

# Recommendations

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In accordance with the functions set out in section 46C(1) (a) of the *Human Rights and Equal Opportunity Commission Act 1986* (Cth), this report includes ten recommendations on formal protections for Indigenous peoples' human rights, four recommendations for remote Indigenous education, and one recommendation for Indigenous healing. The report also contains one follow-up action that I will undertake in the next 12 months in relation to providing advice on a model for a new National Indigenous Representative Body. These recommendations and follow-up action are reproduced here and appear at the relevant part of the report.

## An Aboriginal and Torres Strait Islander human rights protection framework for the 21st century

### **Recommendation 1: Statement of support for the *UN Declaration on the Rights of Indigenous Peoples***

That the Australian Government make a statement of support in the UN General Assembly and UN Human Rights Council for the *UN Declaration on the Rights of Indigenous Peoples* as a matter of priority.

### **Recommendation 2: Schedule the *UN Declaration on the Rights of Indigenous Peoples* to the *Human Rights and Equal Opportunity Commission Act 1986* (Cth)**

That the federal Attorney General schedule the *UN Declaration on the Rights of Indigenous Peoples* to the *Human Rights and Equal Opportunity Commission Act 1986* (Cth).

### **Recommendation 3: Ratification of ILO Convention 169**

That the Joint Standing Committee on Treaties conduct consultations, including with Indigenous peoples, on the desirability of ratifying *ILO Convention (No. 169) concerning Indigenous and Tribal Peoples in Independent Countries*.

**Recommendation 4: Government support for Indigenous engagement in Human Rights Act consultations**

That the Commonwealth Government commits to comprehensive support for engagement with Indigenous peoples in the consultation process for a national Human Rights Act.

**Recommendation 5: Scope of rights recognised in a Human Rights Act**

That the Commonwealth Government adopt a Human Rights Act that is comprehensive in its scope and includes:

- recognition of Aboriginal and Torres Strait Islander peoples in the preamble;
- the right to self-determination;
- economic, social and cultural rights and civil and political rights;
- specific protections for Indigenous peoples where required; and
- the *UN Declaration on the Rights of Indigenous Peoples* scheduled as a relevant international instrument.

**Recommendation 6: Recognition of Indigenous peoples in the Australian Constitution's preamble**

That the Commonwealth Government undertake national consultations and begin a constitutional process for the recognition of the special place of Indigenous peoples in the preamble to the *Constitution*. Particular emphasis should be placed on the need for an inclusive, consultative process in drafting a revised preamble prior to a referendum.

**Recommendation 7: Removal of section 25 and making provision for equality and non-discrimination guarantees in the Australian Constitution**

That, in recognition that existing protections against racial discrimination have been overridden in relation to Indigenous peoples, the Commonwealth Government begin a constitutional process for the removal of section 25 of the *Constitution* and its replacement with a clause guaranteeing equality before the law and non-discrimination.

**Recommendations 8 and 9: Framework for the negotiation of a social justice package**

That the Commonwealth Government commence negotiations on a framework for the negotiation of a social justice package to address the unfinished business of reconciliation.

Further, the new National Indigenous Representative Body, once established, be funded and tasked with consulting with Indigenous peoples and representing their interests in the negotiations of a social justice package. The social justice package should be finalised within 3 years of the establishment of the National Indigenous Representative Body.

**Recommendation 10: Government resource the Australian Human Rights Commission for community development and community education programs**

That the Commonwealth Government resource the Australian Human Rights Commission to develop and implement a comprehensive community development and community education programs on human rights for Aboriginal and Torres Strait Islander peoples.

**Follow-up Action by the Social Justice Commissioner**

The Social Justice Commissioner will provide to the Minister for Families, Housing, Community Services and Indigenous Affairs advice on the proposed model for a new National Indigenous Representative Body in July 2009.

## Remote Indigenous education

**Recommendation 11: Provision of comparable education services in remote communities**

That all Australian governments, through the Council of Australian Governments (COAG) commit to providing education services in remote communities that are comparable in quality and availability to those in all other Australian communities.

**Recommendation 12: Government develop a remote education strategy and accountability framework**

That the Australian Government, through COAG, develop a remote education strategy and accountability framework to be embedded in the National Indigenous Reform Agreement and in the relevant National Partnership Agreements.

**Recommendation 13: Audit of populations and projected populations of remote preschool and school-aged children by statistical sub-division**

That COAG initiate an audit of populations and projected populations of remote preschool and school-aged children by statistical sub-division to be measured against the relevant education infrastructure and services. That this audit form the basis of a national, funded plan to upgrade or build quality preschool, primary and secondary school infrastructure where populations warrant them.

**Recommendation 14: Monitoring and assessment processes for remote Indigenous education**

That the strategy and accountability framework include monitoring and assessment processes with performance measures, targets and timeframes. Key areas for reporting include:

- Provision of education infrastructure at the preschool, primary and secondary school levels to meet population requirements by statistical subdivision;
- The establishment of remote education regional partnerships between Indigenous stakeholders and service deliverers;
- Assessments of the remote teacher workforce and its capacity to meet the specific requirements of the students cohort; and
- Recruitment and retention actions to maintain appropriately qualified (Indigenous and non-Indigenous) teachers and leaders.

## Beyond the Apology – an agenda for healing

### **Recommendation 15: Consultations on and establishment of a national Indigenous healing body responsible for developing and implementing a National Indigenous Healing Framework**

That the federal government establish an independent, Indigenous controlled national Indigenous healing body following extensive consultation, which is responsible for developing and then implementing a coordinated National Indigenous Healing Framework. The Framework should be developed in conjunction with the federal and state/ territory governments and Indigenous organisations and communities.

The national Indigenous healing body should:

- be based on the key principles of self-determination, respect for human rights, reconciliation, and adopt a community development approach that is grounded in Indigenous culture and identity;
- have adequate resourcing for long term community generated, and culturally appropriate Indigenous healing services and programs, commensurate with need;
- have a broad range of possible roles and functions including: research, public education, capacity building, training, accreditation, policy review, public reporting and monitoring and evaluation;
- engage with state and territory governments to develop a nationally consistent approach in the provision of financial redress (compensation) for the Stolen Generations.

The national Indigenous healing body should also be funded to conduct educational activities about Indigenous healing to Indigenous communities, service providers and relevant government departments to ensure that the purpose of a national Indigenous healing body is clearly understood.