



# AUSTRALIA

UNITED NATIONS  
SUB-COMMISSION ON  
PREVENTION OF DISCRIMINATION  
AND PROTECTION OF MINORITIES.

WORKING GROUP ON INDIGENOUS POPULATIONS

TENTH SESSION

20 - 31 JULY 1992

STATEMENT BY MR ROBERT TICKNER, MP

MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS

28 JULY 1992

GENEVA.

CHECK AGAINST DELIVERY.



**STATEMENT BY THE HON ROBERT TICKNER MP,  
FEDERAL MINISTER FOR ABORIGINAL  
AND TORRES STRAIT ISLANDER AFFAIRS  
TO THE TENTH SESSION OF THE UNITED NATIONS  
WORKING GROUP ON INDIGENOUS POPULATIONS**

**GENEVA, 20-31 JULY 1992**

**INTRODUCTORY REMARKS**

*MADAM CHAIRPERSON, DISTINGUISHED MEMBERS OF THE WORKING GROUP, INDIGENOUS PEOPLES AND YOUR REPRESENTATIVES, LADIES AND GENTLEMEN.*

*IT IS WITH GREAT HONOUR THAT I HAVE THE OPPORTUNITY TO ADDRESS THIS IMPORTANT INTERNATIONAL FORUM, THE TENTH SESSION OF THE UNITED NATIONS WORKING GROUP ON INDIGENOUS POPULATIONS ON BEHALF OF THE AUSTRALIAN GOVERNMENT DELEGATION.*

*SOME OF YOU MAY BE AWARE THAT I LED THE AUSTRALIAN GOVERNMENT DELEGATION ON TWO PREVIOUS OCCASIONS, IN 1990 AND AGAIN IN 1991. I AM ALSO PLEASED TO BE ABLE TO REPORT TO THE WORKING-GROUP AGAIN AT THIS SESSION ON AUSTRALIA'S CONTINUING COMMITMENT TO INDIGENOUS PEOPLES' ISSUES.*

**SELF-DETERMINATION**

*MADAM CHAIRPERSON, YOU WILL BE AWARE THAT THE AUSTRALIAN GOVERNMENTS' DELEGATION AT THIS MEETING HAS MADE IT CLEAR THAT IT SUPPORTS THE INCORPORATION OF THE CONCEPT OF SELF-DETERMINATION IN THE DRAFT DECLARATION. IT ACCEPTS THAT THE TERM WILL REQUIRE CAREFUL ELABORATION. IT IS MY RESPONSIBILITY, AS AUSTRALIA'S MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS, TO SET OUT HOW IMPORTANT A FOUNDATION THE ASPIRATIONAL TERM "SELF-DETERMINATION" HAS PROVIDED FOR AUSTRALIA'S DOMESTIC ACHIEVEMENTS.*

*I WILL BE REPORTING NOT ONLY ON A WIDE RANGE OF NEW MEASURES BUT, EQUALLY SIGNIFICANTLY, ON GOVERNMENT INITIATIVES DETERMINED BY ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES THEMSELVES.*

**NATIONAL LEADERSHIP**

*MADAM CHAIR, LATE LAST YEAR A NEW PRIME MINISTER, THE HON. PAUL KEATING TOOK OFFICE IN AUSTRALIA. SINCE TAKING UP THIS OFFICE, MR KEATING HAS BEEN A STRONG ADVOCATE FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE.*

*THE PRIME MINISTER COMMITTED THE AUSTRALIAN NATION TO A DETERMINED AND SUSTAINED PROGRAM TO ADDRESS THE ASPIRATIONS OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE ON THE RECENT OCCASION OF THE 25TH ANNIVERSARY OF THE 1967 CONSTITUTIONAL REFERENDUM.*

MADAM CHAIR, BY WAY OF BACKGROUND, AN OVERWHELMING 91% OF AUSTRALIANS VOTED IN 1967 TO AMEND THE AUSTRALIAN CONSTITUTION TO ENABLE ABORIGINAL PEOPLE TO BE INCLUDED IN THE NATIONAL CENSUS AND TO GIVE THE COMMONWEALTH GOVERNMENT THE POWER TO MAKE LAWS FOR ABORIGINAL PEOPLE, CONCURRENTLY WITH STATE GOVERNMENTS.

THE LEVEL OF PUBLIC SUPPORT AND CONCERN FOR ABORIGINAL PEOPLE AT THAT TIME HERALDED THE BEGINNING OF A NEW ERA OF AWARENESS AND UNDERSTANDING. THE NEED TO PROVIDE OVERDUE MEASURES TO CORRECT THE TRAGIC HISTORICAL CIRCUMSTANCES OF DISPOSSESSION AND DISADVANTAGE OF ABORIGINAL PEOPLE WAS RECOGNIZED.

THE 25TH ANNIVERSARY OF THAT REFERENDUM WAS AN OCCASION TO REMIND AUSTRALIANS OF THEIR SUPPORT A QUARTER OF A CENTURY BEFORE AND TO REKINDLE THAT SPIRIT OF SOCIAL JUSTICE AND PUBLIC CONCERN FOR ABORIGINAL PEOPLE.

I AM PLEASED TO REPORT THAT IN 1992 THERE EXISTS AT THE NATIONAL LEVEL IN AUSTRALIA A LARGE MEASURE OF CROSS-PARTY SUPPORT TO ADDRESS ABORIGINAL ASPIRATIONS REMINISCENT OF THE CROSS-PARTY COMMITMENT TO CONSTITUTIONAL CHANGE 25 YEARS AGO.

I AGAIN TAKE THE OPPORTUNITY TO PAY TRIBUTE TO THE SHADOW MINISTER FOR ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS, DR MICHAEL WOOLDRIDGE, WHO HAS ALSO WORKED TO ACHIEVE CROSS-PARTY CO-OPERATION. IT IS MY PROFOUND HOPE THAT WISE COUNSEL WILL PREVAIL ON BOTH SIDES OF POLITICS IN AUSTRALIA TO ALLOW THIS CROSS PARTY CO-OPERATION TO CONTINUE.

#### **PROCESS OF RECONCILIATION**

LAST YEAR I REPORTED ON THE WIDESPREAD SUPPORT BY BOTH ABORIGINAL AND NON-ABORIGINAL PEOPLE FOR A PROCESS OF RECONCILIATION BETWEEN ABORIGINAL AND NON-ABORIGINAL PEOPLES AND ON LEGISLATIVE STEPS TO INITIATE THIS PROCESS.

I AM PLEASED TO REPORT THAT THE PROCESS WAS INITIATED IN SEPTEMBER 1991 WITH THE UNANIMOUS SUPPORT OF THE FEDERAL PARLIAMENT. THE PROCESS IS TO BE GUIDED AT THE NATIONAL LEVEL BY A COUNCIL COMPRISING OF SOME 25 PROMINENT AUSTRALIANS, INCLUDING BOTH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND NON-INDIGENOUS AUSTRALIANS.

THE CHAIRPERSON OF THE COUNCIL IS MR PATRICK DODSON, ONE OF THE COMMISSIONERS WHO PRESIDED OVER THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY AND A FORMER DIRECTOR OF THE CENTRAL LAND COUNCIL AND THE KIMBERLEY LAND COUNCIL. OTHER INDIGENOUS PEOPLES REPRESENTATIVES ARE MR GALARRWUY YUNUPINGU, MR WENTEN RUBUNTJA, MR ARCHIE BARTON, MS MARY GRAHAM, MR ALAN MOSBY, MR BILL LOWAH, MISS LOIS O'DONOGHUE, MS ESME SAUNDERS, MRS ALMA STACKHOUSE, MR SOL BELLEAR, MRS ESSE COFFEY, MR BILL HOLLINGSWORTH AND MS ROSE MURRAY. THESE HIGHLY RESPECTED ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE ARE CLOSELY ASSOCIATED WITH MOST NON-GOVERNMENT ORGANIZATIONS REPRESENTED AT THE WORKING GROUP.

