



Heal Country, Heal Climate

Priorities for climate and environment

Developed to inform the 26th United Nations Climate Change Conference of the Parties (COP26) and environmental policies impacting Aboriginal and Torres Strait Islander peoples.

Indigenous Peoples' Organisation-Australia | November 2021

Acknowledgements: This summary of priorities for climate and environment has been developed by the Indigenous Peoples Organisation with contributions from:

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We acknowledge the contributions of many others who participated in the NAIDOC Week Heal Country Heal Climate workshops and our working group meetings. Please watch [this short video](#) of Traditional Owners supporting this Heal Country Heal Climate work.

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We have first law, which is law of the land, not of man - Dr Anne Poelina

Indigenous Peoples' Organisation – Australia

The Indigenous Peoples' Organisation-Australia (IPO) is a national coalition of 300 Aboriginal and Torres Strait Islander peak organisations, community organisations and individual members across Australia. The IPO was established to promote the rights of Indigenous Peoples at the national, regional, and international levels and to facilitate constructive and collaborative participation of Indigenous peoples at the United Nations. The IPO is a voluntary body, which operates through the direction of a national executive. The IPO is committed to the enactment of internationally recognised Indigenous rights within Australia.

Background

Indigenous Peoples' Organisation was funded by the Howard Liberal-National Coalition (LNP) Government in 2006, following the abolition of the elected Indigenous representative body, the Aboriginal and Torres Strait Islander Commission (ATSIC) in 2005. As part of this process ATSIC's funding was allocated to mainstream government agencies, with \$100,000 annual funding allocated to the Australian Human Rights Commission to administer grant funding for the Indigenous Peoples' Organisation, to enable Indigenous delegates to attend relevant United Nations forums, through competitive merit selection. In 2014, the Abbott LNP Government cut funding to the Australian Human Rights Commission for this grant. In response, the IPO was reconvened as a national voluntary Indigenous members-driven body, in March 2016. The IPO established a national executive and constitution to provide direction and accountability back to the membership.

We're being guided by our ancestors, by our old people, passing down today's knowledge, and I think they need to be passed on to non-indigenous people so that education needs to happen... I think we've got to get back to putting nature back to the way it was, not just for us, but for all human survival!
- Uncle Bruce Shillingsworth

Rationale

For Aboriginal and Torres Strait Islander Peoples, climate change has a direct “detrimental and inequitable impact.”¹ The climate crisis directly and disproportionately threatens the human rights of Indigenous people, including the rights to health, water, food, housing, self-determination, and to life itself.

Global warming has led to an unendurable rise in temperatures in central Australia, with 55 days in the year up to June 2019 over 40°C (104°F) with Central Australian communities running out of water.² Warming has resulted in an increased frequency, intensity and duration of heat-related events, including heat waves.³ Climate change was widely attributed as the cause of unprecedented 2019/2020 bushfires, which affected millions of people and took 33 lives, with smoke haze contributing to an additional 471 deaths, 3,000 homes destroyed, and the livelihoods of thousands impacted. Such increased heat events contribute to desertification in Australia and other parts of the world.⁴ Desertification amplifies global warming through the release of CO₂ and the decrease in vegetation cover.⁵ Vulnerable groups such as Aboriginal and Torres Strait Islander Peoples are most at risk.⁶

The Torres Strait Island communities are some of the most vulnerable to climate change due to rising sea levels, which poses an immediate and acute threat to Indigenous peoples. For the Torres Strait ‘scientific modelling suggests the sea level could rise about 80 centimetres by the end of this century, which means devastating weather events that occur once in every 100 years could hit low-lying islands of the Torres Strait every few days’.



Torres Strait Islanders are on the frontline of the climate crisis, and urgent action is needed to ensure they can remain on their Islands. Right now, king tides, are causing erosion salt contamination of crops and are threatening the homes and cultures of Torres Strait Islander people.

Limited recognition of customary access to land and ownership has resulted in increased vulnerability to climate adaptation for Indigenous Peoples.⁷ Indigenous Peoples rights and interests are inadequately represented in the National Water Initiative and regional water and land management strategies. The recent droughts have left Aboriginal communities without drinking water. Groundwater over extraction and the commercialisation of floodplain harvesting detrimentally impacting Aboriginal communities. Serious health concerns due to substandard water quality in remote and regional Aboriginal communities is exacerbated by a lack of action on climate change. Involving Indigenous Peoples in the selection, evaluation, implementation and monitoring policies for land and water based adaptation and mitigation is necessary to enable effective Indigenous input into decision-making and governance.⁸

Australia is committed to the Sustainable Development Goals (SDGs) as a universal, global approach to reduce poverty and promote sustainable development and ensure peace and prosperity.⁹ Australia's Global Sustainability Index and Ranking on the SDGs, from 166 Countries is 56th for Climate Change, 118th for Biodiversity and 101st for Policy. Aboriginal and Torres Strait Islander Peoples are seriously impacted by this lack of progress.

Yet the Australian Government has failed to commit to a 2050 emissions reduction target, despite all state and territory governments, major business, farmers, investor, social, health and environment groups committing to net zero by or before 2050. The Australian Government's 2030 emissions reduction target of 26-28% by 2030 and policy measures, are considered by independent international analysts as 'insufficient' to achieve the global Paris Agreement goals.

In October 2020 the Government released its technology roadmap to support emissions reductions, but there is no target nor a plan to phase out domestic coal and gas use or coal exports, despite cheaper zero emissions alternatives. The Australian Government continues to spend more on subsidising fossil fuels than on climate action.¹⁰

Even if we rapidly reduce emissions, the world has already locked in significant levels of pollution. The Australian Government's 2015 National Climate Resilience and Adaptation Strategy¹¹ fails to include key actions and indicators to track progress and does not include a rights and equity based approach. Australia is failing to support Aboriginal and Torres Strait Islander people to adapt to climate change and to provide a just transition for workers and communities.

Australia must facilitate and provide financial support for Aboriginal and Torres Strait Islander communities to develop and implement climate change mitigation and adaptation strategies and incorporate Indigenous decision making into regulatory water and land management bodies.

In response to this grave threat, the IPO held a series of five webinars in July 2021, a Workshop in August and a series of community consultations nationally to develop the following climate change and environment priorities to call for urgent action by the Australian Government and to raise the voice and concerns of Aboriginal and Torres Strait Islander peoples.

