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Subject: Submission to the Senate Select Committee on the
Administration of Indigenous Af

Submission to the Senate Select Committee on the Administration of
Indigenous Affairs

Submission from:
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As a non-indigenous Australian and student of indigenous histories,
politics
and culture, I would like to offer some opinions on the Federal
Government's
intended abolition of the Aboriginal and Torres Strait Islander
Commission
(ATSIC).

For whatever its flaws or the flaws of its representatives, ATSIC
remains
the only body allowing the expression of indigenous selfdetermination
at the
national level.

1. Indigenous selfdetermination

Since the first arrival of European settlers in Australia until
comparatively recent times, decisions affecting indigenous Australians
have
been made by non-indigenous people without reference to or consultation
with
the indigenous people affected. Matters of land ownership,
citizenship,
legal systems and status before the law, place of residence and even
custody
of one's own children have all been decided for indigenous Australians
by
non-indigenous people. The establishment of ATSIC as a representative
decision-making body allowed indigenous Australians to reassume control
over
decisions in a range of issues. The reversal of or reduction in the
level
of indigenous selfdetermination through the abolition of ATSIC, without
its
replacement by an adequate representative decision-making body, would
amount

to a partial return to the bad old days of colonialist paternalism.

Selfdetermination fosters responsibility and empowerment for groups and individuals who by and large have been denied control over significant parts of their lives for the majority of the period since European colonisation began. It is thus an investment in social capital, with potential benefits in a wide range of social areas. It is therefore essential, for the benefit of all Australians, that an indigenous representative decision-making body continue in Australia.

Furthermore, removing ATSIC without the establishment of an alternative elected representative body would be a removal and denial of indigenous peoples' right to selfdetermination, as set down under Article 3 of the United Nations' draft Declaration on the Rights of Indigenous Peoples (1993). The draft declaration, although non-binding, is conceived as a statement of internationally accepted norms and so carries a compelling moral weight.

I urge the Select Committee to recommend the continuation of an indigenous elected representative decision-making body, be it ATSIC or another body, to ensure the continuation and enhancement of indigenous selfdetermination in Australia.

2. Indigenous representative body

ATSIC was not the choice of indigenous Australians but a Federal Government creation imposed from above. Indigenous selfdetermination should, however, involve indigenous people's input on the type of representative body they have and its areas of responsibility, not just on who their representatives may be. This added level of indigenous selfdetermination is made clear in Article 32 of the draft Declaration on the Rights of Indigenous People, which says: 'Indigenous peoples have the right to determine the structures and to select the membership of their institutions in accordance with their own procedures.'

I urge the Select Committee to recommend that indigenous Australians be directly involved in deciding the form and responsibilities of whatever indigenous representative body may replace ATSIC.

3. Expanding selfdetermination

The Select Committee inquiry affords an opportunity to examine not only the abolition or replacement of ATSIC but also to consider the broader future of indigenous selfdetermination in Australia. A renewed indigenous representative body could have an expanded role, in its responsibilities at a national level but also in its contacts with state/territory and regional levels of government. This could be of particular benefit with regard to such state/territory-delivered services as health and education which are of immense importance to indigenous communities. It would also have the administrative benefit of forming a single indigenous decision-making body capable of acting in a whole-of-government capacity. This would require a greater commitment of resources, but these would be offset by the benefits of improved service delivery and by shared funding through state/territory assistance in resourcing.

Whether to expand the role of the indigenous representative body would be a decision for indigenous Australians, as argued above in Paragraph 2. Such an expansion should be included in a debate involving indigenous Australians over the future of indigenous selfdetermination and the possible models for the representative body.

I urge the Select Committee to consider an expanded role for the indigenous representative body at all levels of government and to allow indigenous Australians the opportunity to debate such an expanded role when they consider models for the representative body.

Summary

- * Retention of an indigenous elected representative decision-making body.
 - * Allow indigenous people to decide the model and responsibilities of the body to represent them.
 - * Consider extending indigenous selfdetermination through an expanded role for the indigenous representative body at all levels of government and allow indigenous people the opportunity to debate such an expanded role.
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