



Essay:
A woman's place ...

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The federal government's commitment to establish a new Indigenous national representative body provides Indigenous Australia with a unique opportunity to galvanise the potential of liberal democracy to reshape the way we do business, both with the state and with each other.

We know that establishing a representative body for Indigenous Australia is aimed at ameliorating the tendencies inherent in ballot box democracies, where politics are dictated according to the greatest good for the greatest number. But the task of designing a new representative structure is a rare opportunity to reshape Indigenous politics. This presents a chance to reflect upon the successes and flaws of the Aboriginal and Torres Strait Islander Commission (ATSIC), and allows us to reassess the way we do business and make decisions, especially in relation to women.

Indigenous women comprise just over half the population; within their communities, women are the primary nurturers and caregivers,

and they hold important cultural and leadership roles. Yet for decades they have borne the brunt of violence. The evidence-based crisis of endemic violence committed against Aboriginal women in urban, regional and remote communities undercuts the claim that women are valued members of Aboriginal society. We must move beyond the rhetoric of the 'separate but equal' idealism in traditional communities and focus on how communities that routinely commit and permit violence against women will work to respect them and their children.

One way is to ensure that the unique experiences and needs of women are addressed in an institutional way by equal representation on the new body. The opportunity to design a new organisation is a time to consider how we can push the envelope on democratic representation. The report on the new national representative body produced by Mick Dodson and prefaced by Tom Calma noted that no particular structure or design had been contemplated. As this essay argues,

this is why women's representation is so important.

Regardless of one's view of the motivations or impact of the Northern Territory intervention, the reality is that it has profoundly shifted the way in which Indigenous affairs are conducted. An unexpected consequence is that the absence of a national representative body has opened up a space for the voices of Aboriginal women. The challenge facing those designing the new national representative body is whether this will continue or cease.

The idea of equal mandated representation provides us with an opportunity to create a new inclusive narrative of who we are. Most importantly, it could be a narrative unconstrained by the fear of abuse – the type of lateral violence Marcia Langton discussed in *Griffith REVIEW 22: MoneySexPower* and that Bess Price described at the Indigenous Family Violence Forum – the bullying that many Indigenous women receive when they speak out.

While a universal Indigenous narrative has been crucial to political advocacy and strategy, it has in effect stifled Aboriginal women's voices and advocacy. Women may feel less inclined to voice opinions perceived as being in conflict with the central political message of organised advocacy – land rights and racial discrimination. But respect for

critique and dissent is crucial to developing a more sophisticated conception of Indigenous concerns, one that fights tooth and nail in Australia and all the way to the United Nations for women and children's rights in the way that we do for land rights.

The idea of a separate representative body for Indigenous peoples is not novel. Most liberal democracies have tinkered with the structures of their public institutions to accommodate Indigenous peoples permanently within their constitutional system. Canada has included Indigenous rights in its constitution and is currently engaged in belated 'post-colonial' agreement-making with its First Peoples. New Zealand has the Treaty of Waitangi which, for all its flaws, provides Maori with a legitimate and sustained legal and political place.

In Australia, Indigenous interests have been accommodated in the most temporary way, by statute. What the state gives, the state can take away, as has happened with ATSIIC, the *Racial Discrimination Act* and native title. ATSIIC was a statutory body which had its flaws. Like most public institutions it would have benefited from improved design and processes; this much was suggested by the ATSIIC Review panel. Instead, it was simply repealed by the Howard government. Its evidence-based knowledge of what works

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in Indigenous governance and its Indigenous public servants with expertise have all been lost.

A national representative body is vital to navigating the complexities of Australian federalism and achieving national commitment to closing the gap. Michael Dillon and Neil Westbury, in their excellent book *Beyond Humbug* (Seaview Press, 2007) identify the inertia of governments when it comes to law and policy reform in Indigenous communities. They argue that the vastly varied conditions and needs of Indigenous communities across the nation confound policy-makers. Indigenous communities clearly defy the preferred one-size-fits-all approach.