It's a response for all of us now, not just First Nations people, but non-Indigenous people, and I think the way do it is to move forward together. I think non-indigenous people need to get involved and build a better relationship with First Nation communities. - Uncle Bruce Shillingsworth



Overarching Priorities

1. Incorporate an Aboriginal and Torres Strait Islander decision making, self-determination and 'Free Prior and Informed Consent' rights through a justice-based approach in all levels of climate mitigation, adaptation and environmental management policy development and programs.
2. Cut carbon dioxide emissions by 75% by 2030 and 100% by 2035.
3. Commit to going 100% renewables in Australia in the next 10 years
4. Remove all government subsidies to fossil fuel industries.
5. No new coal mines and phase out coal by 2030.
6. No new fossil fuel industries and immediately transition away from all fossil fuels
7. Abolish all fracking of coal seam gas extraction
8. Ensure there is no reliance on unproven methods, such as Carbon Capture and Storage or nuclear power in the national energy policy.
9. Ensure all existing natural forests are maintained and establish incentives to encourage reforestation with local flora to provide habitat for biodiversity.
10. Ensure Aboriginal and Torres Strait Islander peoples' right to clean water, healthy housing, with solar panels on all public and Aboriginal housing and provide appropriate cooling.
11. The government reverse policies that foster the sale and commodification of river waters on the finance market to water access to Aboriginal communities and continuous environmental flows.
12. Create a framework and targeted investment for Indigenous community initiatives and businesses to benefit from new and emerging opportunities within the future energy and renewable economy.
13. Establish a just transition for workers and incorporate Indigenous employment targets within all climate abatement and renewable energy initiatives.
14. Extend the Indigenous Ranger Program to all Aboriginal communities and ensure the program is community-controlled and responds to local community needs.

Legislative Priorities

1. Establish a Makarrata Commission to negotiate a treaty.
2. Enact the Declaration on the Right of Indigenous Peoples into domestic law, establish a monitoring body to support its implementation and a National Action Plan to implement it.
3. Revise the Native Title legislation to adopt the recommendations of the Connections to Country: Review of the Native title Act 1993 (Cth) [2015]
4. Review environmental breaches of the Adani Mine and withdraw its licence to mine where breaches have occurred.
5. Review Cultural Heritage Legislation (Federal and State) to incorporate Traditional Owner decision making, with a right to veto the mining of sacred sites.
6. Enact the Mabo Social Justice package to facilitate the restitution of ancestral lands and to purchase lands for Traditional Owners and dispossessed Aboriginal people.
7. Legislate the requirement for 'Free, Prior and Informed Consent' of Traditional Owners for all mining and exploration, with the costs of and payment for meeting paid to Traditional Owners.
8. Meet Australia's obligations in international law on and support Indigenous input into:
 - Climate Change and the Paris Agreement
 - Sustainable Development Goals
 - United Nations Development Program
 - United Nations Convention on Biodiversity



1. Healing Country

Our First Nations are recognised as the oldest living culture in the world, and as an exemplary culture of sustainability for the greater common good. For 233 years, since ‘colonisation’ these lands and living waters have been appropriated and exploited, based on very different values and ethics. Our native foods, medicines and diverse creatures have been cleared to make way for less suited foods and destructive land uses. Without a treaty or respect for our ancestral laws and obligations to protect country, through human and multispecies justice, we First Nations will continue to raise our voices for our unique lands and those many generations yet to come. Refer to the film *Our Common and Shared Future*.

1.1 Coal Mining on Country

Australia has the fourth-largest share of coal reserves in the world.¹² Australia must leave 95 per cent of its coal reserves in the ground for the world is to have a 50% chance of keeping global warming to 1.5C. Yet Keith Pitt, Australia’s federal Resources and Water Minister, has said Australia has no plans to stop mining and exporting coal “well beyond 2030”.¹³ There are approximately 23 new coal mines in the pipeline of NSW government approvals alone,¹⁴ and the projected 1.1 billion tonnes of CO2 potential export emissions, is “more than twice as much as the greenhouse gas emissions Australia emits domestically.” Rather than cutting reliance on coal, fossil fuel subsidies cost Australians a staggering \$10.3 billion in FY 2020-21, with one Commonwealth tax break alone being \$7.84 billion.¹⁵

Additionally, coal companies have repeatedly taken more from the land than mining licences allow, such as Whitehaven Coal, who have been fined more than \$20 million for environmental breaches, including one billion litres of water theft during severe drought.¹⁶ Urgently, decreasing reliance on coal mining is essential for Australia to lower emissions and meet its international obligation on climate change. There are much safer economic opportunities that care for land, but these opportunities must be done with Aboriginal and Torres Strait Islander people. If the Australian community is to balance carbon to prevent climate chaos and take responsibility for our Ancestral lands.

Recommendations:

1. No new coal mine approvals, mine expansions or Government subsidies for fossil fuels. Just career paths for coal workers and coal communities with company funded transition packages.
2. Deterrence of environmental breaches must be reflected in court ordered shutdowns of mines of at least 1 month, with a second breach resulting in loss of mining license.

1.2 Aboriginal Land Rights

The *Aboriginal Land Rights (Northern Territory) Act 1976* was the first legal recognition of Aboriginal land ownership, where the Australian Government legislated for inalienable freehold title, following a long political struggle by Aboriginal people¹⁷. The Act enabled Aboriginal Traditional Owners as the key decision makers for their land, with Traditional Owners able to say no to mining and exploration.¹⁸ However, current proposed legislation changes will further dilute the control of Traditional Owners, after previous changes in 2006 enabled the forced leasing of Aboriginal lands. These changes strive to ‘activate potential of Aboriginal land by streamlining arrangements for exploration and mining licences and allows the Minister to appoint representatives to attend community meetings regarding exploration applications.¹⁹ The proposed legislation has not undergone consultations with Traditional Owners or Senate Review by the Australian Parliament. While funds raised from mining are now to be distribute to all people in the Northern Territory not just the Aboriginal communities. Representatives on the proposed decision-making body over mining royalties has less representation of those communities. Dr Jon Altman, a land rights expert, believes the changes will weaken the collective land rights, while strengthening the capacity to force 99 year leases on traditional lands.

Recommendation:

3. Legislative changes not be undertaken on the NT Land Rights Act without the agreement and full negotiation with Traditional Owners, who are provided independent expert advice of their choosing.

1.3 Native Title

The *Native Title Act 1993 (C'th)* (NTA) has fundamental flaws that favour mining interests over Aboriginal peoples' rights which are inconsistent with the principle of equality before the law. In 1999 The United Nations Committee for the Elimination of Racial Discrimination (CERD) determined on 18th March 1999 that the Native Title Amendment Act 1998 (Cth) ('Native Title Amendment Act') [known as the 10 Point Plan introduced by Prime Minister John Howard] discriminated against Indigenous native title holders by validating past, acts, extinguishing native title, upgrading primary production, and restricting the right to negotiate ('RTN'). Amendments to the NTA have further eroded common law rights to procedural fairness, reduced the 'right to negotiate' over the exploitation of Native Title lands, in contravention of UNDRIP Articles 8, 18, 19 and 20. Under the NTA, Traditional Owners do not have rights to refuse mining. Only where mining is agreed can they negotiate an Indigenous Land Use Agreement (ILUA), where the terms are usually kept secret. Native Title rights provide substantially less rights than other property rights, privileging mining that dominate the private negotiations of ILUAs, providing no leverage or capacity to refuse mining for Traditional Owners.

