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CHIEF MINISTER

ATTORNEY GENERAL MINISTER FOR THE ENVIRONMENT
MINISTER FOR COMMUNITY AFFAIRS

MEMBER FOR GINNINDERRA



Senator Trish Crossin
Chair
Select Committee on the Administration of Indigenous Affairs
Parliament House
Canberra ACT 2600

Dear Senator Crossin

Thank you for your letter of 14 July 2004 inviting me to make a submission to the Select Committee on the Administration of Indigenous Affairs in relation to its Inquiry.

The work of the Select Committee is very important as it considers the future representative and administrative arrangements for Aboriginal and Torres Strait Islander people by the Australian Government.

I have enclosed a submission for your Committee's consideration which addresses, from the ACT's perspective, the matters raised in your letter.

The submission highlights the need to ensure that a fundamental consideration is the right of self-determination for Aboriginal and Torres Strait Islander Australians, through democratically elected representative bodies at the national and regional levels. The cost of these structures should be funded by the Australian Government, as it occurred with ATSIC in the past.

I look forward to receiving the report of the Select Committee in due course.

Yours sincerely

Jon Stanhope MLA
Chief Minister

- 6 AUG 2004

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ACT GOVERNMENT

SUBMISSION

TO

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

*“Inquiry into the Administration of
Indigenous Affairs”*

AUGUST 2004

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INTRODUCTION

On 16 June 2004, the Senate established the Select Committee on the Administration of Indigenous Affairs to inquire into and report by 31 October 2004, on the following matters:

- provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;
- proposed administration of Indigenous programs and services by mainstream department and agencies; and
- related matters.

This document is the ACT Government's submission to the Inquiry into the Administration of Indigenous Affairs, following an invitation from the Select Committee on the Administration of Indigenous Affairs on 14 July 2004.

ISSUES

(A) Provisions of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004

The ACT Government is of the view that ATSIC should be immediately replaced with an Australian Government funded elected representative body able to promote and protect the interests and welfare of Aboriginal and Torres Strait Islander people at the national level.

Aboriginal and Torres Strait Islander people have a legitimate right and expectation to elected representation at the national level. While Aboriginal and Torres Strait Islander people continue to experience severe disadvantage in the present Australian society, the abolition of an elected body to advocate and represent their interests is a major setback in addressing the disadvantage. It is a further deterioration of self-determination for Aboriginal and Torres Strait Islander Australians.

The ACT Government supports the establishment of a directly elected national Aboriginal and Torres Strait Islander body, funded by the Australian Government, to provide independent policy research and advocacy. The body should have representation at the state and regional level, similar to the current ATSIC Regional Council structure, to ensure that there is consistent and ongoing representation and advocacy of indigenous interests at these levels.

However, the ACT Government is of the view that the current ATSIC Regional Council arrangement, under which the ACT is a Ward of the present Queanbeyan Region, unfairly disadvantages the Aboriginal and Torres Strait Islander people of the ACT. There should have been a separate body to represent the interests of the indigenous people in the ACT. Presently,

the ACT is the only jurisdiction in Australia that is part of an ATSIC region that is administered from outside its borders.

The needs and aspirations of Indigenous people in rural NSW and within the ACT are not necessarily identical. The present ATSIC Queanbeyan Regional Council services a regional area consisting of predominately rural communities with needs and services peculiar to regional and/or isolated circumstances. In contrast, the ACT Aboriginal and Torres Strait Islander population is predominately 'urban', and therefore presents a different pattern of service needs and access.

Given the inclusion of 'urban' ACT in the predominately 'rural' Queanbeyan region, there is the potential for the particular needs of the Aboriginal and Torres Strait Islander population in the ACT to be subsumed by the more rural focus relevant to the rest of the region.

The ACT Government believes that the establishment of an elected regional/state Aboriginal and Torres Strait Islander body, with boundaries coincident with those of the ACT, and with administrative coverage solely for the ACT, would be an ideal mechanism to ensure that:

- democratically elected Canberrans of Aboriginal and Torres Strait Islander background are in a position to provide advice to the ACT Government and its agencies about service provision and resource allocation;
- ACT Government agencies' interaction with the Aboriginal and Torres Strait Islander peoples of the ACT has a transparent focus with a body with a clear mandate to identify problems and priorities;
- the unique needs of the Aboriginal and Torres Strait Islander community in Canberra, particularly in relation to resources provision and services design, are more easily conveyed to a national body; and
- the Aboriginal and Torres Strait Islander community in the ACT is in a stronger position to contribute to policy development and debate on national priorities relating to Aboriginal and Torres Strait Islander people.

The ACT Government strongly recommends that the resources including funding and services currently provided to ATSIC Regional Councils by the Australian Government, be retained to support future regional arrangements such as a separately elected Aboriginal and Torres Strait Islander regional/State body in the ACT.

(B) The proposed administration of Indigenous programs and services by mainstream departments and agencies.

The ACT Government is of the view that the proposed administration of Indigenous programs and services will centralise funding decisions in government bureaucracies with no direct accountability for the outcomes experienced by Aboriginal and Torres Strait Islander peoples, and no direct links to the indigenous communities, through elected representatives.

The ACT did not have a separate ATSI administrative structure and currently do not have an Indigenous Coordinating Centre (ICC) at the regional or an Office of Indigenous Policy and Coordination (OIPC) at the state level. All other States and the Northern Territory have Australian Government administrative offices that assist in coordinating and managing activities with State/Territory and local governments.

At present, Aboriginal and Torres Strait Islanders in the ACT do not have the same level of advocacy and support at the administrative level. The current ICC office is located in Queanbeyan. This level is simply missing for the ACT. The ACT is the only State/Territory that does not have a manager overseeing indigenous interests and advocacy at the state level on behalf of the OIPC (eg. OIPC State Policy Centre has a manager that is responsible for all administrative and policy development in that State). The consequence of this present structure is that Canberrans of Aboriginal and Torres Strait Islander background receive a lesser level of service, as it is less focussed to their specific needs and aspirations, having been filtered through a NSW based ICC regional office located in Queanbeyan.

(C) Related Matters.

The ACT Government has no further issues that it believes should be canvassed at this stage.

CONCLUSION

The ACT Government believes that Australians of Aboriginal and Torres Strait Islander identity have the same rights as other Australians.

Consequently, they have the right to determine, democratically, their own priorities and administer their own affairs. Therefore, it is crucial that a democratically elected national Aboriginal and Torres Strait Islander body, funded by the Australian Government, be established to represent and advocate the interests of Aboriginal and Torres Strait Islander people.

At the regional level, the resources including funding and services currently provided to ATSI Regional Councils by the Australian Government, be retained to support future regional arrangements such as a separately elected Aboriginal and Torres Strait Islander regional/state body in the ACT. The proposed new elected body should be solely responsible and accountable to the people of the ACT and supported administratively by an ACT Office of Indigenous Policy and Indigenous Coordinating Centre.