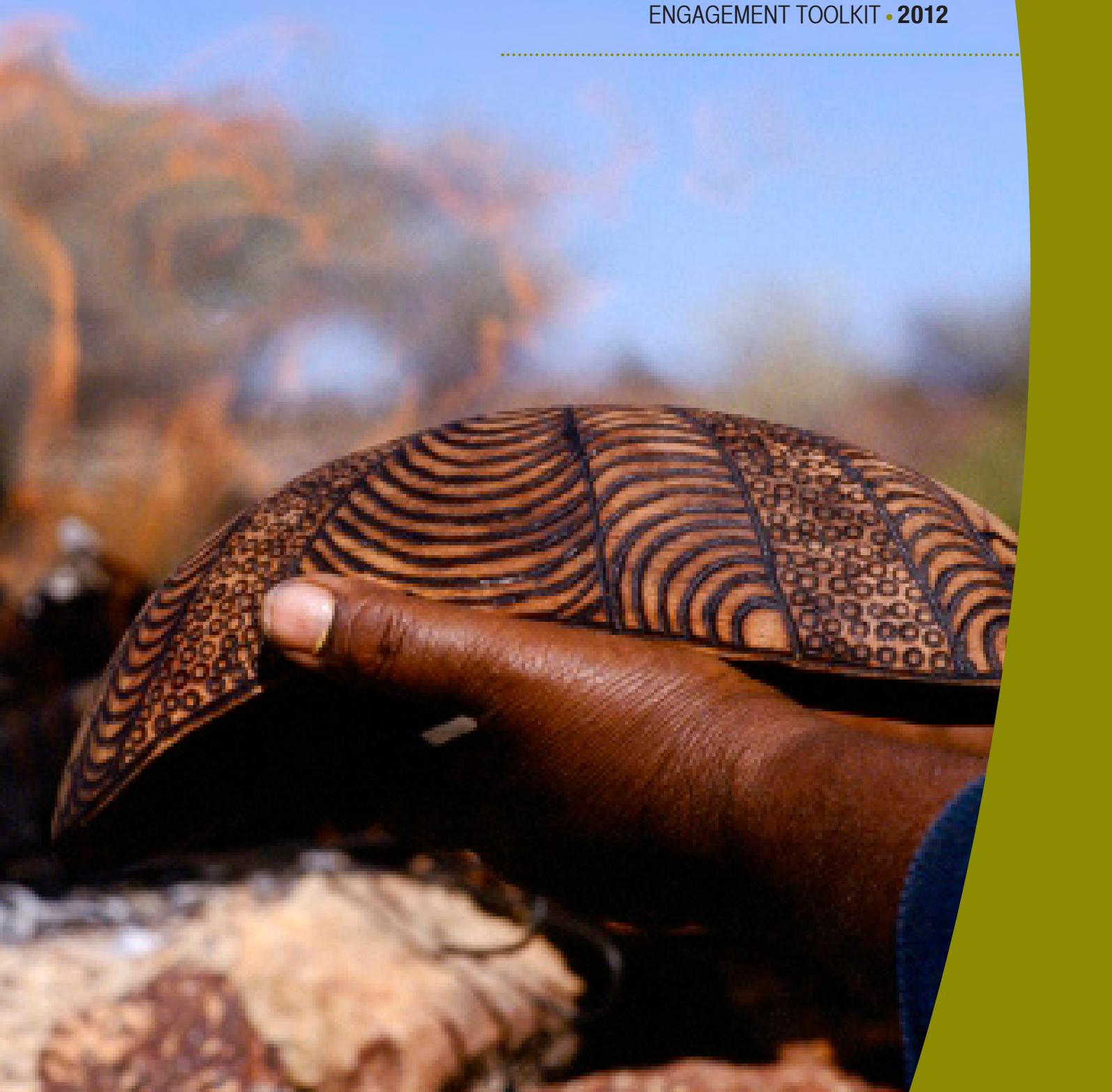




Australian
Human Rights
Commission

Aboriginal and Torres Strait Islander Peoples

ENGAGEMENT TOOLKIT • 2012



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Design and layout Jo Clark **Cover photograph** *Spirit Fire – hand, artefact* by Peter McConchie.

Introduction

The Australian Human Rights Commission (Commission) seeks to protect and promote the human rights of all people in Australia, including the rights of Aboriginal and Torres Strait Islander peoples. In order to ensure protection and promotion of human rights, the Commission aims to engage with communities. This Toolkit provides Commission staff with general information regarding engagement with Aboriginal and Torres Strait Islander peoples.

Development and dissemination of the Aboriginal and Torres Strait Islander Engagement Toolkit is a key activity under the Commission's Reconciliation Action Plan. Although the Toolkit is intended to be used primarily by staff, the Toolkit will be made publically available on its website.

The Commission is grateful for the work of many interns and staff who developed this Toolkit.

A quick and easy guide for consultation

- I. Don't assume anything.
- II. Be honest and sincere.
- III. Use simple clear, plain and appropriate language.
- IV. Speak slowly if and when necessary.
- V. Jargon or technical language should be explained.
- VI. Don't mimic Aboriginal ways of speaking, i.e. words, slang, speech or accent.
- VII. Be open-minded.
- VIII. Never be boastful about your ideas.
- IX. Don't be too direct as this can be taken as confrontational and/or rude.
- X. Direct eye contact may also be considered confrontational and/or rude.
- XI. Emphasise the purpose of your activity and intended benefits to the community.
- XII. Don't ask hypothetical questions.
- XIII. Deal in practical real issues not theoretical ideas.

Source: 'Protocols for Consultation and Negotiation with Aboriginal People', by Huggins, Jackie, Department of Aboriginal and Torres Strait Islander Policy and Development, Brisbane, QLD, 1999.

Aboriginal and Torres Strait Islander flags

History of the Aboriginal flag¹

The Aboriginal flag was designed by Harold Thomas, a Luritja man from Central Australia. It was created as a symbol of unity and national identity for Aboriginal people during the land rights movement of the early 1970s. Gary Foley took the flag to the East Coast where it was promoted and eventually recognised as the official flag of the Australian Aboriginal people. The flag was first flown at Victoria Square in Adelaide on National Aborigines Day, 12 July 1971. In 1995, the Australian Government proclaimed the flag as an official 'Flag of Australia' under section 5 of the *Flags Act 1953* (Cth).

The symbolic meaning of the flag colours (as stated by Harold Thomas) are:

- **Black:** represents the Aboriginal people of Australia
- **Red:** represents the red earth, the red ochre and a spiritual relation to the land
- **Yellow:** represents the sun, the giver of life and protector.

When using the Aboriginal flag at Commission related meetings/conferences, please ensure that the flag is displayed in the correct manner.



History of the Torres Strait Islander flag²

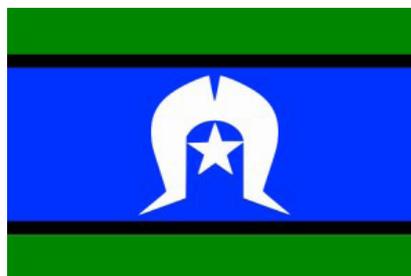
The Torres Strait Islander flag was created as a symbol of unity and identity for Torres Strait Islander people, designed by the late Bernard Namok, then a 15 year old school student from Thursday Island. It was the winning entry from a design competition held as part of a Cultural Revival Workshop, organised by The Islands Coordinating Council in January 1992. It was recognised by the Aboriginal and Torres Strait Islander Commission in June 1992 and given equal prominence with the Aboriginal flag. In July 1995, it was recognised by the Australian Government as an official 'Flag of Australia' under section 5 of the *Flags Act 1953* (Cth).

Each part of the flag is designed to represent something about Torres Strait Islander culture:

- **Green:** represents the land
- **Blue:** represents the sea
- **White:** represents peace
- **Black:** represents the Indigenous peoples.

The *dhari* (headdress) represents Torres Strait Island people and the five pointed star represents the 5 major Island groups. The star also represents navigation, as a symbol of the seafaring culture of the Torres Strait.

When using the Torres Strait Islander flag at Commission related meetings/conferences, please ensure that the flag is displayed in the correct manner.



Facts and figures

Face the Facts remains the Commission's most requested publication. It was first published in 1997 and updated in 2001, 2003, 2005 and 2008. An updated version will be released in 2012.

While the *Racial Discrimination Act 1975* (Cth) has provided important and necessary legal safeguards for victims of racism over the past 30 years, addressing racism needs to go beyond the legal framework. Publications like *Face the Facts* recognise the importance of education in addressing racism and the importance of ensuring that the prevailing attitudes within the community are constructed on a sound factual base.

Face the Facts draws on information from a variety of sources. The information provided includes laws made by Australian Parliaments, government policies, statistics collected by the Australian Bureau of Statistics and academic research. The Commission's aim is to bring all the major issues together and present reliable information in an easy-to-read publication. It is available at http://www.humanrights.gov.au/racial_discrimination/face_facts/index.html.

The Commission's **Reconciliation Action Plan** (RAP) was developed in 2011 and will be periodically updated and renewed. The current plan is available at <http://www.humanrights.gov.au/about/rap.html>. The RAP contains a number of targets to be met by all staff. The RAP is supported by a Committee of staff that can provide further information and guidance on the RAP.

The **Aboriginal and Torres Strait Islander Social Justice** section of the Commission's website (http://www.humanrights.gov.au/racial_discrimination/face_facts/chap1.html) provides a range of news and information on Aboriginal and Torres Strait Islander social justice and native title issues. There are links to the annual Social Justice and Native Title reports, the latest news releases, statistics, speeches by the Aboriginal and Torres Strait Islander Social Justice Commissioner, publications and resources.

There are also separate sub-sections for Aboriginal and Torres Strait Islander health, the *Bringing them home* report and Stolen Generations, and International Indigenous rights, which provides a clear and comprehensive introduction to the ways in which Indigenous human rights are protected and promoted at the international level.

At a domestic level, the **Indigenous Human Rights Network Australia** (IHRNA) is a non-profit organisation started in 2009 which aims to create a national network of people who advocate for and promote the awareness of Indigenous human rights in Australia. IHRNA's website (<http://www.ihrna.info/>) contains information on human rights issues facing Aboriginal and Torres Strait Islander peoples today, as well as opportunities for networking and training. Their online presence is more active on Facebook and Twitter.

Close the Gap is a campaign led by a coalition of Indigenous and non-Indigenous health bodies, NGOs and the Commission. It aims to close the health and life expectancy gap between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians within a generation. There is a crisis in Indigenous health in Australia. Aboriginal and Torres Strait Islander people have significantly shorter life expectancy (up to 17 years) and poorer health outcomes than non-Indigenous Australians. In 2008, the Prime Minister signed the Close the Gap coalition's Statement of Intent to achieve health and life expectancy equality and announced a \$1.6 billion financial commitment. The coalition is now working on translating this public support and political will into concrete improvements. See below '4 Calendar of Significant Events' and http://www.hreoc.gov.au/social_justice/health/index.html and <http://www.oxfam.org.au/explore/indigenous-australia/close-the-gap>.

The **United Nations Declaration on the Rights of Indigenous Peoples** (The Declaration) is a significant development in the protection and promotion of Indigenous human rights at the international level. Twenty five years in the making, it was adopted by the Human Rights Council in 2006 and the General Assembly on 13 September 2007. As a resolution, it is not legally binding under international law, but as 'soft law' it represents developing international legal norms and demonstrates a commitment by member states towards the rights of indigenous peoples around the world. The Declaration outlines individual and collective rights of Indigenous peoples, including the rights to culture, identity and language, and prohibits discrimination. It sets out the principles of partnership and mutual respect that should guide the relationship between states and Indigenous peoples, and provides tools to measure the way states are respecting and implementing the rights of Indigenous peoples. Australia initially voted against the resolution with concerns about the right to self-determination (articles 3 and 4) and references to Indigenous customary law. However in 2009, Australia moved to endorse the resolution. The Commission has produced a range of materials on the Declaration, available at http://www.humanrights.gov.au/social_justice/declaration/index.html.

The **National Congress of Australia's First Peoples** is a new national representative body for Aboriginal and Torres Strait Islander peoples. It is independent from government and as an incorporated body, it is run by a board and controlled by its members. Its first elected board took office in July 2011. The National Congress advocates for the political status of Aboriginal and Torres Strait Islander peoples and aims to work towards sovereignty and self-determination. See further: <http://nationalcongress.com.au/welcome>.

Calendar of significant events

January

Australia Day – Invasion Day or Survival Day

26 January

Annual events take place each year across the nation such as ‘Yabun’ in Sydney, the Survival Day Picnic on the Frankston Foreshore in Victoria, stalls and the Share the Spirit Festival in the Treasury Gardens, Victoria.

The events celebrate Aboriginal and Torres Strait Islander culture and heritage. The events showcase all aspects of Aboriginal and Torres Strait Islander culture, including music, dance, food, language, politics, literature, and arts and crafts and are a wonderful opportunity to learn more about Australia’s Aboriginal and Torres Strait Islander heritage.

February

Anniversary of the National Apology

13 February

On 13 February 2008 the Prime Minister, Kevin Rudd MP delivered his national apology to the Stolen Generations on behalf of the Australian Government.