- The NTA denies Indigenous people 'free prior and informed consent' on the approval of mines affecting Native Title lands.
- Where there is no agreement, the tribunal can approve mining without awarding royalties.
- The NTA inserts a default decision making mechanism in Indigenous land use agreements that is inconsistent with the right of self-determination.
- The NTA allows for compulsory acquisition of Native Title land for third party benefit,
- The NTA provides for the extinguishment of Native Title.

In August 2019, the Queensland Government extinguished the native title of the Wangan and Jagalingou people from over 1,385 hectares of their traditional lands to make way for the Adani coal mine.

Recommendations:

4. Amend the Native Title Act to remove flaws that favour mining interests over Aboriginal peoples' rights and provide capacity for Traditional Owners to enact free, prior and informed consent with capacity to refuse mining.
5. remove power to compulsorily acquire native title lands and extinguish native title rights and include compensation regardless of date of extinguishment.

1.4 Adani Carmichael Mine

Adani Carmichael coal mine (recently renamed Bravus Mining and Resources) covers a site of 1,385 hectares (200 square kilometres) of the Wangan and Jagalingou peoples' ancestral lands. When built, it will be the world's second largest coalmine, with coal to be transported on a 189 kilometre rail link to Abbott Point, which will require the dredging of areas of the Great Barrier Reef Marine Park.²⁰ The mine will extract 60 million tonnes of coal annually over 60 years, with an estimated total production of 2.3 billion tonnes of thermal coal, it is likely to generate an estimated 4.7 billion tonnes of greenhouse gas emissions.²¹ This will be more than 0.5% of the remaining global carbon budget for limiting warming to 2°C.²² Australia will give \$4.4B in subsidies to Adani to support the coal mine, without which, the Institute of Energy Economics and Financial Analysis asserts, leaves the mine 'unbankable and unviable'.²³

Though the Traditional Owners had no right to refuse mining under Native Title, the Queensland Government extinguished the Native Title rights of the Wangan and Jagalingou people to prevent legal challenges from the Traditional Owners.²⁴ This breached the *Declaration on the Rights of Indigenous*

Peoples. The Adani mine has admitted breaching its environmental conditions for the fifth time, having previously been fined 25,000²⁵, a further \$20,000 for providing false and misleading information to the State Government, \$100 million for unconscionable conduct and \$25,920 for breaching the Environmental Protection and Biodiversity Act 1999.²⁶ The German company Siemens has said it would withdraw from the project if Adani breached its environmental obligations²⁷. The Adani mine has used 853.9m litres of ground water which led to a drop in the water table by 50 metres over two years impacting a sacred water spring²⁸, and is set to extract 12.5 billion litres a year when the mine commences.²⁹

Recommendation:

6. The Adani mine license be revoked because of the breaches of environmental obligations, misleading the State Government, and undertaking unconscionable conduct.

1.5 Repatriation of Ancestral Lands

Indigenous people have deep cultural connections to their ancestral lands. Lands are set aside for ecological reserves and wildlife conservation and recreational but previous commitments to provide land reparations to First Nations peoples have not been implemented. The Australian Law Reform Commission confirmed the Native Title Act was never intended to be the sole response to *Mabo v Queensland [No 2]* determination. In 1994, the then Prime Minister, the Hon Paul Keating MP, established the Native Title Social Justice Advisory Committee to respond to *Mabo*. It reported that a social justice package and Indigenous land fund was necessary to compensate Indigenous peoples and address the economic and social disadvantage as a result of previous dispossession.³⁰ Though an Indigenous Land Corporation (ILC) was established to acquire lands where Native Title cannot be secured, Dr Tom Calma, the previous Indigenous Social Justice Commissioner confirmed that the ILC focus on commercial profitability detracted from its reparatory objectives.³¹ In 2014, a review by Ernst & Young found, in driving economic development the ILC reflected a lack of clarity on its purpose. The Australian Law Reform Commission found that land purchase and a social justice package are essential elements required in response to the *Mabo*.³²

However, in 2020, the Yi-Martuwarra Traditional Owners raised \$25 million to purchase Jubilee Downs Station, where they held native title over their traditional lands, but were outbid by mining magnate Andrew Forrest.³³ The Traditional Owners' business plan outlined critical employment initiatives and conservation management plans to protect the many sacred sites over the 221,408 hectares and the Fitzroy River. However, the Traditional Owners could not compete with a buyer, wealthy from exploiting resources from Aboriginal lands, who was prepared to pay more than the working value of the property. Yet, property owner Andrew Forrest's mining company Fortescue Metals has also been provided millions of dollars of Government funding for Aboriginal employment and social benefits from the use of their land.

Recommendations:

7. The Federal Government establish mechanisms and resources to purchase ancestral lands of Traditional Owners and lands for dispossessed First Nation peoples as reparation as originally proposed as part of the response to the *Mabo* decision and associated Social Justice Package.
8. Remove economic profitability from the terms of the Indigenous Land Corporation.

1.6 The Daintree Rainforest: World Heritage Under Threat

A further example of urgently needed ecosystem repatriation includes the Daintree Rainforest. The Daintree Rainforest is listed as a World Heritage ecosystem, which has been under threat from development since the Bjelke-Peterson State Government created 1137 subdivisions in the 1980s.³⁴ The Wet Tropics Management Authority assert, "The Wet Tropics World Heritage Area is the world's oldest rainforest and land of the world's oldest living culture. It is ranked by the International Union on the Conservation of Nature as the second most irreplaceable World Heritage area on earth, and the sixth most



irreplaceable protected area, largely because of its endemic species.”³⁵ Although subsequently World Heritage listed, the subdivided rainforest was not bought back by either Australian State or Federal Governments and the threat to this ecosystem remains today. Currently charities and the international community have spent many years fundraising to return the remaining 207 undeveloped blocks of the ecosystem to Traditional Owners, who have recently been handed back the adjacent World Heritage Daintree National Park.³⁶ With the recent statistic of only 30% of remaining wilderness worldwide,³⁷ and the realisations of the Black Summer fire devastation, it is incumbent upon the Australian Government to respect First Nations warnings, and ensure the safety of the Daintree and enact the following recommendations.

Recommendations:

9. Call an immediate moratorium on private sales of any of the remaining 207 undeveloped Daintree blocks and support government buy back and repatriation of these lands to the Kuku Yalanji Traditional Owners for codesigning plans of management.
10. The Australian Government facilitate and fund the repatriation of ancestral lands to Aboriginal people through the enactment of the Mabo Social Justice Package and Indigenous Land Fund, to return lands to Traditional Owners and Aboriginal people, without the imposition of requirements for commercial profitability, as imposed by the Indigenous Land Fund and its replacement Indigenous Land and Sea Corporation (ILSC).
11. The Australian Government instigate equity and property rights strategies to enable leased lands to revert to their Traditional Owners at the completion of leases.

