

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

10 Pozieres Avenue
Elwood 3184
Victoria

Dear Sir/Madam,

Thankyou for the opportunity to contribute 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.

Protection of Rights

Australia has a responsibility to abide by the requirements stated in International Rights documents such as the United Nations Declaration on Human Rights and the recommendations of the Committee on the Elimination of Racial Discrimination. Human rights, self-determination and rights related to the status of First Peoples' must be granted to all Aboriginal and Torres Strait Islander peoples.

Representation and Self-determination

Aboriginal and Torres Strait Islanders must have the opportunity for self-determination and involvement in deciding how Indigenous people are represented and who represents them. This is essential in establishing a just environment in which dignity is respected.

The current bill and administrative arrangements will deny these fundamental rights. The proposed advisory role for Indigenous people will remove the right of Indigenous people to meaningful involvement in decision-making affecting their lives and communities.

This action is particularly unjustified when 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.

New Indigenous Representative Structure

Australia must have a sustainable and independent National Indigenous Representative Body that is reflective of Indigenous peoples' diversity; is open, transparent and accountable; and is founded on the informed consent of Indigenous peoples.

The structure of this body would need to address the deficiencies identified in the Review of ATSIC and include an increased focus on regional and local roles. 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.

Mainstreaming and Accountability

Although mainstream service delivery is important it is essential that this occurs in response to Indigenous community and cultural needs. Governments, mainstream

departments and service providers must be able to work with and respond to the advice provided through a new Indigenous Representative Body.

Governments and organisations involved with service provision to Indigenous peoples must also be publicly accountable to Indigenous peoples and include appropriate monitoring frameworks.

Indigenous Consultation and Consent

The provision of just, sustainable and beneficial programs and outcomes for Australia's Indigenous peoples can not occur without broad Indigenous consultation and consent. Indigenous participation must, therefore, be at the core of the management of Indigenous Affairs and the Committee should support and endorse this action.

Yours sincerely,

Sophie Rudolph.