

**Participation and representation  
in the 2002 ATSIC elections**

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**Abbreviations and acronyms**

AEC	Australian Electoral Commission
AGPS	Australian Government Publishing Service
ANU	The Australian National University
ATSIBESRP	Aboriginal and Torres Strait Islander Boundaries and Electoral Systems Review Panel
ATSIC	Aboriginal and Torres Strait Islander Commission
ATSIS	Aboriginal and Torres Strait Islander Services
CAEPR	Centre for Aboriginal Economic Policy Research
CER	Commonwealth Electoral Roll

## **Abstract**

This paper updates earlier work on participation and representation in ATSIC elections. It adds analysis of the fifth round of ATSIC elections held in 2002 to those held in 1990, 1993, 1996 and 1999. It confirms and refines earlier findings relating to a number of different measures of participation and representation. It argues that overall voter turnout is reasonable given the voluntary nature of ATSIC elections. It discerns a distinctive geography of both voter turnout and candidate interest, which are higher in sparsely settled northern and central Australia, and lower in southern more settled Australia. It argues that women's participation in ATSIC elections as voters, candidates and in being elected as regional councillors is quite high, but that there is some falling away in women's election to the 52 full-time salaried offices of Commissioner and Regional Council Chairperson. It notes some weakness in the representation of women as regional councillors in remote areas and an under-representation of councillors under the age of 35. It also discerns a distinctive geography in the election of Torres Strait Islanders to ATSIC regional councils which can be related to underlying demography.

In all these instances the paper attempts to explain and understand distinctive geographies and other patterns of participation and representation, while also raising them as possible issues of concern for ATSIC. Explanations relate to ATSIC's program and service provision roles, different social meanings and types of Indigenous identity, the relative influence of European settlement norms on traditional patterns of Indigenous political behaviour, and the nature of public career life courses. The paper suggests that distinctive geographies and other patterns of participation and representation in ATSIC elections are both understandable and well entrenched, and are unlikely to change greatly in the future.

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## Introduction

Elections for the Aboriginal and Torres Strait Islander Commission (ATSIC) are unlike Australian Commonwealth, State and Territory general elections in that voting in them is not compulsory. As a consequence, the levels of participation and representation achieved in ATSIC elections have been seen as important issues. If participation in the elections is high and representation of different Indigenous interests among the elected ATSIC office holders is broad-ranging, then this is taken as a vote of confidence in ATSIC and a boost to its legitimacy. If, on the other hand, participation in ATSIC elections is low and representation of different Indigenous interests among ATSIC office holders is restricted, then this is seen as calling into question the legitimacy of ATSIC and Indigenous people's support for it.

This paper updates earlier work on these twin issues of participation and representation in ATSIC elections and how they contribute to images of ATSIC's legitimacy. It adds the results of the fifth round of ATSIC elections held in 2002 to an analysis of elections held in 1990, 1993, 1996 and 1999 (Sanders, Taylor & Ross 2000a, 2000b). Whereas that earlier work reported on participation and representation issues nationally, on a state/territory basis and by ATSIC region, here the state/territory analysis is omitted and the focus, sub-nationally, is on the ATSIC regional geography (see Appendix A). This is because the earlier work discerned a distinctive geography of voter turnout by ATSIC region and it seemed worthwhile to ask whether similar geographic patterns could be observed in other aspects of participation and representation. This paper also, for the first time, looks at participation and representation by age, as well as repeating and refining the earlier analysis relating to women and Torres Strait Islanders.

The 2002 ATSIC elections were not just a simple repetition of the first four rounds of ATSIC elections. This was the first time that an elected ATSIC chairperson was standing for re-election, since chairpersons had been Commonwealth government appointees from 1990 to 1999. Also the Howard Coalition Commonwealth government had made it known in the lead up to the 2002 election that it intended in the very near future to review ATSIC's roles in the delivery of programs and services to Indigenous people, in the advocacy of Indigenous points of view and in the giving of advice to the Commonwealth government. So while the elections were proceeding as normal, and participation in them was as usual being encouraged by both ATSIC and the Commonwealth government, there was some suggestion of changes ahead.<sup>1</sup>

Another difference between the 2002 ATSIC elections and earlier ones was that, in Tasmania, ATSIC and the Australian Electoral Commission (AEC) were experimenting for the first time with a quite different administrative arrangement for voting. A roll was to be drawn up prior to the election by asking Indigenous people on the Commonwealth Electoral Roll (CER) who wanted to participate in the ATSIC election to identify themselves beforehand. Elsewhere, and in previous

elections, the AEC used the whole CER as an under-specified list of potential voters and asked all candidates and voters to declare their Indigeneity at the time of nominating and/or voting. Such declarations could, through various mechanisms, be verified or challenged at the time of or after the elections. The Tasmanian experiment is analysed elsewhere (Sanders 2003) and is not discussed further in this paper. However, it is an important part of the context in which participation and representation in the 2002 ATSIC elections, both in Tasmania and elsewhere, needs to be viewed.

One other small change from past ATSIC elections was in the precise number of regional councillors to be elected, rising from 387 in 1999 to 404 in 2002. One of these additional positions was due to Indigenous population change in ATSIC's 35 regions, as the *ATSIC Act 1990* (Cwth) specifies quite precise population criteria for regional councils having between eight and 12 members.<sup>2</sup> The other 16 additional places for regional councillors were due to changes to the Act relating to commissioners. ATSIC's 35 regions are grouped into 16 zones each of which selects, from among the elected regional councillors, a national commissioner. From 2002, under section 115A of the Act and unlike in previous years, this selection process led to an additional position for a regional councillor in the region from which the commissioner had been drawn. This arrangement was seen as analogous to one introduced in 1999 whereby the zone from which the elected ATSIC chairperson was drawn would, after the chairperson's election, be granted the right to elect an additional or replacement zone commissioner. These last 16 places for regional councillors in the 2002 elections could not, however, be definitively allocated to particular regions until the original 388 councillors met in zones and elected their 16 zone commissioners.<sup>3</sup>

