



HUMANIST SOCIETY OF VICTORIA Inc.

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



Re: THE PROVISIONS OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AMENDMENT BILL 2004

SUBMISSION FROM THE HUMANIST SOCIETY OF VICTORIA. (HSV)

The HSV is a secular organisation fostering ethical, rational and responsible behaviour, human rights, the democratic processes and a just and inclusive governance.

It seeks to alleviate suffering, to promote wellbeing and the attainment of one's full potential. It engages in educational, community and charitable activities.

The views that follow have been formulated at specially convened group discussion to which all HSV members are invited. Further supportive information is obtained from print publications, the Internet, public lectures and from individuals with relevant expertise.

The Convenor of the HSV Submissions Committee is authorised to present these view

GENERAL REMARKS

1. We congratulate the Government on establishing a Senate Select Committee to inquire into this very important issue.
2. Our comments are based on our long-term involvement in ethics, human rights and social justice.
The subject of this inquiry is well within this range of concerns.

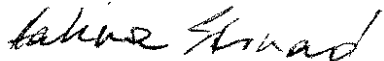
SPECIFIC POINTS

3. Australia, alone among Western democracies, lacks a Bill of Rights either incorporated in, or as an adjunct to the Constitution. It is therefore vital that this ATSI Commission Amendment Bill meets our nation's obligation to enshrine and to protect the rights of the Indigenous People.
4. We regard the right to elect one's representatives as fundamental.
Appointed representation would be a regressive shift towards the former paternalistic policies.
Indigenous involvement should not be reduced to an appointed advisory role. This denies autonomy over their lives and communities.
5. We support the initial review of ATSIC which endorsed the need for an elected Indigenous representation with an enhanced control at a regional level.
6. The wellbeing of Indigenous Australians is, on all measures, very far below the national level. This inequity is the result of the long-term and continuing failure of mainstream service delivery.
This inquiry offers an opportunity to redress this situation.
7. Indigenous-specific services should be under the control of the new National Indigenous Representative Body. The knowledge of cultural values, aspirations and sensitivities is crucial in successful service delivery, most importantly in health and education. These vital areas were not under ATSIC control.
8. It is good health and education that underpins wellbeing, employability and social cohesion. With very few exceptions, mainstream-focused service delivery has been a great failure in welfare and is confirmed as such in findings by the Commonwealth Grants Commission, the Productivity Commissions' Review of Government Service Provision and in the Royal Commission into Aboriginal Deaths in Custody.
Devastated, disfunctional communities abound and stand as an indictment on our nation's callousness and disregard for human rights.
9. Effective Indigenous involvement in decision making on service delivery, both mainstream and Indigenous-specific, is vital to improvement of current outcomes.
Yet the proposed amendments will further disempower the Indigenous people in terms of autonomy, decision making and self-governance in communities.

10. All service delivery must be publicly accountable with mechanisms for frequent scrutiny and outcome assessments.
11. The new National Indigenous Representative Body must be properly resourced and funded to be effective.
It is not clear whether the transfer of the present assets of ATSIC will be sufficient for this purpose.
Time and resources must be given to the new representatives to enable them to structure a culturally appropriate and effective governance.
12. We add in conclusion that the law has an inherent and important educative role.
It is incumbent on our legislators to engender respect for ,and to protect the rights of the First Australians.
This would help to reduce the prejudice, social marginalisation and racism still experienced by many Indigenous people.

NB: The Hsv would appreciate the opportunity to expand on the above points at a public hearing in Melbourne.

Yours sincerely,



Halina Strnad,
convenor, submission committee.
27.7.2004.