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**Sent:** Thursday, 22 July 2004 12:09 PM  
**To:** Committee, Indigenous Affairs (SEN)  
**Subject:** PUBLIC HEARING LETTER.doc



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Please find attached a Submission to the Senate Select Committee on the Administration of Indigenous Affairs from Commissioner Robbie Williams South East Queensland.

For further information I can be contacted on;

04 27 03 4446

PUBLIC HEARING LETTER

21 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 inquiry on the Aboriginal and Torres Strait Islander Commission Amendment Bill 2004 and the proposed related changes to the administration of Commonwealth Indigenous Affairs policy.

Over 40,000 Aboriginal and Torres Strait Islander people reside in the South East Queensland region. Each one of these people has the right to have their voice heard in the future of Indigenous Affairs in this country.

Several community meetings have been conducted in the region to discuss the issues and Indigenous people wish to meet with the Committee to have their input heard by the Inquiry.

REQUEST FOR PUBLIC HEARING TO BE HELD IN BRISBANE

On behalf of the Aboriginal and Torres Strait Islander people of South East Queensland I am writing to request a public hearing to be held in Brisbane to give Aboriginal and Torres Strait Islander people, and the public the opportunity to give evidence to the committee.

Because of distance and lack of information technology most of these people may not be able to access resources to enable them to lodge their written submissions within the required timeframes.

Included in these numbers are also several correctional facilities to which a high number of Aboriginal and Torres Strait Islander people are detained. I would also like to bring to your attention that this is one Inquiry in which there has been minimal to no public awareness through major newspapers. The process to gain information has not been user friendly to Indigenous people and which leaves very serious doubts and concerns to the Governments agenda for this inquiry.

PROTECTION OF RIGHTS

We as Indigenous people, the first people of Australia and citizens have right to self-determination in this Country. The current Bill and its proposed related changes breach Australia obligations to protect our rights in many aspects.

Aboriginal and Torres Strait Islander people's future hangs in the balance. In the current context, Indigenous rights, which will be effected, include our right to choose in decision-making processes, which affect our lives and the lives of our communities and the future of our children.

We as Indigenous people and the first people of this country are severely disadvantaged and are categorised into a systematic discrimination by the government with the loss of ATSIC.

The current Bill also underlines the important conclusion that without recognition of Indigenous people: - Including constitutional recognition, Indigenous Australians will continue to remain vulnerable to continued erosion of our rights and entitlements, as the first nation people by this government and any future governments hostile to the interests of the Indigenous people of this country.

### REPRESENTATION AND SELF-DETERMINATION

The Government's own review of ATSIC endorsed the need for elected Indigenous representation at international, national and regional levels. It found no compelling evidence to support the Government's conclusions that either ATSIC or the concept of Indigenous representation should be abolished. The steps taken to date by the government are an indication that we are dealing with a Government in Australia which is hostile to the interests of Indigenous people.

The government's position is therefore both contrary and discriminatory.

It is also noted that the Bill does not intend to dismantle or abolish the TSRA (Torres Strait Regional Authority) in the process. We now contemplate the absurd and unacceptable situation where one group of Indigenous people in Australia will have an elected representation body and power to determine their own affairs, while those same rights are to be totally denied to the majority of Indigenous Australians. Is this what we call a democracy, no it's assimilation all over again.

### MAINSTREAMING AND ACCOUNTABILITY

Mainstream media perceptions have enabled the government to scapegoat ATSIC for the responsibility for the failures to improve outcomes for Indigenous Australians even though ATSIC only controlled 15% of Indigenous expenditure, with governments controlling the remaining 85%, delivered through mainstream departments and agencies. ATSIC did not fail, mainstream departments did and now the government expects us to accept our programs going totally over.

All evidence suggests that both mainstream and Indigenous-specific programs are required to meet the needs of Indigenous Australians. However, mainstream service delivery must be responsive to Indigenous community and cultural needs.

The Government has ignored all such evidence and now seeks to return Indigenous program and service delivery to failed paternalistic approach of the past.

This can only be achieved by having Indigenous elected people, by the people for the people not tokenistic gestures and self appointed representatives imposed on Indigenous people under discriminatory Government dictatorship.

The Commonwealth Grants Commission (CGG) reported on Indigenous Funding 2001, and the Productivity Commission's Review of Government Service Provision have shown that Indigenous people are poorly served by mainstream services to date. The CGC report highlighted the problems in mainstream service-delivery caused by the complex federal system and the need for "the full and effective participation in decisions affecting funding distribution and service delivery". From 1 July 2004 our programs have all gone mainstream with limited consultation with Indigenous service providers, no new policy has been put in place, no clear direction has been given to service providers and the mainstream departments

officials cannot advise on what service providers are to do. This makes everyday life at grassroots and community level very hard to forward plan. Therefore, in 12 months time will Indigenous service providers and communities be blamed for failings with mainstream service delivery and will there be abolishment of indigenous services providers for not fulfilling the role which mainstream government is again to do.

### ATSIC ASSETTS

If ATSIC current assets are disbursed to mainstream departments it will be more difficult to reinstate them at a later date. The establishment of a new National Indigenous Representative Body will require the provision of resources and assets and it is therefore important that the current assets of ATSIC be preserved for transfer to the new body.

### A NEW INDIGENOUS NATIONAL REPRESENTATIVE STRUCTURE

If a new Indigenous National Representative structure is established, it must be a sustainable and be an independent National Indigenous Representative body that:

- reflects the aspiration and values of Aboriginal and Torres Strait Islander people;
- is open and transparent plus accountable to the ATSI people;
- Is achieved with the informed consent of Indigenous peoples through inclusive processes that acknowledge their diversity and traditional authority structures.
- Is elected by Aboriginal and Torres Strait Islander people.

The ATSIC Review and Community recognised the need for National Indigenous Representative Body but doesn't want a group of Government hand picked officials. Indigenous people want a truly elected group of representatives who can perform the primary role as representatives and advocacy, as the principal source of Indigenous policy advice to the Government, and have control over the provision of Indigenous – specific services.

The details of the model and structure for such a body are matters for negotiation with Indigenous peoples and should only be determined on the basis of their informed consent.

This role was currently being fulfilled by the majority of ATSIC's then Board of Commissioners, Chairpersons and Regional Councils. The Government ignored the expertise of these elected representative people and called for abolishment without asking the people who had elected those representatives.

As highlighted in the ATSIC Review there was no mention regarding the abolishment of the Bill but including an increased focus on regional and local roles, and issues of transparency and accountability.

We must also remember through the Government's ATSIC Review -one of the opinions was to reform the ATSIC structure and to address it's acknowledged deficiencies but the present Government rejected this.

In conclusion we do not want to be faced with token representation and meaningless involvement, to put it in simple terms, Indigenous people want to exercise their democratic right for self determination and we would like your committee to convene a meeting in Brisbane which will be open to the public to discuss the issues.