



Royal Commission into Aboriginal Deaths in Custody Recommendation

189. Consider constituting ATSIC as an employing authority

That the Commonwealth Government give consideration to constituting ATSIC as an employing authority independent of the Australian Public Service.¹

Background²	At the time of the Royal Commission into Aboriginal Deaths in Custody, the Aboriginal and Torres Strait Islander Commission (ATSIC) was being established. While the Commissioners were supportive of ATSIC as a formal mechanism for involving Aboriginal and Torres Strait Islander peoples in the processes of government affecting their lives, they identified structural issues that limited true self-determination. A key concern was that ATSIC staff were Commonwealth public servants. This meant that elected ATSIC Commissioners and Regional Councillors would not have authority over staffing decisions, and staff were ultimately accountable to a government-appointed CEO rather than elected representatives.
Intent	Make ATSIC an independent employing authority separate from the Australian Public Service.
Responsibility	Commonwealth Government.
Key action taken	
2005 Review³	This Recommendation was classified as not relevant to Victoria according to the Victorian Government 1996-97 Implementation Report. The Review Team supported this classification.
2018 Review⁴	Deloitte concluded that Recommendation 189 was not implemented by the Commonwealth Government. As Recommendation 189 related directly to the operation of ATSIC it was considered no longer relevant.
Since then	The Aboriginal Justice Caucus confirmed this recommendation was no longer relevant.
Evidence of impact	
Authorising documents	None identified.
Outputs	None identified.

¹ RCIADIC, (Final Report, 1991) vol 4, 12 ('RCIADIC').

² Ibid vol 4, [27.2.1]-[27.2.24].

³ Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005) vol 1, 285 ('2005 Review').

⁴ Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018) 377 ('2018 Review').

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Outcomes	None identified.
Community views	None identified.
Related recommendations	
	None identified.
Assessment summary	
The Aboriginal Justice Caucus confirmed that Recommendation 189 was no longer relevant. <i>It's not relevant. I mean, ATSIC's long gone.</i> ⁵ (Marion Hansen, Co-chairperson, Aboriginal Justice Caucus and former ATSIC Commissioner)	

Related recommendations

Assessment summary

Bibliography

Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 14 May 2025)

Aboriginal Justice Forum (Vic), Department of Justice (Vic), *Victorian Implementation Review of the Recommendations from the Royal Commission into Aboriginal Deaths in Custody* (Review Report, October 2005)

Deloitte Access Economics, Department of Prime Minister and Cabinet, *Review of the Implementation of the Recommendations of the Royal Commission into Aboriginal Deaths in Custody* (Report, August 2018)

Royal Commission into Aboriginal Deaths in Custody, (Final Report, 1991)

Royal Commission into Aboriginal Deaths in Custody (Final Report, 1991)

⁵ Meeting with Aboriginal Justice Caucus Working Group (Project Team, Online, 14 May 2025) ('Working Group Meeting (14 May 2025)').