

Covenanting

1. INTRODUCTION

1.1 Since the establishment of the Covenant between the UAICC and the rest of the UCA in 1994, the Covenanting process has become an important and life-giving movement in the church. The relationships forming between the Congress and the non-indigenous members of the church will, given the grace of God, create a truly Australian church which sees its identity as discipleship communities in the context of the repairing of relationships between Indigenous and non-indigenous Australians. It is an ongoing journey which promises to liberate Indigenous and non-indigenous Australians from the nightmare of our *terra nullius* history which effects our lives today.

As the Indigenous poet, Lilla Watson writes:

*If you have come to help
you are wasting your time.
But if you have come
because your liberation
is bound up with mine then
let us work together.*

1.2 The theme for Assembly this year is, "Here we are ...send us". This has an obvious Covenanting dimension. 'Here' refers to Australia, a still-emerging nation yet to resolve issues of identity. A nation with a colonial background and unresolved issues, particularly in relation to Indigenous people. 'We' refers to we Christians in this land of Australia. A people seeking to understanding our identity as disciples of Christ in this place. 'Send us' refers to our discipleship and missional response to our context and leads us to ask the question: what is our mission in this land?

1.3 We Christians are a people who remember. We maintain our connection with the stories of the Scriptures by remembering who we are before God. We do this in our worship, in our commitment to be disciples and as communities hooked into God's mission. We remember the texts of our faith and celebrate our communion and our connection with God by remembering our connection to Christ's last meal with his disciples. Our remembering defines who we are and who we will be. Without remembering, our faith will die and our connection with God may be lost. God's gracious action in Jesus Christ creates the connection which keeps us alive. But Christians are not the only people who practice remembering to keep themselves alive. Indigenous peoples through-out the world also maintain their self-understanding by practising remembering in stories, ceremonies and customs.

1.4 As Christians in Australia we live in a country where disremembering has been practiced for two centuries. As a colony we were taught to forget the humanity of the first Australians. Non-indigenous Christians were taught the lie of *terra nullius* - 'empty land'. Indigenous

Christians were taught to forget who they were before the colonials came. We non-indigenous Christians have been taught to forget the battles, the dispossession, the diseases, the disconnections. To maintain a *terra nullius* faith and a *terra nullius* theology in this land is to maintain the cult of disremembering. Such a practice 'dis-members' Indigenous people from the story of this land. Such a practice is a denial of God's love and purpose for us in this land. As a people who are called to remember the death and resurrection of a man who was killed by the forgetful leaders of Judaism and the colonial leaders of Rome we need to not only respect the remembering of other peoples - we are called to see Christ's presence in the Spirit among the first Australians who have been disconnected by an, at times, forgetful Church and an invading colonial power. We are, all of us, indigenous and non-indigenous, the children of *terra nullius*; the children of Cook's failure to follow his instructions to seek the consent of the Aborigines; the children of centuries of conflict and dispossession. This truth needs to be recognised and dealt with.

1.5 If we non-indigenous Christians are concerned about understanding our identity in, and our connection to, this land, we need to sit and listen to how Indigenous people relate to the land. Pat Dodson often says that he cannot think without the land. As Christians we need to recognise the presence of God's spirit in the land, a spirit and presence which Indigenous people have always recognised. As Christians we need to recognise God's presence with Indigenous people in their centuries-old struggle for survival. We too are in need of reconnecting, with the land and, perhaps, with God. The first step is to exorcise the demon of *terra nullius*. *Terra nullius* led to the dispossession of land, of economic foundation, of culture, of children and families. The struggle for indigenous people has been to somehow maintain, as the Mabo Judges termed it, a "*continuing connection*". True reconciliation can only be based on purging the demonic spirit of *terra nullius* from our nation. It is this nation's greatest sin. True reconciliation can only be based on walking alongside Indigenous people as they seek **reconnection** - with the land, with their economic foundation, with their culture and within families. Reconnection may occur at several levels - through recognition in the Constitution, through self-determination, through cultural appreciation and affirmation, through a treaty, through measures of overcoming systems of disadvantage. As Christian disciples in this place we are called to be co-workers with God's journey with Indigenous people. A journey of remembering, reconnecting and reconciliation. Covenanting is concerned with how God's grace is expressed in that call and we can respond to that call.

