



**Victorian
Aboriginal
Legal Service**

31 August 2023

Parliamentary Joint Committee on Human Rights
Parliament House
CANBERRA ACT 2600
By email: Human.rights@aph.gov.au

Dear Committee

Re: Inquiry into Australia's Human Rights Framework

Thank you for the opportunity to speak to the Committee conducting the Inquiry into Australia's Human Rights Framework. Included with this letter is a marked-up version of the Hansard transcript to correct certain transcription errors.

We are grateful to Senator Thorpe for her question additional to those asked at the hearing:

Question

How would the implementation of UNDRIP impact Victoria's treaty negotiations considering only 11 of 38 distinct nations are actually being allowed at the table, and will the Aboriginal Heritage Council have to amend their model of traditional ownership in Victoria if they want to be compliance with UNDRIP, specifically Article 18 of UNDRIP which would require respect of structures that are established through those generations to represent the voices of those communities?

Answer

We thank the Senator for the question on notice. That's a question beyond the purview of a proposed Commonwealth Charter, relating as it does to Victorian treaty arrangements and negotiations, and one which we don't necessarily feel well placed to answer.

However, as a strict matter of interpretation, whether the implementation of UNDRIP reflects Article 18 is ultimately a question of the content of any legislation itself, which

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seeks to implement UNDRIP. So, without seeing any draft legislation or instrument that would seek to give effect to UNDRIP obligations, it's a question we can't answer.

VALS has advocated for UNDRIP to be legislated by the Federal Parliament. UNDRIP describes rights to self-determination as a collective right and we certainly believe there is strength in the collective decision-making of First Nations peoples.

Yours sincerely,

Alex Walters

Principal Managing Lawyer, Civil and Human Rights
VICTORIAN ABORIGINAL LEGAL SERVICE

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