



Australian  
Human Rights  
Commission

## Informing the Agenda of the Aboriginal and Torres Strait Islander Social Justice Commissioner

The Commission is inviting submissions to contribute to the “Informing the Agenda” Project. The Project seeks to **collate and communicate the perspectives of First Nations Peoples** across Australia on the key issues affecting their lives, and to ensure First Nations voices are elevated in national conversations relevant to the fulfillment of their human rights.

These perspectives will **inform the agenda** of the Aboriginal and Torres Strait Islander Social Justice Commissioner (Social Justice Commissioner) regarding key challenges First Nations Peoples consider worthwhile pursuing over her five-year term; the critical elements that are producing positive outcomes in the present, and how to work together to drive transformative change for First Nations communities across the policy and legislative landscape.

Submissions open the 1st of August and **close the 16th September 2024**;

### How to make your submission:

You can make your submission through email by following the steps below:

1. Read the [Participant Information Form](#) and [Privacy Collection Statement](#)
2. Complete the ‘Your Details’ section below. If you are an individual completing this submission, complete the **individual** section and if you are an organisation or group completing this submission, complete the **organisation/group** section.
3. Read and respond to the Submission guide and questions. Type responses under questions in the “Click or tap here to enter text” field. You do not have to respond to all questions.
4. When you are finished, save a copy of your submission to your own device and email your submission to: [informingtheagenda@humanrights.gov.au](mailto:informingtheagenda@humanrights.gov.au)
5. You will receive an email confirming your submission has been received once sent.

## Your Details

Before completing your submission, please fill out the following details:

Are you an individual or an organisation/group completing a submission?

**Individual**

**Organisation/Group**

Please note we are only collecting **individual submissions** from Aboriginal and/or Torres Strait Islander individuals aged 18 years old or over.

Please ensure you fill out the individual **or** organisation/group 'Your Details' section before sending your submission.

### Your Details – Individual Submission

If you are an **individual** completing this submission, please fill out the following: 1.

Are you 18 or over the age of 18.

I am 18 years old or over the age of 18.

I am under the age of 18. Please note we are only collecting submissions from individuals 18 years old or over the age of 18.

2. Do you identify as Aboriginal and/or Torres Strait Islander?

Aboriginal

Torres Strait Islander

Aboriginal and Torres Strait Islander

No, I am not Aboriginal and/or Torres Strait Islander.

3. Would you like to provide us with your name or would you prefer to remain anonymous?

I would like to provide my name. Please write your name below.

I would like to remain anonymous.

4. If you have elected to provide the commission with your name, do you consent to your name being published or would you prefer to be de-identified?

I would like my name to be published.

I would like to be de-identified.

5. What state/territory are you primarily based?

Australian Capital Territory

New South Wales

Northern Territory

Queensland

South Australia

Tasmania

Victoria

Western Australian

6. Are you primarily located in an urban, regional, rural or remote/very remote area?

Urban

Regional

Rural

Remote/Very Remote

## Your Details - Organisation or Group

If you are an **organisation or group** completing this submission, please fill out the following:

1. Are you making this submission on behalf of a group or organisation. If so, what is the name of your group or organisation?

2. Is your group or organisation or the organisation you represent First Nations led, owned or operated?

Yes

No

3. What state/territory are you primarily based?

Australian Capital Territory

New South Wales

Northern Territory

Queensland

South Australia

Tasmania

Victoria

Western Australian

4. Is your organisation primarily located in an urban, regional, rural or remote/very remote area?

Urban

Regional

Rural

Remote/Very Remote

## **Submission Guide and Questions**

Below are a series of questions to support your submission. They serve as a guide only, with the purpose of informing the Social Justice Commissioner's Agenda, as well as providing opportunity for you to express your views, lived experience and knowledge on key issues you would like to see considered by the Social Justice Commissioner.

Questions are provided across the following four key focus areas:

1. The Agenda of the Aboriginal and Torres Strait Islander Social Justice Commissioner
2. Embedding Aboriginal and Torres Strait Islander Rights
3. Achievements and Aspirations
4. Rebuilding the Village

## **1. The Agenda of the Aboriginal and Torres Strait Islander Social Justice Commissioner**

The Aboriginal and Torres Strait Islander Social Justice Commissioner is responsible for monitoring the exercise and enjoyment of human rights by Aboriginal and Torres Strait Islander Peoples. This includes raising awareness of and promoting respect for First Nations rights, including by ensuring that policy and legislation recognise and protect the rights of Aboriginal and Torres Strait Islander Peoples.

### **Guiding Questions:**

1. Do you feel that the six high-level focus areas outlined above, are consistent with the functions and mandate of the Social Justice Commissioner?
  - a. Building on the six high-level focus areas, are there specific issues that you would like the Social Justice Commissioner, to monitor, raise awareness of, or promote respect for, in order to support the realisation of First Nations Peoples rights and interests?
  - b. Do you have any additional comments about the six high-level focus areas outlined above?

2. A key goal of the Social Justice Commissioner is to elevate and empower First Nations Peoples to assert, exercise and enjoy their human rights. What types of engagement mechanisms, protocols and practices do you think are necessary for First Nations Peoples to inform the work of the Social Justice Commissioner, and how would you like to see that engagement responsibility fulfilled across the five-year term?

3. Do you have any suggestions on how the Social Justice Commissioner can effectively engage with government, the private and civil society sector in pursuit of these agenda focus areas, or any other issues you think should be included?

