

Introduction

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It is with great pleasure that I present my first *Social Justice Report* (the Report) as the Aboriginal and Torres Strait Islander Social Justice Commissioner, having commenced my five-year term on 1 February 2010.

I write this Report as a Gangulu man from Central Queensland with over 25 years of experience working with our peoples in many different ways. I have worked at the community, regional, state, national and international levels, within organisations such as the Aboriginal and Torres Strait Islander Commission (ATSIC) and the Cooperative Research Centre for Aboriginal Health (CRAH). All of these experiences have shaped my understanding of the human rights of Indigenous peoples.

One of my primary responsibilities as the Aboriginal and Torres Strait Islander Social Justice Commissioner is to report annually on the enjoyment and exercise of human rights by Aboriginal and Torres Strait Islander peoples, and to make recommendations on the action that should be taken to ensure that these rights are observed.¹ This responsibility is fulfilled through the submission of an annual *Social Justice Report*.²

In this Report, I review developments in the enjoyment and exercise of human rights by Aboriginal and Torres Strait Islanders peoples between 1 July 2009 – 30 June 2010 (the Reporting Period).

Building on a legacy

I come into this position of Aboriginal and Torres Strait Islander Social Justice Commissioner after a period of great achievement and advocacy by my predecessors, Dr Tom Calma, Dr William Jonas and Professor Mick Dodson. I am honoured to have the opportunity to build on their strong legacy and advocate for our rights.³

Since the creation of the position of the Social Justice Commissioner in 1993, the annual *Social Justice Report* has played a significant role in monitoring the enjoyment and exercise of a vast array of Aboriginal and Torres Strait Islander peoples' rights including health,⁴ education⁵ and the right to self-determination,⁶ to name a few. Previous *Social Justice Reports*

1 *Australian Human Rights Commissioner Act 1986* (Cth), s 46C(1)(a).
2 For previous Social Justice Reports see, Australian Human Rights Commission, *Social Justice Reports*, http://www.humanrights.gov.au/social_justice/sj_report/index.html (viewed 5 November 2010).
3 I also note that Zita Antonios acted as the Social Justice Commissioner between 1998-1999.
4 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2005*, Human Rights and Equal Opportunity Commission (2005), pp 9-97. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport05/index.html (viewed 10 December 2010).
5 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2008*, Australian Human Rights Commission (2009), pp 95-145. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport08/index.html (viewed 10 December 2010).
6 W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2002*, Human Rights and Equal Opportunity Commission (2002), pp 7-53. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport02/index.html (viewed 10 December 2010).

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have analysed the Northern Territory Intervention,⁷ the post-ATSIC arrangements in Indigenous Affairs,⁸ reconciliation,⁹ family violence¹⁰ and the operation of the criminal justice system.¹¹

These reports have informed debate and provided practical guidance to governments across the breadth of issues in Aboriginal and Torres Strait Islander affairs. Importantly they have also led to real action, with a number of key recommendations being taken up by government.

For example, the *Social Justice Report 2005* framed the inequality of health and life expectation between our people and non-Indigenous Australians as a human rights issue. That Report called on all governments in Australia to commit to close this gap within a generation, based on our right to health and our right to enjoy the same opportunities to be as healthy as other people in Australia.

It was also the catalyst for the formation of a coalition of more than 40 Aboriginal and Torres Strait Islander and non-Indigenous peak health bodies and non-government organisations to progress what became known as the Close the Gap Campaign for Indigenous Health Equality. This was the first time these organisations had worked together to achieve Aboriginal and Torres Strait Islander health equality.

In 2008, the Australian Government, the federal opposition, the main Indigenous and non-Indigenous peak health bodies and the Social Justice Commissioner signed the 'Close the Gap Statement of Intent' which committed all parties to a national plan

7 Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2008), pp 197-305. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport07/index.html (viewed 10 December 2010)

8 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2005*, Human Rights and Equal Opportunity Commission (2005), pp 99-221. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport05/index.html (viewed 10 December 2010); T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2006*, Human Rights and Equal Opportunity Commission (2007), pp 21-107. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport06/index.html (viewed 10 December 2010).

