

**SUBMISSION TO THE COMMUNITY AFFAIRS LEGISLATION COMMITTEE/SENATE ON THE REINSTATEMENT OF THE RACIAL DISCRIMINATION ACT.**

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Thank you for the opportunity to send a submission to the Committee, which we understand is looking at the effectiveness of amendments to the Racial Discrimination Act in regard to the well-being of Aboriginal peoples, particularly in the Northern Territory. We understand too, that this Committee will be considering the cost-effectiveness of Government policy objectives and initiatives, and the merits of alternative measures.

I write as a person who has held a long time social group concern about justice for the Aboriginal and Torres Strait Islander people of this country.

I welcome the reinstatement of the Racial Discrimination Act (RDA) and urge that it fully complies with the Convention for the Elimination of all forms of Racial Discrimination (CERD), and the Covenant on Civil and Political Rights (CCPR).

I hold the following specific areas of disappointment and concern:-

Disappointment with the government's decision to extend 'income management' to everyone receiving welfare payments in the Northern Territory. This does not fulfill the requirements of the above Convention and Covenant. The UN Committee reviewing Australia's progress in meeting its obligations as a signatory to the CCPR expressed concern in 2009 that "Indigenous peoples are not sufficiently consulted in the decision making process in respect to issues respecting their rights".

Disappointment that the consultation process in the Northern Territory in mid 2009 was not in line with requirements outlined by the CCPR. The report "Will They be Heard" is evidence of this lack of appropriate consultation.

Disappointment that the Labor pre-election promise to Restore the Racial Discrimination Act, and to formally support the UN Declaration on the Rights of Indigenous Peoples were not recognised as a priority.

The specific areas of concern listed above indicate that the areas of equality and justice, held to firmly by Quakers in Australia, are being ignored.

I believe that the the belief the RDA was set aside because discrimination was necessary should be critically addressed and the RDA reinstated. I also ask that a clause be included that prevents any further dismantling of the Act in both of its intent and its authority. I believe that rights cannot be conferred but are inherent, and they cannot be traded off, one against another.

I ask, along with other organisations such as Amnesty International, that Aboriginal Elders and leaders in communities be given respect and authority to develop or strengthen the programs most needed in their communities, doing so in conjunction with the New Healing Foundation and using resources set aside for the Northern Territory Intervention. I think that this would be a much more effective use of these resources.

Yours faithfully,

Dr. John P. McMahon.