The apology marked an important milestone in Australia’s history. By validating the experiences of the Stolen Generations, the foundations have been laid for healing to take place and for a reconciled Australia in which everyone belongs.

March

Anniversary of the signing of the Close the Gap Statement of Intent on Indigenous Health Equality

20 March

The government and Aboriginal and Torres Strait Islander health leaders signed a Statement of Intent in the Great Hall of Parliament House to work together to achieve equality in health status and life expectancy between Aboriginal and Torres Strait Islander peoples and non-Indigenous Australians by the year 2030.

April

National Close the Gap on Indigenous Health Equality Day

2 April

The day gives people the opportunity to show their support for the Close the Gap Indigenous Health Equality Campaign which calls for closing the 17-year life expectancy gap between Aboriginal and Torres Strait Islanders and other Australians.

May

National Sorry Day

26 May

The *Bringing them home* report recommended (Recommendation No 7.a) that a National Sorry Day be held each year on 26 May ‘to commemorate the history of forcible removals and its effects’. As a result of this recommendation the community-based organisation the National Sorry Day Committee (NSDC) was formed. See www.nsdcc.org.au/.

National Reconciliation Week

27 May – 3 June

National Reconciliation Week is held annually and celebrates the rich culture and history of the First Australians. National Reconciliation Week began in 1996 to provide focus for nationwide reconciliation activities.

National Reconciliation Week coincides with two significant dates in Australia’s history which provide strong symbols of the aspirations for reconciliation. May 27 marks the anniversary of the 1967 Referendum and June 3 marks the anniversary of the High Court’s judgement in the 1992 Mabo case.³

Commemorating Aboriginal and Torres Strait Islander war veterans

27 May – 3 June

Ceremonies commemorating Aboriginal and Torres Strait Islander veterans' are held in the major capital cities during Reconciliation Week. Organised by the Department of Veterans' Affairs, see <http://www.dva.gov.au/benefitsAndServices/ind/Pages/ice.aspx>.

June

Mabo Day

3 June

Mabo Day is held on 3 June to celebrate Eddie Mabo, who helped overturn 'terra nullius' in a ten year campaign through the courts ending in the historic High Court Mabo Judgement.

July

National NAIDOC Week

NAIDOC originally stood for 'National Aborigines and Islanders Day Observance Committee. It has since taken on the acronym NAIDOC and the celebrations begin on the first Sunday in July and run for one week.

There is a national theme every year and some past NAIDOC themes include 'Respecting our Elders, Nurturing Our Youth' (2009), 'Advance Australia Fair?' (2008) and 'Advance Australia Where?' (1972). One of the main events of the week is the NAIDOC Ball and Awards.

The annual awards are celebrated in the national focus city and recognise the outstanding contributions that Aboriginal and Torres Strait Islanders make to improve the lives of Aboriginal and Torres Strait Islander people in their communities and beyond, or to promote Aboriginal and Torres Strait Islander issues in the wider community, or the excellence they've shown in their chosen field.⁴ See <http://www.naidoc.org.au/>.

August

Garma Festival of Traditional Culture

The Garma Festival is held each August in Nhulunbuy, north-east Arnhem Land. Garma is a unique combination of education, entertainment and cultural interaction and exchange. For more information see the website at <http://www.yyf.com.au/>. Past Festival themes include Indigenous Cultural Livelihoods (2005), Indigenous knowledge: Caring for country and culture (2008), Indigenous health: Real solutions for a chronic problem (2007).

International Day of the World's Indigenous People

9 August

In 1994, the United Nations General Assembly decided that the International Day of the World's Indigenous People will be observed on 9 August every year, during the first International Decade of the World's Indigenous People.

On 16 December 2005, the General Assembly adopted the Programme of Action for the Second International Decade of the World's Indigenous People and adopted 'Partnership for action and dignity' as its theme. The International Day of the World's Indigenous People was continued as a part of this Programme of Action. The day is observed in United Nations offices in New York, Geneva and other offices of the United Nations.

September

The Deadly Awards

The Deadly Awards are Indigenous Australia's peak awards for music, the arts, entertainment, sport and community achievement and are presented at a function annually at the Sydney Opera House. Check the website at: <http://www.deadly.vibe.com.au/deadlys.asp>

Terminology

Aboriginal and Torres Strait Islander peoples

For general use, the term 'Aboriginal and Torres Strait Islander peoples' is the preferred usage.

For example, the following acknowledgement was used in the 2010 Social Justice Report by the Social Justice Commissioner.

Note: Terminology

The Aboriginal and Torres Strait Islander Social Justice Commissioner recognises the diversity of the cultures, languages, kinship structures and ways of life of Aboriginal and Torres Strait Islander peoples. There is not one cultural model that fits all Aboriginal and Torres Strait Islander peoples.

Aboriginal and Torres Strait Islander peoples retain distinct cultural identities whether they live in urban, regional or remote areas of Australia.

The word 'peoples' recognises that Aborigines and Torres Strait Islanders have a collective, rather than purely individual, dimension to their lives. This is affirmed by the United Nations Declaration on the Rights of Indigenous Peoples.¹

There is a growing debate about the appropriate terminology to be used when referring to Aboriginal and Torres Strait Islander peoples. The Social Justice Commissioner recognises that there is strong support for the use of the terminology 'Aboriginal and Torres Strait Islander peoples', 'First Nations' and 'First Peoples'.² Accordingly, the terminology 'Aboriginal and Torres Strait Islander peoples' is used throughout this Report.

Sources quoted in this Report use various terms including 'Indigenous Australians', 'Aboriginal and Torres Strait Islanders', 'Aboriginal and Torres Strait Islander people(s)' and 'Indigenous people(s)'. International documents frequently use the term 'indigenous peoples' when referring to the Indigenous peoples of the world. To ensure consistency, these usages are preserved in quotations, extracts and in the names of documents.

1 GA Resolution 61/295 (Annex), UN Doc A/RES/61/295 (2007). At www.un.org/esa/socdev/unpfii/en/drip.html (viewed 5 November 2010).

2 See Steering Committee for the creation of a new National Representative Body, *Our future in our hands: Creating a sustainable National Representative Body for Aboriginal and Torres Strait Islander peoples*, Australian Human Rights Commission (2009), pp 15, 43. At www.humanrights.gov.au/social_justice/repbody/report2009/index.html (viewed 5 November 2010).

Indigenous peoples

The use of the term 'Indigenous' has evolved through international law. It acknowledges a particular relationship of Aboriginal people to the territory from which they originate. The United Nations High Commissioner for Human Rights has explained the basis for recognising this relationship as follows:

Indigenous or aboriginal peoples are so-called because they were living on their lands before settlers came from elsewhere; they are the descendants – according to one definition – of those who inhabited a country or a geographical region at the time when people of different cultures or ethnic origins arrived, the new arrivals later becoming dominant through conquest, occupation, settlement or other means... (I)ndigenous peoples have retained social, cultural, economic and political characteristics which are clearly distinct from those of the other segments of the national populations.

Throughout human history, whenever dominant neighbouring peoples have expanded their territories or settlers from far away have acquired new lands by force, the cultures and livelihoods – even the existence – of Indigenous peoples have been endangered. The threats to Indigenous peoples' cultures and lands, to their status and other legal rights as distinct groups and as citizens, do not always take the same forms as in previous times. Although some groups have been relatively successful, in most part of the world Indigenous peoples are actively seeking recognition of their identities and ways of life.⁵

For this reason, it may be appropriate in some publications and formal documents to use 'Indigenous peoples' in order to convey its meaning in international law.

Recognition and acknowledgements: Welcome to Country and Acknowledgment of Country

A crucial part of effectively engaging Aboriginal and Torres Strait Islander communities is respecting country, and the strong connection Aboriginal and Torres Strait Islander peoples have to their traditional land. It is therefore important to ensure that a 'Welcome to Country' or 'Acknowledgement of Country' is done at all Commission meetings and events.

Why is it important to perform a Welcome to Country or an Acknowledgement of Country ceremony?

Aboriginal and Torres Strait Islander peoples have strong connection to their traditional lands, cultures and heritage. All Australians can be proud to learn of and share these unique histories and cultures.

Aboriginal and Torres Strait Islander peoples are the "original owners" and it is important that this unique position of Indigenous people is recognised and incorporated into our protocols. This would enable everyone to share in Aboriginal and Torres Strait Islander culture and facilitate better relationships between Aboriginal and Torres Strait Islander cultures and communities and non-Indigenous communities.

Welcome to Country

What is a Welcome to Country ceremony?

A Welcome to Country ceremony is usually performed by the Traditional Custodians of the Land or a senior representative of the local Indigenous community to welcome visitors onto their traditional land.

When should a Welcome to Country ceremony be performed?

A Welcome to Country ceremony should be performed at all the Commission's major or relevant meetings and official events (e.g. State Conferences, Indigenous Cultural Awareness training, the Human Rights Awards and Medals).

Who should be invited to perform the Welcome to Country ceremony?

The Commission should invite the Traditional Custodians of the Land, usually a senior representative of the local Aboriginal or Torres Strait Islander community, to do the Welcome to Country Ceremony. However, this is dependent upon the location of the event and the practice of the community. Below is a list of Land Councils and representative organisations situated in or near state capitals which may possess links to relevant traditional custodians:

Adelaide: South Australia Native Title Services

Alice Springs: Central Land Council

Brisbane: Queensland South Native Title Services

Canberra: Aboriginal Land Council Ngunnawal

Darwin: Northern Land Council

Hobart: Tasmanian Aboriginal Land and Sea Council

Melbourne: Wurundjeri Tribe Land and Compensation Cultural Heritage Council

Perth: South West Aboriginal Land and Sea Council

Sydney: Metropolitan Local Aboriginal Land Council

Staff of the Commission who are unsure of the traditional owners/custodians of the land where a Commission related meeting/event is to take place are able to contact the local Native Title Representative Bodies (NTRBs) to confirm who the traditional owners/custodians are. A list of NTRBs can be accessed at the following website: <https://www.ntrb.net/PublicPages/NTRBmap.aspx>.

What wording should be used in performing the Welcome to Country ceremony?

There is no exact wording for Welcome to Country. As such, the content of the ceremony should be negotiated between the Commission and the provider with reference to the nature of the event and community practices. The traditional owners/custodians are to be approached to undertake the Welcome to Country ceremony. It is very important that the Aboriginal and Torres Strait Islander representative has been involved in and is comfortable with the arrangements.

How should the Indigenous performers of the Welcome to Country ceremony be remunerated?

In providing cultural services such as Welcome to Country, Aboriginal and Torres Strait Islander people are using their **intellectual property** and should be appropriately remunerated.

Appropriate remuneration and/or assistance should be negotiated with the Aboriginal and Torres Strait Islander representative and should take into consideration:

- Travel to and from the event
- Payment for performing the Welcome to Country
- Public profile of the event.

The procedure for payment is as follows:

- Where possible, before payment is made, seek a tax invoice quoting an ABN number (from the Indigenous representative or their organisation, e.g. the Local Land Council).
- Where an ABN number cannot be provided:
 - » Pay them in cash / cheque / bank transfer
 - » Have the Indigenous representative sign the attached receipt, acknowledging receipt of payment
 - » Have the Indigenous representative sign a “Statement by a Supplier” form (provided by the ATO), which declares they do not have an ABN number and that “the supply is done as a private recreational pursuit or hobby”. This will ensure the earnings are not taxed at the highest margin of 48%.

The Statement by a Supplier Forms can be obtained by accessing the Australian Taxation Office website: www.ato.gov.au/content/downloads/nat3346.pdf.

Where it is likely that the Aboriginal and Torres Strait Islander representative who doesn't have an ABN number is going to be invited to do the Welcome to Country for the Commission for more than one or two events per year, they should be encouraged to get an ABN.

Some Aboriginal and Torres Strait Islander representatives may not have means of providing a receipt for the payment they receive. In these cases, the attached receipt form should be provided to the person to complete, sign and give back to the Commission.

What should happen if for any reason a Welcome to Country ceremony is unable to be performed?

If a Welcome to Country ceremony cannot be undertaken for any reason then an Acknowledgement of Country should be conducted.

Acknowledgement of Country

What is an Acknowledgement of Country ceremony?

An Acknowledgement of Country is a way that an Aboriginal and Torres Strait Islander person who is not a traditional owner or custodian of the land where the event is being held, or a non-Indigenous person, can show respect for Aboriginal and Torres Strait Islander culture and heritage and the ongoing relationship the Traditional Custodians have with the Land.

In what circumstances must an Acknowledgement of Country be performed?

An Acknowledgement of Country is only to be undertaken where no traditional owner or custodian is available to do so and all avenues to locate one within the community have been undertaken and it is not possible to perform a Welcome to Country ceremony.

At which point during the Commission's event must the Acknowledgement of Country be performed and what wording must be used?

At the beginning of a meeting or official event, a Chair or Speaker begins by 'Acknowledging that the meeting is taking place in the Country of the Traditional Custodians'. Where the name of the Traditional Custodians is known, it is specifically used. Where it is not known, a general Acknowledgement is given. An example of an Acknowledgement of Country is:

“I would like to show my respect and acknowledge the Traditional Custodians of the Land, of Elders past and present, on which this meeting takes place.” It is also important that all speakers, both Aboriginal and Torres Strait Islander and non-Indigenous, acknowledge any Elders in attendance prior to presenting or speaking.

