



FROM THE PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION  
GENEVA

3 June 2015

Mr Karim Ghezraoui  
Chief Officer  
Special Procedures Branch  
c/o Office of the High Commissioner for Human Rights  
United Nations Office at Geneva  
8-14, Avenue de la Paix  
1211 Geneva 10, Switzerland

**OHCHR REGISTRY**

- 4 JUN 2015

Recipients : ..... *SPD* .....  
.....  
Enclosure .....  
.....

Dear Mr Ghezraoui,

**Communication from Special Procedures – the Special Rapporteur in the field of cultural rights; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; and the Special Rapporteur on the rights of indigenous peoples**

I refer to the joint communication from the Special Rapporteur in the field of cultural rights, the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on the rights of Indigenous peoples, regarding the funding for services in remote Aboriginal communities in Western Australia, dated 15 April 2015.

In response to this request, the Australian Government provides the following information.

The Government has no intention of closing remote Aboriginal communities or forcibly removing Aboriginal people from their lands, nor has it asked State or Territory Governments to do so.

The Australian Government takes Australia’s international human rights obligations seriously and accepts that these obligations apply to all parts of Australia without limitation or exception.

Decisions regarding the provision of services to remote Aboriginal communities are made consistently with Australia’s international human rights obligations where changes are envisaged. Due regard would be given to Aboriginal peoples’ rights to self-determination and other human rights including rights to enjoy and benefit from culture, to equality and non-discrimination, to an adequate standard of living, to work, to education, to health and to protection against exploitation, violence, and abuse.

The Australian Government continues to make significant investments to address Indigenous disadvantage through the provision of funding under the Indigenous Advancement Strategy, including to ensure children attend school, adults are better able to participate in work, and remote communities are safer. The Indigenous Advancement Strategy commenced on 1 July 2014 with funding of \$4.9 billion over four years. As of 27 May 2015, a total of 996 organisations have been

funded to deliver over 1,350 projects at a value of \$1 billion. This is in addition to commitments already in place and is focused on delivering critical front line services to achieve key objectives and outcomes for Indigenous people and communities throughout Australia.

Australia is a federation of six States which, together with two self-governing Territories, have their own parliaments, governments and laws. The Australian Constitution establishes the Australian Government, defines its structure, powers and procedures, and defines the rights and obligations of the States vis-a-vis the Australian Government.

In Australia, the funding and delivery of municipal and essential services (such as power, water, sewerage and rubbish collection) is a matter for State, Territory and local governments. However, in many, but not all, remote Indigenous communities, the Australian Government has historically contributed funding for municipal and essential services that, in other communities, are funded exclusively by State, Territory and local governments. Funding by the Australian Government was intended to *supplement* the efforts of the State, Territory and local governments. The involvement of two levels of government has led to inconsistent and ad-hoc services for residents of remote communities.

Reforms in 2014 have resulted in most States and Territories assuming responsibility for providing municipal services to Indigenous communities. This will ensure they provide services as they do for other communities across Australia. Recently, the State governments of Western Australia, South Australia (for all but one region in its jurisdiction), Queensland, Victoria and Tasmania agreed to accept this responsibility, ensuring that remote Indigenous communities are provided with the same level of services by the States as all other residents. Under the agreements, the Australian Government provided a one-off up-front payment in exchange for accepting responsibility for the delivery of municipal services, as follows:

State	Payment	Date of Transfer
Queensland	AU\$10.3 million	1 October 2014
Victoria	AU\$15 million	1 October 2014
Tasmania	AU\$15.9 million	1 October 2014
Western Australia	AU\$90 million	1 July 2015
South Australia (communities outside of the Anangu Pitjantjatjara Yankunytjatjara Lands)	AU\$15 million	1 July 2015

The Australian Government has had a separate agreement with the Northern Territory Government as part of the former Stronger Futures in the Northern Territory package. In the 2015 Budget, the Australian Government announced that it will provide AU\$155 million to the Northern Territory Government to support it assuming full responsibility for municipal and essential services in all remote Indigenous communities. This is in addition to the more than AU\$40 million which will have been provided under the existing Stronger Futures National Partnership Agreement at 30 June 2015.

The Australian Government has not had any arrangement in place for support of the delivery of municipal and essential services in the State of New South Wales.

The Western Australia Government has stated it is undertaking significant reforms to enable Aboriginal people in regional and remote communities to achieve better economic and social outcomes and to ensure government expenditure is efficient, effective and sustainable. The Western Australia Government is developing a framework to assist it to determine where changes to

service delivery of education, health and basic services may be required. In the meantime, it has indicated that all current services to remote Aboriginal communities will continue, as will current funding arrangements for the next financial year while community consultation takes place. No decisions have been made by the Western Australia Government about servicing levels in individual communities. Information on the Western Australia Government's Regional Services Reform can be found at <http://www.daa.wa.gov.au/en/Remote-Communities-Reform/Fact-Sheets/>.

Australia has a range of international human rights obligations relevant to the provision of services to remote Aboriginal communities, including under the *International Covenant on Civil and Political Rights*, the *International Covenant on Economic, Social and Cultural Rights*, the *International Covenant on the Elimination of All Forms of Racial Discrimination*, and the *Convention on the Rights of the Child*. Australia has also expressed its support for the United Nations Declaration on the Rights of Indigenous People.

As requested, the letter from the Special Procedures holders has been brought to the attention of the Foreign Minister, the Hon Julie Bishop MP.

I trust this information will be of assistance.



Yours sincerely

John Quinn  
Ambassador and Permanent Representative to the United Nations, Geneva