1.7 The Narrabri Gas Project

The Narrabri Gas Project has been approved by the NSW Government, following years of pressure on the Gomeri Community and Narrabri Community to accept this approval as non-negotiable, disregarding rights free, prior and informed consent. The approval has been tied as part of the Gas Led Recovery from Covid19, where a Gas Executive heads the Australian Government’s response to the Covid19.³⁸ The interactions between the First Nations and the gas corporations do not demonstrate the United Nations Rights of Indigenous Peoples obligations on ‘Free, Prior and Informed Consent’.³⁹ Aboriginal Community engagement requires open decision-making processes, that must be free from coercion by government or outside financial interests.

Recommendations:

12. Aboriginal rights to ‘Free Prior and Informed Consent’ be a legal requirement for all resource extraction and exploration.
13. That renewable energy forms the basis of Australia’s national energy strategy, rather than dependence on a gas led Covid economic recovery.

“We are being completely disregarded by the government who wants to destroy our country for a profit, encourage climate ignorance in our community and dismiss any voice or science against the approval of the Narrabri Gas Project. Our people need a right to say no to any land which will cause irreversible harm to our lands, waters and climate.” - Karra Kinchela, Gomeri women of the Narrabri region

1.8 Cultural Heritage Protection

The destruction of the globally significant 46,000-year-old Juukan Gorge, described as ‘the dawning of humanity’, highlights the abject failure of Native Title and cultural protection laws in Australia. In May 2020, the Rio Tinto mining corporation blasted this globally significant sacred site, in the Pilbara region of Western Australia (WA), after having received Ministerial consent to destroy it through the Western



Australian *Aboriginal Heritage Act (1972)*. The archaeologist commissioned by Rio Tinto determined the Juukan Caves were of the 'highest archaeological significance in Australia', reflecting continued occupation that spanned the previous ice age and coincided with the Pleistocene's megafauna. The site included a human hair band, dated at 4,000 years, with direct genetic links to the current Puutu Kunti Kurrama and Pinikura Traditional Owners and a kangaroo bone sharpened tool, at 28,000 years, was the oldest bone used in Australia. Juukan Gorge is one of 463 sites in WA granted permission to destroy under section 18 of the *Aboriginal Heritage Protection Act* since 2010, with no capacity for Aboriginal people to refuse mining despite securing their Native Title.

Indigenous Western Australian leaders Clayton Lewis, Slim Parker, Hannah McGlade, Anne Poelina and Kado Muir have submitted an Early Warning and Urgent Action International Convention on the Elimination of all forms of Racial Discrimination to the United Nations Committee on the Elimination of Racial Discrimination⁴⁰, requesting it review the proposed Western Australian ("WA") draft Aboriginal Cultural Heritage Bill 2020⁴¹. The proposed Bill is intended to supersede the Aboriginal Heritage Act 1972 (AH Act) and provide protections to Aboriginal cultural heritage. However, the proposed Bill fails to overcome key weakness of the AH Act and is opposed by Aboriginal people due to the serious risk it poses to Aboriginal heritage and is incompatible with Australia's obligations under the Convention.

Recommendations:

14. Amend cultural heritage and environmental legislation to confer free, prior and informed consent to Aboriginal and Torres Strait Islander Peoples, with veto rights over the destruction over sacred sites.
15. Rio Tinto returns all sacred items removed from Juukan Gorge to Traditional Owners and provides them with funding to establish an appropriate keeping place.

1.9 First Nations Rangers

Currently there are approximately 2000 First Nations Rangers across Australia, but as shown by the Black Summer bushfires, the large fish kills of our river systems, this number of rangers is not sufficient to keep country safe. The Ranger Program provides Aboriginal communities capacity to manage country and have been shown to be very successful since introduced in 2007. The Rangers Program recognises the traditional land and water management practices and knowledge of Aboriginal people and provides a valuable source of Aboriginal control and employment to manage lands and ecosystems. The Federal Government's evaluation, Reporting Back...2014-15: How Indigenous Ranger and Indigenous Protected Area programmes are working on Country,⁴² confirmed the value of this work, included, monitoring and managing wildlife, fire management, managing freshwater, controlling weeds, revegetating of land, controlling feral animals, looking after sea country and providing community education. However, we are concerned that this program is currently limited to 75 Indigenous Protected Areas and isn't accountable to the local Aboriginal communities.

Recommendation:

16. Extend the Indigenous Ranger Program and Indigenous Protected Areas to meet the scale of both environmental need and community requirements, provide sufficient funding and enable Indigenous communities and community controlled organisations to manage the Ranger Program to strengthen capacity and environmental responses.

1.10 Carbon Farming

First Nations Peoples need existing laws to recognise and uphold our rights to property and equity and to have our metrics recognised, valued, and protected. The emergence of the carbon market must prioritise, acknowledge and respect Indigenous peoples as caring for their lands and living waters in such a way that captures and holds carbon.⁴³ This property right and equity for Indigenous people needs to move beyond 'interests to upholding a property right in law'. Justice and equity which value our due inheritance and provide the investment opportunity through a negotiated Social License to operate,



between government, industry, and place-based Indigenous governance. Investing in a 'just energy transition' for Indigenous peoples requires the political good will of governments to acknowledge Aboriginal people as having the right to negotiate within the carbon economy, not be left open for exploitative, structurally violent practices by governments and big corporations.

Without this recognition of justice and equity through a negotiated Social Licence, we as First Nations peoples are forced into the periphery of economic opportunities. We need effective benefit-sharing models. Our Country, our governance and our social and cultural infrastructure must be supported effectively through responsible culturally competent authorities, through place-based management and investment models. There is no demonstrated understanding between First Nations peoples, governments and the investment sector in current Australian Government water and carbon policy. Australia has a duty as a signatory to the 4 for 1000 initiative at COP21, setting an annual growth rate of 45 of carbon stock in the soil to implement practical carbon storage.⁴⁴ The Australian Government must negotiate a Social Licence to operate, through informed decision making with Traditional Owners, to implement co-designed industry and community partnerships with both farming and investment sectors. Regenerative land, water cultural and spiritual practices need to be balanced in harmony with Aboriginal lifeways to ensure a stable economy. These Social Licences provide a new way to do 'just development on just terms' with Aboriginal people on our lands and living waters.

Recommendations:

17. Recognise 'Just Development' through First Nations property rights in Australian law and adopt Social Licence to Operate in brokering investment for First Nations led Projects
18. Establishment a First Nations led Environment and Social Governance assessment services and accelerate investment in soil carbon education for farmers with specific co-design and inclusion of First Nations rangers and fire practitioners.