9 W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2000*, Human Rights and Equal Opportunity Commission (2000), pp 5-32, 87-132. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport00/index.html (viewed 10 December 2010); W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2002*, Human Rights and Equal Opportunity Commission (2002), pp 57-87. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport02/index.html (viewed 10 December 2010); W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2003*, Human Rights and Equal Opportunity Commission (2004), pp 57-106. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport03/index.html (viewed 10 December 2010).

10 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2007*, Human Rights and Equal Opportunity Commission (2008), pp 7-187. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport07/index.html (viewed 10 December 2010); W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2003*, Human Rights and Equal Opportunity Commission (2004), pp 155-194. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport03/index.html (viewed 10 December 2010).

11 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission (2009), pp 9-55. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport09/index.html (viewed 10 December 2010); T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2004*, Human Rights and Equal Opportunity Commission (2005), pp 11-65. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport04/index.html (viewed 10 December 2010); W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2002*, Human Rights and Equal Opportunity Commission (2002), pp 135-177. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport02/index.html (viewed 10 December 2010); W Jonas, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2001*, Human Rights and Equal Opportunity Commission (2001) pp 7-33, 101-133. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport01/index.html (viewed 10 December 2010).

for achieving health equality by 2030. This Statement of Intent was matched by the biggest investment in our health since federation, some \$1.58 billion.¹²

This was the first time the Australian Government had made a commitment to achieve health equality for Aboriginal and Torres Strait Islander peoples in a specified time frame. It also committed the parties to ensuring our peoples could fully participate in all aspects of their health needs. The Prime Minister also committed to reporting to Parliament on the Australian Government's progress against these commitments each year.

Despite these advances, work still needs to be done. The challenge remains to build on this commitment and develop a national plan for our health in partnership with Aboriginal and Torres Strait Islander peoples. The role of the Social Justice Commissioner has been central to the establishment of the National Congress of Australia's First People. National representation for Aboriginal and Torres Strait Islander peoples since the abolition of ATSIC has also been a key area of successful advocacy by Tom Calma. The *United Nations Declaration on the Rights of Indigenous Peoples* (the Declaration) reinforces our right to participate in decision-making that affects us,¹³ as well as the right to develop our own institutions.¹⁴

The *Social Justice Report 2008* charted a framework for human rights protection for Aboriginal and Torres Strait Islander peoples in the 21st century, which included the need for constitutional reform.¹⁵ I intend to build on this platform in this Report.

Last year, the *Social Justice Report 2009* had a strong focus on culture and identity. In particular it examined the issues of Aboriginal and Torres Strait Islander languages and homeland communities.¹⁶ In this year's Report, I continue to highlight the underlying importance of culture, identity and choice through an analysis of successful community-building in the Fitzroy Valley.

The impact of the role of Aboriginal and Torres Strait Islander Social Justice Commissioner has also been noticed at the international level. The Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (Special Rapporteur)¹⁷ visited Australia last year to report on the situation of human rights of Aboriginal and Torres Strait Islander peoples. In his report he recognised the position of the Social Justice Commissioner as 'an exceptional model for advancing the recognition and protection of rights of indigenous peoples'.¹⁸ He also

12 Council of Australian Governments, *National Partnership Agreement on Closing the Gap in Indigenous Health Outcomes* (2008) para 28. At http://www.coag.gov.au/intergov_agreements/federal_financial_relations/docs/national_partnership/NP_closing_the_Gap_indigenous_health_outcomes.rtf (viewed 10 December 2010).

13 *United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295 (Annex), UN Doc A/RES/61/295 (2007), art 18. At <http://www.un.org/esa/socdev/unpfii/en/drip.html> (viewed 19 October 2010).

14 *United Nations Declaration on the Rights of Indigenous Peoples*, GA Resolution 61/295 (Annex), UN Doc A/RES/61/295 (2007), art 33. At <http://www.un.org/esa/socdev/unpfii/en/drip.html> (viewed 19 October 2010).

15 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2008*, Australian Human Rights Commission (2009), pp 62-76. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport08/index.html (viewed 10 December 2010).

16 T Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Social Justice Report 2009*, Australian Human Rights Commission (2009), pp 57-139. At http://www.humanrights.gov.au/social_justice/sj_report/sjreport09/index.html (viewed 10 December 2010).