2. A NEW AGENCY

2.1 There have been some changes at the Assembly level regarding the Covenanting process of the UCA. A critical structural change is that Covenanting is now an agency

of the Assembly with its own mandate established by the Assembly Standing Committee in 1998. This means that the Assembly Covenant Steering Committee is now called the Assembly Covenanting Reference Committee. The other change is that the former National Director, Rev. Dr. John Brown has retired, but still very involved, and his replacement is Peter Lewis, formerly of the Victorian Synod. The Committee members are Rev Shayne Blackman (co-chair), Rev Sealin Garlett, Rev Wali Fejo and Vince Ross from Congress and Gregor Henderson (co-chair), Judy Munster, Ed Walker and Lisa Wriley.

3. EIGHTH ASSEMBLY DECISIONS

3.1 The Eighth Assembly

- made a strong commitment to the Stolen Generations and the commemoration of 'Sorry Day';
- encouraged Congress representation on Synod bodies;
- commended to all parishes the desirability of displaying Covenanting symbols;
- encouraged the commencing of meetings with a recognition of Indigenous ownership of the land;
- commended asset and property sharing with the Congress;
- commended to all Synods and Assembly agencies the Indigenous Employment Strategy developed by the SA Synod to employ to a level of 2% Indigenous people in the church and its related bodies;
- requested that presbyteries and parishes take the initiative to deepen their fellowship with local Indigenous people and the Congress in particular;
- supported a change in the date of our National Day and recommended that presbyteries and parishes reflect on the effects of dispossession on 26 January and on the Sunday nearest 26 January;
- called on the Federal Government to recognise the importance of Native Title, to not extinguish, directly or indirectly, Native Title and to seek co-existence.

4. ACTIONS TAKEN SINCE EIGHTH ASSEMBLY

- #### 4.1 Congregational Covenanting commitments
- Many congregations have demonstrated their commitment to Covenanting through many practical and symbolic actions. A growing number of churches have plaques recognising the traditional owners and custodians of the land. Many congregations have established links with local Indigenous communities and with regional councils of the Congress. In 1999 the Covenanting Reference Committee resolved to promote congregational covenanting statements. Covenanting has disseminated a 'template' to assist congregations in making a commitment to their local Indigenous community and Congress. Covenanting has also produced a variety of

resources for congregations. The template is as follows:

"The Congregation is a congregation in covenant with the Uniting Aboriginal and Islander Christian Congress.

We acknowledge and grieve with Indigenous people that the coming of people from overseas to live here over the last two centuries has resulted in great losses for Indigenous people - losses of land, life, children, language and culture.

We acknowledge that in their zeal to preach the Gospel, the churches have not always treated Indigenous culture with respect, and have contributed to this loss.

We commit ourselves to listen to Indigenous people in order to understand and respect their spirituality and culture, and to understand the history and political, social and economic relationships in Australia from their perspective.

We seek to understand our own identity as Australian Christians in terms of our relationship with Australia's Indigenous people, the land and the rest of Creation.

We seek to reflect our congregation's covenant with the Uniting Aboriginal and Islander Christian Congress in our local mission and witness by sponsoring positive relationships between Indigenous and non-Indigenous peoples in our local community.

We are committed to pray and work for a united Australia which respects this land; values the prior and continuing custodianship, culture and heritage of Aboriginal and Torres Strait Islander peoples; and provides justice and equity for all."

4.2 Promoting Covenanting to Young People

4.2.1 The future of Covenanting in some respects will depend on how the next generation responds to the call to journey with Indigenous people. Therefore promoting Covenanting amongst young people is an important task of this agency.

4.2.2 The National Christian Youth Convention (NCYC) 1999 in Geelong Victoria included a community at Congress' Narana Creations, delegations from Congress from all around Australia and covenanting/reconciliation themes during whole convention gatherings. At the NCYC 2001 in Brisbane we hope to launch a Covenanting Youth Network .

4.2.3 Another aspect of promoting Covenanting amongst young people was the second National Youth Reconciliation Convention (NYRC) held in Geelong in September 1999. The second NYRC was a project of Uniting Education. The Convention involved around 250 young people and included a variety of respected Indigenous and non-Indigenous speakers and workshops. The convention was

aimed at both Indigenous and non-Indigenous secondary school students. One of the key tasks of the convention was to respond to the draft Document for Reconciliation (dDFR). As a result, the convention sent a delegation to meet with Council for Aboriginal Reconciliation (CAR), the Governor General and the Minister assisting the Prime Minister on Reconciliation and presented the convention report and response to the dDFR. The Chair of CAR, Evelyn Scott said that the NYRC response to the dDFR was the one of the best they had received.

