

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



Dear Sir/Madam,

We wish to record the following points in regard to the Committee's Inquiry on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004, and proposed related changes to the administration of the Commonwealth Indigenous Affairs Policy.

PROTECTION OF RIGHTS:

Australia has a duty to respect and protect the right of Aboriginal and Torres Strait Island peoples to self-determination, human rights and First People's status, and the intrinsic rights that come from that status.

REPRESENTATION AND SELF-DETERMINATION:

Indigenous people, in pursuit of these rights, need the ability to determine who represents them, locally, regionally, nationally and internationally.

Indigenous people 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 arrangements will not allow these fundamental rights. By reducing Indigenous involvement to an appointed advisory role, the Government will effectively remove the right of Indigenous people to meaningful participation in decision making affecting their lives and communities.

The Government's own review of ATSIC endorsed the need for elected indigenous representation and greater control at a regional level. These changes are contrary to this endorsement.

NEW INDIGENOUS REPRESENTATIVE STRUCTURE:

Indigenous Australians have endorsed the need for a National Indigenous Representative body reflecting their values and aspirations, and which is open, transparent and accountable to Aboriginal and Torres Strait Island people. This body should have primary roles in representation and advocacy, be the main source of Indigenous policy advice to Government and have control over provision of Indigenous specific services.

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These rights have 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.

MAINSTREAMING AND ACCOUNTABILITY:

The large scale return to mainstream-focused service delivery will be a retrograde step to a failed paternalistic approach. Mainstream service does have an important role, however, this must be on the basis of being responsible to Indigenous community and cultural needs.

Government 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 should 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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