

**Regionalisation and ATSIC - Commissioner Kim Hill, ATSIC NT North Zone
Indigenous Governance Conference, 5 November 2003**

I acknowledge and thank the traditional owners of this area, the Mirrar people.

The title of my address is about regionalisation but this, like many other terms we will hear over the next few days, means different things to different people.

Right at the beginning I'd like to pose the question, exactly what do we mean by 'governance'? Are we talking about governance from the government's point of view such as reporting requirements? And is this mainly about service delivery or a structure that responds to the needs of government? Or should we be looking at governance strictly from an Indigenous perspective? If so, should the emphasis be on rights or realigning decision-making to more traditional methods? This morning we heard some enlightened comments from our international guests on how Indigenous people in other countries view governance. Each one of us will have a different interpretation of the word 'governance'. Speakers over the next few days will be talking about different factors that impact on governance, such as decision-making models. Through these addresses the big ticket question we should be asking ourselves all the time is, who will benefit from changing the current system and how?

When I looked at the names of speakers at this conference I noted there are many experienced people here who know much more about governance than me so I certainly don't claim to know everything about Indigenous governance. I'm here to advocate as an ATSIC representative and ATSIC is just one of many examples of differing governance systems. ATSIC was established under its own legislation and has four main roles:

- Advocate as the peak Indigenous representative body throughout the nation;
- Advise the Minister and governments;
- Monitor government policies and programs that impact upon Indigenous people;
and
- Implement some Indigenous-specific programs.

Now this sounds pretty straightforward but surprisingly (or perhaps not surprisingly) it is often misunderstood or ignored. By the very nature of Indigenous affairs, ATSIC often cops the blame when it is not responsible, and is frequently controversial for perhaps the same reason. A common attitude in some agencies when they are planning programs is that ATSIC will pay for it. Whilst ATSIC has a key role in advocating issues it does not have prime responsibility for service delivery of the big ticket items such as health and education. Our programs are supplementary to government programs and a large percentage are quarantined by the Minister so there is no room for discussion on re-allocating funds.

At this point I need to reaffirm the distinction between ATSIC and ATSIS, the Aboriginal and Torres Strait Islander Services agency. ATSIC is made up of elected officials, and ATSIS is the operational or administration arm. Some other Indigenous organisations also have elected and administration positions. I want to stress that if someone is critical of an organisation they need to be specific as to whether they are talking about the elected arm or the administrative arm.

Community Development Employment Projects, known as CDEP, is our biggest program that was originally intended to assist individuals and communities in addition to other services. In actual fact, CDEP is being exploited to the max by government agencies. There are scores of CDEP workers being used as assistant teachers, health workers, (etc) being paid through CDEP when these positions should be fully funded and supported by the government. Local government is perhaps the biggest taker of all. ATSIC recently did an in-house survey of CDEP and local government services in the NT for 2002/03 that revealed:

- More than a third of all NT CDEP participants were involved in the delivery of local government services;
- The most popular type of service was community services which made up almost 20% of all CDEP participants in the NT;
- Community Government Councils and Association Councils used half of their CDEP participants to deliver local government services;
- CDEP contributed more than \$30 million in that year to the delivery of local government services (where the Commonwealth and NT Governments each provided \$21 million);

- In addition, ATSIC provided a further \$10 million to local government through its Municipal Services Program; and
- There were incidences where any profit obtained by the services provided by the CDEP participants was retained by the council and not reimbursed to CDEP.

I can't tell you how many times community people and staff have said to me that were it not for CDEP, their community would collapse. It would appear that ATSIC is propping up local government. This must change and ATSIC is currently looking at reforming CDEP to align more closely with community aspirations.

Regardless of being the peak Indigenous body ATSIC is often paid little respect by many government and non-government agencies. For example, there are many Aboriginal organisations that represent specific groups that have negotiated directly with government. However, I would like to stress that ATSIC represents all Indigenous people - traditional owners, community people, stolen generations, and so on.

However, ATSIC has a mandate and a legislative obligation to press on. It's been just over a hundred years since the beginnings of permanent white occupation of the lands of the Northern Territory. You'd think that would be enough time to get it right but hardly a week goes by when we don't hear another report about the conditions under which our people live: atrocious health statistics equivalent to third and fourth world standards, low literacy and numeracy measures, deficiencies in housing and essential services, and even arsenic-poisoned water in some regions. This must change and I want to remind you of an important expression: **If we are to achieve results never before accomplished then we have to employ methods never before attempted.** So this conference has to break new ground if we want to get positive outcomes. We have to think outside our own little squares. We might get the governance structures right but if policies and programs are not changed to fit then we have not moved at all.

This leads me to talk about ATSIC Regional Council Plans. By law every Regional Council, (there are seven of them in the NT), has to develop these plans and intense consultation is undertaken in their preparation. These plans directly reflect community

needs and aspirations so they are excellent templates by which agencies and local government councils should devote far more attention than is presently paid.