Receipt

I (Name)

Address:

Acknowledge that I have received \$..... from the Australian Human Rights Commission
for the purposes of providing the Welcome to Country at (place)
on// (date).

I do not have an ABN number and this supply is done as a private recreational pursuit or hobby.

Signature:

Date://

Visual media and writing

Intellectual property

Use and procurement of Aboriginal and Torres Strait Islander intellectual property poses a number of unique concerns and considerations. For example, Aboriginal and Torres Strait Islander artwork can depict or derive from various forms of cultural heritage and traditional knowledge. The procurement, reproduction or alteration of Aboriginal and Torres Strait Islander artwork, as well as the photographing of Aboriginal and Torres Strait Islander persons or ceremonies, may be culturally inappropriate depending on the context and whether necessary permissions have been obtained.

It has been widely commented that current Australian intellectual property laws, such as the *Copyright Act 1968* (Cth), provide an inadequate level of protection for Aboriginal and Torres Strait Islander intellectual property and cultural heritage. For example, the *Copyright Act 1968* (Cth) is aimed at protecting individual creators of arts, rather than protecting communal rights. It is also designed to protect artistic works, but offers little protection against the reproduction of cultural knowledge, stories or artistic styles.

Accordingly, the use and procurement of Indigenous intellectual property, particularly in the form of Aboriginal and Torres Strait Islander art, raises both legal and ethical considerations to ensure appropriate respect for Indigenous culture. It may often be inappropriate to rely solely on minimum legal requirements when engaging with Indigenous intellectual property.

Rather, additional steps may be required to ensure that the Commission's use or procurement is not only lawful, but also respectful and culturally appropriate.

The Arts Law Centre recommends including the following Notice of Custodial Interest in artworks with traditional knowledge:

The images in this artwork embody traditional ritual knowledge of the [name] community. It was created with the consent of the custodians of the community. Dealing with any part of the images for any purpose that has not been authorized by the custodians is a serious breach of the customary law of the [name] community, and may also breach the Copyright Act 1968 (Cth). For enquiries about permitted reproduction of these images contact [community name].

To assist the appropriate engagement with Aboriginal and Torres Strait Islander artists and communities in producing and procuring Aboriginal and Torres Strait Islander art, the Australian Council for the Arts has produced five Protocols relating to:

1. Media arts
2. Music
3. Performing arts
4. Visual arts
5. Writing

Copies of these Protocols are available at: http://www.australiacouncil.gov.au/resources/artforms/Indigenous_arts?content_type=Profiles+How+to+guides+Case+studies.

Commission employees are advised to consult the appropriate Protocol whenever using or procuring Aboriginal and Torres Strait Islander art to ensure that it is done in a legally and culturally appropriate way.

Any specific intellectual property inquiries should be directed to the Commission's Legal Department.

See also T Janke, *Pathways and Protocols: A filmmaker's guide to working with Indigenous people, culture and concepts*, Australian Government and Screen Australia Guide (2009). At www.screenaustralia.gov.au/documents/SA.../Indig_Protocols.pdf.

Filming and photographing in Aboriginal and Torres Strait Islander communities

Particular care must be taken when photographing and filming in Aboriginal and Torres Strait Islander communities. In the past, photography and filming of Aboriginal and Torres Strait Islander peoples commonly occurred without consent. This sense of exploitation of identity and appropriation of cultural heritage resonates today. Further, the loss of control and ownership of an image means there is the real likelihood of accidentally or negligently breaching important protocols in some Aboriginal and Torres Strait Islander cultures surrounding death and naming individuals. All Commission employees are advised to take the utmost care and diligence in photographing or filming Aboriginal and Torres Strait Islander peoples.

Consent

As with all engagement with Aboriginal and Torres Strait Islander peoples, photographing and filming should be premised on mutual respect, trust and the principle of free, prior and informed consent (see further at 10.2 below). Prior to taking any footage, it is appropriate to take time to discuss the following information:

- a clear explanation of the film or photo process
- proper information about the project, including the message, the medium and the audience
- all proposed and foreseeable uses of the material, including secondary uses
- the impacts of the material being disseminated
- timeframes
- any relevant intellectual property matters (see 7.1 above)
- that the person can choose not to be photographed or filmed.

This should be explained in plain English or with the aid of an interpreter.

Staff should be aware that they might need to obtain consent from the appropriate custodian of cultural heritage items (e.g. elders) where materials contain depictions of communally owned ritual knowledge, such as sacred sites.

Staff should agree with the individuals any special conditions regarding the representation of their materials. For example, an individual may wish for a story to be identified as a 'traditional story of family X as told by Y'.

It is Commission policy that all participants give consent in writing, prior to taking any footage and after the explanation above. Staff should also use best endeavours to show draft publications to the individuals so that they can raise any concerns about the way the Commission is depicting them.

Staff should refer to the attached audio visual and photography consent form to record each individual's consent. Please note this form is intentionally general and broad. Staff should consider the relevant issues for their specific project and consult with communities to tailor the form for each use. Staff should arrange to translate these forms where necessary.

Staff must not use any materials for purposes or uses other than that which individuals have provided their free, prior and informed consent. For example, care should be taken not to use photos taken at a health workshop for projects relating to sexual violence. Images should also be positive and empowered images to assist in the promotion of the rights of Aboriginal and Torres Strait Islander peoples.



Consent form for the Australian Human Rights Commission to use photos, video footage and audio recordings of Aboriginal and Torres Strait Islander peoples

I, give permission for the Australian Human Rights Commission to use the following in its publications, resources and materials in all forms of media*, including its webpage for the purpose of [human rights awareness]:

[please tick]

<input type="checkbox"/> photos of me	use my image (including only part of a photograph) in all forms of media
<input type="checkbox"/> videos of me	use video recordings of me, and the written version of the words spoken, in whole or part, in all forms of media
<input type="checkbox"/> recordings of my voice	use recordings of my voice, and the written version of the words spoken, in whole or part, in all forms of media
<input type="checkbox"/> my name	identify me in the project by using my first name or by using the following name(s):

By ticking the relevant boxes above and signing this form, I agree that the Commission may, at its discretion: use photos of me, videos of me, recordings of my voice, the written version of the words spoken in videos and voice recordings and my name, now and until such time as I notify the Commission that I withdraw my permission.

* The forms of media used by the Commission may include: YouTube, Facebook, Flickr, Twitter and other websites, TV, newspapers, pamphlets and exhibitions.

Continuing reproduction after deceased

<input type="checkbox"/>	<p>I understand that the Commission will publish my image with the following statement:</p> <p style="text-align: center;"><i>Please be aware that this publication/resource may contain the names and/or images of Aboriginal and Torres Strait Islander people who may now be deceased.</i></p>
	<p>I give ongoing permission for my name and image to continue to be reproduced after my death.</p> <p>[alternatively, record here whether the permission is ongoing, restricted to a particular person/company or for viewing in a particular area]</p> <p>.....</p>
	<p>A mourning name should accompany any reproduction of images after my death.</p> <p>My mourning name is</p> <p>Please contact the relevant contacts listed below for an appropriate name.</p>

Agreed representation

Please tell us if you have any comments about how you wish to be represented in publications:

.....

Name:

Contact details:

Other relevant contacts (e.g. Land Councils, Elders, Relatives):

.....

Date:// Commission Participant

If the participant is under 18 years of age

I,, as parent or legal guardian of the above named individual, have also read this form and give my approval of its terms.

Parent/Guardian

Filming on Country

Consent is legally required when filming on land owned by third parties. This includes land which is privately owned by indigenous organisations, including land owned under the state-based Land Rights Acts.

Archiving images

Commission employees are advised to archive images of Aboriginal or Torres Strait Islanders peoples with enough information to identify the participants and enable them to be contacted in the future. Completed consent forms should be electronically filed with the materials. No materials should be used without a consent form.

Death Protocols

In some Aboriginal and Torres Strait Islander communities it is offensive to mourning practices to reproduce the names or images of deceased people. Sometimes the restrictions may last years. Staff should consult with communities so that they are aware of the particular death protocols that apply.

Staff should not use a deceased person's name or image unless the Commission has obtained permission either from the individual at the time of meeting the individual or subsequently from relevant family members or elders.

If the Commission becomes aware of an individual's death and is not able to obtain permission to use their materials, staff should not publish any new images and will take reasonable steps to remove any images from the Commission's website.

Permission to use a deceased person's name and image needs to be provided in writing and outline whether the permission is ongoing, restricted to a particular person/company or for viewing in a particular area. Written permission will need to outline these particulars. Staff should also clarify whether the individual wishes to use a mourning name.

This permission should be acknowledged formally in any publications. For example:

The Commission has obtained permission to use footage of Aboriginal and Torres Strait Islander people it is aware are deceased.

The Commission's publications or CDs/DVDs with images of deceased Aboriginal and Torres Strait Islander people should contain the following warning:

Please be aware that this publication/resource may contain the names and/or images of Aboriginal and Torres Strait Islander people who may now be deceased.

No materials should be used without a consent form that specifically provides consent in the case of death. This may involve seeking permission from relatives, community or Elders.

Aboriginal and Torres Strait Islander media

Following are a range of Aboriginal and Torres Strait Islander media organisations to disseminate news and information on Aboriginal and Torres Strait Islander issues and projects. These cover a range of national, state and regional press, radio and television outlets.

There are a range of specialist Indigenous and 'social issues' journalists on major metropolitan newspapers who cover Aboriginal and Torres Strait Islander issues. If you would like the contact details for these journalists or advice on what media to target for a specific issue or project please contact Communications on x618.

The Commission is also a member of the Australian Indigenous Minority Supplier Council (AIMSC – <http://www.aimsc.org.au/>). AIMSC provides a database of AIMSC suppliers for a range of services, including media, communications and design services. Speak to purchasing officers or the Commission's Reconciliation Action Plan Committee to seek quotes from Indigenous suppliers.

Contact information for Indigenous media organisations					
Organisation	Phone Number	Fax Number	Email address	Address	Website
Indigenous newspapers					
Brewarrina News	02 6839 2106	02 6839 2100	breshire@tpg.com.au	PO Box 125 Brewarrina NSW 2839	
Koori Mail	02 6622 2666	02 6622 2600	editor@koorimail.com, admin@koorimail.com	PO Box 117 Lismore NSW 2480	www.koorimail.com
Murri Views	07 4749 1338	01 4749 0270	editor@murriviews.com.au	PO Box 1794 Mount Isa QLD 4825	
National Indigenous Times	1300 786 611	1300 786 622	editor@nit.com.au, mail@nit.com.au	General postal: PO Box 696 Woden ACT 2606 Street Address: 5/7 Sangster Place Wanniassa ACT 2903	www.nit.com.au
Torres News	07 4069 1531	07 4069 1561	torresnews@bigpond.com	PO Box 436 Thursday Island QLD 4875	
Yamaji News	08 9964 3550	08 9964 4690	news@yamaji.com.au	PO Box 433 Geraldton WA 6530	
Indigenous radio stations					
2RSR FM	02 9550 9552	02 9564 2771	radioskidrow889@aol.com	PO Box Earlwood NSW 2206	
98.9 FM	07 3892 0100	07 3892 0101		2 Ambleside St West End Gardens QLD 4101	http://989fm.com.au/
4CIM (104.3FM)	07 4052 1155	07 4052 1673	bbm98.7@bigpond.net.au	PO Box 1856 Cairns QLD 4870	
4DDB FM	07 4638 4171	07 4632 2716	ddbfm@bigpond.com	PO Box 400 Toowoomba QLD 4350	
4K1G FM	07 4772 5466	07 4721 1902	mail@4kg.org	MSO Box 5483 Townsville Mail Centre Townsville QLD 4810	http://www.4k1g.org/

Contact information for Indigenous media organisations continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
Indigenous radio stations continued					
4TOF	07 4655 2188	07 4655 2177		PO Box 126 Cunnamulla QLD 4490	
6AR	08 9440 4200	08 9344 0874	graeme@1009fmp Perth. com.au	Off Dianella Drive Dianella WA 6059	
6FX	08 9191 5132	08 9191 5230	wr936am@bigpond. com.au	PO Box 52 Fitzroy Crossing WA 6765	
6GME	08 9192 1271	08 91936407	robert.lee@gme.com. au	PO Box 2708 Broome WA 6725	http://www.goolarri.com/
6PRK	08 9168 6416	08 9168 6194	prkradio@bigpond. com	PO Box 178 Halls Creek WA 6770	
8KIN FM	08 8951 9777	08 8951 9717	radiomgr@caama. com.au	PO Box 2608 Alice Springs NT 0871	www.caama.com.au
8KNB	08 8948 2711	08 8948 2811	radiolarrakia@ internode.on.net	PO Box 1097 Nightcliff NT 0814	www.radiolarrakia.net.au
8MAB	08 8975 8746	08 8975 8743	mabunjiresource@ bigpond.com	Mabunji Resource Centre Robinson Road Borrooloola NT 0854	www.mabunji.com.au
MOB FM	07 4749 1338	07 4749 0270	miama@bigpond.com	71 Miles Street Mount Isa QLD 4825	
Waringarri Radio 693 AM	08 9168 2214	08 9169 1010	WMAC-admin@ westnet.com.au	PO Box 815 Kununurra WA 6743	
93.7FM Koori Radio 2LND	Studio: 02 9564 5976 Office: 02 9564 5090	02 9564 5450	kooriradio@gadigal. org.au	PO Box 966 Strawberry Hills NSW 2012	http://www.gadigal.org.au/KooriRadio/AboutUs.aspx

