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***This time it's do or die - THE ATSIC ELECTIONS***

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***Increasingly, young Aborigines tend to look upon ATSIC as an organisation whose time has passed, writes Stuart Rintoul***

IN Burketown, where the dogs are barking late into the night, Murrandoo Yanner is asked what he thinks of the Aboriginal and Torres Strait Islander Commission. The young radical snorts and says the peak indigenous organisation is "hated and despised" by indigenous people.

Yanner, 30, who boasts of 58 court appearances over the past decade, mostly for "assaults with rednecks", has quit ATSIC after a stormy five-year involvement. Why? "Because it doesn't deliver," he says, because it is a "bullshit propped-up government organisation" dominated by white bureaucrats who have more power than the elected indigenous representatives.

For the past 12 years, ATSIC, the federal Government's principal policy adviser on Aboriginal and Torres Strait Islander issues, has been at the forefront of indigenous policy in Australia, a frequently controversial black bureaucracy with an elected "parliament" and a budget of more than \$1 billion.

Now it is at the crossroads. On Saturday, respected Aboriginal leader Patrick Dodson told The Australian ATSIC had become a "concentration of ineffectiveness" tarnished in the eyes of most Australians and should be scrapped. Its leadership is mired in allegations involving rape, corruption and assault.

ATSIC chairman Geoff Clark, an increasingly isolated figure in recent weeks surrounded by a diminishing number of loyalists, has withstood allegations that he is a multiple rapist, which he denies, and is certain to be re-elected to his regional council. But he is facing an uphill battle to be re-elected as ATSIC chairman. An unexpected winner three years ago, he will face challengers in his home state of Victoria and nationally.

ATSIC deputy chairman "Sugar" Ray Robinson, who served a three-year jail term for rape when he was 17, which he says was based on a lie, is seeking re-election amid claims he received a \$48,000 taxpayer-funded discount on a house he bought from the housing company he chairs. Federal police are also investigating his travel expenses. He says the allegations against him are "all bullshit".

So poisonous was the atmosphere on the last ATSIC board that at a meeting in August last year Queensland commissioner Patricia Thompson, a Clark supporter, physically attacked Robinson as they argued about rape. Robinson recently said of Clark: "He doesn't like me and I don't like him".

In an election where as few as a few dozen votes can guarantee a seat on an ATSIC regional council, Clark's exit might signal a shift away from a treaty and rights agenda towards economic development and a new push against welfare dependency and the plagues of violence and substance abuse in Aboriginal communities.

Two questions dominate the black horizon: who will emerge as ATSIC chairman -- and thus the face of black Australia -- and will the peak indigenous organisation embrace reform?

In Arnhem Land, Galarrwuy Yunupingu, one of the most influential indigenous leaders of his generation, is silently weighing his options. In Darwin, young ATSIC commissioner Kim Hill, 35, has called for generational change. In Townsville, ATSIC commissioner Jenny Pryor has said women should take control of the organisation.

At least as important will be a looming review of ATSIC by a Government which in 1996 axed \$470 million from its budget. Central to that review will be whether ATSIC remains involved in the delivery of programs or relinquishes them in favour of an enhanced advocacy role.

Aboriginal Affairs Minister Philip Ruddock has suggested that as an advocate, ATSIC could have "significantly improved capacity to scrutinise a wider range of government programs for indigenous Australians". It is a message that younger Aboriginal leaders in particular are warming to.

Older activists, though, who have constructed ATSIC on the foundation of self-determination, are wary, believing such a change would rob the organisation of leverage. Robinson told *The Australian*: "If they do that, they put the Aboriginal movement in this country back 50 years, because that's what we had in the old Department of Aboriginal Affairs days, where you got big brother -- white administrators and public servants -- going in and telling you what you can do with your community."

Since the return of health to commonwealth control in 1996 -- a move supported by Aboriginal health workers, who wanted to boost funding, expertise and access to the federal cabinet -- ATSIC has had two areas of prime responsibility: the work-for-the-dole Community Development Employment program, which Robinson calls a significant success story, but which another indigenous leader describes as "a poor, wretched thing"; and the Community Housing and Infrastructure Program.

ATSIC also has responsibility for native title -- a burgeoning financial and administrative liability in an area of increasing disenchantment.

