



Indigenous Rights in Australia

CAHA submission in response to Inquiry into the Application of the Declaration on the Rights of Indigenous Peoples in Australia

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Contact

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Submission

The Climate and Health Alliance (CAHA) welcomes the opportunity to make a submission to this Inquiry.

Based on the additional documentation provided by the committee secretariat of the Senate Legal and Constitutional Affairs Committee, it is clear to CAHA that there is a high need to implement the Declaration on the Rights of Indigenous Peoples (UNDRIP) in Australia.

Over the past ten years, Australia has on various occasions committed to take actions to implement the Declaration and promote Indigenous people's enjoyment of rights on an equal basis.

However, to date, the Australian Government has not taken steps to implement the UNDRIP into law, policy and practice. It has not developed a National Action Plan to implement the UNDRIP, nor undertaken a review of existing policies, practices and law for their compatibility with UNDRIP.

CAHA would therefore strongly recommend the creation of both an independent monitoring Body and a National Action Plan, in order to ensure the timely and equitable implementation of the Declaration.

The standards put forward by the Declaration represent the minimum standard to ensure the rights of Indigenous peoples in Australia are upheld. This includes the fundamental rights to life; health; minimum subsistence; freedom and human dignity; cultural rights; and the right to a clean, healthy and sustainable environment.

Recent infringements on Indigenous Rights in Australia, such the failure to protect the Juukan Gorge sacred sites, point to the urgent need for Australian Governments to have independent oversight and informed advice on meeting the international obligations of UNDRIP.

With the new Labor government committed to implementing the recommendations of The Uluru Statement from the Heart, the implementation of UNDRIP into Australian legislation will provide crucial legislative pathways through which to achieve the demands of Indigenous people in Australia for self-determination.

In addition, CAHA has developed a framework for a National Strategy on Climate, Health and Well-being for Australia. The framework is intended to support Australia in meeting its obligations under both the Paris Agreement and UNDRIP, and provides policy recommendations for the Australian Commonwealth Government to ensure the health, well-being and rights of Indigenous Peoples in the face of climate change.

Recommendations

1. The Commonwealth should develop a National Action Plan to implement UNDRIP in Australia, and schedule it to the definition of human rights in the Human Rights (Parliamentary Scrutiny) Act 2011. This should include an independent monitoring Body, that consists of Indigenous representatives, to oversee the implementation of the Declaration.
2. The UNDRIP Articles 19, 29 and 32 should be implemented into Commonwealth law, policy and practice. The right to “Free, Prior and Informed Consent” should be recognised as a Human Right for Indigenous People in Australia, in particular with regards to Article 32.2 on mining and water resources projects.
3. An Audit of existing laws, policies and practice should be conducted as part of the implementing the UNDRIP in Australia. This should include existing EPBC Act Approvals for compliance with key UNDRIP Articles 19, 29 and 32.

About the Climate and Health Alliance

The Climate and Health Alliance (CAHA) is a national charity and the peak body on climate change and health in Australia. CAHA is an alliance of organisations within the health sector working together to raise awareness about the health risks of climate change and the health benefits of emissions reductions.

The work of CAHA is guided by, and aims to uphold, the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

The membership of CAHA includes a broad cross-section of health sector stakeholders with 90+ member organisations, representing healthcare professionals from a range of disciplines, as well as healthcare service providers, institutions, academics, researchers, and consumers.

The Climate and Health Alliance has produced a significant number of reports and publications to assist policymakers and inform health stakeholders and the wider community to understand the links between climate change and health, and to guide decisions regarding policy and solutions. This includes Healthy, Regenerative and Just - A Framework for a National Strategy on Climate, Health and Well-being for Australia.

The framework is intended to support Australia in meeting its obligations under the Paris Agreement, as well as its obligations under UNDRIP.

CAHA also supports Australian and New Zealand health services and organisations - including the majority of health service providers in WA - to strengthen their resilience and reduce their ecological and carbon footprint via the Global Green and Healthy Hospital Network. CAHA also contributes to many conferences, community dialogues, and forums, both nationally and internationally on these issues.

For more information about the membership and governance of the Climate and Health Alliance, see www.caha.org.au.

Appendix: Climate and Health Alliance Members

CAHA membership as at May 2022.

Abilita
Arriba Group
Asthma Australia
Australasian College of Health Service Management (ACHSM)
Australasian College of Nutritional and Environmental Medicine (ACNEM)
Australasian Epidemiological Association (AEA)
Australasian Society of Lifestyle Medicine (ASLM)
Australian Association of Gerontology (AAG)
Australian Association of Social Workers (AASW)
Australian Chiropractors Association
Australian College of Nursing (ACN)
Australian Council of Social Service (ACOSS)
Australian Federation of Medical Women (AFMW)
Australian Healthcare and Hospitals Association (AHHA)
Australian Health Promotion Association (AHPA)
Australian Indigenous Doctors' Association (AIDA)
Australian Institute of Health Innovation (AIHI)
Australian Lesbian Medical Association (ALMA)
Australian Medical Students' Association (AMSA)
Australian Nursing and Midwifery Federation (ANMF)
Australian Physiotherapy Association
Australian Podiatry Association (APodA)
Australian Primary Health Care Nurses Association (APNA)
Australian Psychological Society (APS)
Australian Women's Health Network (AWHN)
Brooke Shelton - Perinatal, Child & Family Counselling
Cairns Hand Clinic
Central Australia Rural Practitioners Association (CARPA)
Children's Healthcare Australasia
Climatewise Design
Codesain
CoHealth
ConNetica Consulting
Consumers Health Forum of Australia (CHF)
Coota Girls Aboriginal Corporation
CRANApplus
Cultivate Impact
Dietitians Australia
Doctors for Nutrition
Doctors Reform Society (DRS)

Enliven Victoria
Enriching Lives Psychology
Environmental Health Australia
Faculty of Health, University of Technology Sydney
Food for Thought Consulting Australia
Friends of CAHA
Health Care Consumers' Association ACT
Health Consumers NSW
Health Issues Centre (HIC)
Health Nature Sustainability Research Group (HNSRG)
Health Services Union (HSU)
Healthy Futures
Indigenous Allied Health Australia
Inner East Primary Care Partnership (IEPCP)
Institute for Sustainable Futures, University of Technology Sydney
Kooweerup Regional Health Service (KRHS)
Lowitja Institute
Medical Association for Prevention of War (MAWP) Australia
Medical Scientists Association of Victoria (MSAV)
Metta Health & Psychology
MinterEllison
Motion Energy Group
Mott MacDonald
National Association of Aboriginal and Torres Strait Islander Health Workers and Practitioners (NAATSIHWP)
National Rural Health Alliance
Naturopaths and Herbalists Association of Australia (NHAA)
NSW Nurses and Midwives' Association (NSWNMA)
Nutrition Australia
Optometry Australia
Pharmacists for the Environment Australia (PEA)
Psychology for a Safe Climate (PSC)
Public Health Association of Australia (PHAA)
Queensland Nurses and Midwives Union (QNMU)
Royal Australasian College of Physicians
Rural Doctors Association of Victoria (RDAV)
SANE Australia
School of Public Health, University of Sydney
School of Public Health & Social Work, Queensland University of Technology
Second Chance Psychology
Services for Australian Rural and Remote Allied Health (SARRAH)
Veterinarians for Climate Action (VFCA)
Victorian Allied Health Professionals Association (VAHPA)
Vote Earth Now
Weenthunga Health Network
Women's Health East (WHE)
Women's Health Goulburn North East (WHGNE)

Women's Health in the North (WHIN)
Women's Healthcare Australasia