



Jon Stanhope MLA

CHIEF MINISTER

ATTORNEY GENERAL MINISTER FOR THE ENVIRONMENT
MINISTER FOR COMMUNITY AFFAIRS

MEMBER FOR GINNINDERRA



Senator Nick Bolkus
Chair
Senate Legal and Constitutional References Committee
Parliament House
Canberra ACT 2600

Dear Senator Bolkus

Thank you for your letter of 29 May 2003 requesting the ACT Government's submission to your committee's inquiry into the progress towards reconciliation.

Enclosed is the ACT Government's submission.

Yours sincerely

Jon Stanhope MLA
Chief Minister

06 JUL 2003

**Submission by the Government of the
Australian Capital Territory**

**to the Inquiry into the Progress Towards
National Reconciliation**

**by the Senate Legal and Constitutional
References Committee**

June 2003

This submission provides comments on progress made in implementing the recommendations and essential actions identified in:

- (a) *Reconciliation: Australia's Challenge: Final Report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament*;
- (b) the Council for Aboriginal Reconciliation's *Roadmap for Reconciliation* and the associated *National Strategies to Advance Reconciliation*; and
- (c) the Aboriginal and Torres Strait Islander Social Justice Commissioner's social justice reports in 2000 and 2001 relating to reconciliation.

These comments will include information concerning the second part of the inquiry's terms of reference, which relates particularly to: recommendation 1 of *Reconciliation: Australia's Challenge*; the *National Strategy to Overcome Disadvantage (action on performance measurement and reporting)*; and a number of the recommendations of *Social Justice Report 2000*.

Terms of reference 1 (a). "The adequacy and effectiveness of the Commonwealth Government's response to, and implementation of, the recommendations contained in:

***Reconciliation: Australia's Challenge - Final report of the Council for Aboriginal Reconciliation to the Prime Minister and the Commonwealth Parliament.*"**

The recommendations of *Reconciliation: Australia's Challenge* are set out below with comments.

Recommendation 1. The Council of Australian Governments (COAG) agree to implement and monitor a national framework whereby all governments and the Aboriginal and Torres Strait Islander Commission (ATSIC) work to overcome Aboriginal and Torres Strait Islander peoples' disadvantage through setting program performance benchmarks that are measurable (including timelines), are agreed in partnership with Aboriginal and Torres Strait Islander peoples and communities, and are publicly reported.

The Commonwealth Government established Reconciliation Australia but did not play a very effective role in facilitating its work. COAG has now become involved, which is a positive, albeit belated, development. The ACT Government is working within the COAG framework to help develop a framework for reporting against key indicators of Indigenous disadvantage.

The submission from the Commonwealth Government to this inquiry (submission no 75) describes the work of Commonwealth/State Ministerial Councils, covering education, community services, health, housing and justice, in developing action plans, performance monitoring strategies and benchmarks. The provision of that information is not duplicated here. The ACT, as part of COAG, is participating in the development and implementation of those action plans and monitoring mechanisms.

There are in the order of 65 separate indigenous-specific programs funded in the ACT, from a combination of Commonwealth and territory sources, comprising expenditure of up to \$12 million a year. The ACT Government has established a

Working Group on Optimising Service Delivery and Funding on Aboriginal and Torres Strait Islander Affairs to determine what the priority areas of expenditure should be, how the programs that are in place are operating, and how effective they are.

The Working Group met for the first time in August 2001. Chief Executives of ACT Government agencies and the Chairs of Aboriginal and Torres Strait Islander advisory bodies and the Chair of the Queanbeyan Regional Office of the Aboriginal and Torres Strait Islander Commission are working together to: set priorities; and identify new programs and a method of operation, that will maximise outcomes for Aboriginal and Torres Strait Islander people in the ACT community. ACT agencies have been directed at the highest levels to work directly with Aboriginal and Torres Strait Islander people in setting funding priorities and in developing policies and programs on a whole of government level.

The Service Delivery Agreement between the ACT Government and the ATSIC Queanbeyan Regional Council is being progressed and consultation between agencies and the Regional Council is continuing. This document will provide a framework within which not only to measure effectiveness but also to develop and monitor services and programs in partnership with the Aboriginal and Torres Strait Islander people of the ACT.

The major work for the Working Group has been to capture all relevant services and programs for Aboriginal and Torres Strait Islander people. This audit of services has been completed and analysis of this information is well underway. This analysis will provide a platform for the Working Group to review and re-engineer Aboriginal and Torres Strait Islander programs and services for more effective outcomes in the ACT.

The ACT Government will participate in the COAG Reconciliation Framework trials. The ACT is exploring with community groups what the focus of the ACT project should be.

Recommendation 2. All parliaments and local governments pass formal motions of support for the Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation, enshrine their basic principles in appropriate legislation, and determine how their key recommendations can best be implemented in their jurisdictions.

On 24 May 2000, the ACT Legislative Assembly passed a motion formally supporting the Council for Reconciliation's *Declaration Towards Reconciliation*. The ACT Government made copies of the Declaration available to public libraries and hospitals, and ACT Government departments and schools for display and circulation through their organisations.

In February 2002, the ATSIC Board of Commissioners and the ACT Legislative Assembly met and signed a joint Statement of Intent. The meeting reaffirmed a commitment to:

- the *National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders*, an agreement signed by Heads of Government in 1992; and
- the outcomes of the November 2000, Council of Australian Governments' communique on the matters of Aboriginal Reconciliation.

ATSIC and the ACT Government agreed to develop a partnering agreement (the Regional Agreement) to improve outcomes in identified priority areas.

The purpose of the Regional Agreement is to improve social, economic and cultural outcomes for Aboriginal and Torres Strait Islander peoples in the Australian Capital Territory through greater coordination of, and collaboration between, the ACT Government and ATSIC. The vision is that Aboriginal and Torres Strait Islander peoples in their own communities and through their representative bodies will play the lead role setting directions and developing solutions and approaches to address issues affecting Aboriginal and Torres Strait Islander communities.

Recommendation 3. The Commonwealth Parliament prepare legislation for a referendum which seeks to:

- recognise Aboriginal and Torres Strait Islander peoples as the first peoples of Australia in a new preamble to the Constitution; and
- remove section 25 of the Constitution and introduce a new section making it unlawful to adversely discriminate against any people on the grounds of race.

The Commonwealth Government has not acted fully on this recommendation. Formal recognition of the Indigenous peoples in the Australian Constitution is a vital step in furthering progress towards reconciliation and is long overdue. The ACT Government would support another attempt to introduce a preamble to the Constitution providing such recognition. Section 25 of the Constitution is offensive, in that it implies that it would be valid for a State to exclude people from voting at elections on the basis of their race.