Contact information for Indigenous media organisations continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
Indigenous television stations					
Imparja TV	08 8950 1411	08 8950 1422	imparjanews@imparja.com.au	PO Box 52 Alice Springs NT 0871	www.imparja.com.au
ABC Message Stick					http://www.abc.net.au/message/tv/ms/
Indigenous Community Television (ICTV)	08 8953-8641		dooch@waru.org		http://www.waru.org/organisations/ictv/
National Indigenous Television (NITV)	Head Office: Alice Springs				
	08 8953 4763	08 5953 4764	admin@nitv.org.au	PO Box 1313 Alice Springs NT 0871	www.nitv.org.au
	Sydney Office				
	02 9959 3888	02 9959 3777	admin@nitv.org.au	PO Box 1166 Crows Nest NSW 2065	www.nitv.org.au
Indigenous magazines					
Deadly Vibe	02 9361 0140	02 9361 5850	info@vibe.com.au	PO Box 810 Darlinghurst NSW 2010	www.vibe.com.au
Indigenous Law Bulletin Magazine	02 9385 2256	02 9385 1266	ilb3@unsw.edu.au		
Land Rights News	08 8920 5114	08 8945 2615	rosemary.cadden@nlc.org.au	PO Box 42921 Casuarina NT 811	www.nlc.org.au
Others					
Gadigal Information Service	(02) 9564 5090	(02) 9564 5450	info@gadigal.org.au	PO Box 966 Strawberry Hills NSW 2012	www.gadigal.org.au
Australian Indigenous Communications Association Incorporated	(02) 6242 1358	(02) 6255 7932	aica.org@bigpond.net.au	PO Box 4235 Ainslie ACT 2602	http://aicainc.org.au/

Effective engagement: Policy guidelines and rights

The importance of engaging Indigenous communities in policy making, design, implementation and evaluation of programs is essential since many public policies do not address the distinct problems, needs and aspirations of these communities.

Mechanisms of policy making and programming, even when committed towards partnerships with Indigenous peoples often do not fully recognise the collective aspect of human rights or the distinct economic, social and cultural attributes of these communities. Without meaningful engagement of Indigenous communities and organisations, governments will not be able to adequately address human development, discrimination, social justice, and governance issues.⁶

In relation to effectively and meaningfully engaging with Indigenous communities there is an emerging body of legal principles and policies which aim towards the substantive and meaningful participation of Indigenous communities.

In summary, people should adhere to the following principles:

- **Recognition** and regard for Indigenous peoples' rights
- **Respect** for Indigenous culture and difference, particularly decision making processes
- Ensure Indigenous peoples' **free, prior and informed consent**.

UN Guidelines for engagement with Indigenous peoples

UN Human rights-based approach to development cooperation

Among the more general principles to be guided by when engaging with Indigenous peoples is the UN's **Human rights-based approach to development cooperation**.⁷ This states that:

1. All programmes of development co-operation, policies and technical assistance should further the realisation of human rights as laid down in the *Universal Declaration of Human Rights* and other international human rights instruments.

2. Human rights standards contained in, and principles derived from, the *Universal Declaration of Human Rights* and other international human rights instruments guide all development cooperation and programming in all sectors and in all phases of the programming process.
3. Development cooperation contributes to the development of the capacity of duty-bearers to meet their obligations and/or of 'rights-holders' to claim their rights.

The following elements are **necessary, specific, and unique to a human rights-based approach**:

1. Assessment and analysis in order to identify the human rights claims of rights-holders and the corresponding human rights obligations of duty-bearers as well as the immediate, underlying, and structural causes of the non-realisation of rights.
2. Programmes assess the capacity of rights-holders to claim their rights, and of duty-bearers to fulfil their obligations. They then develop strategies to build these capacities.
3. Programmes monitor and evaluate both outcomes and processes guided at human rights standards and principles.
4. Programming is informed by the recommendations of international human rights bodies and mechanisms.⁸

Other elements of good programming practices that are also **essential** under a human rights-based approach include:

1. People are recognised as key actors in their own development, rather than passive recipients of commodities and services
2. Participation is both a means and a goal
3. Strategies are empowering, not disempowering
4. Both outcomes and processes are monitored and evaluated

5. Analysis includes all stakeholders
6. Programmes focused on marginalised, disadvantaged and excluded groups
7. The development process is locally owned
8. Programmes aim to reduce disparity
9. Both top-down and bottom-up approaches are used in synergy
10. Situation analysis is used to identify immediate, underlying and basic causes of development problems
11. Measurable goals and targets are important in programming
12. Strategic partnerships are developed and sustained
13. Programmed support accountability to all stakeholders.⁹

UN Development Group Guidelines on Indigenous Peoples' Issues

The UN developed these Guidelines to assist their system to mainstream and integrate Indigenous peoples' issues in processes for operational activities and programmes at the country level. They are another useful source of information for guidance on engagement and interaction with Indigenous communities and peoples.

The Guidelines have three main sections:

1. The broad normative, policy and operational framework for implementing a human rights based and culturally sensitive approach to development for and with Indigenous peoples

2. Lines of action for planning, implementation and evaluation of programmes involving Indigenous peoples
3. A framework for duly integrating the principles of cultural diversity into UN country programmes.

To view the Guidelines in their entirety, see <http://www2.ohchr.org/english/issues/indigenous/docs/guidelines.pdf>.

The UN's Development Group Guidelines highlight the importance of recognising Indigenous peoples' **collective rights**.

International human rights instruments are not enough to guarantee the survival, wellbeing and dignity of Indigenous peoples. Most international human rights instruments protect the rights of the individual. **Indigenous peoples need the recognition of specific collective rights for their survival as human groups.** These rights include:

- indigenous peoples' rights to their lands, territories and resources
- right to maintain their cultures
- right to recognition of their distinct identities
- right to self-government and self - determination
- right to be asked for their free, prior and informed consent in decisions that may affect them.

A very useful section of these Guidelines is the table and checklist of key issues and related Indigenous rights:

