

Women's International League for Peace and Freedom

**Ligue internationale des femmes pour la
paix et la liberté**

Liga Internacional de Mujeres por la Paz y la Libertad
Internationale Frauenliga für Frieden und Freiheit



**Consultative Status with United Nations ECOSOC,
UNCTAD and UNESCO**

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Dear Sir/Madam,

I write on behalf of Women's International League for Peace and Freedom (WILPF) Australia.

We appreciate the opportunity to provide comments to the Committee's Inquiry on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and proposed related changes to the administration of Commonwealth Indigenous affairs policy and acknowledge that the Committee granted us an extension of time until 23 August 2004 to do so. This was very helpful to us as I myself have only recently returned from attending an International WILPF meeting in Geneva.

We note that soon after the Inquiry's official closing date of 31 July 2004, media reports indicated that the time allowed for the Inquiry was very short, and that about half of the total number of submissions anticipated, (approximately 80 of 160) were submitted by the due date. At the same time, media reports quoted the Senate Committee's Chair as saying that 'there is little support for ATSIC' reflected in the Submissions received thus far. As you know, subsequently, and using this admission

as justification, the Minister for Immigration, Multicultural and Indigenous Affairs, Senator Vanstone, called on the Opposition to pass the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004. It would seem to us that it was improper for such a comment to be made on the basis of only half of the anticipated number of submissions and improper for the responsible Minister to attempt to influence the Senate Committee before it has completed its Inquiry.

The Aboriginal and Torres Strait Islander Commission (ATSIC)

In our view, ATSIC has been a vital contributor to the administration of Indigenous Affairs policy since its inception in 1989. It has allowed Indigenous Australians from 17 zones and 34 Regions to participate in national decision-making about issues of central importance to Indigenous Australians. It has been responsible for bold and culturally appropriate programs such as the Community Development Employment Projects Scheme and the Community Housing and Infrastructure Program (CHIP).

The importance of the nationally elected voice of ATSIC cannot be underestimated. It has played a vital role in educating the wider Australian community on matters such as reconciliation, the impact of past unjust policies on Indigenous peoples, as well as the rich cultural heritage of our Indigenous nations. By having a seat at the table on many Interdepartmental Committees and Reviews, and by its role in the Aboriginal Health partnerships for instance, ATSIC has been able to lead mainstream Departments and agencies in culturally appropriate ways of doing things. It has contributed direct input from Indigenous people on the ground, from around the country. It is hard to see that this input will be accessible under the proposed new arrangements. Where necessary, it has challenged non-Indigenous bureaucracies. It has brought Indigenous approaches to decision-making into play to the main arena of policy making.

In the 1996-97 Budget year, ATSIC underwent substantial funding cuts (\$100m pa). A number of small programs were abolished at this time – including programs that supported women, children, and youth. The impact of these cuts has continued to be felt. ATSIC has incrementally been diminished in both resources and in powers with each passing year, losing responsibility for Aboriginal health in 1995, the removal of ATSIC from the Prime Minister's portfolio, the removal of CHIP, and more recently, the creation of ATSIIS and the loss of the Commissioners' role in making decisions about funding priorities. When ATSIC had the lead role in monitoring implementation of the Royal Commission into Deaths in Custody, it did not have the necessary clout to persuade government departments and agencies to address the recommendations seriously. ATSIC has been hampered by the fact that it has been a bit player in the scheme of government, with relatively few resources and powers.

At the same time, ATSIC has frequently been accused of lack of accountability. In 1996, the then Minister for Aboriginal and Torres Strait Islander Affairs appointed 'the Special Auditor' into ATSIC. It could well be argued that ATSIC has been more accountable than other government agencies in terms of meeting the needs of Indigenous Australians. It has been blamed for a lack of outcomes across the board when in fact it has only been responsible for supplementary programs. It has had additional accountability measures in place, such as the internal Office of Evaluation and Audit and the Registrar of Aboriginal Corporations. From time to time its elected Commissioners (including more recently the Chair and the Deputy-Chair) have been

accused of fraud, and other criminal offences such as rape. The trial-by-media approach to these allegations would appear to have a racist component. The media approach to these issues has clouded the perceptions of the wider population, playing into the ignorance of many Australians about ATSIC's performance and its responsibilities. Not surprisingly, it has had many critics, including within Aboriginal communities and Torres Strait Islanders. It is beholden on good government to see through these criticisms and separate real problems from unfounded criticisms. Like all political representatives, ATSIC elected officials have been criticised by political opponents and by constituents who think they could do a better job if given the opportunity. It is not surprising that in an environment such as this with long-term criticism of ATSIC and reduction in its roles and resources, and the fact that on 1 July 2004 ATSIC programs were split amongst the rest of the bureaucracy that few submissions have argued for the retention of ATSIC. Abolition of ATSIC would appear to be a forgone conclusion. Supporters of self-determination and improved outcomes for Indigenous Australians have already turned their minds to making the most of a bad process, one that did not even reflect the recommendations of the most recent review of ATSIC.

