ATSIC AND INDIGENOUS WOMEN: LESSONS FOR THE FUTURE

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After eleven years of a Coalition government there has been a change in government at the Federal level and with the election of Kevin Rudd as Prime Minister there is a renewed sense of hope and optimism about the future of Indigenous affairs in Australia. The Prime Minister has fulfilled one of the key ALP election promises in Indigenous policy by delivering a national apology to the Stolen Generations.1 Another election promise that the Federal government has indicated, but is yet to fulfill, is to establish a national representative body for Aboriginal and Torres Strait Islander peoples.2 This is an important policy because of the representative vacuum that has existed since the abolition of the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2005.3 There is much to be learnt from previous bodies and those lessons are crucial to constructing a sustainable representative body that has the trust of Aboriginal and Torres Strait Islander peoples in Australia. This paper turns to the question of what lessons can be learnt from ATSIC. More specifically, the paper is concerned with how Indigenous women fared under the representative and policy structure of ATSIC. The paper draws singularly upon the final report of the Evaluation of the Effectiveness of ATSIC Programs in Meeting the needs of Aboriginal Women and Torres Strait Islander Women, conducted by the Aboriginal and Torres Strait Islander Commission, Office of Evaluation and Audit.4 The Report found that ‘ATSIC programs and services have limited effectiveness in meeting the needs of Indigenous women’.5 Indigenous women are approximately 50 percent of the Indigenous population and have the primary role as nurturers and carers as well as holding cultural and leadership roles in their own communities. It is crucial to any future national representative body that the unique experiences and needs of women are understood and are addressed in a structural way. This cannot be done without

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1 Kevin Rudd, ‘Apology to Australia’s Indigenous Peoples’ (Speech delivered at the House of Representatives, Canberra, 14 February 2008).
3 Aboriginal and Torres Strait Islander Commission Amendment Act 2005 (Cth).
5 Ibid 104.
women’s physical representation in any national body, yet the presence of 
women alone doesn’t always correlate with improved consideration of 
women’s issues. Representation must be essentially concomitant with a role for 
a diversity of Indigenous women in policy formation. Women must also have 
an active role in any government consultations that determine what 
configuration a future national representative body may take. Part I of this 
paper provides a background to the concerns about Indigenous women’s 
representation under ATSIC. Part II is an overview of the findings of the 1995 
Report and reveals the material challenges Aboriginal and Torres Strait 
Islander women themselves identified during ATSIC’s existence. Part III 
concludes the paper by drawing upon the recommendations of the Report to 
suggest what ideas could be implemented in any new mechanism to counter the 
 marginalising tendencies of representative politics.

**Part I - The Aboriginal and Torres Strait Islander Commission**

The Aboriginal and Torres Strait Islander Commission (‘ATSIC’) was 
an independent statutory body with dual representative and administrative roles 
empowered by the *Aboriginal and Torres Strait Islander Commission Act 1989* 
(Cth). It was the peak Indigenous representative body from 1990-2005. When 
ATSIC was established by the Hawke Labor Government its administrative 
arm succeeded the Department of Aboriginal Affairs (DAA)\(^6\) and the 
Aboriginal Development Corporation (ADC)\(^7\) and a number of authorities that 
had been established in part to implement the Federal government’s bipartisan 

The National Aboriginal Consultative Committee (NACC)\(^8\) and the 
National Aboriginal Conference (NAC)\(^9\) were predecessors to ATSIC as 
government funded national representative bodies. The NACC was a 
ministerial advisory body that included an elected body of 40 Aboriginal and 
Torres Strait Islander people and over 800 representatives from 41 electorates. 
The NAC was the successor to the NACC and it had a different structure, 
electing representatives to state branches from which ten national executive 
members were elected. In 1985 the Federal Government abolished the NAC 
and announced that it would again consult the Indigenous community with a 
view to establishing a new extra parliamentary body to represent Indigenous 
peoples. This body, ATSIC, was lauded as a bold experiment in public 
administration.