4.2.4 About FACE 2002 will be based on the theme of Covenanting and, at the time of writing this report, a proposal is currently being investigated by Uniting Education and will involve Synod Christian education and youth agencies, Congress and Covenanting.

4.3 **The Aboriginal and Torres Strait Islander Heritage Protection Bill**

4.3.1 Covenanting made a submission on the *Aboriginal and Torres Strait Islander Heritage Bill* for the Senate Legislation Committee. The key issues of concern identified in the submission were:

- the insufficient involvement of Indigenous people in the process of heritage protection,
- the insufficient Commonwealth Government oversight of State/Territory processes of heritage protection,
- the lack of last resort right of appeal to the Commonwealth which is limited to issues of 'national interest',
- the broad nature of currently proposed minimum standards for State/Territory processes, and
- the limited understanding of Indigenous culture as defined in the bill.

4.3.2 At the time of writing this report, the bill had been significantly amended by the opposition parties in the Senate and the Senate amendments were to be considered by the House of Representatives.

4.4 **Mandatory Sentencing**

4.4.1 The Northern Synod and Aboriginal Resource and Development Services (ARDS) have expressed great concern about the effects of mandatory sentencing on Indigenous communities. The UCA Covenanting agency made a submission to the Senate Legal and Constitutional References Committee Inquiry into the *Human Rights (Mandatory Sentencing of Juvenile Offenders) Bill 1999* in late October 1999.

4.4.2 The objective of the Bill is to give the Commonwealth the legislative power and responsibility to prevent mandatory sentencing laws applying to juveniles. Currently, the Northern Territory and Western Australian Governments have mandatory sentencing laws which are having a debilitating effect on the Indigenous community. In our submission we

argued that mandatory sentencing for Indigenous juveniles

- is an attack on their human rights,
- runs contrary to the recommendations of both the *Royal Commission into Aboriginal Deaths in Custody* and the *National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from their Families (Bringing Them Home)* and
- has a negative social impact on the Indigenous community.

4.4.2 In February 2000, the issue has become a focus of public and international attention following the suicide of an Indigenous child in custody following a mandatory sentence for a minor property crime. At the time of the writing of this report, the UN, through its Human Rights Commissioner, was to investigate this situation in the context of international human rights instruments and conventions.

4.5 **Covenanting theology focus**

Covenanting will continue to develop theological and lectionary resources for congregations. 'Year of Mark', material has been developed along the lines of biblical scholar Ched Myers' 'contextualising the gospel' approach. Peter Lewis ran a workshop on covenanting as part of Uniting Education's *Preaching and Teaching in the Year of Mark Conference* from 29 November to 4 December in 1999. Covenanting plans to develop further theological resources from the perspective of non-Indigenous people as a way of complimenting the emerging Indigenous theology being developed by Indigenous Christians.

5. **EXAMPLES OF COVENANTING IN SYNODS**

5.1 **New South Wales**

5.1.1 **Myall Creek Massacre Site**
John Brown has been involved in the continuing process for establishing a permanent Myall Creek memorial. The Myall Creek group is working on design for memorial which will be a large structure on the massacre site hill which will have inbedded within it a plaque. Smaller plaques will be placed along a pathway with seats for quiet reflection. Paintings on stones will reflect the story of the massacre. People have brought own stones. There has been great cooperation by local people and the elders. The shire supports the venture. The group has made applied to the NSW heritage fund and one to a national local government fund. There has been catholic and non church support with the lead from the UCA and Congress through Merve and Sue Blacklock.

5.1.2 **Synod Meeting 1999**
At the 1999 Synod meeting the theme of reconciliation between was explored as part of a one hour presentation involving stories of reconciliation involving Congress and Synod

leaders as well examples from the floor by members of Synod. The Aboriginal and Islander Commission of the National Council of Churches provided an excellent video on co-existence land issues as an added stimulus to the session.

5.1.3 **Synod Covenanting Committee**
The NSW Covenanting Committee has been reorganised with Ed Walker as the voluntary Covenanting Co-ordinator. The Committee includes representatives from Congress and presbyteries.