Table 1: Key issues and related rights		
Issue	Basic information	Guiding principles
Self-determination, self-government, autonomy, self-management	<ul style="list-style-type: none"> The long traditions of indigenous self-government have been interrupted, limited or denied by colonial or post-colonial states. The re-establishment of mutually agreed upon relations between the State and indigenous peoples in which the people or community determines its own future in accordance with its own processes is the key principle in the UN Declaration on the Rights of Indigenous Peoples. Self-determination expressed in this form is vital for the continuing existence of indigenous peoples as distinct peoples. 	<ul style="list-style-type: none"> The principle of self-determination can be implemented in practice through a range of mechanisms including the following: <ul style="list-style-type: none"> » Autonomy arrangements » Self-government » Self-management » Control over or input into basic services such as education and health » Recognition and maintenance of tradition political decision-making bodies and legal systems » Full and effective participation in public life. These arrangements require that states and indigenous peoples agree on appropriate terms, and increasingly, such negotiated settlements are the basis for reconciling past relationships between states and indigenous peoples. The UN Declaration on the Rights of Indigenous Peoples calls upon States to consult with indigenous peoples to obtain free and informed consent prior to approval of any project affecting their lands and resources. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 3, 4, 18, 19, 23 and 32; International Covenant on Economic, Social and Cultural Rights, Article 1.
Lands and territories	<ul style="list-style-type: none"> Lands and territories have material, cultural and spiritual dimensions for indigenous peoples. They are required for their survival and economic sustainability and are intrinsically linked to the identity and existence of a people. Indigenous peoples call for inalienable and collective ownership of their lands and territories. Traditional occupations such as pastoralism on drylands, hunting and gathering, fishing, rotation agriculture in tropical forests, and reindeer herding in the Arctic, among others, have co-evolved in balance with specific ecosystems. <p>Indigenous peoples are threatened by any invasion of their lands and territories, and this vulnerability is especially acute for peoples living in voluntary isolation. Living in isolation is the expression of their right to self-determination and to decide their own present and future.</p>	<ul style="list-style-type: none"> Indigenous peoples' lands and territories should be legally recognised, demarcated and protected from outside pressures. States should recognise the traditional management systems of indigenous peoples. Indigenous peoples also have rights to lands used traditionally (e.g. nomadic peoples, shifting cultivators, etc). Where lands have been lost for the purposes of national development, restitution or redress is recognised. All efforts should be made to ensure that indigenous peoples determine the activities that take place on their lands and in particular that impacts on the environment and sacred and cultural sites are avoided. Indigenous peoples in voluntary isolation have the right to live freely in that condition and States should adopt adequate measures to protect their territories, environment and cultures. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 10, 25-32; ILO Convention No. 169, Articles 13-19.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Natural resources	<ul style="list-style-type: none"> Indigenous peoples' natural resources are vital and integral components of their lands and territories. The concept includes the entire environment: surface and sub-surface, waters, forests, ice and air. Indigenous peoples have been guardians of these natural environments and play a key role, through their traditions, in respectfully maintaining them for future generations. They have managed these resources sustainably for millennia and in many places have created unique bio-cultural landscapes. Many of these indigenous management systems, even though altered or perturbed by recent processes of change, continue to contribute to the conservation of natural resources to this day. 	<ul style="list-style-type: none"> Indigenous peoples have rights to the natural resources on their lands although in some countries sub-surface and natural resource rights legally belong to the state. However, these rights are often expressed through legal agreements that define how resources will be used, ensuring protection of indigenous heritage, benefit-sharing and compensation. Indigenous peoples' rights to resources that are necessary for their subsistence and development should be respected. In the case of state owned sub-surface resources on indigenous peoples' lands, indigenous peoples still have the right to free, prior and informed consent for the exploration and exploitation of those resources and have a right to any benefit-sharing arrangements. Permits for extraction and even prospecting of natural resources on indigenous land should not be granted if the activity hinders indigenous peoples to continue to use and/or benefit from these areas or where the free, prior and informed consent of indigenous peoples concerned has not been obtained. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 20, 25-32; ILO Convention No. 169, Articles 15-19; Convention on Biological Diversity, Article 8j.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Environmental issues	<ul style="list-style-type: none"> Many indigenous peoples are highly dependent on their lands and natural resources and any changes to the ecosystem may impact on their way of life and survival. Environmental degradation contributes to continued poverty in indigenous communities due to their strong reliance on the environment for their livelihoods. Indigenous peoples may live in areas that are rich in biodiversity and particularly vulnerable to modifications in the environment, including those due to climate change. The direct and indirect impacts of climate change may threaten the very existence of the peoples of the Arctic, of small islands, high altitude areas, drylands and other vulnerable environments. Indigenous laws, beliefs and customs provide the framework for harmonious relations between indigenous peoples and their environment. In some cases, conservation programmes may have negative impacts on indigenous peoples and their capacity to use and protect their environment. <p>Trans-boundary environmental contaminants often reach indigenous areas by means of air and water currents. Indigenous peoples are also severely affected by locally produced environmental contaminants, including from alien settlements, transportation routes, industry, forestry, military activities, prospecting, mining and oil production. Exposed indigenous communities may in some cases be forced to shift from traditional to non-traditional diets in order to minimise future risk of contamination.</p>	<ul style="list-style-type: none"> Indigenous peoples have the right to the conservation and productive capacity of the environment. The spiritual relationship of indigenous peoples to their lands and territories and environmentally sustainable practices has been recognised. Conservation efforts on indigenous lands, including the establishment of new and the management of existing protected areas, have to take place with the free, prior and informed consent and full participation of the communities concerned. Indigenous peoples have traditional lifestyles relevant for the conservation and sustainable use of biodiversity and their knowledge and practices should be recognised and respected, including their rights to benefit-sharing. In the case of climate change, indigenous communities have contributed the least to the emission of carbon dioxide and other greenhouse gases because of their traditional practices, yet they are among the first to face direct adverse environmental, social and human consequences of climate change. Consequently, indigenous peoples must fully participate in the definition and implementation of policies and plans related to climate change impact mitigation. Based on their long-term relationship with their dwelt-in environments, indigenous peoples often possess sophisticated traditional ecological knowledge of weather patterns, including complex adaptive responses towards cycles of climatic variability. In this context, indigenous peoples' knowledge should be considered an important element within the international debate regarding adaptation to climate change. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Article 29; ILO Convention No. 169, Articles 7 and 15; Convention on Biological Diversity, Article 8j.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Traditional knowledge, intellectual property, intangible heritage and cultural expressions	<ul style="list-style-type: none"> Indigenous peoples have, over the course of generations, developed rich sets of knowledge about the natural world, health, technologies and techniques, rites and rituals and other cultural expressions. Unfortunately, their traditional knowledge, practices and creativity continue to be exploited by others without their consent, and/or an equitable sharing of benefits. Often sacred objects, symbols or knowledge are placed in the public domain and threatened, used or patented for commercial purposes. Moreover, indigenous peoples' intangible heritage and cultural expressions are threatened because the important role of indigenous peoples in the production, safeguarding, maintenance and recreation of the intangible cultural heritage is neither recognised nor sufficiently considered and valued in policies for a sustainable future. Efforts are underway to ensure protection of indigenous knowledge, intangible heritage, and promotion of their cultural expressions that are generally collectively maintained and inter-generational in nature. It is also potentially a source of wealth to the wider community that is yet to be fully realised, and part of the cultural heritage of humanity. 	<ul style="list-style-type: none"> Indigenous peoples' rights to control, own and manage their traditional knowledge and creativity are recognised, although in practice they remain difficult to implement. Indigenous peoples have the right to use and preserve their languages and States should respect this right. Specific legal regimes need to be established to ensure that indigenous peoples are able to benefit from their own knowledge, prevent its unlawful use by others to obtain the rightful recognition by the international community. States are called upon to create an environment that encourages individuals and social groups, to create, produce, disseminate, distribute and have access to their own cultural expressions, paying due attention to the specific circumstances and needs of indigenous peoples. They are furthermore called upon to ensure the widest possible participation of communities to maintain and transmit their intangible heritage, if so wished by the peoples, involved, and involve them in a meaningful way in its management. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Article 31; Convention on the Protection and Promotion of the Diversity of Cultural Expressions, Article 7; Convention for the Safeguarding of Intangible Cultural Heritage, Article 15; Convention on Biological Diversity, Articles 8j, 10c, 15; International covenant on civil and political rights, Article 27.
Administration of justice, indigenous customary laws	<ul style="list-style-type: none"> Indigenous peoples are stigmatised by mainstream cultures and justice systems and discriminated against or treated in discriminatory, derogatory manners by police, military and dominant justice systems. Indigenous peoples, however, have longstanding internal systems of justice sometimes focused on rehabilitation or compensation rather than punishment. Such systems, if combined with the national justice system, can offer appropriate justice in communities where access to justice is limited or as a means of reducing high levels of incarceration. In some countries the State recognises traditional indigenous courts and laws. 	<ul style="list-style-type: none"> Indigenous peoples have the rights to non-discrimination and equal treatment in matters concerning justice and the right to interpretation in their own languages in courts. Indigenous justice systems can also be recognised if they are compatible with internationally recognised human rights and can provide guidance on disputes between Indigenous peoples and others. Indigenous customary law should be taken into account in conflict resolution decisions. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 13, 34 and 40; ILO Convention No. 169, Articles 8-12.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Health and social security	<ul style="list-style-type: none"> Indigenous peoples generally have lower life expectancy, higher rates of maternal and child mortality and less access to health services than the national averages. Full participation of indigenous peoples in the management of health services in their communities, better access to modern diagnostic processes and treatment, use of traditional healing and culturally appropriate reproductive health services are considered steps to improving the health of indigenous peoples. Reproductive health services for indigenous peoples also have to be improved in terms of coverage and quality, including information, pre and post natal care, and emergency obstetric care. A healthy indigenous community as a whole enjoys harmonious relations with its environment. 	<ul style="list-style-type: none"> Indigenous peoples have the right to the highest possible standard of health and enjoy the same access to health, including sexual and reproductive health, and social security services as others. Indigenous peoples should also be able to control their own health delivery, preventative health care and use their traditional medicine or ways of healing, if they so wish. Special attention should be given to ensuring that health services are culturally appropriate. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 7, 20, 24 and 25; Programme of Action of the International Conference on Population and Development.
Education	<ul style="list-style-type: none"> Even though formal education has historically often been a means of assimilation, today it is also an important development tool for indigenous youth who must live in two worlds. Indigenous peoples have fewer years of schooling and less access to education and vocational training than the majority population. In addition, their own educational systems may not be recognised at the same level as the mainstream system. While indigenous women and girls are important as traditional knowledge holders, they have at the same time been particularly disadvantaged in formal education systems. Indigenous educational systems have generally been disregarded by the mainstream system. To correct this injustice, indigenous peoples are seeking to have their cultures and histories accurately portrayed in curricula, improved access to education, provision of teaching in their own languages and development of their own schools and universities. 	<ul style="list-style-type: none"> Indigenous peoples have the right to all levels of education and to develop their own educational facilities, if they so wish. Education should be culturally appropriate to indigenous children, adapted to their cultures, and bilingual when appropriate. Education should also have the broader objective of eliminating prejudices against indigenous peoples. In some countries special measures have been taken to improve indigenous peoples' access to education including for nomadic and semi-nomadic peoples. In some countries, intercultural education is seen as the means to give recognition to indigenous cultures in the wider education system. Sources: There are a number of international instruments and declarations, including the Convention against Discrimination in Education (1960), which together comprise a basic framework for the provision of quality education for indigenous peoples and the recognition of their rights to education. Declaration on the Rights of Indigenous Peoples, Articles 11-15; ILO Convention No. 169, Articles 26-31; Convention on the Rights of the Child, Articles 28-30.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Capacity development, vocational training, work employment and occupation	<ul style="list-style-type: none"> Indigenous peoples are usually discriminated against in work conditions and employment and therefore are subject to higher unemployment rates than the rest of society. Indigenous peoples also live in urban areas and they usually occupy low remunerated employment or work in the informal economy and often do not have access to vocational training programmes. A much smaller number of indigenous persons exercise liberal professions, such as law. Some states have established special programmes and positive measures for the empowerment of indigenous peoples. 	<ul style="list-style-type: none"> States have a duty to address the disproportionately high unemployment rates of indigenous peoples. Indigenous peoples have the right to the improvement of their social and economic conditions, including employment and training. Indigenous peoples have the right to fully enjoy all rights pertaining to work and employment established under applicable international and domestic law. They should not be subjected to any discrimination in access or admission to employment, medical and social assistance, terms and conditions of employment or labour. Indigenous peoples should not be subjected to coercive forms of recruitment including bonded or forced labour. Indigenous peoples have the right to engage freely in all their traditional and other economic activities. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 14, 17, 20; ILO Convention No. 169, Articles 20-23; ILO Convention No. 29; ILO Convention No. 111.
Private sector	<ul style="list-style-type: none"> Private companies are increasingly undertaking economic activities on indigenous peoples' lands. In many cases, these activities, and in particular extractive industry activities such as mining and logging have negative impacts on indigenous peoples and their lands. They may erode indigenous livelihoods and traditional subsistence means, cultural practices and entail land dispossession as well as the relocation of indigenous communities. Often, the same industries contribute to increasing social problems among indigenous peoples living within the boundaries of the industry activities. 	<ul style="list-style-type: none"> Indigenous peoples have the right to freely pursue their economic, social and cultural development, to be secure in the enjoyment of their own means of subsistence and to determine priorities and strategies for the development or use of their lands, territories and natural resources. The exploitation of resources on indigenous peoples' lands should be permitted only with their full consultation, participation and, free, prior and informed consent. Indigenous peoples shall not be relocated without their free and prior informed consent. In the case of forced relocation, fair and acceptable compensation and damage measures should be taken. Private companies should be aware of the situation of local indigenous communities and develop cultural awareness training and other cultural programmes for their employees in partnership with local indigenous communities. Under current international law, the responsibility to comply with consent is applicable to States, and not private companies. States have the responsibility to hold private companies accountable. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 3, 10, 16, 20, 29, 32; ILO Convention No. 169, Articles 15-16.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Indigenous women	<ul style="list-style-type: none"> In many cases, indigenous women are doubly discriminated against due to their ethnicity and gender. This results in indigenous women being worse off than indigenous men and non-indigenous women in terms of poverty levels, access to education, health and economic resources, political participation and access to land, among other issues. The rate of maternal mortality is alarmingly high among indigenous women. Indigenous women's needs are particular to their ethnic belonging and their gender, and therefore they may be different from the ones of other women and male members of indigenous communities. Within communities there may also be gender discrimination that is compatible with human rights. 	<ul style="list-style-type: none"> Discrimination against women in all its forms should be condemned and appropriately addressed. Indigenous women and men are equal in rights. UNCT's should mainstream gender across programme activities dealing with indigenous peoples. UNCT's should emphasise explicit programme components on indigenous women's rights and empowerment of indigenous women at both formal (i.e laws, policies) and informal (i.e customs and cultural factors) levels. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Article 44; ILO Convention No. 169, Article 3, Convention on the Elimination of Discrimination against Women, Article 2; Beijing Declaration, Article 32; Beijing Platform for Action, Article 34.
Children and youth	<ul style="list-style-type: none"> Indigenous children and youth require special and culturally-sensitive treatment. Efforts by indigenous peoples to pass on their language and culture to their children need to be supported. Given the prevalence of poverty in indigenous communities, the lack of health and education services, and sometimes the presence of violence, indigenous youth have often moved to cities or become international migrants for employment and educational opportunities. Some indigenous peoples are confronted with social problems, such as substance abuse, human trafficking, suicides or petty crimes, among children and youth. Finally, registration of births and eligible voters among indigenous youth in indigenous communities requires special support for its implementation. 	<ul style="list-style-type: none"> Children have the right to: <ul style="list-style-type: none"> Not to be discriminated against Enjoy their culture Use their own language (read and write in their own language) Profess and practice their own religion Have access to education, vocational training, health and other services that are culturally sensitive Be protected from all forms of violence, exploitation, abuse and abandonment, including commercial sexual exploitation, trafficking and child labour that is likely to be hazardous or to interfere with the child's education. Sources: United Nations Declaration on the Rights of Indigenous Peoples, Articles 7, 17, 21, 22; Convention on the Rights of the Child, Articles 28, 29, 30; ILO Convention No. 138; Convention No. 169, Articles 28-29; ILO Convention No. 182.

Table 1: Key issues and related rights continued		
Issue	Basic information	Guiding principles
Urban indigenous peoples/migration	<ul style="list-style-type: none"> In some countries, indigenous people living in urban areas may constitute the majority of the total indigenous population. Various factors cause migration of indigenous peoples to urban areas, both domestically and internationally. Frequent push-factors include poverty, environmental degradation, conflict, inadequate legal protection over lands and resources, and absence of services. Among the pull-factors are better employment, health, housing, education, political participation, social recognition and visibility. While governments, the international community and human rights organisations are increasingly addressing the impact of urbanisation of indigenous peoples, including their rights to health care and adequate housing, some countries do not recognise the rights of indigenous peoples when living outside their lands and territories, even though they have a strong indigenous identity and are discriminated against due to their belonging to an indigenous group. 	<ul style="list-style-type: none"> Indigenous peoples living in urban areas have the same rights accorded to all indigenous peoples. Bilingual education, recognition of their own organisations, and respect for cultural traditions and laws are especially relevant for the survival of the cultures and identities of indigenous peoples in urban environments. Sources: United Nations Declaration on the Rights of Indigenous Peoples; ILO Convention No. 169.
Data collection and disaggregation	<ul style="list-style-type: none"> Data is usually not disaggregated to reflect the situation and living conditions of indigenous peoples, hiding their state of discrimination among the rest of the population. The UNPFII has identified this as a major methodological challenge. 	<ul style="list-style-type: none"> Data should be disaggregated by sex and by each indigenous group. Indigenous peoples input should be taken into consideration for the collection and disaggregation of data. Participator data collection methodologies should be encouraged. Sources: Various recommendations on this issue during the six sessions of the Permanent Forum on Indigenous Issues.

Such rights are considered the **minimum standards** for the protection of their survival as distinct peoples and are intended to address the challenges most Indigenous peoples face around the world.

The Guidelines go on to outline basic human rights norms and principles which underpin any human rights-based approach to community engagement. Those principles are:

1. Non-discrimination
2. Equality
3. Gender equality
4. Self-determination
5. Collective rights
6. Indigenous peoples and the right to define and decide their own development priorities.

The UN Declaration on the Rights of Indigenous Peoples

On the 14th September 2007, the UN adopted the Declaration of the Rights of Indigenous Peoples ('Declaration'). The Declaration has 46 substantive articles and 24 preambular paragraphs.

To view the entire Declaration, follow this link: <http://www.un.org/esa/socdev/unpfii/en/drip.html>.

The Declaration is divided into nine broad thematic categories:¹⁰

- **Over-arching principles** (Articles 1–6): The right of indigenous peoples to enjoy all human rights, non-discrimination, self-determination and autonomy, maintenance of indigenous institutions and the right to a nationality.
- **Life, integrity and securities** (Articles 7–10): Rights to freedom from genocide, forced assimilation or destruction of culture, forced relocation from land, right to integrity and security of the person, and right to belong to an indigenous community or nation.
- **Cultural, Spiritual and linguistic identity** (Articles 11–13): Rights to practice and revitalise culture and the transmission of histories and languages, etc, as well as the protection of traditions, sites, ceremonial objects and repatriation of remains.