THE COUNCIL'S WORK WILL AIM TO:

PROMOTE A DEEPER UNDERSTANDING BY ALL AUSTRALIANS OF THE HISTORY, CULTURES, PAST DISPOSSESSION AND CONTINUING DISADVANTAGE OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES AND OF THE NEED TO REDRESS THAT DISADVANTAGE;

*FOSTER A COMMITMENT FROM GOVERNMENTS AT ALL LEVELS TO COOPERATE TO ADDRESS PROGRESSIVELY ABORIGINAL DISADVANTAGE AND ASPIRATIONS IN RELATION TO LAND, HOUSING, LAW AND JUSTICE, CULTURAL HERITAGE, EDUCATION, EMPLOYMENT, HEALTH, INFRASTRUCTURE, ECONOMIC DEVELOPMENT AND OTHER RELEVANT MATTERS;*

*CONSULT WITH ABORIGINAL PEOPLE AND THE WIDER COMMUNITY ON WHETHER RECONCILIATION WOULD BE ADVANCED BY A FORMAL DOCUMENT, AND TO MAKE RECOMMENDATIONS ON THE NATURE AND CONTENT OF ANY SUCH DOCUMENT.*

*I SHOULD EMPHASIZE HERE THAT THE ISSUE OF A DOCUMENT, AGREEMENT, TREATY OR COMPACT, IS ONLY ONE OF THE ISSUES TO BE ADDRESSED BY THE PROCESS OF RECONCILIATION.*

*ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE WOULD BE JUSTIFIABLY ANGRY IF THERE WERE NOT REAL PROGRESS BY GOVERNMENTS IN ADDRESSING ABORIGINAL ASPIRATIONS AND ISSUES OF DISADVANTAGE FOLLOWING THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY. AS I HAVE REPEATEDLY SAID, THERE CAN BE NO RECONCILIATION WITHOUT JUSTICE.*

*SIMILARLY, NO INDIGENOUS AUSTRALIAN BELIEVES THAT REAL PROGRESS IS POSSIBLE WITHOUT EDUCATING NON-INDIGENOUS AUSTRALIANS ABOUT INDIGENOUS ISSUES.*

*HAVING SAID THAT, I BELIEVE THERE IS A REAL NEED FOR THE PUBLIC DEBATE ON THE ISSUE OF A DOCUMENT, BY WHATEVER NAME, TO MOVE AHEAD IN AUSTRALIA FROM WHAT HAS BECOME A STERILE AND UNPRODUCTIVE FOCUS ON THE NAME OF A DOCUMENT WITH TOO LITTLE EFFORT TO ADDRESS THE FAR TOUGHER POLITICAL QUESTIONS OF WHO WOULD NEGOTIATE SUCH A DOCUMENT (BY WHATEVER NAME) AND WHAT THE TERMS OF A DOCUMENT MIGHT BE.*

*AS A RESULT OF THE ESTABLISHMENT OF THE RECONCILIATION PROCESS A FRAMEWORK NOW EXISTS WHICH WILL ALLOW THESE ISSUES AND OTHERS TO BE ADDRESSED AND ALLOW ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE TO PUT FORWARD PROPOSALS FOR THE NAME OF THE DOCUMENT, IT'S NATURE, POSSIBLE CONTENT AND A NEGOTIATING PROCESS FOR ITS DEVELOPMENT.*

*THE PROCESS OF RECONCILIATION HAS BEEN FORMULATED TO KEEP FAITH ABSOLUTELY WITH INDIGENOUS PEOPLES ASPIRATIONS AND TO OPEN UP THE POTENTIAL FOR A SUBSTANTIAL EVOLUTION IN INDIGENOUS AND NON-INDIGENOUS RELATIONS IN THE LEAD UP TO THE CENTENARY OF THE AUSTRALIAN NATIONAL GOVERNMENT IN 2001.*

*IN THIS PROCESS A NUMBER OF MATTERS OF CRITICAL IMPORTANCE NEED TO BE RE-EMPHASIZED.*

*FIRSTLY THERE HAS BEEN NO ATTEMPT MADE BY THE GOVERNMENT TO DEFINE THE TERMS OF ANY DOCUMENT, INSTRUMENT, TREATY, COMPACT OR AGREEMENT WHICH MAY RESULT FROM THE PROCESS. THE GOVERNMENT DELIBERATELY REFRAINED FROM DEFINING PARAMETERS FOR SUCH A DOCUMENT.*

*SECONDLY THERE HAS BEEN NO ATTEMPT TO GIVE ANY FINAL NAME TO THE DOCUMENT OR DOCUMENTS.*

*THIRDLY THE OPTION HAS BEEN LEFT OPEN FOR A NUMBER OF SEPARATE DOCUMENTS RELATED TO ABORIGINAL PEOPLE OR A SEPARATE DOCUMENT FOR TORRES STRAIT ISLANDERS SHOULD THIS BE THE WISH OF AUSTRALIAN INDIGENOUS PEOPLES.*

FOURTHLY NO DECISION HAS BEEN MADE ON WHICH PARTY OR PARTIES SHOULD BE RESPONSIBLE FOR NEGOTIATING ANY DOCUMENT.

THESE MATTERS HAVE BEEN DELIBERATELY LEFT OPEN AND MUST FIRST AND FOREMOST BE THE SUBJECT OF EXTENSIVE CONSULTATION BY ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.

THE ESSENTIAL MESSAGE I BRING IS THAT IT'S TIME THAT AUSTRALIAN PEOPLE BOTH NON-INDIGENOUS AND ABORIGINAL AND TORRES STRAIT ISLANDER GOT SERIOUS ABOUT THE ISSUE OF A DOCUMENT.

THE MOST RECENT PUBLIC OPINION POLLS HAVE TOLD US THAT 65% OF AUSTRALIANS AGREE THAT THERE SHOULD BE A TREATY WITH AUSTRALIA'S INDIGENOUS PEOPLES AND THERE HAS BEEN A CALL BY MANY INDIGENOUS PEOPLE FOR SUCH A DOCUMENT.

THE COUNCIL FOR ABORIGINAL RECONCILIATION NOW HAS THE RESPONSIBILITY TO WORK WITH AUSTRALIA'S INDIGENOUS PEOPLES AND THE WIDER COMMUNITY TO ADDRESS THESE ISSUES SERIOUSLY IN THE LEAD UP TO THE CENTENARY OF AUSTRALIA'S FEDERATION.

#### **ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY**

MADAM CHAIR, UNDOUBTEDLY ONE OF THE MOST FUNDAMENTAL DEVELOPMENTS THAT WILL IMPACT ON ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE IS THE AUSTRALIAN GOVERNMENT'S RESPONSE TO THE REPORT OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY.

LAST YEAR, I REPORTED ON THE WORK OF THE ROYAL COMMISSION WHICH WAS ESTABLISHED IN OCTOBER 1987 IN RESPONSE TO A GROWING PUBLIC CONCERN ABOUT THE NUMBER OF ABORIGINAL DEATHS IN CUSTODY.

