

# Chapter 6

## Aboriginal and Torres Strait Islander Social Justice

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**Mr Tom Calma**  
Aboriginal and Torres  
Strait Islander Social  
Justice Commissioner

### 6.1 STATEMENT FROM THE COMMISSIONER

The past year has delivered some significant and promising new developments in Indigenous affairs. The National Apology to the stolen generations and the government's commitment to the *Statement of Intent to Close the Gap* in Indigenous health inequality both demonstrate a growing determination to face the challenges that confront Indigenous Australians. I am pleased to say that HREOC has had a part in these developments and continues to drive change for the benefit of Indigenous people.

The *Close the Gap* campaign is something that I worked to initiate in 2005. In my *Social Justice Report 2005*, I set out a 25 year plan to achieve health equality for Indigenous peoples within a generation. Last year, I co-hosted an historic meeting of Indigenous health peak bodies, professional associations and health experts, to advance the health equality objective. This year at the National Indigenous Health Equality Summit in March the Australian Government acknowledged its obligation to progressively realise some of the fundamental rights of Indigenous people by agreeing to benchmarks and targets in health equality.

The Apology this year was an opportunity for national healing. The Apology was some recognition of the pain, the courage and resilience of the many thousands of people who were affected by appalling government policies which sanctioned the forced removal of Indigenous children. HREOC had an important part in the path to the Apology. The *Bringing Them Home* report was a landmark document, alerting governments and communities to the devastating impact of these policies on Indigenous Australians.

These important developments are precursors to another development that is unfolding at the end of this annual reporting period. During 2007 and 2008, I worked in collaboration with the Australian National University (ANU) to develop an Issues Paper on a national Indigenous representative body. The Issues Paper, *Building a Sustainable National Indigenous Representative Body*, examines the effectiveness of previous Indigenous representative bodies, both nationally and internationally, and identifies key issues to consider in deciding on a new sustainable model. The Australian Government has just recently initiated a consultation process to seek the views of Aboriginal and Torres Strait Islander people on a proposed national Indigenous representative body.

It is hoped that a representative body will give us a platform to exercise some control over the development and direction of policies that affect us. I have major concerns about recent developments in Indigenous policy. Significant policy changes have been made at short notice with limited Indigenous involvement. Most significantly, the Northern Territory (NT) intervention was imposed upon communities through a process that treated Indigenous people as passive recipients of policy rather than active agents for change.

The *Social Justice Report 2007* was tabled in federal Parliament in March 2008. The *Social Justice Report 2007* provides a detailed analysis of the NT intervention. It outlines some of the ways in which Indigenous people can be the architects of policies and approaches to solve problems within our communities. In addition, the Social Justice Report focuses on family violence prevention. As well as looking at the extent of violence and abuse in Indigenous communities, it documents the programs and practices implemented by Indigenous communities to combat violence and abuse. It seeks to celebrate the success stories that exist in our communities and presents them as practices and approaches that can be adapted and replicated in other areas.

This year the Social Justice Unit was able to develop and deliver training to Community Legal Education workers employed in Family Violence Prevention Legal Services across Australia. This training focussed on up-skilling workers in community development approaches to family violence prevention. It aimed to ensure Indigenous Australians are informed about their legal rights, that we know how to access assistance and that we are encouraged to report incidents of violence and abuse. It also aimed to raise awareness amongst Indigenous Australians about Australian law and human rights in relation to family violence, and to clarify the relationship between Australian law and customary law.

It was also a significant year in terms of international activity. This year was the 7<sup>th</sup> session of the UN Permanent Forum on Indigenous Issues (UNPFII) and the first since the adoption of the UN *Declaration on the Rights of Indigenous Peoples*. Federal government funding assisted the attendance of 40 Indigenous delegates to the UNPFII. The themes for the session were climate change as well as Indigenous issues in the Pacific region. Climate change poses a significant risk to Indigenous peoples globally and it is an issue that I will cover in my forthcoming *Native Title Report 2008*.

Over the coming 12 months I will continue to work with governments, Indigenous organisations, communities and many other groups, on practical research and consultation projects. I will:

- work with stakeholders and governments to set targets to ‘Close the Gap’ in Indigenous health inequality;
- continue to work with Indigenous communities and organisations to provide human rights education on issues such as customary law and family violence;
- develop options for remote Indigenous education, now and into the future, in partnership with key groups;
- continue to monitor the effects of the NT intervention;
- monitor and provide analysis of native title and land rights in Australia; and
- follow up on the issues and recommendations in this year’s *Social Justice Report* and *Native Title Report*.