### **Interpretation: the contested environment**

Interpretation of levels of participation and representation achieved in ATSIC elections since 1990 have varied considerably. In its 1990–91 Annual Report, for example, ATSIC was sanguine about the levels of participation and representation achieved in the 1990 elections, citing more nominations 'than for the last federal election', a higher proportion of nominations from women 'than at any other national election in Australia's history' and voter turnouts, against estimates of only 50 per cent of Indigenous people being on the Commonwealth Electoral Roll, of 'approximately 96 per cent' in the Northern Territory (ATSIC 1991: 79). By contrast, Ron Brunton from the Institute of Public Affairs, noted that at the 1990 election 'fewer than one third of those eligible to vote bothered to do so', with turnouts in different zones, as he calculated them, varying from 73.0 to 9.4 per cent (Brunton 1991: 9). And he argued further that:

[a]s a result of both the uneven turnout and differences in the size of zones, the number of actual voters represented by a Commissioner varies by a factor of fifteen. (Brunton 1991: 10).

This, Brunton claimed, was a 'gerrymander' of considerable proportions.



After the 1996 elections, ATSIC was positive but somewhat more circumspect in its interpretation of participation and representation, noting an Australia-wide average of 3.3 candidate nominations per position available, an 8.7 per cent increase in voter numbers Australia-wide since 1993 and that 33 per cent of candidates were women (ATSIC 1997: 155). Brunton, by contrast, was still damning in his interpretation, calculating that voter turnout against population had fallen from 32 per cent in 1993 to 29 per cent in 1996 and that 'ATSIC is becoming increasingly unrepresentative of indigenous people' (1997: 12). There needs, he concluded, 'to be widespread discussion about whether there can be any justification for the organisation to exist' (1997: 12).

Within this rather contested interpretive environment, the past analysis by Sanders, Taylor and Ross (2000a, 2000b) of participation and representation in the first four rounds of ATSIC elections from 1990 to 1999 can be seen as generally supportive of ATSIC, but not uncritically so. It suggested that levels of nominations indicated considerable interest among Indigenous people in attaining ATSIC elected office, and that voter turnout, measured against estimates of the eligible Indigenous population, was quite reasonable for voluntary elections. However it also noted that there was a distinct geographic pattern in voter turnout, which was higher in the sparsely settled remote areas of northern and central Australia, and lower in the more densely settled southern areas. It also noted that levels of women elected, particularly to the 52 full-time salaried elected offices within ATSIC, did not quite attain the levels of women nominating.<sup>4</sup> These findings are repeated with great consistency for the 2002 elections, and so the interpretation of participation and representation in ATSIC elections remains supportive, but not uncritical.

## Encouraging participation

Before proceeding to an analysis of the 2002 results, it should perhaps be acknowledged that ATSIC has always expended considerable effort in encouraging participation in its elections, through various educational and promotional campaigns. In 2002, in line with ATSIC's recently developed 'rights framework', this took the form of a campaign focused on 'The Right to Be Heard':

The overall campaign theme—**The Right to Be Heard**—is one of five basic rights in a framework document endorsed by the ATSIC Board earlier this year as a basis for all future policy and program development (ATSIC News, Spring 2002: 4).

Other rights identified in the framework document are:

- to maintain our distinct identities as Aboriginal and Torres Strait Islander peoples
- to enjoy life and security in our country
- to have sustainable livelihoods
- to receive appropriate social services (ATSIC n.d.).

In August 2002, in the national Indigenous fortnightly newspaper *Koori Mail*, the outgoing elected chairperson of ATSIC, Geoff Clark, encouraged participation in the forthcoming ATSIC elections with the following statement:

All Aboriginal and Torres Strait Islander people across Australia should exercise their right to be heard and consider nominating as a candidate or casting their vote in the ATSIC Regional Council elections on October 19 this year.

A record voter turnout in this election will send a message to all interested parties that ATSIC is, and will continue to be, a strong advocate for our people ('Exercise your rights says ATSIC chairman', *Koori Mail*, 7 August 2003).

The Commonwealth minister with responsibility for ATSIC, Philip Ruddock, added in early September 2002 that he would 'particularly like to see more women and young people to nominate as candidates' (Minister for Immigration and Multicultural and Indigenous Affairs 2002a). In mid September, when nominations had closed and over 1150 Indigenous people had put themselves forward for election, Ruddock put out a media release which included the following:

These figures are a clear demonstration of the intense interest in ATSIC elected office amongst Indigenous Australians.

They also show the effect of ATSIC and the Australian Electoral Commission's promotional campaign which has been well targeted. Their focus on women and young people has produced a great result.

I would now hope to see an increased turnout of voters at the October 19 poll.

The elections are a great opportunity for all Indigenous Australians to ensure their voice is heard. They allow everyone to choose the people they want to represent them (Minister for Immigration and Multicultural and Indigenous Affairs 2002b).

## **Voter numbers and voter turnout**

Voter numbers in the 2002 ATSIC elections, Australia-wide, increased by 11.1 per cent from 1999, from just under 50,000 to just under 55,000 (see Table 1). In 14 of the 35 ATSIC regions growth in voter numbers was above this national average, though in two of those regions this reflected the fact that there had been uncontested elections in particular wards in the regions in 1999 because numbers of nominations had equaled positions available. In another 15 regions there was growth in voter numbers below the national average. Voter numbers declined in six regions, though in two of these this was because there was an uncontested election in a ward within the region in 2002 (see Table 1).<sup>5</sup> Also in the Hobart region (i.e. Tasmania), which had the largest decline, there had been, as noted above, a total change in the administrative arrangements for voting, which had in some ways been aimed at reducing voter numbers (see Sanders 2003). So overall, growth in voter numbers from 1999 to 2002 was considerable and widespread.