THE ROYAL COMMISSION INVESTIGATED BOTH THE CAUSES OF THE SPECIFIC DEATHS AND THE UNDERLYING SOCIAL, CULTURAL AND LEGAL ISSUES ASSOCIATED WITH THEM. NEVER BEFORE IN THE HISTORY OF ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS IN AUSTRALIA HAD A MORE COMPREHENSIVE AND CRITICAL EXAMINATION OF THE SOCIAL CONDITIONS OF INDIGENOUS AUSTRALIANS BEEN UNDERTAKEN.

IN EXAMINING THE DEATHS OF 99 ABORIGINAL PEOPLE WHO DIED IN CUSTODY BETWEEN 1980 AND 1989, THE ROYAL COMMISSION HIGHLIGHTED THE STARK AND OVERWHELMING DISADVANTAGE AND SOCIAL INEQUITY THAT IS THE COMMON EXPERIENCE OF MOST ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE.

THE ROYAL COMMISSION FOUND THAT ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE ARE OVER-REPRESENTED IN CUSTODY AT A RATE 29 TIMES THAT OF THE GENERAL COMMUNITY. IN SOME STATES THE RATES ARE CONSIDERABLY HIGHER AND EVEN ESCALATED DURING THE TIME OF THE ROYAL COMMISSION.

THE ROYAL COMMISSION FOUND THAT THOSE WHO DIED DID NOT LOSE THEIR LIVES AS A RESULT OF ISOLATED ACTS OF UNLAWFUL VIOLENCE OR BRUTALITY. THEY WERE FOUND TO HAVE LIVED LIVES AS VICTIMS OF ENTRENCHED AND INSTITUTIONALIZED RACISM AND DISCRIMINATION. THEIR DEATHS WERE FOUND TO BE THE TRAGIC CONSEQUENCE OF TWO CENTURIES OF DISPOSSESSION, DISPERSAL AND APPALLING DISADVANTAGE.

THESE ISSUES WERE FOUND BY THE ROYAL COMMISSION TO BE THE UNDERLYING CAUSES OF THE DISPROPORTIONATE NUMBERS OF ABORIGINAL PEOPLE IN CUSTODY.

THE ROYAL COMMISSION MADE 339 RECOMMENDATIONS WHICH WERE DIRECTED TOWARDS GOVERNMENTS AT ALL LEVELS AND SOUGHT REFORM OF EVERY ASPECT OF GOVERNMENT POLICY WHICH IMPACTS ON THE LIVES OF ABORIGINAL PEOPLE.

THE RECOMMENDATIONS WERE UNDERPINNED BY A CALL FOR GOVERNMENTS TO RECOGNIZE THAT THE PATHWAY TO CHANGE WAS TO GIVE EFFECT TO THE PRINCIPLE OF SELF-DETERMINATION.

THE AUSTRALIAN GOVERNMENT IS PLEASED TO REPORT ITS SUPPORT FOR 338 OF 339 OF THE ROYAL COMMISSION RECOMMENDATIONS. IT HAS BACKED UP THAT SUPPORT WITH A COMMITMENT TO INCREASE EXPENDITURE ON SPECIFIC, TARGETED PROGRAMS TO THE EXTENT OF AN ADDITIONAL 400 MILLION DOLLARS OVER A 5 YEAR PERIOD TO GIVE EFFECT TO THE RECOMMENDATIONS. THAT \$400 MILLION WILL ADDRESS THE UNDERLYING CAUSES OF ABORIGINAL DEATHS IN CUSTODY INCLUDING THE MEANS BY WHICH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES CAN ACQUIRE AND DEVELOP LAND, ADDRESS THE PROBLEM OF SUBSTANCE ABUSE, GAIN GREATER OPPORTUNITY FOR EMPLOYMENT, EDUCATION AND TRAINING AND BE PROVIDED WITH SUPPORT FOR ECONOMIC ENTERPRISES WITHIN THEIR COMMUNITIES.

IT IS IMPORTANT TO EMPHASIZE THAT, AS THE MINISTER RESPONSIBLE FOR INDIGENOUS AFFAIRS, I DID NOT TAKE EITHER THE PROPOSALS FOR EXPENDITURE OR THE DETAIL OF THE PROPOSED GOVERNMENT RESPONSE TO THE FEDERAL CABINET OF THE GOVERNMENT OF AUSTRALIA UNTIL THEY HAD RECEIVED THE ENDORSEMENT OF THE NATIONAL BOARD OF COMMISSIONERS OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION (ATSIC).

INDEED, IN AN HISTORIC MEETING, THE CHAIRPERSON AND OTHER REPRESENTATIVES OF ATSIC ADDRESSED THE FEDERAL CABINET AT THE COMMENCEMENT OF ITS CONSIDERATION OF THE COMMONWEALTH'S RESPONSE. /

IN TURN, THE VIEWS OF THE ATSIC COMMISSIONERS WERE ONLY DETERMINED AND CONVEYED TO ME FOLLOWING A NATIONAL CONSULTATION PROCESS WITH ABORIGINAL PEOPLE ACROSS THE COUNTRY. /

IT WAS MY JOB AS THE FEDERAL MINISTER TO CO-ORDINATE A NATIONAL RESPONSE TO THE ROYAL COMMISSION. I AM PLEASED TO REPORT THAT, WITH LIMITED EXCEPTIONS, STATE AND TERRITORY GOVERNMENTS CAME FORWARD WITH A RESPONSE TO THE ROYAL COMMISSION RECOMMENDATIONS WHICH WAS BROADLY COMPARABLE TO THE COMMONWEALTH RESPONSE. IT IS IMPORTANT TO NOTE THAT THE LEVEL OF FINANCIAL COMMITMENTS FROM STATE AND TERRITORY GOVERNMENTS TO IMPLEMENT THE RECOMMENDATIONS IS LARGELY STILL TO BE ANNOUNCED, AND THAT THE RESPONSE OF THE STATE OF TASMANIA HAS YET TO BE FINALIZED. AT A RECENT MEETING OF HEADS OF GOVERNMENT IN AUSTRALIA, THE PREMIERS AND CHIEF MINISTERS OF THE AUSTRALIAN STATES AND TERRITORIES COMMITTED THEIR GOVERNMENTS TO ACCORDING TO ABORIGINAL AND TORRES STRAIT ISLANDER PROGRAMS HIGH PRIORITY IN THEIR FORTHCOMING BUDGETS. /

IT WAS AN HISTORIC OCCASION ON THE 31ST OF MARCH THIS YEAR WHEN I TABLED IN THE FEDERAL PARLIAMENT DETAILED RESPONSES BY COMMONWEALTH, STATE AND TERRITORY GOVERNMENTS TO EACH OF THE ROYAL COMMISSIONS RECOMMENDATIONS. THEY INCLUDE AN OVERVIEW SUPPORTED BY COMMONWEALTH, STATE AND TERRITORY MINISTERS ON BEHALF OF THEIR RESPECTIVE GOVERNMENTS AND A REPORT, ENTITLED "THE FIRST STEP", OF CONSULTATIONS CARRIED OUT THROUGH ATSIC WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE ACROSS AUSTRALIA.

MADAM CHAIR, I HAVE GREAT PLEASURE IN TABLING A COPY OF THESE DOCUMENTS FOR THE INFORMATION OF THE WORKING GROUP.