## 6.2 MONITORING AND REPORTING

The Social Justice Commissioner produces two reports annually on the human rights situation faced by Aboriginal and Torres Strait Islander peoples: the *Social Justice Report* and *Native Title Report*. These provide an annual state-of-the-nation review of progress on Indigenous policy and human rights compliance.

### 6.2.1 Social Justice Report 2007

Under section 46C(1)(a) of the Human Rights and Equal Opportunity Commission Act, the Commissioner is required to submit a report annually to the Attorney-General on the exercise and enjoyment of human rights by Aboriginal persons and Torres Strait Islanders (the *Social Justice Report*).

The Report analyses the major changes and challenges in Indigenous affairs over the past year. It also includes recommendations to government that promote and protect the rights of Indigenous Australians.

The *Social Justice Report 2007* was transmitted to the Attorney-General on 11 February 2008 and tabled in the House of Representatives on 20 March 2008. The report was officially launched on 31 March 2008 in Sydney at an event open to the media and the general community.

The *Social Justice Report 2007* focuses on the NT Intervention and the issues related to family violence and child abuse in Indigenous communities. In terms of violence and abuse in Indigenous communities, it reports on the patterns and extent of the problems and it puts forth potential solutions and examples of ‘promising practice’ in addressing violence and abuse. The Report outlines nineteen examples of community programs which have had success in using a range of approaches to respond to family violence.

In addition to family violence, the *Social Justice Report 2007* provides analysis of the Northern Territory Intervention of 2007. The *Northern Territory National Emergency Response Act 2007* is assessed in terms of its compliance with human rights standards. The Report identifies that the NT legislation is inappropriately classified as a ‘special measure’. This classification was made because not all of the provisions of the legislation are necessarily beneficial to Indigenous people and a number of



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Graeme Neate, President of the National Native Title Tribunal, Professor Marcia Langton from the University of Melbourne, Ron Merkel QC, Barrister-at-Law and Brian Wyatt, Chair of the National Native Title Council discussed *Whereto Native Title: How can the system deliver?* at the launch of the Social Justice Report 2007

the provisions are racially discriminatory. The Report is critical of the removal of anti-discrimination protections for Indigenous people through the removal of the application of the *Racial Discrimination Act 1975 (Cth)* and the Northern Territory Anti-Discrimination Act.

The report outlines a Ten Point Action Plan to modify the NT Intervention so that it respects the human rights of Indigenous people and complies with fundamental rights to racial equality. The Report argues that it is vital that all measures to address family violence and child abuse should themselves respect human rights.

The *Social Justice Report 2007*, a community guide, a media kit and other information are available on-line at [www.humanrights.gov.au/social\\_justice/sj\\_report/sjreport07](http://www.humanrights.gov.au/social_justice/sj_report/sjreport07)

### 6.2.2 Native Title Report 2007

Under section 209 of the Native Title Act (Cth), the Commissioner is required to submit a report annually to the Attorney-General on the operation of the Native Title Act and the effect of the Act on the exercise and enjoyment of human rights of Aboriginal peoples and Torres Strait Islanders (the *Native Title Report*).

The *Native Title Report 2007* was transmitted to the Attorney-General on 15 February 2008 and tabled in Parliament on 20 March 2008.

This year's report was dedicated to the memory of Eddie (Koiki) Mabo, commemorating 15 years since the landmark decision of the High Court in *Mabo v State of Queensland (No 2)*[1992] 175 CLR 1 which recognised Eddie Mabo's native

title rights and interests in his land, and which prompted the government to pass the Native Title Act.

In the year of the 15<sup>th</sup> anniversary of native title, the *Native Title Report 2007* focused on the current operation of native title and recent changes to the system from the perspective of the original objectives and intent of Parliament in enacting the Native Title Act.

Overall, the Commissioner found that:

Despite the successes of the system, I am concerned that the native title system is not delivering substantial recognition and protection of native title. The operation of the Native Title Act, and the system set up under it, are essentially not fulfilling the objects of the Act in accordance with the reasons the Australian Parliament passed the legislation. These reasons are set out in the preamble to the Native Title Act. The result is that Indigenous people are not able to fully exercise and enjoy human rights.