1.11 Cultural Burning

"Most importantly, we need the resources to ensure we can employ our people to meet the obligations to manage our Country our way." - Uncle David Wandin, Wurundjeri elder

Fire knowledge plays a major part in accumulated and permanent drawdown of carbon and relationships to water and fertility. Land requires fire to keep it healthy, but current management inadvertently brings destructive fire. First Nations can help protect people, communities and country while also assisting to achieve COP26 targets for carbon sequestration. Desperately needed fire policy reforms require collaboration between Government and First Nations fire practitioners to support the current demand for cultural burning practices by landholders and communities seeking these regeneration and risk management services. This recognition of our knowledge and skills requires the funding and training of a minimum of one hundred First Nations Fire Practitioners, as a starting point, to address current under-resourcing of Aboriginal Fire Practitioners, who are working to educate authorities, farmers, and councils, and are building trust one local area at a time.

"For Cultural Fire to work on a large scale, it requires transfer of power from the government to the community as well as serious investment. We need policies that give Aboriginal people back ownership and institutions that resource community organisations that are leading this work so that we can get more people trained up and capable of applying the right kinds of fire in different areas." - Andry Sculthorpe, of the Pakana, Tralwulway nations and co-chair of Firesticks Alliance

Recommendations:

19. Collaborate with First Nations to incorporate Aboriginal cultural burning, fire management education, training and practices, within Fire policies and fund 100 Indigenous Fire Practitioners by 2023 in coordination and under the direction of local Aboriginal communities.
20. Establish First Nations authority and involvement in environmental and water policy through funded positions and consultation, particularly on tree clearing to prevent drought by over-clearing.

1.12 Gas and Carbon Capture and Storage

Australia's recent Energy Plan, released prior to the UNFCCC COP26 Conference in Glasgow, includes an increased commitment to the Gas Industry and Carbon Capture and Storage.⁴⁵ Gas projects are being advocated by the Australian Governments as a 'transition fuel' between coal and renewable energy. There are also concerns the gas industry is seeking to counter associated emissions through claims that Carbon Capture and Storage, can abate the expected increase in emissions associated with the planned growth of the liquefied Gas Industry in Australia.⁴⁶ However, despite millions of dollars of investments over recent decades of it remains an unproven means of sequestering the levels of emissions associated with gas extraction.⁴⁷ Japan and Korea, Australia's major importers of gas have committed to reduce their emissions by 46% and 40%.⁴⁸ However, rather than reduce reliance on gas, the Australian Energy Minister has announced 'Carbon Credits' would, as a first in the world, be available for Carbon Capture and Storage by the gas industries, where tax payers are funding the Emissions reduction Fund.⁴⁹ Despite the need for Australia to reduce its reliance on fossil fuels and the accepted dangers of extractive industries on Country, new gas projects threaten our ancestral lands and the wellbeing of our communities across Australia, from Western Australia's Kimberley to the Northern Territory's Beetaloo and Pilliga forest in New South Wales. In the Northern Territory Santos is currently developing a huge gas development, 300 kilometres north of Darwin, which is the largest emission intensive gas project in Australia.⁵⁰ Despite Our ancestral lands are under threat and face increasing pressure from new fuel projects under the Australian Government's 'gas-led' recovery.

Recommendations:

21. Australia not rely on unproven methods to reduce emissions such as Carbon Capture and Storage.
22. Australia reduce reliance on Gas extraction and remove Caron Credits, subsidies or financial incentives for Gas or Carbon Capture and Storage.

1.13 Recycling Iron and Mineral Resources

The First Nations of Australia have unique approaches to resource management developed over thousands of years. A key principle is taking only what we need, live sustainably and in harmony with the environment to ensure regeneration. Only 55% of waste was recycled in Australia in 2018.⁵¹ Australia's national science body CSIRO, has expressed concern about Australia's \$3.1 billion dollar waste due to failure to recycle lithium batteries, while new lithium mines are being opened.⁵² According to the Future Batteries Industry CRC, 5,290 tonnes of lithium-iron batteries reached end-of-life in 2017-2018 but only 320 tonnes were collected for recycling.⁵³ This model of business takes from the land leaving valuable resources stranded, with no definite end to the destruction or opportunities for reuse. If stranded waste resources were utilised in remanufacture through community based cooperative business models would stimulate local economies, reduce the need for destructive mining and land use practices. Beyond Zero Emissions estimates that 30,000 ongoing jobs could result from a national recycling target of 90% by 2025.⁵⁴ An effective recycling strategy would also benefits biodiversity and new regenerative, economically unique industries. One example of our First Nations participation and support for the recycling economy is Eather Group who are registered with the Supply Nation directory of Indigenous businesses.⁵⁵ Eather Group collects and treats industrial wash water, oily water, drilling muds and oil and bunker waste.

**Recommendation:**

23. The Australian Government foster increased recycling through incentives for mining and other companies to incorporate the reclaiming, research, development, and remanufacture of currently wasted mineral resources and provide financial resources to Aboriginal communities and businesses to contribute to the emerging recycling, reclamation and remanufacture economy.

1.14 Hydrogen

Hydrogen is highly popular in the talks for replacement energy for fossil fuels. However, there are different forms of hydrogen, Brown, Blue and Green hydrogen. It is only Green Hydrogen which can claim to lower emissions. Hydrogen which is dependent on gas powered cannot claim to be 'Green' hydrogen. Hydrogen is tightly bound to the fate of carbon, because it is plants that evolved to take these two key elements from the atmosphere, and bind them to the earth to give us a stable climate. In harnessing hydrogen, there is a conflict for this element between carbon drawdown and energy requirements. Hydrogen is not a renewable energy, it is the lightest finite element on earth. Hydrogen reliance on extremely large quantities of water requires the careful management of water catchments and irrigation to ensure Aboriginal communities, environmental flows and agricultural needs are not seriously impacted, before hydrogen energy should be considered.

Recommendation:

24. Approval of new hydrogen projects must be legislatively tied to catchment and carbon abatement management and the 'Free, Prior and Informed Consent' of Traditional Owners

2. Sea Country and River Systems

2.1 The Impact of Rising Oceans on Zenadh Kes (the Torres Strait Islands)

Zenadh Kes (the Torres Strait Islands) includes the most northerly part of the Great Barrier Reef and has been continuously inhabited by Indigenous people for millennia. It is home to marine reserves, traditional fishing areas and rare species under our stewardship such as turtles and dugongs. But the climate crisis is endangering all of this. Rising seas caused by man-made climate change is threatening Torres Strait Islander's homes, swamping burial grounds and washing away sacred cultural sites. Steady erosion is affecting our coastlines, communities are being inundated, infrastructure damaged, sea walls and flood defenses breached, fresh water wells contaminated and plants and crops spoiled. Rising sea temperatures are also affecting the marine environments Torres Strait Islanders rely on. Torres Strait Islanders are witnessing more coral bleaching and ocean acidification. This is damaging the reefs and marine life that are vital for the ecosystem. The urgency of the situation is clear. If these climate impacts continue, Torres Strait Islanders fear that – without urgent action – their islands could be uninhabitable in their lifetimes. This would threaten Torres Strait Islanders' right to culture and right to family.

