

## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Implementation of Free, Prior and informed consent

**Question reference number:** 0001

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

**Number of pages:** 1

#### **Question:**

In NIAA's submission, it is stated that since Australia endorsed the UNDRIP in 2009 you have implemented its principles in your programs, policies and engagement. Can you outline how your department is, in particular, implementing the Free, Prior and Informed Consent?

#### **Answer:**

- The National Indigenous Australians Agency (NIAA) was established in 2019. In the NIAA submission it noted that since the Australian Government endorsed UNDRIP in 2009, the Australian government has adopted the principles of UNDRIP in its programs and policies and in its approach to engagement and collaboration.
- Free, Prior and Informed Consent is a concept, outlined in the UNDRIP. The scope and content of FPIC is not defined in the UNDRIP, nor settled at international law, and is still subject to debate in international fora. However, the NIAA continues to engage and work in partnership with Aboriginal and Torres Strait Islander peoples on a range of issues, recognising their self-determination and in a way that is meaningful.
- The approach to the National Agreement on Closing the Gap prioritises partnership and shared decision making. This provides a practical and effective example of the principles of UNDRIP in action.

## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Australia's adherence to UNDRIP

**Question reference number:** 0002

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

**Number of pages:** 1

#### **Question:**

How much you think Australia is currently adhering to the UNDRIP and which of the principles are not implemented or challenging to implement?

#### **Answer:**

- The Australian Government supports the principles underlying the UNDRIP, which it recognises as an expression by the international community of respect for the dignity of Indigenous peoples.
- The United Nations views the UNDRIP as a set of principles to aspire towards, with nations encouraged to work towards the progressive realisation of these rights. The Australian Government views the matters set out in UNDRIP as principles to aspire to.
- The National Indigenous Australians Agency continues to work in line with the principles of UNDRIP, giving practical effect to these through its programs and policies.

## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Australia's Implementation of UNDRIP compared to international counterparts

**Question reference number:** 0003

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

**Number of pages:** 2

#### **Question:**

How advanced is Australia in implementing the UNDRIP domestically as compared to our international counterparts?

#### **Answer:**

- The Australian Government supports the principles underlying the UNDRIP, which it recognises as an expression by the international community of respect for the dignity of Indigenous peoples.
- The United Nations views the UNDRIP as a set of principles to aspire towards, with nations encouraged to work towards the progressive realisation of these rights. The Australian Government views the matters set out in UNDRIP as principles to aspire to.
- The National Indigenous Australians Agency works to align, and give practical effect to the principles of UNDRIP, through a considered network of programs and policies. In particular, work undertaken against the four priority reforms of the National Agreement for Closing the Gap demonstrate this. The Government's commitment to deliver the Uluru Statement from the Heart and as a priority committing to holding a referendum to enshrine an Aboriginal and Torres Strait Islander Voice (the Voice) in the Australian Constitution, also shows the prioritisation of key UNDRIP principles of self-determination, participation in decision-making, respect for and protection of culture, equality and non-discrimination.
- We note the implementation of UNDRIP for our key international partners, such as New Zealand and Canada, are not easily compared to Australia. The challenges and opportunities faced by other countries are not the same as Australia.

- Each country has a discrete historical context and distinct compositions of their Indigenous population. These need to be considered when undertaking a consultative process to consider how to most effectively implement programs and policies in line with UNDRIP.
- Both Canada and New Zealand are currently in the early stages of the consultative processes with their Indigenous populations on the establishment of plans.

## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Implementing – UNDRIP affect on Australia’s international standing

**Question reference number:** 0004

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

**Number of pages:** 1

#### **Question:**

Can you tell us how you think implementing the UNDRIP would affect Australia’s international standing?

#### **Answer:**

- The Australian Government supports the principles underlying the UNDRIP, which it recognises as an expression by the international community of respect for the dignity of Indigenous peoples.
- The United Nations views the UNDRIP as a set of principles to aspire towards, with nations encouraged to work towards the progressive realisation of these rights. The Australian Government views the matters set out in UNDRIP as principles to aspire to.
- As the UNDRIP is principles based and not a particular binding instrument, it would be speculative to assess its effect on international standing. Quantifying the impact of Australia’s international standing would be contingent on a range of factors. This could include the views each individual country holds on Australia, their views on the UNDRIP principles themselves, in addition to how that country views their own Indigenous populations.
- The National Indigenous Australians Agency continues to work in line with the principles of UNDRIP.

## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** DFAT Partnership – Office of First Nations Engagement and Ambassador role

**Question reference number:** 0005

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

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#### **Question:**

Can you tell us how you have been working in partnership with DFAT on the creation of the Office of First Nations Engagement and the new Ambassador role?

#### **Answer:**

- The National Indigenous Australians Agency (NIAA) has been providing specific content knowledge advice relating to the establishment and operations of the Office of the First Nations Engage and the new Ambassador role.
- The NIAA assisted the Department of Foreign Affairs and Trade in the dissemination of information regarding the Ambassador role.

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### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Ambassador Role and Commitments under UNDRIP

**Question reference number:** 0006

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

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#### **Question:**

How is the role of the Ambassador for First Nations People linked to Australia's commitments under UNDRIP?

#### **Answer:**

The creation of the Office of First Nations Engagement and the new Ambassador role are the responsibility of the Department of Foreign Affairs and Trade.

## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Lessons Learnt – Engagement with Canada and NZ

**Question reference number:** 0007

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

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#### **Question:**

What have you learned from engaging with Canada and New Zealand about implementing the UNDRIP?

#### **Answer:**

- As outlined in the National Indigenous Australians Agency's (NIAA) submission and at the NIAA's appearance at the UNDRIP hearing, the NIAA notes that the opportunities and challenges being faced by Canada and New Zealand are different to those in Australia.
- The United Nations views the UNDRIP as a set of principles to aspire towards, with nations encouraged to work towards the progressive realisation of these rights. The Australian Government views the matters set out in UNDRIP as principles to aspire to.



## **Joint Standing Committee on Aboriginal and Torres Strait Islander Affairs**

### **ANSWERS TO QUESTIONS ON NOTICE**

#### **Inquiry into the UN declaration of Rights of Indigenous People**

**Department/Agency:** National Indigenous Australians Agency

**Topic:** Challenges if UNDRIP enacted

**Question reference number:** 0008

**Type of question:** Written

**Date set by the committee for the return of answer:** Wednesday 2 November 2022

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#### **Question:**

Can you tell me what might be some challenges your department might encounter if the UNDRIP was enacted?

#### **Answer:**

- The UNDRIP was endorsed by the Australian Government in 2009.
- The Australian Government supports the principles underlying the UNDRIP, which it recognises as an expression by the international community of respect for the dignity of Indigenous peoples.
- The United Nations views the UNDRIP as a set of principles to aspire towards, with nations encouraged to work towards the progressive realisation of these rights. The Australian Government views the matters set out in UNDRIP as principles to aspire to.
- The National Indigenous Australians Agency continues to work in line with the principles of UNDRIP.