*IT IS ABSOLUTELY CRITICAL THAT THE RECOMMENDATIONS OF THE ROYAL COMMISSION AND THE RESPONSES OF GOVERNMENTS NOT BE ALLOWED TO GATHER DUST ON A SHELF. FOR THIS REASON A DETAILED REGIME OF ACCOUNTABILITY HAS BEEN ESTABLISHED TO HOLD GOVERNMENTS TO THEIR OBLIGATIONS.*

*THE ROYAL COMMISSION ITSELF EMPHASIZED EFFECTIVE MONITORING ARRANGEMENTS. INDEED, THEY ARE THE SUBJECT OF ITS VERY FIRST RECOMMENDATION.*

*THE COMMONWEALTH WILL FUND ATSIAC TO CARRY OUT THIS MONITORING ROLE, IN CONSULTATION WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE, AND TO COORDINATE COMMONWEALTH MONITORING ARRANGEMENTS AND CONSULTATION WITH STATE AND TERRITORY GOVERNMENTS.*

*I HAVE BEEN DETERMINED TO ENSURE THE MOST OPEN AND COMPREHENSIVE REPORTING OF PROGRESS IN IMPLEMENTING THE ROYAL COMMISSION'S RECOMMENDATIONS. AT THE COMMONWEALTH LEVEL, THERE WILL BE AN ANNUAL CONSOLIDATED REPORT TO PARLIAMENT ON THE IMPLEMENTATION OF THE COMMONWEALTH GOVERNMENT'S UNDERTAKINGS.*

*ATSIAC WILL BE ASKED TO GIVE AN ACCOUNT OF THE EXTENT TO WHICH ALL COMMONWEALTH AGENCIES ARE MEETING THEIR OBLIGATIONS IN THIS REGARD. I UNDERSTAND THAT THE STATES AND TERRITORIES INTEND TO MAKE SIMILAR ARRANGEMENTS. CROSS-TABLING ARRANGEMENTS IN COMMONWEALTH, STATE AND TERRITORY PARLIAMENTS WILL ENSURE THE GREATEST PUBLIC ACCESS TO THIS VALUABLE INFORMATION.*

*THE COMMONWEALTH WILL WORK WITH STATES AND TERRITORIES TO ENSURE THAT ALL RELEVANT MINISTERIAL AND SENIOR OFFICIALS' FORUMS GIVE ONGOING CONSIDERATION TO THE PROGRESS OF IMPLEMENTATION OF ALL ROYAL COMMISSION RECOMMENDATIONS FALLING WITHIN THEIR SPHERES OF INTEREST.*

*ATSIAC'S ROLE WILL BE COMPLEMENTED BY AN ANNUAL STATE OF THE NATION REPORT ON THE HUMAN RIGHTS SITUATION OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES. THIS WILL BE PREPARED BY AN ABORIGINAL AND TORRES STRAIT ISLANDER SOCIAL JUSTICE COMMISSIONER WITHIN THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION.*

*AN ABORIGINAL AND TORRES STRAIT ISLANDER SOCIAL JUSTICE UNIT HEADED BY THAT COMMISSIONER WILL BE ESTABLISHED TO UNDERTAKE THAT TASK.*

*THIS ANNUAL STATE OF THE NATION REPORT ASSUMES FURTHER IMPORTANCE BECAUSE OF THE UNANIMOUS ENDORSEMENT BY THE COMMONWEALTH PARLIAMENT OF THE PREAMBLE TO THE LEGISLATION ESTABLISHING THE RECONCILIATION PROCESS AS AN ESSENTIAL ELEMENT IN THAT PROCESS. THE PREAMBLE STATES THAT:*

**AS A PART OF THE RECONCILIATION PROCESS, THE COMMONWEALTH WILL SEEK AN ONGOING NATIONAL COMMITMENT FROM GOVERNMENTS AT ALL LEVELS TO COOPERATE AND TO COORDINATE WITH THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AS APPROPRIATE TO ADDRESS PROGRESSIVELY ABORIGINAL DISADVANTAGE AND ASPIRATIONS IN RELATION TO LAND, HOUSING, LAW AND JUSTICE, CULTURAL HERITAGE, EDUCATION, EMPLOYMENT, HEALTH, INFRASTRUCTURE, ECONOMIC DEVELOPMENT AND ANY OTHER RELEVANT MATTERS IN THE DECADE LEADING TO THE CENTENARY OF FEDERATION, 2001.**

*THE MONITORING MECHANISM AND DATA-COLLECTION PROCESSES ESTABLISHED IN RESPONSE TO THE ROYAL COMMISSION WILL BE OF CRUCIAL IMPORTANCE IN THE PREPARATION OF THE STATE OF THE NATION REPORT AND WILL BE SUPPLEMENTED BY THE EXTENSIVE INFORMATION ALREADY AVAILABLE TO THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION.*



*BY PROVIDING THE ANNUAL STATE OF THE NATION REPORT ON ABORIGINAL SOCIAL JUSTICE, THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION WILL BE ACTING AS A WATCH-DOG OVER THE NATION IN ITS ACHIEVEMENT OF SOCIAL JUSTICE OBJECTIVE OF THE PROCESS OF RECONCILIATION AND OF THE EXTENT TO WHICH ABORIGINAL AND TORRES STRAIT ISLANDER ASPIRATIONS ARE ADDRESSED AS AN ESSENTIAL PART OF THE RECONCILIATION PROCESS.*

### **INTERNATIONAL CONCERN FOR THE RIGHTS OF INDIGENOUS PEOPLES**

*THE AUSTRALIAN GOVERNMENT ACKNOWLEDGES THAT IT IS NOT JUST OUR FELLOW AUSTRALIANS WHO ARE WATCHING THE HUMAN RIGHTS OF AUSTRALIA'S INDIGENOUS PEOPLES.*

*THE AUSTRALIAN GOVERNMENT ACKNOWLEDGES AND WELCOMES THE FACT THAT THE WORLD IS WATCHING. NO COUNTRY CAN PROPERLY CLAIM IMMUNITY FROM INTERNATIONAL HUMAN RIGHTS SCRUTINY AND AS A NATION WE ARE PLEASED TO GIVE OUR SUPPORT TO THE NEED TO FURTHER ENHANCE UNITED NATIONS MECHANISMS FOR MONITORING AND SCRUTINIZING THE PERFORMANCE OF GOVERNMENTS ON HUMAN RIGHTS ISSUES.*

*LAST YEAR AT THIS FORUM I WAS PLEASED TO ANNOUNCE THAT THE AUSTRALIAN GOVERNMENT WAS TO ACCEDE TO THE FIRST OPTIONAL PROTOCOL TO THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. ON THIS OCCASION I AM PLEASED TO INFORM THE WORKING GROUP THAT THE FEDERAL ATTORNEY-GENERAL HAS ANNOUNCED THAT HE IS TAKING STEPS TOWARDS AUSTRALIA MAKING THE APPROPRIATE DECLARATIONS UNDER THE UNITED NATIONS CONVENTION AGAINST TORTURE AND THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION TO ALLOW INDIVIDUALS ACCESS TO THE RELEVANT INTERNATIONAL FORUMS. THE ATTORNEY-GENERAL HAS ALSO ANNOUNCED THAT THE AUSTRALIAN GOVERNMENT WILL GIVE FURTHER EFFECT TO ITS INTERNATIONAL OBLIGATIONS UNDER THE RACIAL DISCRIMINATION CONVENTION BY ENACTING LEGISLATION ON RACIAL VILIFICATION.*

### **INDIGENOUS HERITAGE ISSUES**

*MADAM CHAIR, I WOULD NOW LIKE TO REPORT ON RECENT DEVELOPMENTS IN RELATION TO HERITAGE MATTERS THAT ARE OF INTEREST TO ABORIGINAL PEOPLE. THE PROTECTION OF CULTURAL HERITAGE OF INDIGENOUS PEOPLES IS A MATTER THAT GREATLY CONCERNS THE AUSTRALIAN GOVERNMENT.*