Recommendation 4. Recognising that the formal reconciliation process over the last decade has achieved much and has helped bring Australians together, all levels of government, non-government, business, peak bodies, communities and individuals commit themselves to continuing the process and sustaining it by:

- affirming the Australian Declaration Towards Reconciliation and actioning the Roadmap for Reconciliation;
- providing resources for reconciliation activities and involving Aboriginal and Torres Strait Islander peoples in their work;
- undertaking educational and public-awareness activities to help improve understanding and relations between Aboriginal and Torres Strait Islander peoples and the wider community; and
- supporting Reconciliation Australia, the foundation which has been established to maintain a national leadership focus for reconciliation, report on progress, provide information and raise funds to promote and support reconciliation.

On 24 May 2000, the ACT Legislative Assembly passed a motion formally supporting the Council for Reconciliation's *Declaration Towards Reconciliation*.

Following are some examples of ways in which the ACT Government is involving the Aboriginal and Torres Strait Islander community in the development and delivery of programs affecting the Indigenous community.

The ACT Aboriginal Justice Advisory Committee (AJAC) was established in February 2000 as an advisory body to the ACT Government. It advises the Attorney-General on:

- the development and implementation of fair and equitable law and justice programs and services that affect Aboriginal and Torres Strait Islander people; and
- the coordination of efforts by the Government and the local community to reduce the number of Aboriginal and Torres Strait Islander people coming into contact with the criminal justice system in the ACT.

The AJAC Strategy for 2003-05 has identified the following key actions:

- establish a community managed facility to provide legal representation, mediation, research and advice to police, courts and custodial institutions for Aboriginal and Torres Strait Islander people in the ACT;
- encourage courts to develop innovative initiatives that promote alternatives to custody such as Circle Sentencing, Aboriginal and Torres Strait Islander Court Days and Fine Options Schemes;
- require all staff in the criminal justice system, and in particular those who deal with Aboriginal and Torres Strait Islander people in custody, to undergo cross-cultural training on an ongoing basis;
- include an Aboriginal and Torres Strait Islander impact statement in all legislative proposals developed to address justice matters; and
- establish the Chairperson of the AJAC as a full or part-time salaried position.

The Strategy was developed by the AJAC in conjunction with the Aboriginal and Torres Strait Islander community, through a series of workshops and meetings with local Aboriginal and Torres Strait Islander organisations and government agencies. The Government supported the appointment of an indigenous consultant to help complete the Strategy.

The Aboriginal Interview Friends Program provides for volunteers from the local community to attend police interviews with Aboriginal people who have been taken into custody, when no family or close associates are available. The volunteers, who receive accredited training through the Canberra Institute of Technology, are on call for a fortnight at a time to attend on a 24 hour basis and for which they receive a modest call out allowance. They provide support for the offender but do not offer legal advice or unnecessarily impose on the police interview process. This program is particularly beneficial for younger offenders and significantly assists the police in their interaction with Aboriginal offenders. Through the associated links with the Aboriginal Justice Advisory Committee (AJAC) and the regular interaction between AJAC and senior police officers, perceived cultural barriers are removed allowing for an enhanced understanding by all parties of the problems and concerns associated with Aboriginal people in police custody.

The ACT Government is examining the adequacy of existing arrangements for legal aid services for the Aboriginal and Torres Strait Islander community.

The 1996 ACT Aboriginal and Torres Strait Islander Health Agreement established the ACT Aboriginal and Torres Strait Islander Health Forum. The Forum facilitates joint planning concerning existing and new mainstream services and specific Aboriginal and Torres Strait Islander primary health care services. Membership of the Forum includes the Commonwealth Department of Health and Aged Care Territory Office, the ACT Department of Health and Community Care, Winnunga Nimmityjah Aboriginal Health Service, ATSIC, the ACT Aboriginal and Torres Strait Islander Consultative Council and the Southern Area Health Service.

The Health Forum was closely involved in the development of the 2000-04 Regional Health Plan. Stakeholders in the Plan are committed to make all efforts to enable Aboriginal and Torres Strait Islander People to control and manage the development, provision and evaluation of primary health care services and have significant input into the same processes in mainstream services. All health service providers are funded to:

- ensure staff receive a standard of training in cultural awareness, agreed to by the Aboriginal and Torres Strait Islander Health Forum; and
- ensure the development of culturally sensitive protocols for assessment, referral, treatment, care and review of Indigenous clients.

The Health Forum considers issues relating to career path development for Indigenous staff, with training and development opportunities. Health service providers which receive government funding are required to give priority to providing Indigenous staff with those opportunities.

The Indigenous Education Consultative Body strategic plan aims to strengthen education towards reconciliation. Ngunnawal Elders have agreed to a structured program of visits to schools in the ACT to raise the awareness of all pupils concerning Ngunnawal history and culture.

In August 2001, the ACT Government established the Interim Namadgi Advisory Board. The Board consists of five Aboriginal and five non-Aboriginal members. The Board provides advice to the Conservator of Flora and Fauna on the preparation of the draft Plan of Management for Namadgi National Park and on consent decisions made by the Conservator.

The draft Territory Records Bill 2002, established a framework for agencies to manage and allow access to records. This includes records containing information that may allow people to establish links with their Aboriginal or Torres Strait Islander heritage. The Records Task Force of the Journey of Healing Network has provided input into the development of the legislation.

The ACT Government has worked for the establishment of the Aboriginal and Torres Strait Islander Trilateral Housing Agreement (between the ACT Government, the Commonwealth, and ATSIC). It is expected that the process for electing a Steering Committee under will be completed by the end of June 2003. The Steering Committee will contribute to the identification of housing priorities. Its advice will

substantially inform the Government's strategy for the direction of housing provision for Aboriginal and Torres Strait Islander people in the ACT and will, therefore, be instrumental in the development of a comprehensive Aboriginal and Torres Strait Islander housing program.

In the 2002-03 ACT Budget the Government committed \$1.4 million over four years as an Indigenous Housing Initiative, to develop and implement strategies to increase community housing options for Aboriginals and Torres Strait Islanders, and for community-capacity building. Expressions of Interest were sought to fund projects, which would increase the viability and sustainability of the Indigenous community housing sector and enhance the sector's capacity for developing and delivering housing and housing related services.

An Indigenous Housing Forum was held on 20 June 2003 to highlight the importance of gaining access to and maintaining appropriate, safe and affordable housing for the Indigenous communities. The forum was organised by Billabong Aboriginal Corporation, with funding from the Indigenous Housing Initiative and aimed to identify and discuss current issues relating to Indigenous housing in the ACT, facilitate information sharing among organisations and individuals working directly in the area of housing for Indigenous people in the ACT, as well as identify specific strategies for collaboration and joint work on these issues.

A report is being finalised on a viability study commissioned to examine the establishment of a sustainable organisational model to support Aboriginal and Torres Strait Islander housing in the ACT. The final report is expected to be available by the end of June 2003. The development of Aboriginal and Torres Strait Islander community housing policy will take account of the findings of the report.