17 On 30 September 2010, the Human Rights Council adopted a resolution to extend the mandate of Special Rapporteur for three years and to change the title of the office to 'Special Rapporteur on the rights of indigenous peoples': *Human rights and indigenous peoples: mandate of the Special Rapporteur on the rights of indigenous peoples*, HRC Resolution 15/14, UN Doc A/HRC/RES/15/14 (2010). Throughout this Report, I will refer to the Special Rapporteur's title as it existed during the Reporting Period.

18 J Anaya, *Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people*, James Anaya, *Addendum: Situation of indigenous peoples in Australia*, Report to the Human Rights Council, 15th session, UN Doc A/HRC/15/37/Add.4 (2010), para 78. At <http://www2.ohchr.org/english/bodies/hrcouncil/15session/reports.htm> (viewed 19 October 2010).

recommended that the *Social Justice Report* and *Native Title Report* be 'given greater attention in government administration to promote a higher level of accountability and sensitivity to human rights commitments.'¹⁹

I also urge governments at all levels in Australia, when analysing and responding to this year's and future reports, to heed the recommendation of the Special Rapporteur.

The foundations of the *Social Justice Report 2010*

Since beginning in this job I have met with as many Aboriginal and Torres Strait Islander organisations, communities and community leaders as possible. I have visited many communities and have heard first-hand information about the human rights issues that Aboriginal and Torres Strait Islander peoples believe require urgent action.

I have asked them to share with me their challenges, their strengths and their hopes. I have heard about their frustrations. I have asked them to identify the barriers to social justice that they face in their region, their experiences with government processes, and what it would take for them to more readily enjoy and exercise their human rights.

And I have listened to the solutions that they propose.

I also had the privilege of attending the ninth session of the United Nations Permanent Forum on Indigenous Issues (UNPFII) and the third session of the Expert Mechanism on the Rights of Indigenous Peoples (EMRIP).

These international mechanisms provide an opportunity for governments, independent experts and Indigenous peoples from around the world to discuss matters that affect Indigenous peoples. At these sessions, I was reminded that many of the issues that Aboriginal and Torres Strait Islander peoples face here in Australia are markedly similar to those faced by Indigenous peoples across the world.

For example, at the UNPFII session, Indigenous peoples articulated the need for a new approach to development that embraces their cultures and identities. In the lead-up to the UNPFII session, a group of independent experts explained:

Indigenous peoples want development with culture and identity where their rights are no longer violated, where they are not discriminated against, excluded or marginalized and where their free, prior and informed consent is obtained before projects and policies affecting them are made and equitable benefit-sharing is recognized and operationalized.²⁰

Similarly, discussions at the EMRIP session focused on the right of Indigenous peoples to participate in decision-making. The EMRIP considered that:

[I]ndigenous participation in decision-making on the full spectrum of matters that affect their lives forms the fundamental basis for the enjoyment of the full range of human rights.²¹

19 J Anaya, *Report by the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people, James Anaya, Addendum: Situation of indigenous peoples in Australia*, Report to the Human Rights Council, 15th session, UN Doc A/HRC/15/37/Add.4 (2010), para 78. At <http://www2.ohchr.org/english/bodies/hrcouncil/15session/reports.htm> (viewed 19 October 2010).

20 United Nations Permanent Forum on Indigenous Issues, *Indigenous peoples: development with culture and identity: articles 3 and 32 of the United Nations Declaration on the Rights of Indigenous Peoples: Report of the international expert group meeting*, UN Doc E/C.19/2010/14 (2010), para 17. At <http://www.un.org/esa/socdev/unpfii/documents/E.C.19.2010.14%20EN.pdf> (viewed 19 October 2010).

21 Expert Mechanism on the Rights of Indigenous Peoples, *Progress report on the study on indigenous peoples and the right to participate in decision-making*, Report to the Human Rights Council, 15th session, UN Doc A/HRC/15/35 (2010), para 2. At http://www2.ohchr.org/english/bodies/hrcouncil/docs/15session/A.HRC.15.35_en.pdf (viewed 19 October 2010).