*IN NOVEMBER LAST YEAR, I RECEIVED AN APPLICATION UNDER THE ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT 1984 FROM THE CENTRAL LAND COUNCIL IN ALICE SPRINGS ON BEHALF OF ABORIGINAL CUSTODIANS IN CENTRAL AUSTRALIA.*

*THE NORTHERN TERRITORY GOVERNMENT PROPOSED TO BUILD A DAM IN THE VICINITY OF SEVERAL SIGNIFICANT SACRED SITES LOCATED ON THE TODD RIVER ON THE OUTSKIRTS OF ALICE SPRINGS.*

*MADAM CHAIR, I SHOULD POINT OUT THAT HERITAGE ISSUES ARE GENERALLY MATTERS THAT FALL WITHIN THE JURISDICTION OF STATE AND TERRITORY GOVERNMENTS. HOWEVER, IN ACCORDANCE WITH THE COMMONWEALTH ABORIGINAL AND TORRES STRAIT ISLANDER HERITAGE PROTECTION ACT, THE ENACTMENT OF WHICH WAS MADE POSSIBLE BY THE 1967 REFERENDUM, THE COMMONWEALTH GOVERNMENT HAS POWER TO INTERVENE IN HERITAGE MATTERS TO PROTECT SACRED SITES FROM INJURY OR DESECRATION. IT HAS INDICATED A PREPAREDNESS TO DO SO WHERE STATE AND TERRITORY HERITAGE PROTECTION PROCESSES ARE INADEQUATE OR ARE IMPROPERLY APPLIED.*

*IN THIS PARTICULAR CASE, THE PROPOSAL OF THE NORTHERN TERRITORY GOVERNMENT TO BUILD A DAM ON THE TODD RIVER POSED A SIGNIFICANT THREAT TO ABORIGINAL SITES.*

FOLLOWING A REPORT TO ME BY A RETIRED SUPREME COURT JUDGE, THE HON. HAL WOOTTEN I ISSUED A 20 YEAR DECLARATION TO PROTECT THIS SACRED AREA. I HAVE PLEASURE IN PASSING TO THIS WORKING GROUP A COPY OF THAT REPORT.

THE DECISION I MADE TO ISSUE THIS DECLARATION DEMONSTRATES SIGNIFICANT GOVERNMENT RECOGNITION OF AND RESPECT FOR INDIGENOUS SPIRITUAL VALUES AND HERITAGE. THE DECLARATION IS THE ONLY "PERMANENT" DECLARATION IN PLACE SINCE THE ENACTMENT OF FEDERAL HERITAGE PROTECTION LEGISLATION IN 1984.

### **THE MABO CASE**

ONE OF THE MOST SIGNIFICANT ISSUES IN AUSTRALIAN INDIGENOUS AFFAIRS, AN ISSUE WHICH IMPACTS DIRECTLY ON THE LIVES AND ASPIRATIONS OF ALL INDIGENOUS PEOPLES, IS THE RECENT DECISION OF THE HIGH COURT OF AUSTRALIA IN THE MABO CASE.

THE DECISION IN THIS CASE CLEARLY PROVIDES A SUBSTANTIAL BOOST TO THE PROPOSAL FOR A DOCUMENT, AGREEMENT, TREATY OR COMPACT (BY WHATEVER NAME) AS ONE OF THE OUTCOMES OF THE RECONCILIATION PROCESS. IT GIVES FURTHER MOMENTUM TO THE REQUIREMENT FOR GOVERNMENTS TO ACT TO ADDRESS THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY TO GIVE EFFECT TO ABORIGINAL LAND ASPIRATIONS.

MADAM CHAIR, THE PLAINTIFFS IN THE CASE, EDDIE MABO AND OTHERS, CHALLENGED THE VALIDITY OF CERTAIN STATE TERRITORIAL LAWS AND SOUGHT A DECLARATION BY THE HIGH COURT OF AUSTRALIA IN RESPECT OF THE STATUS OF TRADITIONAL OWNERS OF MURRAY ISLAND IN THE TORRES STRAIT.

REGRETTABLY, EDDIE MABO, WHO FOUGHT A LONG AND HEROIC BATTLE THROUGH THE LEGAL SYSTEM, DIED BEFORE THE HIGH COURT DELIVERED ITS DECISION. THE DECISION RECOGNIZES A FORM OF NATIVE TITLE TO LAND FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE. THE MABO CASE HAS BEEN REGARDED BY INTERNATIONAL JURISTS AND HISTORIANS ALIKE AS A MAJOR STEP FORWARD IN THE COMMON LAW INTERPRETATION OF THE DOCTRINE OF COMMUNAL NATIVE TITLE.

THE HIGH COURT HAS FINALLY PUT PAID TO THE OFFENSIVE AND ESSENTIALLY RACIST NOTION OF **TERRA NULLIUS** WHICH ASSERTED THAT THE LAND WAS 'DESERT AND UNOCCUPIED', AND BY WHICH THE DISPOSSESSION AND OPPRESSION OF THE INDIGENOUS PEOPLES OF THIS COUNTRY WAS JUSTIFIED.

IN THE WORDS OF HIS HONOUR JUSTICE BRENNAN: 'THE COMMON LAW OF THIS COUNTRY WOULD PERPETUATE INJUSTICE IF IT WERE TO CONTINUE TO EMBRACE THE NOTION OF **TERRA NULLIUS** AND TO PERSIST IN CHARACTERIZING THE INDIGENOUS INHABITANTS OF THE AUSTRALIAN COLONIES AS PEOPLE TOO LOW IN THE SCALE OF SOCIAL ORGANIZATION TO BE ACKNOWLEDGED AS POSSESSING RIGHTS AND INTERESTS IN LAND'.

THEIR HONOURS JUSTICES DEANE AND GAUDRON DESCRIBED THE DOCTRINE OF **TERRA NULLIUS** AND THE ACTS AND EVENTS BY WHICH THE DISPOSSESSION WAS CARRIED OUT AS 'THE DARKEST ASPECT OF THE HISTORY OF THIS NATION'.

THEY WENT ON TO SAY THAT 'THE NATION AS A WHOLE MUST REMAIN DIMINISHED UNLESS AND UNTIL THERE IS AN ACKNOWLEDGEMENT OF, AND A RETREAT FROM, THOSE PAST INJUSTICES'.

CLEARLY THEN, THE MABO DECISION IS ONE OF VERY GREAT SIGNIFICANCE FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND FOR THE AUSTRALIAN COMMUNITY GENERALLY. I HAVE PLEASURE IN PASSING TO THE WORKING GROUP A COPY OF THE HIGH COURT DECISION.

## **CHANGE OF PORTFOLIO TITLE**

MADAM CHAIR, I SHOULD ALSO REPORT ON A CHANGE OF MY PORTFOLIO TITLE TO MINISTER FOR ABORIGINAL AND **TORRES STRAIT ISLANDER** AFFAIRS WHICH WAS OFFICIALLY ENDORSED BY THE GOVERNOR-GENERAL IN DECEMBER LAST YEAR.

THE CHANGE IS SIGNIFICANT BECAUSE IT SYMBOLIZES THE EXPLICIT RECOGNITION OF TORRES STRAIT ISLANDERS AS A DISTINCT INDIGENOUS PEOPLE IN AUSTRALIA. THIS WILL BE OF PARTICULAR IMPORTANCE TO AUSTRALIA LATER THIS YEAR IN MEETING WITH PAPUA NEW GUINEA TO DISCUSS DEVELOPMENTS UNDER THE TORRES STRAIT TREATY. THE AUSTRALIAN GOVERNMENT WILL TAKE THE OPPORTUNITY TO EMPHASIZE THE IMPORTANCE FOR TORRES STRAIT ISLANDER PEOPLE OF PROTECTING THEIR ENVIRONMENT.

