

Minority rights of Aboriginal and Torres Strait Islander peoples

NGO Coalition Fact Sheet 14 (LOIPRs 22-25)

Funding cuts to representative bodies and services (page 67)

In 2010, the National Congress of Australia's First Peoples (Congress) was established as a national representative body for Aboriginal and Torres Strait Islander peoples.

However, there are serious concerns that the Government is not adequately supporting and resourcing Congress.

The Government has not made any allocations to Congress in its annual budgets since elected in 2013. Funding for Aboriginal and Torres Strait Islander Services has been substantially reduced from \$2.4 billion in 2014 to \$860 million, with 55% of funding being allocated to non-Indigenous bodies.

Australia should

- **provide ongoing and sufficient funding and support for the National Congress of Australia's First Peoples in a way that acknowledges and respects decision-making by Aboriginal and Torres Strait Islander peoples, consistent with the Declaration on the Rights of Indigenous Peoples.**
- **provide increased and secured funding to Aboriginal community controlled organisations, and legal assistance services such as Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services.**

Northern Territory intervention /Stronger Futures legislation (pages 67-68)

In 2007, the Australian Government introduced the 'Northern Territory Emergency Response (NTER)', which included laws that specifically targeted Aboriginal and Torres Strait Islander communities, and suspended the operation of the Racial Discrimination Act 1975 (Cth).

The Stronger Futures laws, which replaced the NTER, contain alcohol restrictions, suspension of social security payments for parents whose children miss school and increased policing levels in prescribed communities. These laws disproportionately affect Aboriginal and Torres Strait Islander people.

Australia should

- **cease implementation of the Stronger Futures legislation, cease Income Management and return to community controlled voluntary financial management strategies that split fortnightly welfare entitlements into weekly payments, cease the leasing of Aboriginal lands and return to community management of remote Aboriginal communities.**
- **work collaboratively with Aboriginal and Torres Strait Islander peoples and their chosen representatives to ensure that policies and programs are effective and do not trespass on the rights and self-determination of Aboriginal and Torres Strait Islander peoples.**
- **work with Aboriginal and Torres Strait Islander peoples to implement the provisions of the Redfern Statement, which proposes a number of changes such as requesting the government to "establish a national Aboriginal and Torres Strait Islander representative body for education, employment and housing" and "commit to better engagement with Aboriginal and Torres Strait Islanders".**
- **commit to the implementation in Australia of the United Nations Declaration on the Rights of Indigenous Peoples.**

Native title (pages 68-69)

Under the Native Title Act 1993 (Cth), to claim native title (a form of land title that recognises Indigenous rights to land and waters), Aboriginal and Torres Strait Islander people have to prove a continuous connection to the land since colonisation, which is difficult to prove.

In 2015 the ALRC conducted a comprehensive review of the Native Title Act and in its final report made 30 recommendations for significant reform to the Native Title Act. These recommendations are yet to be enacted.

Indigenous Land Use Agreements (ILUAs) are voluntary agreements that allow native title groups to allow others to use native title land and waters. Recently, the Government changed the law to allow for ILUAs to remain valid without requiring the agreement of all registered owners.

Australia should:

- **enact the recommendations of the ALRC's *Connection to Country* report.**
- **ensure that the lands, territories and resources of Aboriginal and Torres Strait Islander peoples are returned in accordance with human rights standards for ownership and development.**
- **reverse the onus of proof for title to lands to require evidence that lands, territories and resources have been legitimately acquired from Aboriginal and Torres Strait Islander peoples.**
- **ensure that Aboriginal and Torres Strait Islander people are afforded control over lands and waterways where native title has been determined with the capacity to deny exploration and mining.**

Stolen generations and stolen wages (page 69)

Australia has failed to implement a national reparation scheme for members of the Stolen Generations (Aboriginal and Torres Strait Islander children who were forcibly removed from their families by the government between 1909-1969) and for the Stolen Wages (the wages of Indigenous workers whose paid labour was controlled by the Government) of many Aboriginal and Torres Strait Islander peoples.

Australia should:

- **establish a national reparations scheme, including compensation, for members of the Stolen Generations and implement all recommendations contained in the *Bringing Them Home* Report, especially in relation to current child removal practices.**
- **establish a national compensation scheme for people adversely affected by Stolen Wages policies.**
- **take urgent action to address contemporary forced removal of children from Aboriginal and Torres Strait Islander families.**