



FROM THE PERMANENT REPRESENTATIVE

AUSTRALIAN PERMANENT MISSION
TO THE UN GENEVA

24 November 2016

Ms Victoria Lucia Tauli-Corpuz
Special Rapporteur on the Rights of Indigenous Peoples
Office of the High Commissioner for Human Rights
Palais Des Nations
1211 Geneva 10
SWITZERLAND

Victoria

Dear Ms Tauli-Corpuz

Subject: Communication OL AUS 7/2016 – Communication from the Special Rapporteur on the Rights of Indigenous Peoples on the decision to withhold funding from the National Congress of Australia’s First Peoples

I refer to your communication dated 24 October 2016 regarding the National Congress of Australia’s First Peoples. In your communication you raise a number of questions, answers to which are provided below.

- 1. In view of the Australian Government’s endorsement of the UNDRIP and the support provided by the Australian Government for the initial creation of the National Congress of Australia’s First Peoples as the national representative body for indigenous peoples in Australia, please indicate on what grounds the Australian Government cut the entire forward funding for the National Congress in 2014?*

The current Australian federal government came to office in late 2013. Shortly after coming to government, a Commission of Audit was established to make recommendations as to how the government could address budgetary issues. One of the many recommendations made by the Commission of Audit was to rescind the decision to provide a further A\$15 million to the National Congress of Australia’s First Peoples made by the previous government. The report recommended:

“Funding support for the National Congress of Australia’s First Peoples should be discontinued given that it duplicates existing Indigenous representative advisory bodies”.

The recommendation was implemented, partly on the basis that in the Indigenous Affairs portfolio, the provision of frontline services, rather than funding advocacy or peak organisations, was the number one priority. The Australian Government is also of the belief that Congress could, and should, have made much greater progress towards self-sustainability in its first five years of operation.

The Australian Government continues to support the United Nations Declaration on the Rights of Indigenous Peoples, and decisions around the provision of funding to National Congress in no way imply a lack of support for the Declaration.

- 2. What steps has the current Australian Government taken towards implementing Article 18 of the UNDRIP and, more specifically, its commitments made during my predecessor's visit and also in the context of the Universal Periodic Reviews to provide adequate support to the National Congress of Australia's First Peoples to enable it to act as the national representative body for indigenous people?*

In April 2014, the Australian Government extended a funding agreement with National Congress to 30 June 2017 to enable National Congress to use its, at the time substantial, cash reserves to work towards self-sustainability.

The Australian Government has a policy of not funding peak or advisory groups, and National Congress falls into this category.

Article 18 of the United Nations Declaration on the Rights of Indigenous Peoples states that:

“Indigenous peoples have the right to participate in decision-making in matters which would affect their rights, through representatives chosen by themselves in accordance with their own procedures, as well as to maintain and develop their own indigenous decision making institutions”.

Funding decisions around National Congress do not in any way imply a lack of support by the Australian Government for involvement by Indigenous people in decision making, nor their right to maintain and develop their own Indigenous decision making institutions.

- 3. In light of the role which the National Congress is playing in relation to representing Aboriginal peoples and its significant potential in this regard if adequately funded, will the Australian Government consider revising its 2014 decision to cut the funding of the National Congress of Australia's First Peoples?*

The Australian Government has no plans at this time to revisit its decision to rescind the previous government's commitment to provide further core funding to National Congress in the 2014-15 Budget. The response to Question 4, below, provides examples of how the Government is funding Congress to participate in focused, outcomes-driven projects.

- 4. Does the Australian Government have any proposals in relation to longer term approaches to funding that could be put in place to guarantee the sustainability of the National Congress into the future?*

The Australian Government has engaged in substantial dialogue with the leadership of the National Congress, and has agreed to consider applications from Congress for discrete, outcomes-based projects that assist to implement the Government's policy agenda.

The Australian Government recently agreed (November 2016) to fund Congress to partner with it to stage a series of policy workshops around key issues. It has also agreed to fund Congress to employ a business development specialist to help it to attract and retain corporate and philanthropic support to assist it to become self-sustaining.

5. *Please indicate the modalities whereby the Australian Government interacts and meets, and with what frequency, with the National Congress of Australia's First Peoples?*

The Australian Government does not have a timetable in place for interactions with the leadership with National Congress.

Both the Prime Minister and the Minister for Indigenous Affairs have met with National Congress on an as-needed basis.

Meetings between the Minister and National Congress have been more frequent, and have included discussions on funding, the development of closer working relationships with government and the bureaucracy, and on how National Congress sees itself assisting the government in implementing its policy agenda.

Kind regards



John Quinn