- **Education, information and labour rights** (Articles 14–17): Right to education, including to run and own educational institutions and teach in indigenous languages; cultures to be reflected in education and public information; access to media (both mainstream and indigenous specific); and rights to protection of labour law and from economic exploitation.
- **Participatory, development and other economic and social rights** (Articles 18–24): Rights to participation in decision-making, through representative bodies; rights to their own institutions to secure subsistence and development; special measures to be adopted to address indigenous disadvantage and ensure non-discriminatory enjoyment of rights; guarantees against violence and discrimination for women and children; right to development; and access to traditional health practices and medicines.
- **Land, territories and resources rights** (Articles 25–32): Rights to maintain traditional connections to land and territories; for ownership of such lands and protection of lands by State; establishment of systems to recognize indigenous lands; rights to redress and compensation for lands that have been taken; conservation and protection of the environment; measures relating to storage of hazardous waste and military activities on indigenous lands; protection of traditional knowledge, cultural heritage and expressions and intellectual property; and processes for development on indigenous land.
- **Indigenous institutions** (Article 33–37): Rights to determine membership and to maintain institutions (including judicial systems); to determine responsibilities of individuals to their communities; to maintain relations across international borders; and right to the recognition of treaties, agreements and other constructive arrangements with States.
- **Implementation of the Declaration** (Articles 38–42): States and UN agencies to implement the provisions of the Declaration, including through technical and financial assistance; access to financial and technical assistance for indigenous peoples to implement the Declaration; and conflict resolution processes to be established that are just and fair.

- **General provisions of the Declaration** (Articles 43–46): The provisions of the Declaration are recognized as minimum standards and apply equally to Indigenous men and women; the standards recognized in the Declaration may not be used to limit or diminish indigenous rights, and must be exercised in conformity with the UN Charter and universal human rights standards; the provisions in the Declaration to be interpreted in accordance with principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith.

For an overview of the key features of the Declaration, view the Commission fact sheets on the Declaration – particularly Fact Sheet 2: Key Features, at http://www.humanrights.gov.au/social_justice/declaration/fact_sheet2.html.

Principle of free, prior and informed consent

When engaging with Indigenous communities there are several principles regarding the rights of Indigenous peoples which individuals and/or organisations need to be aware of. The principle of free, prior and informed consent (FPIC) is one of these.

What is the principle of FPIC?

According to the UN Permanent Forum on Indigenous Issues, methodologies on FPIC should have as their basic objective the improvement of the living conditions of indigenous peoples and free, prior and informed consent should cover all matters connected with the life of indigenous peoples.¹¹ The principle of FPIC is a principle closely connected with indigenous peoples' right to self-determination, treaties and indigenous peoples' right to lands, territories and natural resources.¹²

When does the principle of FPIC become relevant?

The principle of free, prior and informed consent may be relevant in several areas:¹³

- In relation to indigenous lands and territories including sacred sites (may include exploration, such as archaeological explorations, as well as development and use).
 - In relation to treaties, agreements and other constructive arrangements between States and indigenous peoples, tribes and nations.
 - In relation to access to natural resources including biological resources, genetic resources and/or traditional knowledge of indigenous peoples, leading to possible exploration, development or use thereof.
- In relation to development projects encompassing the full project cycle, including but not limited to assessment, planning, implementation, monitoring, evaluation and closure – whether the projects be address to indigenous communities or, while not addressed to them, may affect or impact upon them.
 - In relation to UN agencies and other intergovernmental organisations who undertake studies on the impact of projects to be implemented in indigenous peoples territories.
 - In relation to policies and legislation dealing with or affecting indigenous peoples.
 - In relation to any policies or programmes that may lead to the removal of children, or their removal, displacement or relocation from their traditional territories.

If the principle is relevant, it needs to be closely followed.

What are the elements of the principle of FPIC?¹⁴

1. **Consent must be free:** This implies no coercion, intimidation or manipulation.
2. **Consent must be prior:** This implies consent has been sought sufficiently in advance of any authorisation or commencement of activities and respects the time requirements of indigenous consultation/consensus processes.
3. **Consent must be informed:** This implies that information is provided that covers (at least) the following aspects:
 - a. The nature, size, pace, reversibility and scope of any proposed project or activity
 - b. The reason/s or purpose of the project and/or activity
 - c. The duration of the above
 - d. The locality of areas that will be affected
 - e. A preliminary assessment of the likely economic, social, cultural and environmental impact, including potential risks and fair and equitable benefit-sharing in a context that respects the precautionary principle
 - f. Personnel likely to be involved in the execution of the proposed project
 - g. Procedures that the project may entail.

4. ***What is meant by consent? What does it involve?:*** Consultation and participation are crucial components of a consent process. Consultation should be undertaken in good faith. The parties should establish a dialogue allowing them to find appropriate solutions in an atmosphere of mutual respect in good faith, and full and equitable participation. Consultation requires time and an effective system for communicating among interest-holders. Indigenous peoples should be able to participate through their own freely chosen representatives and customary or other institutions. The inclusion of a gender perspective and the participation of indigenous women are essential, as well as participation of children and youth as appropriate. This process may include the option of withholding consent. Consent to any agreement should be interpreted as indigenous peoples have reasonably understood it.
5. ***In what time frame does free, prior and informed consent need to be sought?:*** It should be sought sufficiently in advance of commencement or authorisation of activities, taking into account indigenous peoples' own decision-making processes in phases of assessment, planning, implementation, monitoring, evaluation and closure of a project.
6. ***From whom does such consent need to be come from?:*** Indigenous peoples should specify which representative institutions are entitled to express consent on behalf of the affected peoples or communities. In FPIC processes, indigenous peoples, UN agencies and governments should ensure a gender balance and take into account the views of children and youth as relevant.
7. ***How should Indigenous communities be communicated with, in obtaining such consent?:*** Information should be accurate and in a form that is accessible and understandable, including in a language that the indigenous peoples will fully understand. The format in which information is distributed should take into account the oral traditions of indigenous peoples and their language/s.
8. ***Procedures/mechanisms to ensure the principle as mentioned above is followed:***
 - a. Mechanisms and procedures should be established to verify free, prior and informed consent as described above, including mechanisms of oversight and redress, such as the creation of national mechanisms.
 - b. As a core principle of free, prior and informed consent, all sides of a free, prior and informed consent process must have equal opportunity to debate any proposed agreement/development project. "Equal opportunity" should be understood to mean equal access to financial, human and material resources in order for communities to fully and meaningfully debate in indigenous language/s as appropriate, or through any other agreed means on any agreement or project that will have or may have an impact, whether positive or negative, on their development as distinct peoples or an impact on their rights and their territories and/or natural resources.
 - c. Free, prior and informed consent could be strengthened by establishing procedures to challenge and to independently review these processes.
 - d. Determination that the elements of free, prior and informed consent have not been respected may lead to revocation of consent given.

Effective engagement: Language, access and consultation

Language and Communication

Aboriginal and Torres Strait Islander peoples do not respond best to didactic or 'stand and deliver' modes of communication. Additionally, the primary spoken language for some is a traditional language other than English and the consultation process will need to reflect this, along with other considerations such as accommodating Indigenous people with disabilities as well as knowing the cultural protocols around the use of deceased person's images. Accordingly, to ensure maximum participation and input during the consultation process it is important to consider the following when engaging with Indigenous people:

Who is the audience? Where are they from?

Is the audience a school group or Aboriginal and Torres Strait Islander Elders from a disability group in remote Australia? Consultation processes, speeches, meeting and presentations will need to be tailored accordingly.

Will I need a translator or interpreter?

Do not assume that English is the first spoken language as this is not always the case, particularly in more remote areas of Australia such as Arnhem Land in the Northern Territory. You may need to arrange to have a community interpreter or translator present which will need to be organised well before entering the community.

Do any arrangements for disabled members of the public need to be made and if so who are the appropriate people to contact? How can I best engage disabled members of the community?

If the target audience suffer from disabilities or impairments, such as immobility, blindness or deafness then measures will need to be taken to best ensure their participation.

For example, this may be achieved through the use of Braille resources for presentations, or by engaging AUSLAN officers to assist with sign language, etc.

In any case, good points of call are the following organisations:

- **Aboriginal Interpreter Service**
24 hour call service:
Phone: 08 8999 8353 (Darwin Office)
Phone: 08 8951 5576 (Alice Springs Office)
- **AUSLAN**
<http://www.auslan.org.au>
- **Royal Institute for Deaf and Blind Children (RIDBC)**
<http://www.ridbc.org.au/>
Phone: 02 9871 1233
online@ridbc.org.au
- **People with Disabilities Australia**
<http://www.pwd.org.au/>
Phone: 02 9370 3100
pwd@pwd.org.au
- **Aboriginal Disabilities Network**
Contact either Lester Bostock or Damian Griffis
Phone: 02 9370 3100
pwd@pwd.org.au

Contact information for Indigenous language services

The following are some useful language and communication resources, particularly relevant when communicating with people speaking Aboriginal English:

- 'Aboriginal English in the Courts': http://www.courts.qld.gov.au/__data/assets/pdf_file/0004/90715/m-aboriginal-english-handbook.pdf.
- Indigenous Cultural Awareness Benchbook, Chapter 5, 'Language and Communication': <http://www.aija.org.au/online/ICABenchbook/BenchbookChapter5.pdf>.

Also, the following lists contact information for a range of Indigenous language services.

Contact information for Indigenous language services					
Organisation	Phone Number	Fax Number	Email address	Address	Website
The Federation of Aboriginal and Torres Strait Islander Languages					
The Federation of Aboriginal and Torres Strait Islander Languages	03 9602 4700	03 9602 4770	info@fatsil.org.au	295 King Street Melbourne VIC 3000	www.fatsil.org.au
Northern Territory					
The Aboriginal Interpreter Service	Darwin Office				
	(08) 8999 8353 24 Hour on-call service: 8999 8353	08 8999 8855		Ground Floor RCG House 83-85 Smith Street Darwin NT 0800	http://www.dlghs.nt.gov.au/ais
	Alice Springs Office				
	(08) 8951 5576 24 Hour on-call service: 8999 8353	08 8951 5244		Leichhardt Building 19-21 Gregory Terrace Alice Springs NT 0870	http://www.dlghs.nt.gov.au/ais
The Institute for Aboriginal Development Incorporated (IAD)	Alice Springs Office				
	08 8951 1311	08 8953 1884	student.services@iad.edu.au	Street address: 3 South Terrace Alice Springs NT 0870	http://iad.edu.au/
	Tennant Creek Office				
	08 8962 4540	08 8962 4510	student.services@iad.edu.au	Street address: 3 South Terrace Alice Springs NT 0870	http://iad.edu.au/
Katherine Region Aboriginal Language Centre (KRAL)	08 8971 1233	08 8971 0561		6 Pearce Street Katherine NT 0850	http://www.kathlangcentre.org.au/
Wadeye Aboriginal Languages Centre	08 8978 2677	08 8978 2725		Wadeye Port Keats NT 0822	

Contact information for Indigenous language services continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
Northern Territory continued					
Papulu Apparr-Kari Aboriginal Corporation – Karan Hayward	08 89623270	08 89621380	khayward@papak.com.au	17 Windley Street Tennant Creek NT 0860	http://www.papak.com.au/
Batchelor Institute of Indigenous Tertiary Education Centre for Australian Languages and Linguistics – Mark Clendon	08 8939 7372		mark.clendon@batchelor.edu.au	PO Box 9170 Alice Springs NT 0871	https://www.batchelor.edu.au/callwebsite/call_index.html
Western Australia					
Yamaji Language Centre	08 9964 3550	08 9964 4690	yamaji@wn.com.au	22 Sanford St Geraldton WA 6530	http://www.ourlanguages.net.au/language-centres/item/yamaji-language-centre.html
Wankanyi Ngurra Tjurta Aboriginal Corporation Language Centre	08 9091 4705	08 9091 4704	wnt@aurum.net.au	PO Box 1470 Kalgoorlie WA 6430	http://www.fatsilc.org.au/component/contact/59/38-wankanyi-ngurra-tjurta-aboriginal-corporation-language-centre
Wangka Maya Pilbara Aboriginal Language Centre	08 9172 2344	08 9172 2355		Lotteries House South Hedland WA	http://www.wangkamaya.org.au/
The School of Communications and Arts, Edith Cowan University – Ass. Prof. Graham McKay	08 9370 6111	08 9370 6027	g.mckay@ecu.edu.au	2 Bradford Street Mt Lawley WA 6050	http://www.sca.ecu.edu.au/
Pundulmurra College – Lorraine Injie, Indigenous languages lecturer	08 9158 5627	08 9158 5639	injie@pundy.training.wa.gov.au	Parker Street South Hedland WA 6722	http://www.pilbaratafe.wa.edu.au/contact/campuses.asp

Contact information for Indigenous language services continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
Western Australia continued					
Noongar Language and Culture Centre	08 9202 1261	08 9202 1262	nlcc@opera.iinet.net.au	Unit 15/200 Wellington Road Perth WA 6000	http://www.fatsilc.org.au/component/contact/59/34-noongar-language-and-culture-centre
Mirima Dawang Woorlab – Gerring Language and Culture Centre	08 9169 1029	08 9168 2639	info@mirima.org.au	PO Box 2420 Button Drive Kununurra WA 6743	http://www.mirima.org.au/
Kimberley Language Resource Centre	08 9168 6005	08 9168 6023	info@klrc.org.au	PMB 11 Halls Creek WA 6770	http://www.klrc.org.au/
Victoria					
Worawa Aboriginal College – Aretha Briggs, language teacher, Eddie Thomson, CEO	03 5962 4344	03 5962 2419	admin@worawa.vic.edu.au	PO Box 250 Healesville VIC 3777	http://www.worawa.vic.edu.au/
Victorian Aboriginal Corporation for Languages	03 9600 3811	03 9600 3811	vacl@vaclang.org.au	295 King Street Melbourne VIC 3000	http://www.vaclang.org.au/
Tasmania					
Tasmanian Aboriginal Centre (TAC)	03 6234 0700		hobart@tacinc.com.au	198 Elizabeth Street Hobart TAS 7001	http://www.tacinc.com.au/
South Australia					
Yaiya Warra Wodli Language Centre Inc	08 8269 3601	08 8269 6307		301 Churchill Road Prospect SA 5082	http://www.fatsilc.org.au/component/contact/56/28-yaiya-warra-wodli-language-centre-inc

