Greens NSW

Aboriginal and Torres Strait Island Peoples Policy

Revised December 2014

Principles

The Greens NSW believe:

1. Aboriginal peoples are the traditional custodians of the land now known as New South Wales, and that they have a unique cultural and spiritual relationship with this country;

2. New South Wales was invaded and Aboriginal peoples have never ceded sovereignty, ownership or control of their land and waters;

3. In the constitutional recognition of Aboriginal and Torres Strait Island peoples' inherent rights and status as the traditional custodians of Australia;

4. the right of Aboriginal and Torres Strait Island peoples to self-determination must be supported and actively implemented;

5. Aboriginal and Torres Strait Island people should enjoy the same life expectancy and access to health, education, training, housing, community infrastructure and policing as other Australians, and that the current 'gap' in life expectancy is unacceptable;

6. Where Aboriginal and Torres Strait Island people have been dispossessed of their lands they have a right to redress, including measures that assist them to acquire, own and manage land in a way that enhances their social, emotional, cultural, economic and environmental well-being and self-determination;

7. Aboriginal and Torres Strait Island heritage sites and objects must be protected, and all items of Aboriginal and Torres Strait Island heritage should be

returned to their rightful owners and custodians;

8. Aboriginal and Torres Strait Island peoples have the right to retain and benefit from the cultural, intellectual property and heritage rights invested in their traditional knowledge;

9. Aboriginal and Torres Strait Island communities must have control over decisions that affect their wellbeing, which can only be achieved with adequate funding accompanied by appropriately negotiated spending and investment guidelines and accountability procedures;

1. 10. The principles of the United Nations Declaration on the Rights of Indigenous People should be reflected in Australian laws that affect Aboriginal and Torres Strait Island people; and that all laws must be consistent with the provisions of the *Racial Discrimination Act 1975* and Australia's international human rights obligations, including under the International Convention on the Elimination of All Forms of Racial Discrimination;

11. In the development of framework agreements to facilitate treaties and other formal agreements that recognise the inherent rights of Aboriginal and Torres Strait Island peoples in New South Wales;

12. Governments must recognise the continuing impact of the unjust treatment of Aboriginal and Torres Strait Island peoples and make reparations to the Stolen Generations;

13. A Truth and Reconciliation Museum should be established on the site of the first colony in Sydney, which would serve to educate both local people and visitors about Aboriginal culture and history, the impact of British colonisation on that culture, and inspire Australians to understand the need for respect and reconciliation;

14. In encouraging and welcoming Aboriginal and Torres Strait Island people as members and representatives of The Greens NSW.

Aims

The Greens NSW will:

15. Support amendments to the Australian Constitution to recognise the original

and ongoing occupation of Australia by Aboriginal and Torres Strait Island peoples and their rights as Australia's indigenous peoples, and to remove racial discrimination from the Constitution;

16. Work towards ensuring that all Aboriginal and Torres Strait Island people have equitable and appropriate access to essential government services such as health, education, training, housing, community infrastructure, welfare and policing within a framework that acknowledges the different aspirations of Aboriginal and Torres Strait Island communities;

17. Strongly advocate that policies and programs affecting Aboriginal and Torres Strait Island peoples must:

a. be developed in consultation with Aboriginal and Torres Strait Island communities and based on appropriate and effective research;

b. deliver culturally appropriate services and resources for Aboriginal and Torres Strait Island people and communities that respect each community's priorities;

c. be consistent with the provisions of the Racial Discrimination Act 1975 and Australia's international human rights obligations, including under the International Convention on the Elimination of All Forms of Racial Discrimination; and

d. support skills, leadership and capacity development among members of Aboriginal and Torres Strait Island communities who wish to work in, manage or run community services and/or serve on representative bodies;

18. Support the security of funding for successful community-based and culturally appropriate programs administered by, and for, Aboriginal and Torres Strait Island communities.

