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17-28 April, 2023



United Nations Permanent Forum on the Rights of Indigenous Peoples

Item 6: Future work of the Permanent Forum, including issues considered by the Economic and Social Council, the outcome document of the World Conference on Indigenous Peoples and emerging issues

INTERVENTION by the New South Wales Aboriginal Land Council, delivered by Councillor Anne Dennis for the New South Wales Aboriginal Land Council, Councillor for the North Western region, member of the Gamilaraay Nation.

Thank you Chair,

We pay our respects to the Elders and Ancestors, past and present, and extend our appreciation to Indigenous experts and participants at this session.

For Aboriginal and Torres Strait Islander peoples in Australia to be able to pursue our economic and social development in accordance with Article 25 to 32 and of the Declaration of the Rights, the New South Wales Aboriginal Land Council calls on the Australian and NSW Government as well as member states to:

- Accelerate the return of lands as priority, and work in partnership with First Nations groups to improve land return processes for First Nations peoples. Governments must ensure outcomes reflect equal and genuine partnership arrangements with First Nations peoples.
- Support the activation of viable lands to achieve economic, social and cultural outcomes,
- Resource and have confidence in First Nations community-led organisations as primary land management authorities to protect and promote our culture and heritage, and
- Increase, sustain, and better target investment into First Nations communities and organisations.

The future work of the United Nations must focus on the significance of access to lands as a vehicle to realise our social, economic, and cultural development aspirations. It is unacceptable that we are not able to flourish as First Peoples as we continue to be treated as non-players in the economic and social prosperity in our Country.

In Australia, after more than 230 years of colonial land dealings and many generations of Aboriginal activism, it is incomprehensible that there has been limited recognition of our land rights.

Aboriginal Land rights laws in the State of New South Wales established a mechanism to recover lands and compensation for our cultural loss and dispossession. However successive audits and reviews¹ have shown that government continues to fail in delivering appropriate land outcomes to Aboriginal people. Multiple reviews have signalled the need for significant change, and for government to work with Aboriginal peoples to deliver Aboriginal land rights outcomes.

The Government has failed to meet its statutory requirement to determine land claims, and its obligation to do so within a reasonable time. There are now more than 39,000 undetermined land claims. Based on current targets, it will take around 22 years for all existing land claims to be processed.

In addition to the timely resolution of land claims, NSWALC calls on the government to make strategic investments into the Aboriginal Land Rights network as the primary land management authority for NSW, and the transfer of all 'public' lands to Aboriginal Land Councils.

The statutory fund of the NSW Aboriginal Land Rights network was designed as a form of compensation for the dispossession of our peoples lands. It was to be used to acquire lands that could not be claimed. However, the initial compensation has not been sufficient to achieve this, in addition to delivering community outcomes and resourcing of the day-to-day operations of the Network. NSWALC calls on all Australian governments to reinstate the compensation of the statutory

¹ See for example, Auditor General reports since 2007, and the Land Negotiation Program review report



fund, as a means of ensuring ongoing compensation and support of our communities. Without this type of investment, Australia will continue to perpetuate intergenerational dispossession.

The lack of progress by governments in delivering Aboriginal land rights outcomes emphasises the urgent need for change in partnership with Aboriginal community-controlled organisations. We encourage the Permanent Forum to consider these issues in its future work program.