Having said that, a new national representative body must recognise the way Indigenous politics has adopted its own one-size-fits-all approach to gender. In doing so, we fail to recognise that in the context of self-determination, 'self' for Indigenous women is not always the same as 'self' for men. The right to self-determination is not only about the way we collectively exercise control over the economic, social and cultural aspects of our community life; it is also about the right of every individual to have the opportunity to participate actively and equally in those decisions.

The unsophisticated mainstream discussion about the strengths

and flaws of ATSIC means that we cannot engage in an open and serious debate about how we can best learn from its mistakes. Yet the experience of ATSIC provides us with important signposts for improving Indigenous women's participation in decision-making and policy formulation. Originally ATSIC was to have equal representation of men and women, but this was absent from the final design. It was a hybrid institution of administrative functions and democratic representation with regional elections from which the national board was elected. A study conducted by the Centre for Aboriginal Economic Policy Research found that 'women do not seem to be successful in being elected ... nor in attaining higher elected ATSIC office'. Although women participated more at a regional level, there was a gradual decline of their participation. When Geoff Clark was re-elected chair in 2002 he declared 'a victory for the Aboriginal community' and thanked 'all those Aboriginal females' who had voted, saying, 'You've given us a mandate, you've returned the traditional role to Aboriginal men.'

The low level of participation could be explained because ATSIC elections were not compulsory and therefore not representative of women. Anyone who identifies as being Indigenous and is recognised

as such by his or her community could vote or stand for election. There were many structural deficiencies and limitations that had the practical effect of limiting women's participation. These deficiencies included isolation and marginalisation of women as leaders and decision-makers; the impact of traditional beliefs and values about the role of women on their confidence; the absence of female role models; and a lack of access to training and education. Yet these structural barriers were overlooked; the lack of women's representation was dismissed as a simple issue of choice. The former Indigenous Affairs Minister, Philip Ruddock, reinforced this by supporting Geoff Clark's statement: 'Indigenous people [were] given the opportunity to choose whom they wanted to represent them in a free ballot. [They] chose to elect sixteen men and one woman'.

Ruddock was echoing the great mythology of liberal claims to neutrality and equality of institutions. It is important for us to continually scrutinise the impact of Western liberal democratic structures on our communities and our attitudes. Some activists would spurn the application of any model based on Western democracy. But we have a chance to temper the distortion created by male-dominated institutions by choosing a new direction. There is nothing

wrong with allowing people to say who represents their interests. And, given the large urban population, I would expect there is an expectation of legitimacy manifest in a ballot box. It is fair, it is open and it is transparent.

Improving women's representation by mandated equal representation should not be viewed as a discriminatory act towards men, but rather a temporary form of substantive equality to help women achieve political representation. Whatever the outcome of discussions about a national representative body, decision-makers must be cognisant of the fact that any institution will have a different impact upon Indigenous men and women. ATSIC prioritised the advancement of the 'rights agenda' as a major platform which masked the gendered effects on women's already disadvantaged position. One example is the conflict between the right to sustain a customary practice and the right of women and children to live free from violence.

In the course of my doctoral research examining Aboriginal women's right to self-determination, I located an audit report that had been conducted and published almost ten years ago. *The Evaluation of the Effectiveness of ATSIC Programs in Meeting the Needs of Aboriginal Women and Torres Strait Islander Women* was conducted by ATSIC's

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Office of Evaluation and Audit and was aimed at measuring the effectiveness of its policies, programs and representation.

It concluded that ATSIIC programs and services had limited effectiveness in meeting the needs of women. Five hundred and fifty-five women were asked whether ATSIIC programs had met their needs and those of other women, and only 5 per cent answered in the affirmative.

The report found that women had limited opportunities to contribute to the design of programs and services or participate in activities that impacted on their communities. The report identified procedural barriers and a strong view that programs needed to be changed to take into account the needs of women and children. Some women responded that because of these barriers they 'quietly go on about their own business, looking after their families and their communities'.