ATSIC’s functions were to advise governments at all levels on 
Indigenous issues; advocate the recognition of Indigenous rights on behalf of 
Indigenous peoples regionally, nationally and internationally and to deliver and 
monitor some of the Commonwealth Government’s Indigenous programs and

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\(^6\) 1972–89.
\(^7\) 1980–89.
\(^8\) 1973–75.
\(^9\) 1975–84.
services.\textsuperscript{10} The objects of ATSIC were to ensure maximum participation of Aboriginal and Torres Strait Islander people in government policy formulation and implementation; to promote Indigenous self-management and self-sufficiency; to further Indigenous economic, social and cultural development, and to ensure co-ordination of Commonwealth, State, Territory and local government policies affecting Indigenous people.\textsuperscript{11}

ATSIC’s dual representative and administrative roles created a tension of functions. It had a representative structure and administered program delivery, for which it was accountable to government. Ultimately, this dual function was its downfall.\textsuperscript{12} State and federal governments fuelled public perception that ATSIC had responsibility for all government funded Indigenous programs even though this was not the case. To this extent, governments were able to blame ATSIC for policy failures in areas of Indigenous affairs that were not even the province of ATSIC. ATSIC’s funding was primarily quarantined for the Community and Housing Infrastructure Program (CHIP) and the Community Development Employment Project (CDEP) programs, yet one example frequently employed by critics of ATSIC during its demise was that Aboriginal and Torres Strait Islander health had not improved during ATSIC’s existence, even though health was not a responsibility administered by ATSIC.\textsuperscript{13}

ATSIC had many programs for women over the course of its existence. Women could also apply for grants to get funding for specific projects such as Indigenous women’s networking,\textsuperscript{14} on public education campaigns aimed at women\textsuperscript{15} and ATSIC also funded women’s projects ranging from arts and craft to health to childcare strategies.\textsuperscript{16} From its inception there was a separate

\textsuperscript{10} Aboriginal and Torres Strait Islander Commission Act 1989 (Cth), Section 3.

\textsuperscript{11} Ibid.


\textsuperscript{14} For example for the year 1991-1992, OIW funded the first National Women's Conference held in Canberra in April. The conference theme was ‘Aboriginal and Torres Strait Islander Women: Part of the Solution’ and; the Economic Development Conference ‘Koori Women Mean Business’. This consisted of a two-day workshop and one-day Expo, in Geelong, Vic., cited in ATSIC Annual Report 1991-1992.

\textsuperscript{15} For example 1991-1992 the OIW funded $15 000 to a Darwin-based project to contribute to the costs of a 10-15 minute video for Aboriginal and Torres Strait Islander women about pap smears and their importance for good health; The Secretariat of the National Aboriginal and Islander Child Care (SNAICC) was funded ($39 970) to reprint the handbook Through Black Eyes cited in ATSIC Annual Report 1991-1992.

\textsuperscript{16} For example 1991-1992, Mudth-Niylete Aboriginal and Torres Strait Islander Corporation received $3110 to develop women’s ceramics; (1992-1993) $5000 to Kalano Community Centre, located near Katherine, NT, to supply the Women's Centre with art and craft materials cited in ATSIC Annual Report 1991-1992.

\textsuperscript{17} For example for the year 1991-1992, Bourke Aboriginal Health Service was allocated
Office of Indigenous Women that dealt with women’s issues in the Commission, however, over time this office was abolished and women’s issues were relegated from a specific office to a subset of social justice. It was possible under the ATSIC Act to establish specialist advisory committees. During 1993-1994, ATSIC established a Women’s Issues Advisory Committee (WIAC) empowered by section 13 of the ATSIC Act. The role of the group was to provide advice to the Commission on women’s issues. Its membership included ATSIC elected representation and other women drawn from across states and territories. The Women’s Advisory Group went through fluctuations and again, in 2003, ATSIC’s Social and Physical Wellbeing Board Committee established another women’s committee, Kungkala Wakai – Our Women’s Voice under s.13 of the ATSIC Act.

