

16th July 2004

The Secretary
Senate Select Committee on the
Administration of Indigenous Affairs
Parliament House Canberra 2600

Gabrielle Russell
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Dear Sir/Madam,

I appreciate the opportunity to provide input to the Committee's Inquiry on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and proposed related changes to the administration of Commonwealth Indigenous affairs policy.

I believe that ATSIC had several problems, primarily to do with its leadership. However I also think that it went a long way to ensuring that Australia met its obligation to respect and protect the rights of Aboriginal and Torres Strait Islander peoples to self-determination, human rights, and First Peoples' status and the inherent rights that flow from that status.

If we take away ATSIC we take away the right of Indigenous people to have their own representation in the political process. I don't mean just the ability to vote for members of parliaments which we all, as citizens of Australia have. Rather the right for the Indigenous community to make decisions and choices for themselves and have those decisions enacted by their own people.

I am particularly concerned that the appointment of an Advisory board will curtail the true representation of Indigenous people. The appointment of advisors by government would ensure that Government could appoint people who agree with Government policy irrespective of on who's behalf they speak. One of the problems of Indigenous politics, from a mainstream perspective, is the notion that a single public Aboriginal spokesperson speaks on behalf of all Aboriginal people. It denies the reality that, like all other sectors of our community, Aboriginal and Torres Strait Islander people do not have one voice. Like non – indigenous people they have differing opinions, differing political allegiances and differing experiences. I can envisage that through political appointments and the removal of direct elections this diversity will be reduced and one voice will emerge as being the voice of indigenous Australia.

These changes also contradict the Government's own review of ATSIC which endorsed the need for national elected Indigenous representation, and greater control at a regional level. I think that ATSIC had some intrinsic problems, and the leadership in recent times was clearly problematic, but if we react by taking away the right of Indigenous people to elect their own representation then we are disenfranchising them and making the political process even more remote and interaction with it even more unachievable.

The right of representation and to determine their own affairs have also been shown to

be critical factors in improving the well-being of Indigenous Australians. Outcomes are significantly better where there is full and effective Indigenous involvement in decision-making, strong Indigenous organisations and governance, and appropriate cultural recognition within both Indigenous and non-Indigenous institutions.

Indigenous Australians have endorsed the need for a National Indigenous Representative Body which reflects their values and aspirations, and which is open, transparent and accountable to Aboriginal and Torres Strait Islander people.

This body should have primary roles in representation and advocacy, be the principal source of Indigenous policy advice to government, and have control over the provision of Indigenous-specific services.

A return to mainstream-focused service delivery is a backward step to a failed paternalistic approach to Indigenous affairs. Indigenous people are poorly served by mainstream services and there will remain the need for Indigenous-specific services controlled by Indigenous people themselves. Service delivery must be responsive to Indigenous community and cultural needs. So often services fail to reach the appropriate people or provide the appropriate service. Often this is because Indigenous people have not been consulted and decisions have been made on their behalf with out reference to what their real needs are.

Of course service deliverers must be publicly accountable for the provision of services to Indigenous people and such accountability should include rigorous monitoring frameworks and the ability for Indigenous people to exercise such accountability.

Finally, any replacement for ATSIC must be determined in consultation and negotiation with Indigenous stakeholders, on the basis of their informed consent. The Committee's report should provide strong endorsement of this principle.

Yours sincerely,

Gabrielle Russell