



The Hon Jenny Macklin MP
Minister for Families, Housing, Community Services
and Indigenous Affairs

Parliament House
CANBERRA ACT 2600

Telephone: (02) 6277 7560
Facsimile: (02) 6273 4122

MC09-015639

- 7 OCT 2009

Ms Julia Irwin MP
Chair
Standing Committee on Petitions
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Ms Irwin *Julia*

Thank you for your letter of 11 June 2009 about three petitions that relate to Indigenous Australians which were submitted to the Standing Committee on Petitions for consideration on 25 May 2009. I apologise for the delay in responding.

I acknowledge the issues raised by the Byron Bay Declaration, as highlighted in Petition No 158/257. The Australian Government respects and supports the legal recognition of Indigenous rights to land through native title and the statutory recognition process. Since the Mabo judgement, there has been a positive change in the way the nation understands Aboriginal and Torres Strait Islander peoples' prior ownership of their lands.

The Declaration also calls for a treaty. The issue of formal legal recognition of Aboriginal and Torres Strait Islander peoples was raised at the Australia 2020 Summit in April 2008, and discussed in various terms including an agreement, pact, treaty, Bill of Rights or constitutional amendment. The Government has expressed its support for formal constitutional recognition of Aboriginal and Torres Strait Islander peoples as a key issue for consideration, and has committed to consulting with the community on a range of proposed constitutional reforms.

The Government has also committed to establishing a National Indigenous Representative Body to give Indigenous peoples a voice in national affairs. The National Indigenous Representative Body would play a role in advancing the issue of constitutional reform with the Australian public.

The Government welcomes the Declaration's apology for past wrongs committed against Aboriginal and Torres Strait Islander peoples. The historic motion of Motion of Apology to Australia's Indigenous Peoples was delivered on 13 February 2008 as the first official business of government and was offered in a similar spirit of respect, acknowledgement and recognition of the past mistreatment of all Indigenous peoples.

I acknowledge the request in Petition No 160/259 that Canberra's Aboriginal Tent Embassy be acknowledged as having diplomatic rights and responsibilities under international law. I am advised that, as the Aboriginal Tent Embassy does not represent a foreign country recognised by Australia, it cannot be recognised as a foreign mission with the equivalent rights and responsibilities afforded by international convention and law.

Petition No 159/258 draws attention to the issue of Indigenous rites, lore and custom. The Government agrees that Aboriginal and Torres Strait Islander cultures are a critical part of Australia's national identity and that recognising them is a core element of sustaining a strong and healthy Indigenous and Australian community. The *Native Title Act 1993* recognises that certain Indigenous people have rights and interests to their land by virtue of their traditional laws and customs, while the *Aboriginal Land Rights (Northern Territory) Act 1976* acknowledges Indigenous customary rites and customs through grants of land in the Northern Territory.

On 9 August 2009, the Australian Government announced a National Indigenous Languages Policy to coordinate action among the bodies involved in support of Indigenous languages, including government, Indigenous languages organisations and educational and research institutions. The Policy draws on reports and consultation over many decades, including the 2005 National Indigenous Languages Survey Report and feedback through the Maintenance of Indigenous Languages and Records Program administered by the Department of the Environment, Water, Heritage and the Arts. A central objective of the new Policy is 'Strengthening Pride in Identity and Culture' by restoring to the extent possible the use of Indigenous languages with few or no current speakers.

The Government also supports the strengthening of other aspects of Aboriginal and Torres Strait Islander cultures. On 22 April 2009, the Government announced that it will pursue the idea of an Indigenous Cultural Education and Knowledge Centre arising from the Australia 2020 Summit. The proposed Indigenous Cultural Education and Knowledge Centre will provide an opportunity to strengthen Indigenous cultures and reinforce their significant place in Australian society.

As a first step towards establishing a Centre, an external consultant will be commissioned to undertake a feasibility study. The feasibility study will develop possible models and options for a Centre, for consideration by government. The study will gather the views of the Indigenous and broader community, relevant Australia 2020 Summit participants and existing institutions with an interest in the role and purpose of the Centre.

Thank you again for writing and bringing these petitions to my attention.

Yours sincerely

JENNY MACKLIN MP