Contact information for Indigenous language services continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
Queensland					
Wondunna Aboriginal Corporation	07 4125 7226	07 4125 7511	wondunna@peg.apc.org	71 Maddever Road Booral QLD 4650	http://www.fatsilc.org.au/component/contact/55/27-wondunna-aboriginal-corporation
Magani Malu Kes – Torres Strait Islander Language Consultative Committee	07 4771 5740	07 4772 6909		Unit 2, 458-468 Flinders Street Townsville QLD 4810	http://www.fatsilc.org.au/component/contact/55/26-magani-malu-kes-torres-strait-islander-language-consultative-committee
Kombumerri Aboriginal Corporation for Cultures	07 3807 6155	07 3807 6144		Cnr Plantation Road & Martens Street Beenleigh QLD 4207	http://www.fatsilc.org.au/component/contact/55/25-kombumerri-aboriginal-corporation-for-cultures
Djabugay Tribal Aboriginal Corporation	07 4093 7220	07 4093 7466		PO Box 26 Kuranda QLD 4872	http://www.fatsilc.org.au/component/contact/55/24-djabugay-tribal-aboriginal-corporation
Cape York Indigenous Language Program	07 4060 9260	07 4060 9209		c/- Guugu Yimithir Warra Ltd Hope Vale QLD 4871	http://www.fatsilc.org.au/component/contact/55/23-cape-york-indigenous-language-program
Birri-Gubba Wadja Bimbi Aboriginal Corporation – Renarta Prior	07 4721 0920			7/ 621 Flinders St Townsville QLD 4810	http://www.fatsilc.org.au/voice-of-the-land-magazine/vol-01-09-1996-1998/vol-06-july-1997/11-birri-gubba-wadja-bimbi-aboriginal-corporation-
Ang-Gnarra Aboriginal Corporation – Victor Stefferson / Rhonda Henry	07 4060 3214	07 4060 3231		c/- Post Office Laura QLD 4871	

Contact information for Indigenous language services continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
New South Wales					
Yuwaalaraay/ Gamilaraay Language Program, Walgett High School – Marianne Betts or Brother John Giacon at St Joseph	02 6828 1022	02 6828 1994	d8475hni@ozemail. com.au	PO Box 228 Walgett NSW 2832	http://www.yuwaalaraay.org/
University Of New England, Department of Linguistics – Dr. Nicholas Reid	02 6773 3189 Dr. Nicholas Reid: 02 6773 3400	02 6773 3735 Dr. Nicholas Reid: 02 6773 3735	linguistics@metz. edu.au, nreid@ metz.une.edu.au	c/- Linguistics University of New England Armidale NSW 2351	http://www.une.edu.au/bcss/linguistics/
NSW Board of Studies, Aboriginal Curriculum Unit – Connie Ahsee	02 9367 8140	02 9367 8435	ahsee@ boardofstudies. nsw.edu.au	GPO Box 5300 Sydney NSW 2001	http://www.fatsilc.org.au/component/contact/53/12-nsw-board-of-studies-aboriginal-curriculum-unit
Muurrbay Aboriginal Language and Culture Cooperative	Muurrbay Aboriginal Language and Culture Co-op				
	02 6569 4294	02 6569 4295	muurrbay@ westnet.com.au	14 Bellwood Road Nambucca Heads NSW 2448	http://www.muurrbay.org.au/
	Many Rivers Aboriginal Language Centre				
	02 6568 5695 Mobile: 0404 456 992	02 6569 4295	MRALC@westnet. com.au	c/- Muurrbay 14 Bellwood Road Nambucca Heads NSW 2448	http://www.muurrbay.org.au/
Muda Aboriginal Corporation – Theresa Johnston	02 6872 1233	02 6872 1228	muda@lisp.com.au	45 Mitchell Street Bourke NSW 2840	http://www.ourcommunity.com.au/member/directory_details.do?orgId=8179

Contact information for Indigenous language services continued					
Organisation	Phone Number	Fax Number	Email address	Address	Website
New South Wales continued					
'Minimbah' Pre & Primary School Aboriginal Corporation – Carolyn Briggs	02 6772 4853	02 6772 2040		PO Box 356 Armidale NSW 2350	http://www.minimbah.org/
Brewarrina Aboriginal Cultural Museum	02 6839 2868	02 6839 2850		Brewarrina Aboriginal Cultural Museum Bathurst Street Brewarrina NSW 2839	http://www.collectionsaustralia.net/org/817/about/
Department of Linguistics, University of Sydney	02 9351 3566	02 9351 7572	slam.enquiries@ sydney.edu.au	Department of Linguistics, F12 University of Sydney NSW 2006	http://sydney.edu.au/arts/linguistics/
Boggabilla and Toomelah Gamilaraay Language Program – Bernadette Duncan	07 4676 2104			c/- Boggabilla Central School South Street Boggabilla NSW 2409	http://www.fatsilc.org.au/component/contact/53/6-boggabilla-and-toomelah-gamilaraay-language-program
Australian Capital Territory					
Language Australia: The National Languages And Literacy Institute of Australia – Professor Joseph Lo Bianco AM	02 6230 4689	02 6230 6765	joe.lobianco@ languageaustralia. com.au	GPO Box 3175 Canberra ACT 2600	http://www.fatsilc.org.au/component/contact/52/5-language-australia-the-national-languages-and-literacy-institute-of-australia
Australian Institute of Aboriginal and Torres Strait Islander Studies AIATSIS	02 6246 1111	02 6261 4285	annie.macmillan- davies@aiatsis. gov.au	Lawson Cres, Acton; ACT AIATSIS GPO Box 553 Canberra ACT 2601	http://www.aiatsis.gov.au/

Engaging Aboriginal and Torres Strait Islander people with disabilities

The prevalence of disability within Aboriginal and Torres Strait Islander communities is significantly higher than that of the wider non-Indigenous community. Current research suggests that approximately 37% of Aboriginal and Torres Strait Islander people over the age of 15 years suffer from some kind of disability¹⁵ most of which arise from a number of social reasons, namely exposure to violence, drugs and psychological trauma as well as poor health and nutrition, not to mention general breakdown of the family unit. Also, on average, 50% of all Aboriginal and Torres Strait Islander school children have otitis media and hearing loss that can affect their ability to participate in classroom activities.¹⁶ Aboriginal and Torres Strait Islander people with a disability represent a significant proportion of the homeless, those in the care and protection as well as the criminal justice system. Accordingly, this group is a priority area when undertaking consultations with Aboriginal and Torres Strait Islander groups.

Aboriginal Disability Network (ADN) Key Consultation Principles¹⁷

The ADN has identified a number of important principles to consider when engaging with those disabled members of the Aboriginal and Torres Strait Islander community. In particular, they place emphasis on ensuring that consultation is:

Accessible (both in terms of disability and culture)

In this sense, there is a particular emphasis on conducting consultation in a manner that is consistent with community wishes, is open as well and directly involves the local elders where possible.

Measures should also be undertaken to ensure that consultations are accessible to the disabled members of the community. This means that prior to entering into communities; contact should be made with as many members of the participating community as possible to ascertain what provisions are necessary to ensure their maximum participation. E.g. there may need to be translator services present, a wheelchair ramp, etc.

Where possible, it may be best to consider making additional arrangements so that consultations can be conducted within the privacy of a person's own home. This might be the case, particularly where mobility is an issue. Making the effort to include as many people as possible in the consultation process by taking the process to them rather than making the community come to you might be a good way of demonstrating your commitment to proper community consultation.

Conducted by people with community credibility and respect

In sensitive situations such as these, it may be a good idea to engage a local member of the community who has credibility within that community to conduct community consultations. This may be a good way to break the ice, better facilitate your consultation, and be equipped with someone who has local knowledge.

The consultation process – Before, during and after

Before:

Build a community profile (Who, what, where)

Before beginning the consultation process, it is important to know the community you are going into. Nothing ever happens in a vacuum so don't expect that communities will drop everything to facilitate your consultation. There may be other important issues taking place in the community at the time that are prioritised above your work. Knowing your community will be the best way to ensure the most effective method of consultation. Therefore it is important to consider a number of things when going into communities:

- As a starting point it may be good to get a basic snapshot of the community you are going into. This may include familiarising yourself with things such as the background history, current goings on and government impact in the community.
- **The politics of the particular community:** For example, some communities might be affected by issues such as mining in the local area, government involvement through shared responsibility agreements or recent child abuse and permit legislation.
- **The key community players and organisations:** *Continuous* negotiations with the key organisations and people are going to be the best way of conducting consultation with communities. Not only will it keep you informed, but it will give the consultation legitimacy with indigenous communities as well as some sort of ownership over the process.
- To maximise participation and get a variety of perspectives, it is important to ensure you engage with a variety of community groups in the consultation process.
- Be aware of who the powerbrokers in the community are. This means knowing not only the influence they might have, but also the motives they might have for participation.

- When visiting communities in the Northern Territory, contact the local Land Councils before you enter a community as they have protocols that need to be followed and people will require permits to enter onto Aboriginal and Torres Strait Islander land. The three Land Councils in the Northern Territory are:

» **Northern Land Council**

Head Office
GPO Box 1222
Darwin NT 0801
Ph: 08 8920 5100
Fax: 08 8920 5100
www.nlc.org.au/

» **Central Land Council**

Main Office
27 Stuart Highway
Alice Springs NT 0870
Ph: 08 8951 6211
Fax: 08 8953 4343
www.clc.org.au/

» **Anindilyakwa Land Council**

30 Bougainvillea Drive
Alyangula NT 0885
Ph: 08 8987 4002
Fax: 08 8987 4099
www.anindilyakwa.com.au/

Expected arrival date

Remember that any visits to the community should be at their convenience. Therefore, try and ensure your consultation process coincides with times that are suitable for the community. Consult with the relevant community member or organisation to ascertain when it would be appropriate for you to undertake the consultation process. For example, it may be suitable to have consultations at the same time as a scheduled community process, such as a Local Aboriginal Land Council (LALC) monthly meeting, etc. If a ceremony is due to be carried out during your expected arrival, this is likely to affect your consultation and you will likely need to reschedule your consultation.

Be sure to continually negotiate with any organisations that you liaise with to ensure maximum community participation and the satisfaction of all parties.

Expected departure date

Be sure to allow for the consultation process to go longer than you expect as communities do not run on your time schedule. Factor this in to your planning and chart your course accordingly. Consult with the community leader as to how long the consultation process may take and have an extended deadline in mind. Allowing for things to not always go according to plan is perhaps a good way of keeping to your own deadlines and avoids frustrating the consultation process.

Accommodation

Try to arrange accommodation well in advance. Remember that you may be entering a remote community where accommodation is limited. You may need to liaise with local community groups such as PCYC's or local schools to assist in providing accommodation in these situations.

Travel expenses, food and entertainment

Keep in mind, particularly in remote communities that some people may require travel expenses to get to and from meetings. Arranging car-pooling may be a good means of minimising transportation costs while maximising participation. Again, if this is likely to be an issue, good organisation with the community prior to the event is probably the best way to ensure that as many people are involved in the consultation process as possible.

Providing a simple meal such as a barbeque or healthy lunch may also be a good way of ensuring maximal community participation. Avoid unhealthy and expensive alternatives such as cake and biscuits or gourmet food. Keep it simple.

Putting on light entertainment before, during or after the designated conference by engaging a community member or organisation to perform may be a good way to break the ice or provide relief from the length of the consultation process.

During:

Welcome and Acknowledgement of Country

These are both important cultural protocols that should be followed, irrespective of the type of consultation process.

For large formal meetings, a Welcome to Country is given by a local Indigenous community member who generally welcomes people to meet in the community concerned. This person is generally an elder or other respected member of the community.

It is important to ensure not only that this person is originally from the specified area, but also that they are recognised and accepted as being so by their community. Consult with your LALC for assistance on who might deliver a Welcome. Remember that payment for this service to the person giving the Welcome is a general procedure to follow.

For less formal situations, an Acknowledgement of Country is appropriate. This goes for non-indigenous people and Aboriginal and Torres Strait Islander people who are not from the place where the consultation is conducted. The acknowledgment should be the first priority of any meeting, but in an ongoing community consultation process is only necessary at the beginning of that process. An example of an appropriate Acknowledgement is: "First and foremost I would like to pay my respects to the Cadigal people of the Eora nation on whose land we are meeting on today."

Remember it is important to ascertain which community you are addressing before you enter the community. Be sure that you have the correct name of the traditional owners whose land you are meeting on to avoid embarrassment and the potential alienation of the community.