## **MARALINGA**

MADAM CHAIR, ANOTHER IMPORTANT ISSUE OF ONGOING CONCERN TO ABORIGINAL PEOPLE, THE SOUTH AUSTRALIAN STATE GOVERNMENT AND THE COMMONWEALTH GOVERNMENT IS THE PLIGHT OF ABORIGINAL PEOPLE IN SOUTH AUSTRALIA WHO LOST THE USE OF THEIR LAND AS A RESULT OF NUCLEAR TESTING WHICH WAS CARRIED OUT BY THE BRITISH GOVERNMENT DURING THE 1950'S AND 60'S.

LAST YEAR I REPORTED ON THE QUEST OF REPRESENTATIVES OF THE MARALINGA PEOPLE TO OBTAIN THE COOPERATION OF THE BRITISH GOVERNMENT IN DECONTAMINATION OF THOSE TRADITIONAL LANDS.

THE AUSTRALIAN GOVERNMENT ESTABLISHED A ROYAL COMMISSION INTO THE TESTING PROGRAM AS A RESULT OF SERIOUS CONCERN ABOUT THE AFTER-EFFECTS OF THAT BRITISH NUCLEAR TESTING PROGRAM. THE ROYAL COMMISSION RECOMMENDED THAT AN ASSESSMENT BE CARRIED OUT OF HOW BEST TO CLEAN UP RADIOACTIVE CONTAMINATION. IT ESTABLISHED THE PRINCIPLE THAT TRADITIONAL OWNERS SHOULD BE COMPENSATED FOR LOSS OF USE AND ENJOYMENT OF THE LANDS AS A RESULT OF THE TEST PROGRAM.

NEGOTIATIONS BETWEEN THE AUSTRALIAN GOVERNMENT AND THE BRITISH GOVERNMENT ON THE ISSUE OF SITE REHABILITATION AND ABORIGINAL COMPENSATION HAVE BEEN PROGRESSING WITH A VIEW TO RESOLUTION OF ALL OUTSTANDING ISSUES OF CONCERN WITH MINIMUM FURTHER DELAY.

THE AUSTRALIAN GOVERNMENT BELIEVES THAT THE BRITISH GOVERNMENT DOES HAVE OBLIGATIONS TO CLEAN UP ITS FORMER NUCLEAR-WEAPONS TEST SITES IN AUSTRALIA WHICH HAS BEEN CONTAMINATED BY PLUTONIUM HAVING A HALF LIFE OF 24,065 YEARS.

THE BRITISH GOVERNMENT MADE SPECIFIC UNDERTAKINGS TO AUSTRALIA IN 1956 CONCERNING THE CONDUCT OF THE TESTS AND THE REHABILITATION OF THE TEST SITES FOLLOWING THE TEST PROGRAM.

ON THE BASIS OF INFORMATION PROVIDED BY THE JOINT AUSTRALIA/BRITISH/UNITED STATES TECHNICAL ASSESSMENT GROUP (TAG) STUDY REPORT (1990) AND SURVEYS UNDERTAKEN BY THE AUSTRALIAN RADIATION LABORATORY, AUSTRALIA NOW KNOWS THAT THE NATURE AND EXTENT OF CONTAMINATION IS MARKEDLY DIFFERENT FROM THAT SAID TO EXIST IN THE 1960'S. THE TECHNICAL ASSESSMENT GROUP HAS CONFIRMED THE POTENTIAL RADIOLOGICAL HAZARD STILL PRESENTED BY THE PLUTONIUM CONTAMINATION FROM BRITAIN'S SO-CALLED 'MINOR TRIALS' AT MARALINGA.

AUSTRALIA IS PLEASED THAT THE ISSUES ARISING FROM THE BRITISH NUCLEAR TESTING PROGRAMME ARE BEING TAKEN SERIOUSLY BY THAT GOVERNMENT AS THESE ISSUES ARE ENORMOUSLY IMPORTANT TO ABORIGINAL PEOPLE AND MUST BE ADDRESSED.

## **RACIST VIOLENCE**

*IN APRIL LAST YEAR THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION'S NATIONAL INQUIRY INTO RACIST VIOLENCE PRESENTED ITS FINAL REPORT.*

*THE INQUIRY FOUND THAT INCIDENTS OF RACIST VIOLENCE AGAINST ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE ARE ENDEMIC, NATION-WIDE AND VERY SEVERE.*

*THE INQUIRY MADE A TOTAL OF 67 RECOMMENDATIONS INCLUDING:*

*A PACKAGE OF LEGISLATIVE REFORMS TO CREATE NEW CRIMINAL OFFENCES AND CIVIL REMEDIES;*

*REFORMS IN THE AREAS OF LAW ENFORCEMENT AND JUSTICE ADMINISTRATION; AND*

*THE DEVELOPMENT OF STRATEGIES TO ADDRESS RACISM IN THE WORKPLACE, IN EDUCATION, IN PUBLIC HOUSING SETTINGS, IN MEDIA REPORTING AND IN THE PRIVATE RENTAL MARKET.*

*IN DECEMBER LAST YEAR, THE FEDERAL GOVERNMENT ENDORSED 65 OF THE 67 INQUIRY RECOMMENDATIONS IN A RESPONSE TO THE INQUIRY TABLED IN THE NATIONAL PARLIAMENT, A COPY OF WHICH I NOW PROVIDE FOR THE INFORMATION OF THE WORKING GROUP.*

## **HEALTH**

*IN RELATION TO ABORIGINAL HEALTH THE COMMONWEALTH GOVERNMENT AND ATSIIC CONTINUE WITH THE IMPLEMENTATION OF THE NATIONAL ABORIGINAL HEALTH STRATEGY, INVOLVING AN ADDITIONAL COMMONWEALTH COMMITMENT OF 232 MILLION DOLLARS OVER A FIVE-YEAR PERIOD. AGREEMENT HAS BEEN REACHED WITH ALMOST ALL STATE AND TERRITORY GOVERNMENTS ON THE EXTENT OF THEIR CONTRIBUTIONS TOWARDS THE STRATEGY FOR 1992/93. THIS HAS MEANT AN ADDITIONAL 60 MILLION DOLLARS SINCE JUNE 1990 FROM COMMONWEALTH, STATE AND TERRITORY GOVERNMENTS.*

*AS WELL AS ADDITIONAL COMMONWEALTH FUNDING TO UPGRADE EXISTING ABORIGINAL AND TORRES STRAIT ISLANDER HEALTH SERVICES AND TO ESTABLISH NEW SERVICES, A NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER HOUSING AND INFRASTRUCTURE NEEDS SURVEY HAS COMMENCED. THE RESULTS OF THIS SURVEY WILL DETERMINE PRIORITIES FOR INFRASTRUCTURE DEVELOPMENT IN THE AREAS OF HOUSING, WATER SUPPLY, ELECTRICITY SUPPLY AND SEWAGE TREATMENT.*

## **CULTURAL PROPERTY**

*ANOTHER VERY IMPORTANT ISSUE FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE IS THE RETURN OF ABORIGINAL AND TORRES STRAIT ISLANDER CULTURAL PROPERTY TO INDIGENOUS OWNERSHIP. I WILL COMMENT ON THIS AT A LATER STAGE OF THE SESSION UNDER THE APPROPRIATE AGENDA ITEM.*

## **WESTERN AUSTRALIAN JUVENILE LEGISLATION**

*I MUST ALSO REPORT ON RECENT LEGISLATIVE DEVELOPMENTS IN THE STATE OF WESTERN AUSTRALIA IN RESPECT OF SENTENCING OPTIONS FOR YOUNG OFFENDERS.*