**Table 1. Voter numbers by ATSI region, ranked by percentage change between 1999 and 2002**

Region	1999 Voter numbers	2002 Voter numbers	1999–2002 % change
Derby	*523	1500	186.6
Jabiru	**1669	2733	63.8
Sydney	1255	1623	29.3
Townsville	2043	2453	20.1
Queanbeyan	902	1082	20.0
Darwin	934	*1114	19.3
Brisbane	1908	2246	17.7
Roma	1868	2198	17.7
Nhulunbuy	1883	2213	17.5
Ballarat	1036	1213	17.1
South Hedland	962	1119	16.3
Kalgoorlie	797	924	15.9
Bourke	1579	1780	12.7
Coffs Harbour	2367	2642	11.6
Wagga Wagga	1972	2138	8.4
Apatula	2227	2406	8.0
Cooktown	2786	2982	7.0
Kununurra	1061	1135	7.0
Perth	1683	1799	6.9
Alice Springs	1042	1108	6.3
Port Augusta	1120	1188	6.1
Broome	945	1002	6.0
Rockhampton	*1366	1447	5.9
Warburton	950	*1002	5.5
Katherine	2185	*2263	3.6
Wangaratta	732	755	3.1
Narrogin	*1121	*1153	2.9
Cairns	2441	2467	1.1
Ceduna	694	698	0.6
Mt Isa	*1547	1544	-0.2
Adelaide	905	896	-1.0
Tamworth	1817	1766	-2.8
Geraldton	1089	*988	-9.3
Tennant Creek	1019	*726	-28.3
Hobart	824	413	-49.9
Total	49,252	54,716	11.1

Note: \* Indicates wards within regions where elections were unnecessary due to numbers of nominating candidates equaling numbers of regional councillor positions available.

**Table 2. 2002 voter numbers and estimates of eligible Indigenous population by ATSiC region, ranked by percentage voter turnout**

Region	2002 voter numbers (A)	Est. eligible pop.	Adjusted eligible pop. est. (B)	Voter turnout A/B (%)
Cooktown	2982	4662	4662	64.0
Ceduna	698	1247	1247	56.0
Warburton	*1002	2004	*1868	53.6
Tennant Creek	*726	2241	*1403	51.7
Jabiru	2733	5521	5521	49.5
Derby	1500	3153	3153	47.6
Katherine	*2263	5510	*5034	45.0
Apatula	2406	5450	5450	44.1
Nhulunbuy	2213	5427	5427	40.8
Kalgoorlie	924	2314	2314	39.9
Kununurra	1135	3054	3054	37.2
Broome	1002	2764	2764	36.3
Bourke	1780	5021	5021	35.5
Roma	2198	6461	6461	34.0
South Hedland	1119	3402	3402	32.9
Mt Isa	1544	4712	4712	32.8
Geraldton	*988	3644	*3150	31.4
Alice Springs	1108	3631	3631	30.5
Narrogin	*1153	4422	*4025	28.6
Port Augusta	1188	4258	4258	27.9
Townsville	2453	10,235	10,235	24.0
Cairns	2467	10,847	10,847	22.7
Tamworth	1766	7855	7855	22.5
Rockhampton	1447	7763	7763	18.6
Darwin	*1114	6742	*6230	17.9
Wagga Wagga	2138	12,805	12,805	16.7
Queanbeyan	1082	7042	7042	15.4
Ballarat	1213	8092	8092	15.0
Perth	1799	12,591	12,591	14.3
Coffs Harbour	2642	19,582	19,582	13.5
Brisbane	2246	21,684	21,684	10.4
Adelaide	896	9074	9074	9.9
Wangaratta	755	7656	7656	9.9
Sydney	1623	25,233	25,233	6.4
Hobart	413	9609	9609	4.3
Total	54,716	255,708	252,855	21.6

Note: \* Populations from the six wards where elections were unnecessary have been removed from the adjusted estimates for their regions.

Voter turnout in ATSIC elections has been measured, in the absence of an Indigenous electoral roll, against estimates of the eligible Indigenous population. These estimates are provided by the Australian Bureau of Statistics, based on census enumeration, and have been changing considerably over the years of ATSIC elections. The Indigenous population enumerated at national censuses during these years has increased faster than can be explained by demographic factors alone, and did so again in the 2001 Census either through an increased propensity of Indigenous people to identify or through improved enumeration procedures (see Kinfu & Taylor 2002). Hence the denominator against which ATSIC voter turnout is being measured in 2002, based on the 2001 Census, is considerably larger than that against which it was measured in 1999 and earlier years, based on earlier censuses. This paper does not standardise measures of voter turnout around a single census, as was the case in earlier work, but rather simply reports the numbers of votes in the 2002 ATSIC elections against the Indigenous population estimates arising from the 2001 Census (see Table 2).

Voter turnout Australia-wide in the 2002 ATSIC elections equaled 21.6 per cent of the estimated eligible Indigenous population, based on the 2001 Census. This is just slightly less than the turnout level achieved in earlier ATSIC elections, measured against a smaller Indigenous population based on earlier censuses. Sanders, Taylor and Ross (2000a, 2000b) argued that this is a respectable level of voter turnout against an estimated eligible population for voluntary elections and that argument is maintained here.

It has also been previously noted that this national voter turnout figure varies considerably and systematically across regions, with higher voter turnouts against estimated eligible population being observed in sparsely settled regions in northern and central Australia and lower voter turnouts in the more densely settled southern regions. This is again the case for the 2002 ATSIC election. The top 18 regions in Table 2, with voter turnouts against estimated eligible population above 30 per cent, are all in sparsely settled northern and central Australia. By contrast the 10 regions with the lowest voter turnouts against population estimates, below 17 per cent, are all southern, more densely settled regions (see Table 2).

This very distinctive geography of voter turnout was related in the earlier work to the importance of ATSIC as a funder of basic services and employment opportunities for Indigenous people in sparsely settled areas and, conversely, to ATSIC's relative unimportance as a funding body in comparison to other sources in more densely settled areas. It was also related to access to polling booths, which for ATSIC elections, compared to general elections, are relatively more numerous in northern and central Australian sparsely settled areas, due to larger concentrations and proportions of Indigenous people in these areas. A further explanation, which has been suggested since, is that identification in the census as being of Indigenous 'origin' does not have quite the same social meaning in the more densely settled southern areas of Australia as it does in the more sparsely settled north and centre. Because of this we should not expect as high a level of participation in ATSIC from the census-derived Indigenous population in the

south as in the north and centre. One personal experience which reinforces this hypothesis was a recent conversation with a southern Indigenous woman who had not discovered her Indigeneity until adulthood and who, although now clearly identifying in censuses as Indigenous, felt that she had no place in participating in ATSIC because she had not been disadvantaged by her Indigeneity when young.

