



**Office of the Hon Jenny Macklin MP
Minister for Families, Housing, Community Services
and Indigenous Affairs**

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11 AUG 2010

Ms Bev Manton
Chairwoman
NSW Aboriginal Land Council
PO Box 1125
PARRAMATTA NSW 2124



Dear Ms Manton,

Thank you for your letter dated 26 July 2010 to the Hon Julia Gillard MP, Prime Minister and copied to the Hon Jenny Macklin MP, Minister for Families, Housing, Community Services and Indigenous Affairs. Given the election campaign is in full swing, they have asked me to respond on their behalf.

On 8 August 2010, Minister Macklin made a speech to the Key Forum of the Garma Festival at Gulkala in East Arnhem Land releasing the Labor Government's policy paper *Closing the Gap*.

I have attached a copy for your information, along with a copy of Minister Macklin's speech. These documents provide answers to most of the issues you raised.

In relation to the Racial Discrimination Act, contrary to the point made in your letter, the Government has already acted to fully and unconditionally reinstate the operation of the Racial Discrimination Act in the NT. This is a major achievement given that Labor did not have a majority in the Senate.

The legislation repeals all the provisions that suspend the operation of the RDA in relation to all the NTER measures. The Government's legislation also removes all the provisions that state that measures contained in the NTER legislation are deemed to be "special measures".

Federal Labor is also committed to the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

If the Government is re-elected it will, jointly with the Opposition, appoint an expert panel including Indigenous leaders to consult with the public and provide options on the form of an amendment which could be put to the Australian people at a referendum.

Recognising Australia's First Peoples in our nation's founding document would be an enormous step forward in strengthening reconciliation and better relations between Indigenous and non-Indigenous Australians.

The Labor Government's policy to support the resolution of land claims through negotiation and settlement rather than negotiation is directed primarily to issues relating to native title. We recently announced tangible progress along these lines in Victoria.

The Federal Labor Government has not given consideration to the issue of expediting claims under the NSW legislation as this is a state matter. While it may be an issue that could be raised with the Government following the election, I expect that a resolution will need to be found at the state level.

Thank you again for writing.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'm c dillon', written in a cursive style.

M C Dillon
Senior Advisor

Campaign Speech

MINISTER FOR FAMILIES, HOUSING, COMMUNITY SERVICES AND INDIGENOUS AFFAIRS

ADDRESS TO THE GARMA FESTIVAL
NORTH EAST ARNHEM LAND
8 AUGUST 2010

CHECK AGAINST DELIVERY

INDIGENOUS AFFAIRS: LABOR'S ROADMAP FOR THE NEXT TERM

I would like to acknowledge the traditional owners of this site and thank them for their long-standing generosity in making it available through the Garma Festival to a wider group of Indigenous and non Indigenous visitors.

It is always a pleasure to come here. Over the years I have made many friends, although sadly, the progression of time means that a number of them are no longer with us.

I pay my respects to those visionary leaders from this part of Australia who are no longer with us and in particular the great educational leader who passed away almost two years ago.

Many led the struggle for land justice for Indigenous Australians.

They talked for their country.

They committed their lives to the education and betterment of future generations.

The resilience and determination of Yolngu people and your contribution to the Australian nation through your culture, your continuing commitment to your languages and your families is being celebrated here at Garma.

The Yolngu contribute to the Australian nation through their art, their culture, their continuing commitment to their languages and their families.

Tomorrow is the International Day of the World's Indigenous Peoples; a day to celebrate the continuing contribution of Indigenous peoples to the common wealth of humankind.

I am addressing you in the middle of an election campaign which will be crucial in determining the future of Indigenous Australia.

The Labor Government has a record that is about both the symbolic changes that signal respect and acknowledgment, and the practical changes that make a difference to the lives of all people.

Our first official business as a government was the apology delivered by Kevin Rudd.

We knew that without acknowledging the injustices and the great hurt and suffering of the past we could not move forward. The National Apology was a necessary first step. Since then Federal Labor has been driving a national effort to close the gap.

Our record is about acknowledging and advancing rights, be they human rights, rights to land, rights to respect and dignity, rights to safety and justice.

Our record is also about underpinning the importance of personal and family responsibilities, in all facets of life.

Responsibilities which are deeply embedded in Indigenous culture, but which can be neglected when individuals succumb to alcohol or substance abuse.

Or neglected when people lose heart and confidence because of the debilitating impact of passive welfare and social and economic alienation.

Federal Labor's record is one of respecting Indigenous aspirations, treating Indigenous citizens with dignity, and acknowledging their central place in this nation.

