

To the Secretary

**SENATE SELECT COMMITTEE ON THE ADMINISTRATION OF
INDIGENOUS AFFAIRS
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from

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Submission to the Senate Select Committee Inquiry on the Administration of Indigenous Affairs, including matters relating to the Government's draft legislation to abolish ATSIC.

ANTaR Victoria appreciates the opportunity to address the Select Committee at this time.

Submission Summary

ANTaR Victoria wishes to emphasise the following points:

- Australian Aboriginal and Torres Strait Islander people must have an absolute right to choose who is to represent them at all levels, within and beyond Australia. Representative Indigenous voices must be heard, in policy development as in implementation, across the country.
- This representation must be fully and publicly resourced. It must be culturally appropriate and accessible to those it represents. The full development of such representative bodies may be very slow, but must be negotiated with patience and respect.
- 'Mainstreaming', as defined by the Government, is not the answer to Australia's intolerable levels of Indigenous disadvantage in education, in health and in economic security. Full public support for Aboriginal participation in these programs is vital to their success. The separation of policy decision-making and program funding encourages accountability, and can fairly be required as one element of the operation of Indigenous – controlled programs. Likewise, government has important obligations to be accountable to Indigenous Australians (as above).
- Governments' obligation is to provide leadership in the creation of overarching, well-coordinated programs that build greater economic security within Aboriginal communities. Indigenous leadership must be also be central to the development and operation of such programs.

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Submission

1. The bill appears to be in breach of Australia's international obligations to Indigenous Peoples (1). The right to free choice of representatives is one key dimension of self-determination, a right of Indigenous people (2) which the present Australian government has stubbornly opposed. This right is fundamental to national, hopefully Constitutional, recognition of Australia's First Peoples' identity, and to the enduring security of their interests. The exercise of this right, in Australia, can assist reversal of the massive impact of historical destruction, dispossession and dispersal of a people and their culture.

The Government's own (2003) Review of ATSIC endorsed elected Indigenous representation at all levels, refusing to support the disenfranchising of Indigenous Australians that the Prime Minister has persistently worked for. We firmly support this conclusion.

2. Elected Indigenous people must be able to represent their views in policy-deciding councils, in category-funding meetings and in program-designing offices. This is their right and also one vital pre-requisite for program success and effective service delivery.

Perhaps the most symbolically significant representative Indigenous body has been ATSIC – ie. the national one. Planning its replacement is urgent. It should be the principal source of policy advice to government on Indigenous affairs, and its nature needs to be negotiated with, and between, Indigenous people, so that it reflects their both values and diverse traditions, and the contemporary imperatives of transparency and accountability. Our experience is that achieving sustainable Indigenous representation is predicated on respect for their organizational and decision-making forms, and on considerable patience.

This process deserves our government's moral and professional support. Only then can Indigenous Australia accept responsibility for the subsequent programs.

Regional bodies, recommended for expanded roles by the 2003 Review, must be re-established, and deserve similar sensitivity in a reform program – indeed, there is no reason why all regional representation should have to conform to one model. The importance of independent Indigenous representation at State level was underlined by the 2003 Review report; public health, housing, education, legal aid etc. programs are essentially State concerns.

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3. In addressing the intolerable and complex disadvantages still suffered by many Aboriginal Australians (3), much more successful work over many years must be done by government agencies, their partners and program participants. Public - often 'mainstream' - institutions will have to be involved, not least because it is a *national* priority, and for reasons of scarce expertise in many Indigenous communities.

Where programs are not Indigenous-specific, and controlled by Indigenous people, it is equally important that their influential participation in design and implementation is built-in, and accepted and respected. Cultural alienation of Indigenous communities and individuals has seriously hampered many programs' impact.

It is an obligation of all Australians to accept Indigenous people and their priorities more generously and to learn to work with them effectively. Well-resourced mechanisms for independent Indigenous monitoring and assessment of mainstream program delivery for their people will be crucial, but will not substitute for Indigenous-specific - and Indigenous controlled - programs where these are more appropriate.

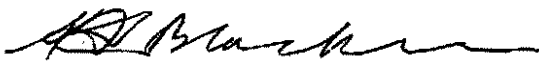
Indigenous leadership and management should be creatively supported by government in both such types of programs. *This* is being accountable, as is accepting responsibility for relevant policy and program failures where they have been controlled by non-indigenous authorities.

We should have learned by now that without adequate Indigenous participation in making decisions in matters that affect them, no amount of 'practical reconciliation' will redress the widening socio-economic gap between Indigenous and non-indigenous Australians (4).

4. Government financial support for and coordination of cross-sectoral action, involving 'mainstreamed' and Indigenous-controlled programs, is absolutely essential, so that health, education and training, and the working of the justice system have positive economic security outcomes. Additionally, the right of Indigenous people to land, and their access to particular lands, should be seen as part of the context in which national and regional plans seek to engender changes. Psychologically, the practical affirmation of this right is vital!

We commend the Committee's efforts for the protection and extension of justice for Indigenous Australia.

On behalf of *Australians for Native Title and Reconciliation (Victoria)*



Ken Blackman

Secretary

References

1. See United Nations: International Covenant on the Elimination of All Forms of Racial Discrimination (1965). Also: Racial Discrimination Act (Aust.) Part IIA.
2. See United Nations: Draft Declaration on the Rights of Indigcnous Peoples (1994).
3. See, eg., Aboriginal & Torres Strait Islander Social Justice Commissioner Social Justice Report (2003) Appendix P.195 ff.
4. See, eg., Monitoring 'practical' reconciliation: Evidence from the reconciliation decade, 1999 – 2001 Jon Altman & Boyd Hunter Centre for Aboriginal Economic Policy Research, ANU.