

The Secretary

Senate Select Committee on the Administration of Indigenous Affairs

Parliament House

Canberra 2600

Dear Sir/Madam,

As someone who cares about human rights and human development, I appreciate the opportunity for input into 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.

### **Human Rights Obligations**

The Australian Government as the elected representative body has an obligation to respect and protect the right of Aboriginal and Torres Strait Islander peoples to self-determination, human rights, and their status and rights as Australia's First People.

### **Self-determination**

Australia's Indigenous people have the ability, the right and the need to determine who represents them locally, regionally, nationally and internationally. They also have the ability, the right, and the need to make free and informed choices for themselves, their families and communities.

The proposed ATSIC legislation will deny these fundamental rights, reduce Indigenous involvement to an appointed advisory role, and remove the role of Indigenous people in meaningful involvement in the making of decisions affecting their lives and communities. The proposed changes go against the recommendations made by the Government's review of ATSIC which endorsed the need for national elected Indigenous representation and greater control at a regional level.

There are many examples of improved well-being in the lives of Indigenous Australians where they are involved in the self-determination of their own affairs and where there is dialogue and respect.

### **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

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