

Human Rights Council – 12th Session

Interactive dialogue with the Special Rapporteur on Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples 28 September 2009

Australian statement

The Australian Government thanks the Special Rapporteur for his report, and takes this opportunity to note with appreciation the Special Rapporteur's recent country visit to Australia. We welcome the Special Rapporteur's interest in the rights of Australia's Indigenous peoples at a time when this is a priority issue for the Australian Government. The Australian Government looks forward to giving due consideration to the Special Rapporteur's full report when it is released.

We note that the Special Rapporteur has released a preliminary note on his visit to Australia. We appreciate the Special Rapporteur's acknowledgement of the Government's significant steps to improve the human rights and socio-economic conditions of Indigenous Australians. We also note the Special Rapporteur's concerns on the Northern Territory Emergency Response (NTER).

As recognised by the Special Rapporteur, the Australian Government has committed to introducing legislation into Parliament this year to make sure that the measures under the NTER conform with our Racial Discrimination Act – following extensive consultation with Indigenous communities about the re-design. There is still an unacceptably high level of disadvantage in the Northern Territory and a continued need for measures to address this.

The Australian Government welcomes the focus by the Special Rapporteur on the fundamental issue of consultation with Indigenous peoples in his annual report. **We would be particularly interested in the Special Rapporteur's views on how governments can consult to ensure that particular attention is paid to the rights and special needs of Indigenous elders, women, youth, children and persons with disabilities, consistent with Article 22 of the Declaration on the Rights of Indigenous Peoples.**

When announcing Australia's support for the Declaration, Australia's Minister for Indigenous Affairs recognised how important it is for Indigenous Australians to have a voice, and a means to express it. She said, "We need to find more ways of hearing Indigenous voices". Following an Indigenous led consultation process, a model has been proposed for a national Indigenous representative body to be established by the end of this year.

Australia also supports the Expert Mechanism's proposal "that the Human Rights Council encourages States to ensure that they have strong national human rights institutions and that these institutions have specific roles and activities to promote and protect the rights of Indigenous peoples". Australia's Human Rights Commission, and in particular, the work of the Aboriginal and Torres Strait Islander Social Justice Commissioner, has been invaluable in promoting Indigenous rights in Australia.