The key question is whether the transfer of funding responsibility would make any difference. Despite a tenfold boost in health spending over the past five years, the effect on indigenous health has been what one senior indigenous health worker calls "undramatic". Such is the state of housing, ATSIC's assessment is that at the current rate of funding it would take more than 20 years to clear the backlog of housing and infrastructure needs, estimated as requiring \$3.5 billion in new capital works.

ATSIC lumbered through the federal parliament in 1990 with 200 amendments. According to one indigenous leader, by the time it was born "we were already saddled with a dead horse". Commonwealth indigenous funding for 2002-03 will be \$2.5 billion. ATSIC receives \$1.2 billion, but a large part of that is tied up in recurrent funding. In addition, state and territory governments have tended to regard ATSIC as a substitute rather than supplementary funder -- something that has been pointed out by both the Commonwealth Grants Commission and the Australian National Audit Office as recently as August.

Geoff Scott was ATSIC's acting chief executive before being charged with sexual assault, which he denies. He says ATSIC is hobbled by structural and operational deficiencies, with tension between the board's representative and executive role and

the administrative "disaster" of a chief executive drawn from the public service, who takes direction from the ATSIC board but answers to the Aboriginal Affairs Minister.

"There are also a few reality checks about what we should expect from ATSIC," he says. "We've got a mob of [indigenous] politicians out there."

Scott believes ATSIC should keep control of programs but outsource their delivery to other agencies. Social housing, which he calls a millstone around ATSIC's neck, has already moved in this direction through bilateral agreements with state governments.

"ATSIC is described as a supplementary funder, whereas we should be complementary," he says. "We shouldn't pick up the failures of other agencies, we should look at the void where no one else adds value. The catchphrase these days is capacity-building, but no one is doing it."

At least 30 per cent of Aboriginal people are not on the commonwealth electoral roll and so do not vote in ATSIC elections. According to the Centre for Aboriginal Economic Policy Research, fewer than one in four indigenous people -- 22.9 per cent -- voted in the council's 1999 elections. In 1993 it was 23.7 per cent and in 1996 it was 24.1 per cent.

But in this year's elections, a record 1164 candidates nominated for 388 positions on 35 regional councils nationwide. The mood for reform is strong and new voices are set to emerge on the national indigenous stage.

Among them are Farley Garlett, ATSIC regional chairman in Perth; Klynton Wanganeen, regional chairman in Adelaide; and Gerhardt Pearson in north Queensland. All stand a good chance of replacing existing ATSIC commissioners. The election also saw the emergence of Joe Hedger, 25, in Sydney. The great-grandson of 1930s civil rights activist Jack Patten, Hedger went into the poll quoting Gandhi: "Be the change you want to see."

In this regard, the election has the potential to deliver a new dynamism. It also saw the unexpected charge of the warhorses Yunupingu and former ATSIC chairman Gatjil Djerrkura, who was attempting a comeback while contending with sexual harassment charges, which he denies.

In Walgett, outback NSW, another veteran activist, Harry Hall, was also tilting at ATSIC's windmill. Now 68, a founder of the first Aboriginal legal services 30 years ago, he told *The Australian* he was standing for election because he believes ATSIC is weak, corrupted by self-interest, and financially wasteful.

Four years ago documentary maker Frances Peters-Little asked Hall about the nature of indigenous leadership. In comments that go a long way to explaining why some of the best and brightest indigenous people steer clear of ATSIC, he said: "So-called leaders in our communities are just there to answer the questions that the Government doesn't want to answer. And those leaders can't win, they can't please blackfellas, they can't please the Government. You're enemies with everyone, glory without power. If you had any brains, you wouldn't get into the jobs as window dressers ... Like I say, the glory without the power."

Set against a national backdrop in which indigenous poverty and suffering stands alongside the emergence of an indigenous middle class, these elections have also seen a bitter fight in Tasmania over who should be included on Australia's first indigenous electoral roll, or who is really Aboriginal.

On Friday, the federal Administrative Appeals Tribunal ruled in favour of 130 Tasmanians who have had their Aboriginality challenged, opening the way for them to nominate for and vote in Tasmania's ATSIC elections, which have been postponed until November 12.

After the ruling, the successful applicants hugged each other and punched the air. But the ruling drew a furious response from the Tasmanian Aboriginal Centre, which called it a farce and a disgrace.

TAC secretary Jay McDonald called the successful applicants "imposters and frauds" who had used the "white man's legal system to impose themselves on the Aboriginal community".