**Political representation of Indigenous women**

The original proposal for ATSIC included equal representation of women and men however this never occurred in the final design.18 One study found that, ‘women do not seem to be successful in being elected … nor in attaining higher elected ATSIC office’.19 Women’s participation in the elected positions of ATSIC was significantly lower than men mirroring mainstream Australian representative structures.20 The general trend in ATSIC elections was a higher participation of women at a regional level than at the national level, however a gradual decline across the board.21 Of the 35 Regional Councils elected in 1993, 1996 and 1999, four, seven and one had no women members.22 Following the 1993 elections, four of 35 Regional Councils including Wangaratta, Brisbane, Townsville, Cairns, Darwin and Kalgoorlie had women as chairpersons. After 1996 seven Regional Councils -Sydney, Wangaratta, Brisbane, Townsville, Cairns, Darwin and Kalgoorlie, had women chairpersons. Finally, after 1999 five Regional Councils- Sydney, Queanbeyan, Wangaratta, Broome and Alice Springs, had women chairpersons.23

In terms of electing women to the national board, at the commencement of ATSIC two Indigenous women held positions on the ATSIC Board of


22 Sanders et al, above n 19.
23 Ibid.
Commissioners, both of these women were appointed including the Chair, Lowitja O’Donoghue. From 1991-1993, three women were elected; 1994-1996, there were two women elected and from 1996-1999 two women were elected. In 1999 there were four elected out of 18 Commissioners and in the final Board there was one woman elected. The lack of women’s participation in Aboriginal politics was celebrated by the former Chairman of ATSIC, Geoff Clark, on his re-election in 2002 calling it, ‘a victory for the Aboriginal community’ and thanking ‘all those Aboriginal females’ who had voted, saying, ‘You’ve given us a mandate, you’ve returned the traditional role to Aboriginal men’. The former Minister, Philip Ruddock, reinforced this statement by commenting that: ‘Indigenous people [were] given the opportunity to choose whom they wanted to represent them in a free ballot. [They] chose to elect 16 men and one woman’.

The fact that all men except one woman were elected to representative office does not equate to some romantic idea that Aboriginal women desired to return leadership roles to men. There are many possible explanations as to why women’s representation was so low. Such reasons could include that ATSIC elections were non-compulsory and therefore not representative of the voices of a majority of Aboriginal and Torres Strait Islander women or it may be, as feminist political theorists posit, that liberal democratic structures are inherently patriarchal. While feminism has been criticised by Indigenous women, it is nevertheless useful in conceptualising the limitations of state based representative bodies. Pivotal to that proposition is that ATSIC was a hybrid administrative and democratic representative body ‘embedded and dependent on the state’. Corollary to this is that the liberal state’s claim to neutrality and objectivity disguises its ‘gendered operation’. This means that although everyone has the opportunity to run for election and to vote there are many structural deficiencies with representative elections that have the practical effect of limiting women’s participation. These may include isolation and marginalisation of women as leaders and decision-makers; impact of traditional beliefs and values about the role of women; absence of role models and lack of access to training and education (fewer women are elected because fewer women run).

Therefore in configuring a new representative body it is important to

24 Ibid.
25 Debra Jopson ‘No change at top as Clark lays on the charm’ Sydney Morning Herald (Sydney). 20 December 2002.
27 Aileen Moreton-Robinson, Talkin’ Up to the White Woman (2002).
31 Maddison, above n 19, 76.
keep in mind that the flawed liberal claims many Indigenous peoples themselves critique of the state, such as the so-called “neutrality” of the legal system or the professed democratic “equality” of the political system, may in fact be employed by men or women to refute the call for mandated representation. In that way, the pretence of “equality” of opportunity to get elected would, again, marginalise and exclude women’s voices and limit women’s participation. Improving women’s representation should not be viewed as a discriminatory act toward men but rather a temporary form of substantive equality to help women reach the same political representation as men. Indigenous politics as a whole is diminished when there is a lack of women’s perspective given that women constitute over half of the Indigenous population.

The ATSIC Review

The ATSIC Review that was handed down in 2003 was ‘the first comprehensive external review’ of ATSIC. The Review was initiated by the conservative government who had always maintained an ideological opposition to ATSIC. The Review found that urgent structural reform was needed and in particular, a greater devolution of power to the regions and the decentralisation of the ATSIC Board to give more power to the Regional Councils.