In the 2002-03 financial year over \$1.2 million was provided to Aboriginal and Torres Strait Islander organisations for:

- the delivery of an Indigenous Housing Liaison Service;
- tenancy management of eight properties currently head leased under the Community Organisations Rental Housing Assistance Program (CORHAP);
- the purchase of two homes for Indigenous families;
- employment and training of staff to enhance housing and housing-related projects;
- the development and delivery of a number of training sessions/workshops on cross-cultural issues for stakeholders in the community housing sector;
- the delivery of community-building programs, family support, and case management to members of Indigenous communities; and
- an Indigenous Youth Accommodation Service for young people aged between 12 and 17 years of age, who are homeless or at risk of homelessness;

The Homelessness Advisory Group provides a range of opportunities for input into the development of the ACT Homelessness Strategy, to Aboriginal and/or Torres Strait Islander people. To date these have included:

- an Aboriginal and/or Torres Strait Islander representative on the Homelessness Advisory Group in an identified position;
- involvement in Homelessness Advisory Group working groups; and

- a lunch and consultation for people of Aboriginal and/or Torres Strait Islander background on 19 May 2003.

The Disability Advisory Committee has an identified position for an Aboriginal and Torres Strait Islander person.

Consultations to develop a Carer's policy for the ACT include specific consideration of the needs of Indigenous People which will be partially addressed by targeted consultations with twenty Indigenous Carers and the Elders Consultative Council.

The ACT launched Reconciliation ACR, the Reconciliation Council for the ACT, in February 2002 with a new vision and charter. The ACT Office of Aboriginal and Torres Strait Islander Affairs provides ongoing secretariat support to the Reconciliation Council for the Australian Capital Region. Activities for Reconciliation in 2003 included an Indigenous Film Festival, community events with national sports teams such as the Raiders rugby league team and an updated version of the ACT Aboriginal and Torres Strait Islander directory of services.

The Office of Aboriginal and Torres Strait Islander Affairs assisted in preparations for this year's Reconciliation Week events including a schools extravaganza for over 1000 Aboriginal and Torres Strait Islander and non-Indigenous students to discuss youth and reconciliation issues. About 300 reconciliation pledges have been signed by community groups, businesses and individuals in the Canberra community.

The ACT Legislative Assembly has been addressed directly by members of the Stolen Generations and has acknowledged past and present injustices faced by Aboriginal and Torres Strait Islander people. The ACT Government is involved with the following activities that deal directly with issues arising for the Stolen Generations:

- providing financial assistance to community groups to promote, and support Journey of Healing events; and
- providing financial assistance for a community based report on the implementation of the Bringing Them Home report recommendations.

Recommendation 5. Each government and parliament:

- recognise that this land and its waters were settled as colonies without treaty or consent and that to advance reconciliation it would be most desirable if there were agreements or treaties; and
- negotiate a process through which this might be achieved that protects the political, legal, cultural and economic position of Aboriginal and Torres Strait Islander peoples.

The ACT Government's *Statement of Commitment to Reconciliation* in October 2000 explicitly acknowledged Aboriginal and Torres Strait Islander people "as the original occupants of ... Australia and that the lands and waters were settled as colonies without treaty or consent". Formal recognition of these realities has been made on many subsequent occasions.

The ACT Government facilitated an historic meeting of Ngunnawal Elders in May 2002, which led to the establishment of the United Ngunnawal Elders Council, with representation from each of the family groups. The Council, with secretariat support from the Chief Minister's Department, has held meetings in November 2002 and May 2003 and will meet in future at two month intervals.

The ACT Government has erected signs at entry points to the ACT acknowledging the traditional owners. These serve as strong visual reminders to people visiting the ACT by road.

Recommendation 6. That the Commonwealth Parliament enact legislation (for which the Council has provided a draft in this report) to put in place a process which will unite all Australians by way of an agreement, or treaty, through which unresolved issues of reconciliation can be resolved.

The Commonwealth Government has failed to act on this recommendation.

Terms of reference 1 (b). "The adequacy and effectiveness of the Commonwealth Government's response to, and implementation of, the recommendations contained in:

...the Council for Aboriginal Reconciliation's *Roadmap for Reconciliation* and the associated *National Strategies to Advance Reconciliation*."

The *Roadmap for Reconciliation* contains four *National Strategies to Advance Reconciliation*:

- the National Strategy to Sustain the Reconciliation Process;
- the National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights;
- the National Strategy to Overcome Disadvantage; and
- the National Strategy for Economic Independence.

The National Strategy to Sustain the Reconciliation Process

Essential actions included in the National Strategy to Sustain the Reconciliation Process are set out below with comments on progress.

Leadership for the reconciliation process

- All levels of government, the private sector, community and voluntary organisations publicly support the ongoing reconciliation process, provide resources and increasingly involve Aboriginal people and Torres Strait Islanders in their work.
- A foundation, *Reconciliation Australia*, is established to maintain a national leadership focus for reconciliation, report on progress, provide information and raise funds to promote and support reconciliation activities.
- State, Territory and local reconciliation groups, involving Aboriginal and Torres Strait Islander people and people from the wider community, lead and support action that promotes reconciliation.
- Australian parliaments and political parties address the low level of Indigenous representation in the political system.

The ACT Government includes input from Aboriginal and Torres Strait Islander peoples into its decision making processes through a range of consultative mechanisms such as:

- the United Ngunnawal Elders Council;
- the Working Group On Optimising Service Delivery and Funding on Aboriginal and Torres Strait Islander Affairs;
- the ACT Aboriginal and Torres Strait Islander Consultative Council;
- the Indigenous Education Consultative Body;
- the Aboriginal Justice Advisory Committee; and
- the Aboriginal and Torres Strait Islander Health Forum.

There is Indigenous community representation on several other advisory bodies.

Providing cross-cultural awareness courses within the workplace is part of the ACT Aboriginal and Torres Strait Islander employment and career development framework for the ACT Public Service.

The ACT Government has a number of positions dedicated to Indigenous issues in the ACT that assist directly or indirectly in the reconciliation process. The Chief Minister's Department has a designated reconciliation officer. The Chief Minister's Department provides secretariat support to the ACT Regional Reconciliation Committee and assists with the Journey of Healing and NAIDOC Week Committee in delivering community events. There is ceremonial leave for Aboriginal and Torres Strait Islander people to attend NAIDOC events.

The Government will continue to support events such as Reconciliation Week, and the anniversary of National Sorry Day. As part of this commitment, the Government will again arrange and fund the flying of the Aboriginal and Torres Strait Islander flags throughout these events.

