and organise joint action
- Establish a real partnership for equity between EMILY's List members and MPs and Indigenous women activists.
- Elect more Indigenous women to Parliament
- Strengthen the influence of Indigenous women on ALP Government and Opposition policy, process and practice

5. ROLE OF THE PEN NATIONAL COMMITTEE

- The PEN National Committee will comprise Indigenous and non-Indigenous women who are committed to the principles, objectives and outcomes of EMILY's List and PEN
- The National Committee is a sub-committee of the EMILY's List National Committee
- At least one of the co-convenors of the PEN National Committee will be Indigenous as will a majority of its members
- The PEN National Committee will report and make recommendations for actions bi-monthly to the EMILY's List National Committee
- The PEN National Committee may not commit EMILY's List to major action on expenditure unless approved by the EMILY's List National Committee
- Where possible at least one member of the PEN National Committee will be a member of the EMILY's List National Committee

6. MEMBERSHIP OF PEN

Membership of PEN is open to all women who support the principles of EMILY's List and PEN. Currently membership of PEN is free for Indigenous women and applications will be approved by the PEN co-convenors.

While membership of EMILY's List is encouraged, it is not initially required. Membership of EMILY's List is \$110 waged, \$55 supporting and \$27.50 low-income

and concession, including students. For more information on EMILY's List membership please contact the National Office on telephone number 03 9254 1970, fax 03 9254 1925 or email emily@emilyslist.org.au

7. ROLE OF STATE AND TERRITORY COMMITTEES

Within the overall aims, objectives and outcomes of PEN, State and Territory Committees are encouraged to decide their own action plan.

In general the State and Territory groups should aim to:

- Establish a state based participation and equity network
- Ensure the network is a partnership between Indigenous and non-Indigenous women activists and Labor women MPs who subscribe to EMILY's List principles

The State and Territory Committees will:

- Share knowledge and information
- Provide mutual support and advise
- Develop a political mentoring program
- Organise agreed local action based on the PEN Terms of Reference

Structure

The PEN State and Territory Committees will appoint co-convenors, at least one of whom shall be Indigenous. Members of the State and Territory Committees will be Indigenous and non-Indigenous women who support the principles of EMILY's List and PEN

Meetings

Regularity of meetings is in the hands of the State and Territory Committees. Committees should provide reports of interests and action to Anne Edmonds at the National Office who would collate the reports for the PEN National Committee and advise of necessary follow up actions.

Funding

Direct funding from the National Office is not available for the State and Territory Committees. But in each State and Territory an EMILY's List MP will be appointed to provide assistance from her office.

8. FURTHER INFORMATION

For further information on EMILY's List and PEN please visit the following website:

www.emilyslist.org.au