

**United Nations Permanent Forum on Indigenous Issues**

**Fifteenth Session - New York**

**9-20 May 2016**

**Agenda Item 4 : Implementation of the Six Mandated Areas of the Permanent Forum  
with Reference to the United Nations Declaration on the Rights of  
Indigenous Peoples**

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**INTERVENTION DELIVERED BY CATHRYN EATOCK ON BEHALF OF THE ABORIGINAL RIGHTS  
COALITION-AUSTRALIA:**

Thank-you Chair, Honourable Forum Members and Distinguished Indigenous Brothers and Sisters.

Im Cathy Eatock, Im a Kairi and Butchulla woman and I speak on behalf of the Aboriginal Rights Coalition-Australia and as the elected NSW Director of the National Aboriginal and Torres Strait Islander Women's Alliance.

My recommendations first, are that the Forum undertake or commission relevant Indigenous Experts to undertake:

- 1) A progressive three-year study on State implementation of Self-Determination, as outlined in Article 3, 4 and 5 of the Declaration, seeking input from States and Indigenous Peoples, and incorporating annual progress reporting to the Forum with capacity to respond to issues raised.
- 2) That the Forum undertake a two-year study on Contemporary Dispossession of Indigenous Peoples with reference to article 8.1 and 8.2 b and c, and Articles 25-28, on how the United Nations may facilitate a process of mediation and adjudication between Indigenous Peoples and States in cases of egregious breaches of Indigenous human rights.

While we commend efforts by the Australian Government to Close the Gap in social and economic indicators for Aboriginal people and acknowledge the bi-partisan commitment to amend racist provisions in the Constitution, many Aboriginal people feel these efforts will be hollow and ineffective without a real commitment to policies of self-determination!

Despite signing the Declaration, the Government has retreated from commitments to self-determination through policies such as, the 2007 *Northern Territory Intervention*, which sent 600 soldiers into remote Aboriginal communities, removed Aboriginal community management, removed full access to social security payments and instigated compulsory leasing of Aboriginal lands, breaking up previous communal land title.

The racial profiling of this legislation required the suspension of the *Racial Discrimination Act*, though reintroduced in 2010, it continues to disproportionately impact Aboriginal people,<sup>1</sup> and is currently being extended, despite clear evidence that it doesn't work and it reduces capacity<sup>2,3</sup>

Aboriginal people have argued the \$1.5 billion spent up to 2012 establishing these policies, and \$147 million allocated annually, would have better outcomes if directed to Aboriginal services and programs, rather than bureaucracy and income management<sup>4</sup>.

Addressing Closing the Gap targets requires community decision making and adequate resources.<sup>5</sup> However, Aboriginal services have been slashed, in 2014 \$534 million was cut from Aboriginal programs. In 2015 the *Indigenous Advance Strategy* effectively mainstreamed Aboriginal services, reducing previous program funding from \$2.4 billion in 2014 to \$860 million, with 55% of these grants awarded to non-Indigenous organisations.<sup>6,7</sup>

While the 2016 the Budget announced cuts to Aboriginal Legal Services,<sup>8</sup> it failed to adequately fund Aboriginal Family Violence Legal Services and Aboriginal child and family support services, and Congress, the National representative body, remains unfunded. The Government has also cut funding for Aboriginal Peak organisations dedicated to Indigenous advocacy and previous grants to attend these UN forums were not offered in 2016.

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<sup>1</sup> Preist, Terry & Cox, Eva, *A Response to the Social Security and other legislative Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009*, Jumbunna Indigenous House of Learning, May 2010, p14.

<http://www.jumbunna.uts.edu.au/pdfs/research/ExtensionIncomeManagementResponse20MAY2011.pdf>

<sup>2</sup> The Conversation, (2015) *A \$147m Budget Saving Missed: Income Management Has Failed*, May 18, 2015, <https://theconversation.com/a-147m-budget-saving-missed-income-management-has-failed-41816>

<sup>3</sup> Cox, Eva & Behrendt, Larissa, (2015) University of Technology, *Submission to the Senate Finance and Public Administration Committee Senate Select Committee into Budget Cuts*, April 2015, p2  
[file:///C:/Users/Cathryn/Desktop/Downloads/Sub\\_22.pdf](file:///C:/Users/Cathryn/Desktop/Downloads/Sub_22.pdf)

<sup>4</sup> Ibid.

<sup>5</sup> Preist, Terry & Cox, Eva, *A Response to the Social Security and other legislative Amendment (Welfare Reform and Reinstatement of Racial Discrimination Act) Bill 2009*, Jumbunna Indigenous House of Learning, May 2010, p7.

<sup>7</sup> National Congress of Australia's Indigenous Peoples, (2015) *Submission to Submission to the Senate Standing Committees on Finance and Public Administration Inquiry into the Commonwealth Indigenous Advancement Strategy Tendering Processes*, June 2015, p18.

<sup>8</sup> Australian Bureau of Statistics, *Aboriginal and Torres Strait Islander Prisoner Characteristics Snapshot at 30 June 2015*.  
<http://www.abs.gov.au/ausstats/abs@.nsf/Lookup/by%20Subject/4517.0~2015~Main%20Features~Aboriginal%20and%20Torres%20Strait%20Islander%20prisoner%20characteristics~7>

Even more concerning, is the Western Australia State Government's announcement in September 2014, of the forced closure of up to 150 of the 274 remote Aboriginal communities, by cutting access to water and electricity to communities it considers economically unviable.

This threat is the result of attempts by the Federal Government to transfer responsibility to the State Government by June 2016, with the State Government refusing to fund Aboriginal communities beyond this date.

In March 2015, the then Prime Minister, Tony Abbott, further inflamed tensions by stating he wouldn't "*subsidise lifestyle choices of remote communities.*"<sup>9</sup> Yet Aboriginal people have lived on our traditional lands since the Dreaming times of creation and Western Australia's mining exports, taken from what was previously Aboriginal lands, totalled \$98 billion in 2012-13.<sup>10</sup>

The announcement instilled a deep fear among the 12,000 people living in remote communities. Only last week the Western Australian Premier, suggested remote Aboriginal communities are over-serviced and unsustainable and did not rule out government intervention, though he acknowledged it would be unpopular<sup>11</sup>.

Access to water is a fundamental human right and rights to traditional lands is a core right asserted in the Declaration! The well-being of our communities and rate of suicide is directly related to our communities' capacity for decision making! A focused study on Self-Determination and means to implement it, over consecutive years, may support governments, such as Australia, on ways to develop a true partnership approach with Indigenous Peoples.

Thank you Mr Chair.

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<sup>9</sup> <http://www.theguardian.com/australia-news/2015/mar/10/remote-communities-are-lifestyle-choices-says-tony-abbott>

<sup>10</sup> [https://www.treasury.wa.gov.au/uploadedFiles/\\_Treasury/Publications/2014\\_Structure\\_of\\_the\\_Economy.pdf](https://www.treasury.wa.gov.au/uploadedFiles/_Treasury/Publications/2014_Structure_of_the_Economy.pdf)

<sup>11</sup> Tom Rabe, (2016) WA Aboriginal communities 'over-serviced' in Northwest Telegraph - AAP on May 4, 2016, <http://www.northwesttelegraph.com.au/?31521016>