In detail, the Report considers the changes made to the legislative and administrative framework for native title in the 2006-07 year, and the effect these changes have had (or may have) on native title and the realisation of the human rights of Aboriginal peoples and Torres Strait Islanders.

The native title cases heard by the Federal Court during 2006-07 exemplify just how far removed the reality of today's native title system is from the intention of the Australian Parliament in passing the Native Title Act. These cases highlight the hurdles faced by Indigenous peoples trying to use the native title system to gain recognition of their rights to country. The *Native Title Report 2007* discusses the main issues the cases highlight, including:

1. difficulties in obtaining compensation for extinguishment of native title;
2. constraints imposed by the treatment of evidence and the rules of evidence;
3. problems arising from the common law's interpretation of the definition of native title in section 223 of the Native Title Act;
4. the inconsistencies between Australia's human rights obligations and the practical outcomes of the native title system.

Nonetheless, there are still cases where economic opportunities arise, or could possibly arise, out of Indigenous land rights or native title. The *Native Title Report 2007* continues the focus of previous Native Title reports on economic development opportunities.

The Report considers whether the native title system recognises commercial fishing rights of Aboriginal and Torres Strait Islanders. Although the Native Title Act does not preclude the possibility that native title rights and interests may be commercial in nature, there appears to be a hesitation by the courts and governments to recognise such rights as traditional. The justifications for such an approach are not convincing and the result is inconsistent with the federal government's policy of Indigenous economic development.

The Report also includes a case study on the *Western Arnhem Land Fire Abatement Project (WALFA)*, a project which combines economic opportunities on Indigenous land with the national priority of climate change. The Project has the potential to deliver across the quadruple bottom line of environmental, economic, social and cultural outcomes, and the initiative will showcase the important role that Indigenous peoples can have in climate change mitigation in Australia.

The Report contains 25 recommendations that arise from the discussions in the chapter. There are two overarching recommendations that consider the native title system as a whole. Recommendation 1.1 deals with unscrambling the legislative gridlock in native title, recommending an independent comprehensive review of the whole native title system. The review would include significant stakeholder participation and focus on delivering the objects of the Native Title Act in accordance with the preamble. Recommendation 1.2 proposes a national summit on the native title system with extensive representation.

The *Native Title Report 2007*, fact sheets and media release are available on-line at [www.humanrights.gov.au/social\\_justice/nt\\_report/ntreport07/index.html](http://www.humanrights.gov.au/social_justice/nt_report/ntreport07/index.html).



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Participants in the Indigenous Community Legal Education Project for Family Violence Services pose with Ray Martin, who MC'd the launch of the *Native Title Report 2007*. This year's Report was dedicated to the memory of Eddie (Koiki) Mabo, commemorating 10 years since the High Court's Mabo decision

### 6.2.3 Community Guide and CD-Rom

Two types of community guide were printed and made available on the HREOC website. The first was a community guide to the *Native Title Report 2007* and *Social Justice Report 2007*, and the second, entitled *Communities Confronting Family Violence; Promising Practices and Valuable Lessons*, outlines seven case studies of successful responses to family violence.

The reports, community guide, media summaries and other materials, have also been made available on a CD-Rom.

## 6.3 RESEARCH AND POLICY

The Social Justice Commissioner advocates for the recognition of the rights of Indigenous Australians and seeks to promote respect and understanding of these rights among the broader Australian community.

### 6.3.1 Issues Paper on a National Indigenous Representative Body

The Commissioner prepared an Issues Paper outlining key considerations in the development of a new national Indigenous representative body. The research was undertaken as a follow up action to the *Social Justice Report 2006*, which identified a need to identify sustainable options for establishing a national Indigenous representative body. HREOC commissioned the National Centre for Indigenous Studies at the Australian National University to provide a research paper, and used this research to develop the paper: *Building a Sustainable National Indigenous Representative Body*.

The paper addresses the following three questions:

- First, what lessons can be learned from mechanisms for representing Aboriginal and Torres Strait Islander peoples at the national, state and territory or regional level that have previously existed or that are currently in place?
- Second, what lessons can be learned from mechanisms for representing Indigenous peoples that have been established in other countries?
- And third, what options are there for ensuring that a National Indigenous Representative Body is sustainable?

