



## **ABORIGINAL COMMUNITY ELDERS SERVICES**

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### **ACES presentation to 24<sup>th</sup> Session of UNPFII April 2025**

We pay our respects to the First Nations People of North America and their Elders and to all Indigenous Peoples here.

We represent one of the oldest Elders Services in Australia. Based in the city of Melbourne, the Aboriginal Community Elders Services or ACES was set up by our Elders in the late nineteen-eighties. We continue to support Elders in residential care as well as in their homes and we advocate for their rights and needs.

Our Elders brought us through dark times when their identities were denied and their movements controlled and regulated, to today when we have all the formal rights and freedoms of others, but cannot realise our full potential because of racism and extreme disadvantage and powerlessness.

We are still the poorest, most incarcerated section of the Australian population.

Our Elders are our past, present and future. They are the holders of cultural knowledge and our histories. Like other Indigenous Peoples' Elders, our Elders have resisted the settler-colonial objective of erasing us. This resistance includes regeneration of our culture and our populations. It is they who have been fighting to restore and rename and repopulate our lands.

We stand on the shoulders of our Elders.

The UNDRIP applies to all our Indigenous Peoples, our children, persons with disabilities, women and our Elders. However, our Elders tend to be forgotten when policies and programs are discussed. We need to restore their voices using UNDRIP as a framework at the state level.

UNDRIP Article 21 (2) says "Particular attention shall be paid to the rights and special needs of indigenous elders, women, youth, children and persons with disabilities."

Furthermore, Article 23, refers to:

*the right to be actively involved in developing and determining health, housing and other economic and social programmes affecting them and, as far as possible, to administer such programmes through their own institutions.*

ACES believes that the redesigned aged care system in Australia based on the recommendations of the 2021 Royal Commission into Aged Care does not reflect the intent nor specifics of the recommendations calling for a culturally safe aged care pathway for Aboriginal people.

Our view is that UNDRIP should have been followed in the process of change as well as being one of the building blocks of the redesigned system. Our voices should have been heard and made a permanent part of the aged care system not just in the design stage.

We want the recommendations of the Royal Commission to be implemented in partnership with Aboriginal Peoples.

We also want Australian governments to adopt in full, the recommendations (Appendix below) of the Australian Parliament's Joint Standing Committee on Aboriginal and Torres Strait Islander Peoples "Inquiry into the application of the UNDRIP in Australia". (November 2023)

### **ACES Recommendation**

We believe as all States that have endorsed UNDRIP including Australia in 2009, need to adhere to Articles 18, 19, 20, 21, 22, 23 and 24 in addressing the needs of our Elders. This will allow the proper implementation of Elders rights into the Australian context.

We also call on the UN Special Rapporteur on Indigenous Issues to examine the application of UNDRIP in relation to Elders.

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**Dr Glenn Harrison**  
**Member of ACES Board Directors**

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## APPENDIX

Recommendations of the Parliament of the Commonwealth of Australia's Joint Standing Committee on Aboriginal and Torres Strait Islander Peoples "Inquiry into the application of the UNDRIP in Australia". (November 2023)

### Recommendation 1

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- 4.1 The Committee recommends that the Commonwealth Government ensure its approach to developing legislation and policy on matters relating to Aboriginal and Torres Strait Islander people (including, but not limited to, Closing the Gap initiatives) be consistent with the Articles outlined in the United Nations Declaration on the Rights of Indigenous Peoples.

### Recommendation 2

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- 4.2 The Committee recommends development of a National Action Plan, in consultation with Aboriginal and Torres Strait Islander peoples, that outlines the approach to implementing the United Nations Declaration on the Rights of Indigenous Peoples in Australia.

### Recommendation 3

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- 4.3 The Committee recommends that any National Action Plan should consider the legislative, policy, and other approaches to implement, and assess compliance with, the United Nations Declaration on the Rights of Indigenous Peoples across all jurisdictions and should seek to include coordination agreements with all levels of government to maximise success.

### Recommendation 4

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- 4.4 The Committee recommends that the Commonwealth Government establish an independent process of truth-telling and agreement making, as requested by Aboriginal and Torres Strait Islander peoples, as a mechanism to support healing and assist implementation of the United Nations Declaration on the Rights of Indigenous Peoples (particularly Articles 3, 8, 11, 28, 32, and 37).

### Recommendation 5

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- 4.5 The Committee recommends that the Commonwealth Government work with State and Territory Governments and non-government education institutions to develop and adopt content for all levels of education, including for new citizens, in order to enhance awareness of:
- Australia's human rights framework, including the relationship between the United Nations Declaration on the Rights of Indigenous Peoples and human rights covenants,
  - Australian history in respect to the relevance of the legal fiction of 'terra nullius' in facilitating the colonisation and settlement of Australia, and its impact on Aboriginal and Torres Strait Islander peoples, and
  - General civics awareness, including the functions and operations of Australian political and legal institutions.

## Recommendation 6

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- 4.6 The Committee recommends that the *Human Rights (Parliamentary Scrutiny) Act 2011* (Cth) be amended to include the United Nations Declaration on the Rights of Indigenous Peoples in the definition of '*human rights*', so that it be formally considered by the Parliamentary Joint Committee on Human Rights when scrutinising legislation.