

JUSTICE FOR FIRST NATIONS PEOPLES

Addressing Australia's unfinished business: treaties, healing, justice & truth

The Greens will work with First Nations peoples to introduce measures that support self-determination and recognise sovereignty.

This includes the establishment of a body to enable treaty making and a constitutionally enshrined Voice to Parliament.

We must address our unfinished business: treaties, healing, justice and truth.



Image Credit: Charlotte Allingham

THE GREENS WILL WORK WITH FIRST NATIONS PEOPLES TO:

- Establish a **path towards treaties**.
- Establish a body to enable agreement making **between governments and First Nations peoples**.
- Establish a **voice to Parliament**.
- Address the **high rates of incarceration** of First Nations peoples.
- Reduce the disproportionate rates of **First Nations children in out of home care**.
- **Close the Gap** in First Nations health outcomes

A PATH TOWARDS TREATIES

The Greens acknowledge that sovereignty was never ceded. In 2016 and 2017, the Referendum Council held a series of First Nations Regional Dialogues across the country to discuss constitutional recognition. There was strong support for pursuing a treaty or treaties at these dialogues.

Treaties are a vital pathway to recognising sovereignty and for achieving meaningful reform for First Nations peoples.¹

The United Nations Declaration on the Rights of Indigenous Peoples provides that Indigenous peoples have the right to the recognition, observance and enforcement of treaties with states, and that states honour and respect such treaties.

The First Nations Regional Dialogues discussed that treaties could include establishing a truth commission, giving First Nations peoples a proper say in decision-making, guaranteeing respect for the rights of First Nations peoples, and resolving land, water and resources issues.²



¹ Referendum Council, 'Final Report of the Referendum Council', 2017, p31, https://www.referendumcouncil.org.au/sites/default/files/report_attachments/Referendum_Council_Final_Report.pdf

² Referendum Council, 'Final Report of the Referendum Council', 2017, p31

To be a truly reconciled nation, we need to negotiate treaties with First Nations peoples now.

The Greens will:

- Provide \$50 million in funding to First Nations peoples' organisations to support a path towards establishing treaties.

ESTABLISH A BODY TO ENABLE AGREEMENT MAKING

A process of agreement making between governments and First Nations peoples is a way First Nations peoples can build their cultural strength, reclaim control and express their sovereignty.³ It is also about starting the important process of truth telling which must involve telling the true history of colonisation: the genocides, the massacres, the wars and the ongoing injustices and discrimination.⁴

The Greens support the establishment of a body which would have the function of enabling agreement making between governments and First Nations peoples. It would also facilitate a process of local and regional justice and truth telling. This could be in the form of the Makarrata Commission outlined in the Uluru Statement from the Heart.

The Greens will:

- Provide \$50 million for the establishment of a body to enable agreement making and facilitate a process of justice and truth telling.

A VOICE TO PARLIAMENT

The Uluru Statement from the Heart calls for the establishment of a Voice to Parliament enshrined in the Constitution.

The First Nations Regional Dialogues discussed how the Voice must have authority from, be representative of, and have legitimacy in First Nations communities across Australia.⁵ The Dialogues recommended that the Voice to Parliament could monitor the Commonwealth's use of the race power.⁶

The Greens strongly support the establishment of a representative body of First Nations peoples, such as the Voice to Parliament.

³ Referendum Council, 'Final Report of the Referendum Council', 2017, p21,

⁴ Referendum Council, 'Final Report of the Referendum Council', 2017, p32

⁵ Referendum Council, 'Final Report of the Referendum Council', 2017, p30

⁶ Referendum Council, 'Final Report of the Referendum Council', 2017, p14

Such a body is vital because it would enable First Nations peoples to speak to the Parliament and have a say on the decisions, laws and policies that affect them.

The Greens will:

- Provide \$183 million for the consultation and referendum process to establish a representative body like a Voice to Parliament.

ADDRESS FIRST NATIONS INCARCERATION RATES

Since 2004, we have seen a 135% increase in the number of First Nations peoples in prison.⁷ First Nations peoples are now 13 times more likely to be imprisoned than non-indigenous people and First Nations women represent 34% of the female prison population.⁸

The Greens want urgent action to reduce the unacceptable incarceration rates of First Nations peoples. We are joining First Nations organisations in calling for the adoption of national justice targets to close the gap in the rates of imprisonment of First Nations peoples by 2031, and to close the gap in the rates of violence against First Nations peoples, with priority strategies for women and children.