The paper identifies the many and varied issues that need to be considered in the formulation of a new representative body. It is complete and ready for release on 12 July 2008.

### 6.3.2 Apology to the Stolen Generations

The Commissioner was invited by the government to facilitate two national meetings of stolen generations organisations on the content, timing and delivery of the apology. These took place in January and February 2008 in Canberra.

### 6.3.3 Declaration on the Rights of Indigenous Peoples

Since the United Nations General Assembly adopted the *Declaration on the Rights of Indigenous Peoples* on 13 September 2007, HREOC has been advocating for recognition of the Declaration by the Australian Government. Australia and New Zealand were among four countries that voted against the text.

On 30 October 2007, HREOC staff attended a roundtable meeting, hosted by the New Zealand Human Rights Commission in Wellington, to consider the domestic implementation of the Declaration in Australia and New Zealand.

#### 6.3.4 HREOC Submission to the Senate Legal and Constitutional Affairs Committee on the Northern Territory National Emergency Plan

On 10 August 2007, the Commissioner and the President presented the HREOC Submission to the Senate Legal and Constitutional Affairs Committee, setting out the human rights concerns regarding the Northern Territory National Emergency Plan. The submission stressed that any measures must comply with the fundamental right to racial equality, and should not be exempt from the *Racial Discrimination Act 1975* (Cth), as they currently are. The measures clearly have specific impact on Indigenous peoples and must therefore be 'special measures' for their benefit.

HREOC's submission recommended that:

- extensive consultation backed up with effective and culturally appropriate information campaigns occur as a matter of urgency;
- an independent and public parliamentary review be conducted after 12 months to ensure that the goals of the proposed legislation are achieved in a manner that is consistent with human rights; and
- immediate steps should be taken to put in place an effective monitoring mechanism that involves Indigenous peoples.

The submission also highlighted the need for community education on human rights. The Commissioner expanded on this point during the public hearing of the Senate Committee.

The committee adopted HREOC's recommendations that:

- a 'culturally appropriate public information campaign be conducted as soon as possible';
- there be continuous monitoring and public reporting on the operation of the measures throughout the Overcoming Indigenous Disadvantage reporting framework;
- there be a review of the legislation after two years of implementation; and
- the Commonwealth provide additional funding for drug and alcohol rehabilitation services in the Northern Territory.

The government agreed to implement all seven recommendations by administrative decision (not through legislative amendment).

#### 6.3.5 HREOC Submission to the Senate Legal and Constitutional Affairs Committee on the Inquiry into the Stolen Generation Compensation Bill 2008

On 9 April 2008, HREOC presented a submission to the Senate Legal and Constitutional Affairs Committee regarding the Committee's Inquiry into the Stolen Generations Compensation Bill 2008. On 16 April 2008, HREOC staff gave evidence before the Inquiry. The submission commended the passage of the Stolen Generations Compensation Bill 2008, and stressed that a national compensation scheme to make financial reparations to the Stolen Generations is long overdue.

In the submission, HREOC put forward that:

- Loss, grief and trauma experienced by the victims of gross human rights violations can never be adequately compensated. However, for many victims compensation can make a practical difference and improve the lives of communities and individuals. It is incumbent upon government to address the physical and psychological experiences of the Stolen Generations in a way that recognises and validates trauma if the process of healing is to be executed effectively.
- For many people, redress through the court system takes a significant toll on individuals, and may revisit their trauma. Furthermore, litigation brought by members of the stolen generations will often have a number of inbuilt barriers to success, such as lack of availability of critical evidence, difficulties in establishing the required onus of proof with the passage of time; the prejudice to the defendant given the frailty, illness and death of key witnesses, and the loss and or destruction of records and material documents.
- It is HREOC's position that a reparations tribunal will provide the stolen generations with a welcome alternative to seeking compensation through court processes. HREOC supports the model proposed in the Bill to develop a system of ex gratia payments for common experiences suffered by members of the Stolen Generations. Such a system would provide a swifter, more appropriate and less damaging alternative to court processes.
- HREOC recommends that the Commonwealth, through the Councils of Australian Governments (COAG), engage with state and territory governments to develop a nationally consistent approach with joint funding mechanisms in the provision of financial redress for the stolen generations. This is to ensure compensation schemes are applied universally to all members of the stolen generations and can ensure consistency in outcomes so that some individuals are not disadvantaged.