This is consistent with what I have heard during my community visits. Time and time again, I have heard that Aboriginal and Torres Strait Islander peoples want governments to change the way they do business, for governments to embrace our rights, particularly our right to self-determination, in all laws, policies and programs.

Most importantly, we want to forge new relationships with governments, the corporate sector and the wider community. We want these relationships to be based on equality, non-discrimination and full respect for our rights. Unless we are able to build these new relationships, we will not achieve reconciliation in this country. Nor will we effectively address Aboriginal and Torres Strait Islander disadvantage.

Overview of the *Social Justice Report 2010*

In preparing this Report and its companion, the *Native Title Report 2010*, I have been inspired by the issues and perspectives that I encountered during my community visits and by my experiences internationally. ‘Relationship-building’ and ‘effective engagement’ are the common threads that run through both of this year’s Reports.

In Chapter 1 of this Report, I outline my key priorities as Social Justice Commissioner. I consider how the Declaration provides a guiding framework for my work. In particular, I advocate the need for governments and Aboriginal and Torres Strait Islander peoples to work together to develop a national implementation plan for the Declaration. I also set out the themes I will focus on during my five-year term. These themes are about developing stronger and deeper relationships:

- between Aboriginal and Torres Strait Islander peoples and the broader Australian community
- between Aboriginal and Torres Strait Islander peoples and governments
- within Aboriginal and Torres Strait Islander communities.

Chapter 2 develops one of my key priorities, addressing the relationship between Aboriginal and Torres Strait Islander peoples and the broader Australian community through constitutional recognition. In this Chapter, I outline the significance of constitutional reform and argue that it will have real and tangible benefits for all Australians. I then turn to the actions that are necessary for achieving a successful referendum and make recommendations about a process that will ensure these actions are fulfilled. The central importance of engagement and education for both Indigenous and non-Indigenous Australians is emphasised.

Finally in Chapter 3, I outline a case study of recent events in the Fitzroy Valley. I look at the success of community-led alcohol restrictions, an innovative model of local governance and a project being undertaken by the community to address the impacts of Fetal Alcohol Spectrum Disorders (FASD). Key lessons are drawn from the Fitzroy Valley experience to inform the roll out and delivery of government programs and services. The central message of this Chapter is that great things are possible when communities take control of the issues that confront them and when governments and other parties take a role to facilitate this community control.

As with previous reports, Appendix 3 provides a full chronology of significant events in Indigenous affairs during the Reporting Period from 1 July 2009 – 30 June 2010.

Review of other activities during the Reporting Period

The Reporting Period has seen some positive steps towards greater human rights protection for Aboriginal and Torres Strait Islander peoples.

National Congress of Australia's First People

During the Reporting Period we saw the hard work and extensive consultations towards a new national representative body for Aboriginal and Torres Strait Islander peoples come to fruition with the establishment of the National Congress of Australia's First People (National Congress).

The National Congress was incorporated in April 2010 and the National Board and Ethics Committee were appointed in May 2010. I look forward to seeing the National Congress grow into a strong, robust voice for Aboriginal and Torres Strait Islander peoples.²²

Northern Territory Emergency Response

I am pleased that recent amendments to the Northern Territory Emergency Response (NTER) have gone some way to addressing the concerns that have been raised about the NTER's compliance with human rights standards.²³

The independent body commissioned to review the NTER, the NTER Review Board, noted the non-compliance with human rights standards has damaged the effectiveness of the measures:

There is intense hurt and anger at being isolated on the basis of race and subjected to collective measures that would never be applied to other Australians. The Intervention was received with a sense of betrayal and disbelief. Resistance to its imposition undercut the potential effectiveness of its substantive measures.

The crisis that prompted the NTER in June 2007 is real. It should remain a national priority for sustained attention and investment by the Australian Government. But the way forward must be based on a fresh relationship.

If the various NTER measures are to operate as a genuine suite of measures there needs to be adjustments in the machinery of government enabling better coordination of services, greater responsiveness to the unique characteristics of each community and higher levels of community participation in the design and delivery of services.²⁴

I am strong in the belief that action must be taken to address the difficult issues confronting many of our communities. In fact I have long said that action must be taken to address neglect and abuse. But these actions, if they are to be successful, must get the buy-in of the local community, and must be consistent with human rights. This is how we reset the relationship.

