

Questionnaire to Governments

Please submit your completed questionnaire at your earliest convenience but no later than **31 January 2014** to:

Secretariat of the Permanent Forum on Indigenous Issues
Division for Social Policy and Development
Department of Economic and Social Affairs
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The full questionnaire can also be completed online or downloaded in word format from <http://undesadspd.org/IndigenousPeoples/UNPFIIISessions/Thirteenth/Questionnaire.aspx>

Introduction

This questionnaire is divided into two sections and is designed to obtain information for the United Nations Permanent Forum's thirteenth session 12 - 23 May 2014 as well as information on the achievements of the Second International Decade of the World's Indigenous People (2005 – 2014) in accordance with General Assembly A/RES/67/153, para 13, adopted on 20 December 2012.

This resolution requests the Secretary-General, in collaboration with Member States, the Office of the United Nations High Commissioner for Human Rights, the Special Rapporteur on the rights of indigenous peoples, the International Labour Organization, the United Nations Development Programme, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and other relevant funds, programmes and specialized agencies of the United Nations system, to prepare a comprehensive last report on the achievement of the goal and objectives of the Second Decade, and its impact on the Millennium Development Goals, which shall serve as an input to the preparatory process for the World Conference and to the discussion on the United Nations development agenda beyond 2015.

SECTION 1 - Evaluation of the achievement of the goal and objectives of the Second International Decade of the World's Indigenous People

Q1. In accordance with the objectives of the Second International Decade of the World's Indigenous Peoples, please provide information on:

- Your Government's provision to secure the political representation of indigenous peoples within the governing structures on a local, regional level as well as their inclusion in the national system;
- Constitutional provisions, Government laws, policies, resources, programmes and projects that are specifically addressed to indigenous peoples;
- Government guidelines on formulating public policies with the participation and involvement of indigenous peoples;
- Budgetary allocations for projects/activities for indigenous peoples;
- Use of indigenous languages in the State apparatus and public service;
- Highlight any good practices.

Q1.

Political representation – Australia is a federation made up of three levels of elected governments (local, State and Federal). Political representation occurs indirectly through the election process at all levels. Since September 2013 Australia has had an Indigenous member in both federal houses of Parliament. Indigenous organisations funded by governments (such as Land Councils and other peak bodies) also advocate on particular issues.

Constitutional provisions and laws – Australia's Constitution provides the Federal Parliament with the power to make laws with respect to Aboriginal and Torres Strait Islander peoples. The Government is proposing to hold a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution. There are a number of Australian laws that are specifically addressed to Indigenous people.

Participation – The Australian Government has committed funding to develop options for an Empowered Communities model. The aim of Empowered Communities is to empower Indigenous people, leaders and organisations to take control and responsibility at the local level, particularly in response to issues associated with welfare dependency.

Budgetary allocations - Indigenous-specific funding by the Australian Government is detailed in an Indigenous-specific statement forming part of the annual budget. For more information please see http://www.budget.gov.au/2013-14/content/ministerial_statements/html/index.htm

Indigenous languages – The Australian Government funds and uses Indigenous interpreters for legal, health, human services, translation and engagement services.

Q2. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- Your Government's implementation of indigenous peoples involvement in national public policies in the areas of education, culture, health, human rights, environment, or social and economic development
- Integration of indigenous learning systems and traditional knowledge in national education curriculum;
- Integration of indigenous peoples' culture and traditional knowledge in public health policies and plans at national/regional and local level;
- Application by Government of the principle of free, prior and informed consent in the negotiations with indigenous peoples regarding access and use of their traditional lands and territories and natural resources, especially in case of mega-infrastructure and development projects;
- Involvement of indigenous peoples into the country's land titling laws / land reform processes.

Q2.

Involvement in public policy - Australia has established a Prime Minister's Indigenous Advisory Council to inform policy implementation. The Council is made up of Indigenous and non-Indigenous Australians with experience in the public sector, business acumen and a strong understanding of Indigenous culture.