In the submission, HREOC urged the Committee to recognise the importance of compensation to achieving just outcomes for Indigenous people who, because of past government practices, have been deprived of community ties, culture and language, and links with and entitlements to their traditional land.

## 6.4 EDUCATION AND PROMOTION

### 6.4.1 Indigenous Community Legal Education Project

In 2007, the Commonwealth Attorney-General's Department funded HREOC to develop and deliver an Indigenous Community Legal Education project. The project was to implement the National Framework of Principles for preventing family violence and child abuse in Indigenous communities as outlined in the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities, and the COAG Communiqué of July 2006.

HREOC trained 13 Community Legal Education (CLE) workers in preparation for their role in educating remote Indigenous communities about the relationship between Australian law, customary law and human rights. The training program was a full curriculum and mapped to accredited training (the Diploma in National Indigenous

Legal Advocacy). HREOC delivered 40 hours of training commencing on Thursday 27 March and concluding on Wednesday 2 April 2008.

The participants are now employed by the Attorney-General's Department as Community Legal Education Workers in regional and remote Family Violence Prevention Legal Services. A preliminary evaluation of the CLE training indicated a high level of participant satisfaction with the content and the methodologies of the training program.

In May, June and July HREOC evaluated the appropriateness of the training to meet the needs of the Community Legal Educators.

#### 6.4.2 Re-accreditation of the National Indigenous Legal Advocacy courses

HREOC is the copyright holder of three National Indigenous Legal Advocacy courses – the Certificate III, Certificate IV and the Diploma courses. In 2008 these courses were re-accredited for a five year period. The National Indigenous Legal Advocacy courses are still the only courses in Australia that provide training for Indigenous legal advocates.

The courses were developed in response to a recommendation of the 1991 Royal Commission into Aboriginal Deaths in Custody which identified a gap in training for Indigenous people who intend to work in a paralegal capacity. The courses have evolved and been updated since the 1990s. They aim to prepare Indigenous trainees for employment as legal advocates and to provide pathways into other employment, law degrees, or related higher education.

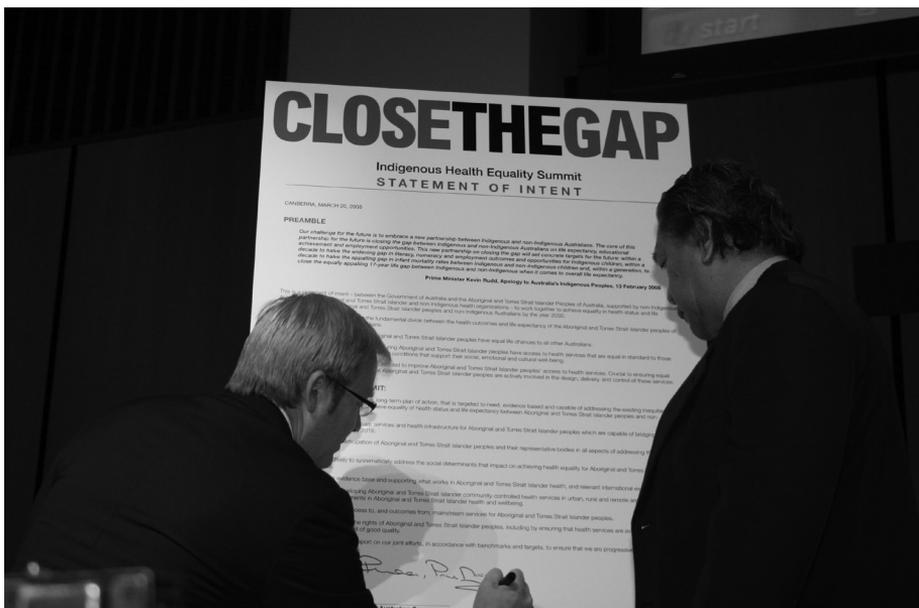
#### 6.4.3 Indigenous Health Equality

The National Indigenous Health Equality Summit was held in Canberra from 18-20 March 2008. It was an important milestone in the National Indigenous Health Equality Campaign which began in 2006 following the release of the *Social Justice Report 2005*.

