

UN Declaration on the Rights of Indigenous Peoples Submission

I thank the committee for allowing submissions into this matter.

The stain left on Australia on September the 13th 2007 by the Howard government is one that will forever tarnish Australia. Just four countries blocked the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) from being legally binding and Australia was one of them. Those four countries contain just 5% of the worlds indigenous populations but their greed has devastated the world. The Brazilian rainforests would no longer be destroyed except for the greed of Australia, Canada, New Zealand, and United States.

This was then later made even worse when Prime Minister Kevin Rudd, formally endorsed the declaration, while introducing no laws into Australia that make it legally binding. This showed how little the words of both sides of parliament meant.

Term of Reference iii.

“How implementation of the Uluru Statement from the Heart can support the application of the UNDRIP?”

It cannot.

Article 4 of the United Nations Declaration on the Rights of Indigenous Peoples states

“Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions.”

Article 18 states

“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions.”

The Uluru statement from the heart is the result of the Expert Panel appointed by the 2011 Australian government, the Parliamentary Joint Select Committee that completed its work in 2015 and in 2016, the Australian Government and the Opposition came together to appoint a 16-member Referendum Council to consult widely throughout Australia and take the next steps towards achieving constitutional recognition of the First Australians.

The Referendum council consisted of

- Pat Anderson
- Mark Leibler
- Megan Davis
- Andrew Demetriou
- Natasha Stott Despoja
- Murray Gleeson
- Tanya Hosch
- Kristina Keneally
- Jane McAloon
- Noel Pearson
- Michael Rose
- Amanda Vanstone
- Dalassa Yorkston
- Galarrwuy Yunupingu

This committee held a series of meetings of Indigenous Australians of invitations that were by invitation only.

These meetings the land councils were given a number of people they were allowed to attend each meeting. The Land Councils of course represent a very small percentage of Aboriginal people.

These are the people who decided on The Uluru Statement from the Heart. Not the Aboriginal people of their own free will, but by government selected members, directed from a government appointed council, without either the traditional (Elders) use or the use of a democratic process.

The team as listed under The Uluru Statement from the Heart are as follows

- Pat Anderson AO
- Co-Chair, Alyawarre
- Professor Megan Davis

- Co-Chair, Cobble Cobble
- Professor Gabrielle Appleby
- Associate Professor Sean Brennan
- Emma Buxton-Namisnyk
- Bridget Cama Wiradjuri
- Allira Davis Cobble Cobble
- Nolan Hunter Bardi
- Dr Dani Larkin Bundjalung
- Dr Dylan Lino
- Delilah MacGillivray Kalkutungu
- Emma Maple-Brown
- Sally Scales Pitjantjatjara
- Geoff Scott Wiradjuri
- Eddie Synot Wemba Wemba

Now there is a reason why the Prime Minister does not want to discuss the models for the voice before a vote is simple.

The recommended model for the voice as stated in the Indigenous Voice Co-design Process Final Report to the Australian Government July 2021 is non-democratic. The report goes so far as to discredit the idea of democratic elections by Aboriginal people. This will allow only “Government Approved” people to sit on the voice.

It even states “Of the 2 options presented in the Interim Report, the National Co-design Group held a strong view that Core Model 1 better satisfied the requirements for simplicity and flexibility as well as the empowerment of Aboriginal and Torres Strait Islander people to choose their National Voice members in ways determined by them. The feedback received during the consultation solidified the National Co-design Group’s strong consensus that the benefits of Core Model 1 outweigh those of Core Model 2.”

However, all this will mean is the same as the selection process of those allowed to speak at the meetings held by the Referendum council. They will be those members who support the Australian government and already control the Land Councils and other Aboriginal organisations. The reason the Western World moved to, and praise democracy is because it creates an open, transparent process that reduces the ability of corruption. Which is why it is not being used.

Now it has just been announced that the federal government has appointed a group of 20 to shape the voice in parliament before the referendum. Again, not people chosen by the Australian Indigenous people but chosen by the government to speak for Indigenous Peoples.