The Greens will establish a national justice reinvestment body that will reinvest resources from the criminal justice system towards initiatives that address the drivers of incarceration. We will also set up a justice reinvestment grants program in partnership with First Nations peoples to support local justice reinvestment initiatives.

We also support investment in early intervention, prevention and diversion strategies to cut reoffending and imprisonment rates and address the root causes of violence against women and children.

The Greens will:

- Establish an interdepartmental taskforce to develop a national, whole-of-government strategy to address incarceration rates;
- Provide \$10 million over four years to establish an independent National Centre for Justice Reinvestment;
- Provide \$50 million over four years for a Justice Reinvestment Grants Program;
- Establish Close the Gap justice targets.

REDUCE THE RATE OF FIRST NATIONS CHILDREN IN OUT OF HOME CARE

There are currently over 17,000 First Nations children living in out of home care across Australia.⁹ Our nation is clearly failing to protect First Nations children.

We believe First Nations children should be safely connected to their families, communities and cultures.

The Greens support a system that invests in prevention and early intervention and prioritises reunifying children in care with their families. We will invest in projects that support First Nations families at risk of entering the out of home care system, including funding First Nations family support workers.

The Greens will:

- Provide \$50 million over four years for First Nations out of home care projects;
- Establish First Nations Child Protection bodies in all states and territories;
- Provide \$300,000 to review parental consent requirements for identity documents to remove barriers for children and young people in out of home care;
- Double the rate of the Transition to Independent Living Allowance;
- Invest in trauma and healing services for affected families and communities;
- Establish Close the Gap out of home care targets.

STOP THE EPIDEMIC OF DOMESTIC AND FAMILY VIOLENCE

First Nations women are 32 times more likely to be hospitalised from domestic violence.¹⁰

As part of our plan, the Greens will create a new ten-year \$5.3 billion National Partnership Agreement on Domestic Violence and Violence Against Women between state and federal governments.

We will also provide 10-year funding certainty for frontline response services and boost their funding by \$2.2 billion over four years.

⁹ Productivity Commission, 2019, 'Child protection services', <https://www.pc.gov.au/research/ongoing/report-on-government-services/2019/community-services/child-protection>

¹⁰ Australian Institute of Health and Welfare, 2018. 'Family, domestic and sexual violence in Australia, 2018'.

⁷ Australian Bureau of Statistics, 4517.0 Prisoners in Australia, Various Years <http://bit.ly/2HvSoDC>

⁸ Change the Record, <https://changetherecord.org.au/get-the-facts>

ABOLISH PUNITIVE PROGRAMS

The Cashless Debit Card, the Community Development Program and income management unfairly target First Nations peoples. The evidence shows these programs are not working and infringe upon peoples human rights. The Greens will abolish these punitive programs.

RESTORE FUNDING FOR KEY PROGRAMS

Following the introduction of the Indigenous Advancement Strategy, over \$500 million was cut from First Nations programs.¹¹ This Strategy has resulted in funding uncertainty for organisations and a decrease in the number of organisations working in the communities they are serving.¹²

We believe that First Nations peoples should have control over the development, design and implementation of public policies, programs and services that affect them.

The Greens will commit to restoring this funding. We will work with First Nations organisations to boost health funding to achieve equality in health outcomes. We also support a joint council between government and First Nations peak bodies to implement new Close the Gap targets.

RESTORE AND INCREASE LEGAL ASSISTANCE FUNDING

First Nations legal services play a vital role in providing culturally safe, community-led legal and non-legal services across the country. We strongly support restoring and increasing funding to National Aboriginal and Torres Strait Islander Legal Services, Aboriginal and Torres Strait Islander Legal Services and Family Violence Prevention Legal Services.

A HOME FOR ALL

We know that access to safe, secure and affordable housing is fundamental to achieving justice for First Nations peoples. As part of our housing policy, the Greens will establish a federal housing trust to fund the building of 500,000 public and community homes. We will also set aside \$500 million per year to fund transitional housing and crisis services.

¹¹ National Congress of Australia's First Peoples, 2017, 'Congress asserts that we have the solutions so work with us', <https://nationalcongress.com.au/wp-content/uploads/2017/02/Media-Release-10Feb2017-IAS.pdf>

¹² National Congress of Australia's First Peoples, 2017, 'Congress asserts that we have the solutions so work with us', <https://nationalcongress.com.au/wp-content/uploads/2017/02/Media-Release-10Feb2017-IAS.pdf>