Importantly for women, the Review expressed concerns about how Indigenous women had fared so far under ATSIC and it was considered an issue germane to the future of ATSIC. The Review found that the lack of women’s participation affected ATSIC’s capacity to govern for all. ‘Indigenous women have an irreplaceable perspective to contribute and if that perspective is missing or seriously diminished in the leadership levels of ATSIC for whatever reason, then the cause of the advancement of Indigenous Australians through ATSIC is poorer as a consequence’. 34

The ATSIC Review discussion paper asserted a correlation between the lack of women’s representation and ATSIC’s failure to deal with Indigenous women’s issues. ‘This failure to recognise the role played by Indigenous women is accompanied by inadequate leadership development and insufficient recognition of, and a reluctance to talk about, issues related to families and women’. 35 The initial ATSIC Review discussion paper included the following questions:

Should there be a mandated level of representation for women – for example, through creation of designated female positions on the Regional Councils/Authorities and the

32 Hannaford et al, above n 18, 5.
Board? If so, what should be the level of representation – 50-50, designated positions or a minimum proportion? Or should there be some other arrangement, like Ministerial appointments or the section 13 Women’s Advisory Committee established by the current ATSIC Board? Should some other forum, such as a women’s council, be legislatively established? If so, what should be its role?

In submissions to the ATSIC Review and in response to the discussion paper, the ATSIC Board of Commissioners submitted that while it was keen to see women play a greater role in Regional Councils, there was no place for designated positions or mandated levels of representation for women:

ATSIC is keen to see women play a greater role in Regional Councils and the Board but it does not support designated positions or mandated levels of representation for women. Augmenting the participation of women can be achieved with the use of existing provisions – s 96 of the Act at regional level and s 13 at Board level.36

Contrary to the position of the ATSIC Board of Commissioners who preferred special committees to actual political representation, the ATSIC women’s committee, Kungkala Wakai – Our Women’s Voice drew a correlation between the under-representation of Indigenous women and distorted policymaking. It submitted that the result of under-representation is:

… that less attention has been given to issues related to families and women, including the needs of youth, the homeless and itinerants, substance misuse and family violence. In our view, a key objective of any new arrangements should be equal representation of women in terms of membership of regional councils, the proportion of regional council chairs, and in the proportion of commissions on the ATSIC board. That is, 50 per cent of these officials should be women. Putting in place a mechanism to achieve this may or may not have broad community acceptance, but it is nevertheless one way of addressing the marginalisation of women in Indigenous affairs.37

Similarly the National Aboriginal and Torres Strait Islander Women’s Legal Services (NATSIWLS) submitted that Indigenous women have historically received less benefit overall from the funding provided by ATSIC for legal services and this was the reason why Family Violence Prevention Legal Services had to be established.38 In relation to the gender imbalance in ATSIC, NATSIWLS agreed that it was a significant problem and that there was a need for balanced representation. NATSIWLS argued that there should be a policy which requires program outputs to be assessed by gender39 and commenting on the behavioural issues of the ATSIC Board of Commissioners,

36 ATSIC Submission to ATSIC Review, 15.
37 Submission to the ATSIC Review from Kungala Wakai ATSIC Committee on Women’s Issues(2003) 38.
38 Submission by the National Network of Indigenous Women’s Legal Services Inc. to ATSIC Review, 6.
39 Submission by the National Network of Indigenous Women’s Legal Services Inc. to ATSIC Review, 6.
NATSIWLS argued that the board needs strong and effective leadership that can inspire the confidence of all people and that will inevitably include Aboriginal and Torres Strait Islander women.\(^40\)

Despite all of this the final report of the ATSIC Review decided against a 50 percent mandated representation of women. Jackie Huggins, the only woman on the review, was outnumbered by her male non-Indigenous colleagues. Jackie Huggins stated that:

> I made a recommendation which was not supported by my colleagues ... the recommendation reflected a belief I hold very strongly that Indigenous women must be represented at all levels of leadership and that this imperative must be enabled with the creation of designated positions throughout any future representative structure. Men and women have always shared responsibility in Aboriginal society, and if women are not supported in leadership roles today and in the future, our communities have no chance of becoming viable.\(^41\)

Yet Mr Hannaford and Mr Bob Collins, non-Indigenous males, sought a preference for minimum mandated positions rather than equal mandated representation, despite the submissions from Indigenous women and despite the position of their co-author, an Aboriginal woman.