This group consisting of:

- Pat Turner, NACCHO chief executive
- Ken Wyatt, former Indigenous Australians Minister
- Tom Calma, Reconciliation Australia co-chair.
- Megan Davis, Uluru Dialogue co-chair.
- June Oscar, Aboriginal and Torres Strait Islander Social Justice Commissioner
- Noel Pearson, Cape York Institute founder
- Marcia Langton, Indigenous Voice Co-design co-chair
- Dale Aduis, South Australian First Nations Voice commissioner
- Pat Anderson, Uluru Dialogue co-chair
- Geraldine Atkinson, First People's Assembly of Victoria co-chair
- Marcus Stewart, First People's Assembly of Victoria co-chair
- Larissa Behrendt, UTS Director of Research
- Rodney Dillon, Tasmanian Regional Aboriginal Community Alliance Rodney Dillon
- Graeme Gardner, Tasmanian Aboriginal Centre chairman
- Sean Gordon, Gingee Group managing director
- Jackie Huggins, Queensland Treaty Advancement Committee
- Thomas Mayor, From The Heart representative
- Dean Parkin, From The Heart representative.
- Sally Scales, APY artist
- Napau Pedro Stephen, Torres Strait Regional Authority chairman.
- Peter Yu, ANU vice president

This really has become disgusting and a complete refusal to implement even the spirit of the UNDRIP.

This leads to the point of the voice.

The whole point of the voice is NOT to represent the Australian Indigenous population in Parliament but to have a government-controlled mouthpiece that will agree with laws and treaty proposals made by the Australian government to the detriment of the Indigenous people.

Just like the recent Noongar land theft, where the Land council, refused to allow the AEC to be involved and so out of around 40,000 Adult Noongar people, there were 1578 votes, from 6 authorised meetings. There was nothing stopping anyone from attending all 6 meetings and voting 6 times if you could show a connection to country. There were 926 accepted 'yes' votes and 652 accepted 'no' votes. It is estimated that the total number of people voting was somewhere between 300 and 500 people in total for all 6 meetings.

Then when this was stopped using the courts and the law, the Australian federal government changed the law, retroactively to ensure the theft occurred.

This is the purpose of the voice to silence Aboriginal people and replace them with government approved mouth pieces.

At this point I will restate Article 4 and Article 18

"Indigenous peoples, in exercising their right to self-determination, have the right to autonomy or self-government in matters relating to their internal and local affairs, as well as ways and means for financing their autonomous functions."

"Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision-making institutions."

Now having the government create a group, select those who can appoint people to speak and then with no democratic process decide to create a voice, is NOT "the right to autonomy or self-government in matters relating to their internal and local affairs". Every time Aboriginal people have strived towards self-determination, be it ATSIS or the First Nations peoples congress, the Australian Federal Government has used any excuse to destroy it and are now attempting to use a government created body to ensure they can get a rubber stamp no matter what they do. Also representatives chosen by the groups chosen by the government is not allowing "Indigenous peoples have the right to participate in decision-making in matters"

This is the same rubbish that has occurred for hundreds of years in Australia, where the European government tells the Indigenous people it knows best and then a few decades down the track wonders why it did not work.

In conclusion there is no ability for a government created voice and the UNDRIP to co-exist.

If you actually want a voice in parliament, then it needs to be set up and instituted by the Aboriginal people, preferably by democratic elections. While Elders are an important back bone of Aboriginal culture, it is frankly barbaric to demand that Aboriginal people be stuck in the past when Europe went from Monarchs to democracy in the same time period.

The fact Term of Reference iii, even exists shows either a lacking in the understanding of how the government created the Uluru statement of the heart or a lack of understanding of the UNDRIP.

It is also very telling that in the lead up to the same sex marriage plebiscite the government funded both sides of the argument but in this the government will not fund the Indigenous People at the same level or any level as the pro-voice side.

This is one of the worst set backs in Indigenous Rights in Australia in the last 100 years.