The women interviewed were especially critical of male-dominated leadership: '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.'

The audit report was an acknowledgement of shortcomings. ATSIIC's ineffectiveness was a direct

result of its reliance on the liberal state that excludes women from its politics. There were discussions of equal representation in ATSIIC early on, and there was once a Women's Unit. But over time this unit was disbanded, women's issues became a part of the 'social justice' agenda and women were transformed from half the population to a marginalised 'special interest'.

The ATSIIC review initiated by the Howard government flagged the same issue and found that the lack of women's participation affected ATSIIC's capacity to govern; Indigenous politics were diminished because of the lack of women's leadership: '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.'

This was manifest in ATSIIC's failure to adequately deal with the problem of violence, especially violence against women, until the end of its existence when it developed a national policy about 'family' violence – but even that was rather opaque.

The review questioned whether there should be a mandated level of representation for women and whether a Women's Council should be established. The ATSIIC Board responded 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. Yet the ATSIC women's committee, *Kungkala Wakai – Our Women's Voice* – submitted that there was a relationship between the paucity of representation and poor policy-making on women's issues: 'In our view, a key objective of any new arrangements should be equal representation of women ... one way of addressing the marginalisation of women.'

Other women's organisations supported this argument. Nevertheless, the panel decided against mandated representation of women. Jackie Huggins, the only woman and Indigenous person on the Review, was in the minority when she '[m]ade 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.'

The two white male members, John Hannaford and Bob

Collins, rejected equal mandated representation.

In designing a new body, we have to consider why women's issues were marginalised in the past. And we have to be honest about the way in which colonising practices have influenced male attitudes towards women. While Indigenous scholars have been highly critical of feminist theory, feminist scholarship about women's issues is a useful tool to consider when redesigning a new representative body. The public/private dichotomy holds that, insofar as political issues affect the entire community, they are divided into two spheres. Issues like workplace, employment, politics and the economy are in the public sphere and heavily regulated. The private sphere, on the other hand, including child care, health and education, is considered the bastion of women. The effect of this dichotomy relegates the role of women as secondary. This entrenches gender inequality by influencing public attitudes to women's issues. All the evidence suggests that this paradigm existed in ATSIC; how do we now ensure that this does not occur in the new national representative body?

To make a new Indigenous politics more inclusive, we need more resources and greater flexibility in our imagination. We must seriously reflect upon the considerable barriers preventing women from seeking office. It is possible to

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arrest the potential division of issues into 'public' and 'private' by making women's perspectives and involvement crucial. This would entail a completely new and innovative way of 'doing business'. A women's council is not enough – especially if it sits alongside a youth council and an elders' council.

The suggestions I am making will be readily argued and bullied away as feminist, as Western, as academic.

But the reality is that if the perspective of Indigenous women is to be 'brought to the table' and normalised, equal representation is necessary to help achieve a more sophisticated approach to Indigenous issues than currently exists.

At this stage there is no preference for any model, but I am arguing for a gender balance because women make up more than half our population. The Indigenous population is aged predominantly under thirty, and there is a strong argument to be made that youth should also have mandated representation. There is talk of a youth council – and a Women's Council – but without decision-making power such councils would

further marginalise women and young people from the central representative body.

Many will reject the new national representative body because it will be constructed in the form of a Western liberal democracy, and funded by the state. But the reality is that it is not just resources that are required to make these things happen – it is also our imagination.

When an opportunity like this is given we have to think boldly about who we are and who we want to be. Many Indigenous Australians reject the Australian state and continue to assert Indigenous sovereignty. This remains an important exercise in terms of protest and activism but few of us have the luxury of ruminating on this on a daily basis.

On the other hand, on a daily basis many women and children struggle to live their lives as full human beings free from violence in Aboriginal communities. If we believe in a more holistic narrative of Indigenous rights that extends beyond land rights and racial discrimination, addressing this struggle should be the starting point for a new national representative body. ■

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