

Submission to the **THE SECRETARY
SENATE SELECT COMMITTEE ON THE ADMINISTRATION
OF INDIGENOUS AFFAIRS
Parliament House, Canberra 2600**

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Issue addressed : **Aboriginal and Torres Strait Islander Commission Amendment Bill 2004**

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1. I 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
2. Australia has obligations under International instruments to uphold the rights of Indigenous Peoples both as citizens and as First Peoples. The current bill and related changes will breach these obligations in a number of respects; in the current context, some significant rights are being affected, such as the right to choose representatives, the right to meaningful involvement in decision-making affecting their lives and communities, and the right to the provision of services which accommodate the special needs of Indigenous people. These rights are central to addressing the severe disadvantage and systemic discrimination faced by Indigenous Australians and to preserving their right to determine and maintain their identity as Indigenous peoples.
3. 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.
4. 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. As the option of reforming ATSIC's structure has been rejected, priority must now be given to establishing a new independent organisation to replace it and this must be achieved with the informed consent of Indigenous peoples through inclusive processes that acknowledge their diversity and traditional authority structures. 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
5. The proposed wholesale return to mainstream-focused service delivery will be a retrograde step to the failed paternalistic approach in Indigenous affairs, which prevailed in years past. Current evidence shows that Indigenous people are poorly served by mainstream services and that there will always remain a need for Indigenous-specific services controlled by Indigenous people themselves. It is also true that mainstream service delivery will continue to play an important role, but this must be on the basis of being responsive to the cultural needs of Indigenous communities. Governments, mainstream departments and agencies must be publicly accountable for the provision of these services to Indigenous people. Rigorous monitoring frameworks must be put in place to ensure that this accountability requirement becomes a reality and this should include the ability for Indigenous people to enforce such accountability.

6. Finally, it should be beyond any argument that the replacement for ATSIC, whichever form it may eventually take, must be determined in consultation and negotiation with Indigenous stakeholders, and on the basis of their informed consent. I therefore urge your Committee to include in its final report to the Government the strongest possible endorsement of this principle as well as of those mentioned in the preceding paragraphs.