THE JUVENILE CRIME (SERIOUS AND REPEAT OFFENDERS) SENTENCING ACT 1992 PASSED EARLIER THIS YEAR IN THAT STATE PROVIDES FOR MANDATORY DETENTION OR IMPRISONMENT FOR SOME JUVENILES REGARDLESS OF THE COURT'S VIEWS AS TO THE APPROPRIATENESS OF SUCH DETENTIONS. THE RELEVANT LEGISLATION HAS OTHER PROVISIONS WHICH, ACCORDING TO ADVICE PROVIDED BY THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION TO FEDERAL AND WESTERN AUSTRALIAN GOVERNMENTS, ARE CONTRARY TO THE RECOMMENDATIONS OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY AND IN BREACH OF THE CONVENTION ON THE RIGHTS OF THE CHILD AND THE INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS. BOTH THE FEDERAL ATTORNEY-GENERAL AND I HAVE EXPRESSED OUR CONCERN ABOUT THE IMPLICATIONS OF THE LEGISLATION TO THE WESTERN AUSTRALIAN GOVERNMENT.

THE WESTERN AUSTRALIAN GOVERNMENT HAS CONDUCTED A NUMBER OF REVIEWS WHICH HAVE BEEN CRITICAL OF THE LEGISLATION BUT IT HAS YET TO ANNOUNCE WHAT ACTION IT PROPOSES TO TAKE IN RESPONSE TO THESE REVIEWS.

### **EMPLOYMENT**

MADAM CHAIR, IN RELATION TO EMPLOYMENT THE AUSTRALIAN GOVERNMENT IS COMMITTED TO ACHIEVING EQUITY OF EMPLOYMENT FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES AND THE PROMOTION OF ECONOMIC INDEPENDENCE BY INCREASING PERMANENT EMPLOYMENT OPPORTUNITIES FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.

THROUGH ITS CONTINUED SUPPORT OF THE NATIONAL ABORIGINAL EMPLOYMENT DEVELOPMENT POLICY, THE AUSTRALIAN GOVERNMENT HAS INITIATED A RANGE OF PROGRAMS TO MEET THESE OBJECTIVES.

IMPLEMENTATION OF THE ABORIGINAL EMPLOYMENT DEVELOPMENT POLICY IS PRINCIPALLY MONITORED BY A NATIONAL TASK-FORCE CHAIRED BY ONE OF THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSIONERS, COMMISSIONER ALF BAMBLETT, WHO RECENTLY TOOK OVER FROM ME AS CHAIRPERSON OF THE TASK FORCE.

RECENT INITIATIVES TO PROMOTE ABORIGINAL AND TORRES STRAIT ISLANDER EMPLOYMENT IN THE PRIVATE EMPLOYMENT SECTOR HAVE ALSO BEEN ANNOUNCED IN THE CONTEXT OF THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY.

THE AUSTRALIAN GOVERNMENT HAS RECENTLY AGREED TO TARGETTED STRATEGIES TO STRENGTHEN PARTICIPATION BY ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES IN THE ARTS, PASTORAL AND TOURISM INDUSTRIES.

IN ADDITION THE GOVERNMENT HAS ACTIVELY SOUGHT TO INCREASE THE NUMBER AND STATUS OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE EMPLOYED IN THE MINING INDUSTRY THROUGH CONSULTATION WITH PEAK INDUSTRY BODIES TO DEVELOP A STRATEGIC NATIONAL APPROACH TO EMPLOYMENT AND TRAINING.

AS A FURTHER INITIATIVE TO PROMOTE EMPLOYMENT IN THE PRIVATE SECTOR THE AUSTRALIAN GOVERNMENT HAS ENTERED INTO AN AGREEMENT WITH THE AUSTRALIAN CHAMBER OF INDUSTRY AND COMMERCE, FORMERLY THE CONFEDERATION OF AUSTRALIAN INDUSTRY TO ESTABLISH POSITIONS OF INDUSTRY ADVISERS ON ABORIGINAL EMPLOYMENT TO BE LOCATED AROUND THE COUNTRY. THE AUSTRALIAN TRADE UNION MOVEMENT HAS ALSO SIGNALLED ITS INTENTION TO GIVE ITS ACTIVE SUPPORT TO THE PROMOTION OF ABORIGINAL EMPLOYMENT. A FURTHER INITIATIVE HAS BEEN TAKEN TO CREATE PILOT LOCAL EMPLOYMENT PROMOTIONAL COMMITTEES IN 15 REGIONS THROUGHOUT AUSTRALIA TO PROMOTE EMPLOYMENT OPPORTUNITIES FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.

*PERHAPS THE MOST IMPORTANT EMPLOYMENT INITIATIVE, MADAM CHAIR, WHICH HAS HAD A REMARKABLE IMPACT ON ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE, ESPECIALLY THOSE WHO RESIDE IN REMOTE COMMUNITY AREAS, IS THE COMMUNITY DEVELOPMENT EMPLOYMENT PROJECTS (CDEP) SCHEME.*

*THE SCHEME IS ADMINISTERED BY THE ABORIGINAL AND TORRES STRAIT ISLANDER COMMISSION AND ENABLES ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE WHO RESIDE IN AREAS WHERE THERE IS FEW OR NO VIABLE ALTERNATIVE LABOUR MARKETS TO PARTICIPATE IN COMMUNITY ENTERPRISE OR SIMILAR WORK AND RECEIVE A FORM OF GOVERNMENT PAYMENT.*

*THE PRINCIPAL OBJECTIVE OF THIS PROGRAM IS TO ALLOW COMMUNITIES TO DEVELOP SUITABLE MARKET ENTERPRISES AS A BASIS FOR PRODUCTIVE EMPLOYMENT AND TO CREATE JOB OPPORTUNITIES IN COMMUNITIES WHICH OTHERWISE WOULD HAVE NO REGULAR MEANS OF INCOME BEYOND WELFARE PAYMENTS.*

### **LANGUAGES**

*ONE IMPORTANT ISSUE FOR THE MAINTENANCE OF HERITAGE AND CULTURE OF INDIGENOUS PEOPLE IS THAT OF LANGUAGE PRESERVATION.*

*REGRETTABLY BECAUSE OF A SHAMEFUL HISTORICAL LEGACY, INCLUDING THE PAST POLICIES OF GOVERNMENTS, MANY ABORIGINAL LANGUAGES HAVE BEEN LOST. OF THE APPROXIMATELY 250 ABORIGINAL LANGUAGES SPOKEN IN 1788, ONLY APPROXIMATELY TWENTY LANGUAGES ARE STILL SPOKEN AND PASSED TO THE NEXT GENERATION.*

*THE ABORIGINAL LANGUAGES INITIATIVES PROGRAM (ALIP) OF THE FEDERAL GOVERNMENT IS AN EXPRESSION OF A FAST-GROWING MOVEMENT AMONG ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES TO RESTORE AND REVITALIZE THEIR OWN LANGUAGES. UNDER ALIP THE FEDERAL GOVERNMENT HAS TREBLED FINANCIAL SUPPORT FOR LANGUAGE ACTIVITIES - FROM ONE MILLION DOLLARS IN 1991 TO THREE MILLION DOLLARS PER ANNUM FROM THE 1992-93 FISCAL YEAR. THESE FUNDS ARE BEING USED TO SUPPORT:*

*A MAJOR EXPANSION IN THE NUMBER OF REGIONAL ABORIGINAL LANGUAGES CENTRES WORKING TO RECORD, RESTORE AND/OR REVITALIZE LANGUAGES IN THEIR REGIONS;*

