



24 June 2022

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
By email: legcon.sen@aph.gov.au

Dear Colleagues,

Committee Inquiry into the Application of the United Nations Declaration on the Rights of Indigenous Peoples in Australia

We would like to express our sincere congratulations and appreciation to Senator Lidia Thorpe and to all parliamentarians who brought about the current inquiry.

Darwin Community Legal Service is a non-profit legal service, with a staff of about 30 and over 60 volunteers - which is a resource for all in the Northern Territory.

Our focus includes housing and homelessness, seniors and disability rights, social security, credit and debt, consumer, discrimination, employment law, National Disability Insurance Scheme and adult guardianship. We are in contact with other non-profit legal services in NT and involved in many networks and reform efforts. We have provided input for a number of submissions to the current inquiry.

The story of how Indigenous peoples in Australia eventually changed the character of the Australian settler-colonial state to embrace the Declaration on the Rights of Indigenous Peoples - and to respect, protect and fulfil these rights – is one that will hopefully be told and retold by future generations of Indigenous and non-Indigenous Australians as part of our shared history.

The subordination of Indigenous peoples has involved virtually the entire apparatus of the state including its moral precepts, resources, and executive actions.

It has also involved the enculturation of generations of non-Indigenous Australians to adopt attitudes of superiority and profound insolence and insensitivity towards Indigenous peoples. This enculturation, which has often dominated non-Indigenous perspectives and reasoning, has also been self-validating.

We endorse the North Australian Aboriginal Justice Agency ('NAAJA') submission (submission no 47) in relation to the NT.

We support NAAJA's call for a National Plan for the implementation of the Declaration on the Rights of Indigenous Peoples ('UNDRIP') across all levels of government and all jurisdictions is required, with mechanisms to ensure 'all policies, laws and practices are scrutinised for compliance with UNDRIP'.

The lack of effective scrutiny is highly counterproductive and destructive. Much needed resources are wasted; opportunities are missed, and accountability isn't achieved.

UNDRIP provides a wide-ranging expression of rights and responsibilities, to guide and support progress.

Every Article is generative for dialogue and progress. For example:

ARTICLE 21

1. Indigenous peoples have the right, without discrimination, to the improvement of their economic and social conditions, including, inter alia, in the areas of education, employment, vocational training and retraining, housing, sanitation, health and social security.

2. States shall take effective measures and, where appropriate, special measures to ensure continuing improvement of their economic and social conditions. Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities.

Many situations where UNDRIP standards are not met involve a labyrinth of systemic blockages, refusals, and denials. For example, it speaks volumes that there is no funding model for the NT to ensure access by Aboriginal people to legal help in any of the areas referred to in Article 21(1). Taking just two of those rights, namely housing and social security - where there are profound issues for a high proportion of Aboriginal people in the NT - there are no funding models for access by Aboriginal people to legal help regarding:

- accommodation, renting, housing or homelessness, or
- social security

and no identified funding in the NT for this.

The layers of purported justifications for this don't pass the UNDRIP test.

We look forward to how the Committee's work will help contribute to the major period of rapid, positive, change which now appears to be solidly underway.

Regards,

Rachael Bowker
Executive Director

Judy Harrison
Principal Solicitor (Acting)