The Government has undertaken promotional events during the ACT Heritage Festival and at displays such as the Environment ACT Stall at World Environment Day to demonstrate support for and commitment to the reconciliation process, and will continue to do so at such events as appropriate. Indigenous heritage is promoted as part of the Heritage Festival through a range of events. These include story telling and workshops for children on Aboriginal culture and a number of guided walks and tours around the ACT that provide insight into Aboriginal occupation of the land prior to European settlement.

The Canberra Community Foundation supported the first of a series of Elders Cultural Camps held in March 2003. The camps were coordinated by the Canberra Journey of Healing Network and encompass all Ngunnawal family groups.

The Government supports the recommendation of the ACT Legislative Assembly's Select Committee on the Report of the Review of Governance that the Assembly establish a select committee to examine the most appropriate means of Indigenous participation in the processes of government in the ACT. The Government recognises that this is a sensitive issue and that the issue should not be rushed but allowed due consideration and debate by all sectors of the community.

Education for reconciliation

- Schools, tertiary education institutions and employers require and support the culturally appropriate teaching of the truth of Australia's history that includes Indigenous perspectives and addresses racism.
- The media feature stories that promote reconciliation and challenge racist stereotyping.

The Government seeks to raise awareness and knowledge of Indigenous culture in ACT Schools. Schools are supported in their development of Indigenous studies and courses; an Indigenous Artist undertakes art projects in schools through an Indigenous Education Unit in Central Office; Aboriginal Dance Groups teach dance in selected schools; and Indigenous presenters run Indigenous awareness workshops for some schools. Indigenous culture is a cross-curriculum perspective in ACT government schools.

The Heritage Education in Schools program was first trialed in 2001. The program is developed by the Heritage unit, Environment ACT, in partnership with ACT Historic Places (Cultural Facilities Corporation) and the Department of Education, Youth and Family Services. The initiative aims to assist teachers and students to research, interpret and think creatively about ACT heritage places.

Teacher Recruitment Panels are trained in cultural awareness with a particular focus on recruiting teachers with demonstrated cultural sensitivities. The Staff Induction Program includes a segment on Indigenous issues, including cultural awareness, ensuring an Indigenous perspective in education programs, and effective strategies in teaching Indigenous students.

The Indigenous Education Consultative Body strategic plan aims to strengthen education towards reconciliation. Ngunnawal Elders have agreed to a structured program of visits to schools in the ACT to raise the awareness of all pupils concerning Ngunnawal history and culture.

As part of its support for the United Ngunnawal Elders Council, the Chief Minister's Department produces the Ngunnawal Elders Newsletter which is distributed widely in the community. The fourth edition is now being produced, with contributions from the Ngunnawal community.

In March 2002, the ACT Chief Minister launched a discussion paper *Facing up to Racism*. Copies of the discussion paper were distributed to more than 400 business, government, Indigenous, multicultural, and peak community organisations inviting them to provide written submissions and/or participate in a series of consultation meetings. Comments were specifically sought on the adequacy of existing ACT legislation concerning racism. A Community Consultation Report outlined the key issues and major strategies raised at the consultative meetings and in written comments. A draft Anti-Racism Strategy has been prepared and is expected to be launched at the end of July 2003.

At the meeting of the Ministerial Council on Immigration and Multicultural Affairs on Friday 13 June 2003, the Chief Minister proposed the creation of a National Anti-Racism Taskforce – to provide national leadership and advice on addressing racism. The Taskforce would coordinate anti-racism strategies and collect and disseminate information about racist incidents.

People's movement for reconciliation

- Communities celebrate significant dates and events and take joint action to achieve agreed reconciliation goals.

The ACT Government is actively exploring forums for Aboriginal and Torres Strait Islander peoples and other Australians to share their stories and learn from one another, such as Reconciliation schools events. A program of "Start Talking" Days has been agreed for 2003. These events arose out of a consultants' report on initiatives to reduce family violence. A range of Indigenous organisations will host community meetings, with themes such as child protection, youth issues, employment options, family relationships and parenting programs. Representatives from ACT and Commonwealth government organisations will attend.

The Government has engaged a consultant to do research on Ngunnawal families and Ngunnawal history.

The Government will continue to support events such as Reconciliation Week, the anniversary of National Sorry Day, and NAIDOC Week. As part of this commitment, the Government will again arrange and fund the flying of the Aboriginal and Torres Strait Islander flags throughout these events. The Chief Executive of the Chief

Minister's Department will write again to other Chief Executives to encourage the participation of their Departments and officers in Indigenous community activities in the ACT, and especially in these events.

The Government provided funds for the establishment of the Reconciliation Committee for the Australian Capital Region. The Government will continue to participate in the Reconciliation Committee, through its representatives from the Chief Minister's Department, the Department of Education and Community Services, and the Department of Health and Community Care. The Co-Chair of the Reconciliation Committee is the Chief of the ACT police.

Protocol and ceremony

- All parliaments, governments and organisations observe protocols and negotiate with local Aboriginal and Torres Strait Islander elders or representative bodies to include appropriate Indigenous ceremony into official events.

The ACT Government is committed to including Indigenous ceremonies in official events, including acknowledgement of the Ngunnawal people in the Legislative assembly. All Ministers acknowledge the traditional owners when opening events or making ceremonial addresses at events.

The Office of Aboriginal and Torres Strait Islander Affairs has established a 'welcome to country' register. This identifies Elders who can be invited to provide welcome to country addresses at official functions and events in the ACT.

The ACT Government has erected signs at entry points to the ACT acknowledging the traditional owners.

The Aboriginal and Torres Strait Islander flags are flown throughout the city during NAIDOC Week and Reconciliation Week.

Symbols of reconciliation

- Governments, organisations and communities negotiate to establish and promote symbols of reconciliation. This would include changing the date of Australia Day to a date that includes all Australians.

The ACT Government has funded the establishment of the ACT Aboriginal and Torres Strait Islander Cultural Centre. Tenders for the management contract closed on 5 June 2003. The Centre will include a permanent display in recognition of the Ngunnawal people. Recurrent funding of \$120,000 per annum has been identified as a contribution towards the management and operational costs of the Cultural Centre. In addition, ACT Government capital funds of up to \$1,500,000 are available to be utilized towards capital improvements to the buildings and Centre infrastructure,

subject to the approval of the ACT Government and where necessary the National Capital Authority. An Aboriginal and Torres Strait Islander community organisation will soon be appointed.

The ACT Government has allocated \$100,000 in the 2003-04 financial year for a public artwork acknowledging the traditional ownership of the ACT region. The selection of the artwork will rely on advice from the United Ngunnawal Elders Council and on advice from the Ngunnawal community.

Cultural heritage surveys are undertaken, before land is developed, to establish the nature and location of any Aboriginal heritage places and objects. The land management recommendations for Aboriginal heritage places are developed in consultation with the local Aboriginal community and other agencies with an interest in the development. The Aboriginal community is consulted prior to the registration of any Aboriginal heritage places, and on other heritage related issues.