I remain concerned that even with the recent amendments to the NTER, in the opinion of the Australian Human Rights Commission (Commission), there are measures that are not fully compliant with the *Racial Discrimination Act 1975* (Cth) (RDA). These include:

22 See National Congress of Australia's First Peoples, *Welcome National Congress of Australia's First Peoples*, <http://nationalcongress.com.au/welcome/> (viewed 10 December 2010).

23 *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Act 2010* (Cth). The Race Discrimination Commissioner Innes and I welcomed this as a 'first step': See Australian Human Rights Commission, 'Passage of NTER Amendments a step in the right direction' (Media Release, 22 June 2010). At http://www.humanrights.gov.au/about/media/media_releases/2010/61_10.html (viewed 10 November 2010).

24 Northern Territory Emergency Response Review Board, *Report of the Northern Territory Review Board*, Attorney-General's Department (2008), pp 9-10. At http://www.nterreview.gov.au/docs/report_nter_review/default.htm (viewed 28 April 2010).

- Practical limitations on the reinstatement of the RDA that emerge due to the absence of a notwithstanding clause in the Bills.
- Delays in the reinstatement of the RDA and state/territory anti-discrimination legislation until 31 December 2010.
- The failure to require consent for measures that are intended to be ‘special measures’ for the purposes of the RDA and Australia’s human rights obligations.
- The broad reach of some categories of the new income management measure that could result in a disproportionate number of Aboriginal people being unnecessarily income-managed.
- Insufficient clarity in the definition of ‘vulnerable welfare payment recipient’ under the income management measures.
- The continuation of the compulsory five-year lease arrangements and their exclusion from the protections against discrimination under the RDA.
- The characterisation of five-year leases as a special measure is inconsistent with the RDA.
- The continuation of the business management areas powers, which are unnecessary and unreasonable.
- The limited monitoring and evaluation measures in place to ensure that reliable evidence is available as to the effectiveness of existing and redesigned NTER measures.²⁵

I will continue to monitor this situation and advocate for all of the NTER measures to be fully compliant with the provisions of the RDA.

Social Justice Unit projects

The Reporting Period has also seen significant gains in some of the projects led by my office at the Commission.

Tom Calma, initiated a number of projects including the Close the Gap Campaign; the Indigenous Human Rights Network of Australia; and the development of community education materials on the Declaration. I am pleased to advance these important projects.

Close the Gap Campaign

The Close the Gap Campaign for Indigenous Health Equality²⁶ continues to make strong progress towards achieving the goal of increasing the life expectancy and improving the health of Aboriginal and Torres Strait Islander peoples to that of the non-Indigenous population within a generation.

25 Australian Human Rights Commission, *Submission to the Senate Community Affairs Committee Inquiry into the Welfare Reform and Reinstatement of Racial Discrimination Act Bill 2009 and other Bills* (10 February 2010), para 8. At http://www.humanrights.gov.au/legal/submissions/sj_submissions/2010_welfare_reform.html (viewed 10 December 2010).

26 For an overview of the campaign see Australian Human Rights Commission, *Close the Gap: Indigenous Health Campaign*, http://www.humanrights.gov.au/social_justice/health/index.html. A campaign Community Guide is available online at: Close the Gap Campaign Steering Committee, *Close the Gap: Campaign for Aboriginal and Torres Strait Islander Health Equality by 2030* (2006). At http://www.humanrights.gov.au/social_justice/health/ctg_community.html (viewed 10 December 2010).

Recent progress includes:

- The Statement of Intent has now been signed by the governments and opposition parties of Western Australia, Queensland, Victoria, the Australian Capital Territory,²⁷ New South Wales and South Australia. The Northern Territory has indicated its willingness to sign by the end of 2011. The Close the Gap Campaign Steering Committee anticipates that the Statement of Intent will soon achieve national status.²⁸
- In August 2009, the National Rugby League held a dedicated Close the Gap round of matches, helping ensure the Campaign's message reaches millions of Australians.
- A Close the Gap – Making It Happen workshop was held on 24–25 June 2010 at the Museum of Australian Democracy (Old Parliament House) in Canberra. Key representatives were invited from the Aboriginal Community Controlled Health Sector, the mainstream health services as well as Indigenous health experts and other stakeholders. Senior representatives from the Australian Government and representatives from the majority of the state and territory governments also attended.²⁹

At the time of writing, discussions are continuing with the Minister for Indigenous Health and the Minister for Health and Ageing to progress the commitments to a national plan for achieving Aboriginal and Torres Strait Islander health equality within a generation and a supporting partnership.

