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Paul Wright
National Director
ANTAR

6 March 2023

Dear Paul,

Thank you for providing the opportunity for the Greens to respond to ANTAR's important election policy questions regarding First Nations justice in NSW. Please find below our responses to the four key questions.

1. The advancement of Treaty in NSW

The recent announcement of Greens NSW's Treaty policy involving a Truth and Justice Commission, an Independent Treaty Commission, and dedicated seats for First Nations people in NSW Parliament have been very encouraging to see. We are keen to understand how a newly elected Greens Government will respond to the following:

- What would be the ambitions of a Greens government in NSW for the traditional owner treaties?
- How will a Greens government ensure that a treaty process in NSW is sustained?

The Greens election policy plan for [First Nations Justice](#) will ensure that any Treaty or treaties recognises the sovereignty of First Nations Peoples as the traditional custodians of the lands, rivers and sea. Treaty must be well resourced and self determined by First Nations Peoples. Treaty will provide equal opportunities and outcomes to First Nations people and close the gap in life expectancy. It will provide access to healthcare, education, training, housing and community infrastructure that recognises the complexity of intergenerational and complex trauma.

The Greens will ensure Treaty is underpinned by self determination and must be an agreement between sovereign to sovereign. Treaty must have accountability mechanisms determined by First Nations Peoples that recognise the power imbalance between the Crown and First Nations Peoples.

The Greens will establish a Treaty Commission that will be fully resourced and empowered and responsible for the consultation and design of Treaty or Treaties process in NSW. This means that the Treaty process will be able to continue beyond a single term of government and won't be subject to electoral politics. The Greens plan ensures the Treaty commission is funded on a long term funding agreement to guarantee support beyond election cycles.

2. Closing the Gap – NSW obligations to the National Agreement

We are keen to understand how an elected Greens NSW government will implement, develop, and be accountable for the commitments outlined in the NSW Closing the Gap Implementation Plan 2022-2024 and the National Agreement. Specifically, can you inform us of your policies and election commitments surrounding:

- What are the Greens' policies and commitments to achieving the 16 Closing the Gap Targets and the additional target for NSW outlined in the State's Implementation Plan 2022-24?
- How will a Greens Government deliver on the four priority reforms of the National Agreement, including supporting the Aboriginal Community-controlled service sector with more resources and authority to support their self-determination in delivering for their communities in NSW?

The Greens are committed to working with First Nations communities to ensure that the Closing the Gap targets are achieved through community led solutions, designed and controlled by First Nations people. This includes working at a Federal level with Greens MPs & Senators to ensure the Federal government continues increased funding in the States bi-lateral funding arrangements for self-determined, community-led First Nations health services.

We are committed to ensuring early access to preventative programs, providing funding to build First Nations owned healing places and continuing to grow the First Nations health and wellbeing workforce to provide culturally appropriate care to their communities. The Greens NSW will work with the Australian Greens to advocate for a federal jobs guarantee, access to medicare in prisons and a guaranteed liveable income.

Transforming government organisations to deliver better services to First Nations communities requires a commitment to allowing the First Nations workforce to self determine strategy & implementation. The Greens are deeply committed in NSW to self determination of funding, policy, program development & data sharing so that strategic action plans in all bureaucracies that service First Nations communities, are developed together across regional urban & rural remote communities.

The Greens will work to broker relationships, wherever possible between public sector service agencies & the community to work collaboratively on Country, through immersive on-site action planning between community and the public sector.

3. Addressing the injustice of disproportionately high incarceration rates

Can you please inform ANTA of the Greens' state policies in the following areas:

- Addressing the over-representation of Aboriginal and Torres Strait Islander people in prison, in particular women and young children;
- Confront and initiate changes to reduce the high rates of Indigenous children in out of home care and child protection in NSW;
- Raising the age of criminal responsibility to 14 with no carve-outs and with the needed supports and services to look after the vulnerable young people and their families; and
- Addressing the excessively high rates of family and domestic violence against Aboriginal and Torres Strait Islander women.

The Greens believe the best way to stop Aboriginal and Torres Strait Islander deaths in custody is to keep First Nations people out of prison. The Greens are committed to establishing a commission that will oversee the implementation of all Recommendations from the Royal Commission into Aboriginal Deaths in Custody and work with communities to establish a statewide place-based, trauma informed Justice Reinvestment framework.

The Greens are committed to introducing new independent oversight for the prison system to ensure better accountability. The Greens will [raise the age of](#) criminal responsibility to 14 without exception with no one under 16 eligible for a custodial sentence.

The Greens will fully fund and expand justice reinvestment and diversionary programs to become the designated, statewide responses to youth offending. This will include targeted support for First Nations led justice reinvestment programs that are place-based, trauma informed and culturally appropriate, to ensure that First Nations children are supported to remain in their Community and connected to their Culture. The Greens plan to launch our policy to stop Aboriginal Deaths in Custody on March 16

4. Ensuring the adequate protection of First Nations cultural heritage

Can you inform ANTA of the Greens' policies and commitments to addressing:

- The loss of ancient cultural heritage sites including through the impacts of global warming on Australia's environment;
- The necessary Improvement legislative protections for First Nations Cultural Heritage protection across the NSW; and



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- How Traditional Owner fishing rights, as guaranteed by their Native Title, are protected?

The current Aboriginal Cultural Heritage laws violate the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) which calls for protection for and sovereignty over First Nations Cultural Heritage. The Greens are committed to consulting on and introducing legislation for stand alone cultural heritage laws in NSW that are controlled by Aboriginal people, recognise both tangible and intangible Cultural heritage and give communities power to make decisions over cultural sites. The Greens will work to commence section 21AA of the NSW Fisheries Management Amendment Act to ensure Cultural Fishing rights are protected.

Please feel free to reach out if you would like to discuss any of these points further.

Kind regards,

Sue Higginson
Greens NSW Spokesperson for First Nations Justice

Lynda-June Coe
Greens NSW Upper House Candidate