Clearly, whatever its causes, there is a very distinctive geography of voter participation in ATSIC elections when measured against census-derived estimates of the eligible Indigenous population, and this is very consistent over time. The pattern does not seem greatly amenable to alteration through the efforts of ATSIC and others to encourage greater voter participation in more densely settled areas.

### **Candidates for election**

One other common measure of participation in ATSIC elections has been numbers of candidates nominating for election in comparison to numbers of elected positions available. The general ratio of candidates to positions available has in the past been around three to one, and so it was again in 2002. Table 3 gives the figures by ATSIC regions, ranked by their ratio of candidates to positions available.

Table 3 appears to show something of a reverse regional geography of participation in ATSIC elections, in comparison with voter turnouts. Four of the top six regions that have more than four candidates per position available are in southern more densely settled areas. Also seven of the bottom eight regions on this measure, with 2.3 candidates per position available or less, are northern and central Australian sparsely settled regions. However, numbers of candidates might arguably be related as much to the population available to nominate as to the number of positions available. Some hint of this can be gleaned from noting that the top six regions in Table 3 have 12 regional council members, indicating Indigenous populations in excess of 10,000, and four of the bottom eight regions have nine or ten regional councillors, indicating Indigenous populations of less than 7,000. If we use estimates of the eligible Indigenous population in regions as the denominator over which to measure interest in being a candidate in ATSIC elections, as in Table 4, then the regional geography observed in the voter turnout measure begins to re-emerge.

Ranking ATSIC regions by the ratio of candidates to estimated eligible Indigenous population, Table 4 shows that 14 of the 15 regions with more than six candidates per 1,000 are in sparsely settled northern and central Australia. Also the seven regions with less than four candidates per 1,000 are all in southern more densely settled areas. While there is some overlap and mixing of these types of regions in the four to six candidates per 1,000 range, the geography of participation on this measure is still quite distinctive and in line with that for voter turnout.

**Table 3. Numbers of candidates and positions available by region, ranked by ratio of candidates to positions available, 2002 ATSIC elections**

Region	Candidates (C)	Positions Available (PA)	C/PA
Perth	74	12	6.2
Brisbane	63	12	5.3
Sydney	57	12	4.8
Roma	54	12	4.5
Coffs Harbour	50	12	4.2
Cairns	50	12	4.2
Bourke	41	11	3.7
Townsville	43	12	3.6
Rockhampton	42	12	3.5
Port Augusta	38	11	3.5
Ballarat	40	12	3.3
Cooktown	36	11	3.3
Narrogin	36	11	3.3
Katherine	33	11	3.0
Broome	29	10	2.9
Geraldton	29	10	2.9
South Hedland	28	10	2.8
Kalgoorlie	28	10	2.8
Tamworth	33	12	2.8
Queanbeyan	33	12	2.8
Darwin	32	12	2.7
Ceduna	24	9	2.7
Wagga Wagga	31	12	2.6
Adelaide	31	12	2.6
Mt Isa	28	11	2.5
Hobart	30	12	2.5
Kununurra	25	10	2.5
Warburton	21	9	2.3
Alice Springs	23	10	2.3
Wangaratta	27	12	2.3
Nhulunbuy	24	11	2.2
Jabiru	22	11	2.0
Apatula	22	11	2.0
Tennant Creek	15	9	1.7
Derby	16	10	1.6
Total	1208	*388	3.1

Note: \* This number does not include the additional 16 positions available once commissioners have been elected from among regional councillors meeting in zones, as these can not in most instances be allocated to regions until after the election of zone commissioner.

**Table 4. Numbers of candidates by region, ranked by candidates per 1,000 estimated eligible Indigenous population, 2002 ATSIC elections**

Region	Candidates (C)	Estimated eligible Indigenous population (EEIP)	C/EEIP
Ceduna	24	1247	19.2
Kalgoorlie	28	2314	12.1
Broome	29	2764	10.5
Warburton	21	2004	10.5
Port Augusta	38	4258	8.9
Roma	54	6461	8.4
South Hedland	28	3402	8.2
Kununurra	25	3054	8.2
Bourke	41	5021	8.2
Narrogin	36	4422	8.1
Geraldton	29	3644	8.0
Cooktown	36	4662	7.7
Tennant Creek	15	2241	6.7
Alice Springs	23	3631	6.3
Katherine	33	5510	6.0
Mt Isa	28	4712	5.9
Perth	74	12,591	5.9
Rockhampton	42	7763	5.4
Derby	16	3153	5.1
Ballarat	40	8092	4.9
Darwin	32	6742	4.7
Queanbeyan	33	7042	4.7
Cairns	50	10,847	4.6
Nhulunbuy	24	5427	4.4
Townsville	43	10,235	4.2
Tamworth	33	7855	4.2
Apatula	22	5450	4.0
Jabiru	22	5521	4.0
Wangaratta	27	7656	3.5
Adelaide	31	9074	3.4
Hobart	30	9609	3.1
Brisbane	63	21,684	2.9
Coffs Harbour	50	19,582	2.6
Wagga Wagga	31	12,805	2.4
Sydney	57	25,233	2.3
Total	1208	255,708	4.7



It would seem, therefore, that the distinctive geography of voter participation in ATSIC elections, when measured against census-based estimates of eligible Indigenous population, is also reflected, though perhaps slightly less clearly, in candidate participation. We would surmise that this geographic pattern of candidate participation is for much the same reasons as for voter turnout: that is, ATSIC is a more important funder of basic infrastructure services and employment opportunities in sparsely settled areas and the social meaning of identifying as being of Indigenous origin in the census is somewhat different in the more densely settled areas.