## 2. Embedding Aboriginal and Torres Strait Islander Rights

A comprehensive international instrument for understanding and promoting the right of Indigenous Peoples, the United Nations Declaration on the Rights of Indigenous Peoples (the Declaration) establishes a universal framework that outlines the minimum standards for the survival, dignity and well-being of the worlds Indigenous Peoples, through the application of existing human rights standards and fundamental freedoms.

While Australia formally endorsed the Declaration in 2009 and has since committed to take action to implement the Declaration, very little activity has progressed in this regard. In other jurisdictions, for example Canada, the Declaration has been affirmed and applied in law. On June 21, 2021, the [United Nations Declaration on the Rights of Indigenous Peoples Act](#) received Royal Assent and immediately came into force. This required Ministers to work with Indigenous Peoples to impose obligations on federal government to work with provinces, territories and Indigenous partners as the foundation for transformative change based on the recognition of rights and respect of Indigenous Peoples.

### Guiding Questions:

1. Do you agree that monitoring and reporting on the implementation of the Declaration must be a key priority for the Social Justice Commissioner?
  - a. If so, through what mechanism, or how do you think this responsibility should be undertaken?
  - b. If not, please provide your views on this.



2. What mechanisms and processes do you think are required to support a greater integration of the Declaration into policy and law making – at all levels of government (federal, state and local), and to the realisation of First Nations rights and interests? This may include for example:
  - a. an audit of existing laws, policies and practices to assess compliance with the Declaration, and proposals for reform to establish greater alignment
  - b. the co-design of a National Action Plan to implement the Declaration
  - c. including the Declaration in statements of compatibility with human rights.
  
3. The Declaration provides frameworks for Aboriginal and Torres Strait Islander Peoples “to create an Australia where our rights and cultural differences are valued, protected and seen as a positive part of Australian culture and society”. How could the Social Justice Commissioner promote and raise awareness of the Declaration for First Nations communities across Australia?

### 3. Achievements and Aspirations

The Declaration has four principles which will be used to underpin the Social Justice Commissioners' agenda goals. This includes:

- Self-determination;
- Participation in decision-making underpinned by free, prior and informed consent and good faith;
- Respect for and protection of culture; and
- Equality and non-discrimination.

These principles ensure mechanisms work to empower the rights of Aboriginal and Torres Strait Islander Peoples and have been used by communities across Australia to protect and promote their rights. For example, the [Maiam Nayri Wingara Indigenous Data Sovereignty Collective](#) works to engage Aboriginal and Torres Strait Islander Peoples in Indigenous Data Sovereignty work and advocacy, and the [Path to Treaty Bill 2023](#) into the Queensland Government is required to respond in accordance with the Declaration.

#### Guiding Questions:

1. What challenges or barriers are there to your community exercising their human rights? For example, experiences of racism, exclusion from decision-making, or other forms of discrimination.
  
2. What community-led solutions or other local initiatives/systems have helped support or recognise the rights of Aboriginal and Torres Strait Islander Peoples?

3. Do you apply the Declaration, for example the four principles outlined above, in your organisational, advocacy or community activities? If so, please provide an example/s.

4. How do you want the Social Justice Commissioner to engage with First Nations communities to support them in achieving their aspirations?

5. Special measures are positive measures for the benefit of a particular racial or ethnic group so that they can enjoy their rights equally with other groups. In your view, what type of issues should be addressed through special measures, and what process should be followed to ensure that these are beneficial to the groups concerned?

## 4. Rebuilding the Village

The Social Justice Commissioner is working towards transformational change for a future that is strengths-based, self-determining and sustainable for Aboriginal and Torres Strait Islander Peoples. Despite the ongoing impacts of colonisation, dispossession, institutional racism, disempowering interventions and systemic and structural inequality, Aboriginal and Torres Strait Islander Peoples continue to create innovative, community-led solutions that address the specific and intersectional needs of their own people.

June Oscar AO, the previous Social Justice Commissioner, spoke of the systematic dismantling of the social fabric of First Nations communities. Rebuilding the Village involves First Nations working together to lay a solid foundation that leverages the existing leadership and governance capability and enables a collaborative approach to rebuilding and reinforcing our cultural and social fabric.

A collective and coordinated approach, supported by key stakeholders and governments, is necessary to enable effective use of the international human rights framework to progress and realise Aboriginal and Torres Strait Islander rights, and the rights of Indigenous Peoples more broadly.

### Guiding Questions:

1. What conditions need to be created for you and your community's rights to be realised, and what mechanisms could be used to achieve this? Please reference any international or domestic models you believe to be effective?
2. How could the Social Justice Commissioner promote greater engagement across Australia for a reframed, respectful and reconciled relationship?



7. Do you have any experience of engagement with international human rights mechanisms or events relating to First Nations Peoples?
  - a. Did you face any challenges with this engagement?
  - b. How could the Social Justice Commissioner promote greater engagement with First Nations human rights involvement at a federal level?

## Final Comments

1. Did participation in this submission's process increase your knowledge and appreciation of human rights frameworks and principles?

Yes

No

Unsure

2. Do you Do you have any additional comments or feedback for the Aboriginal and Torres Strait Islander Social Justice Commissioner?

3. Do you have any feedback on this submission's process or any suggestions on how we could improve it? Please include any accessibility recommendations.

4. If you would like to receive communications from us about this project or other work of the Commission, please confirm that you consent to us contacting you using the contact information you have provided as part of this submission.

I consent to the Commission contacting me using the information I have provided as part of this submission. Please insert your email below.

I do not consent to the Commission contacting me using the information provided as part of this submission for communication about this project or other work of the Commission.

**Thank you for your contribution.**

Please save a copy of this submission to your device and email this file to:  
[informingtheagenda@humanrights.gov.au](mailto:informingtheagenda@humanrights.gov.au).