

## **Expert Mechanism on the Rights of Indigenous Peoples – Third Session**

### **Item 3: Study on the Indigenous Peoples and the Right to Participate in Decision Making**

Australia congratulates the Expert Mechanism on the progress of its study on Indigenous peoples and the right to participate in decision making.

In March 2010, Australia was pleased to provide the Expert Mechanism with a range of information at both the national and local level on Indigenous peoples' involvement in and contribution to policy development and practice.

Australia's submission to the Expert Mechanism reported on the establishment of a national representative body, and we are pleased to be able to provide an update on how this has progressed in the last few months. With your agreement we will also provide some more detailed information in writing as an addendum to our contribution to the study.

In November 2009, the Australian Government announced its support and funding for the establishment of a national Indigenous representative body, the *National Congress of Australia's First Peoples*.

The model for this new body was proposed by an independent Steering Committee, chaired by the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Dr Tom Calma and was based on 12 months of extensive consultation across Australia with Aboriginal and Torres Strait Islander peoples.

In supporting the model for the *National Congress of Australia's First Peoples*, the Australian Government agreed to provide funding of \$29.2 million to cover the cost of the establishment and early operation of the representative body through to December 2013.

The *National Congress of Australia's First Peoples* was incorporated in April 2010 as an independent organisation and is expected to be fully operational by January 2011. The representative body will focus on formulating policy and advice. It will provide an Aboriginal and Torres Strait Islander perspective on issues across government and on securing economic, political, social, cultural and environmental futures for Aboriginal and Torres Strait Islander peoples and communities by working with governments, corporate and non-government sectors to ensure the best interests of Aboriginal and Torres Strait Islander peoples are upheld. It will also monitor Government service delivery and performance to ensure the presence and adequacy of accountability mechanisms.

The *National Congress of Australia's First Peoples* will provide a central mechanism with which governments, the corporate and community sectors can engage and partner on reform initiatives.

It will bring to the table an informed and strong national voice for the goals, aspirations, interests and values of Aboriginal and Torres Strait Islander peoples.

Australia's submission to the Expert Mechanism's study also included information on our Closing the Gap strategy to address Indigenous disadvantage; the nationwide consultations on human rights; and the wide range of Indigenous organisations, both Government and non-Government, which provide for the participation of Indigenous peoples in their decision-making processes and advise the government on key issues of importance to Indigenous people such as health, education, women's issues, land, environment, heritage and natural resource management; and justice. We also provided information on the Indigenous electoral participation program.

Another important dimension to Indigenous participation in decision-making in Australia is the Aboriginal and Torres Strait Islander Social Justice Commissioner, Mick Gooda (*acknowledge if present*). His functions include reviewing the impact of laws and policies on Indigenous peoples, reporting on Indigenous social justice issues and promoting an Indigenous perspective on a range of issues.

The Australian Government was glad to nominate prominent Aboriginal human rights lawyer, Megan Davis, for membership of the Permanent Forum on Indigenous Issues late last year, and we are very pleased to note that in April Ms Davis was elected by the United Nations Economic and Social Council to the Forum as an independent expert member.

The Indigenous Leadership Program is another Australian initiative, providing Indigenous Australians with increased skills and knowledge to better engage within their community and encourage a holistic approach to leadership. Programs such as this and the Indigenous Woman's Program contribute to advancing Indigenous leadership and encouraging self governance at the local level for the individual and their community.

Finally, the National Indigenous Law and Justice Framework, which was endorsed by the Commonwealth, State and Territory governments in November 2009, represents the first nationally agreed approach to Indigenous law and justice. The National Indigenous Law and Justice Framework was developed in meaningful consultation with Aboriginal and Torres Strait Islander people. It includes a Principle that recognises the need for Commonwealth and State and Territory governments and other relevant stakeholders to cooperate through building partnerships across jurisdictions and with Aboriginal and Torres Strait Islander peoples in the development, implementation and evaluation of Indigenous justice initiatives.

Australia commends the Expert Mechanism for its ongoing work on this study, and looks forward to the final version of the study.