



Human Rights Council – 18th Session

Clustered Interactive Dialogue with the Special Rapporteur on the rights of Indigenous Peoples and the Expert Mechanism on the Rights of Indigenous Peoples

20 September 2011

Australia welcomes the reports of the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the rights of Indigenous peoples.

The Expert Mechanism's study on Indigenous peoples and the right to participate in decision making, highlights the importance of ensuring that Indigenous people's views are heard. Australia recognises that Indigenous populations worldwide are at times denied the opportunity to participate in international discussions that have direct relevance to them, simply because of a lack of available resources.

In keeping with our steadfast commitment to improve the active participation of Indigenous peoples worldwide, **Australia is pleased to announce that it will contribute \$100,000 to the United Nations Voluntary Fund for Indigenous Populations.** This is in addition to funding already provided by Australia, through the Australian Human Rights Commission, for participation by Australia's Indigenous communities.

Australia acknowledges the important work undertaken by the Special Rapporteur on the rights of Indigenous peoples, and we were pleased, in July of this year, to provide a response to the Special Rapporteur's questionnaire on natural resource extraction and development projects on or near Indigenous territories. This included information on the *Aboriginal Land Rights (Northern Territory) Act 1976*, which is the most significant land rights legislation in Australia; as well as the *Native Title Act 1993*. Native Title agreements provide an important mechanism for native title groups to share in the mineral wealth of their lands and can materially contribute to closing the gap between Indigenous and non-Indigenous Australians.

Australia notes that the Special Rapporteur will present a specific set of guidelines or principles by 2013, and we look forward to continuing a constructive dialogue with the Special Rapporteur on this issue.

Both the reports of the Expert Mechanism and the Special Rapporteur emphasise the importance of consultation and participation. The Australian Government is committed to engaging with Indigenous Australians, and working in partnership to address Indigenous disadvantage. This strengthened engagement ensures Aboriginal and Torres Strait Islander people are central to the design and delivery of services and programs in Australia. In addition the Government has provided funding and support for the creation of the National Congress of Australia's First Peoples, which will provide a vehicle for the engagement and consultation of Aboriginal and Torres Strait Islander people, providing them with a national voice and input into policy development. Work has commenced on the development of a formal engagement framework between the Australian Government and the National Congress. The Expert Mechanism's report will be very useful in informing the development of this framework.

Questions to ask:

We would welcome the Chairperson of the Expert Mechanism's views on ways to ensure a greater role for Indigenous women in decision-making.

Australia's native title and land rights regimes give Indigenous people the right to negotiate with mining companies on access to their lands. We would welcome the Special Rapporteur's views on ways to further ensure such negotiations provide sustainable and significant benefits to traditional owners.