



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



**THE SENATE**

**BILLS**

**Australian Institute of Aboriginal and Torres  
Strait Islander Studies Amendment Bill 2015**

**Third Reading**

**SPEECH**

**Thursday, 4 February 2016**

BY AUTHORITY OF THE SENATE

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## SPEECH

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**Speaker** Lambie, Sen Jacqui

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**Senator LAMBIE** (Tasmania) (13:00): I rise to contribute on the Australian Institute of Aboriginal and Torres Strait Islander Studies Amendment Bill 2015. I note that this is non-controversial legislation which both sides of this parliament agree to. The government have stated in their brief:

The Bill is part of a reform agenda for the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) to place AIATSIS on a sustainable footing for the future.

The reform agenda comprises three parts.

The first tranche secured short-term funding of \$3.3 million in the 2014-15 Budget and \$5 million in the 2015-16 Budget to assist AIATSIS in addressing immediate risks to the preservation of their national collection of Indigenous cultural materials.

The government brief continues:

On 28 July 2015, as part of the second tranche, Cabinet agreed to amendments to the Australian Institute of Aboriginal and Torres Strait Islander Studies Act 1989 (the Act) in order to: retain AIATSIS as a Commonwealth corporate entity; reform the appointment process for the AIATSIS Council; and refocus the functions of AIATSIS to ensure a better targeting of resources and direction of maximum efforts to the AIATSIS national collection.

The third tranche of the agenda will explore options to place AIATSIS on a sustainable footing for the future and will be considered as part of the 2016-17 Budget process.

It is to the principle of appointments of people to an Indigenous body—the AIATSIS Council, mentioned in the second tranche of the reform process—that I wish to direct my comments today. The bill's explanatory memorandum also addresses this principle of representation of Indigenous people on Indigenous organisations funded by governments. The bill's explanatory notes state:

The purpose of the Bill is to amend the *Australian Institute of Aboriginal and Torres Strait Islander Act 1989* (AIATSIS Act) to enable changes to the AIATSIS Council appointment process to ensure that an Indigenous majority is maintained, while allowing for a broad skills-based Council in keeping with contemporary governance.

The Premier of Tasmania recently made an Australia Day address which reset his party's relationship with Indigenous Tasmanians. It has fundamental implications for the principle of maintaining Indigenous majorities on elected Indigenous organisations and bodies funded by the Commonwealth and state governments. I have written a reply to the Tasmanian Premier's speech which I will read to the Senate today:

Dear Premier,

I write with regard to your Australia Day Speech 2016 where you talked about your Government's commitment to: *"reset our relationship with the Tasmanian Aboriginal community."*

Before I bring to your attention media comments linked to you, I want to congratulate you on this Australia Day Speech on Tasmanian Indigenous eligibility and recognition.

Your argument to "reset" the Tasmanian State Government's relationship with our Indigenous citizens was magnificent in describing the injustices faced by tens of thousands of Indigenous Tasmanians, however your plan to remedy these wrongs by applying a political policy "reset"- is nothing more than a continuation of a clever political cover-up of serious crimes and official misconduct.

The new facts and disclosures revealed in your Australia Day speech, are proof that a situation was engineered over time by politicians and others - where tens of thousands of Indigenous Tasmanians were deliberately disadvantaged - by having access to hundreds of millions of dollars in health and social services denied to them by the Government of Tasmania.

Your research into this rort will have also revealed that it was not only the physical necessities of life that successive State Governments denied to 2 out of every 3 Indigenous Tasmanian — but Labor/Green and Liberal Governments also wrongly fully and criminally denied to roughly 20,000 Indigenous Tasmanians - cultural identity and democratic rights - including the right to vote and stand for election to Indigenous councils.

Premier, you will have been made aware - through the state based Tasmanian Electoral Commission - how Indigenous Tasmanians, who were tested and found by Federal Tribunals in 2002 "to be of Aboriginal Race" — were denied by your laws, the ability to enroll on the Aboriginal Land Council of Tasmania Electors' Roll and vote or stand for elected office.

As Premier, you will have been told that those people felt as if State Governments of Tasmania had stolen and denied those people their racial identity — and no-one cared.