5.2 **Victoria**

5.2.1 **Synod Covenanting Committee**
The Victorian Covenanting Committee has been involved in a variety of activities since the last Assembly meeting. At Robinvale, in November 1998, the Victorian Covenanting Committee and Congress organised a Covenanting Campout by the banks of the Murray. Manatunga elder, Auntie Jean Sampson, welcomed the campers and introduced them to some of the local history of the area from the perspective of the indigenous people. Other local Kooris told more stories of the area, took the campers on a riverside walk, welcomed them at the Aboriginal Co-op and showed and explained the significance of locally made indigenous handicrafts. Regional Congress leader Vince Ross lead the group in a sing along, others led a dance performance and John Brown recounted some of the highlights of being Covenanting Director. On the Sunday morning a multi-cultural service was held with Koori singers, a Fijian choir and a Tongan action song group. It was an amazing time for all involved. The story of the weekend was featured in the Victorian Synod's *Crosslight* newspaper.

5.2.2 **Synod Resourcing**
The Synod has assisted the process of Covenanting through the excellent work of Dean Eland of the Commission For Mission. Dean greatly assisted in the development of both Congress in Victoria and the Victorian Covenanting Committee. Currently, the Justice and World Mission unit of the Commission for Mission assists the Victorian Covenanting Committee by providing one-half day a week in staff time of their World Mission Development Officer, Stephanie Tashkoff, and covering costs for meetings and mailings.

5.3 **South Australia**

5.3.1 **Synod Covenanting Committee**
The South Australian Covenanting Committee consists of representatives from Congress, presbyteries and the Synod. Congress resource worker Tony Goodluck has been Covenanting Co-ordinator until 2000 when former Synod General Secretary Marelle Harrison took over the position.

5.3.2 **The 2% Indigenous Employment Program**
One of the most effective ways in which South Australia has supported Covenanting is through the implementation of the 2% Indigenous

Employment Program. The South Australian Synod is a 'corporate leader' in the Commonwealth Government's *Indigenous Employment Program* and is in the early stages of implementing its 2% Indigenous Employment contract with the Government. The process the South Australian Synod used involved three stages:

- Researching and writing a detailed proposal for the approval of the Synod;
- After Synod approval, entering into negotiations with the Government; and
- Receiving a contract from the Commonwealth Department of Employment, Workplace Relations and Small Business (DEWRSB).

The effect of this program, in terms of the levels of Indigenous employment and the developing of close, trusting relationships between Indigenous people and the church promises to be revolutionary.

5.4 **Tasmania**

With limited resources the Tasmanian Synod has continued its commitment to Covenanting through its support for Congress and Congress's support for reconciliation and cross-cultural education for the non-indigenous Tasmanian community. Covenanting issues are often the focus of much of the work of the Synod among young people. Congress has run many workshops for non-indigenous people, both through visiting UCA congregations and ecumenical gatherings.

5.5 **Western Australia**

Western Australia has established a functioning Covenanting Committee. The Committee is seeking funding for Sealin Garlett in his emerging role as Covenanting Co-ordinator.

5.6 **Queensland**

The Queensland Synod meeting in 1999 sought to address issues in the Covenanting process for Queensland. The Council of Synod has undertaken to establish a Covenanting Committee and a task group for implementing, at a Synod level, the reconciliation strategies suggested by Congress (see section 6 below).

5.7 **Northern Synod**

5.7.1 The Northern Synod has continued its support for Congress, Covenanting and reconciliation. Congress is seen as equal partners with Synod and the Synod provided a secretariat for the Council for Aboriginal Reconciliation.

5.7.2 **John Flynn Memorial**
One of the great reconciliation stories of recent times has been the recent ceremony at John Flynn's grave. In 1996 the Warumungu and Kaytetye people made a formal request to the Central Land Council for the return of one of their sacred stones which had been placed above Flynn's grave. This led to many difficult meetings as the concerns of the Indigenous custodians of the stone needed to be balanced

with the concerns of those who revere Flynn. The break-through came when the Arrernte people (on whose land the memorial sits) offered one of their own sacred stones as replacement for the one on Flynn's grave. The full story can be found in the November 1999 edition of Frontier News, from the UCA's Frontier Services. Copies can be ordered from the Assembly office.