### **Participation and representation of women**

Participation and representation of women has been a significant concern for ATSIC since its establishment. This reflects a world-wide renewal of interest in what Phillips has called the 'politics of presence':

the notion that no one can better express the distinctive perspectives of a group than someone who is a group member, and that no one else is likely to be a better judge of group interests (Phillips 2001: 26).

During the ATSIC term from 1999 to 2002, women's participation and representation became particularly pertinent due to domestic violence in Aboriginal society being raised as a matter of public concern. Perhaps reflecting this concern, for the first time in an ATSIC election, the AEC identified numbers of women voters, as well as candidates and representatives.

Table 5 shows that women constituted 55 per cent of ATSIC voters Australia-wide. This compares with their being 52 per cent of the Indigenous population aged 18 or more at the 2001 Census. So there does not seem to be any shortage of women's interest in ATSIC, at the level of national voter participation. The range of women's participation as voters in the various ATSIC regions in 2002 was between 44 and 63 per cent, with only four regions falling below 50 per cent and no distinctive north-south geography in the distribution of regions within this range (see Table 5). Indigenous women everywhere seemed to be participating strongly in ATSIC as voters.

In earlier work (Sanders, Taylor & Ross 2002a, 2002b) it was noted that women had fairly consistently constituted a third or more of candidates seeking election to ATSIC office, but that they had not quite achieved that level of representation in those actually elected. These findings are repeated with great consistency for 2002. Table 6 shows that women constituted 34 per cent of candidates for ATSIC elections nationally in 2002, while Table 7 shows that they constituted 30 per cent of those elected to office as ATSIC regional councillors. As noted in the earlier work, this is a slightly better level of women's representation than achieved in Australia's parliaments of recent years. But it is also notable that there is a dropping away in percentages through Tables 5, 6 and 7 from women's participation and representation as voters, to standing as candidates, to being elected to office.

**Table 5. Numbers of women and total voters by region, ranked by percentage of women voters, 2002 ATSIC elections**

Region	Women voters (no.)	Total voters (no.)	Women voters (%)
Sydney	1028	1623	63
Darwin	680	1114	61
Ballarat	737	1213	61
Townsville	1490	2453	61
Coffs Harbour	1580	2642	60
Adelaide	529	896	59
Derby	884	1500	59
Perth	1051	1799	58
South Hedland	653	1119	58
Wangaratta	438	755	58
Alice Springs	637	1108	57
Cairns	1413	2467	57
Tennant Creek	414	726	57
Tamworth	1005	1766	57
Mt Isa	878	1544	57
Nhulunbuy	1258	2213	57
Wagga Wagga	1202	2138	56
Warburton	561	1002	56
Roma	1223	2198	56
Broome	552	1002	55
Queanbeyan	593	1082	55
Geraldton	539	988	55
Ceduna	376	698	54
Jabiru	1462	2733	53
Narrogin	616	1153	53
Kalgoorlie	493	924	53
Bourke	944	1780	53
Hobart	217	413	53
Katherine	1158	2263	51
Cooktown	1522	2982	51
Port Augusta	606	1188	51
Kununurra	552	1135	49
Brisbane	1079	2246	48
Rockhampton	687	1447	47
Apatula	1049	2406	44
Total	30,106	54,716	55

**Table 6. Numbers of women candidates by region, ranked by percentage of women candidates, 2002 ATSIC elections**

Region	Women candidates (no.)	Total candidates (no.)	Women candidates (%)
South Hedland	15	28	54
Sydney	30	57	53
Wagga Wagga	16	31	52
Wangaratta	13	27	48
Darwin	15	32	47
Hobart	14	30	47
Alice Springs	10	23	43
Mt Isa	12	28	43
Kalgoorlie	12	28	43
Adelaide	13	31	42
Townsville	17	43	40
Queanbeyan	12	33	36
Narrogin	13	36	36
Ballarat	14	40	35
Cooktown	12	36	33
Tamworth	11	33	33
Tennant Creek	5	15	33
Brisbane	21	63	33
Ceduna	8	24	33
Port Augusta	12	38	32
Perth	23	74	31
Geraldton	9	29	31
Rockhampton	13	42	31
Coffs Harbour	15	50	30
Roma	15	54	28
Broome	8	29	28
Apatula	6	22	27
Cairns	13	50	26
Kununurra	6	25	24
Bourke	9	41	22
Katherine	7	33	21
Warburton	4	21	19
Nhulunbuy	4	24	17
Jabiru	3	22	14
Derby	2	16	13
Total	412	1208	34

**Table 7. Numbers of women and total representatives elected by region, ranked by percentage of elected women representatives, 2002 ATSIC elections**

Region	Women elected (no.)	Total representatives elected (no.)	Women elected (%)
Darwin	9	13	69
Sydney	8	13	62
Kalgoorlie	6	10	60
Alice Springs	5	10	50
Hobart	6	13	46
Wagga Wagga	5	12	42
Queanbeyan	5	12	42
Townsville	5	12	42
Rockhampton	5	12	42
Geraldton	4	10	40
Brisbane	5	13	38
South Hedland	4	11	36
Tamworth	4	12	33
Apatula	4	12	33
Wangaratta	4	12	33
Adelaide	4	13	31
Ballarat	4	13	31
Mt Isa	3	11	27
Cooktown	3	12	25
Coffs Harbour	3	13	23
Cairns	3	13	23
Perth	3	13	23
Tennant Creek	2	9	22
Derby	2	10	20
Broome	2	10	20
Katherine	2	11	18
Nhulunbuy	2	11	18
Port Augusta	2	11	18
Narrogin	2	11	18
Roma	2	13	15
Ceduna	1	9	11
Bourke	1	12	8
Jabiru	0	11	0
Kununurra	0	11	0
Warburton	0	10	0
Total	120	*404	30

Note: \*This number includes the additional 16 regional councillors elected by further vote counting procedures once commissioners had been elected from among the original 388 regional councillors.