Health, Community Services, Education, Housing and Employment

The Greens NSW will:

19. Increase resources in both community-controlled health and general support services and mainstream services and train more Aboriginal and Torres Strait Island

health and community workers and health professionals;

20. Make Aboriginal and Torres Strait Island children's health a major priority, with a focus on community-controlled health services, and additional community-based child-care services;

21. Support Aboriginal and Torres Strait Island community initiatives and networks to address family violence and abuse, resource specialist Aboriginal Women's Legal Services, establish safe houses in communities and support initiatives to reduce substance abuse;

22. Establish and fund early childhood education and care programs in schools with significant Aboriginal and Torres Strait Island student populations;

23. Ensure that the NSW Government implements Aboriginal Education and Training policy and programs that are especially targeted to the improvement of outcomes for Aboriginal children from pre-school through to tertiary education;

24. Make Aboriginal and Torres Strait Island Education Studies a significant mandatory component of all Teacher Education and Training courses;

25. Increase support for the development of Aboriginal and Torres Strait Island peoples' culture, languages, customs and history curricula to be taught in all schools and the community;

26. Support policies and funding to increase Aboriginal and Torres Strait Island programs in educational and cultural institutions including schools, museums, libraries and art galleries;

27. Support policies and funding in relation to the protection and revitalisation of Aboriginal languages in New South Wales, including the establishment of language programs and centres;

28. Adequately fund Aboriginal and Torres Strait Island housing plans to address unmet need, with a focus on appropriate housing and a component for providing training and resources for ongoing maintenance;

29. Oppose the requirement that Aboriginal people hand over control of their lands, including through lease-back arrangements, in exchange for basic services and funding, including housing funding;

30. Resource youth programs essential in Aboriginal and Torres Strait Island communities;

31. Ensure there is effective, non-discriminatory policing in all Aboriginal and Torres Strait Island communities, including in remote communities the infrastructure to enable a live-in police presence, and ongoing funding for successful community night-patrol programs;

32. Require all police to undertake cultural awareness training , with priority being given to those working in Aboriginal and Torres Strait Island communities;

33. Promote reforms and programs to ensure that the NSW justice system and NSW Government agencies incorporate cultural awareness and best cultural practice relating to Aboriginal and Torres Strait Island peoples, including implementing the recommendations of the Standing Committee on Law and Justice's Inquiry into Family Response to the Murders in Bowraville.

34. Support necessary legislative changes and priority funding of successful programs that:

a. provide community-based alternatives to incarceration as sentencing options where appropriate; and

b. assist with integrating Aboriginal and Torres Strait Island people back into the community after release from custody;

35. Implement, with full participation by Aboriginal and Torres Strait Island people, the outstanding recommendations of the Royal Commission into Black Deaths in Custody (1991), the National Inquiry into the Separation of Aboriginal and Torres Strait Island Children from their Families (1997), Breaking the Silence: Creating the Future Report (2006), and the Bringing Them Home Report (as relevant to NSW);

36. Support the NSW Government's implementing the relevant recommendations in the above Reports to reduce Aboriginal suicide and over-representation of Aboriginals in custody;

37. Support justice diversion, reinvestment and customary sentencing programs as alternative approaches to the criminal justice system to address the over-representation of Aboriginal youth and adults in custody and to empower communities and build community capacity to respond to crime and disadvantage;

38. Provide recurrent resources for opportunities for Aboriginal and Torres Strait Island peoples' employment and enterprise development in remote, rural and urban communities, based on support for currently successful initiatives as well as taking into account relevant studies;

39. Establish employment targets for Aboriginal and Torres Strait Island peoples in all government sector organisations, including local government, and encourage private sector employers to adopt targets and initiatives for increasing the employment of Aboriginal and Torres Strait Island peoples;

40. Support the implementation of comprehensive training programs and funding to assist Aboriginal and Torres Strait Island people to develop, operate, market and maintain economic projects in tourism, arts and other key sectors;

41. Oppose the involuntary quarantining of welfare payments of Aboriginal and Torres Strait Island people especially when used as a tool for behavioural change;

42. Ensure that all programs and services in Aboriginal and Torres Strait Island communities employ qualified people, nominated by such communities where possible, and provide training and capacity development for community members;

43. Require NSW government agencies to adopt strategies resulting in a substantial increase in meaningful participation in service delivery by Aboriginal and Torres Strait Island people;

44. Ensure adequately resourced and culturally appropriate legal services are specifically available to assist Aboriginal and Torres Strait Island people in making claims for land and heritage rights and/or responding to other legal disputes.