At the summit, the Indigenous Health Equality Targets were presented to a range of invited delegates, including Australian Government representatives, for comments and feedback. In addition, the Commonwealth Government and the opposition were invited to formally re-commit to achieving Indigenous health equality within a generation. They did this by signing the *Statement of Intent to Close the Gap*. The Statement was signed by the Prime Minister, the Ministers for Health and Indigenous Affairs, the Opposition leader, Ian Thorpe, Cathy Freeman, and every major Indigenous and non-Indigenous health peak body.

At the Summit, the Prime Minister announced that the National Aboriginal and Torres Strait Islander Health Council would be reformulated as an Indigenous Health Equality Council, with a primary role to implement the targets and benchmarks. This new Council provides an opportunity to embed the targets into policy and practice nationally. After the Summit, a table of targets and a summary outline was created and presented to the Commonwealth Government for integration into the COAG Working Group processes.

The Steering Committee of the campaign continues to work with COAG and Australian Governments to progress the adoption of the targets, and their integration into the National Strategic Framework for Aboriginal and Torres Strait Islander Health and the accompanying Performance Framework. In addition, the targets will be integrated into the reporting of the Productivity Commission's *Overcoming Indigenous Disadvantage* report.



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 Dr Mick Adams from the National Aboriginal Community Controlled Health Organisation witnesses the Prime Minister, the Hon. Kevin Rudd, sign the *Statement of Intent to Close the Gap* at the National Indigenous Health Equality Summit in Canberra

#### 6.4.4 Bringing Them Home 10th anniversary

On 30 September 2007, HREOC co-hosted a commemorative conference with the University of New South Wales for the 10<sup>th</sup> anniversary of the *Bringing Them Home* Report.

The conference was attended by approximately 100 people and received good media coverage. The conference proceedings were recorded by ABC Radio National and subsequently nationally broadcast in an edited form.

*Us Taken-Away Kids*, the commemorative magazine for the 10<sup>th</sup> anniversary, was launched on 11 December 2007 and is available on the HREOC website. The magazine represents artwork and stories from members of the stolen generations throughout Australia.

### 6.5 LEGISLATIVE DEVELOPMENT

The Social Justice and Native Title Units contribute to legislative development by making written and oral submission to parliamentary and other inquiries. A list of these submissions can be found in Chapter 3 of this report, Monitoring Human Rights.



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Minister for Families, Housing, Community Services and Indigenous Affairs, The Hon. Jenny Macklin, talks with Alfred Coolwell, his sister, Lena Yarry and Reconciliation Australia's Jason Glanville at the launch of *Us Taken-Away Kids*. See 6.4.4

### 6.5.1 Draft guidelines for parties and representatives in National Native Title Tribunal mediation

The Commissioner provided comments on an Exposure Draft of Best Practice Guidelines for parties and representatives in National Native Title Tribunal mediation. The Draft Guidelines were prepared in accordance with the government's acceptance of recommendations put forward by the Senate Legal and Constitutional Committee, relevant to the Native Title Amendment (Provisions) Bill 2006. The recommendations provide that the *Native Title Act 1993* be amended to require parties to mediate in good faith, and that a code of conduct for parties involved in native title mediation be developed.

The Attorney-General's Department amended the guidelines in consideration of a number of HREOC's comments, including:

- that cultural considerations, such as gender and hierarchy of elders, must be taken into account regarding effective communication;
- that, due to a range of variable factors, it is not always possible to obtain the necessary instructions by the set timelines or before mediation; and
- the need to sort out 'minor matters' quickly (the criteria regarding 'minor matters' was removed from the guidelines altogether).

The guidelines were also redrafted into a format that includes clear simple headings and mostly uses plain English throughout. In addition, references to legislation have been removed from the text and included in footnotes.

The Attorney-General's Department conducted a second round of consultations to a wider group, including Indigenous stakeholders. While the redrafted guidelines addressed a number of HREOC's concerns, including the need to respect Indigenous customs and practices, the redrafted guidelines did not fully address the concerns raised.

The Commissioner contributed comments on the amended second round draft guidelines, including comments that:

- parties to mediation should respect and make allowance for the inclusion of Aboriginal and Torres Strait Islander cultural protocols and decision making practices in the mediation process;
- to give effect to the principle of free, prior, and informed consent, effective communication mechanisms must be an underlying assurance of the guidelines, and parties should identify from the outset what specific communication needs will be required to develop an effective communication strategy that meets the needs of all parties included in mediation; and
- parties should abide by the communication strategy developed in preparation for the mediation and consider different levels of understanding held by the parties attending the mediation.