The Heritage unit manages the interim Heritage Places Register, which includes information about Aboriginal sites in an accessible format to assist in planning, development and educational functions whilst providing security for any culturally sensitive information. ACT Parks and Conservation Services has developed a Sites of Interest Database.

Opportunities are provided for the Canberra community to take part in activities about Aboriginal heritage and culture led by Aboriginal people. Activities undertaken during the year include ranger guided walks to Aboriginal sites, story telling, bush tucker tours and two major public events at Tidbinbilla Nature Reserve – the Bogong Festival and the Easter Extravaganza.

In May 1997 the Place Names Committee adopted a national policy entitled Policy Guidelines for the Use and Recording of Aboriginal and Torres Strait Islander Place Names. This policy deals with the naming of geographical features in the ACT, and the Committee has sought advice as appropriate from the ACT Aboriginal and Torres Strait Islander Consultative Council. The ACT Government has begun comprehensive research on the dual naming of sites of significance in the ACT.

As mentioned previously, the ACT Government has erected entry point signs, acknowledging the traditional owners. The Aboriginal and Torres Strait Islander flags are flown during NAIDOC Week and Reconciliation Week.

Formal recognition of the documents of reconciliation

- All parliaments and local governments pass formal motions of support for the documents of reconciliation.

On 17 June 1997, the ACT Legislative Assembly was the first Australian parliament to pass a formal motion of apology to stolen generations. The motion was passed with support from both government and opposition parties.

On 26 August 1999, the Legislative Assembly passed a motion supporting the Australia-wide consultation strategy on the Draft Document for Reconciliation.

On 24 May 2000, the Legislative Assembly passed a resolution that the Chief Minister write to the Prime Minister to notify him that the Assembly supported the adoption of the Council for Aboriginal Reconciliation's Australian Declaration Towards Reconciliation.

The National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights

Essential actions included in the National Strategy to Promote Recognition of Aboriginal and Torres Strait Islander Rights are set out below with comments on progress.

Education

- Governments and their agencies, legal, cultural and educational institutions, Indigenous organisations, and the media work together to improve community awareness and appreciation of Aboriginal and Torres Strait Islander peoples as the first peoples with distinct cultures, rights and status.

See comments made on the "Education for Reconciliation" action under the "National Strategy to Sustain the Reconciliation Process". See also comments on the establishment of the ACT Aboriginal and Torres Strait Islander Cultural Centre under "Symbols of reconciliation" earlier in this section of the submission.

The Indigenous Education Unit works with schools to raise cultural awareness of Indigenous culture and supports schools in their development of Indigenous studies and courses. Indigenous culture is a cross-curriculum perspective in ACT government schools, and Indigenous presenters run Indigenous awareness workshops for some schools.

Teacher Recruitment Panels are trained in cultural awareness with a particular focus on recruiting teachers with demonstrated cultural sensitivities. The Staff Induction Program includes a segment on Indigenous issues, including cultural awareness, ensuring an Indigenous perspective in education programs, and effective strategies in teaching Indigenous students. Cross-cultural awareness training is offered four times a year for all members of the Department of Education and Community Services.

The youth detention centre, Quamby, offers Indigenous art programs as well as cultural programs from external providers, including an Elder from the Indigenous community who visits Quamby weekly to provide a cultural awareness program. Representatives from the Indigenous organisation, Gugan Gulwan, also visit on a regular basis to provide cultural mentoring support to young people at Quamby.

The distinct culture, rights and status of local Aboriginal people were recognised in the interpretation strategy developed for the Tidbinbilla Visitor Information Centre in

consultation with Aboriginal people. The centre was destroyed in the bush fires of January 2003, but when it is rebuilt, similar recognition will be given. Similarly, preparation and oversight of an indigenous interpretation strategy for Namadgi National Park is be the joint responsibility of the Government and the ACT Aboriginal community.

ACT Magistrates have participated in courses conducted by the Australian Institute of Judicial Administration regarding contemporary Indigenous society, customs and traditions.

Legislation

- All governments take steps to ensure the recognition and protection of Indigenous intellectual property as already occurs in some Commonwealth legislation.
- All governments ensure their policies and practices observe Australia's international Indigenous and human rights obligations.
- State and Territory governments consider giving magistrates and judges the discretion to take account of traditional laws in sentencing, as already occurs in some circumstances in the Northern Territory.
- Governments establish legislative processes to deal with the 'unfinished business' of reconciliation, allowing for negotiated outcomes on matters such as Indigenous rights, self-determination within the life of the nation, and constitutional reform.

Protection of intellectual property rights is a matter for the Commonwealth under the Constitution.

The Government does not consider it appropriate to give magistrates and judges the discretion to take account of traditional laws in sentencing, as the ACT is an urban jurisdiction which has no clearly identified Indigenous customary or traditional laws.

Although the available historical and genealogical material indicates that there is no native title existing in the ACT, the Government has indicated its willingness to obtain an agreement with native title claimants in the ACT in the spirit of reconciliation and to achieve a genuinely beneficial outcome to local Indigenous people. It is important to note that the ACT's ability to grant estates in land is constrained by the *ACT (Planning and Land Management) Act 1988* of the Commonwealth.

Matters of constitutional reform are subject to Commonwealth carriage, and matters of Indigenous rights and self-determination are most appropriately dealt with by the Commonwealth at a national and international level.

Australian Constitution

- Government agencies, legal institutions and educational organisations develop and promote community awareness about the Constitution and its application in protecting the rights of all Australians.
- Within the broader context of future constitutional reform, the Commonwealth Parliament enacts legislation for a referendum which seeks to:
 - > prepare a new preamble to the Constitution which recognises the status of the first Australians; and
 - > remove section 25 of the Constitution and introduce a new section making it unlawful to adversely discriminate against any people on the grounds of race.

The call for a referendum relating to a new preamble for the Constitution and for the removal of section 25 of the Constitution is the same as recommendation 3 in *Reconciliation: Australia's Challenge*. Formal recognition of the Indigenous peoples in the Australian Constitution is a vital step in furthering progress towards reconciliation and is long overdue. Section 25 of the Constitution is offensive, in that it implies that it would be valid for a State to exclude people from voting at elections on the basis of their race.

The National Strategy to Overcome Disadvantage

Essential actions included in the National Strategy to Overcome Disadvantage are set out below with comments on progress. This strategy focuses on education, employment, health, housing, law and justice.

