

Thursday May 21
morning session

PFO9 AUSTRALIA 115

**AUSTRALIAN JOINT STATEMENT TO
UN PERMANENT FORUM ON INDIGENOUS ISSUES**

Thank you Madam Chair.

First, I would like to acknowledge the traditional owners of the land on which we are meeting.

This joint statement on behalf of the Australian Government, the Australian Human Rights Commission and the Aboriginal and Torres Strait Islander organisations represented at this meeting and reflects our joint determination to forge a new era of relations grounded in good faith and mutual respect.

In the past 18 months, we have seen in Australia a re-setting of relationships. It began with the *National Apology to Australia's Aboriginal and Torres Strait Islander Peoples* of which we spoke in this Forum last year.

On 3 April this year the Australian Minister for Indigenous Affairs made a statement on behalf of the Australian Government in support for the Declaration on the Rights of Indigenous Peoples.

This was another important step in building trust and moving forward to a new future.

The statement reversed the Australian Government's previous position, reflecting a change in values and a renewed willingness to build relationships at home and in the international arena.

The Minister's Statement reads that:

The Declaration recognises the legitimate entitlement of Indigenous people to all human rights - based on principles of equality, partnership, good faith and mutual benefit.

And that:

Australia joins the international community to affirm the aspirations of all Indigenous peoples.

It also emphasises that the Australian Government supports the Declaration:

...in the spirit of re-setting the relationship between Indigenous and non-Indigenous Australians and building trust.

As parties to this joint statement, we know that we won't always agree on everything. Our relationship will be tested and will evolve. But more and more, we can discuss issues in an open and respectful way.

Ultimately, together, we seek to demonstrate that trust and partnership are essential if we are to fully protect the rights of Indigenous peoples. We recognise that we each have a part to play in ensuring Aboriginal and Torres Strait Islander peoples' rights are fully protected and their life outcomes are improved:

(1) for government, by ensuring:

- participation of Aboriginal and Torres Strait Islander peoples in decision making that significantly affects them, including through their representative organisations;
- governments are accountable for their progress in closing the gap in disadvantage experienced by Aboriginal and Torres Strait Islander peoples;
- programs and policies respect Aboriginal and Torres Strait Islander peoples' human rights;
- Aboriginal and Torres Strait Islander peoples' aspirations to economic independence are recognised and their ability to manage their own affairs is supported; and
- Aboriginal and Torres Strait Islander peoples' culture and identity are recognised, strengthened and maintained; and

(2) for Aboriginal and Torres Strait Islander peoples, by ensuring:

- their communities and societies provide safe and nurturing environments for their populations, where individuals and vulnerable groups are protected and able to exercise their individual rights and freedoms in accordance with human rights laws;
 - and especially the right of Aboriginal and Torres Strait Islander women and children to safe and healthy lives including protection from acts of violence, other forms of harm or abuse, and are not deprived of their right to education, social and cultural development; and
- they exercise their rights to economic, social and cultural development in accordance with their held beliefs and traditions, free from discrimination and consistent with applicable laws.

In this statement we seek to inform the Forum of some of the key positive actions that have been taken in the past 18 months in Australia.

Since 2006, the Australian Human Rights Commission has led the Close the Gap coalition calling on governments to implement a human rights based approach to addressing Aboriginal and Torres Strait Islander health inequality.

In March 2008, the Australian Government signed a Statement of Intent with Aboriginal and Torres Strait Islander health organisations, mainstream health organisations, NGOs and the national human rights institution for a new partnership to close the gap.

The Australian Government, together with State and Territory Governments, has made major commitments towards closing the gap between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians.

In an unprecedented step, all governments have signed up to targets towards closing the gap between Aboriginal and Torres Strait Islander peoples and other Australians in life expectancy, child mortality, early childhood education, literacy and numeracy, high-school completion and employment within specified timeframes.

It is acknowledged that this is an extremely significant undertaking that will require substantial investment and a new approach. Governments have announced significant new funding of some \$A6 billion for Indigenous specific initiatives to support these commitments.

This is not only about dollars – but a commitment to national policy reform. We must find new ways of tackling these challenges.

All governments are also committed to being held publicly accountable for their progress in improving outcomes for Aboriginal and Torres Strait Islander peoples. Alongside regular independent assessments, the Prime Minister has committed to report annually to the federal Parliament on progress in achieving the closing the gap targets.

Critical to Australia meeting its human rights obligations and closing the gap is the degree to which Aboriginal and Torres Strait Islander peoples can set the agenda, and affect policy and service delivery.

To this end, the Australian Government has committed to support the establishment of a National Indigenous Representative Body to engage with Aboriginal and Torres Strait Islander peoples at the highest level on issues of importance to them.

To help establish a new national representative body, there is currently a major consultation process underway in Australia – at arm's length from government – coordinated and chaired by the Australian Human Rights Commission.

The Government does not have a pre-determined model for the representative body. An independent committee formed by the Commission will propose a model to the Government in July this year. We aim to have a new body in operation by the end of this year.

Australia also maintains a strong commitment to supporting national mechanisms for protecting the rights of Aboriginal and Torres Strait Islander peoples, including via the Australian Human Rights Commission. The Commission is unique among national institutions in that it has a specific designated Indigenous commissioner position that reports annually to the Australian federal Parliament on the adequacy of protection of the rights of Aboriginal and Torres Strait Islander peoples in Australia.

Madam Chair, we can inform the Forum of critical developments concerning the Northern Territory Emergency Response, announced in 2007 by the previous Australian Government.

An independent Review commissioned by the current Government, while acknowledging the emergency situation continues, highlighted the negative impact of inadequate consultation with the affected communities and the suspension of racial discrimination protections for Indigenous peoples in the Northern Territory.

In response to the Review report, the Government has committed to introducing legislation into Parliament in October this year so that the *Racial Discrimination Act 1975* (RDA) applies to the emergency response and the current provisions excluding the operation of the RDA are removed. This will be preceded by extensive community consultations commencing in the Northern Territory next month.

This commitment is welcomed by Aboriginal and Torres Strait Islander peoples and is seen as an essential reform to meet our international human rights obligations.

Madam Chair, this joint statement is an indication of a new spirit and a new partnership based on mutual respect and good faith. We aspire to build this partnership. In future years we hope it will lead to joint reports to the Forum on the key themes for each session.

***See also:* Australian Government statement of support for the UN Declaration on the Rights of Indigenous Peoples**

(http://www.jennymacklin.fahcsia.gov.au/internet/jennymacklin.nsf/content/un_declaration_03apr09.htm)