



Submission to the Senate Inquiry into the UN Declaration of the Rights of Indigenous People 2022

October 2022



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About UnitingCare Australia

UnitingCare Australia is the national body for the Uniting Church's community services network and is an agency of the Assembly of the Uniting Church in Australia.

We give voice to the Uniting Church's commitment to social justice through advocacy and by strengthening community service provision.

We are the largest network of social service providers in Australia, supporting 1.4 million people every year across urban, rural and remote communities.

We focus on articulating and meeting the needs of people at all stages of life and those that are most vulnerable.

UnitingCare Australia acknowledges the sovereign First Peoples of the lands and waters where we work in locations across the country. We pay our respects to their Elders past and present and to all their descendants who have cared for this place since creation.

UnitingCare Australia Submission

UnitingCare Australia welcomes the opportunity to contribute to the Senate inquiry on the United Nations Declaration of the Rights of Indigenous People (UNDRIP) conducted by the Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs.

This submission has been developed in collaboration with the Uniting Aboriginal and Islander Christian Congress (UAICC) and the Uniting Church. Our collaboration reflects the Church's Covenant with the UAICC which articulates its "desire to work in solidarity" towards "national policy changes" and "build relationships" that adhere to the UNDRIP.¹

We believe that Aboriginal and Torres Strait Islander Peoples (First Nations People), nurtured and sustained by God before colonisation, should be celebrated at the very heart of what it means to be Australian. We affirm the sovereignty of First Nations People and believe they should have a voice in the decision making of our country and live out their right to self-determination. As First and Second Nations People, we commit to walking together, creating socially just and culturally safe relationships, listening and learning from one another.²

The United Nations Declaration of Indigenous Peoples (UNDRIP) was adopted by the UN in 2007, and Australia signed on to it in 2009. The UNDRIP covers all areas of human rights in relation to Indigenous Peoples and can be summarised in four key principles:

- Self-Determination,
- Participation in decision making,
- Respect for and protection of culture, and
- Equality and non-discrimination.³

For the Australian government to fulfil its obligations to the UNDRIP we believe it needs to do three things:

1. Develop a national Action Plan to implement the UNDRIP into all new and existing national law, policy and practice in collaboration with First Nations Peoples to ensure compliance with the UNDRIP.
2. Fully implement the Uluru Statement from the Heart.
3. Adequately resource the initiatives that will underpin the success of actions 1 and 2, including Closing the Gap.

¹ Uniting Church, [Our Vision for a Just Australia](#) (2021)

² Uniting Church, [Our Vision for a Just Australia](#) (2021)

³ Australian Human Rights Commission, [UN Declaration on the Rights of Indigenous Peoples](#) (accessed 2022)

A National Action Plan

To date the Australian government has used the 2019 Closing the Gap Agreement (the Agreement) with the Coalition of Peaks as its policy platform to fulfil its obligations to the UNDRIP.^{4 5} However, a National Action Plan is needed to ensure that all new and existing law, policy and practice is compliant with the UNDRIP.

The Australian government endorsed the UNDRIP in 2009, however programs like the Cashless Debit Card (CDC) and all forms of compulsory income management (CIC) are examples of national policy implemented in breach of the UNDRIP. First Nations People were overly represented on the CDC, and we believe that all compulsory income management goes against the principles of the UNDRIP as the ability of participants to self-determine their own life choices are hindered.⁶

We are heartened to see the current governments success in abolishing the CDC in September 2022, and we are collaborating with the government to provide wrap around services to communities throughout the transition of participants off the CDC. However, the CDC is just one example of how existing government policy and programs were affected by non-compliance with the UNDRIP and a National Action Plan will ensure that all existing and future law, policy and practice will be compliant with the UNDRIP.

The Uluru Statement

The Uluru Statement from the Heart (the Uluru Statement) calls for three things: A voice to Parliament, a Treaty and truth telling. The Uluru Statement fully applies the four principles of the UNDRIP, and we commend the Labor Government for committing to the full implementation of the Uluru Statement.⁷ Since 2017 the UAICC and the Uniting Church in Australia (UCA) has supported the Uluru Statement.⁸ We advocate for the full implementation of the Uluru Statement for the following reasons:

- First Nations people and their culture need to be understood and celebrated by all people in Australia;
- First Nations People have given us the Uluru Statement as the basis for reconciliation;
- It calls for the acknowledgement of the sovereignty of First Nations People in Australia;
- It highlights the need for self-determination which gives First Nations People full control over decisions impacting their lives, communities, Country, and cultural sites;
- It seeks constitutional reforms and systemic changes that will significantly affect positive life outcomes for First Nations People; and
- It seeks recognition of Australia's true history and the ongoing impacts of trauma on First Nations, families, and communities.⁹

We look forward to collaborating with the government in delivering each element of the Uluru Statement as outlined in Prime Minister Albanese's speech at Garma this year committing them to commence with a Referendum on a Voice to Parliament in this term.¹⁰

⁴ Australian Government, [Closing the Gap](#) (accessed 2022)

⁵ Australian Human Rights Commission, [Implementing UNDRIP](#) (accessed 2022)

⁶ United Nations General Assembly, [United Nations Declaration on the Rights of Indigenous Peoples](#) (2007)

⁷ National Constitutional Convention, [Uluru Statement from the Heart](#) (2017)

⁸ Uniting Church, [Our Vision for a Just Australia](#) (2021)

⁹ Uniting Church, [Our Vision for a Just Australia](#) (2021)

¹⁰ Minister Albanese, [Address to Garma Festival](#) (2022)

Adequate Resourcing

The scale of historical failure against First Nations people means meeting our responsibilities under the UNDRIP in 2022 come with considerable funding obligations. It is essential the government meets these funding obligations in order to meet our human rights responsibilities.

One example of the arising need for robust funding comes from the abolition of the CDC and all forms of CIC. Following the transition phase, the government will need to partner with First Nations communities to develop long term solutions to address the underlying causes of financial mismanagement experienced by participants. We believe that resourcing community led solutions is essential to address the underlying systemic issues that have plagued these communities such as inadequate housing, lack of education, meaningful employment opportunities, health and wellbeing and economic and social participation.

In conclusion we believe that the government will fulfil its obligations to the UNDRIP through the implementation of three initiatives: the development of a National Action Plan to ensure that all law, policy and practice which affects First Nations People will comply with the UNDRIP, the full implementation of the Uluru Statement from the Heart and adequate resources to achieve these initiatives. The implementation of these initiatives provides an opportunity for the government to partner equally with First Nations People and write a new chapter of truth telling, that will respect and honour Aboriginal and Torres Strait Islander peoples as the First Australians and achieve long term sustainable outcomes for them.