

SENATE SELECT COMMITTEE
INQUIRY ON THE ADMINISTRATION
OF INDIGENOUS AFFAIRS

Submission by

Social Justice Committee
Conference of Leaders of Religious Institutes
(NSW)

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Introduction

The Social Justice Committee of the Conference of Leaders of Religious Institutes in NSW (hereafter CLRI (NSW)) thanks the Senate Select Committee on the Administration of Indigenous Affairs for this opportunity to contribute to this inquiry.

CLRI (NSW) represents 3,500 women and men religious, and promotes the life, mission and concerns of religious congregations in the Church and in our society. CLRI (NSW) does this by:

- Articulating our spirituality and commitment as members of religious congregations;
- Actively promoting Reconciliation;
- Working for justice for all through our advocacy; especially for Aborigines and Torres Strait Islanders, Australians who live in poverty, refugees and asylum seekers, those harshly treated before the law, and victims of racism;
- Raising our corporate voice to challenge the structures of injustice in our state, our country and our world; and
- Establishing committees, working groups and task forces to maximise the potential of the Conference to bring about change, especially structural change, in the area of social justice.

As one of these established committees, the Social Justice Committee (hereafter ‘the Committee’) is a means through which CLRI (NSW) can act effectively with respect to issues of social justice. The functions of the Committee are to investigate, initiate action concerning, and prepare papers on, social justice issues.

The area of Reconciliation between indigenous and non-indigenous Australians has always been a core area of the Committee. The Committee has focused its efforts on reconciliation within our congregations; by promoting acknowledgements of traditional owners in congregational gatherings and permanent acknowledgements through plaques or other means.

CLRI does not purport to speak on behalf of indigenous peoples but advocates from a belief in self-determination. As such, CLRI opposes the dismantling of ATSIC without a replacement body of indigenous representatives, that have control over and input into policy and who are elected by indigenous peoples. The model of such a body is a question for indigenous communities. Nonetheless, the creation of an advisory body with no powers and the mainstreaming of ATSIC powers (and assets) is a return to a past failed paternalistic policy.

Self-determination and Indigenous Rights

The enjoyment of rights is linked to self-determination. Without an ability to contribute to the decisions that affect their lives, individuals and communities cannot enjoy other rights. There is a direct correlation between a lack of self-determination and low rates of health, education and other problems. Conversely, where people are directly involved in decision-making, governance and have cultural recognition their well-being is significantly improved.

Australia has an obligation to respect, fulfill and protect the basic human rights of Aboriginal and Torres Strait Islanders, including to respect and uphold their right to self-determination as the indigenous peoples of this land.

The right to self-determination requires that indigenous Australians are part of decisions that affect them. Particularly at the regional and national level that requires a form of representative structure to participate in decision-making and have substantial control over areas of policy making and implementation. Mainstreaming does not provide the indigenous control and involvement that is required for successful programs.

ATSIC was only one model of a representative structure, and one which individuals and communities had differing views on. Nonetheless, a solution to the deficiencies of one model must not be to reject self-determination but to strengthen it. Criticisms of the ATSIC model include that it was too nationally focused and had too few powers of policy-making, as opposed to policy implementation. Even the Government's own review of ATSIC argued for strengthening regional control. There are many ways in which the form of self-determination provided for by ATSIC was inadequate. As such, there is a need for a new form of self-determination to be formulated by indigenous peoples in Australia.

The abolition of ATSIC and the potential for its replacement with a purely advisory body undermines efforts towards self-determination taken over the past thirty years. Moreover, it represents an exercise in blaming the indigenous community once more for efforts which were initiated and designed by non-indigenous Australians. The only way forward is to allow indigenous communities to decide the structure of a representative structure that represents their beliefs and their needs.

CLRI advocates that the Senate Select Committee support the establishment of a new form of indigenous representative body that is formulated through discussion amongst indigenous stakeholders and set up with their involvement and consent.

CLRI Social Justice Committee
Reconciliation Sub-Committee