In terms of geography, it is noticeable that there is a mix of sparsely and more densely regions at the top of Tables 6 and 7, where women's representation among candidates and elected representatives is greatest, but also that at the bottom of Tables 6 and 7, where women's representation is least, sparsely settled areas in northern and central Australia are over represented. The bottom 11 regions in Table 6, where women constituted less than 30 per cent of candidates for election in 2002, are all in sparsely settled northern and central Australia, and so too are 12 of the bottom 13 regions in Table 7, where two or fewer of the elected regional councillors in 2002 were women. Three regional councils in sparsely settled northern and central Australia, Jabiru, Kununurra and Warburton, actually had no women representatives elected in 2002 and this repeats a pattern from earlier ATSIC elections in which four, seven and one regional councils in sparsely settled northern and central Australia had no women elected in 1993, 1996 and 1999 respectively.

This weakness of women's representation in ATSIC elected office in some sparsely settled areas of northern and central Australia is perhaps related to traditional patterns of Indigenous political behaviour. Though ethnographers have debated many aspects of this behaviour over the years, they have generally agreed that males 'had the advantage in power relations', even if women enjoyed some degree of autonomy and separateness in important social spheres (Keen 1989: 31). Conversely, writings on contemporary Aboriginal society, all over Australia, often point to the crucial roles of women in both community organisation and the retention of community knowledge (Gale 1984; Langton 1997; Powell 1999). So it is perhaps not surprising that a fairly good level of women's representation in elected ATSIC office in many areas is combined with a dearth of such representation in some more sparsely settled areas, where the impact of European settler norms on traditional patterns of Indigenous political behaviour may be somewhat less.

Of perhaps greater and more general concern is the under-representation of women among the 52 fully-salaried Indigenous politicians who emerge from ATSIC elections, that is the 17 commissioners and the 35 regional council chairpersons. After the 2002 elections, only one of the commissioners was female and only three of the regional council chairpersons. In earlier terms, since these offices became full-time and salaried in 1993, there have been two, two and four women commissioners and four, seven and five women regional council chairpersons. Hence while there has been consistent under-representation of women in the full-time, salaried ATSIC elected positions, the under-representation of women in these positions after the 2002 election was the worst result yet.

Explanations for the under-representation of women at this level could perhaps include some reference to the indirect way in which these full-time salaried office holders are elected within ATSIC, through meetings of elected regional councillors grouped either in zones or regions. In reviews of ATSIC electoral systems, held after each round of elections, submissions have consistently been made criticising this indirect method of election as leading to the making of 'deals' among

councillors and the possible selection of 'inappropriate people' as commissioners and regional council chairpersons (Aboriginal and Torres Strait Islander Elections Review Panel 1995: 35; Aboriginal and Torres Strait Islander Boundaries and Electoral Systems Review Panel (ATSIBESRP) 1997: 11, 2000: 9). The advocated alternative has been direct elections for these positions open to all voters in ATSIC elections. While the review panels convened after the 1993 and 1996 rounds of ATSIC elections rejected this alternative, the one convened after the 1999 round of elections accepted it, at least in relation to commissioners. Direct election of commissioners would, it argued, 'promote a broad approach to issues of community concern' and also 'make Commissioners more accountable to their constituencies' (ATSIBESRP 2000: 10). While it may be unrealistic to believe that individual electoral system changes can drastically alter patterns of representation and participation within ATSIC, there may be some argument that women might do better under a system of direct election of commissioners. Indeed they could hardly do much worse than under the current indirect system.

### **Participation and representation by age**

Another dimension of the politics of presence relates to age, as reflected in the Minister's encouragement of youth, as well as women, to stand for ATSIC election. Judging outcomes on this dimension is, however, difficult. The 2002 ATSIC election was the first time that the AEC made available data on the age of candidates and those elected, and hence there is no historical pattern against which to compare this data. Also, since formal political participation as a candidate or representative is often part of a public career which develops in various ways through adult life, we might not necessarily expect (or desire) the young to be represented among candidates or those elected to ATSIC office in quite their proportion in the population.

Tables 8 and 9, referring respectively to males and females, clearly show that Indigenous people under 35 are significantly under-represented among both candidates and those elected to ATSIC in comparison to their proportion in the Indigenous population aged 18 or more. Conversely, those aged from 35 to 65 are over-represented in comparison to their proportion in the population, by a factor of up to three in the fifties age group. It is only after the socially accepted retirement age of 65 that proportions of candidates and those elected fall back to around the age group proportions in the population. Hence there is a very clear sense, in these figures, of election to ATSIC being part of an adult life course which builds to a peak of public office holding when people are in their forties and fifties.

Tables 8 and 9 also show however that, in 2002, nearly 10 per cent of both male and female candidates and elected ATSIC office holders were in their twenties or early thirties. Whether this is a high enough proportion of young candidates and office holders, and whether these people, or others, will be the middle-aged Indigenous leaders of future years is not something which can be seen from this

single piece of statistical data. Longitudinal studies of career paths and associated statistics would be necessary for that.<sup>6</sup>

**Table 8. Age distribution of Indigenous males aged 18 or more in the 2001 Census and among ATSIC candidates and elected representatives, 2002**

Age group	2001 Census population 18+ (%)	Age group	ATSIC candidates to 2002 (%)	Elected to ATSIC 2002 (%)
18-19	7.3	18-20	0.1	0.0
20-24	15.3	21-25	0.8	0.0
25-29	14.6	26-30	3.1	4.0
30-34	13.7	31-35	6.9	6.6
35-39	12.0	36-40	13.2	15.0
40-44	10.4	41-45	19.3	16.8
45-49	8.3	46-50	19.0	17.9
50-54	6.4	51-55	17.2	17.9
55-59	4.2	56-60	10.7	12.0
60-64	3.0	61-65	6.0	5.8
65+	4.7	66+	3.7	4.4
Total (%)	100.0		100.0	100.0
Total (no.)	106,051		786	274

**Table 9. Age distribution of Indigenous females aged 18 or more in the 2001 Census and among ATSIC candidates and elected representatives, 2002**

