

Jungai



19 July 2004

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

Dear Sir/Madam,

Thank you for the opportunity to provide input 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.

Protection of Rights

Australia has, and Australians have, 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.

Representation and self-determination

Central to the enjoyment of these rights is the ability of indigenous people to determine who represents them locally, regionally, nationally and internationally. They are also entitled to the consequential rights to make free and informed choices for themselves, their families and communities.

We believe the current bill and the proposed administrative arrangements will deny these fundamental rights. In reducing indigenous peoples' 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 are also contrary to 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 to representation and 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.

New Indigenous representative structure

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.

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Mainstreaming and accountability

The wholesale return to mainstream-focused service delivery will be a backward step to a failed paternalistic approach in indigenous affairs. Indigenous people are poorly served by mainstream services and the simple and obvious solution is to provide indigenous-specific services controlled by Indigenous people themselves.

Mainstream service delivery will continue to have an important role. This must be on the basis of being responsive to indigenous community aspirations and cultural needs. Governments, mainstream departments and agencies must be publicly accountable for the provision of services to indigenous Australians, and such accountability should include rigorous monitoring frameworks and provision for indigenous people to exercise such accountability.

Indigenous consultation and consent

Finally, any replacement for ATSIC must be determined in consultation and negotiation with indigenous stakeholders, and on the basis of their informed consent. The Committee's report must provide strong endorsement of this principle.

Yours sincerely, on behalf of the Jungai Committee,



Chris Tate

Convenor