OPENING STATEMENT

Councillor Anne Dennis AO

New South Wales Aboriginal Land Council

Interactive Dialogue with the United Nations Special Rapporteur on the Rights of Indigenous Peoples, Dr Albert Barume

12 November 2026

National Centre of Indigenous Excellence, Redfern

Good afternoon, everyone.

Firstly, I would like to thank **Allan Murray from the Metropolitan Local Aboriginal Land Council** for his Welcome to Country.

I acknowledge the Gadigal people of the Eora Nation, the Traditional Owners of the land on which we gather today, and pay my respects to Elders past and present.

I also acknowledge all Aboriginal and Torres Strait Islander Peoples here today and our continuing connection to our lands, waters, cultures and communities.

On behalf of the New South Wales Aboriginal Land Council, I extend a very warm welcome to **Dr Albert Barume, United Nations Special Rapporteur on the Rights of Indigenous Peoples**, as part of his official country visit to Australia.

Dr Barume, we are pleased to welcome you to New South Wales and appreciate your willingness to hear directly from our communities about the challenges we face and the aspirations we hold for our Peoples.

I also acknowledge **Scientia Professor Megan Davis AC, Co-Chair of the Uluru Dialogue**, who joins me in co-chairing today's Interactive Dialogue. Megan has made an extraordinary contribution to advancing the rights of Aboriginal and Torres Strait Islander Peoples, both domestically and internationally, and I thank her for her continuing leadership and for joining us today.

I warmly welcome representatives of the **New South Wales Aboriginal Land Rights Network**, including our Local Aboriginal Land Councils, and the Aboriginal organisations, community leaders and advocates who have travelled from across New South Wales, Victoria and Tasmania.

I particularly acknowledge those who have travelled considerable distances to be here and thank you for the work you undertake every day in your communities.

Your presence today is important.

This is an opportunity for Aboriginal Peoples to speak directly to an independent United Nations human rights expert about the realities of our lives, our experiences with government and the continuing struggle to have our rights recognised, respected and protected.

For Aboriginal Peoples, human rights are not abstract principles or aspirations written into international agreements.

They are about our ability to live on and care for Country, protect our culture, maintain our identity, raise our children safely, participate in decisions that affect us and determine our own futures.

They are about dignity, equality and justice.

And importantly, they are about governments recognising that Aboriginal Peoples are rights holders, not simply stakeholders to be consulted when convenient.

The continuing failure to protect Aboriginal rights

Dr Barume, Australia presents itself internationally as a democratic nation committed to human rights, the rule of law and equality.

Yet Aboriginal and Torres Strait Islander Peoples continue to live in a country where our rights as First Peoples have no comprehensive constitutional protection.

Australia does not have a national Human Rights Act, and the rights articulated in the United Nations Declaration on the Rights of Indigenous Peoples have not been comprehensively incorporated into Australian law.

This leaves our Peoples particularly vulnerable to the changing priorities of governments and the political circumstances of the day.

Our rights can be debated, diminished or disregarded through ordinary political and legislative processes, without the protections that should accompany our status as the First Peoples of this continent.

The outcome of the 2023 referendum on an Aboriginal and Torres Strait Islander Voice to Parliament has only reinforced the importance of confronting these issues.

The referendum did not succeed, but **a referendum loss cannot mean silence for Aboriginal Peoples, nor can it relieve governments of their responsibility to engage with us and protect our rights.**

Our rights do not disappear because a referendum was unsuccessful.

Nor should the outcome be used as justification for retreating from the unfinished work of recognition, justice and reform.

The absence of a National Representative Body

One of the most significant shortcomings in Australia's institutional arrangements is the absence of an independent, nationally representative Aboriginal and Torres Strait Islander body through which our Peoples can participate meaningfully in decisions made by the Commonwealth Government.

While there are important Aboriginal organisations and representative structures operating across the country, there remains no comprehensive national representative institution with the mandate and independence necessary to provide a collective voice on matters affecting our Peoples.

This is particularly concerning when considered against the United Nations Declaration on the Rights of Indigenous Peoples, which recognises our right to participate in decision-making through representatives chosen by ourselves, in accordance with our own procedures.

Governments continue to make decisions about our lands, communities, families and futures, often without the genuine participation of the people most directly affected.

Consultation is not the same as representation. And consultation is certainly not the same as self-determination.

Our Peoples must be able to participate through institutions of our own choosing, with the authority and independence to influence the decisions that affect us.

Bringing International Human Rights home

Australia endorsed the United Nations Declaration on the Rights of Indigenous Peoples in 2009.

That Declaration establishes internationally recognised minimum standards for the survival, dignity and wellbeing of Indigenous Peoples.

It recognises our rights to self-determination, our lands, territories and resources, our cultures and our own institutions.

But seventeen years after Australia's endorsement, we are still asking a fundamental question:

When will the rights Australia supports internationally become rights that Aboriginal Peoples can meaningfully exercise here at home?

The domestication of UNDRIP — its practical implementation through Australian legislation, policy and government decision-making — must become a national priority. It is not enough for Australia to endorse international declarations, participate in United Nations forums or speak about its commitment to human rights on the international stage.

Those commitments must be reflected in the laws that govern our lives, the decisions that affect our lands and the institutions that exercise authority over our communities. Free, prior and informed consent must be more than a principle acknowledged in government policy.

