



**ATSIC
Queanbeyan Regional Council**

**Submission to the Senate Inquiry
on the 'Administration of Indigenous
Affairs'.**

August 2004

Senator Trish Crossin
Chairperson
Senate Committee on the Administration of Indigenous Affairs

Dear Chairperson,

I provide, for the consideration of the Senate Committee on the Administration of Indigenous Affairs, this submission on behalf of the ATSIC Queanbeyan Regional Council.

This submission details this Councils response to the inquiry terms of reference.

We thank you for the opportunity to provide comment to the inquiry.

Yours Sincerely

Keith Morgan
Chairperson
Queanbeyan Regional Council

August 12, 2004

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(a) the provision of the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004;

1. Representation

It is widely documented and largely understood that Aboriginal and Torres Strait Islander Australians have continued to employ traditional mechanisms in the designation of appropriate tribal/community representation.

Aboriginal and Torres Strait Islander peoples have an inherent cultural understanding that particular members of a tribe/community are expected to, through traditional lore, at a point in time, come into the position of spokesperson and decision maker on behalf of the tribe/community.

The ATSIC electoral process provides a relevant modern day equivalent (based on traditional cultural values) for Indigenous people to elect other Indigenous representatives at state and regional levels, to represent them and advocate issues on their behalf. The Australian electoral process has not, in the past, and does not currently provide this opportunity to Aboriginal and Torres Strait Islander people. Australian Political parties have never achieved apt levels of Indigenous representation to make the process of participating in the Australian Government elections relevant to Indigenous peoples.

We are all aware of the suggestions that the participation rates in ATSIC elections are a reflection of the relevance that these elections have to Aboriginal and Torres Strait Islander people.

2. National representation

Despite the suggestions, this Council believes that Australia has a responsibility to ensure that the rights of all Indigenous Australians are upheld, this includes the maintenance of some form of National representative body, which has the ability to advocate at the national and international levels the issues relevant to the development of the status of Indigenous Australians as compared to other Australians.

The preference (as we understand it through our recent extensive consultation process with the Aboriginal and Torres Strait Islander people residing within the Queanbeyan region) is that an elected national representative body must be permitted to continue to fulfill this responsibility on behalf of all Indigenous Australians.

3. Regional representation

The Recommendations from the Australian Governments own review of the Aboriginal and Torres Strait Islander Commission 2003, highlighted the importance of the Regional Representation to Aboriginal and Torres Strait Islander people. In supporting the desires of Indigenous peoples to increase the levels of autonomy within the regions ('regions' as defined through the *Aboriginal and Torres Strait Islander Commission Act 1989*), this Council supports the continuing presence of elected Regional Councils. Regional

Councils must be valued as imperative to the process of providing direction to a National Indigenous representative body on the issues (particularly the delivery of programs and services) impacting the social, physical and economical development of Aboriginal and Torres Strait Islander people at the ground level.

4. The suggested representative model

Any suggested replacement to the current elected representative model as provided through the *Aboriginal and Torres Strait Islander Commission Act 1989*, should be considered null and void until it has met with the consent of Aboriginal and Torres Strait Islander peoples throughout the country.

This Council note that we are offended that, after many decades of laboring to build understanding regarding the sensitive nature of consultation between Aboriginal and Torres Strait Islander people and governments, that there continues to remain a level of thought that considers it appropriate to take decisions, impacting on the lives of our people, without appropriate consultation with our people.

Just as concerning to us is the severe lack of information that has been provided to Aboriginal and Torres Strait Islander people regarding the details of the roles, the composition and the responsibility of the Governments proposed Indigenous Advisory body on Indigenous Affairs.

5. Ministerial powers

The proposed amendments to the bill would see a significant increase to the powers of the Federal Minister over the Indigenous Affairs environment. Aboriginal and Torres Strait Islander people view this change as a return to the paternalistic doctrines of a previous time (pre the 1967 referendum), when thier rights were determined at the discretion of government representatives. This Council does not support the return of significant powers to a Federal Government Minister that the amendments to the *Aboriginal and Torres Strait Islander Commission Act 1989* would generate.

(b) the proposed administration of Indigenous programs and services by mainstream departments and agencies.

5. Mainstreaming

There is adequate evidence that 'Mainstream' agencies have, in the past, operated in an isolated way, which has involved overburdening communities through numerous and inappropriate consultation processes. As you will be aware, this form of isolated operation has also led to a severe duplication of federal, state and local program and services delivery.

We strongly support the Commitment which has been made between Federal, State and Territory leaders (through the Council of Australian Governments) to ensure coordinated approaches and consultation between governments and agencies to address these issues, however we are concerned at the deficiency in the performance evaluation of any of the COAG trials to this date.

This Council preferred model would be to have all Australian Government program and services administered through one Commonwealth Agency. This Agency should be responsible for all Australian Government funding for Indigenous Affairs.

6. Program and service delivery

This Council believes that the Australian Government must place strong emphasis on ensuring that culturally appropriate programs and services continue to be provided to Aboriginal and Torres Strait Islander peoples, through Indigenous community controlled organisations.

This Council accepts that significant developments are required to ensure Indigenous peoples are receiving value and real outcomes for the dollars spent in Indigenous Affairs. However this Council is concerned that the draft tendering documents for the delivery of Aboriginal Legal Services underestimate and have not fully recognised the crucial role that Indigenous community controlled organisations achieve, in that they, provide the most successful culturally appropriate services to Aboriginal and Torres Strait Islander clients.

7. Self determination

Aboriginal and Torres Strait Islander people view, the ability to provide services and programs to our own people including having the capacity to influence the strategic vision for Indigenous controlled organisations and the opportunity to elect Indigenous people into national, state and regional representative bodies, as critical elements towards self determination.

Providing services through Indigenous controlled organisations provides our people with ownership over our issues and a level of independence which we view as moving closer toward being fully self determining.

8. Monitoring and accountability

The Council is concerned that there is a shortfall in appropriate mechanisms proposed for monitoring the outcomes of federal, state and local governments, and agencies who administer Commonwealth and State Indigenous Affairs funding.

We believe that the future model for Indigenous Affairs must include the ability for Aboriginal and Torres Strait Islander people to be able to ensure the transparency and accountability of governments and agencies making decisions or providing funding for Indigenous communities.

9. Policy development

This Council believes that the role of developing policies for the administering of all Australian Government programs and services should be influenced by the position of the elected Regional and National Aboriginal and Torres Strait Islander Councils.

The Council is concerned at the lack of appropriate consideration governments and agencies have paid to the strategic plans, particularly of Regional ATSIC Councils.