

INDIGENOUS REPRESENTATION: SQUARE PEGS AND ROUND HOLES

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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.

Representation to date

Since the arrival of Europeans, Australia has been a pluralist country under monocultural control: a country refusing to yield to the reality of difference between the original inhabitants and the new.

Despite the recent approach of formalising the process of assimilation through the abolition of ATSIC and the rise of the jingoistic, disturbing and ultimately obfuscating calls of “One Australia”, it has been a period of refreshing sincerity. Not since the days of the first Assimilation drive has the rhetoric so closely matched the practical intent. Prior to this period of Practical Assimilation, ATSI peoples had to endure the verbal contortions of the bureaucracy in attempting to find a more modern rhetoric while, in real terms, the practical policy of Assimilation remained the same.

Assimilation has been and is the substantive aim of the dominant culture approach to Indigenous Affairs and is the single most important impediment to progress in not only Representation but also almost every issue in Indigenous Affairs.

Difficulties in Representation

There are difficulties in realising Indigenous representation that are entirely due to the diverse and unique composition of ATSI micro and macro dynamics. Even if the European invasion had never occurred, we would have had quite a struggle on our hands to move to a way of representing the State (now known as Australia) to the world. It would, though – for better or for worse – have been ‘our’ struggle.

Returning to the current reality, those wholly indigenous dynamics now play out with ATSI peoples as a disempowered part of a larger dynamic that is

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controlled by the dominant culture.

When the dominant culture is not dividing and conquering ATSI peoples, it has such difficulty in dealing with diversity that it finds it necessary to visualise and 'deal' with ATSI peoples as a single entity (which, the dominant culture hopes, will limit itself to a bit of on-call dancing and painting). When 'Representation' raises its ugly head, the dominant culture needs to both create a homogenised blackfella *and* control her. It appears that ATSI communities must be remoulded into a single entity that can (in) effectively represent the often elusive interests of all ATSI peoples in Australia against the relative behemoth of dominant culture Representation.

So, having created a convenient and easy-to-visualise blackfella it is then necessary for the dominant culture to control. The dominant culture has always insisted on creating and controlling the modes of Indigenous representation.

Little wonder that the result has always been a bit of a dog's breakfast. Inherent in the concept of Representation is a fundamental awareness and understanding of what is being represented. This cross-cultural-control representation which is asserted by the dominant culture lacks this fundamental awareness and understanding.

The model that is now created must recognise and deal with this inappropriate, ignorant and damaging cross-cultural control. The model must be an adjunct of communities that reflects and respects those communities rather than a reflection of dominant culture representation. ATSI peoples must not only design the peg but the hole.

The task then is to create a model of Representation that functions first and foremost for communities.

The ATSI challenge

Waiting for functional and effective Indigenous representation in Australia, then, has been like Waiting for Godot: waiting for something that never arrives. When there has been the 'stomach' for Representation (which has not been often) every scheme creates a round hole into which it fully expects to simultaneously force a multitude of square pegs.

With individual exceptions, the problem for ATSI peoples is that we continue to agree – explicitly or implicitly - to wait for the dominant player in the dynamic to offer what it will and hope for the best. We have, to date, always been disappointed by what little, if anything, is delivered.

This cycle of promise and dejection (a cycle not confined, of course, to the issue of Representation alone) has managed to keep ATSI peoples relatively disengaged and passive. There has not been a unified and consistent model advocated by ATSI peoples despite the fact that the government has never attempted to construct a Representation model that respects the ways that ATSI societies could function effectively.

In order to gain the most out of this opportunity, it is essential that ATSI peoples work not only cooperatively with the new government (to the extent

that the government is open to real representation) but also unilaterally to ensure that the model is the one most suitable for fully and appropriately representing the diversity of ATSI peoples. This will mean not only developing the appropriate model but advocating that model against all others on the basis of our right under Article 18 United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). Regardless of the model that the government wishes to offer, we have the right to ‘maintain and develop [our] own indigenous decision-making institutions’.

In other words, it is time to set the agenda. Now is the time for those ATSI people with the mouths, the will and the skill to establish an interim ATSI Government to oversee the establishment of the best (not just the best-offered) model for Representation.

Restoration

It is time in Australia for a period of Restoration of and by ATSI communities. With or without the support of the government, communities must be supported to reinvigorate, restore or create internal processes of authority and control that are both meaningful and effective. ATSI laws must be advocated and observed and processes formalised to demand community outcomes based on the recognised authorities within the community. Clearly, some communities will need more assistance than others in this regard and the devolution from the dominant culture of sufficient powers (rather than the failed, habitual, policy of removing powers) could lead to exceptional results. But this is not something that can or should wait for dominant culture sanction.

Many will argue that this is a retrograde step in development. That many communities are on the edge of ‘successful assimilation’. The current situation though lends itself more to the image that communities are on the edge of the abyss: losing meaningful, stabilising culture and being asked to replace it with something that is meaningless.

The dominant culture challenge

Whatever happens with regard to the formulation of effective indigenous Representation, dominant culture Representation must totally recast its approach to Indigenous Affairs.

