

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.

The ACT Council of Social Service (ACTCOSS) is the peak body for community service organisations in the ACT. ACTCOSS advocates on behalf of these organisations and seeks to advocate in the interests of people living in disadvantage who are often users or recipients of these services.

ACTCOSS recognises that many people from an Indigenous background living in and around the ACT, as in Australia generally, experience disadvantage and injustice in their lives. We also acknowledge that these experiences are directly linked with the destructive impact on original communities that followed European settlement of this land. We feel that we have a responsibility to add our voices to those of Indigenous communities to advocate for the empowerment of Indigenous people in the ACT and throughout Australia.

We cannot and would never claim to speak for Indigenous people, yet our commitment to social equity and fairness requires that we voice our opposition to the Federal Government's attempt to undermine Indigenous self-determination and Indigenous-specific services. Our position is outlined below.

Representation and self-determination

Indigenous peoples of Australia must have a right to determine who represents them locally, regionally, nationally and internationally, 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 review of ATSIC which endorsed the need for national elected Indigenous representation and greater control at a regional level.

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The right of representation and the right 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.

The Howard Government has been found by the United Nations in the past to be in breach of its International rights obligations, most notably in relation to native title legislation and mandatory sentencing laws. The Government has refused to accept the UN's findings. It is also opposed to the concept of self-determination (including opposing use of the term in the UN Draft Declaration on the Rights Of Indigenous Peoples).

ACTCOSS urges the Committee to reject the proposed changes, in order to prevent further deterioration of Australia's standing in relation to Indigenous people's rights.

An 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 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.

Evidence from Australia and overseas demonstrates that both effective mainstream and Indigenous-specific service delivery is required and that the critical elements in achieving successful outcomes are effective Indigenous involvement in decision-making and the existence of capable and culturally appropriate Indigenous institutions of governance.

ACTCOSS is also concerned about the inevitable disruptions to the lives of Indigenous workers in Indigenous-specific services that would be caused (and in some cases have already been caused) by the Government's administrative and legislative changes. It is likely that many Indigenous workers will suffer from a reduction in peer support and a loss of supportive workplaces, even if they are able to retain their jobs.

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.

Consistent with the position outlined in this document, ACTCOSS also endorses the submission made by the Australian Council of Social Service, the national peak body of the COSS network.

Thank-you again for the opportunity to provide input to the inquiry. Please do not hesitate to contact us by phone on (02) 6202 7200 or by email to merri@actcoss.org.au if you wish to discuss our comments further.

Yours sincerely

A handwritten signature in black ink that reads "Ara Cresswell". The signature is written in a cursive, flowing style.

Ara Cresswell
Director
5 August 2004