**Part II - The Evaluation of the Effectiveness of ATSIC Programs in Meeting the needs of Aboriginal Women and Torres Strait Islander Women**

One of the most comprehensive historical documents we have of the views of Aboriginal and Torres Strait Islander women about the effectiveness of ATSIC is the report of the Evaluation of the effectiveness of ATSIC Programs in Meeting the needs of Aboriginal Women and Torres Strait Islander Women.

In 1986, the Aboriginal Women’s Taskforce in the Department of Prime Minister and Cabinet handed down *Women’s Business*, a report published after consulting Aboriginal and Torres Strait Islander women throughout Australia.\(^42\) The report found that:

> ‘Aboriginal women everywhere are striving for control of their affairs … (t)oday they have to contend with the many disadvantages that confront Aboriginal people as well as the twin obstacles of racism and sexism’.\(^43\)

The Royal Commission into Aboriginal Deaths in Custody also

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\(^{40}\) Ibid 6.


\(^{43}\) Ibid, 22.
recognised the dual disadvantage experienced by Aboriginal and Torres Strait Islander women, and found that ‘the level of discrimination experienced by Aboriginal women and Torres Strait Islander women is compounded by the combination of their race and gender’.44

In 1993 after an Indigenous women’s conference it was determined that the situation had not changed for Indigenous women since the Women’s Business report and RCIADIC. As a result of the outcomes of the conference, the Minister for Aboriginal and Torres Strait Islander Affairs requested ATSIC to review how effective the Commission’s programmes and services were in meeting the needs of Aboriginal Women and Torres Strait Islander Women.

This was facilitated by the ATSIC Act that had internal accountability mechanisms, in particular, the Office of Evaluation and Audit that was established to monitor ATSIC programs. The review was conducted by the Office of Evaluation and Audit and the team interviewed 555 women Aboriginal and Torres Strait Islander women across Australia.

**ATSIC programs**

The total of 555 Indigenous women were asked the question: *Do you think that ATSIC programs are meeting your needs and those of other Indigenous women whom you know?* Of the 555 respondents only 5 per cent answered yes.45 The report identified the main concerns of Indigenous women as housing, education, violence prevention and health.46 In terms of priority the majority of women listed health, education and housing.47 Indigenous women’s number one priority listed was health, especially alcohol and substance abuse by young people.48

The findings revealed a low level of knowledge about ATSIC as an organisation representing their interests.49 The report found that Indigenous women do not experience equitable access to ATSIC’s programs and services, ‘because of their lack of knowledge and training about ATSIC’s operations’.50 The report emphasised that Indigenous women had limited opportunities to be consulted on the design of ATSIC programs and services and limited opportunities to make decisions and participate in policy making activities that had an impact upon their communities.51 The report also revealed a number of

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45 Office of Evaluation and Audit, above n 4, 39.
46 Ibid 2.
47 Ibid 36; Priority order: Health; Education; Housing; Community and Youth Support (which includes the Family Violence Intervention Program); Employment and Economic Programs; Substance Abuse; Arts. Culture and Language; Women’s Initiatives; and Law and Justice.
48 Ibid 2.
49 Ibid.
50 Ibid 2.
51 Ibid.
procedural barriers to women’s equitable access to ATSIC’s programs, exposing the program guidelines as incomprehensible to Indigenous women. Moreover there was a perception among Indigenous women that women’s applications for grant funds were “diverted” to sources of funds that were “women only” funds. Responses included: “We don’t like the application process. It’s too hard and uses words we don’t know. We know what we want but don’t know what ATSIC wants”. One interviewee’s response was:

We try hard each year to get funding and we get told there is no money – not fitting the guidelines etc. etc. So we try to work with what we’ve got! When we do get funding, someone else decides what we have to spend it on and when we are supposed to spend it. When are they going to us look after ourselves? What is self-determination – nothing without self sufficiency.

The other obstacle to accessing ATSIC programs and services was that women felt they lacked the necessary writing skills required to voice their concerns, and the skills to apply for grants. Indigenous women commented that because of this barrier they “quietly go on about their own business, looking after their families and their communities”. The Report also found that ‘Mainland Torres Strait Islander women do not feel welcome in Aboriginal organisations’ and that they ‘do not feel that they have a voice since the TSRA was formed. They have heard little from TSIAB which has a very low profile for these women’.

