

Agenda item 6 Future work of the Permanent Forum, including issues considered the the Economic and Social Council and emerging issues

The New South Wales Aboriginal Land Council of Australia pays our respects to the Ancestors, Traditional Owners and Elders of the lands from which Members are participating from. We also acknowledge all Indigenous peoples and their lands across the globe.

We use this opportunity to address the future work of the Permanent Forum, including issues considered by the Economic and Social Council and emerging issues. This includes the ongoing issue of land rights and the return of lands to First Nations peoples, and the implications of climate change on our communities.

For Aboriginal and Torres Strait Islander peoples in Australia to be able to pursue our economic and social development, on our own terms, and in accordance with Article 25 to 32 and of the Declaration of the Rights of Indigenous Peoples, we need:

- Full rights and access over our own lands and waters
- to be fully compensated for our ongoing cultural loss and dispossession
- free, prior and informed consent about development decisions on our lands and waters.

The New South Wales Aboriginal Land Council recommends the Permanent Forum encourage States to:

- Work in partnership with First Nations Groups to improve land return processes for First Nations peoples. Governments must ensure outcomes reflect equal and genuine partnership arrangements with First Nations peoples.
- Provide secure financing for our First Nations People's organisations to engage in land rights processes and support education programs that will support understanding of land rights legislation and their operations.
- Consider and support First Nations led responses to the additional trauma experienced by First Nations Peoples from climate disasters, acknowledging disproportionate impacts of these disasters on First Nations communities and recognizing that it is our sacred sites, cultural heritage and Country that is being lost and impacting our identities.
- Acknowledge and strengthen the response to climate change at a national and state level. This includes acknowledging and engaging with First Nations land management practices, improving environmental surveillance, and intensify measures to reduce the impacts of deforestation and other extractive processes on Indigenous territories.

In Australia, after more than 230 years of colonial land dealings and many generations of Aboriginal activism, there has been limited recognition of some Indigenous land rights.

Aboriginal Land rights laws in the State of New South Wales established a mechanism to recover lands and compensation for our cultural loss and dispossession. Yet, this legislative framework continues to fail in its purpose to return lands to Aboriginal peoples in New South Wales.

There are now more than 38,000 undetermined land claims that cover approximately 1.12 million hectares of Crown land. The Government has not been meeting its statutory requirement to determine land claims, nor its obligation to do so within a reasonable time.

Based on current targets, it will take around 22 years for all existing land claims to be processed.

The intent of land rights legislation is being undermined by the under-resourcing of these land claim agencies. Delays in processing land claims and the number of undetermined land claims continues to perpetuate intergenerational dispossession.

The lack of progress by governments in delivering Aboriginal land rights outcomes to date emphasises the urgent need to do things differently, in partnership with Aboriginal community-controlled organisations.

Without fundamental access to lands, we are limited in our capacity for to realise our social, economic and cultural development aspirations. With climate change impacting the quality of life, and quantity and quality of land available, without access to our lands and the ability to practice traditional land management we as First Nations Peoples are also burdened with additional losses – it is our sacred sites, cultural heritage and Country that is being destroyed. This is a loss that is felt not only by our Traditional Owners, but our future generations. Our Country is our stories, it is who we are. We are not able to flourish as First Peoples and we continue to be treated as non-players in the economic, social, and ecological prosperity in our Country.

We encourage the Permanent Forum to consider these issues in its future work program.