Regionalisation is the heart of ATSIC and Regional Council Plans are its life-blood. This should flow amongst agencies which are involved in program and policy design and delivery but the flow is often a trickle and sometimes blocked. It is vital for agencies to recognise ATSIC Regional Council Plans as a key planning tool. I wonder how many of you who are in elected positions or employed in government agencies or local councils know about these plans and actually liaise with the relevant Regional Council when planning programs and policies? If you don't, then you are sadly missing out on a vital resource in the actual plan, and also in gaining knowledge and understanding from the Regional Councillors themselves. I encourage all agencies and local governing bodies to get out and communicate with Regional Councils to improve relationships and get the trickle flowing.

ATSIC Regional Councils strive to improve their operations and this afternoon you will hear from two prime examples of how people in communities have moulded their governance structures through the ATSIC system to best suit their particular needs - the Torres Strait Regional Authority and Miwatj Provincial Governing Council.

Some years ago ATSIC recognised a growing desire to design regional structures that suit individual communities so we launched our *Regional Autonomy* debate. Several pilots throughout Australia were funded to look at what communities wanted to do from their viewpoints, not some plan imposed from above. We started at the community level and the result is a variety of models, Miwatj being just one designed by and for the people of that region. Murdi Paaki in NSW is another that is steadily gaining ground with the NSW Government. People in the Kimberly region are working on a different design again. The expression 'Regional Authority' is not exclusive to local government and I cite the Torres Strait Regional Authority as an example.

Of course, the new governance movement began long before ATSIC in the days of the Gove Petition in 1963 and the Statements from conventions at Eva Valley, Kalkaringi and Batchelor in the 1990s. This movement came from communities - it was, and still is, driven by community people. Therein lies a lesson for governments -

they need to recognise the community is a significant partner in designing policies and programs.

Many of you would be aware that ATSIC has just undergone yet another review and the report is presently with the Minister. Any changes that may be introduced will take some time to go through the parliamentary process. In the meantime, and particularly right at this point in time, I want to impress upon everyone that the ATSIC Act has not changed. Despite the recent creation of ATSIIS, ATSIC continues to perform the role of peak Indigenous body.

Regardless of whatever form ATSIC will take following the outcome of the review, regional perspectives will be the prime focus. Communities and agencies have something to contribute but what we have to do is look beyond our own back yards and break down barriers. Health is not just about injections and bandages. It is also about clean water supplies, adequate housing, and decent roads. Education is not just the three 'R's. It is about our children having healthy ears so they can understand their teacher, and it is about having good tucker and living free from violence in the home. And governance is not just having a good team of elected representatives in a democratic structure with competent staff. I am sure this will come out through the presentations we will hear from communities themselves.

Our communities are in crisis and the NT Local Government Minister has admitted this publicly. I am sure that agencies have the intent and there is the political will to get things right but I don't think that many agencies realise the impact or implications that their actions and policies have on communities. On the one hand there are government and private agencies with funding, resources, and years of knowledge and skills. On the other hand there are communities that are suffering and flooded with changing and sometimes complicated policies and programs. Through all this, we should remember that often communities do have many strengths despite the burden they bear. The Kalkaringi and Batchelor Statements showed that quite clearly. At the same time, communities have to admit they need help in some ways and that agencies can assist rather than hinder progress. Indigenous leaders have to make a stand. The issue of leadership is far more complex than in past days, and later sessions will talk further about this. There are many demands on leaders these days

but unfortunately, I believe, the pool of leadership choices is getting very shallow. There has to be a partnership approach working towards common outcomes-focussed goals that should ultimately aim for a better quality of life for our peoples now and in the future.

So the challenge is how to improve collaboration between ATSIC, local governing bodies, government agencies, and the private sector (which is an untapped source). I've spoken about the benefits of using ATSIC Regional Council Plans. The Council of Australian Governments' trial at Wadeye where relevant government agencies sit down at the table with community people to plan services is a welcome illustration of true collaboration – if only it will not become yet another 'one off'.

Which leads me to a series of tests I'd like you to think about during the next two days' discussions. How do we sustain regions and stop the poverty and decline happening in so many places? How can good governance improve social and economic situations? What can all of us do to decrease bureaucratic red-tape? What do community leaders and agencies need to do to improve relationships and work better together? How do we break down the barriers? What legacy will be left to our children?

For our own part, ATSIC has thrown down the gauntlet to the NT Government, particular government agencies, land councils, local government, and other Indigenous organisations. We have embarked on negotiating a series of agreements that concentrate on outcomes, not outputs. We recognise that although ATSIC may always have differing philosophies and aims from other authorities, we must all work together if we are ever to improve outcomes for Indigenous people and communities. ATSIC doesn't always get it right but we are striving to be pro-active and not re-active. We are doing things differently – like I said before, we have to employ new methods to get new results.

The way forward relies on relationships, responsibilities, and recognition. Good governance is a crucial ingredient to these factors. It is time to meet these challenges head on and face up to obligations. We have no other choice. As someone once said, **if we keep doing what we've always done, we'll keep getting what we've**

always got. That's why I want to encourage young people as the future's leaders to come up through the ranks in ATSIC, to give us fresh ideas for a fresh future.

At the end of the day, it comes down to rights - our citizenship right to receive services equivalent to other Australians, and our inherent rights as Aboriginal people and Torres Strait Islanders. I challenge the Government and Aboriginal leaders to show that new methods will be used to get new results and improve the lives of our people and give our children a brighter future.

Thank you, and I'll now take any questions.