**Australia’s response to the Declaration on the Rights of Indigenous Peoples questionnaire**

**February 2012**

1. **Does the state have an overarching national implementation strategy to attain the goals of the Declaration?**

The Australian Government announced its support for the Declaration on 3 April 2009. Along with the National Apology to Australia’s Indigenous Peoples, and in particular, the Stolen Generations, the announcement demonstrated the Government’s commitment to strengthening the relationship and ensuring genuine engagement with Indigenous Australians.

The Australian Government’s overarching approach to addressing Indigenous disadvantage is through the Closing the Gap strategy. The Government is accountable to the Australian people through the Prime Minister’s Closing the Gap report which is tabled in Parliament annually.

In 2007, the Council of Australian Governments (COAG) agreed to a partnership between all levels of government to work with Indigenous communities to achieve the target of Closing the Gap in Indigenous disadvantage.

The COAG reform agenda is implemented through [National Agreements](http://www.coagreformcouncil.gov.au/faqs.cfm#national_agreement), National Partnerships and other intergovernmental agreements. Under the [National Indigenous Reform Agreement](http://www.federalfinancialrelations.gov.au/content/national_agreements.aspx), all Australian governments have shared responsibility for Closing the Gap in Indigenous disadvantage across six key areas – life expectancy, child mortality, access to early childhood education, literacy and numeracy, education attainment and economic participation.

Each year, the COAG Reform Council reports to COAG on the performance of Commonwealth, State and Territory governments against the objectives and outcomes of the National Indigenous Reform Agreement.

The principles of the Declaration are consistent with the Government’s approach to Closing the Gap. In partnership with States and Territories, the Government is making an unprecedented effort to bring about long term positive outcomes for Indigenous Australians, with more than $5.2 billion in funding for employment, education, health services, community development and community safety. The Australian Government is committed to working in partnership with stakeholders to achieve these outcomes for Indigenous Australians.

At the United Nations General Assembly’s Third Committee in 2010, Australia also supported a proposal to organise a World Conference on Indigenous Peoples to be held in 2014. The purpose of the meeting will be to share perspectives and best practices on the realisation of the rights of Indigenous peoples, including pursuing the objectives of the Declaration.

**2. Have specific legal, policy or other measures been adopted especially to implement any or all rights in the Declaration?**

The Australian Government is committed to an approach to the Declaration which is consistent with its domestic and international obligations, including in respect of Aboriginal and Torres Strait Islander peoples.

The Government’s Indigenous policies are generally consistent with the spirit of the Declaration and relevant agencies within the Government liaise closely on relevant issues to ensure that these issues are taken into account in policy and program development.

The Government is committed to building stronger relationships with Aboriginal and Torres Strait Islander people based on mutual respect.

The Government has built on the goodwill from the National Apology and furthered better relationships with Indigenous peoples by establishing the National Congress of Australia’s First Peoples. The National Congress provides a voice for Indigenous Australians and an opportunity to build new relationships with government and industry to secure the economic, social and cultural futures of Aboriginal and Torres Strait Islander peoples.

The Government will continue to engage with the National Congress around the needs of Indigenous Australians and the development of government policies and programs.

In addition to its investment to close the gap in Indigenous disadvantage, the Australian Government is supporting Indigenous culture. In 2011-12, over $26 million was administered to support over 294 Indigenous cultures, languages and visual arts activities across Australia with the majority of this funding delivered to regional and remote communities. A further $20 million was invested in 2011-12, through the Indigenous Employment Initiative, to employ Aboriginal and Torres Strait Islander people in jobs to deliver arts, culture, languages and broadcasting programs in regional and remote areas. This funding supports over 600 jobs that provide Indigenous Australians with increased economic independence, mainstream employment conditions and skills development.

Additional major government investments to close the gap on Indigenous disadvantage include $3.4 billion for Stronger Futures in the Northern Territory – a comprehensive ten-year plan to support Aboriginal people in the Northern Territory to live strong, independent lives.

The Government has also invested $291.2 million over six years for Remote Service Delivery (commenced December 2008) to increase access to services and raise the level of government services, build community governance capacity, provide translation services to assist in better understanding the needs of communities, build an evidence base on what services are needed in each location, develop local implementation plans in 29 priority locations, and develop and operate in a single government interface to make it easier for community to connect with government.

