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Mr Jonathan Curtis  
Secretary  
Senate Select Committee on the Administration of Indigenous Affairs  
Parliament House  
CANBERRA ACT 2600

Dear Mr Curtis

The Australian Federation of University Women Inc thanks 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 Australian Indigenous affairs policy.

It has been made clear by Dr Jane Robbins, a specialist in Aboriginal affairs policy at the Flinders University that the abolition of ATSIC will create a practical as well as a symbolic vacuum. She makes clear that this precipitous action by the Australian Government is likely to create a dangerous vacuum in funding for basic services to remote Aboriginal communities.

ATSIC has picked up work that should have been done either by State or Australian governments such as providing the roads and other essential services and has been frequently left to fund services for which it was never intended.

In his announcement of the abolition of ATSIC and the regional councils the Prime Minister pre-empted the recommendations of the review. ATSIC has been made the scapegoat, in the media, for failures that are failures of the non-Indigenous controlled Government departments, State and Federal, responsible for funding and administering appropriate health and education services and the provision of housing.

The Australian Federation of University Women is concerned with the speed with which the Australian Government has set out to dismantle ATSIS and replace it with outsourced, privatised non-Indigenous legal services which are not required to employ

Indigenous people. In this way, it is undermining the development of Aboriginal and Torres Straits Islander legal representatives who can work for their communities in their search for social justice and recognition of their rights.

The Australian Federation of University Women asks the Senate Select Committee to take into account the potential problems of dismantling all avenues of self-determination on Aboriginal and Torres Strait Islander communities already suffering from so many disadvantages.

The Australian Federation of University Women insists that this is not a failed experiment. The AFUW sees this reversal of Australia's approach to increasing the self-determination of Australia's traditional owners and custodians as evidence of this government's dislike of Indigenous autonomy. That point was emphasised by Dr Jane Robbins in the report of her estimation of the impact of this decision in the Flinders University Journal, Volume 15, No 6, April 26th May 9th 2004 page 3.

The Australian Federation of University Women, affiliated as it is with 77 nations through the International Federation of University Women, with its headquarters in Geneva and with consultative status with the United Nations, particularly UNESCO, is concerned that, in its precipitous action, the Australian Government has failed to think through the ramifications, for Aboriginal and Torres Strait Islander people, of this speedy, ill-considered action.

The Australian Federation of University Women agrees with the following statements:

- Australia has 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.
- Central to the enjoyment of these rights is the ability of Indigenous people to determine who represents them locally, regionally, nationally and internationally. Indigenous Peoples of Australia alone must have this right, as well as the consequent right to make free and informed choices for themselves, their families and communities.

The current bill and proposed administrative arrangements will deny these fundamental rights. In reducing Indigenous 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 of representation and to determine their own affairs has 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.

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 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 there will remain the need for Indigenous-specific services controlled by Indigenous people themselves.

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 to Indigenous people and such accountability should include rigorous monitoring frameworks and the ability for Indigenous people to exercise such accountability.

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 should provide strong endorsement of this principle.

AFUW asks the Select Committee of the Senate to delay consideration of this bill. In the pre-election climate that currently dominates Australia's Parliament, this hasty bill will not receive the careful analysis it deserves. We ask that the recommendations of the review are carefully considered before Australia is committed to an approach to the Aboriginal and Torres Islander peoples that undermines the United Nations International Declaration of Human Rights.

Yours sincerely

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President - Australian Federation of University Women