Indigenous Human Rights Network Australia

The Indigenous Human Rights Network Australia (IHRNA) provides information on human rights reporting and campaigns, as well as networking opportunities for people who advocate for Indigenous human rights. IHRNA is supported by the Australian Human Rights Commission, Oxfam Australia and the Diplomacy Training Program.

In April 2010 IHRNA launched its website and social portal.³⁰

The IHRNA Steering Committee has expanded to include three new members from around Australia, taking it to a total number of ten members. As at June 2010 the Network included 170 members from around Australia.

In 2011 IHRNA will host a series of regional forums around Australia to allow members to steer the development of the Network, and provide feedback on national issues such as Constitutional reform and progressing the Declaration.

Community education materials on the Declaration

The Christensen Fund has provided the Commission with generous financial support to develop community education materials on the Declaration. Oxfam Australia has also provided financial support.

27 Please note that the ACT Opposition has committed to sign at a future ceremonial occasion.

28 In October 2010, the South Australian Government signed the Statement of Intent with the Northern Territory Government indicating its willingness to sign.

29 See Close the Gap Campaign Steering Committee, *Close the Gap – Making It Happen Workshop Report*, Close the Gap Campaign (2010). This report will be available at http://www.humanrights.gov.au/social_justice/health/index.html.

30 Indigenous Human Rights Network Australia, *Indigenous Human Rights Network Australia*, www.ihrna.info (viewed 10 December 2010).

There is great interest but limited knowledge about the Declaration in Aboriginal and Torres Strait Islander communities. These materials will provide a suitable vehicle to build the capacity of communities to advocate for their rights.

In the initial phase of this project three elements of the materials will be produced:

- a double sided poster
- a plain-English Community Guide
- an overview of the Declaration.³¹

These materials are designed to increase understanding about how the Declaration can be used by Aboriginal and Torres Strait Islander people and communities in their daily lives.

The Commission has also secured funding from Oxfam Australia to produce a DVD/documentary on the Declaration. This will build on the materials initially produced.

The Commission intends to continue to seek funding to develop further educational materials and programs to raise awareness and understanding of the Declaration.

Future directions

At the time of writing, the Gillard Government was returned to office as a minority government. It is my sincere hope that all political parties, and the independent Members of Parliament and Senators, can work together with Aboriginal and Torres Strait Islander peoples to promote true reconciliation based on partnership, trust and mutual respect.

I would also like to take this opportunity to congratulate the member for Hasluck, Ken Wyatt MP, who was elected as the first Aboriginal and Torres Strait Islander member of the House of Representatives.

The priorities that will guide my term are set out in Chapter 1 of this Report. As Social Justice Commissioner my agenda will:

- be guided by the human rights standards, particularly those contained in the *United Nations Declaration on the Rights of Indigenous Peoples*
- focus on developing stronger and deeper relationships:
 - between Aboriginal and Torres Strait Islander peoples and the broader Australian community
 - between Aboriginal and Torres Strait Islander peoples and governments
 - within Aboriginal and Torres Strait Islander communities.

This agenda is consistent with the Commission's priorities for 2010–2012:

- tackling violence, harassment and bullying
- building community understanding and respect for rights.³²

31 As this report was being finalised the materials were publicly released see M Gooda, Aboriginal and Torres Strait Islander Social Justice Commissioner, *Community Guide to the Declaration on the Rights of Indigenous Peoples*, Australian Human Rights Commission (2010). At http://www.humanrights.gov.au/declaration_indigenous/index.html (viewed 16 December 2010).

32 Australian Human Rights Commission, *Our Agenda: Commission Workplan 2010–2012* (2010), p 4. At <http://www.humanrights.gov.au/about/agenda.html> (viewed 10 December 2010).