Performance measurement and reporting

- The Council of Australian Governments (COAG) evaluates and updates its National Commitment to Improved Outcomes in the Delivery of Programs and Services for Aboriginal Peoples and Torres Strait Islanders, agreeing on a framework for all governments and the Aboriginal and Torres Strait Islander Commission (ATSIC) to:
 - > set program performance benchmarks that are measurable, include timelines and are agreed in partnership with Indigenous peoples and communities;
 - > ensure they have the information systems necessary to monitor performance;
 - and
 - > annually report their performance to parliaments, councils and their constituents against these benchmarks.
- Every five years, the Human Rights and Equal Opportunity Commission works with ATSIC to prepare an independent report on the nation's progress in addressing disadvantage.

Every six months the ACT Department of Education, Youth and Family Services provides a report to the Legislative Assembly on progress in Indigenous education. The latest report indicated improvements in attendance rates, literacy, numeracy and retention to year 10 and year 12. However, the small number of Indigenous students in each year group limits the reliability of the data.

Under the ACT Aboriginal and Torres Strait Islander Regional Health Plan for 2000-04, Indigenous health data collection is being standardized across all service providers to meet national reporting requirements. Baseline data is being established to measure progress in priority health areas.

The ACT supports an evaluation and update of COAG's 1992 National Commitment and development of a framework. However, the framework would need to:

- be sufficiently flexible and general to accommodate different characteristics between jurisdictions;
- be managed by the Commonwealth; and
- be incorporated if possible with existing mechanisms, such as reports on the implementation on the recommendations of the Royal Commission into Aboriginal Deaths in Custody or the Bringing Them Home report.

The unique nature of the ACT Indigenous population makes comparisons with other jurisdictions problematic. The ACT has a small Indigenous population, of approximately 3500 people, which is predominantly urban and considerably mobile. The ACT is the only jurisdiction in Australia that is part of an ATSIC region administered in another state, and the only jurisdiction responsible for both state and local government functions. Any detailed data collection and analysis is limited in statistical validity by the relatively small size of the ACT Indigenous population. Such reporting creates a substantial administrative burden on a small jurisdiction such as the ACT.

Partnerships and working arrangements

- Peak business and community groups make commitments to overcome disadvantage, and encourage their members to make similar commitments.
- Services are designed and delivered in a way that is driven by local Indigenous people, strengthens local communities, and forges social coalitions and equal partnerships, drawing on and building the skills and resources of the community.
- Service providers, ATSIC and governments identify and eliminate systemic discrimination and racism, beginning with a review of their own practices.
- Governments adopt funding arrangements that are flexible and sufficient to meet local needs, and enable the pooling of funds across agencies and between the different levels of government.
- Employers link performance-based salaries in all sectors to improvements in Indigenous outcomes, where appropriate.

About 300 reconciliation pledges have been signed by community groups, businesses and individuals in the Canberra community.

Mention was made earlier of the bodies the ACT Government uses to gain input from Aboriginal and Torres Strait Islander peoples into its decision making processes. The principal consultative bodies are:

- the United Ngunnawal Elders Council;
- the Working Group On Optimising Service Delivery and Funding on Aboriginal and Torres Strait Islander Affairs;
- the ACT Aboriginal and Torres Strait Islander Consultative Council;
- the Indigenous Education Consultative Body;
- the Aboriginal Justice Advisory Committee; and
- the Aboriginal and Torres Strait Islander Health Forum.

There is Indigenous community representation on several other advisory bodies.

In relation to the provision of education, there are a number of initiatives which demonstrate Indigenous involvement in the design and delivery of services. The 2002-2004 Strategic Plan for the ACT Indigenous Education Consultative Body (IECB) includes strategies to improve Indigenous participation. The Indigenous parent community, through the ACT IECB, has been involved in the negotiation of a Compact between the IECB and the ACT Department of Education, Youth and Family Services.

The ACT Services to Indigenous People Action Plan was launched in July 2002. Key initiatives in the plan include commitments to:

- overcoming racism and valuing diversity;
- forming genuine and on-going partnerships with Indigenous communities;
- creating safe, supportive, welcoming and culturally inclusive educational and service environments; and
- Indigenous children and young people achieving outcomes equitable to the total population.

All Indigenous families with children attending ACT government schools were invited to provide comments on a draft and were sent copies of the published action plan.

In March 2002, the ACT Chief Minister launched a discussion paper *Facing up to Racism*. Copies of the discussion paper were distributed to more than 400 business, government, Indigenous, multicultural, and peak community organisations inviting them to provide written submissions and/or participate in a series of consultation meetings. Comments were specifically sought on the adequacy of existing ACT legislation concerning racism. A Community Consultation Report outlined the key issues and major strategies raised at the consultative meetings and in written comments. A draft Anti-Racism Strategy has been prepared and is expected to be launched at the end of July 2003.

At the meeting of the Ministerial Council on Immigration and Multicultural Affairs on Friday 13 June 2003, the Chief Minister proposed the creation of a National Anti-Racism Taskforce – to provide national leadership and advice on addressing racism. The Taskforce would coordinate anti-racism strategies and collect and disseminate information about racist incidents.

The Government is bound by both Commonwealth and ACT legislation prohibiting discrimination, including racial discrimination and vilification. The ACT legislation,

called the Discrimination Act 1991, prohibits direct and indirect discrimination on the ground of race in a wide variety of areas including employment, education and the provision of goods, services and facilities. The Act permits the making of representative complaints. Under the Act, the Discrimination Commissioner is empowered to conduct investigations "on her own motion", which is one means of addressing systemic discrimination issues. The Commissioner also reviews all relevant draft Government proposals and advises on any discrimination issues which need to be addressed.

The Heritage Grants Program provides financial assistance to community groups, individuals and organisations to undertake projects relating to ACT heritage. In particular, the ACT Government acknowledges the need for the recording of testimonies of those Indigenous people affected by forcible removal, and priority is given to funding Aboriginal heritage projects that record, preserve and administer testimonies of Indigenous people affected by such policies.

Funding has been provided under the Department of Urban Services Community Development Program for the upgrade of the walking track to the Hanging Rock Aboriginal site in Tidbinbilla Nature Reserve. The upgrade will be undertaken jointly by Environment ACT staff and volunteers from the Ngunnawal community.

The Government already takes an inter-agency approach to Indigenous policies and programs, and this is further enhanced by the use of a case management model for high-use clients across agencies.

Community and personal responsibility

- Indigenous communities, families and individuals take more responsibility for addressing the causes and consequences of disadvantage within their control.
- All Australians accept the responsibility to learn more about the causes and extent of disadvantage and reject racism and related behaviour.

Indigenous communities in the ACT are involved, through the range of consultative bodies previously mentioned, in taking a measure of responsibility for addressing the causes and consequences of disadvantage.

The National Strategy for Economic Independence

Essential actions included in the National Strategy for Economic Independence are set out below with comments on progress.

