



# AUSTRALIA

Statement by

HE Mr Peter Woolcott  
Permanent Representative of Australia  
to the United Nations in Geneva

On the report by

The Special Rapporteur on the situation of human rights  
and fundamental freedoms of Indigenous peoples

15<sup>th</sup> Session of the Human Rights Council

Geneva, Monday 20 September 2010  
(Check against delivery)

Mr Chairman and members of the Council:

In August 2009, the Australian Government was pleased to welcome to Australia the Special Rapporteur on the situation of human rights and fundamental freedoms of Indigenous peoples, Professor James Anaya.

We now welcome the official tabling of the Special Rapporteur's report on the outcomes of that visit at this the fifteenth session of the Human Rights Council.

Mr Chairman

During his visit, the Australian Government took the opportunity to participate in a frank and constructive dialogue with the Special Rapporteur.

There was much common ground, particularly on the need to work towards full enjoyment of human rights by Australia's Indigenous people. We note Professor Anaya's positive comments about the steps the Government is taking to reset the relationship between Indigenous and non-Indigenous Australians and to close the gaps in social and economic outcomes.

All levels of government in Australia are committed to and united through the Council of Australian Governments (COAG), to closing the gap. This is being achieved by working toward six ambitious targets. These are:

- Close the gap in life expectancy within a generation.
- Halve the gap in mortality rates for Aboriginal and Torres Strait Islander children under five within a decade.
- Halve the gap in employment outcomes between Aboriginal and Torres Strait Islander and non-Indigenous people within a decade.
- Halve the gap in reading, writing and numeracy achievements between Indigenous and non-Indigenous children within a decade.
- Ensure all Indigenous four year olds in remote communities have access to early childhood education within five years.
- Halve the gap between Aboriginal and Torres Strait Islander and non-Indigenous students in attaining High School certificate or equivalent attainment rates by 2020.

The Government will be held accountable for performance against these targets through:

- The Prime Minister's report to Parliament at the beginning of each year on progress being made to Close the Gap;
- The Council of Australian Governments' Reform Council's annual report on progress; and
- A review of progress of implementation of National Agreements and National Partnerships by the Council of Australian Governments every six months.

Mr Chairman

The Special Rapporteur had concerns about aspects of the Northern Territory Emergency Response, particularly in relation to the application of the Racial Discrimination Act. The Northern Territory Emergency Response is a set of measures designed to protect children, make communities safe and build a better future for people living in Indigenous communities and town camps in the Northern Territory.

Since Professor Anaya's report was released in March this year, legislation to reinstate the Racial Discrimination Act in relation to the Northern Territory Emergency Response has been passed and the redesign of a number of legislative Northern Territory Emergency Response measures is now law following extensive consultations and community engagement with Indigenous people.

From June to late August 2009, wide-ranging consultations with Indigenous people in the Northern Territory were undertaken about future directions for the Northern Territory Emergency Response. The consultations involved people in all 73 Northern Territory Emergency Response communities as well as several other Northern Territory Aboriginal communities and town camps. There were over 500 consultations with communities and eleven workshops with regional leaders and stakeholder organisations. A major effort was put into engaging interpreters to assist with larger community meetings. This was the largest single community engagement exercise undertaken with Northern Territory Aboriginal communities in Australia's history.

The consultations gave participants an opportunity to tell the Government how the Northern Territory Emergency Response measures were working, what was working well, and what changes, if any, community members were seeking. In relation to some measures, such as those relating to income management and pornography, the initial policy position was changed in response to community views.

On 21 June 2010, amendments lifting the suspension of the Racial Discrimination Act in relation to the Northern Territory Emergency Response were passed by the Australian Parliament, with the support of both the Government and Opposition. These amendments will come into force from 31 December 2010, allowing time for redesigned measures to be put in place and for an effective transition from existing to new arrangements.

The core measures of the Northern Territory Emergency Response are retained. However, several of the measures have been redesigned so that they are improved and strengthened, and are more clearly special measures within the terms of the Racial Discrimination Act. In addition, the Racial Discrimination Act applies to the new non-discriminatory income management scheme, which came into effect on 1 July 2010.

Mr Chairman

The Special Rapporteur will be interested to note that the Australian Government has committed to establishing an Expert Panel on Indigenous Constitutional Recognition with a view to progressing the recognition of Aboriginal people and Torres Strait Islanders in the Australian Constitution. This is another important step in working towards the development of a relationship based on mutual respect and trust.

Also noteworthy is the election in April 2010 of prominent Aboriginal human rights lawyer, Megan Davis, to the United Nations Permanent Forum on Indigenous Issues. The Australian Government was very pleased to nominate Ms Davis for the position, for which she is extremely well-qualified.

Mr Chairman

The Special Rapporteur was interested in the establishment of a new national Indigenous representative body. In November 2009 the Australian Government agreed to support the national Indigenous representative body, now known as the *National Congress of Australia's First Peoples*.

Significant progress has been made towards establishing the *National Congress*, and we look forward to providing further information about this process shortly.

Mr Chairman

The Australian Government thanks Professor Anaya for his assessment of Australia's policies and practice in relation to Aboriginal people and Torres Strait Islanders. We also thank the Human Rights Council for this opportunity to address some of the issues raised by Professor Anaya and to provide an update on developments since his visit.