

29 July 2004

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

Dear Sir/Madam

Thank you for 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.

Northern Metropolitan Community Health Service is committed to ensuring that Indigenous Health and Well-being remains as an extreme high priority area to redress inequalities. As a community health service we have developed an Indigenous specific health team to ensure culturally appropriate services to the community, developed mechanisms for Indigenous involvement in decision-making and have been working successfully with Indigenous community controlled health services and mainstream services to address structural and systemic issues. It is critical that this continues to occur at a National Level and is a responsibility of government to ensure that the rights of Indigenous people are protected and that any changes to structures ensures self-determination and accountability to the Indigenous people of Australia..

### **Protection of rights**

Australia has an obligation to respect and protect the right 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.

### **Representation and self-determination**

Central to the enjoyment of these rights is the ability of Indigenous people to determine who represents them locally, regionally, nationally and internationally. Indigenous Peoples of Australia alone must have this right, as well as the consequent right to make free and informed choices for themselves, their families and communities.

The current bill and proposed administrative arrangements will deny these fundamental rights. In reducing Indigenous involvement to an appointed advisory role, the Government will effectively remove the right of Indigenous people to meaningful involvement in decision-making affecting their lives and communities.

These changes are also contrary to the Government's own review of ATSIC which endorsed the need for national elected Indigenous representation and greater control at a regional level.

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.

### **New Indigenous representative structure**

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.

### **Mainstreaming and accountability**

The wholesale return to mainstream-focused service delivery will be a backward step to a failed paternalistic approach in 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.

Mainstream service delivery will continue to have an important role, however, this must be on the basis of being responsive to Indigenous community and cultural needs. Governments, mainstream departments and agencies 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.

### **Indigenous consultation and consent**

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

Yours sincerely

**Adair Garrett**  
Chief Executive Officer