Access to jobs and resources

- All employers establish strategies for employing and training more Aboriginal people and Torres Strait Islanders.
- Banks and other financial institutions actively adopt culturally-responsive banking and financing regimes and facilitate better access to capital.
- Governments increase the value of Indigenous assets by legislating for Indigenous intellectual property and cultural rights and by working in partnership with Indigenous communities to protect biodiversity and rehabilitate and sustain lands and waters under the control of those communities.

The ACT Government is committed to encouraging training and long-term employment opportunities for Aboriginal and Torres Strait Islander staff in public and private sector workplaces.

ACT Public Service employment programs provide assistance to agencies which are committed to employing Aboriginal and Torres Strait Islander people on a permanent basis rather than short-term contracts.

The Office of Aboriginal and Torres Strait Islander Affairs is currently exploring mechanisms for employing Aboriginal and Torres Strait Islander people across all categories of employment in the ACT Public Service

In accordance with the Employment Framework, 20 Aboriginal and Torres Strait Islander people have been successfully placed under the Commonwealth funded Structured Training Employment Program (STEP).

The ACT Government has provided funding to support the growth of the Indigenous Business Chamber which offers information, networking opportunities, marketing, employment and training support to Indigenous small businesses. The ACT Government also funds the Indigenous Mentoring Program to assist placing Aboriginal and Torres Strait Islander people in the private sector.

Under the Constitution, the Commonwealth has responsibility for protection of intellectual property rights.

The ACT has the only State or Territory heritage legislation which deals with both Indigenous and non-Indigenous cultural heritage under the same act. The *Land (Planning and Environment) Act 1991* provides for community consultation throughout the registration and assessment process for Aboriginal heritage in the ACT, and consultation also occurs when development proposals in the ACT have a potential impact on Aboriginal sites of heritage significance.

The Government liaises with the local Indigenous community to seek advice on the significance and management of Aboriginal Heritage in the ACT, on the development of interpretation signage for Aboriginal heritage places and on ACT Heritage Grant Program partnerships with the local Indigenous community. There are no land or waters under Indigenous control in the ACT.

Effective business practices

- Indigenous people and communities develop their existing competitive advantages in respect of their cultural assets and special knowledge of the land and the environment.
- Governments, ATSIC, and the private sector all research and develop successful business models that can be applied in regional and remote communities. Priority should be given to developing commercial activities on Indigenous-owned land.
- Private-sector organisations seek opportunities for joint ventures with Indigenous businesses. Governments promote such joint ventures.
- Governments and industry work in partnership with Indigenous communities to ensure their projects strengthen Indigenous communities by supporting the local economy and enhancing regional employment opportunities.

There are no regional and remote communities in the ACT.

Skills development

- Schools, TAFEs, universities and other education providers, working with families, develop and implement flexible programs to improve student attendance, retention rates, academic results and career pathways.
- TAFEs and other vocational education providers target their programs to the employment opportunities in the local labour market, aiming for available jobs or business opportunities on the completion of training programs and schemes.
- With local community involvement, education providers, banks and other financial institutions develop money-management programs that increase the capacity of people to plan, save and invest in their future.
- Indigenous leaders actively encourage their people to equip themselves with the skills, knowledge and experiences that are valued in the local employment market.

The Indigenous Education Consultative Body (IECB) advises the Minister for Education on educational/vocational concerns and issues for the Indigenous community.

The Government, through its Indigenous Education Unit, works to ensure Indigenous students have access to the full range of educational and career opportunities. The Unit offers homework assistance and a library. The Home School Liaison Officers Program provides support for students and parents. Schools Assistants work with students in the classroom according to the needs of students but with a strong emphasis on literacy and numeracy. An Itinerant Behaviour Management Consultant

works directly with students and staff in schools to deal with behaviour management difficulties.

The Government has formed strategic partnerships with local industry through vocational education and training programs. The Government funds programs to provide unemployed Indigenous people with skills to enable them to achieve sustainable employment.

The Indigenous Education Unit works with the ACT Chamber of Commerce and Industry to provide a range of vocational training packages through Erindale College. Potential employees, including students “school to work” programs, are linked with the private sector.

An Indigenous officer works in the ACT and Region to expand employment opportunities for Indigenous people.

**Terms of reference 1 (c) . “The adequacy and effectiveness of the Commonwealth Government’s response to, and implementation of, the recommendations contained in:
...the Aboriginal and Torres Strait Islander Social Justice Commissioner’s social justice reports in 2000 and 2001 relating to reconciliation.”**

Social Justice Report 2000

The recommendations of the Aboriginal and Torres Strait Islander Social Justice Commissioner’s *Social Justice Report 2000* are set out below with comments.

National commitments to overcome Aboriginal and Torres Strait Islander disadvantage

Recommendation 1. That the federal government adopt, on a whole of government basis, long-term policies that identify overcoming Aboriginal and Torres Strait Islander disadvantage as a national priority. That the government take steps to target the progressive reduction of such disadvantage (from both a deprivation and inequality perspective) and negotiate with the opposition parties in the Parliament for cross-party support for a long-term strategy and commitment.

No comment necessary by the ACT Government.

Recommendation 2. That the federal government, through the processes of the Council of Australian Governments (COAG), seek the agreement of the states, territories and local government to identify as a national priority measures to overcome Aboriginal and Torres Strait Islander disadvantage. That such agreement be formalised by COAG renewing the 1992 COAG National commitment to improved outcomes in the delivery of programs and services for Aboriginal peoples and Torres Strait Islanders, after negotiation with ATSIC.

In November 2000, COAG agreed on a reconciliation plan based on the following three priority areas for government action:

- investing in community leadership and governance issues;
- reviewing and re-engineering programs and services to ensure they deliver practical measures that support families, children and young people. COAG also agreed that governments should look at measures for tackling family violence, drug and alcohol dependency and symptoms of community dysfunction; and
- forging greater links between the business sector and indigenous communities to help promote economic independence.

Recommendation 3. That the federal government, through the processes of COAG, seek the agreement of the states, territories and local government, and ATSIC, service delivery agencies and Indigenous organizations on benchmarks for Indigenous service delivery at the national, regional and local levels.

In April 2002, COAG agreed to commission the Steering Committee for the Review of Commonwealth/State Service Provision to produce a regular report against key indicators of indigenous disadvantage. This report will help to measure the impact of changes to policy settings and service delivery and provide a concrete way to measure the effect of COAG's commitment to reconciliation through a jointly agreed set of indicators. The ACT has participated in the development and consultation phases.

Recommendation 4. That the Commonwealth, states and territory governments report by 30 September 2001 to COAG and publicly through Reconciliation Australia on their responses to:

- the recommendations of this report;
- the recommendations of the Council for Aboriginal Reconciliation's final report to Parliament; and
- the actions identified in the Council for Aboriginal Reconciliation's four national strategies for reconciliation.