Self-determination must mean more than participation in a consultation process.

And our rights to lands, territories and resources must be supported by effective legal protections and access to justice.

Land Rights and the continuing consequences of dispossession

For the New South Wales Aboriginal Land Council, these concerns are reflected in the continuing struggle for land justice.

The Aboriginal Land Rights Act 1983 was a significant achievement of the Aboriginal Land Rights movement.

It recognised that land was fundamental to addressing the historic dispossession of Aboriginal Peoples and created a framework through which land could be returned to Aboriginal ownership.

But more than forty years later, the promise of that legislation remains far from fulfilled.

More than **44,000 Aboriginal land claims remain undetermined in New South Wales**, with some claims having waited decades for a decision.

Behind those figures are Aboriginal communities unable to access land, protect important cultural places or pursue opportunities for housing, economic development and community wellbeing.

These are not simply administrative delays.

They have real consequences for the rights, opportunities and futures of Aboriginal Peoples.

We continue to see land rights placed in competition with development, infrastructure, mining and other government priorities, often without adequate recognition of the rights of Aboriginal landholders.

The principle of free, prior and informed consent remains inadequately protected in domestic law.

And Aboriginal Land Councils continue to navigate complex government systems that too often place the burden on our communities to defend rights that should already be secure.

Land rights are human rights.
The return of land is not simply about ownership. It is about our cultural survival, our economic independence, our connection to Country and the ability of future generations to determine their own paths.

Racism and the political environment

Dr Barume, I also want to raise an issue that cannot be separated from the broader human rights challenges facing Aboriginal Peoples in Australia.

That is the continuing presence of racism in our society and, increasingly, the way racial division is used within political debate.

We have witnessed political parties and political figures from across the spectrum seek electoral advantage by appealing to fear, resentment and division.

At times, Aboriginal rights, recognition and aspirations become political targets, with arguments directed towards sections of the electorate where hostility to those rights is seen as an opportunity to secure votes.

The rights and dignity of Aboriginal Peoples should never become political bargaining chips in the pursuit of electoral success.

When political leaders use language that questions the legitimacy of our rights, dismisses our experiences or portrays measures to address historical injustice as special treatment, it has consequences far beyond the political debate.

It can legitimise prejudice, embolden racism and deepen division within the broader Australian community.

We saw during the referendum campaign how public discussion about Aboriginal recognition could become deeply divisive, and how misinformation and hostility could overshadow genuine discussion about our rights and aspirations.

And these attitudes do not simply disappear when an election or referendum is over. They are experienced by Aboriginal Peoples in our workplaces, schools, communities and interactions with public institutions.

Racism is not only expressed through individual behaviour. It can also be embedded in the systems, policies and decisions that shape our lives.

We see its consequences in the continuing over-representation of Aboriginal Peoples in the criminal justice and child protection systems, and in the persistent inequalities experienced by our communities.

Political leaders have a responsibility to challenge racism, not exploit it.

They have a responsibility to lead public discussion with integrity and respect, particularly when dealing with the rights of Peoples who have experienced generations of discrimination and dispossession.

Our human rights should not depend upon political popularity, electoral calculations or which party happens to form government.

They are rights that must be recognised and protected regardless of the political climate.

The importance of today's dialogue

Dr Barume, your visit provides an important opportunity to examine the gap between Australia's international human rights commitments and the lived experiences of Aboriginal and Torres Strait Islander Peoples.

It also provides an opportunity to hear directly from our communities about what needs to change.

The New South Wales Aboriginal Land Council has made submissions to your mandate identifying systemic challenges in the administration of land rights, the failure to fully implement UNDRIP and the need for stronger accountability from governments.

But today is not simply about NSWALC presenting its position.

It is about ensuring that Aboriginal Peoples from across our communities have an opportunity to speak for themselves.

We have representatives here from different regions and jurisdictions, bringing different experiences, priorities and perspectives.
Some will speak about land and cultural heritage.

Others may raise concerns about justice, child protection, discrimination, governance, economic opportunities or the treatment of Aboriginal Peoples by governments and public institutions.

All of those voices are important.

And while we must be frank about the challenges we face, we should also recognise the strength of our communities, the leadership of our organisations and the extraordinary work undertaken by Aboriginal Peoples every day.

Our communities are not simply defined by disadvantage or the failures of government. We are Peoples with enduring cultures, strong institutions, deep connections to Country and clear aspirations for our futures.

What we seek is the recognition, protection and practical exercise of rights that should never have been denied.

Dr Barume, we hope that what you hear today will contribute to your assessment of Australia's human rights record and inform the recommendations arising from your official country visit.

We also hope it will reinforce the importance of governments engaging directly with Aboriginal Peoples and taking meaningful action to meet their international obligations.

Ultimately, the measure of Australia's commitment to human rights must not be the statements it makes internationally, but the difference those commitments make in the lives of Aboriginal Peoples here at home.

On behalf of the New South Wales Aboriginal Land Council, I thank you again for joining us and for your commitment to hearing directly from our communities.

To everyone participating today, thank you for being here, for the work you continue to undertake and for your commitment to advancing the rights of our Peoples.

I encourage you to speak openly, respectfully and frankly.

I look forward to a productive and meaningful dialogue.

Thank you.