Education - The Australian Government's focus is on ensuring Aboriginal and Torres Strait Islander children attend school regularly. The starting point is the Remote School Attendance Strategy. The Commonwealth Government is working closely with the relevant state, territory and non-government education providers to address a range of barriers contributing to non-attendance, and to ensure Indigenous students in remote areas get to school and stay at school. The Australian Government will also add a further national target to improve attendance rates to its strategic targets aimed at closing the gaps between the outcomes of Aboriginal and Torres Strait Islander peoples and the outcomes of other Australians.

Cross-curriculum teaching resources, focusing on Aboriginal and Torres Strait Islander peoples, have been introduced into Australia's national curriculum. In some instances, these resources provide information to all Australian students about traditional knowledge. In other instances, the resources are developed in such a way to ensure curriculum is delivered in a way that is relevant to Aboriginal and Torres Strait Islander students.

Health – Australia works collaboratively with the Aboriginal and Torres Strait Islander health sector to improve the health outcomes of all Indigenous Australians. There is a focus on preventative health activities and significant investment in primary health care services. Australia is committed to closing the gap in Indigenous health outcomes and has targeted closing the gap in life expectancy by 2031 and halving the rates of child mortality by 2018. A new Aboriginal and Torres Strait Islander Social and Emotional Wellbeing Framework is also being developed recognising the importance of connections to culture and country for the health of Indigenous Australians.

Consent - Australian laws provide procedural safeguards to Indigenous people in negotiating with Australian governments and the private and non-government sectors around access to indigenous country, including land that may be subject to native title rights. More than 22 per cent of the Australian landmass is now Indigenous owned or exclusively controlled under various Australian government land rights and native title regimes.

The *Aboriginal Land Rights (Northern Territory) Act 1976* (Cth) provides traditional owners of Aboriginal land a right to consent to mining exploration and other development on their land. It also requires that independent Aboriginal controlled Land Councils must obtain the consent of traditional owners, consult with other Aboriginal people affected and determine whether the terms and conditions of any agreement are reasonable before development can occur.

Native title is a pre-existing interest recognised by Australia's common law and the *Native Title Act 1993*. The Native Title Act provides for the recognition and protection of native title. Native title claimants can make an application to the Federal Court to have their native title recognised by Australian law. The Native Title Act also allows certain acts that may affect land where native title may exist ('future acts'). Types of future acts include primary production, managing aquatic resources, mining and public works construction. The Native Title Act sets out various procedural rights for native title groups in relation to future acts, including the right to comment, the right to be consulted, the right to negotiate and a regime for the negotiation of land use agreements. The Act sets out the procedures to be followed to ensure the future act is valid, specifies the effect of the future act on native title, and provides whether compensation is payable to native title holders for the future act.

Q3. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- Your Government's initiatives to develop and/or implement measures for protecting and promoting cultural diversity and inter-culturality;
- Initiatives to recover or preserve and protect indigenous peoples' heritage sites and other parts of their tangible and intangible heritage;
- Public mechanisms or institutions focused on the protection of indigenous peoples' traditional knowledge and genetic resources.

Q3.

Culture – The Government is proposing to hold a referendum to recognise Aboriginal and Torres Strait Islander peoples in the Constitution. A Welcome to Country ceremony acknowledging traditional owners is conducted at the opening of each Federal Parliament. Indigenous languages and cultures are supported through a variety of programmes and policies.

Heritage – The Indigenous Heritage Program funds projects that identify, conserve or promote Indigenous heritage places of significance to Aboriginal and Torres Strait Islander people. Indigenous Protected Areas currently make up more than 36 per cent of Australia's National Reserve System and address Indigenous traditional ecological knowledge and heritage conservation.

Protection of traditional knowledge – An Indigenous Advisory Committee provides advice to the Government on the significance of Indigenous people’s knowledge of the management of land and the conservation and sustainable use of biodiversity. The Working on Country Indigenous ranger programme supports Indigenous Australians in meeting their cultural and community obligations to care for their land and sea country, including the transfer of traditional knowledge.