One Indigenous man who approached me for help and who provided documented evidence that on the 18th of October 2002, a Federal Administrative Appeals Tribunal of Australia had found him "to be a person of Aboriginal Race of Australia" — was denied his right to vote in Indigenous council elections — by State electoral laws which are clearly in conflict with Commonwealth laws and the Federal Anti-Discrimination Act.

How do you deliver justice to this person who had his right to vote and racial identity stolen by a State Government? Are you going to amend those State laws?

So Premier, perhaps now you can understand why I was stunned when I read the following media comments in response to my call for a forensic audit of all Federal and State funds allocated to Indigenous Affairs:

*"The state government was critical of Ms Lambie 's statements. "If Senator Lambie has any evidence of misappropriated funds then she should contact police," a state government spokesperson said."*

Firstly, it is an absurdity for you to acknowledge (*as you now publically have*) that nearly 20,000 Indigenous Tasmanians have been officially denied their cultural identity, resources, approximately \$500M in Federal funds - and access to social and health services for decades - and for you to dismiss my call for an independent judicial investigation - into what can only be called a calculated and deliberate State sanctioned race crime. What you've essentially acknowledged in your Australia Day address is that for more than a decade—both Labor/Green and Liberal Tasmanian governments have been party to the theft or misappropriation of Federal funds tallying almost \$500M, official discrimination and denial of basic human rights—for 2 in every 3 Indigenous Tasmanians.

Secondly, given your Government spokesperson's media comment, it will obviously come as a surprise to you, that I did contact the Police about 16 months ago regarding this crime relating to Tasmanian Indigenous eligibility and recognition.

You can read about my actions in a speech I delivered to Federal parliament in September 2014 ... Indeed you seem to have copied parts of my speech to Parliament and added them to your Australia Day speech.

You'll note in my Speech to Parliament I said:

*"According to Parliamentary Library study, there are more than 19,000 Tasmanians who claim Aboriginal ancestry who live in Tasmania.*

*However, the Tasmanian Aboriginal Centre (TAC) and associated Mansell family members and friends —w ho are effectively in charge of the official state re cognition of Indigenous people—o nly acknowledge approximately 3000 Tasmanians who claim official Indigenous recognition. This fact alone should ring alarm bells."*

Which is very close to the words and point you made in your Australia Day Speech where you said:

*"In homes across Tasmania there are families who identify as Tasmanian Aboriginals, yet these statistics tell us that potentially only one in three members are actually recognised as such by this state*

*It is an issue that even statisticians can 't agree. The last census in 2011 found there were 19,625 Aboriginal and Torres Strait Islander People in Tasmania. The most recent Australian Bureau of Statistics from 2014 reported 25,845 Indigenous people in Tasmania. Yet, under the current Tasmanian Government policy, it 's estimated that there are just 6,000 Indigenous Tasmanians. Something is very wrong here."*

You'll have to agree that while you used slightly different words and updated statistics (which your government had refused to release to Parliamentary researchers when requested 16 months ago) — after I made my Senate Speech—you plagiarized my policy and essentially repeated my warnings about Tasmanian Indigenous eligibility laws.

And now for obvious political reasons you've conveniently failed to acknowledge that fact.

Once again I turn to your magnificent Australia Day speech.

It graphically detailed evidence of a half billion-dollar crime, which most likely contributed to a widening of the mortality gap, the premature deaths of—and harm to many Indigenous Tasmanians.

You've cut to the heart of the criminality and resulting dysfunction in Tasmanian Indigenous Affairs management where you state in your speech—and it's worth repeating this extraordinary admission:

*Our existing policy is a long way from aligning with the Commonwealth 's process meaning Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state of Tasmania.*

*In homes across Tasmania there are families who identify as Tasmanian Aboriginals, yet these statistics tell us that potentially only one in three members are actually recognised as such by this state*

*It is an issue that even statisticians can 't agree. The last census in 2011 found there were 19,625 Aboriginal and Torres Strait Islander People in Tasmania. The most recent Australian Bureau of Statistics from 2014 reported 25,845 Indigenous people in Tasmania. Yet, under the current Tasmanian Government policy, it 's estimated that there are just 6,000 indigenous Tasmanians. Something is very wrong here.*

So the question is "if something is very wrong": What are you going to do about the misuse or misappropriation of what you concede is almost half a billion in Federal funds which were supposed to be spent on and shared with over 20,000 Indigenous Tasmanian people—not a select 6000?