In response to this threat, eight members from four Islands of Zenadh Kes, lodged an official human rights complaint against the Australian Government, under the Operational Protocol to the International covenant on Civil and Political Rights with the Human Rights Committee, in May 2019. They argue the Australian Government has failed to protect the life, family and homes and the rights of the child and the right to practice their culture. They argue that by failing to take adequate action to reduce emissions or to build proper adaptation measures, Australia is failing its legal human rights obligations to protect Torres Strait people and their well-being. Current estimates suggest the islands will be uninhabitable by 2050.



Recommendations:

25. Fund adaptation programs that will allow Zenadh Kes communities to adapt to climate impacts and Support Zenadh Kes communities to build community-owned renewable energy.
26. Commit to going 100% renewables in Australia in the next 10 years and transition away from fossil fuels as rapidly as possible through a just transition for workers and press the world to increase global ambitions to keep warming to less than 1.5 degrees Celsius.

2.2 Sea Country: Australian Marine Ecosystems

Traditional Owners claim their rights to manage their sea country. To date, Native Title has been recognised over 22 million acres of the Australian marine environment. However, Native Title does not ordinarily translate to the right to manage access or use of sea country by non-native title holders. Traditional Owners are seeking to manage their sea country by extending the tenure rights of Native Title holders to maintain and restore the health of their traditional marine estates. Securing more oceans in federal marine protected areas, and increasing the number of highly protected marine sanctuaries will enhance the resilience of these ecosystems to climate change by:

- Securing traditional and customary fishing practices while reducing commercial and recreational fishing pressures;
- Provide the opportunity for Indigenous-led design of the frameworks for monitoring and managing key threats;
- Establish large, interconnected marine reserve networks across a range of habitat types.
- Acknowledging that Indigenous Australians are the exemplars of sustainability; and
- For those Native Title holders that would like to commercialise design pathways to industry. This will require amendments to Native Title legislation.

Recommendations:

27. Increase the number of marine protected areas in federal oceans and the funding for First Nations people to manage Sea Country, even where native title has not been established, confirmed or is in fact extinguished.
28. Ban seabed mining in Australian state waters and encourage the extension of the recent announcement of the Northern Territory Government to ban seabed mining.

2.3 Protection and Restoration of Freshwater River Systems

Freshwater rights are a cultural and economic priority for Aboriginal people. The Australian freshwater river systems are deeply connected to culture and community. Water is the giver of life, the element that sustains our communities. Rivers connect communities, we need our Rivers to survive to sustain life. Rivers provide our cultural spaces where we come together to tell our creation stories and songlines connected to the rivers. However, Indigenous Australians have been largely excluded from water management regimes across the country. There is inadequate legislative protection of rivers and inadequate restoration of stressed systems. Maintaining natural river flows secures culture, secures communities, and enhances the resilience of downstream coastal and marine ecosystems.

River systems across Australia are under increasing threats from large scale land use change, against the wishes of Indigenous Australians. Across south-eastern Australia freshwater ecosystems have been heavily impacted by water extraction and pollution resulting in large fish deaths and rivers and our communities running dry, threatening the people, farms and ecosystems that depend in the rivers. Across central and northern Australia, the freshwater systems are coming under increasing threats from mining aspirations and the continual development of large agricultural irrigation. Securing protection for rivers and floodplains in Australia is essential to maintain the resilience of those ecosystems and respond to the threat of climate-induced shifts. We claim our right to participate in the management of freshwaters and genuine engagement with Native Title claimants and holders across all Australian State and Federal



Governments with respect to freshwater river management. Our equitable distribution of water entitlements and legislative protection of our globally unique rivers in Australia that are coming under increasing threats due to mining and development, including:

Recommendation:

- 29. Ensure First Nations participation in freshwater river and floodplain management and introduce legislation that recognises and incorporates Indigenous customary rights to 'Free, Prior and Informed Consent' in river management and associated economic development projects.

*Our rivers are Living Waters, as ancestral beings with a right to life, to live and flow.
-Anne Poelina, Martuwarra Elder*

2.3.1 Martuwarra (Fitzroy River) – Western Australia

The Martuwarra is a living ancestral being, it must have the right to live and flow. The Western Australian Government is currently considering opening the Martuwarra Fitzroy River up to huge agricultural projects, that threaten the river and its unique water life. It has unique cultural and environmental heritage values of national and international importance that make the river and the surrounding Fitzroy River Catchment one of the world's last healthy rivers. The Martuwarra is coming under increasing threat from intensive agricultural and extensive mining developments requiring increased water extraction and extensive land clearing and loss of greenfield areas and carbon sinks.⁵⁶ The Martuwarra Fitzroy River Council has a comprehensive and actionable vision to develop legislation specific to protect their lifeways, livelihoods, people, living waters and country, and call for legal personhood to be applied to the Fitzroy River, as has occurred in New Zealand⁵⁷ with Traditional Owners the recognised custodians.^{58, 59}

Recommendation:

- 30. The Government legislate to legally recognise the 'legal personhood' of the Fitzroy River and secure the Traditional owners as custodians over the management of this river.

2.3.2 The Channel Country – Queensland

The Channel Country in western Queensland has some of the last free flowing desert rivers on Earth. This is one of the most iconic natural places and among our greatest natural assets. These rivers, wetlands, water holes and floodplains support an abundance of significant birdlife and other wildlife and are a critical source of water for Lake Eyre and the Great Artesian Basin. These rivers are currently threatened the proposed fracking of gas which would destroy these sensitive ecosystems and have widespread environmental ramifications. Traditional Owners are seeking to protect the free-flowing rivers of the Lake Eyre Basin and the floodplains of the Channel Country by excluding unconventional gas activities. The views and aspirations of the Traditional Owners of the Lake Eyre Basin are documented in the film [Our Water, Our Future](#).⁶⁰

Recommendation:

- 31. Prevent any extension to Fracking and fossil fuel extraction, and respect the rights of Traditional Owners to 'Free, Prior and Informed Consent' and their capacity to reject mining.

2.3.3 Barka (Murray Darling Basin) – New South Wales

The river systems in southeastern Australia are the most stressed river systems in our country. We seek the restoration of the rivers and floodplains in south-eastern Australia. The altered flood regimes of the Barka (Murray Darling Basin), driven by settler management practices, have had a major impact on the health of Indigenous communities that rely on the systems to sustain culture and life. The



mismanagement of the river and the continual exclusion of Indigenous Australians from critical management practices has led to mass fish deaths, water poisoning with blue-green algae outbreaks and the rivers running dry. This has devastated the river ecosystems, and the environment across central NSW, with the depleted water threatening the health and longevity of Aboriginal communities dependent on the river systems. Traditional Owners require a genuine voice with State and Federal Governments and real input into water management and catchment authorities.