Q4. In accordance with the objectives of the Second International Decade of the World’s Indigenous People, please provide information on:

Q4(a) Does your Government have a particular focus, programmes, laws and institutions to address indigenous children and youth in your country? If “Yes”, please provide a brief description of these programmes. –

Q4.(a)

The Commonwealth Government has a strategy to help parents and carers get children to school in remote communities (pls also refer to Question 2 response, Education). Youth diversionary programmes are funded for Indigenous children to help them avoid incarceration as well as to assist in tackling the incidence of petrol sniffing in remote Indigenous communities, particularly in central and northern Australia. The government is funding the rollout of low-aromatic non-sniffable fuel across the region and youth diversionary programmes for Aboriginal and Torres Strait Islander youth are integral to the success of the strategy.

The Australian Government directly funds nearly 350 children’s services to deliver mainstream child care (in regional and remote areas) and the need for culturally-competent services, in particular Aboriginal and Torres Strait Islander focussed child care services (across all geographic areas, from metropolitan to remote). The participation of Indigenous children in pre-schools is supported.

The Australian Government provides support for Indigenous Australians to develop their foundation skills (English language, literacy, numeracy, employability skills and supported pathways into skilled employment) through a suite of mainstream programs some of which target Indigenous youth.

Australian Government funding assistance for recurrent school costs includes loadings that recognise the particular needs of Aboriginal and Torres Strait Islander students. A number of programmes improve access and outcomes for Aboriginal and Torres Strait Islander peoples in vocational education and training.

Q4 (b) Does your Government have a particular focus, programmes, laws and institutions to address indigenous women in your country? If “Yes”, please provide a brief description of these programmes. –

Q4 (b).

The Australia Government’s Indigenous Women’s Grant programme enhances the leadership skills of Indigenous women in a range of areas that contribute to improving outcomes for overcoming Indigenous disadvantage, in line with identified local needs and priorities. The Australian Government provides funding to community legal centres to meet the specific legal needs of Indigenous women and funds programmes that assist Indigenous women who are victims/survivors of family violence.

Q4 (c) Does your Government have targeted policies, programmes, projects, benchmarks and budgets for indigenous peoples in the areas of education, health, environment, social and economic development

Q4 (c)

Relevant programmes funded by the Australian Government are detailed in an Indigenous-specific statement forming part of the annual budget.

For more information please see:

http://www.budget.gov.au/2013-14/content/ministerial_statements/html/index.htm.

Q5. In accordance with the objectives of the Second International Decade of the World's Indigenous People, please provide information on:

- Existence of disaggregated data and statistics on indigenous peoples, including through national census;
- Existence of official reports or research on the situation of your country's indigenous peoples.

Q5.

Disaggregated Data – The Australian Bureau of Statistics and the Australian Institute of Health and Welfare produce data and statistics on Indigenous peoples.

Administrative data collected nationally from early childhood providers, schools, training providers and universities include disaggregated information on Aboriginal and Torres Strait Islander people. The Australian Government also carries out a longitudinal study of Aboriginal and Torres Strait Islander children called *Footprints in Time*.

Official reports - The Prime Minister delivers an annual statement on Indigenous Affairs. The COAG Reform Council produces reports on progress against the Closing the Gap targets. The Productivity Commission provides biennial reports on Indigenous issues: including 'Overcoming Indigenous Disadvantage' and the biennial *Indigenous Expenditure Report*. Australia's Aboriginal and Torres Strait Islander Social Justice Commissioner prepares an annual Social Justice and Native Title report.

Q6. Does your Government have a national institution (ministry, department, ombudsman, etc.) on indigenous peoples' issues? If "Yes", please provide a brief summary of the focus and activities of the institution as well as the names and contact details of the focal point on indigenous peoples' issues.

Q6. Indigenous issues are accorded a high priority, with the Australian Prime Minister being the Prime Minister for Indigenous Australians. The Government's focus is on improved education, more job opportunities, empowered individuals and communities and higher standards of living.