Your suggested remedy of a "reset" and "realigning" of policy is a grossly inadequate response to gross injustices—which have been forced on two thirds of Tasmania's Indigenous people for at least a decade.

If the Indigenous whistleblower's accounts provided to me are to be trusted—your government and previous Labor/Green government allowed the management of hundreds of Billions of public funds—by bullies, stand over merchants, liars, thieves and people who brazenly associate with organized criminals—not to mention some of the world's worst terrorists!

An independent judicial inquiry with the powers to protect whistleblowers, summon witnesses and root out entrenched corruption, is the only way that victims will be heard, justice will be served—and the guilty are discovered and punished.

Should an independent inquiry ever be established into this scandalous state sanctioned crime and cover-up—the first witness will be you, Premier.

All you'd have to do is confirm that your Australia Day speech is truthful—to be guilty of turning a blind eye for many years to serious crimes which at the very least—adversely affected the health of tens of thousands of Tasmanian Indigenous people.

So I understand why you will never support my call for an independent judicial—and will use every means, including personal attacks—to distract from this crime and cover-up.

In closing, should a miracle ever happen and a Royal Commission were ever established into this sad, disgusting official abuse of Indigenous Tasmanians, I'll gladly be the second witness. I'd love an opportunity to put my hand on the Bible and tell the truth to an independent unbiased authority—that can't be influenced by political parties.

I'll present to them the speech and accompanying documents I delivered to the Senate more than 16 months ago—where I not only referred allegations by Indigenous whistleblowers of serious criminal behavior involving organized criminals in Tasmania—to the Senate, Prime Minister and Federal Minister for Indigenous Affairs—but also to the Australian Federal Police.

What have the AFP done with the evidence and allegations I took to them?

I naturally assumed that the ensuing law enforcement crack down on Tasmanian organized crime groups—outlaw bikers who were also alleged to have influence over the management of public Indigenous funds—was in part—a result of my strong advocacy for the Indigenous whistleblowers who contacted my office 16 months ago. I've requested an immediate brief from the AFP on the actions they and other Law enforcement agencies took when I provided them information on alleged serious criminal activities in September 2014.

I will share that information with you as soon as I receive it. I would be very surprised if the information I provided to the AFP has not been acted on—or shared with your government.

Premier you stated in your speech:

'Our existing policy is a long way from aligning with the Commonwealth's process meaning Tasmanians can be recognised as an Aboriginal in a national context, but not in their own home state of Tasmania.'

This statement is only half a truth. You know as well as I do that it's not just 'policy' that doesn't align with Commonwealth's process and denies Aboriginal recognition for tens of thousands of indigenous Tasmanians.

You know that it is our state laws which do not align with Commonwealth laws that has caused this crisis in Indigenous management over decades. Indeed, our state laws directly contradict Commonwealth laws and breach others like the Federal Discrimination Act.

Using words like 'reset' and 're-align' when describing the mess and crisis we are in—is a deliberate attempt by you to minimize the size of the crime and harm—

which your government, Premier, the Liberals and the Greens have known about for years—

By using political weasel words like 'reset' and 're-align' you continue the cover up of these crimes which have clearly been carried out in the management of Tasmania's Indigenous funds and resources.

1. What happened to hundred's of millions in Federal Government resources and funds over the years—which were allocated for the 20,000 plus Indigenous Tasmanians—was it only spent on 6000?
2. Were those funds unfairly, unjustly, or illegally allocated only to 6000 Indigenous Tasmanians instead of 20,000?
3. Which politicians and public servants were responsible for allowing hundreds of millions to be misappropriated and illegally used?
4. Who designed, supported and voted for the state laws, which in direct contravention of Commonwealth Laws—excluded two thirds of Tasmanian Indigenous people from hundreds of billions of Federal and State social and health resources?

They are just some of the questions it appears you don't want asked and answered by a Royal Commission.

I don't have anything to hide from an independent inquiry into the management of Tasmanian Indigenous affairs—for the sake of the tens of thousands of victims seeking justice and accountability for half a billion dollars of taxpayers funds—I only wish that you and the Liberal party were of the same view.

Question agreed to.

Bill read a third time.