



## **Youth Affairs Council of Victoria Submission to the Senate Select Committee on the Administration of Indigenous Affairs.**

*This submission was authorized by Georgie Ferrari, Executive Officer, and written on behalf of the Youth Affairs Council of Victoria by Jennifer Rose, Project Officer (YACVic).*

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The Youth Affairs Council of Victoria (YACVic) is the peak body representing the youth sector. YACVic provides a means through which the youth sector and young people voice their opinions and concerns in regard to issues and policies affecting them. YACVic works with and makes representations to government and serves as an advocate for the interests of young people, workers with young people and organisations that provide direct services to young people. YACVic also promotes and supports the participation of young people in debate and policy development in areas that most affect them. YACVic's resources are primarily directed towards policy analysis and development, research and consultation and to meeting the information, networking, education and training needs of our constituency.

YACVic welcomes the Senate Select Committee on the Administration of Indigenous Affairs inquiry into the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and proposed changes to the administration of Commonwealth Indigenous affairs policy. We hope that the Committee will consider and address the very serious consequences of the movement away from a self-determination model of governance and administration for Indigenous people in Australia that the amendment act represents. It is YACVic's strong recommendation that the absence of a model of Indigenous leadership and affairs administration based on the principles of self-determination will have profoundly negative impacts on Aboriginal and Torres Strait Islander young people in Australia, who already experience significantly impaired health and wellbeing as compared to the broader population of young people in Australia.

Key issues we would like to bring to the attention of the committee are:

- The abolition of ATSIC without the establishment of an National Indigenous Representative Body which reflects their values and aspirations, and which is open, transparent and accountable to Aboriginal and Torres Strait Islander people, will be a breach of Indigenous Australian's rights to self-determination, human rights and rights as First People's. We specifically draw the committee's attention to Australia's responsibilities under the United Nations' *international Covenant on Economic, Social and Cultural Rights* (ICESCR) and International Covenant on Civil and Political Rights (ICCPR), both of which support the fundamental importance of the right of self-determination of all peoples. It is also the firm belief of YACVic that the acknowledgment of the unique status of Aboriginal and Torres Strait Islander people as first people, and the right to self determination that this status affords them, is central to the effectiveness of any campaign of reconciliation in Australia.
- The opportunities for self-determination have been shown to be critical factors in improving the well being of Indigenous people internationally and in Australia. 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.

- Indigenous young people's social disadvantage is well documented. The Steering committee for the Review of Government Service Provision report *Overcoming Indigenous Disadvantage: Key Indicators 2003* reviewed key indicators in overcoming Indigenous disadvantage. They identified *headline indicators of disadvantage*, areas where Indigenous disadvantage was apparent. Some of their findings relating specifically to young people were:
  - From 1998 to 2002, retention rates for Indigenous students were below that of non-Indigenous students at all levels of secondary school, with the gap increasing dramatically in the later years of school.<sup>i</sup>
  - The suicide death rate was higher among Indigenous people than non-Indigenous people in all age ranges. The rate of young people, whilst at their highest in the 25 to 34 age range, they were also significantly higher in the under 25 range.<sup>ii</sup>
  - In 2001–02 the rate of substantiated child protection notifications made for Indigenous children was typically higher than those made for non-Indigenous children. In Victoria, the rate was significantly higher.<sup>iii</sup>
  - Indigenous juveniles were approximately 19 times more likely to be detained in June 2002. Whilst both Indigenous and non-Indigenous rates of detention have declined in the period from June 1998 to June 2002, the ratio has remained almost the same over this time.<sup>iv</sup>
  
- It is of concern to YACVic that the Federal Government's decision to abolish ATSIC contradicts the recommendations of its own review of ATSIC conducted for the Office of Aboriginal and Torres Strait Islander Affairs and documented through *In the hands of the regions – A new ATSIC: Report of the Review of the Aboriginal and Torres Strait Islander Commission*. The review found that retaining and reforming ATSIC to improve its capacity to represent Indigenous peoples' views was the overwhelming recommendation of the majority of sources consulted.<sup>v</sup>
  
- It is the strong belief of YACVic that the abolition of ATSIC is reflective of the Federal Government's broader 'practical reconciliation' approach to Indigenous Affairs, which dismisses notions of self-determination as 'symbolic' and therefore ineffective. This approach has been found to be ineffective in improving the wellbeing of Indigenous people and it is anticipated that the continued denial of self-determination will only exacerbate these problems in the future. As Jon Altman and Boyd Hunter describe in their ANU report *Monitoring 'practical' reconciliation: Evidence from the reconciliation decade 1991 – 2001*:
 

*Practical reconciliation forms the rhetorical basis for much of the Indigenous policy initiatives of the current government. Despite the policy rhetoric of three Howard governments, there is no statistical evidence that their policies and programs are delivering better outcomes for Indigenous Australians... A major problem for both Indigenous Australians and the nation is that other research suggests that the situation described using the latest 2001 Census statistics is likely to get worse, rather than better, over the next decade.*

*Reconciliation between Indigenous and non-Indigenous Australians is not conditional on the achievement of equality of living standards across the two populations, although movement towards equality is urgently needed. True reconciliation requires a dialogue between equals whereby each party comes to accept the diverse aspirations and beliefs of the other. Such connections stray once again into the realm of the symbolic.<sup>vi</sup>*
  
- Central to the process of improving the well being of Indigenous communities, families and young people is 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. Any replacement for ATSIC must be determined in consultation and negotiation with Indigenous stakeholders, and on the basis of their informed consent.

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<sup>i</sup> Steering Committee for the Review of Government Service Provision. *Overcoming Indigenous Disadvantage, Key Indicators 2003. Overview.* p.8.

<sup>ii</sup> op.cit. p.13.

<sup>iii</sup> op.cit. p.14.

<sup>iv</sup> op.cit. p.17.

<sup>v</sup> Review Panel, *In the hands of the regions – A new ATSIC: Report of the Review of the Aboriginal and Torres Strait Islander Commission*, 2003, Office of Indigenous Affairs.

<sup>vi</sup> Altman, J and Hunter, B. Monitoring 'practical' reconciliation: Evidence from the reconciliation decade, 1991 – 2001. November 2003. Australian National University Centre for Aboriginal Economic Policy Research. p.16.