**3. When devising laws, policies or other measures that affect indigenous peoples, do governmental bodies routinely take into account the Declaration (including indigenous peoples’ rights to participate in decision making that affects them)?**

Recognising that Aboriginal and Torres Strait Islander voices need to be at the heart of policy and program making if they are to work, and noting the emphasis of the Declaration on the importance of consulting Indigenous people in relation to matters that directly affect them, the Australian Government has a sustained focus on building genuine engagement with Indigenous peoples and ensuring their adequate participation in the life of the nation. In an administrative context, the Australian Government reaches out to Indigenous Australians through a network of offices across the country.  These include 29 [Indigenous Coordination Centres](http://www.fahcsia.gov.au/sa/indigenous/progserv/families/Pages/indigenous_ccs_roc.aspx#icc) and six [Regional Operations Centres](http://www.fahcsia.gov.au/sa/indigenous/progserv/families/Pages/indigenous_ccs_roc.aspx#roc), designed with the aim of carrying out best practice government service delivery and engagement across urban, regional and remote areas.

These administrative arrangements are supported by an Indigenous Engagement Framework, which captures the Australian Government’s aspirations to engage effectively with Indigenous peoples and a range of tools for achieving those aspirations.

The National Congress of Australia’s First Peoples (a national leadership forum) was established in mid-2011 to provide a voice for Aboriginal and Torres Strait Islander peoples in national strategic matters that substantially affect Indigenous Australians.

Adequate consultation remains of great importance to the Government’s commitment to explore with Indigenous and non-Indigenous Australians the question of recognising the unique place of Australia’s First Peoples in the Australian Constitution. This initiative reflects the Government’s broader goal to increase respect between Indigenous and non-Indigenous Australians.

In December 2010, the Prime Minister, the Hon Julia Gillard MP, appointed an Expert Panel on Constitutional Recognition of Aboriginal and Torres Strait Islander Peoples to consider, consult and advise the Government on how best to recognise Aboriginal and Torres Strait Islander peoples in the Constitution and on possible options for change that would likely get the support of the majority of Australians at a referendum. The Expert Panel included parliamentarians from all major Australian political parties and Independents, Indigenous and community leaders, and legal and constitutional law experts. In conducting its consultations and developing recommendations, the Expert Panel held more than 250 meetings with Indigenous and non-Indigenous Australians across Australia, including 84 public consultations (more than 4,600 people were consulted), and received more than 3,500 submissions, including from Indigenous organisations and survey responses from members of the National Congress of Australia’s First Peoples.

The Government also acknowledges the importance of economic participation for Indigenous peoples, including in the context of the Declaration.

To increase the participation of Aboriginal and Torres Strait Islander peoples in the economy, the Government’s Indigenous Economic Development Strategy 2011-2018 (IEDS) was released on 19 October 2011. It provides a whole-of-government framework for future actions, programs and policies for Indigenous economic development, as part of the wider Closing the Gap strategy agreed by the Council of Australian Governments in 2008. The IEDS aims to support the rights of Aboriginal and Torres Strait Islander peoples to participate in Australia’s strong economy and financially and socially benefit from work. The strategy was the product of extensive consultations with Indigenous Australians, all levels of government and the private and not-for-profit sectors.

A further piece of the Indigenous economic-development framework was put in place with the announcement on 26 April 2012 of the new Remote Jobs and Communities Program. Starting on 1 July 2013, the new program will make significant changes to employment, participation and community-development services in up to 65 remote regions across Australia, focused on getting people into jobs and building strong communities. The reforms have been widely discussed with Indigenous and other people and communities in remote areas. Consultations were undertaken after the July 2011 release of the discussion paper ‘The Future of Remote Participation and Employment Servicing Arrangements’. Around 1200 people contributed to 42 consultation sessions across Australia in August and September 2011. The Australian Government spoke to individuals, service providers, employers and others with an interest in this area. An expert panel was also appointed to provide advice. From late May until mid-July 2012, more than 90 information and consultation sessions were held in the proposed 65 remote regions, to inform people about the new Remote Jobs and Communities Program and to discuss how it might work in local areas. Further consultation and engagement will be undertaken as the new program is implemented over 2012-13.

On two occasions in the last three years the Australian Government has undertaken extensive consultations with Aboriginal people in the Northern Territory to hear the views of local people and inform government decisions on major legislative reforms and the provision of services to help reduce the extent of Aboriginal disadvantage.

During the Stronger Futures consultations, which were conducted in the Northern Territory in 2011, whole-of-community meetings were held in 100 remote communities and town camps, together with public meetings in major towns. Trained and well-prepared interpreters were on hand to assist in most of the whole-of-community meetings. To ensure that everyone who wanted to had the opportunity to have their say, there were also hundreds of less formal discussions across the Territory with individuals, families and other groups in communities.

