



## **UNITING ABORIGINAL & ISLANDER CHRISTIAN CONGRESS (S.A.)**

**PO Box 1044, Salisbury, 5108  
Tel: (08) 82811614 Fax: (08) 82811577**

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

Dear Sir,

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. Because of the short window of opportunity for lodging submissions our Congress [SA] Regional Council does not meet within the timeframe required for this submission to be authorised by them. This submission comes from the State Office of Congress SA.

The Uniting Aboriginal and Islander Christian Congress (SA) writes because of our deep concern over the recent decisions by the Government to axe ATSIC, and the way we see this decision affecting the Aboriginal community across the State. Congress does not deny ATSIC had problems. Changes were needed. But please don't be confused about this. Throwing the baby out with the bathwater is NOT the answer. When the intelligence services in this country are shown to be inadequate and to have made extremely serious mistakes, the Government does not axe them, instead it allocates significantly more money to them. Is ATSIC being treated differently just because its constituents are black?

Why did the Government not follow through consistently with the process it had initiated? These changes represent a total repudiation by the Government of the Government's own expensive and comprehensive review of ATSIC which endorsed the need for national elected Indigenous representation, and greater control at a regional level. Many see the Government's attack on ATSIC as emblematic of a more widespread antagonism towards Aboriginal culture and rights generally, and a return to the 'bad old days' of assimilation. There is a groundswell of concern among Aboriginal people who feel their culture and their future are at grave risk.

Many Aboriginal people believe Mr Howard's decision not to replace ATSIC with anything but a hand-picked advisory council, and to mainstream Aboriginal services, will not only spell the end of ATSIC but even more importantly spell the end of Aboriginal self-determination, the loss of any representative voice for Aboriginal people, and the death of community-based Aboriginal organisations which have been built up over years through the struggle and hard work of Aboriginal people.

Over recent decades in Australia, there has been an amazing and very strong commitment across the board towards reconciliation: to make a break from past patterns of paternalism and assimilation, to admit mistakes, and to forge a new relationship between Aboriginal people and the wider Australian community. This move towards reconciliation has had

national, regional, local, community and personal dimensions. The Government's axing of ATSIC represents a wrong turn on the road to reconciliation and positive Aboriginal futures. It cannot be allowed to stand. The Government needs to return to negotiations with valid Aboriginal representatives to determine an appropriate way forward.

Australia's treatment of Indigenous people prior to the 1970s, when assimilation and mainstreaming were the normal, dominant community approach, was disastrous for Aboriginal people in Australia. That approach has already been tried over a very long period and clearly failed to deliver. Many Aboriginal people remember what it was like back then and have no desire to return to anyone else's version of a neo-assimilationist project.

Over recent decades Australia has accepted it 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.

Crucial to the enjoyment of these rights is the recognition that Indigenous people should determine for themselves who represents and speaks for them locally, regionally, nationally and internationally. Congress believes it is Australia's Indigenous Peoples themselves who must have this right and responsibility, not Governments, or the dominant culture. This leads in to the necessary consequent right to make free and informed choices for themselves, their families and communities.

The current bill and proposed administrative arrangements will breach these fundamental rights. In diminishing Indigenous involvement to an appointed advisory role, the Government will effectively remove the apparatus and resources that could allow meaningful negotiation and self-determination, and undermine the rights of Indigenous people to meaningful involvement in decision-making affecting their lives and communities.

The right of representation and to determine their own affairs have 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.

We fully endorse the principles adopted by the Indigenous leaders conference arranged by Reconciliation Australia and the Australian Indigenous Leadership Centre in Adelaide in June:

- We the Indigenous People of Australia and we alone have the right to determine who represents us locally, regionally, nationally & internationally.
- We are determined to establish a sustainable independent National Indigenous Representative Body that reflects the aspirations and values of our peoples.
- The National Indigenous Representative Body needs to gain its legitimacy from our people.
- Any process to establish a National Indigenous Representative Body must acknowledge who we are, honour our diversity and commit to inclusive processes for all our people.
- Our National Indigenous Representative Body must be open, transparent and accountable to the Aboriginal & Torres Strait Islander peoples.

- We respect and are committed to the right of our peoples to make free and informed choices for them, their families and communities.
- We have an obligation to respect and protect our right to self-determination, our human rights, our humanity, our First Peoples' status and our inherent rights that flow from that status.
- We have a duty to pursue social justice & economic development for all Aboriginal and Torres Strait Islander peoples.
- Our duty is to leave a lasting legacy for our grandchildren's grandchildren.

This National Indigenous Representative Body should have primary responsibility 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 to 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. Many Aboriginal people are very concerned that Aboriginal organisations that were established by the vision, hard work and sacrifice of their elders, and that have grown into significant service delivery organisations will be lost through assimilation into mainstreamed services.

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.

Finally, any replacement for ATSIC must be determined in consultation and negotiation with Indigenous stakeholders, on the basis of their informed consent. The Committee's report should provide strong endorsement of this principle.

Yours sincerely,

Rev Ken Sumner  
Development and Outreach Officer

Rev Dean Whittaker  
Adelaide Congress Minister

Ian Dempster  
Resource Officer

30 July 2004