



# Villamanta Legal Service Inc

## A Statewide Disability Legal Service

Villamanta advances the rights of people who have a disability related justice issue.

### **The Secretary**

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

30 July 2004

### **Re: Administration of Indigenous Affairs**

Dear Sir / Madame

We write to you to make comment and raise concerns relevant to your current inquiry into the Administration of Indigenous Affairs.

These concerns are made in relation to you Terms of Reference:

- (a) the provision of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004
- (b) the proposed administration of Indigenous programs and services by mainstream departments and agencies
- (c) related matters

As a specialist Community Legal Centre, which works on disability related justice issues, we clearly understand and promote the importance of specialist services which can meet the needs of disadvantaged and marginalised groups in a committed and focused way. Unfortunately we live in a society which discriminates against minority groups both overtly and subtly, and lacks the depth of understanding of the issues these groups face. Until such a time that our society ensures access and equity to all marginalised groups in mainstream services, specialist services are crucial to ensure all Australians have equal access and voice in areas which meet there needs.

More than any other marginalised group, Indigenous and Torres Strait Islander people have the inherent right to such specialist services. Additionally they have the inherent right to self determination regarding their needs and the administration of services set up to assist with meeting these. Stated within the International Rights Obligation, the Government is obliged to not only respect, but also ensure the protection of self-determination and the First Peoples' Status for Aboriginal and Torres Strait Islander people. The proposed changes would be in breach of this obligation.

The current bill and proposed administrative changes would deny Aboriginal and Torres Strait Islander People the right to determine who represents them locally, regionally, nationally and internationally. This is a fundamental breach of Human Rights and an outrageous supposition that non-indigenous people would have any basis for understanding, let alone determining, the needs of Indigenous and Torres Strait Islander people. This proposal is in direct contradiction to the recommendations made in the Government's own review of ATSIC, which states the need for greater regional control and endorses the need for elected Indigenous representation.

Indigenous Australians have endorsed the need for a National Indigenous Representative body, to have control over the provision of Indigenous specific services. We endorse this proposal and suggest the Government work collaboratively with such a body to ensure all needs are met, and any areas of concern may be resolved cooperatively.

In summary, we strongly oppose the changes the Government currently proposes. We support the Aboriginal and Torres Strait Islander Peoples right to self-determination and administration of services specific to meeting their needs. We do not believe that these proposals in any way are in line with International Human Right Covenants. Thus we question the Government's general commitment to working cooperatively with our Indigenous people in meeting their stated needs.

We thank you for the opportunity to have input into this inquiry and welcome the opportunity to speak to this response at a later date.

Yours Sincerely

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On behalf of Villamanta Legal Service

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