Land and Cultural Rights

The Greens NSW will:

45. Lobby for amendments that have the support of Aboriginal and Torres Strait Island peoples to the Native Title Act 1993 and complementary NSW legislation and:

a. Make such legislation consistent with international law;

b. Give effect to the recommendations of the United Nations Committee on the Elimination of Racial Discrimination;

c. Give effect to the United Nations Declaration of the Rights of Indigenous Peoples;

d. Give effect to recommendations of the United Nations Commission on Human Rights;

46. Support amendments to the Aboriginal Land Rights Act (NSW) 1983 to:

a. Prevent the disposal of land of spiritual or cultural significance unless supported by the Local Aboriginal Land Council and those with traditional connection with that land;

b. Assist with programs that further improve the effective governance of Aboriginal Land Councils;

c. Ensure the NSW Government actively considers all land claims lodged under the NSW Aboriginal Land Rights Act 1983 and pursues a policy of negotiation to seek fair and just outcomes;

d. Ensure the NSW Government acts ethically when contesting claims to land under the Aboriginal Land Rights Act and actively assumes the role of a 'model litigant';

e. Provide resources and funding to implement the Register of Aboriginal Owners across the whole of New South Wales;

47. Actively involve Aboriginal and Torres Strait Island peoples in the development and implementation of climate change adaption and mitigation strategies and programs;

48. Support adequate resources for Aboriginal and Torres Strait Island organisations to manage the impacts of climate change on Aboriginal and Torres Strait Island lands and communities;

49. Seek to amend environmental planning and heritage law and policy so that:

a. Aboriginal people make the determination as to what is a cultural heritage site and object in need of protection; and

b. Aboriginal people are recognised as the primary determinants of their culture and heritage who must provide explicit and non-coerced consent for damage to or destruction of places and objects of cultural significance; and

c. All items of Aboriginal and/or Torres Strait Island cultural heritage are returned to their rightful owners and custodians;

d. The destruction of cultural heritage sites and objects is recognised, through the determination of a court, as a last resort;

50. Assist Aboriginal and Torres Strait Island peoples to retain and or reclaim their cultural heritage, including language, items of cultural heritage, sites of cultural significance, traditional ecological knowledge and access to, and use of traditional fisheries and other natural resources in line with cultural practice;

51. Call for the implementation of the NSW Indigenous Fishing Strategy, and, if appropriate, amend this strategy in light of ongoing consultations with Aboriginal and Torres Strait Island peoples;

52. Support increasing issuance of Aboriginal cultural and economic water licences under both Water Sharing Plans and Macro Water Plans for the realisation of cultural water rights;

53. Ensure that the NSW Government actively pursues the formal handover and leaseback of adequately funded national parks and other reserve lands across New South Wales to Aboriginal people/owners.

Reparations and Reconciliation

The Greens NSW will:

54. Support Reconciliation initiatives including implementation of the recommendations of Australian Declaration Towards Reconciliation and the Roadmap for Reconciliation presented to the Prime Minister in 2000 by the Council for Aboriginal Reconciliation;

55. Advocate and advance the establishment of a state-based reparations process, in the absence of a Commonwealth scheme, to compensate for harms suffered by Aboriginal and Torres Strait Island peoples as a result of the policy of removing Aboriginal children from their families and cultures (the Stolen Generations) and support programs that help Stolen Generations to reconnect with country and family;

56. Advocate for the full repayment of wages withheld from Aboriginal and Torres Strait Island people by the Aborigines Protection Board and the Aborigines Welfare Board between 1900 and 1969 and any other ‘stolen wages’;

57. Establish an annual NSW Premier’s report that identifies the progress of measures to improve the rights and wellbeing of Aboriginal and Torres Strait Island peoples and to eliminate the disparity in health and wellbeing outcomes between Aboriginal and non-Aboriginal people in NSW, including a review of the information relating to New South Wales provided by the national Closing the Gap Report.