Recommendations:

32. The 40 Nations along the length of the Barka (Murray Darling River system) call on the State and Federal Government to actively engage these Traditional Owners in decision making over water management and flood plain harvesting on the Barka River.
33. The State and Commonwealth Government reverse policies that fostered the sale and commodification of river waters on the finance market, to ensure the sale of water does not threaten water access to Aboriginal communities or continuous environmental flows.

2.3.4 Northern Murray-Darling Basin – New South Wales

The Gomeroi, Kamilaroi and Gamilaraay communities have witnessed the devastation of the rivers across their ancestral lands. Since colonisation they have been powerless to stop the continual threats to the river system that are a direct result of the prioritisation of pastoral and economic uses over the health of the rivers and community. Their efforts have been hampered by a lack of representation and non-existent community consultation. In response, in 2021 the Gomeroi/Kamilaroi/Gamilaraay Water Engagement (GKGWE) Committee was established with the aim of regaining governance and sovereignty of their ancestral waters. As the Gomeroi, Kamilaroi and Gamilaraay communities assert sovereignty they acknowledge the urgent need to restore the river systems. They seek a staged process of restoration that begins with an accurate survey across ancestral lands and a co-design of a multifaceted restoration regime. They have offered their traditional knowledge in building water security for their communities.

Recommendation:

34. Address the under-provision of water for Aboriginal communities by enacting legislative and policy reforms to ensure Aboriginal perspectives, water needs, and environmental flows that recognise Aboriginal water rights and Indigenous rights to 'Free Prior and Informed Consent'.

2.4 Fracking Gas

Fracking gas is particularly damaging to lands and waterways, with chemicals and water pressured into the ground the toxic mix seeps out into ground water and river systems. This extractive industry on ancestral lands has caused damage to the landscape and has polluted and drained water resources. The aquifers are being depleted at an alarming rate. Gas leaks are a too regular occurrence and an ongoing fire and environmental threat. The combination of damage to land and waters puts our culture at risk. Fracking is associated with serious environmental, social and cultural outcomes for local Aboriginal communities and farming communities where it has been established. Traditional Owners have registered their objections to gas projects on ancestral lands but our voices are being ignored.

Recommendations:

35. That the Federal Government uphold the international law principle of 'Free, Prior and Informed Consent' by ensuring a consultation process that listens to and is responsive to the wishes of Traditional Owners prior to the approval or development of gas infrastructure.
36. The Australian Government invest in upskilling and retooling the extractive industries workforce to transition to renewable and carbon energy projects.
37. An immediate moratorium on all new gas investment and or infrastructure leading to a permanent ban across all jurisdictions and cease gas infrastructure subsidies for gas exploration and infrastructure.



3. Healing Community

Australian history to date demonstrates an ongoing systematically racist and violent colonisation of the Indigenous people and the land's resources. Aboriginal and Torres Strait Islander people during the frontier wars survived attempted genocide. This was followed by policies of segregation and the forcible removal of the First Nations from their ancestral homelands, into Church-run missions and Government controlled reservations. Life was directed under harsh punitive controls, violence, imprisonment and small rations of poor-quality food. The next phase of colonisation brought enforced assimilation and the removal of Indigenous children who were placed in a welfare system defined by the normalisation of the emotional, mental, physical and sexual abuse and forced labour. This attempt to eliminate Indigenous people from Australian society resulted in the Stolen Generation and trauma throughout our communities. The exclusion of First Nations people from their lands is a continued expression of contemporary colonisation, enforced through policies and legislation created to legalise the ongoing appropriation of our lands and waterways, condoned by the Government and courts. Offering only meagre rights to access our ancestral lands, with no control to protect our sacred sites against the economic exploitation of mining magnates and multinationals. However, this history of exclusion from our own lands is now challenged by international law, where Indigenous rights have been recognised through the *Declaration on the Rights of Indigenous Peoples* and the numerous human rights standards and mechanisms of the United Nations. Australia, as a global citizen, is obliged now to face its past and work with First Nations peoples to recognise our rights and work jointly to meet to reverse the environmental damage as a result of previous unrestrained degradation.

Declarations⁶¹

1. All Indigenous people are entitled as against the whole world to possession, occupation, use and enjoyment of the lands of their ancestors.
2. All Indigenous Peoples are not outsiders or foreigners in their own lands. They are the descendants of the first peoples of their country, the original inhabitants, and they are to be recognised as such.
3. None of the events of invasion, settlement, federation, or the advent of foreign citizenship laws have displaced the unique position of Indigenous Peoples with their lands.
4. Indigenous Peoples have a unique connection to their country; it is not just ancestry or place of birth or even both. Indigenous Peoples have a connection with the land, waters and skies under Indigenous laws and customs. No imposed Citizenship Act, parliament or foreign government has removed or modified that connection by any other imposed laws or legislation.

There is no greater time than during the dual threat of existential climate change and in the midst of a global pandemic, to exercise the internationally recognised human and collective rights of First Nations Australians. The custodianship and sustainability of the environment is a key priority for Indigenous Australians across the continent. It is time to give voice to Aboriginal efforts to defend our communities, the land, trees, animals, mountains, rivers, to work together to bring mother earth back from the brink of environmental devastation from climate change and global warming. The ongoing colonisation of the world's natural resources and humanity must be addressed for the sake of our future generations.

3.1 Indigenous Rights to self-determination

The right self-determination is at the core of Aboriginal and Torres Strait Islander communities' well-being. The Indigenous People of Australia have never ceded our sovereignty and are the traditional custodians of our ancestral homelands. The Right to self-determination is the central underlying principle of the *Declaration on the Rights of Indigenous Peoples*. It is the cultural LAW/LORE, kinship and totemic systems of Elders, women, men, youth, and children that underpin self-determination. The original people of this land and their descendants will continue Caring for Country using ancestral cultural practices handed down through oral traditions from the world's oldest practicing culture. Caring for



Country is a belief and value system still embedded and expressed despite the ongoing impact of colonisation. The dispossession of Indigenous lands, waterways and communities has no legitimacy in international law and Governments, corporations and industries are obliged to respect our Indigenous cultural and environmental rights. Makarrata is a Yolgnu term meaning ‘coming together following a struggle’. The establishment of a Makarrata Commission, to develop and negotiate a treaty between the Australian Government and Aboriginal and Torres Strait Islander peoples would enable the First Nations of the Australian continent to move forward sustainably to a collaborative partnership to meet our shared environmental challenges and heal in a new postcolonial relationship.

Recommendations:

- 38. The marginalisation of the Indigenous peoples of Australia be reversed through the recognition of our self-determination in designing all policy, legislation and decision making that impacts us, particularly in relation to our lands, waterways and cultural heritage.
- 39. That the Australian Government establish a Makarrata Commission, within 12 months, to negotiate a treaty between Aboriginal and Torres Strait Islander peoples, to move to post-colonial partnership to address the environmental and climate demands we now face.