Almost all Indigenous women interviewed had ideas about self-determination and what they wanted to achieve control over their lives. All of the women interviewed desired a women’s centre or family centre for those communities where there was an Aboriginal and Torres Strait Islander population. They also had aspirations ‘to own their own places, set up their own businesses, train their own people and encourage their own communities to become self sufficient’. Yet Indigenous women who participated in the evaluation also found that young women were given no guidance or direction as to becoming “self-sufficient”.

In terms of policy design of the 555 consulted, 10.6 percent had been consulted in the design of a project; 5.8 percent were consulted in the running of a project and 4.7 percent were consulted on the end results of a project. The women interviewed stated the following about ATSIC programs:

52 Ibid.
53 Ibid 27.
54 Ibid 25.
55 Ibid.
56 Ibid 3.
57 Ibid.
58 Ibid 3.
59 Ibid 44.
Programs are planned by men for men;\(^{60}\) women need to be involved in policy development;\(^{61}\) “They don’t talk to us”; “ATSIC don’t talk with us women”; There is not enough support by Regional Council for women’s programs. ATSIC’s understanding of women’s needs is lacking;\(^{62}\) Women’s issues are very broad ranging … if there is no benefit for women in certain programs, then program aims must be changed to take into account the needs of women and children.\(^{63}\)

The Indigenous women interviewed also had strong views on leadership in ATSIC. In particular they were critical of the chasm between male dominated leadership and Indigenous women’s needs. The Report states that ‘Women consulted considered that some community government councils did not acknowledge women’s needs – most are male dominated. When women complained about injustices, they were intimidated and could lose their homes, etc’.\(^{64}\)

Of the 555 interviewed 66.7 percent knew how to get elected to Regional Council and 44.6 percent said they would consider nominating for Regional Council. However there were some considerable barriers to Indigenous women seeking office and the following statements are examples of women’s responses: ‘too scared to sit with a table of men, to speak out and lack of English’ [sic]; ‘I don’t feel as though I am educated enough’; ‘We have tried to nominate but I feel people are not resourced enough and given enough back up and support’.\(^{65}\) It was clear that education, lack of confidence, lack of family connection, lack of institutional support were some of the reasons women didn’t seek to run. There were equally important reasons as to why women were not running for office such as time away from family, community issues and excessive travel.

These kinds of responses should have important implications for a future national representative body that will be used in Aboriginal communities. As referred to above, Kungkala Wakai, the ATSIC women’s committee felt that there was a paucity of policy on women’s issues. Women have an important perspective to provide and this was borne out in the report by the very specific yet diverse needs of Aboriginal and Torres Strait Islander women identified in the report: coin operated washing machines in Women’s Centres; recreation activities for the elderly in city gymnasiuims; fencing to keep young children in their own surroundings; traditional birthing centres; sober centres; drunkenness to be banned from all living areas in communities to make it a safe place for women and children; vacation programs for communities so children can experience a holiday atmosphere; women assisting in design of community houses; increase of women’s health programs such as pap smears, breast cancer awareness, pre and post natal education. These are not just “women’s” issues, they are the community’s issues.

\(^{60}\) Ibid 40.
\(^{61}\) Ibid 40
\(^{62}\) Ibid 41.
\(^{63}\) Ibid 25.
\(^{64}\) Ibid 4.
\(^{65}\) Ibid.
In resolving the conundrum of accommodating women’s perspectives in a male dominated organisation, it is utterly unacceptable to establish a special women’s office/committee or have a grant program with a special women’s budget and expect women to be able to achieve their aspirations for self-determination such as those listed above. Creating “special” programs won’t adequately tackle the underlying community problems such as alcoholism that women bear the brunt of. Furthermore, given the complaints summarised in the report about procedural obstacles, such as lack of skill in filling out grant applications, difficulty in understanding the ATSIC forms, culturally inappropriate behaviour of non-Indigenous staff and poor English skills, such programs will be ineffective.

