

INDIGENOUS CONCERNS GROUP

**The Religious Society of Friends (Quakers), Victoria Regional Meeting
Friends House: 631 Orrong Rd., Toorak 3142**

SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE

community.affairs.sen@aph.gov.au

INQUIRY INTO WELFARE REFORM and REINSTATEMENT OF THE RACIAL DISCRIMINATION ACT

We appreciate the opportunity to send a submission.

We understand the Committee is looking at the effectiveness of amendments to the Racial Discrimination Act in regard to the well-being of Aboriginal peoples, particularly in NT. We understand, too, the Committee will be considering costs connected with Government policy objectives and initiatives, and the merits of alternative measures.

We write as a group with a long-time concern about justice for the Aboriginal and Torres Strait Islander peoples of this country.

We welcome the reinstatement of the Racial Discrimination Act (RDA) and urge that it be fully compliant with the Convention for the Elimination of all forms of Racial Discrimination (CERD) and the Covenant on Civil and Political Rights (CCPR), both of which Australia has signed. We understand being a signatory involves agreed-to obligations, and that Australia has not upheld these.

It is of concern that a UN Committee request for Australia to “redesign the NTER measures in direct consultation with the Indigenous peoples concerned, in order to ensure that they are consistent with the Racial Discrimination Act .. and the Covenant” was not heeded. The UN letter asked for “effective consultation”, but the consultation process in NT mid-2009 instead continued the disrespectfully inappropriate contact with Aboriginal communities, as evidenced, for example, in the ‘Will They Be Heard?’ Report. We believe no program will succeed when the people supposed to be receiving benefit are instead feeling demeaned, unrecognized, thwarted and with extra disadvantage, the experience of many in the 73 ‘prescribed area’ communities since the beginning of the NT Emergency Response in 2007. We urge the Committee to make appropriate consultation, as suitable in each Community, crucial and binding.

We are concerned that the Government is trying to work around, rather than comply with, the requirements for ‘special measures’ (that the people to be affirmed by them must play a respected and predominant part, from the start, in the planning and implementation of the decisions that will impact their lives). The Government’s decision to extend ‘income management’ to non-Aboriginal people receiving welfare payments in areas of disadvantage does not fulfill and is a further abrogation of the requirements for ‘special measures’. We urge the Committee to make the fulfillment of all these requirements a necessity.

We are distressed that a country that is signatory to CERD and CCPR set aside the Racial Discrimination Act. We believe rights cannot be conferred but are inherent, that they cannot be traded off one against the other, and that to not allow people to exercise their rights is inhumane. We understand that Aboriginal people already under income quarantining will effectively have no redress for a further twelve months, and we find this unacceptable. Please ensure there is no avenue through the legislation for future similar loss of dignity and respect.

It is of concern that the legislation will enable one Minister to make a number of declarations, eg. which areas are to become an income management area. We ask the Committee to ensure there are checks on all such decisions.

We are disappointed that Labor pre-election promises to restore the RDA and to formally support the UN Declaration on the Rights of Indigenous Peoples were not recognized as priority. The delay does not reflect the equality and justice important to Quakers, and we believe it neither reflects the values Australians would want to encourage. The RDA was enacted initially with the view that discrimination is not acceptable. For it to be set aside with the belief that discrimination was needed indicates that the values expressed in the Act need to be re-examined. We ask the Committee to include a clause that prevents any future dismantling of its intent and its authority.

We ask that Aboriginal Elders and leaders in Communities be given due respect and authority to develop or strengthen the programs most needed in their Community, doing so in conjunction with the new Healing Foundation and using the resources set aside for the NT Intervention. This in our view would be a much more effective use of these resources.

We have welcomed statements from the Government about a commitment to build a new relationship with Indigenous peoples based on mutual respect, mutual resolve and responsibility, but recognize from our own journeys that it takes time and contact to reverse the unconscious racism our Western societal system has taught. We urge you to restore the RDA in a way that ensures full compliance with Australia's international obligations, not only because of the moral bind, but to also help grow a truer recognition of and respect for the Indigenous peoples of this country. We believe an increased sense of well-being for Aboriginal & Torres Strait Islander peoples would flow from this, and see an added by-product being the improved health and well-being of the country as a whole, giving all children a healthier environment and values in which to grow.

Yours sincerely,

Margaret Spong, Convenor