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20th July 2004

The Secretary
Senate Select Committee on the
Administration of Indigenous Affairs
Parliament House Canberra 2600
E Mail: Indigenous.Affairs@aph.gov.au

Dear Sir/Madam,

I take this opportunity to respond to your enquiry on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and proposed related changes to the administration of Commonwealth Indigenous affairs policy.

Having worked with aboriginal people over a number of years and followed their participation in the administration of their own services I have come to respect the rights of Aboriginal and Torres Strait Islanders peoples and their desire for self determination and control in the administration of those services.

An essential aspect of those rights is the ability of Indigenous people to determine who represents them locally, regionally, nationally and internationally. It is not appropriate that others should seek to speak on their behalf or be appointed to functions which they need to exercise in their own right. Indigenous Peoples of Australia alone must exercise those responsibilities and be able to make free and informed choices for themselves, their families and communities.

I believe the current bill and proposed administrative arrangements will deny these fundamental rights. The desire of the government to reduce Indigenous involvement to an advisory group selected and appointed by the Government will effectively remove the right of Indigenous people to meaningful involvement in decision-making affecting their lives and communities. These changes also seem to 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 right of direct representation and the ability 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.

Over many years and frequent reviews 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.

The current proposals before the parliament appear to be a wholesale return to bureaucratic mainstream-focused service delivery which has proved to be inappropriate and unsuccessful in the past. To return to this paternalistic model of administration of services can only be a backward step and will do nothing to improve Indigenous affairs.

Indigenous people are poorly served by mainstream services and the need for Indigenous-specific services controlled by Indigenous people themselves will remain.

It is accepted that mainstream service delivery will continue to have an important role, however, this must be on the basis of being responsive to Indigenous community and cultural needs. Governments, mainstream departments and agencies must be publicly accountable for the provision of services but this accountability must include appropriate participation by Indigenous people and allow Indigenous people to be directly accountable for the administration of their own affairs.

ATSIC and others have accepted that it is appropriate that there should be changes but those proposed by the government will not achieve the desired results and will only deny Indigenous people the opportunity to exercise their rights and responsibilities in a culturally effective way. Any replacement for ATSIC must be determined in consultation and negotiation with Indigenous stakeholders, on the basis of their informed consent.

In conclusion I urge the Committee to provide strong endorsement of this principle and present other recommendations which reflect the rights and desires of our Indigenous people to self determination and control of their own affairs..

Yours sincerely,

Rev Bill Harris.