The ATSIC Review

The proposed changes are inconsistent with the recommendations of the Government's own review of ATSIC which endorsed the need for national elected Indigenous representation, and greater control at a regional level. It would appear to be a politically motivated decision, spurred on by the Opposition's announcement that it would abolish ATSIC if it were to win government.

Australia's International Obligations to its Indigenous Peoples

Australia has an obligation to respect and protect the right of Aboriginal and Torres Strait Islander peoples to self-determination, human rights, and First Peoples' status and the inherent rights that flow from that status. Central to the enjoyment of these rights is the ability of Aboriginal and Torres Strait Islander Australians to determine who represents them locally, regionally, nationally and internationally. The current bill and proposed administrative arrangements will deny these fundamental rights. In reducing Indigenous involvement to an appointed advisory role, the Government will effectively remove the right of Indigenous people to meaningful involvement in decision-making affecting their lives and communities.

We urge the Committee to recognise the principle of Indigenous Australians having the right to determine for themselves such important issues as the nature of the representation of their interests to Government and a central involvement in the shape and delivery of targeted programs for Indigenous Australians as well as involvement in how to improve the outcomes from mainstream program delivery for Indigenous Australians.

There has to be real consultation and negotiation with Indigenous peoples, based on respect.

We encourage the Committee to strongly endorse this principle.

Delivery of Targeted Programs by Mainstream Departments and Agencies

We are greatly concerned by the ill-considered return to mainstream-focused service delivery. This is a re-assertion of a failed paternalistic approach to Indigenous affairs. It is well known that Indigenous people are poorly served by mainstream services. With respect to non-targeted programs for housing, health, employment and education, often delivered at the State level, the Productivity Commission and others have pointed out, how often State governments are unable to identify their Aboriginal clients and how much of the mainstream dollar is accessed by Aboriginal constituents. This is unacceptable, if we are serious about improving outcomes for the most disadvantaged group in the Australian community. This is a problem that is still being addressed. Racism remains an institutional force, one which can go unchecked and invisible in mainstream service delivery.

Improving Outcomes

In denying Aboriginal and Torres Strait Islander peoples the rights of representation and to determine their own affairs, improving the well-being of Indigenous Australians will necessarily be impeded. It is well documented that outcomes are significantly better where there is full and effective Indigenous involvement in decision-making, strong Indigenous organisations and governance, and appropriate cultural recognition within both Indigenous and non-Indigenous institutions.

For mainstream services to be effective they need to be culturally appropriate and responsive to Indigenous community and cultural needs. Governments, mainstream departments and agencies must be publicly accountable for the provision of services to Indigenous people and such accountability should include rigorous monitoring frameworks and the ability for Indigenous people to exercise such accountability. The accountability issue cuts both ways, but it would appear from the government's rash and politically expedient decision to abolish ATSIC, that it is only Aboriginal organisations that cannot make fair and equitable decisions about spending resources. It is generally agreed that the wider issue of addressing Indigenous disadvantage will require full and sincere commitment on the part of all players, all tiers of government, mainstream and Aboriginal organisations.

If Not ATSIC What Sort of Body is Needed?

Since the announcement of the Government's decision to abolish ATSIC, Indigenous Australians have endorsed the need for a National Indigenous representative body which reflects their values and aspirations, and which is open, transparent and accountable to Aboriginal and Torres Strait Islander peoples. This body should have primary roles in representation and advocacy, be the principal source of Indigenous policy advice to government, and have control over the provision of Indigenous-specific services. We encourage the Committee to recommend the establishment of such a body, rather than a body which is hand-picked by the Government and has only an advisory role, as proposed by the Government.

Once again, we thank the Committee for the opportunity to make this submission on behalf of the Australian Section of the Women's International League for Peace and Freedom.

Yours sincerely

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