**4. Has the Government endeavoured to raise awareness about the Declaration to various levels of the community and governance to enhance the prospects of it implementation?**

**If yes:**

* **please explain the initiatives the Government has undertaken**
* **does this include translation of the Declaration into different languages?**
* **has the Declaration been disseminated widely? If not:**
* **what steps, if any, are planned to raise awareness about the Declaration?**
* **if there are no plans to raise awareness about the Declaration, why not?**

Australia’s national human rights institution, the Australian Human Rights Commission, has developed several resources to help Aboriginal and Torres Strait Islander peoples understand and protect their rights. These resources include an overview and community guide on the Declaration, as well as a poster, which aim to bring the Declaration to life by highlighting existing examples of Indigenous peoples’ rights in action.

The resources may be viewed at the following link: <http://www.hreoc.gov.au/declaration_indigenous/declaration_full.html>

**5. What are the main challenges encountered in adopting measures and implementing strategies to attain the goals of the Declaration?**

The Australian Government’s overarching approach to addressing Indigenous disadvantage is through the Closing the Gap strategy which includes an emphasis on mutual respect between Indigenous and non-Indigenous Australians. The principles of the Declaration are consistent with the Government’s approach to Closing the Gap.

A lack of definitional consensus, including in international law, on key terms including self-determination, sovereignty and “free, prior and informed consent” may inhibit agreement on how the Declaration can practically operate to close the gap on Indigenous disadvantage.

Domestically, under the Australian Constitution, state and territory governments are afforded powers which may limit the ability of the federal government to legislate on relevant matters.

**6. In the light of the information provided above, what are your views on best practices regarding possible appropriate measures and Implementation strategies to attain the goals of the Declaration?**

**Please also consider and, if relevant, comment on the role that can be played by international institutions, including the Expert Mechanism on the Rights of Indigenous Peoples, to assist states in adopting measures and implementation strategies to attain the goals of the Declaration.**

The Australian Government has taken the approach that it is important to establish an appropriately resourced overarching approach to addressing Indigenous disadvantage. Australia is doing this through its Closing the Gap strategy. This strategy guides Australia’s investment of more than $5.2 billion into the areas of employment, education, health service, community development and community safety.

The Australian Government’s approach to promoting respect for, and recognition of, language and culture is a good example of the way the Government is pursuing the goals of the Closing the Gap strategy and the Declaration. The preservation of Indigenous languages can be seen as a best practice measure which, in the Australian context, is also helping to reset the relationship between the Government and Indigenous Australians.

The 2011 report *Overcoming Indigenous Disadvantage: Key Indicators* found that Indigenous language and Indigenous culture and law are associated with Indigenous wellbeing. Survey data collected by the Australian Bureau of Statistics also confirms there is evidence of a relationship between speaking an Indigenous language and wellbeing.

The Australian Government announced a National Indigenous Languages policy in 2009. Among its key aims are: bringing national attention to Indigenous languages; reinforcing the use of critically endangered Indigenous languages; restoring the use of rarely spoken or unspoken Indigenous languages; strengthening pride in identity and culture; and supporting and maintaining the teaching and learning of Indigenous languages in schools.

In further recognition of the links between the health of languages and the wellbeing of Indigenous peoples, the Government funds the Indigenous languages support program which assists the maintenance and revival of Indigenous languages. The program aims to address the erosion and loss of these languages by supporting community based projects such as language groups, language research and coordination of language resources.

This program of work suggests that effort across a number of fronts is needed to address the causes of the erosion of Indigenous languages. In Australia that effort is accompanied by support for interpreter services to ensure that Indigenous Australians, particularly those who do not speak English fluently, can access services and participate in civic life.

The Council of Australian Governments has agreed that the Commonwealth Government and State and Territory Governments should develop a national framework for the effective supply and use of Indigenous language interpreters. Governments are working with the Indigenous interpreting sector and other stakeholders to develop the framework.

In December 2010, the Government appointed an Expert Panel to consider, consult and advise the Government on possible options for recognising Indigenous Australians in the Australian Constitution. The Expert Panel, which included Indigenous Australians, reported its findings to the Government in January 2012. Those findings included a recommendation that Aboriginal and Torres Strait Islander cultures, languages and heritage be recognised in Australia’s Constitution.

On the basis of its current and wide-ranging efforts to preserve Indigenous languages, Australia looks forward to making a contribution to this important work in the context of discussions at, and leading up to, the 2014 conference.