

Statement by Dr Jeff Harmer AO, Secretary, Department of Families, Housing, Community Services and Indigenous Affairs to the UN Permanent Forum on Indigenous Issues under Item 4: ‘Implementation of the UN Declaration on the Rights of Indigenous Peoples’, delivered on 22 April 2010.

(as delivered)

The Australian Government was pleased to announce its support for the United Nations Declaration on the Rights of Indigenous Peoples on 3 April 2009, and welcomes this opportunity to update the Permanent Forum on key developments in Indigenous policy in Australia over the last year.

Along with the National Apology to the Stolen Generations, the announcement of support for the Declaration marked a resetting of relations between Indigenous and non-Indigenous Australians. This new relationship is based on good faith, goodwill and mutual respect.

All Governments in Australia through the Council of Australian Governments or ‘COAG’ are working hard to ‘Close the Gap’ between Indigenous and non-Indigenous Australians through six ambitious targets around life expectancy, child mortality, education and employment.

The Prime Minister reports to Parliament at the beginning of each year on progress against the targets.

The Australian Government is also committed to increasing Indigenous Australians’ participation in the institutions of democratic government. A national Indigenous representative body is seen as a prerequisite to enabling new partnerships and re-setting relationships with Government.

On the 22 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 the new body was proposed by an independent Steering Committee, chaired by the then Aboriginal and Torres Strait Islander Social Justice Commissioner, Mr Tom Calma and was based on 12 months of extensive consultation across Australia with Aboriginal and Torres Strait Islander peoples.

The guiding principle in developing the model was Article 18 of the United Nations Declaration on the Rights of Indigenous Peoples.

The new body will be a non- government entity with structural arrangements that provide flexibility, independence and ease of implementation and which have the potential to facilitate engagement of Indigenous people in their local organisations and representative structures.

In Australia, Indigenous experts form part of regular and ad hoc mechanisms to provide advice in specific areas but now there is a concerted means of drawing together a national Indigenous perspective for engagement with Government and other bodies.

The National Congress will provide the Australian Government with a means to effectively engage with Indigenous people to secure the evidence and guidance required to inform strong policy on Indigenous issues.

The Australian Government was very pleased to welcome James Anaya to Australia last year. We shared much common ground, particularly on the legitimate entitlement of Indigenous people to all human rights based on principles of equality, partnership, good faith and mutual benefit.

The Government is acting on issues raised by the United Nations Special Rapporteur in relation to the Racial Discrimination Act (RDA). The Australian Government has introduced legislation to reinstate the RDA and to make necessary changes to the Northern Territory Emergency Response (NTER) legislative measures, following extensive consultations and community engagement with Indigenous people.

The Government announced its decisions to reinstate the operation of the RDA and redesign a number of the NTER measures in November 2009. The proposed amendments were passed by the House of Representatives on 24 February, and are likely to be debated in the Senate during the May or June sitting of Parliament.

The legislation provides for the current suspension of the RDA in relation to the NTER to be lifted from 31 December 2010, allowing time for the passage of legislation through both Houses of the Australian Parliament, and the necessary time for the redesigned measures to be put in place and for an effective transition from existing to new arrangements.

It is proposed that all new and redesigned NTER measures to be implemented from July 2010 are designed to conform with the RDA.

The Government remains strongly committed to the work started under the NTER which has delivered a wide range of improvements, including school nutrition programs, crèches, child health checks, ear and eye surgery, extra police, safe homes, new food stores and more affordable healthy food in over 70 remote communities.

The Australian Government looks forward to continued constructive dialogue with the Special Rapporteur.