Even before the term was emasculated by Howard’s ‘practical reconciliation’, ‘reconciliation’ was being used more in terms of the process of making consistent or compatible (i.e. assimilation) rather than in the sense of settling and resolving issues. For the latter to happen, it is first necessary for the dominant culture to go through its own process of reconciliation.

The dominant culture must reconcile itself to the recognition of an absolutely unavoidable fact: they live in a country inhabited by a people that are entirely different from themselves. They must accept that difference and accept that ATSI peoples do not desire to jettison their cultures. This is a significant and necessary step which will require great leadership within the

dominant culture.

The logical end result of such reconciliation is pluralism. Some of the most stable ethnically diverse countries have a plurality or even a multiplicity of laws. It does not disadvantage one section of society against another but creates substantive equality based on culture and beliefs. The more meaningful laws are, the more effective they are.

Model requirements

The creation of any Representation model, in the current circumstances, is likely to fail. ATSI societies and the dominant culture must make significant changes to their approach to Representation for *any* model to have a chance of success:

- The individuality of ATSI communities requires a bottom-up approach;
- Regional, state and national representation will not act other than on the express authority of one or more communities – and then only on behalf of communities that have expressed that authority;
- The Elder structure will be restored and promoted locally;
- The devolution of sufficient powers to Elders within communities to allow them to reassert effective and meaningful social control; and
- New Elders – those who have gained positions of power within communities solely through their education in and knowledge of dominant culture processes – will, most constructively, work as interfaces between cultures.

The lack of preparedness of both the dominant culture and many ATSI communities means that the acquisition of full Representation must occur through stages:

- The formation, with or without government sanction, of a non-political ATSI Leadership to facilitate the preparation of communities and to be the agreed Representatives of ATSI peoples in the process of formulating a model;
- The creation of a Secretariat to support the Leadership;
- A community by community survey of authority structures that will assist communities to identify or articulate the most appropriate authority structure that exists within each community or that should be restored within each community and the work that needs to be done to achieve balanced functionality;
- Commencement of government programs of education for the dominant culture which highlights the benefits to all Australians of strong, healthy, communities which will lead to wider acceptance of the broad concept of pluralism and its benefits;
- The creation, with or without government sanction, of Indigenous

Courts that will provide (at least initially) judgement to dominant culture courts in the way of pre-sentence reports – this provides the growing internal authority structures with real powers within communities;

- An ongoing classification of communities by their level of preparedness – the yardstick being (ATSI definitions of) fully functioning, vibrant communities and authority structures; and
- The provision of necessary support to communities to develop their structures.

While a model can be developed and implemented at any stage, it should recognise the fluid nature of the Restoration of community and the necessity to be flexible enough to meet (what may be) very different needs and desires of Restored communities. What is appropriate now is not necessarily what will be appropriate when authority structures in communities have been redeveloped or restored. The model must support and empower communities to the restoration of appropriate power through legitimate Elders or others within the community that the community agrees on from time to time are appropriate to represent the community to a regional body. While elected representatives may be necessary initially, the model needs to anticipate the ability of a Restored community to send who it wants to a Regional Council. Ultimately, elections would only be held for representatives of a national body.

There needs to be a separation between service provision and policy formulation as well as a distinct Secretariat that will interface with the government and meet its needs. While initially the representative body would be involved in ensuring the accountability of mainstream government services and advocacy (as directed by one or more communities), the goal would be the transfer of funding for ATSI services to the representative body. Service provision would increasingly be funded (but not provided by) the representative body. As development increases, the creation of one or more ATSI Service Units (separate from the representative body) within communities or regionally would enable the full loop of self-determination for ATSI communities.

If lessons were learnt from problems faced by ATSIC, any new process of Representation must have teeth at both the Commonwealth and State level. Now is the time to create Commonwealth, State and Territory agreements that will enable an ATSI Government Administration to effectively interface with the dominant culture government regardless of the division of powers.

So, ultimately, there needs to be four bodies:

- State/Regional Councils;
- National Council;
- Administrative Body; and
- Service Funding and Provision Body accountable to the Councils.

The regional representatives' function becomes one of a conduit,

overseer and advocate with the ability to only make reasonable decisions based on the submissions made by communities. Only issues unable to be resolved at the Regional/State level will come under the purview of the National Council.

Conclusion

Redefining our roles within our societies and actively pursuing a Restoration agenda within our societies will assist us to finally create a round peg and a round hole.

Strong unilateral action is required by ATSI peoples if yet another Australian government fails in its responsibilities to Aboriginal and Torres Strait Islander peoples. While we need to act cooperatively and productively to assist in the establishment of a new reality and we must not wait for that reality to be presented to us. The right model must be developed with or without the cooperation of government and it must offer self-government as the only alternative to yet another poor model of Representation.

Restoration without government assistance and support will be difficult but it is essential that ATSI peoples present a clear vision and, ultimately, reality that respects the uniqueness of each community and overturns the years of division. Those divisions only serve to assist governments to divide and conquer and these days, more than any other, are not the days of our defeat.