Age group	2001 Census population 18+ (%)	Age group	ATSIC candidates 2002 (%)	Elected to ATSIC 2002 (%)
18-19	6.7	18-20	0.0	0.0
20-24	14.4	21-25	1.0	1.6
25-29	14.6	26-30	2.2	1.6
30-34	14.2	31-35	6.8	4.1
35-39	12.5	36-40	14.5	12.3
40-44	10.3	41-45	16.7	17.2
45-49	8.1	46-50	19.9	18.9
50-54	6.2	51-55	16.2	18.9
55-59	4.1	56-60	13.2	14.8
60-64	3.2	61-65	6.6	4.9
65+	5.6	66+	2.9	6.6
Total (%)	100.0		100.0	100.0
Total (no.)	116,310		408	123

## Participation and representation of Torres Strait Islanders

As noted in earlier work, Torres Strait Islanders have a somewhat ambivalent relationship with ATSIC (Sanders 1995, Sanders & Arthur 2001, Sanders, Taylor & Ross 2000a, 2000b). Those living outside Torres Strait, of which there are now many, have been expected to participate in ATSIC regional council elections in the areas in which they now reside. This is not an arrangement which they particularly like, arguing that it cuts them off from representation within Torres Strait and relegates them to the position of a minority within a minority in the areas in which they reside. Those living in Torres Strait, on the other hand, were successful at the outset in obtaining quite distinctive electoral and representational arrangements from the rest of ATSIC that is linked to Queensland legislation, and have been successful since in gaining more autonomy within the ATSIC system. The original Torres Strait regional council within ATSIC was transformed into the Torres Strait Regional Authority in 1994, and has since been treated almost as separate body. Elections for this Torres Strait body, and for an eighteenth ATSIC commissioner drawn from Torres Strait, have always been held at different times from general ATSIC elections and, as in earlier work, are not reported here. Indeed, due to changes to the Queensland local government election timetable, the next Torres Strait elections are not due until March 2004.

What can be reported here is the participation and representation of Torres Strait Islanders living outside Torres Strait in the ATSIC regional council elections where they are resident. Although this is not an arrangement which these people particularly like, they do largely accept it after twelve years and do participate in ATSIC elections to some degree.

For 2002 there are no data available on Torres Strait Islanders as voters or candidates, but there are some on Torres Strait Islanders successfully elected. Eleven Torres Strait Islanders were elected to ATSIC regional councils in 2002, nine in Queensland and two elsewhere. This distinctive geography of Torres Strait Islander representation in ATSIC can be related to underlying demography.

**Table 10. People identifying in the 2001 Census as being of Aboriginal and/or Torres Strait Islander origin, for Torres Strait, rest of Queensland and rest of Australia**

Identification as:	Torres Strait	Rest of Queensland	Rest of Australia
Aboriginal	168	87,154	279,107
Torres Strait Islander	5362	11,089	9631
Both	638	8397	8493
Total Indigenous	6168	106,604	297,231
Torres Strait Islander only (%)	87	10	3
Torres Strait Islander or both (%)	97	18	6



Table 10 shows the numbers of people identifying themselves in the 2001 census as being of Aboriginal, Torres Strait Islander, or both origins in three contrasting geographic areas: Torres Strait, the rest of Queensland and the rest of Australia. While in Torres Strait 97 per cent of Indigenous people identify some Torres Strait Islander origin, in the rest of Queensland this drops to 18 per cent and in the rest of Australia to 6 per cent. This demography makes it very hard for Torres Strait Islanders to get elected to ATSIC regional councils outside Queensland, and in 2002 only two were successful (one in Darwin and one in Kalgoorlie).

Within Queensland, outside Torres Strait, larger proportions of Torres Strait Islanders among the regional Indigenous population correlated strongly with where Torres Strait Islanders were elected (see Table 11). In three regions more than 20 per cent of the Indigenous population identified in the 2001 Census as having some Torres Strait Islander origin, and these regions each elected two Torres Strait Islander regional councillors. In two regions with 14 and 13 per cent of their Indigenous population identifying as having some Torres Strait Islander origin, two and one Torres Strait Islander regional councillors were elected respectively. Conversely in two Queensland regions with only five and six per cent of their Indigenous population identifying as having some Torres Strait Islander origin, no Torres Strait Islander representatives were elected. In these last two Queensland regions, Torres Strait Islanders faced an underlying demography as uncondusive to their election as in the rest of Australia.

**Table 11. People identifying in the 2001 Census as being of Aboriginal and/or Torres Strait Islander origin, and Torres Strait Islanders elected, by Queensland ATSIC region, 2002 ATSIC elections**

Identification as:	Cairns	Towns-ville	Cook-town	Brisbane	Rock-hampton	Roma	Mt Isa
Aboriginal (no.)	11,411	12,099	5000	30,301	11,293	10,146	6897
Torres Strait Islander (no.)	3521	2871	497	2919	831	312	94
Both (no.)	2117	1909	798	2100	886	329	257
Total Indigenous (no.)	17,049	16,875	6295	35,320	13,010	10,787	7248
Torres Strait Islander only (%)	21	17	8	8	6	3	1
Torres Strait Islander or both (%)	33	28	21	14	13	6	5
Torres Strait Islanders elected as regional councillors	2	2	2	2	1	0	0

## Conclusion

The legitimacy of ATSIC depends on far more than levels of voter and candidate participation in ATSIC elections and levels of representation achieved by different Indigenous interests among elected ATSIC office holders. Furthermore, as indicators of legitimacy, measures of participation and representation are subject to highly contested interpretation. Here, as in our earlier work, this paper has argued for an interpretation of these indicators which is supportive of ATSIC, but not uncritical. While being positive about overall levels of voter turnout and candidate interest, the paper has noted some distinctive regional geographies relating both to these measures and to the representation of women and Torres Strait Islanders. While raising these distinctive geographies, and the representation of those under 35, as possible issues of concern for ATSIC, it has also tried to explain these patterns of participation and representation in relation to such matters as ATSIC's program and service delivery role, the impact of European settler norms on Indigenous political behaviour and underlying demographic factors relating to different types, or social meanings, of Indigenous identification. Distinctive geographies and age patterns of participation and representation in ATSIC elections seem, in many ways, to be quite understandable and, where we have longitudinal data, quite well entrenched. The analysis of participation and representation in the 2002 ATSIC elections reinforces and refines analysis of earlier elections, rather than in any way pointing in a new direction.