Most Indigenous policies, programmes and service delivery have been moved into the Department of Prime Minister and Cabinet, and the Minister for Indigenous Affairs sits within Cabinet. In addition a Parliamentary Secretary assists with delivering programme outcomes for Indigenous Australians.

As the lead agency the Department of Prime Minister and Cabinet ensures that greater priority is given to Indigenous affairs in terms of access to mainstream programmes across all agencies.

Q7. Does your Government have any formal or ad hoc capacity-building programmes on indigenous peoples' issues for civil servants? If "Yes", please provide a brief description of these programmes.

Q7.

The Australian Public Service Commission supports the recruitment, development and career progression of Aboriginal and Torres Strait Islander peoples in the Australian Public Service (APS) by implementing the APS Indigenous Employment Strategy.

Federal government agencies have cultural awareness programmes to build public servants' capacity to understand Indigenous issues and importance of engagement.

Q8. Please provide a brief account of some of your Governments' efforts regarding indigenous peoples and the Millennium Development Goals.

Q8. There are no formal policy links between Australian Indigenous policy and the Millennium Development Goals (MDGs), as the MDGs currently relate solely to developing countries.

Q9. Please list information on how your Government currently promotes and/or implements the U.N. Declaration on the Rights of Indigenous Peoples.

The Australian Human Rights Commission, which is funded by the Australian Government, is active in promoting the principles of the UN Declaration on the Rights of Indigenous Peoples, including through education materials available on its website <http://www.humanrights.gov.au/publications/community-guide-un-declaration-rights-indigenous-peoples>.

SECTION 2 - Preparation for the Thirteenth session of the UN Permanent Forum on Indigenous Issues

The report of the 12th Session of the UN Permanent Forum on Indigenous Issues provides a number of recommendations within its mandated areas, some of which are addressed to Member States.

Question 1

Briefly state what recommendations from the Twelfth Session of the United Nations Permanent Forum on Indigenous Issues (UNPFII)¹ or recommendations from previous sessions (not addressed in previous reports) were addressed by your Government.

Q1 - Australia's approach to Indigenous disadvantage continues to be aligned with its international obligations.

Question 2

At its thirteenth session in 2014, UNPFII will address the follow theme "Principles of good governance consistent with the United Nations Declaration on the Rights of Indigenous Peoples: articles 3 to 6 and 46". The provisional agenda for the thirteenth session also includes Half-day discussion on the Asian region; Discussion on the World Conference on Indigenous Peoples; and Discussions on a number of ongoing priorities and themes, such as indigenous children, indigenous youth, the Second International Decade of the World's Indigenous People and the Post-2015 Development Agenda.

Briefly state how your Government deals with these issues in regards to indigenous peoples.

Q2.
Governance consistent with the Declaration - The Commonwealth provides assistance to more than 2,500 Indigenous corporations through the Office of the Registrar of Indigenous Corporations (ORIC). The Registrar regulates and supports Indigenous corporations incorporated under the *Corporations (Aboriginal and Torres Strait Islander) Act 2006*. ORIC delivers a tailored service that responds to the special needs of Indigenous groups and corporations and works to establish national and international best practice in corporate governance. Please also see answer to question 1 (political representation). The National Congress of Australia's First Peoples is a national Indigenous representative body. Indigenous Land Councils represent their members' interests.
For remaining issues please see responses to questions 2, 3, 4, 5 and 8.

¹ The following paragraphs of the Report on the Twelfth Session of the Permanent Forum (E/2013/43) contain recommendations addressed to Member States: 7 (b), 7 (c), 7 (e), 12, 14, 15, 16, 17, 19, 20, 24, 28, 29, 30, 31, 32, 34, 37, 38, 41, 45, 46, 47, 48, 49, 50, 51, 52, 89, 91, 95, 96, 97, 98, 100, 102, 103, 112, 115, 118, 120, 122.