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# Social Justice Report 2005

## CHAPTER 1 SUMMARY:

### Introduction by Tom Calma, Aboriginal and Torres Strait Islander Social Justice Commissioner

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The *Social Justice Report 2005* covers the period from 1 July 2004 to 30 June 2005. The Report considers progress in achieving improvements in the health status of Aboriginal and Torres Strait Islander peoples and sets out a human rights framework for achieving health equality within a generation.

The Report also examines the implementation of the new arrangements for Indigenous affairs, in a post-ATSIC environment. It considers the new arrangements from the perspective of whether they ensure the effective participation of Aboriginal and Torres Strait Islander peoples in decision making that affects their daily lives.

Both issues go to the core of the commitments made by all governments to address disadvantage experienced by Aboriginal and Torres Strait Islander peoples. The federal Government's approach to the new arrangements in Indigenous affairs is based on repudiating the models of the past and focussing on addressing what is perceived to be the failures of previous governments, such as through the operations of ATSIC. Consequently, a significant focus of the past year has been on dismantling old structures and replacing them with new government machinery.

Responsibility and accountability for Indigenous policy development and service delivery now lies squarely with the government. For Indigenous people the challenge of the new arrangements is to ensure that they have an appropriate voice in determining community priorities. A further challenge is that rigorous accountability mechanisms are established so that success can be identified and failures addressed.

The report also comments on a range of other reform processes impacting on Aboriginal and Torres Strait Islander peoples, such as: changes to the Community Development Employment Program (CDEP) scheme; reforms of the federal Act governing Aboriginal associations and councils; as well as reforms to heritage protection, land rights, and native title. Other larger reforms, such as the workplace relations legislation will also impact on Aboriginal and Torres Strait Islander peoples.

All this, in light of the absence of representative arrangements, severely limits the ability of Indigenous peoples' voices to be heard at a national level, let alone influence decision making processes. There is a significant need to build the capacity of communities so they can engage meaningfully in the new processes and understand their rights and responsibilities in negotiation processes.

In my first 12 months as Aboriginal and Torres Strait Islander Social Justice Commissioner I have engaged productively with governments, including establishing a regular process for dialogue with government and other key stakeholders. I hope to

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continue to have a frank and robust relationship with governments to achieve the improvements in their processes and the principled basis on which they operate.

In addition to, and informing the *Social Justice* and *Native Title Reports*, I also travelled regularly across Australia visiting Indigenous communities and listening to the views of Indigenous Australians and have completed a range of other projects such as:

- A report examining issues relating to Indigenous young people with cognitive disabilities and the Australian juvenile justice system;
- Co-hosting a workshop with the United Nations Permanent Forum on indigenous Issues and engaging with indigenous communities as part of the International Conference on Engaging Communities held in Brisbane, August 2005;
- Contributing to a HREOC submission to the Senate Select Committee on Mental Health outlining the mental health concerns of Aboriginal and Torres Strait Islander peoples. This submission urged the committee to undertake specific consultations with Indigenous groups and communities in order to reach a deeper understanding of the issues;
- Co-facilitating consultations with the Acting Disability Discrimination Commissioner, the Mental Health Council and the Brain and Mind Institute's review of the mental health system. The Report of this review, *'Not For Service'*, was published in October 2005;
- Participating in working group meetings on the Draft Declaration on the Rights of Indigenous Peoples at the United Nations; as well as contributing to HREOC submissions to the Committee on the Elimination of Racial Discrimination and the Committee on the Rights of the Child in March and September respectively; and
- A range of projects relating to the 30<sup>th</sup> Anniversary of the *Racial Discrimination Act 1975* - the main projects being *Voices of Australia* and the production of the 4<sup>th</sup> edition of *Face the Facts*.

Over the coming year, my Office will continue to focus on issues that have been identified in the *Social Justice* and *Native Title Reports*. My next report will further explore the issues identified by these reports; in particular, it will focus on the efforts made to support Aboriginal and Torres Strait Islander communities to engage effectively with government. This includes processes for consultation and negotiation, as well as processes to support Indigenous decision making.

There are a number of projects and programs currently underway that are assisting to build the capacity in Indigenous communities, including: Reconciliation Australia's work on Indigenous governance; University of Melbourne's development of an agreements database; the Indigenous mediation and facilitation project conducted by the Native Title Research Unit of the Australian Institute of Aboriginal and Torres Strait Islander Studies.

My Office will also focus on the lessons learned from these projects, as well as the COAG trials, and how these lessons inform policy to ensure appropriate engagement with Indigenous peoples. At present, there remains a distance to travel to ensure that the new arrangements (which ultimately affect all aspects of policy making relating to Indigenous peoples) engage with and provide Indigenous peoples' with opportunities to meaningfully participate in all decisions related to their lives.