

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

Dear Sir/Madam,

I write on behalf of Australians for Native Title and Reconciliation (South Australia) Inc..

We appreciate the opportunity to provide comments 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.

Australia has an obligation to respect and protect the right of Aboriginal and Torres Strait Islander peoples to self-determination, human rights, and First Peoples' status and the inherent rights that flow from that status.

Central to the enjoyment of these rights is the ability of Indigenous people to determine who represents them locally, regionally, nationally and internationally. Indigenous Peoples 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 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 also contradict the Government's own review of ATSIC which endorsed the need for national elected Indigenous representation, and greater control at a regional level.

The damage of the Government's approach is that in denying the rights of representation and to determine their own affairs, it impedes improving the well-being of Indigenous Australians which is clearly related to these rights being put into effect. 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 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.

WE are greatly concerned by the ill-considered return to mainstream-focused service delivery. This is a re-assertion of a failed paternalistic approach to Indigenous affairs. Indigenous people are poorly served by mainstream services. Racism remains an institutional force – which arguably has received a large fillip over the past few years. There continues to be a

need for Indigenous-specific services controlled by Indigenous people themselves. This is especially the case in circumstances where the criminal justice institutions of government have increasing penetration into the lives of Indigenous Australians. This trend will be further exacerbated by the mainstreaming, and reduction, of various services, including legal services, to Indigenous Australians.

It is doubtless that mainstream service delivery will continue to have an important role. For these services to be effective they need to be culturally appropriate and responsive to Indigenous community and cultural needs. Governments, 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.

We urge the committee to recognise the principle of Indigenous Australians having the right to determine for themselves such important issues as the nature of their representation of their interests to Government.

It is a great shame that it needs to be said, that the issue of the replacement of ATSIC must be determined by a process which observes the fundamental principle of Indigenous self-determination. (That this does need to be said, that is that Government does not observe this principle, demonstrates how far we are from where we could be in our relationships with Indigenous Australians) This means there has to be real consultation and negotiation with Indigenous peoples.

We encourage the Committee to strongly endorse this principle.

Yours sincerely,

Glenn Giles

Co-ordinator, Australians for Native Title and Reconciliation (South Australia) Inc.