



National Council of
Churches in Australia
NATSIEC

10 November 2010

**Constitutional acknowledgement should not detract from
addressing legislative discrimination**

*from the National Aboriginal and Torres Strait Islander Ecumenical Commission of the
National Council of Churches in Australia*

The announcement by the Prime Minister that the Government will work towards recognising Aboriginal and Torres Strait Islander Peoples in the Constitution was welcomed by the National Aboriginal and Torres Strait Islander Ecumenical Commission (NATSIEC) as a positive action to address a long overdue omission.

Executive Secretary of the NATSIEC, Mr Graeme Mundine, has however raised concerns that Constitutional recognition will not mean anything unless the rights of Indigenous people are protected and respected in all policy decisions and implementation.

“Despite the Apology and Australia’s late support of the United Nations Declaration on the Rights of Indigenous Peoples, not to mention our obligations under International human rights instruments, Aboriginal people in the Northern Territory are suffering daily because of racially discriminatory policies and practices,” Mr Mundine said.

“The impact of the Intervention continues to be detrimental to the wellbeing of whole communities. The Government has made various promises including to fully reinstate the Racial Discrimination Act but has failed to ensure that Aboriginal people are protected from racial discrimination. Constitutional recognition of Australia’s First Peoples will not in itself address these kinds of discrimination”.

On December 31st the flawed “reinstatement” of the RDA comes into effect. However, the NATSIEC does not believe that the Government has made the case to exclude aspects of the NTER from the protection of the RDA by calling them “special measures”.

The NATSIEC calls on the Government to urgently address the discriminatory aspects of the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of the Racial Discrimination) Act 2010* and ensure that the RDA is fully reinstated.

In particular we urge the Government to:

- introduce amendments to reinstate the RDA in full;
- ensure that any welfare reform is non-discriminatory and does not impinge on the rights of any recipients;
- review the NTER measures to ensure that they fully comply with the RDA and our obligations under human rights standards such as the Convention on the Elimination of all Forms of Discrimination and the United Nations Declaration on the Rights of Indigenous Peoples.

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