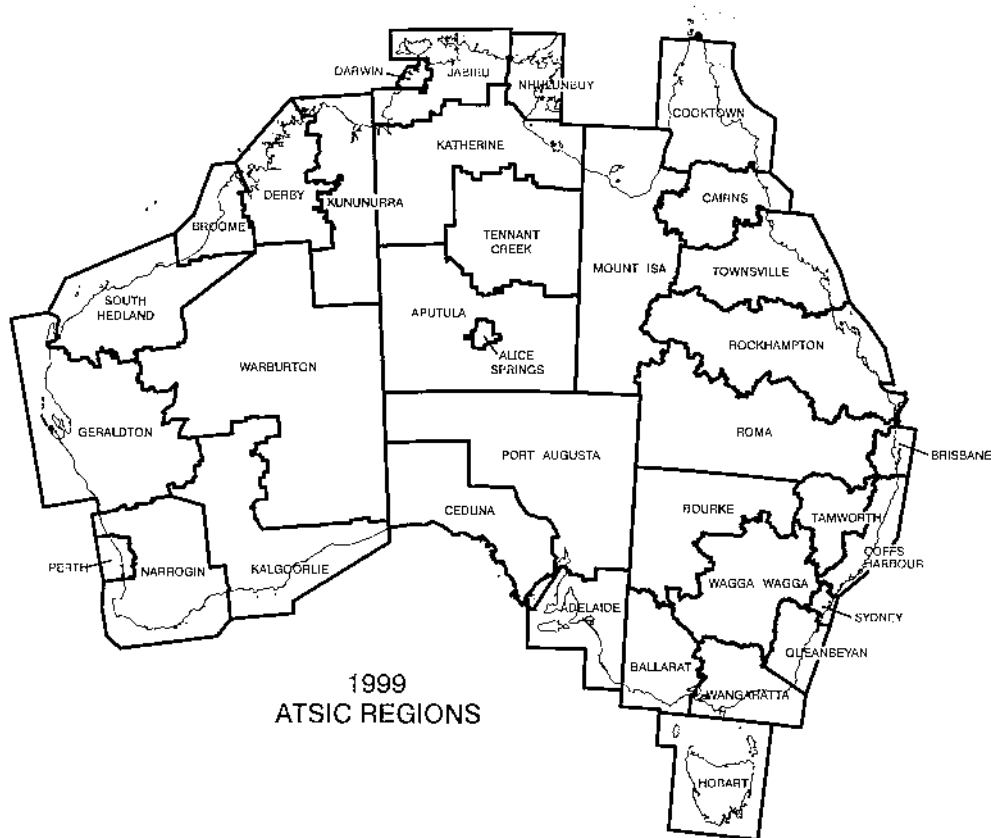
Through the current review process, initiated by the Howard government after the 2002 elections, ATSIC is now facing challenges to its roles and legitimacy which are far larger than issues of Indigenous people's participation and representation in its elections. If it survives those larger challenges, and there are indeed future ATSIC elections to be observed, it is likely that participation and representation of Indigenous people in those elections will largely follow the established patterns of the past. Change in participation and representation patterns will, at most, be slight. Unless, of course, ATSIC is so devalued by the review process that Indigenous people lose interest in being part of it.

## Notes

1. At the time of writing (September 2003), the anticipated review of ATSIC is well underway. ATSIC has been stripped of its power to make individual, project-level funding decisions and of most of its public service administrative staff, who are now employed in a new body called Aboriginal and Torres Strait Islander Services (ATSIS). A discussion paper has been circulated by a three person review panel which argues that ATSIC is 'at crisis point in respect of public credibility and with its Indigenous constituency' and which identifies 'Options for a New ATSIC' (Hannaford, Collins & Huggins 2003: 24, 54). Also the re-elected ATSIC chairperson, Geoff Clark, has been suspended by the Commonwealth minister with responsibility for ATSIC, Philip Ruddock, pending appeals to be heard in November 2003 of convictions for behaving in a riotous manner and obstructing police. These charges arose from an incident at a Victorian hotel early in 2003.

2. Regions with an Indigenous population greater than 10,000 have twelve councillors, those greater than 7,000 have eleven, those greater than 4,000 have ten, those greater than 1,000 have nine and those less than 1,000 have eight, though in 2002 there are none of these last. Two regions increased their numbers of regional councillors by one due to population changes between 1999 and 2002 and one decreased its by one.
3. There is also a 17th new regional councillor appointed after the election of the Chairperson. Under s. 31A of the ATSIC Act the Chairperson is, on election to that position, no longer either a regional councillor or a commissioner. Hence the addition of this last regional councillor does not add to the total number of regional councillors, but rather coincides with the Chairperson of ATSIC actually moving on from elected positions. This reflects the fact that ATSIC Chairpersons were non-elected Commonwealth government appointees before 1999. Further complications in the ATSIC electoral system arise out of the position of the Torres Strait Regional Authority as a very distinctive 36th region and 17th zone within the ATSIC system (see Sanders 1995, Sanders & Arthur 2001, Sanders, Taylor & Ross 2000a, 2000b).
4. Only commissioners and regional council chairpersons among ATSIC elected officials receive full-time salaries. Other regional councillors receive only sitting fees and associated expenses.
5. In total there were six wards in six regions in 2002 where elections were unnecessary, or uncontested, due to nominations equaling positions available. As can be seen from the asterisks in Table 1, there were also six such wards, though in five regions, in 1999.
6. Age data was generated from the AEC computerised records and was only available for 1194 of the 1208 candidates and for 397 of the 404 elected office holders. Also there are some slight anomalies in this age data, as it identifies ages for 123 elected females, yet as shown in Table 7 there were only 120 females elected. Hence this first attempt at age data analysis should be treated with some caution.

## Appendix A: Map of ATSIC regions



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