6. PROCESS OF RECONCILIATION

6.1 The Council For Reconciliation

Draft Document for Reconciliation

The Council for Aboriginal Reconciliation (CAR) has completed its process of consultations concerning the draft Document for Reconciliation (DDFR). The final Document was launched in May 27, 2000 at a major ceremony called Corroboree 2000 at the Sydney Opera House. The UCA has had input into this process in a variety of ways. Congregations and presbyteries have been encouraged to make their own response as well as participate in the official CAR consultation meetings. The UAICC (Congress) has made a national response. In relation to the national UCA response to the DDFR, the Assembly Standing Committee in November decided to express solidarity with the Congress's position on the DDFR, commit to a set of national strategies for the church and urge CAR to establish a process of negotiation between Indigenous leaders and the Federal Government as the next stage in the process towards reconciliation. Some Synod's have also made their own responses based on expressing solidarity with Congress' response; New South Wales at their Synod meeting, the Queensland Synod at their Synod meeting and subsequent Council of Synod meeting, Victoria through its Commission for Mission. The Northern Synod provided a secretariat for CAR in the Northern Territory. All Synods are considering their responses to Congress' suggested strategies (see below) for reconciliation.

6.2 From the outset it is important to recognise that the Document is a Document for Reconciliation and not of Reconciliation. The difference is significant and appropriate. Given the unresolved issues of native title, land rights, heritage protection, the Stolen Generations, racism and continuing Indigenous disadvantage, to declare that we are reconciled or will be next year would be to ignore reality and glaze over the truth. Appropriately this is a document of intentions and strategies. Combined with the strategies the draft Declaration suggests a process - in broad outline - by which the nation can seek reconciliation in the future. Reconciliation is seen by many Indigenous people as a non-indigenous process which can be a useful process to help educate the non-indigenous community or, looking at it from a different perspective, a whitewash of the truth. If Indigenous people come to believe that reconciliation is merely a cover for hiding or

glazing over the truth, then it will do more damage than good. If the Declaration treats the truth in a trivial way, it will merely become another, more subtle, form of oppression.

6.3 **Covenanting 2000 - National Strategies for the Next Stage in the Covenanting Process**

Responding to the DDFR has given the UCA an opportunity to establish future strategies for the Covenanting process. Our strategies are based on the following UAICC National Executive Committee's response to the DDFR.

Economic Strategy

The Congress is asking the UCA to;

- *assist the process of cross-cultural awareness for non-Indigenous people and Indigenous people which outlines the similarities and differences, between Indigenous and non-indigenous economic and political systems and concepts*
- *encourage UCA members to make themselves available for Indigenous people who want to start and maintain their business*
- *encourage Synods' accountancy and finance services to make themselves available to assist Indigenous people in financial management skills training and business development*
- *provide mentoring and other assistance to Indigenous people wishing to establish businesses.*
- *design and implement a 2% Indigenous employment strategy for UCA Synods, the Assembly and schools, hospitals and agencies. This would require mentoring within the workplace and creating culturally sensitive workplaces.*
- *advocate for cultural awareness training for workplaces*
- *create and finance a national wide strategy to encouraging community development trained mission co-workers to support the UAICC's ministry*

Addressing Disadvantage Strategy

The Congress is asking the UCA to;

- *encourage UCA hospitals to develop Indigenous health policies*
- *provide hospitality for Indigenous families visiting sick relations in hospitals*
- *provide cultural awareness training for health workers, particularly in regions where they will be servicing Indigenous people*
- *encourage UCA schools to develop Indigenous education policies*
- *encourage the employment of Indigenous Liaison Workers in UCA agencies*
- *encourage partnership programs between UCA schools and other schools who teach Indigenous students*
- *advocate for regional investigations into Indigenous educational service delivery*
- *increase advocacy in the areas of housing, law and the justice system*

Indigenous Rights Strategy

The Congress is asking the UCA to:

- continue the UCA's advocacy role in promoting social justice and Indigenous rights
- encourage the Commonwealth Government to
 - provide constitutional recognition of Indigenous rights and removing aspects of the constitution which can be used to discriminate on the basis of race,
 - provide constitutional protection to the Racial Discrimination Act,
 - provide for Indigenous representation in the parliament,
 - affirm and recognise native title, land rights, customary law and indigenous heritage protection.