*SPECIAL COMMUNITY BASED PROJECTS TO ADVANCE THE KNOWLEDGE AND USAGE OF INDIVIDUAL ABORIGINAL OR TORRES STRAIT ISLANDER LANGUAGES; AND*

*A NATIONAL FEDERATION OF REGIONAL ABORIGINAL CENTRES, ESTABLISHED IN JUNE 1992 TO COORDINATE THE LANGUAGE WORK AND PROVIDE THE REGIONAL CENTRES WITH A STRONG VOICE IN DEALINGS WITH GOVERNMENT AND THE BROADER AUSTRALIAN COMMUNITY.*

*ALIP IS THE FOCUS OF THE COMMUNITY-BASED EFFORTS TO PRESERVE AND ENHANCE A VITAL PART OF THE HERITAGE OF AUSTRALIA'S ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.*

## **EDUCATION**

*ON THE WIDER EDUCATION AGENDA, THE NATIONAL ABORIGINAL AND TORRES STRAIT ISLANDER EDUCATION POLICY (AEP) REPRESENTS A CONCERTED EFFORT ON THE PART OF BOTH THE COMMONWEALTH AND STATE AND TERRITORY GOVERNMENTS TO IMPROVE EDUCATIONAL OPPORTUNITIES AND OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.*

*THE AEP HAS FOUR MAIN PURPOSES:*

*TO ENSURE ABORIGINAL AND TORRES STRAIT ISLANDER INVOLVEMENT IN EDUCATIONAL DECISION-MAKING;*

*TO PROVIDE EQUALITY OF ACCESS FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES TO EDUCATION SERVICES;*

*TO RAISE THE RATES OF ABORIGINAL AND TORRES STRAIT ISLANDER PARTICIPATION IN EDUCATION TO THOSE FOR ALL AUSTRALIANS; AND*

*TO ACHIEVE EQUITABLE AND APPROPRIATE EDUCATIONAL OUTCOMES FOR ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES.*

*EACH STATE AND TERRITORY GOVERNMENT DEVELOPS A THREE YEAR STRATEGIC PLAN IN CONSULTATION WITH ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLES AND EDUCATION PROVIDERS ACROSS ALL SECTORS. THESE STRATEGIC PLANS OUTLINE THE PRIORITY MEASURES AND LINKAGES TO BE DEVELOPED IN ORDER TO GIVE EFFECT TO THE GOALS OF THE AEP.*

*WITHIN THE FRAMEWORK OF THE STATE AND TERRITORY STRATEGIC PLANS, EDUCATION PROVIDERS DEVELOP TRIENNIAL OPERATIONAL PLANS WHICH FORM THE BASIS FOR NEGOTIATING SUPPLEMENTARY FUNDING ASSISTANCE FROM THE COMMONWEALTH. THIS SUPPLEMENTARY FUNDING IS PROVIDED ON A FORWARD COMMITTED TRIENNIAL BASIS TO ASSIST PROVIDERS IN ACHIEVING IMPROVED EDUCATIONAL OUTCOMES. THE FIRST TRIENNIUM OF THE AEP CONCLUDES IN DECEMBER THIS YEAR, AND AN EVALUATION IS PLANNED TO EXAMINE DEVELOPMENTS OVER THIS PERIOD.*

*THE ROYAL COMMISSION INTO ABORIGINAL DEATHS IN CUSTODY ENDORSED THE AEP AND POINTED TO AREAS WHERE IMPROVEMENTS COULD BE MADE. ALL GOVERNMENTS HAVE ENDORSED THOSE RECOMMENDATIONS, AND THE COMMONWEALTH HAS ADVISED STATE AND TERRITORY GOVERNMENTS AND EDUCATION PROVIDERS THAT THE IMPLEMENTATION OF THESE RECOMMENDATIONS IS ONE OF THREE PRIORITIES FOR THE NEXT TRIENNIUM, WHICH COMMENCES IN 1993.*

*THE COMMONWEALTH HAS ALSO COMMITTED AN ADDITIONAL 30 MILLION DOLLARS OVER THE NEXT FIVE YEARS TO ALLOW AN EXPANSION IN THE NUMBER OF ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE WORKING IN THE EDUCATION SYSTEM AND TO INCREASE OPPORTUNITIES FOR ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN TO ATTEND PRE-SCHOOLS.*

*THE OTHER TWO EDUCATION PRIORITIES FOR THE COMMONWEALTH GOVERNMENT FOR THE PERIOD 1993-95 ARE GREATER ATTENTION TO ABORIGINAL LANGUAGES EDUCATION AND LITERACY PROGRAMS AND THE EXPANSION OF RESOURCES AVAILABLE TO CURRICULUM DEVELOPMENT AND TEACHER TRAINING TO ENSURE THAT ALL AUSTRALIAN STUDENTS HAVE THE OPPORTUNITY TO DEVELOP AN APPRECIATION OF ABORIGINAL AND TORRES STRAIT ISLANDER HISTORY, CULTURE AND PERSPECTIVES.*

**ENVIRONMENT**

MADAM CHAIR, I SHOULD ALSO REPORT THAT THE RECENT UNITED NATIONS CONFERENCE ON ENVIRONMENT AND DEVELOPMENT HELD IN BRAZIL WAS ATTENDED BY ABORIGINAL REPRESENTATIVES, INCLUDING AS PART OF THE OFFICIAL AUSTRALIAN DELEGATION . INDEED, ISSUES INVOLVING LAND AND ECONOMIC DEVELOPMENT HAVE ALWAYS BEEN A MAJOR CONCERN FOR AUSTRALIA'S INDIGENOUS PEOPLE. AMONG THOSE AUSTRALIAN ABORIGINAL REPRESENTATIVES WHO ATTENDED THE EARTH SUMMIT WERE KEY ABORIGINAL COMMUNITY AND GOVERNMENT REPRESENTATIVES. IN THIS RESPECT THE AUSTRALIAN GOVERNMENT FURTHER ACKNOWLEDGES THE CONTRIBUTION OF ABORIGINAL PEOPLE TO INTERNATIONAL ISSUES ON LAND AND THE ENVIRONMENT.

**CONCLUSION**

THE LAST YEAR HAS BEEN A PERIOD OF SIGNIFICANT REFORM IN ABORIGINAL AND TORRES STRAIT ISLANDER AFFAIRS IN AUSTRALIA. IT HAS BEEN A GREAT PRIVILEGE TO OCCUPY THE POSITION OF MINISTER DURING THAT TIME. HOWEVER IN SAYING THIS I RECOGNIZE THAT MUCH MORE REMAINS TO BE DONE TO TRANSFORM RELATIONS BETWEEN ABORIGINAL AND TORRES STRAIT ISLANDER PEOPLE AND THE WIDER COMMUNITY AND TO DELIVER JUSTICE TO INDIGENOUS PEOPLE IN AUSTRALIA. THE PROCESS OF RECONCILIATION OFFERS A MECHANISM WHEREBY THE ASPIRATIONS OF INDIGENOUS PEOPLE CAN BE REALIZED IN AUSTRALIA.

IT IS MY HOPE THAT IN FUTURE YEARS THIS WORKING GROUP AND THE INTERNATIONAL COMMUNITY MAY BE ABLE TO HEAR FURTHER REPORTS OF THESE CRUCIAL DEVELOPMENTS IN INDIGENOUS AFFAIRS IN OUR COUNTRY. IT HAS BEEN AN HONOUR TO ADDRESS THE WORKING GROUP ON THIS FURTHER OCCASION AND I THANK YOU FOR YOUR ATTENTION.