

Journal of Indigenous Policy – Issue 10

Theme: *Representative Structures*

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Articles

A New Partnership Based on Justice And Equity: A Legislative Structure for a National Indigenous Representative Body

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Since the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC), there has been a significant and noticeable gap in broad national Indigenous policy advice and critique of government activity in Indigenous affairs. Rather, policy critique has been uncoordinated and disparate between various Indigenous organisations. This has weakened the position of Indigenous peoples in general, with various governments taking advantage of the situation by privileging particular individuals and organisations that support their measures while ignoring the bulk of people and groups that do not. This situation also allows governments to mislead the public and misrepresent Indigenous affairs in such a way as to build strength of support for their initiatives. This paper will attempt to build a workable legislative framework that gives better expression to the needs of government and Indigenous Australians.

Representative Structures – Lessons Learned From the ATSIC Era

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The abolition of the Aboriginal and Torres Strait Islander Commission marked an end of a representative structure at the national level chosen by Indigenous people and the dismantling of the elected Regional Council system that existed with it. The Federal Government's establishment of a National Indigenous Committee will see a return to handpicked appointments in ATSIC's place. The use of appointees as government advisors is consistent with the selection of representation of other key national Indigenous organisations – Indigenous Business Australia, the Indigenous Land Corporation and five of the nine positions on the Australian Institute of Aboriginal and Torres Strait Islander Studies. This change in approach to the selection of Aboriginal and Torres Strait Islanders to represent the interests and viewpoints of all Indigenous people raises key issues about the principles of representation for Indigenous people and the structures which support this representation. In analysing the issue of representation at the national level, the strengths and weaknesses of ATSIC provides a useful starting point. Although much political rhetoric has been

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made of it being a ‘failed experiment’, ATSIC is deserving of greater scrutiny of its successes and failures in order to better and more honestly review the effectiveness of a national representative structure for Indigenous peoples in Australia.

A National Body for Aboriginal and Torres Strait Islander people

Sam JEFFRIES – is the Chairperson of the Murdi Paaki Regional Authority and an Adjunct Professor at Jumbunna Indigenous House of Learning, University of Technology, Sydney.

A glaring deficiency in Indigenous policy is the absence of a national body that represents and advocates the interests of Aboriginal and Torres Strait Islander People. 2007 was a year in which there were significant milestones for celebration, commemoration and reflection. It was the 50th year of National Aboriginal and Islander Day of Celebration - NAIDOC, 40th Anniversary of the 1967 Referendum and the 10th anniversary of the Bringing Them Home Report. But any thoughts of joy, or even sadness, that we might have had have been severely undermined by ill thought, ill advised, draconian, racist policy coupled with political bastardry which is motivated by an end of year election, that has created a revisit to colonial practices of the past for Aboriginal and Torres Strait Islander people, and more so for the mob in the Northern Territory.

Now is an opportune time to consider what needs to be done to establish a national body, what the purpose and functions of such a body should be and what its relationship to Aboriginal and Torres Strait Islander people is.

Eldership and Leadership – Proposing a new National Representative Structure for Indigenous People in Australia’s Governance System

Tjanara GORENG GORENG MSA, PDM, Grad.Cert.Soc.Sc (Couns.) Phd Candidate – is the Founder and National Convener of the Foundation for Indigenous Recovery & Development, Aust. (FIRDA).

A truly representative system which recognizes the sovereignty of the ‘Aboriginal & Torres Strait Islands people’, that is the ‘Indigenous’ people of the continent Australia is necessary as the foundation of our executive government so that the past can be reconciled for all and that our combined futures can become one of continued development and empowerment for all peoples living in our Land. I propose this is because we do not occupy the place in our country’s governance that we should, and I feel that we have the right to govern and be part of the governance of our country precisely because we governed our lands well for thousands of years prior to 1788.

Learning the Lessons of ATSIC

Larissa BEHRENDT – is Director of Research at Jumbunna Indigenous House of Learning, University of Technology, Sydney.

Getting rid of the National Indigenous Council was one of the few first steps that new Minister of Indigenous Affairs, Jenny Macklin, has gotten right. You would not need to do much consultation with Aboriginal and Torres Strait Islander communities around Australia to quickly figure out that the NIC was viewed with derision and contempt. Only the people who, through naivety or arrogance, decided to take the 30 pieces of silver and a modern day breastplate were happy enough to endorse all of John Howard's Indigenous policies. While claiming they 'advised', they never sought to consult with the Aboriginal and Torres Strait people on the ground who would be affected by the policies they rubber stamped. Every budget that was passed during the lifetime of the NIC stated it had been deliberated 'in consultation' with them.