Recommendation 5. That the federal government update Australia's National Action Plan on Human Rights so that it commits to addressing Aboriginal and Torres Strait Islander disadvantage (from both a deprivation and inequality perspective). To the maximum extent possible, the National Action Plan on Human Rights should identify benchmarks and targets for overcoming Aboriginal and Torres Strait Islander disadvantage, and monitoring and evaluative mechanisms.

No response from ACT required.

Improved data collection

Recommendation 6. The federal government request the Commonwealth Grants Commission, Australian Bureau of Statistics (ABS) and ATSIIC to provide advice within three months of the finalisation of the Commonwealth Grants Commission's current inquiry into Indigenous funding on:

- mechanisms for improving the sufficiency and quality of national data necessary to identifying Indigenous needs, on an absolute basis.

This advice should consider:

- the ABS' strategy for improved data collection as outlined in Directions in Australia's Aboriginal and Torres Strait Islander statistics (March 2000);
- the feasibility of the ABS repeating the National Aboriginal and Torres Strait Islander Survey of 1994 on a regular basis, or undertaking the Indigenous General Social Survey on a triennial basis;
- proposals for increased coordination and consistency of data collection at the national, state and territory level; and
- cost implications of improved data collection.

The ACT Government is working to improve data collections about the effectiveness of services and programs in addressing disadvantage. Data commissioned by the ACT Government from the ABS Indigenous Social Survey, to be released later in 2003, for the first time will provide a valuable base line for assessing the effectiveness of future service delivery to the Indigenous community.

Recommendation 7. That the Australian Bureau of Statistics address deficiencies identified in national data collection processes relating to Aborigines and Torres Strait Islanders.

No response from ACT required.

Recommendation 8. That the federal government coordinate the negotiation of framework agreements under the COAG National Commitment to improve coordination and standardisation of data collection between the federal, state and territory governments, ATSIC, Indigenous organisations and service delivery agencies.

No response from ACT required.

Monitoring and evaluation mechanisms

Recommendation 9. That the federal government amend the Commonwealth Grants Commission Act 1973 to require:

- the Commonwealth Grants Commission to conduct a biennial inquiry into Indigenous funding (from an absolute needs perspective); and
- a joint committee of the federal Parliament to examine the Commission's report and, following consultation with Indigenous organizations, recommend any actions required to improve Commonwealth service delivery to Indigenous people.

Adequate funding should be provided to the Commission in order to undertake the inquiry. The scope of the CGC inquiry should include mechanisms for the Commonwealth to encourage states and territories to report on and meet benchmarks; and proposals for the direct funding of Indigenous organizations (in accordance with the fiscal equalisation principle).

See comments on Recommendation 1 of *Reconciliation: Australia's Challenge*, earlier in this submission.

Recommendation 10. That the Commonwealth, state and territory governments agree to report to their respective parliaments and COAG on a biennial basis as to progress in addressing Aboriginal and Torres Strait Islander disadvantage, and the measures taken to meet the commitments made in the COAG National Commitment. That governments report to the biennial Reconciliation Conventions proposed by the Council for Aboriginal Reconciliation in the Reconciliation Bill 2000.

Every six months the ACT Department of Education, Youth and Family Services provides a report to the Legislative Assembly on progress in Indigenous education. See also comments on recommendation 1 of *Reconciliation: Australia's Challenge*.

Negotiating with Indigenous peoples

Recommendation 11. That the federal government introduce framework legislation providing legislative support for the negotiation of agreements with Indigenous peoples at the national, regional and local levels. The Council for Aboriginal Reconciliation's proposed Reconciliation Bill 2000 is an appropriate legislative model.

No response from ACT required.

Recommendation 12. That the federal government and COAG adopt the Principles for Indigenous social justice and the development of relations between the Commonwealth government and Aboriginal and Torres Strait Islander Peoples as proposed by ATSIC in Recognition, rights and reform, as forming the framework for negotiations about service delivery arrangements, regional governance and unfinished business.

No response from ACT required.

Protecting human rights

Recommendation 13. That the federal Parliament establish a joint parliamentary committee inquiry into an appropriate model for a Bill of Rights. The inquiry's terms of reference should include:

- international models for a Bill of Rights;
- appropriate ways to incorporate Australia's human rights obligations under all six United Nations human rights treaties to which we are a party;
- any specific provisions required in a Bill of Rights to recognise and protect the unique status of Indigenous Australians;
- processes for seeking constitutional endorsement of the Bill of Rights at a later stage; and
- the feasibility of seeking, within a four-year period, the entrenchment of a guarantee of equality before the law and non-discrimination in the Constitution.

In April 2002, the ACT Government appointed a Consultative Committee to inquire into a possible bill of rights for the ACT. The Committee undertook an extensive program of community consultation and gave specific consideration to:

- whether the rights declared in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights should be incorporated into domestic law by a bill of rights; and

- whether the rights of Indigenous people should be specifically included in the bill.

The Consultative Committee reported in May 2003. It recommended the passage of an ACT Human Rights Act, which would protect the rights set out in the two international covenants mentioned above, in so far as they are within the jurisdiction of the ACT. The Committee considered that the rights of Indigenous people would be protected within the general framework of the covenants. The Committee produced a draft *Human Rights Act*, which is receiving consideration by the ACT Government.

Recommendation 14. That the Commonwealth government ensure universal ratification of individual communication processes under international human rights treaties by ratifying the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women.

No response from ACT required.

Social Justice Report 2001

The recommendations of the Aboriginal and Torres Strait Islander Social Justice Commissioner's *Social Justice Report 2001* are set out below with comments.

Juvenile diversionary schemes in the Northern Territory

Recommendations 1 to 6 inclusive relate specifically to the Northern Territory and are not relevant to the ACT.

Juvenile diversionary schemes in Western Australia

Recommendations 7 to 10 inclusive relate specifically to Western Australia and are not relevant to the ACT.

Reconciliation

Recommendation 11. The Senate empower the Legal and Constitutional References Committee to conduct an inquiry into the implementation and response to the reconciliation process. The terms of reference of the inquiry should require the Committee to examine the recommendations contained within the Roadmap to Reconciliation, the final report of the Council for Aboriginal Reconciliation and the Social Justice Report 2000 as well as the adequacy of the response of the Federal Government to each of these.

In determining the adequacy of the response, the Committee should be required to consider processes by which government agencies have reviewed their policies and programs against the documents of reconciliation, as well as the adequacy of targets and benchmarks adopted and monitoring and evaluation mechanisms.

This relates to the current inquiry. No comment necessary.

Recommendation 12. At the time of tabling of the annual Social Justice Report in Parliament, or within 15 sitting days, the Government furnish a response to the report and its recommendations in Parliament. In the event that the Government does not furnish such a response in Parliament, the Senate consider the establishment of a parliamentary inquiry to consider matters that appear in or arise out of the report and its recommendations, and matters to which the Committee believes Parliament's attention should be directed.

No comment necessary.