



**Australian
Human Rights
Commission**

**Aboriginal and Torres Strait Islander
Social Justice Commissioner**

Mick Gooda

5th March 2013

Mr David Brunoro
Committee Secretary
Joint Committee of Public Accounts and Audit
PO Box 6021
CANBERRA ACT 2600

Dear Mr Brunoro,

Review of Auditor-General's Reports Nos. 2 to 10 (2012-13) and Related Reports

I write in response to your correspondence of 8th February 2013 which invited the Office of the Aboriginal & Torres Strait Islander Social Justice Commissioner, to make a written submission to the Committee in respect to the issues identified in the above Reports.

I make the following comments in respect of the Review:

1. I would firstly like to acknowledge that the Reports appear to meet their stated objectives in terms of assessing the performance of government departments against the identified criteria however, I question whether the audit process has implications for improving the social and economic well-being of Aboriginal and Torres Strait Islander peoples.
2. The theme of my 2012 Social Justice Report was "Governance" which related directly to my priority of relationships and giving full effect to the implementation of the *United Nations Declaration on the Rights of Indigenous Peoples* (the Declaration). The Report outlined a framework for effective, legitimate and culturally relevant governance with the key components for effective governance in Indigenous communities being a foundation of community governance and self-determination; strong organisational governance; and an enabling role to be played by government and other external parties.
3. Enclosed for your information is an extract from my 2012 Social Justice Report which seeks to address the key questions, some of which have been asked previously and answered many times over, but which require further attention if we are to effectively address the governance challenges that working effectively with Aboriginal communities brings. I would particularly like to bring your attention to the recommendations contained in Chapter 2 which may be appropriate for the Committee to consider in light of this Review.
4. Giving full effect to the Declaration will provide an opportunity to move beyond the stalemate that is currently frustrating positive development for Aboriginal and Torres Strait Islander peoples and communities. Not only will it provide a positive mechanism

for overcoming the disadvantage faced by Aboriginal and Torres Strait Islander peoples, it will place us front and centre in progressively realising this challenge.

5. I note that my 2011 Social Justice Report recommended:-

"That all governments ensure that their engagement, policies and programs are implemented in accordance with the United Nations Declaration on the Rights of Indigenous Peoples. In particular, this should occur with respect to the right to self-determination, the right to participate in decision-making guided by the principle of free, prior and informed consent, non-discrimination and respect for and protection of culture."

6. The principles of self-determination, the right to participate in decision-making underpinned by the concepts of good faith and free, prior and informed consent, non-discrimination and respect for and protection of culture provide guidance on how Aboriginal and Torres Strait Islander communities, governments, civil society and the private sector can apply the Declaration to fully realise the human rights of Aboriginal and Torres Strait Islander peoples. These principles can also provide benchmarks against which the effectiveness of the implementation of government policies and programs can be measured.
7. The practical application of these principles by government may be seen as a challenge, however, to give full effect to the Declaration through a principled approach can and will result in a blueprint for advancing the quality of life for Aboriginal and Torres Strait Islander peoples.
8. The Declaration provides Australia with an opportunity to move beyond the stalemate that is currently frustrating positive development for Aboriginal and Torres Strait Islander peoples and communities. The challenge facing Australia is what action needs to occur to take advantage of the opportunity to give full effect to the Declaration.

I encourage you to continue to engage with Aboriginal and Torres Strait Islander peoples on these developments, and am available to discuss my comments with you further should you wish.

Yours sincerely,

Mick Gooda
**Aboriginal and Torres Strait Islander
Social Justice Commissioner**

Australian
Human Rights
Commission
ABN 47 996 232 602

Level 3
175 Pitt Street
Sydney NSW 2001

GPO Box 5218
Sydney NSW 2001

General enquiries
Complaints Infoline
TTY
www.humanrights.gov.au

1300 369 711
1300 656 419
1800 620 241