We have set down long term targets for the Australian nation aimed at closing the gap between Indigenous and non-Indigenous Australians, and removing the disadvantaged status of Indigenous people in what is one of the richest countries in the world.

We have put in place new institutional arrangements to measure our progress as a nation to close the gap.

We have backed our commitments with action.

We have allocated unprecedented levels of funding to Indigenous health, to Indigenous education, to native title to law and justice and community safety, and to social housing in both remote and urban and regional areas.

This Labor Government has invested more dollars in Indigenous affairs than any previous Australian Government.

Over the next three years, the forward estimates provide for total commitments in excess of \$5 billion allocated to closing the gap.

Of course, just investing more is no guarantee of success. The extent and nature of Indigenous disadvantage means that a new approach is needed.

The old ways of doing things have failed Indigenous Australians

In remote Australia, Indigenous disadvantage is deep-seated, and driven by complex factors linked to rapid social change, the tension between custom, tradition and the demands of today's globalising world, and the poor record of government programs in making a difference.

In urban and regional areas, Indigenous disadvantage is just as real, but often hidden and unaddressed.

Federal Labor has deliberately set out to be a reformist government in Indigenous affairs.

Reform is never universally popular.

As Machiavelli pointed out 600 years ago, those who stand to gain from reform rarely speak out while those who think they may lose out shout from the roof tops.

Reform is hard work.

Reform is complex.

In Australia today we have three levels of government each with significant responsibilities impacting on Indigenous citizens. Effective reforms must aim to align the efforts of each of those levels of government.

Reform is not something we have been prepared to walk away from.

I know we do not always please everyone in every decision we take.

Some are hard decisions such as our decision to re-design income management as a non-discriminatory scheme targeted at assisting vulnerable and disadvantaged welfare recipients.

Such as our persistence to improve living stands for the residents of the Alice Springs Town Camps.

And our reforms to employment programs to fight welfare dependency and ensure funding for Indigenous people does not subsidise government services.

Welfare should not be seen as a destination or a way of life.

As Minister, I stand by the decisions we have taken. They have been motivated by a determination to make a positive difference for Indigenous Australians, wherever they live.

But we must press forward with reform.

The funding commitments we have made, primarily through COAG, are substantial. But

they will not be enough to meet the emerging needs.

We need to meet the diverse needs of a rapidly expanding and youthful population.

The needs for financial literacy, for economic opportunities from country, and the special needs of an increasing number of people in this region vulnerable to Machado Joseph Disease.

I recently approved grants from the Aboriginal Benefits Account for the Traditional Credit Union, for support for the Laynhapuy Homelands Associations' work, and for support for the MJD Foundation.

Continuing to meet diverse needs will require all of us to make a persuasive case for government investment and to demonstrate that existing investments are making a difference.

If re-elected, in our next term we will have a single-minded focus on implementing our reforms, we will improve and fine-tune when necessary, and we will accelerate activity in key areas, such as Indigenous economic development and education.

I'd like to acknowledge the path-breaking work of Noel Pearson in this area.

In the welfare reforms trials on Cape York and the Cape York Academy in Coen and Aurukun which we are supporting to find new ways of boosting academic achievement.

Today I am releasing the Labor Party's policy agenda for the coming election. It outlines our record, both in terms of policy reform, and details the substantial investments which will be available over the next three years.

And importantly, it lays out the policy directions for the future.

We will continue to deliver these record investments in housing, health, early childhood, economic participation and remote service delivery.

A core aim of our programs will continue to be promoting personal responsibility.

We recognise those quiet achievers in our community who demonstrate, day in and day out, the value of hard work, team work and spirit.

We will continue to put the welfare of children at the centre of our efforts and tackle alcohol abuse, and family violence through the actions outlined in our Indigenous Family Safety Agenda.

We will continue to support Indigenous families, communities and businesses to participate in the broader economy through employment, government contracts and maximising benefits received from their land holdings.

An important focus for our next term will be implementing the Indigenous Economic Development Strategy. A draft of the Strategy was recently released for consultation.

We will continue to move the emergency response to a sustainable development phase and empower Indigenous people to drive solutions for lasting change.

In the last parliamentary session, Federal Labor delivered on our solemn commitment to re-instate the Racial Discrimination Act in the Northern Territory.

The suspension was an ugly blight on Australia's reputation as the land of a fair go. It

needed to change and it has.

Re-instating the Racial Discrimination Act means that Indigenous communities can now take ownership of measures under the Emergency Response and lead change on the ground.

We will maintain our efforts to streamline the complex legal processes for native title claims.

A key priority will be ensuring the benefits derived from native title agreements are substantially directed to sustainable and inter-generational benefits for native title holders.