### 6.5.2 Draft Guidelines for the Support of Prescribed Bodies Corporate

On 17 May 2007, the Land Branch of the Department of Families, Community Services and Indigenous Affairs invited comments on the draft Guidelines for the Support of Prescribed Bodies Corporate (PBC).

These guidelines related specifically to amendments to the general terms and conditions relating to Native Title Program Funding Agreements. These agreements enable Native Title Representative Bodies (NTRBs) and Native Title Service Providers to assist PBCs with their day-to-day operations. The Commissioner provided ten recommendations regarding the draft guidelines.

## 6.6 INTERNATIONAL ACTIVITIES

### 6.6.1 United Nations Permanent Forum on Indigenous Issues

The seventh session of the UNPFII took place in New York from 19 April – 2 May 2008. The session was the first since the adoption of the UN *Declaration on the Rights of Indigenous Peoples*. The themes for the session were climate change and Indigenous peoples, and Indigenous issues in the Pacific region.

Funding was made available from the Australian Government to facilitate participation at the UNPFII by Indigenous delegates. HREOC administers this funding and granted assistance to delegates from a number of Indigenous organisations. Up to 40 Indigenous delegates from Australia attended.

The Commissioner presented at three events at the Permanent Forum as follows:

- a formal presentation to the Forum as an expert for Agenda Item 6, Half Day Discussion on the Pacific;

- a roundtable discussion on 'Indigenous Peoples and the private sector and the issue of Indigenous entrepreneurship and how it is supported on the local, regional and global fora'; and
- panel discussion on 'Managing Indigenous Local Governments: balancing traditions with emerging challenges'.

## 6.7 SPEECHES

A selection of public addresses made by the Social Justice Commissioner during 2007-08 is listed below. Speeches can also be accessed on HREOC's websites at [www.humanrights.gov.au/about/media/speeches/social\\_justice/index.html](http://www.humanrights.gov.au/about/media/speeches/social_justice/index.html)

*Continuity and Change through New Arrangements – Lessons for Addressing the Crisis of Child Sexual Abuse in the Northern Territory*, launch of the *Social Justice and Native Title reports*, Sydney, 3 July 2007.

*National Press Club address*, National Press Club, Canberra, 4 July 2007.

*Human Rights and Mining*, Mining, Petroleum, Oil and Gas Symposium, Broome, WA, 10 July 2007.

*The Right to Health of Indigenous Australians*, Inaugural course on Health Development and Human Rights, Sydney, 16 July 2007.

*The '67 Referendum: 40 Years On and the Federal Government's Northern Territory Plan – Where to Now? The '67 Referendum – Forty Years on Conference*, Sydney, 20 July 2007.

*The Role and Functions of the Human Rights and Equal Opportunity Commission*, Aboriginal Legal Service Annual Conference, Sydney, 1 August 2007.

*Proactive Engagement with the Native Title System*, NTRB CEO and Senior Management dinner, Sydney, 1 August 2007.

*Indigenous Health: Real Solutions for a Chronic Problem – Indigenous Social and Emotional Health and Well Being*, 9<sup>th</sup> Annual GARMA Festival of Traditional Culture, Nhulunbuy, NT, 6 August 2007.

*2007: Delivering on the Promise of the 1967 Referendum for Indigenous Australians*, Hyllus Marius Memorial Lecture, Melbourne, 21 August 2007.

*40 Years On: What Does the 'Yes' Vote Mean for Indigenous Australians?* Tasmanian Annual Social Justice Lecture, Hobart, 22 August 2007.

*Indigenous Health Inequality in Australia: What Can Medical Professionals Do to Make a Difference?* National Leadership Seminar hosted by the Australian Medical Students Association, Canberra, 10 September 2007.

*The Evidence Base for Interventions into Indigenous Public Health*, Indigenous Health Forum, Canberra, 12 September 2007.

*Legal Wins/Losses since the Referendum and Future Challenges for Indigenous Peoples*, 2<sup>nd</sup> National Indigenous Legal Conference, Brisbane, 14 September 2007.



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Children blow bubbles at the GARMA Festival of Traditional Culture at Nhulunbuy, NT

*The Campaign for Indigenous Health Equality Within a Generation*, address to South Australian Department of Premier and Cabinet, Adelaide, 18 September 2007.