3.2 The Right to environmentally healthy housing

One of the most important human needs is safe, secure and efficient housing. Unfortunately, ‘around one in five Aboriginal and Torres Strait Islander people live in overcrowded housing, although in remote areas it is around two in five.’⁶² The associated health problems of overcrowding include high rates of infectious disease transmissions leading to more hospital admissions. A lack of sleep impacts children's ability to attend school regularly, develop literacy and numeracy skills which often leads to underdeveloped social skills and poor education outcomes. A lack of safety and security is connected with transient visitors which may include substance abuse, increased levels of violence and sexual abuse of minors. Overcrowding and a lack of housing stock leads directly to high levels of homelessness. A failure to maintain and repair existing housing in remote communities is exacerbating severe overcrowding, leads to a lack of shower and kitchen facilities and sewage overflow.⁶³ Covid 19 has further highlighted the problem of chronic overcrowding in Aboriginal communities, placing lives at risk that are already vulnerable because of health disparity.⁶⁴

Recommendation:

- 40. The Australian Government must urgently prioritise the environmental health of Indigenous people, establish a national housing strategy that enables the co-design suitable of suitable housing with architects.

3.3 The Right to renewable energy

High-cost electricity bills present a major issue for low-income public housing, whether in urban, regional and remote regions. The impact of high electricity bills means the cycle of transgenerational poverty becomes impossible to break. When an electricity bill cannot be paid, the power is cut off. This impacts the functioning and physical safety of the home including hygienic food preparation and storage. Having hot water cut off also makes it difficult to practice personal hygiene and keep the home environment sanitised. Increasing temperatures, due to global warming has led to an unendurable rise in temperatures in central Australia, with 55 days in the year up to June 2019 over 40°C (104°F) with Central Australian communities running out of water.⁶⁵ Many other regions are also becoming unlivable without air-conditioning and many remote regions are dependent on oil run and extremely costly generators.

For those experiencing energy poverty, public investment in solar power generation (paired with energy efficiency improvements) provides big opportunities to reduce bills. The installation of solar panels on low-income housing in urban, regional and remote areas is cost-effective, with large communal batteries storing energy during the night, will improve Aboriginal and Torres Strait Islander people’s health, reduce costs of the energy system, and reduce carbon emissions.⁶⁶

Recommendations:

41. The Australian Government develop a solar photovoltaic technology to provide solar panels to all low income households in urban, rural and remote regions, and provide training and employment for Aboriginal people to undertake the installation and maintenance.
42. In regions of high heat, the Australian Government should also supply air conditioning units for low income housing, to prevent heat distress and preventable deaths.

3.4 The Right to access clean water

Access to readily available, clean and drinkable water in Australia is a resource many people take for granted. However, access to clean drinking water, a vital resource for life, is problematic for some Indigenous communities. Unfortunately, there are Indigenous communities that do not have access to running water due to drought and ongoing misuse of river systems. Human beings need easy access to clean and drinkable water for health, vitality and hygiene. Indigenous communities such as Pandanus Park are still waiting for water justice.⁶⁷ While the Aboriginal remote community of Laramba has high levels of uranium in their drinking water, three times those acceptable in Government guidelines, yet the NT Government that provides the housing rejects responsibility for providing healthy water.⁶⁸

The body needs to regularly drink healthy water from infancy through to the end of life to function effectively. The consequences of a lack of water in the diet include damage to all the body's organs and high rates of kidney disease in childhood which leads to greater vulnerability to comorbidities such as diabetes and cardiac care issues. Kidney disease and renal failure which was 6.8 times the rate of non-Indigenous peoples in 2011-2015, and 18.6 times in the Northern Territory and 12.7 times the rate in Western Australia,⁶⁹ with high rates of cardiovascular disease at 18% in remote regions, while 94% of Acute Rheumatic Fever and 92% of Rheumatic Heart Disease cases were Aboriginal.⁷⁰ These issues could be addressed by all remote, rural and regional Indigenous communities having access to containerised water treatment plants to ensure clean and drinkable water. This system uses water filtration that sterilises and filters the household and drinking water source. Indigenous homes and communities need to be fitted with water tanks to take full advantage of rainfall water.⁷¹

Recommendation:

43. The Australian Government must ensure all remote, rural and regional Aboriginal and Torres Strait Islander communities have access to clean and drinkable water.

3.5 The Right to environmentally healthy communities

The social and environmental determinants of health for Indigenous people are directly tied to access to our traditional and other lands, to enable the practice of our cultural identity, and participation in cultural activities. Being free of pollutants and Indigenous community decision making are also important determinants of Indigenous health and wellbeing.⁷² Unfortunately, a number of Aboriginal communities are detrimentally impacted by the environmental impacts of adjacent mining sites with waste contaminating local communities and their local waters.⁷³ It is critical that communities are supported to address and prevent mining contamination through their right to reject mining where it impacts on their ancestral lands. Indigenous communities should not be treated as second class, and subject to third world conditions in a wealth country, that has gained much of its wealth from the appropriation of Aboriginal lands. Indigenous social and emotional well-being is described as, "a multidimensional concept of health that includes mental health, but also encompasses domains of health and wellbeing such as connection to land or 'country', culture, spirituality, ancestry, family and community."⁷⁴

Recommendation:

44. The Australian Government must support Aboriginal communities to establish and maintain environmentally healthy town planning designs and immediately address current threats to environmental health.



3.6 The Right to employment

All Indigenous people deserve access to jobs and on the job training opportunities that foster successful and rewarding careers. The renewable economy opens opportunities for Aboriginal communities to develop culturally aligned employment and business initiatives. Aboriginal community-based employment pathways are readily accessible and embedded with culturally safe procedures, protocols and support. Regardless of age, gender, education levels or experiences of incarceration Indigenous people must be empowered through employment opportunities to break cycles of transgenerational poverty. It is through jobs that income will be generated for individuals and families and the economic status of Indigenous Australians will improve the skill base of our communities. Environmental management and renewable economies are all complementary to Aboriginal cultural values and assist to respond to Aboriginal community needs.

Additionally, the implementation of a Universal Basic Income will further support remote and regional Aboriginal communities, where unemployment levels are high, to meet the social and environmental needs of their communities. A Universal Basic Income is a central plank to sustainably invest in the human capital of remote and regional Aboriginal communities, to foster a diversified range of employment and training initiatives for those unemployed members of those communities.

Recommendations:

45. All renewable energy and emissions reduction initiatives must include mandatory Indigenous employment positions, at a minimum 3% employment rates, and include traineeships with secured employment outcomes.
46. Government funding to renewable energy, abatement and emission reduction strategies must include a minimum of 3% of funding to be allocated to Aboriginal communities to develop culturally sustainable employment initiatives and emission reduction strategies.



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