Recognising the importance of land and culture to Indigenous peoples, we will continue our efforts to ensure they play a central role in land-related industries. We will promote jobs in environmental protection, land management, and emerging industries linked to the carbon economy.

We will respect the right of Indigenous people to continue to reside on their traditional country.

A Gillard Labor Government will continue to strengthen Indigenous and non-Indigenous relations through the work of organisations such as Reconciliation Australia and Indigenous Community Volunteers.

And we will support Indigenous organisations such as the newly established Healing Foundation, the National Congress of Australia's First Peoples and the National Aboriginal and Torres Strait Islander Women's Alliance as well as local community organisations.

We will continue to work closely with existing national organisations.

Today I announce that a Labor Government, if re-elected, will support the continuation of the work of the Garma Festival through a complementary commitment of \$2 million to support the Garma Cultural Studies Institute. This will be sourced from the Aboriginal Benefits Account.

The Institute has an impressive record of partnerships with academic institutions, and is uniquely placed to advance wider cross cultural understanding between Indigenous and non-Indigenous Australians.

The development of the Institute has been driven by the Yothu Yindi Foundation, under the visionary leadership of the Yunupingu brothers, Galarrwuy and Mandawuy. The Institute has the potential to take cross cultural understanding to a new level in Australia.

And I want to take this opportunity to pay tribute today to both Galarrwuy and Mandawuy for their leadership and commitment.

And to Marcia Langton for her intellectual leadership including here at Garma.

Today I am also announcing a significant new initiative relating to the destructive and self-perpetuating cycle of alcohol and substance abuse that can devastate Indigenous communities.

If re-elected, we will implement a new National Framework on Alcohol and Substance Abuse through the Council of Australian Governments.

New community led solutions to fight alcohol and substance abuse in the Indigenous community will be funded.

We will support the development of community led Alcohol Management Plans, and fund local communities and NGOs to deliver targeted programs aimed at preventing the normalisation of substance abuse amongst young Indigenous People.

I want to particularly acknowledge the leadership of Indigenous women and men in the Kimberley who are doing so much to address the devastation of alcohol abuse.

The Framework and the associated initiatives will initially be allocated \$20m over four years, and will be designed to attract complementary funding from the states and territories.

We came to government knowing that change was needed on more emotional dimensions as well as the practical.

That is why we delivered a National Apology and pledged our support for the United Nations Declaration on the Rights of Indigenous people.

Today I want to outline how we will pursue constitutional recognition of Indigenous people.

Federal Labor is committed to the recognition of Aboriginal and Torres Strait Islander peoples in the Australian Constitution.

Former Prime Minister Kevin Rudd re-enforced this commitment in Yirrkala in 2008.

We do not under-estimate this challenge as important as it is.

There are diverse community views and only 8 out of 44 referendums since Federation have been successful.

As you know, to succeed, a referendum must attract the support of a majority of the population and a majority of states.

Gaining support for constitutional change from the majority of Australians has been shown to be no easy task.

Achieving this will require broad community agreement and political will from the major parties.

We are optimistic that this reform can happen. Former Prime Minister John Howard supported formal acknowledgement and recognition of Indigenous Australians in Australia's Constitution. Opposition Leader Tony Abbott has said that he would support a reasonable proposition.

We are hopeful that this is an issue that can unite Australians and be above partisan political interests.

And we are determined to make progress on this significant reform in our next term.

If re-elected, a Gillard Labor Government will establish an Expert Panel comprising Indigenous leaders, constitutional lawyers, Members of Parliament, and community representatives.

The Expert Panel would consider how best to progress constitutional recognition of Indigenous peoples, and provide options on the form of the amendment which could be put

to the Australian people at a referendum.

Bipartisan support will be essential to the long-term success of the panel and beyond it to a referendum.

And we are hopeful that this process will be bi-partisan.

Under a Gillard Government, the Prime Minister and the Leader of the Opposition would jointly determine the membership and terms of reference for the Expert Panel.

It is not the Government's intention to limit the terms of reference of the Panel to exclude any particular proposal. However, in light of the need for majority support at a referendum, I would anticipate that the Panel will focus, at least as a first step, on options for recognising Indigenous people in a preamble to the Constitution.

It is time to progress this important reform.

We may not get a second chance in our lifetimes, so we must make sure we build the most robust and persuasive case for change.

The Labor vision for the future of Australia is one where Indigenous Australians play an integral part in the nation's life, based on full equality of opportunity.

A future where Indigenous cultures, languages and world views are respected and acknowledged as being central to who we are as Australians.

We have set down a path based on the twin principles of increased investment and fundamental policy reform.

Much more hard work lies ahead.

Our commitment is to work with Indigenous Australians to forge the better future which is the right of all Australian citizens.

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