*Can the End Ever Justify the Means? Achieving Equality for Aboriginal and Torres Strait Islander Peoples and the Northern Territory Intervention*, Don Dunstan Annual Oration, Adelaide, 18 September 2007.

*Indigenous Children Belong on the Asset Side of Australia's Wealth Ledger*, Secretariat of National Aboriginal and Islander Child Care (SNAICC) National Conference, Adelaide, 19 September 2007.

*The Indigenous Health Curriculum in Australian Medical Schools*, Leaders in Indigenous Medical Education conference, Sydney, 23 September 2007.

*Australian Government Responses to the Bringing Them Home Report, Ten Years Later: Bringing them home and the forced removal of children* conference, Sydney, 28 September 2007.

*National Strategies that Impact on Aboriginal and Torres Strait Islander Health*, 4<sup>th</sup> National Indigenous Male Health Convention, Adelaide, 1 October 2007.

*Where We Are Now and Where We Need to Be?* Australians for Native Title and Reconciliation National Congress, Canberra, 13 October 2007.

*Indigenous Home Ownership, Which Way?* Directions in Indigenous Housing Conference, Alice Springs, 27 October 2007.

*Health and Human Rights*, Kimberley Aboriginal Health Summit, Broome, WA, 31 October 2007.

*What Does a Human Rights Approach Offer in Improving the Health of Indigenous Australians?*, Menzies School of Health Research Oration, Darwin, 8 November 2007.

*Indigenous Health*, Ed Health Conference, Terrigal, NSW, 16 November 2007.

*The Role of Local Government in Achieving Social Justice for Aboriginal Peoples in the Northern Territory*, Local Government Association of Northern Territory Annual General Meeting, Darwin, 22 November 2007.

*Human Rights, Indigenous Rights and the Australian Context*, World Psychiatric Association Congress, Melbourne, 29 November 2007.

*Indigenous Policy Address*, Local Government and Discrete Indigenous Communities Conference, Perth, 5 December 2007.

*Essentials for Social Justice: Sorry*, launch of *Us Taken-Away Kids*, Sydney, 11 December 2007.

*The Role of Social Workers as Human Rights Workers with Indigenous People and Communities*, Social Work Orientation Week Seminar, Canberra, 12 February 2008.

*Response to Government to the National Apology to the Stolen Generations*, Canberra, 13 February 2008.

*Essentials for Social Justice: Reform*, Australians for Native Title and Reconciliation Annual General Meeting, Brisbane, 20 February 2008.

*Opening Remarks*, National Indigenous Health Equality Summit, Canberra, 18 March 2008.

*Essentials for Social Justice: Protecting Indigenous Children*, Social Justice Report 2007 launch, Sydney, 31 March 2008.

*Valuing and Protecting Diversity*, Department of Finance and Deregulation, Canberra, 9 April 2008.

*Half Day Discussion on the Pacific: Panel Statement*, United Nations Permanent Forum, New York City, USA, 23 April 2008.

*The Importance of Environmental Health in Improving the Life Expectancy of Indigenous Peoples*, speech delivered by Paul Endres on behalf of the Commissioner, International Federation of Environmental Health World Congress, Brisbane, 13 May 2008.

*Social Justice, HREOC and Indigenous Education*, National Education Forum General Meeting, Canberra, 17 May 2008.

*Australia's Mineral Industry in Context – Nationally and Internationally*, Mineral Council's Conference, Canberra, 27 May 2008.

*Our Children Our Future*, launch of *Our Children Our Future* report, Sydney, 28 May 2008.

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*Sustainable Options for Australia's New National Indigenous Representative Body*, National Native Title Conference, Perth, 4 June 2008.

*Climate Change and Indigenous Peoples*, speech delivered by Warwick Baird on behalf of the Commissioner, National Native Title Conference, Perth, 5 June 2008.

*Essentials for Social Justice: Close the Gap*, Collaborative Indigenous Policy Development, Sydney, 11 June 2008.

*Reforming Federal Indigenous Affairs Policy*, Mornington Peninsula Human Rights Group, Mornington, Victoria, 24 June 2008.



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Commissioner Calma speaks with participants at the National Press Club, Canberra, where he gave an address on 4 July 2007