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Australia: Human rights a key concern in senate debate on Native Title Amendment Bill

As the Australian Senate this week begins debating a historic draft law to determine property rights on the basis of race, Amnesty International is calling on all Senators to take into account Australia's record of commitments to human rights.

"Human rights have again emerged as a key concern in important legislation now before the Senate," Amnesty International said today. "While the debate on the draft of the law has been a long and emotional one, Australians should not forget their enduring record of concern for human rights, justice and a 'fair go' for all."

Despite expert advice about serious negative human rights implications, the Australian Government seems determined to enact the Native Title Amendment Bill 1997 which restricts already limited rights of indigenous people regarding access to ancestral lands because of their race.

While Amnesty International does not take sides in disputes over access to land, and acknowledges the difficulties faced by the Australian Government on this issue, the organization believes that the law should live up to international human rights standards.

"In drafting laws the government should always take into account its commitments to human rights standards accepted internationally, including the principle of non-discrimination on the basis of race," Amnesty International said.

"Yet while the native title bill would, if enacted, appear to restrict the rights of a minority, another draft law awaiting Senate debate goes even further. The 'anti-Teoh' bill aims to extinguish the right of all Australians to use human rights treaties as a basis in Australian law to challenge a government administrative decision.

The 'anti-Teoh' bill -- formally known as Administrative Decisions (Effect of International Instruments) Bill 1997 -- was introduced in June and is due shortly for a final vote after endorsement by a Senate committee with a government majority.

First proposed by the previous government, the 'anti-Teoh' bill seeks to overturn the 1995 Australian High Court decision (*Minister of State for Immigration and Ethnic Affairs v. Teoh*) which held that international human rights treaties ratified by Australia should be considered in administrative decision-making even if their provisions had not been incorporated into domestic law.

Amnesty International is concerned that these draft laws send the wrong signal to Australians and to the world that the government is not serious about its commitment to uphold human rights and racial tolerance which it declared were important values for all Australians.
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