Maintaining Reconciliation Strategy

The Congress is asking the UCA to;

- require of theological colleges that cultural awareness training be a requirement of theological training and elders preparation
- make on going Covenanting commitments at the National, Synod, Presbytery and Congregational levels - which will include Covenanting Statements, use of Indigenous protocols and symbols, recognition of country through statements and plaques
- encourage more youth exposure programs
- work with the UAICC towards developing an Indigenous theology

It is the intention of the Covenanting agency that these strategies will form the basis of advancing the process of reconciliation in the next few years. Some of these strategies require consultation with Synods and other agencies and bodies of the UCA. All of these strategies require action plans. Covenanting has consulted with other UCA bodies and has designed action plans for approval for this Assembly.

6.4 Week of Prayer for Reconciliation.

John Brown has prepared and distributed Week of Prayer for Reconciliation material to all Synods for the last four years. Peter Lewis has been appointed the National Co-ordinator for the Advisory Group on Faith Communities (AGFC) which prepares materials on the Week of Prayer. The theme for the Week of Prayer in 2000 was *Sharing Our Future: The Next Steps*.

7. SEPARATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES

- 7.1 The UCA has been keenly involved in the publishing of issues around the *Separation of Aboriginal and Torres Strait Islander Children from their Families (Brining Them Home) Report*. In 1998 'Sorry Day' events were held throughout the nation on the first anniversary of

the report. In 1999 the theme was the 'Journey of Healing'. Events held were very successful. John Brown is Co-Chairperson of the National Sorry Day Committee which has representatives from the Indigenous and non-indigenous community.

- 7.2 The separation of children over several generations continues to affect all Australians. Healing is a national need. For the first anniversary of Sorry Day the *Journey of Healing* theme was launched in May 1999. At the launch the Mutitjula elders at Uluru ceremonially welcomed the stolen generations home to their families, communities and rightful identity, and handed them Tympilipa (music sticks) to take on their Journey of Healing. These music sticks continue their journey throughout Australia. Councils, community organisations, churches and schools were encouraged to again recognise the history of removal and current injustices, and promote healing through ceremonies and sharing experiences.

- 7.3 On 26 May, 2000, the second anniversary of National Sorry Day, all Australians will be urged to participate in an ongoing Journey of Healing for our country. Journey of Healing 2000 will focus on action towards 'bringing home' the stolen generations. It called for the whole-hearted implementation of Bringing Them Home's recommendations, the nation to address today's separation of Indigenous children from their families, the encourage the teaching of Aboriginal history and current realities in our education facilities and the need to work for healing throughout the Australian community.

- 7.4 We need to be aware that each person involved in the stolen generations tragedy is at a different stage in the journey of healing and the hope is that the journey becomes more than an annual commemoration. There are still many out standing issues which need to be addressed not only in terms of a national apology but also in terms of implementing the recommendations of the *Brining Them Home* Report and following-up on the outpouring of grief of Indigenous people. We are all in need of some deep healing. The healing of non-indigenous people, particularly the need to be cured of our denial, will depend on how we accompany Indigenous people on the journey.

8. NATIVE TITLE

In July 1998 the Native Title Amendment Bill was passed by the Senate after two years of debate. The United Nations Committee on the Elimination of Racial Discrimination (CERD)'s in March published its findings in relation to Australia's treatment of Aboriginal and Torres Strait Islander peoples, particularly in relation to the Native Title Amendment Act. In August 1999, the CERD confirmed its previous decision in March that the Act discriminates on the basis of race.

The decision expressed concern that:

- Amendments to the *Native Title Act 1993* (NTA) favour non-Indigenous interests at the expense of Indigenous title, and consequently, do not strike an appropriate balance between Indigenous and non-Indigenous rights;
- The validation, confirmation, and primary production upgrade provisions, and restrictions and exceptions to the right to negotiate, discriminate against native titleholders. In doing so, these provisions raise concerns that Australia is not acting in compliance with its obligations under Articles 2 and 5 of the International Convention on the Elimination of All Forms of Racial Discrimination (the Convention);
- The lack of 'effective participation' of Indigenous people in the formulation of the amendments raised concerns that Australia had breached its obligations under Article 5(c) of the Convention and had not acted in accordance with the Committee's General Recommendation XXIII on Indigenous People.

The UN CERD findings cannot be easily ignored and dismissed. The Australian Government as a matter of urgency must give consideration to those aspects of the Native Title Amendment Act 1998 which may be racially discriminatory and re-open the dialogue with Aboriginal and Torres Strait Islander peoples on questions of native title, indigenous heritage protection and land justice. Covenanting made a submission to the Parliamentary Joint Committee in Native Title concerning these issues in February.

Peter Lewis
National Director