While it may be novel for representative bodies in Western liberal democracies, mandated women’s representation taken from diverse areas around Australia is required for women’s experiences and perspectives to be “brought to the table” and normalised as issues and concerns of not only 50 percent of the Indigenous population, but also impacting the entire Aboriginal and Torres Strait Islander community. This could be achieved and would be a more sophisticated approach to politics than that currently exposed in mainstream Australian democracy. Yet there is a dominant perception in politics that women’s issues are indeed special issues that disrupt the domain of serious political deliberation such as land rights or rights more broadly. It is politically understandable why it is much more strategic for Indigenous political organisations to organise Indigenous politics under the homogenous yet amorphous label of “Indigenous peoples” with “Indigenous issues” that are universal and commonly shared. Nevertheless feminist theorists have identified this tendency to minimise women’s issues as the public/private dichotomy.

The public/private dichotomy holds that in the sphere of politics issues that affect the entire community get divided into two. Issues like workplace, employment, politics and the economy are all situated in the public sphere and heavily regulated by government. The private sphere on the other hand is considered the bastion of women, looking after the family and private interests such as childcare or women’s health issues, which are not subject to the same level of regulation and protection. The effect of this dichotomy is to relegate the role of women and women’s issues to the private sphere ‘as secondary and associated with a natural or biological predisposition to domesticity, altruism and dependence’. The private sphere has come to be considered as having a lesser value than the public sphere. This dichotomy is very powerful and entrenches gender inequality by influencing public attitudes to women’s issues.

It is important that any future representative body is cognisant of this. It is possible to arrest the potential dichotomising of issues into the public and the private by being clear from the outset about the objects of the body and by emphasising women’s perspectives and women’s involvement as crucial to the work of the body. This would entail a completely new and innovative way of ‘doing business’. This is best captured by one interviewee’s response to

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66 Otto, above n 18, 393.
questions about ATSIC:

ATSIC needs to rethink its whole agenda when dealing with women’s issues. Women’s issues are very broad ranging. Grass root issues need to be addressed FIRST [sic]. Crisis issues need to be looked at and all of ATSIC’s programs must consider the impact and/or benefits for women. If there is no benefit for women in certain programs, then program aims must be changed to take into account the needs of women and children.

**Part III Conclusion**

The report concluded that ATSIC programs and services have limited effectiveness in meeting the needs of Indigenous women. The report encountered evidence that Indigenous women have little involvement in formal ATSIC decision making processes and that few Indigenous women are familiar with or have access to ATSIC’s programs and services. The report concluded that, ‘All in all, what lay at the heart of their concerns was that decisions that affected them, their communities and families were invariably made with limited input from the women these decisions would most affect’. 67

The recommendations of the report included the establishment of a task force to redress gender disadvantage, possible amendments to the *ATSIC Act*, a strategy with the Australian Electoral Commission to increase representation of Aboriginal and Torres Strait Islander women on Regional Councils and Commonwealth Electoral Rolls and a high priority given to measures to address family violence.68 The report clearly evinces a response from women that shows ATSIC had a limited impact upon their lives.

This can be dealt with by ensuring Indigenous women’s participation in the drafting of a future representative body both in political representation and policy and program formation. Political representation could include either a minimum mandated or equal mandated representation. This would also include better comprehension and accommodation of women’s family commitments which can be a challenge to women’s *physical* participation.

Women interviewed suggested the establishment of women’s centre or Family Centres in areas with high Indigenous populations. These Centres could assist in the dissemination of information from the representative body, educate women on their rights, policies, programs and in applying for grants from this representation organisation. Another key suggestion was the inclusion of women’s issues as a standing agenda item for sittings and meetings.

Suggestions such as these and the opinions of Aboriginal women leaders like Jackie Huggins or the women of *Kungkala Wakai* must be taken seriously. Indigenous women constitute over half of the Indigenous population in Australia. Especially heartening is that Indigenous Australia has the opportunity to be more imaginative and flexible in the way in which it designs a representative mechanism and this must include a better understanding of

67 Office of Evaluation and Audit, above n 4, 81.
68 Ibid 5-6.
women. The lessons from ATSIC, based primarily upon the Evaluation Report, can be used to avoid a replication of the same problems. This is not a criticism of the existence of ATSIC in itself, just the challenges ATSIC had in dealing with women. This alone is not the fault of ATSIC nor the men and women who worked for ATSIC. ATSIC’s ineffectiveness in meeting the needs of Indigenous women, as evidenced by the evaluation, was a direct result of its reliance on the liberal state.