Ebenezer Rudd and the Ghost of Queensland Past

Nicole WATSON – is a Senior Researcher at the Jumbunna Indigenous house of Learning, University of Technology, Sydney.

For me, Christmas is usually a dizzying combination of festivity, gluttony and regret. Fortunately, the regret usually subsides by 1 January, when I promise to follow the same dreary resolutions I've been half-heartedly committing to for the past decade. This year however, I was forced to confront some disturbing facts...

Cultural and Personal Principles for Indigenous Governance

Gregory PHILLIPS – is a *Waanyi* and *Jaru* medical anthropologist in private consultancy. He has an honorary lectureship at The University of Melbourne.

In this paper I outline the cultural basis of governance systems in general, describe some of the cultural clash in governance strengthening for Aboriginal and Torres Strait Islander Peoples, describe how two cultural principles can sometimes be misused in practice, and discuss some ways we can put lessons of the past into action.

Indigenous Representation: Square Pegs and Round Holes

Matthew MAURER – is a Kamilaroi descendant and Legal Consultant. He is currently a Law PhD candidate. This article was written prior to the establishment of the Calma Steering Committee to develop a model for a new national representative body.

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It was tempting to think that we had entered the glory days. After years of the most primitive ‘modern’ leadership and policies that would not have been out of place espoused in a ‘Boy’s Own Annual’, a change of government in Australia appeared to offer an opportunity for real progress in dealing with issues affecting Aboriginal and Torres Strait Islander peoples. Without, though, significant changes in both the dominant culture’s mindset on pluralism and within ATSI brokers’ approach to Representation, there may be little to celebrate.

ATSIC Reflections

Mark McMILLAN – is a Senior Researcher at the Jumbunna Indigenous House of Learning, University of Technology, Sydney.

It is easy to criticise and blame many for the demise of the Aboriginal and Torres Strait Islander Commission (ATSIC). Much of the blame, wrongly, has been placed at the feet of the last Chairperson and other personalities at the Commission level for the public loss of faith in the institution. Little analysis has been made of the role that the media, politicians (from both the Labor party and Coalition) and so called Indigenous “leaders” or organisations played in the immediate months before the eventual abolition of our only national representative body. This reflection piece will not look at personalities or the politics that led to the demise of ATSIC. Instead, this article will focus on some fundamental design flaws in the *Aboriginal and Torres Strait Islander Commission Act* (1989). These design flaws ultimately were used as either justification for the abolition itself, or have subsequently been touted as the way forward in Indigenous affairs. These issues are: the lack of State or Territory interaction in the ATSIC Act and the ad hoc nature of State Advisory Committees.

Implementing the new compact: Indigenous Participation in the Machinery of Government

Sam JEFFRIES – is the Chairperson of the Murdi Paaki Regional Authority and an Adjunct Professor at Jumbunna Indigenous House of Learning, University of Technology, Sydney, **William JOHNSTONE** – has held senior elected and management positions and membership of Boards extending over a broad range of policy areas in Indigenous Affairs and community development, and **George MENHAM** – a former senior public servant with 20 years experience in managing Indigenous programs. For the last 10 years as an independent consultant he has specialised in Indigenous issues with a particular focus on Indigenous governance institutions and their interface with government.

An outcome of the 2020 summit Options for the Future of Indigenous Australia stated:

New accountability structures for governments and service delivery arrangements in Indigenous affairs are necessary. There was wide support for new, independent mechanisms with teeth and sanctions to

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monitor accountability of governments, involving significant Aboriginal and Torres Strait Islander representation.

The discussions at the summit have served to trigger and widen the debate on future, constitutional and structural arrangements for Aboriginal and Torres Strait Islander people, including a treaty, a charter of rights, constitutional recognition, a national representative body, and closing the gap in Indigenous disadvantage. These longer-term aspirational goals need to be supported by immediate practical measures across the full range of functional areas and Indigenous disadvantage. One of these areas, itself constituting a gap in overcoming Indigenous disadvantage, is structured participation of Aboriginal and Torres Strait Islander people in government decision-making, now generally accepted as a fundamental aspect of empowering Aboriginal and Torres Strait people to manage their own well being. Participation, or being connected, is part of what has now come to be generally understood as ‘good governance’ and ‘best practice’ in implementing government policy.

BOOK REVIEW by **Alison Vivian** – a Senior Researcher at Jumbunna Indigenous House of Learning, University of Technology, Sydney.

The Social Effects of Native Title: Recognition, Translation, Coexistence

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