Cultural appropriateness

Dress:

- Recognise that it may not always be culturally appropriate to wear whatever you want in Aboriginal and Torres Strait Islander communities. Understand that in some communities, although it may be hot, that it is inappropriate to wear skimpy or revealing clothes. This may be the case in some communities, such as in the Torres Strait and Arnhem Land, where women wear long island skirts and baggy tops.
- Further, be sure not to dress either too casually or formally when attending community meetings as this may get you off on the wrong foot with the community group. What you wear should reflect the kind of meeting you are attending and the kinds of people with whom you are meeting.

Communication:

- (Silence, eye contact, language and the delivery process).
- It is important to recognise that commonplace Western or Australian communication conventions and ways of life are vastly different to those in Aboriginal communities.

For instance, where it may be considered impolite in a Western setting not to answer a question when spoken to, in some Aboriginal communities silence is commonplace. This generally allows the community time to consider the issues asked of them, which they may report back on in a couple of days to a week. A question which does not render an immediate response may also be reflective of a wider cultural protocol where it is considered inappropriate to speak to someone of the opposite sex or an older age group.

Eye contact:

- This is an important consideration that varies depending on the community you are in. For some Aboriginal communities, direct eye contact denotes respect, however if you are yet to obtain this, it can be viewed as threatening. In some places, direct eye contact, particularly with elderly male members of the community is viewed as highly inappropriate. However, sometimes your role will mean that it is expected for you to maintain eye contact with others. This is something to be determined by a community member prior to entering the community.
- Avoid wearing sunglasses, this is seen as disrespectful and potentially untrustworthy.

Language:

- Do not assume English is the primary spoken language. For many, particularly those in remote communities, English may be the sixth spoken language, after traditional and local dialects. It is important to ascertain before you enter a community whether or not you will need an interpreter and/or translator. Where possible, ask the community to nominate somebody to fulfil this role.
- When meeting with communities, use accessible language, preferably plain English. Do not use difficult words when addressing communities as this can create confusion.
- Elaborate on responses during question time. Rather than using short answers such as 'yes' or 'no', try explaining what you mean as much as possible to enhance both participation and understanding.
- Ensure the language you use is very neutral so as to avoid appearing biased. Remember you may not have all of the information and so going in with an already formed perspective may distance you from some members of the community.
- When giving a community presentation, the general 'stand and deliver' process is not always the best way to get your information across to those in communities. The communication process generally favoured in Aboriginal and Torres Strait Islander communities places emphasis on communal as opposed to individually driven communication. Research shows that Aboriginal and Torres Strait Islander communities respond better to non-didactical modes of communication. This means they are more likely to respond better to group discussions, diagrammatical presentations as well as those that involve PowerPoint. Try to interact with the community rather than just give a speech. Question or discussion time is always a good way of doing this.

Movement around the community:

- When entering a community it is important to ask community members where you can and cannot walk as there may be men's areas and women's areas. Make sure that you seek permission before walking around the community. Also seek permission before taking photographs of the community and surrounding areas as there may be areas which are considered sacred sites.

Considering sensitive issues

Keep in mind that times of cultural significance such as initiations, deaths and funerals may mean that it is not appropriate for your consultation to take place at that particular time. Immediate and extended family obligations generally take precedence so be prepared for last minute postponements that will mean consultations may have to be rescheduled. Sustained contact with the community will enhance the likelihood of you becoming aware of any issues within the community that may affect the consultation process.

Cultural Protocols around deaths in communities

It is important when considering conducting consultations in Aboriginal and Torres Strait Islander communities and any ensuing media that the appropriate cultural protocols are followed in respect of mourning time or 'Sorry Business' that will usually follow after a death in the community.

In particular, although each community is different, it is important to consider the following:

- Sorry time may mean a community shuts down and your consultation may have to be rearranged.
- That a community is in mourning and that it may not be appropriate to use the name of the deceased person and their image for a designated period of time (this may vary from long and indefinite to shorter periods of time).
- Some communities may offer a mourning name which will be able to be used in place of the person's first name during the period of Sorry Business. For example, Dr Charles Perkins was given the name Kumantjayi Perkins upon the time of his death.

More information

For more information regarding cultural protocols surrounding deaths and other cultural procedure in Indigenous communities, the following links provide some useful information:

- http://www.abc.net.au/indigenous/education/cultural_protocol/resources.htm
- http://www.abc.net.au/indigenous/education/cultural_protocol/contact_community.htm

Special provisions in communities

Be aware of any special by-laws affecting particular geographical areas. Some communities are 'dry communities' which means there are limits placed on alcohol that can either be brought into the locality and the amounts able to be purchased. Some communities ban alcohol altogether. Please be respectful of these laws and abide by them accordingly. Check before entering a community if these rules will apply to you during your visit.

Give and take process

Don't be surprised if people in Aboriginal and Torres Strait Islander communities are reluctant to talk to you. This is the result of years of exploitation by government agencies. Honesty and openness with communities are key to a successful consultation process. While you should not make promises to the community that you cannot keep, you need to be able to point to something they will get out of the consultation process. This may range from things such as getting their community initiative advertised, employment opportunities or simply a means of providing awareness to the local community.

Sending the communities you have visited with reports once they are finalised, as well as any pictures that are taken, are a good way for communities to see that their effort was worth the time.

The provision of simple, healthy food such as fruit or a barbecue and salad may be a good way to not only give back to the community, but also to maximise their input during consultation. Try to avoid providing unhealthy food alternatives such as tea and biscuits into communities as diseases such as diabetes and cardio vascular disease are issues of concern.

Gender roles and sensitive issues

In some communities cultural protocols may require men and women to sit, meet or discuss separately. There may also be occasions where ceremonies are taking place in the community which require different gender protocols to be followed, and in some instances key spokespersons may not be available. Stakeholders may need to allow for several meetings within a community or arrange for meetings at another time, to cater for such cultural protocol requirements.

Be aware, particularly with topics such as family violence and sexual abuse, that individuals are not likely to want to speak directly to you about these issues. To encourage participation try breaking up groups by gender so that people feel more comfortable to discuss these matters. Remember, sensitive issues can be very difficult so sometimes the only way to get information will be through a community mediator, such as a health worker or family member or somebody trusted enough to disclose such information.

After:

Self-care for workers and community

Interactions with Aboriginal and Torres Strait Islander communities are inevitably going to bring up the past. With trust comes more information, but consultation with communities may necessarily bring up any number of the following issues, involving the Stolen Generations, family violence, sexual abuse and more. From the outset there needs to be recognition of old wounds that are likely to be re-opened. That means that rather than just coming in and getting the information you want and leaving communities with these sensitive issues fresh again, that you are responsible and cater for the emotional needs of the community. This might entail anything from providing the community with emotional support which they might find from being referred to a trained health care professional or counsellor.

Workers

It is easy to think that you will be unaffected by issues that are coming up through the community consultation process. However, the sensitivity of some issues means that you may be affected. This may not happen immediately, but some people do find upon leaving a community that there is a need for some emotional care. Recognising this and providing workers with the appropriate (self-care) resources such as counsellors and appropriate health care professionals is essential.

Further information

For further information about Indigenous Australia, please see the below publications and websites:

- Australian Heritage Commission, Ask First: A guide to respecting Indigenous heritage places and values (2002) at: <http://www.environment.gov.au/heritage/ahc/publications/commission/books/ask-first.html>
- The Little Red Yellow Black Book: An introduction to Indigenous Australia (2008), order at: <http://www.aiatsis.gov.au/asp/aspbooks/lryb.html>
- Aboriginal and Torres Strait Islander Social Justice Commissioner's webpage, at: http://www.humanrights.gov.au/social_justice/index.html
- Indigenous Human Rights Network Australia (IHRNA) at <http://www.ihrna.info/> and on Facebook and Twitter (@ihrna)
- National Congress of Australia's First Peoples at <http://nationalcongress.com.au/welcome/>.

For further information on native title issues:

- Staff should refer individuals in the first instance to the National Native Title Tribunal at <http://www.nntt.gov.au> regarding native title issues or the relevant Native Title Representative Body for that area. A list of NTRBs can be accessed at the following website: <https://www.ntrb.net/PublicPages/NTRBmap.aspx>.

Australian Human Rights Commission

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SYDNEY NSW 2000

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SYDNEY NSW 2001
Telephone: (02) 9284 9600

Complaints Infoline: 1300 656 419
General enquiries and publications: 1300 369 711
TTY: 1800 620 241
Fax: (02) 9284 9611
Website: www.humanrights.gov.au

For detailed and up to date information about the Australian Human Rights Commission visit our website at: www.humanrights.gov.au

To order more publications from the Australian Human Rights Commission download a Publication Order Form at: www.humanrights.gov.au/about/publications/index.html or call: (02) 9284 9600 fax: (02) 9284 9611 or e-mail: publications@humanrights.gov.au

- 1 AIATSIS, *The Aboriginal Flag*, <http://www.aiatsis.gov.au/fastfacts/AboriginalFlag.html> (viewed 20 October 2011).
- 2 AIATSIS, *The Torres Strait Islander Flag*, <http://www.aiatsis.gov.au/fastfacts/tsiFlag.html> (viewed 20 October 2011).
- 3 Reconciliation Australia, *National Reconciliation Week: 27 May – 3 June 2009*, <http://www.reconciliation.org.au/home/get-involved/national-reconciliation-week> (viewed 20 October 2011).
- 4 NAIDOC, *NAIDOC Awards*, <http://www.naidoc.org.au/naidoc-awards/> (viewed 20 October 2011).
- 5 United Nations High Commissioner for Human Rights, *The Rights of Indigenous Peoples*, Fact sheet No.9 (Rev.1). At <http://www.ohchr.org/EN/PUBLICATIONSRESOURCES/Pages/FactSheets.aspx> (viewed 20 October 2011).
- 6 The United Nations Secretariat of the Permanent Forum on Indigenous Issues & the Human Rights and Equal Opportunity Commission (AHRC), *Aide Memoire*, CD Rom (United Nations Workshop on Engaging the Marginalised, International Conference on Engaging Communities, Brisbane, 15 August 2005). At http://www.humanrights.gov.au/social_justice/conference/engaging_communities/index.html (viewed 20 October 2011).
- 7 The United Nations Secretariat of the Permanent Forum on Indigenous Issues & the Human Rights and Equal Opportunity Commission (AHRC), *Guidelines for engagement with indigenous peoples* (United Nations Workshop on Engaging the Marginalised, International Conference on Engaging Communities, Brisbane, 15 August 2005). At http://www.humanrights.gov.au/social_justice/conference/engaging_communities/index.html (viewed 20 October 2011).
- 8 The United Nations Secretariat of the Permanent Forum on Indigenous Issues & the Human Rights and Equal Opportunity Commission (AHRC), *Guidelines for engagement with indigenous peoples*, CD Rom (United Nations Workshop on Engaging the Marginalised, International Conference on Engaging Communities, Brisbane, 15 August 2005). At http://www.humanrights.gov.au/social_justice/conference/engaging_communities/index.html (viewed 20 October 2011).
- 9 The United Nations Secretariat of the Permanent Forum on Indigenous Issues & the Human Rights and Equal Opportunity Commission (AHRC), *CD Rom* (United Nations Workshop on Engaging the Marginalised, International Conference on Engaging Communities, Brisbane, 15 August 2005). At http://www.humanrights.gov.au/social_justice/conference/engaging_communities/index.html (viewed 20 October 2011).
- 10 AHRC, *UN Declaration on the Rights of Indigenous Peoples: Overview*, Fact Sheet 1. At http://www.humanrights.gov.au/social_justice/declaration/fact_sheet1.html (viewed 20 October 2011).
- 11 UN Economic and Social Council, *Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples*, UN Permanent Forum on Indigenous Issues 4th Session, UN Doc E/C.19/2005/3 (2005), p 5. At <http://www.un.org/esa/socdev/unpfii/en/workshopFPIC.html> (viewed 20 October 2011).
- 12 UN Economic and Social Council, *Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples*, UN Permanent Forum on Indigenous Issues 4th Session, UN Doc E/C.19/2005/3 (2005), p 5. At <http://www.un.org/esa/socdev/unpfii/en/workshopFPIC.html> (viewed 20 October 2011).
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- 14 UN Economic and Social Council, *Report of the International Workshop on Methodologies regarding Free, Prior and Informed Consent and Indigenous Peoples*, UN Permanent Forum on Indigenous Issues 4th Session, UN Doc E/C.19/2005/3 (2005), pp 11–13. At <http://www.un.org/esa/socdev/unpfii/en/workshopFPIC.html> (viewed 20 October 2011).
- 15 Commonwealth Steering Committee for the Review of Government Service Provision, Parliament of Australia, *Overcoming Indigenous Disadvantage Key Indicators 2005* (2005), para 3.6. At <http://www.pc.gov.au/gsp/reports/indigenous/keyindicators2005> (viewed 20 October 2011). No new data on disability has become available since the 2005 Report.
- 16 Australian Hearing, *What is Otitis Media?*, Fact Sheet 4. At http://www.hearing.com.au/digitalAssets/8549_1228973697765_FactSheet-Otitis-LoRes.pdf (viewed 20 October 2011).
- 17 Aboriginal Disability Network New South Wales, (2007) 'Telling it like it is: A Report on community consultations with Aboriginal people with a disability and their associates throughout NSW', At: www.parliament.nsw.gov.au/Prod/parliament/.../submission%2002.pdf (viewed at 18 January 2012).

