



human
rights

law
resource
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10 November 2009

The Hon Kevin Rudd MP
Prime Minister
Parliament House
CANBERRA ACT 2600

By Mail

The Hon Jenny Macklin MP
Minister for Families, Housing, Community
Services and Indigenous Affairs

By email: JMacklin.MP@aph.gov.au

The Hon Robert McClelland MP
Attorney General of Australia

By email: R.McClelland.MP@aph.gov.au

Dear Prime Minister, Attorney General and Minister Macklin

**Northern Territory Emergency Response
Reinstatement of the *Racial Discrimination Act 1975* (Cth)**

The Human Rights Law Resource Centre (**HRLRC**), together with the organisations listed in the attached schedule, strongly urge the Australian Government to immediately reinstate the operation of the *Racial Discrimination Act 1975* (Cth) in full and in respect of all aspects of the Northern Territory Intervention. While the *Racial Discrimination Act* remains suspended, Indigenous peoples in the Northern Territory continue to be subjected to discriminatory measures that have the result of impacting on a range of their other fundamental human rights.

The *Racial Discrimination Act* must be comprehensively reinstated in respect of all measures of the Northern Territory Intervention because to do so would:

- demonstrate the Rudd Government's genuine commitment to addressing the serious disadvantage and discrimination that is experienced by many Indigenous Australians;
- send an important, symbolic message to Indigenous Australians, and indeed all Australians, that the Rudd Government is committed to a renewed relationship of mutual respect, mutual resolve and mutual responsibility;

- enable the scrutiny of the Northern Territory Intervention measures to ensure that they can be classified as “special measures” under the *Racial Discrimination Act*;
- ensure that laws, policies and practices designed to “Close the Gap” will be effective and beneficial for Indigenous peoples;
- be a significant first step to begin to address the feelings of “hurt and anger” and “betrayal and disbelief” that the Review Board found to exist among Aboriginal communities and those affected by other Northern Territory Intervention measures;¹
- ensure that Australia complies with its international human rights obligations, particularly in light of concerns that have been expressed this year by the Committee on the Elimination of Racial Discrimination, the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, and the Special Rapporteur on the Rights of Indigenous Peoples that the measures of the Northern Territory Intervention are racially discriminatory and that the *Racial Discrimination Act* must be immediately reinstated;
- accord with Australia’s recent endorsement of the UN Declaration on the Rights of Indigenous Peoples and support for the principles and standards contained therein;
- send a strong message to the international community that the Rudd Government is keen to distance itself from the policies of the previous Federal Government and engage in a fairer, more reasonable and rights-respecting approach to Aboriginal Australians; and
- demonstrate and confirm the Rudd Government’s commitment to the protection and promotion of human rights and its aspiration to be regarded as an international human rights leader.

The continued suspension of the operation of the *Racial Discrimination Act* is contrary to the benefit and human rights of Indigenous communities in the Northern Territory. Immediate measures must be adopted to give effect to the reinstatement of the *Racial Discrimination Act*.

This letter has been endorsed by the organisations listed in the attached schedule.

Yours sincerely



Ben Schokman
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Human Rights Law Resource Centre
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Attach

¹ Northern Territory Emergency Response Review Board, *Report of the Northern Territory Emergency Response Review Board* (2008), page 8, available at <http://www.nterreview.gov.au/report.htm>.

Endorsements

This letter has been endorsed by the following organisations:

Aboriginal Catholic Social Services	Centre for International and Public Law, ANU
Aboriginal Legal Rights Movement Inc	College of Law
Aboriginal Support Circle - Older Women's Network	Centre for the Human Rights of Imprisoned People (CHRIP)
Alternative Law Journal	CEPU: Communications Division: Postal and Telecommunications Branch Victoria
Anarchist Black Cross	Combined Churches Social Justice Group, Mitcham and Surrounds (Vic)
Arid Lands Environment Centre	Conference of Leaders of Religious Institutes (NSW) Social Justice Committee
Association of Children's Welfare Agencies	Darwin Aboriginal Rights Coalition
Australian Council of Social Service (ACOSS)	Darwin Community Legal Service Inc
Australian Human Rights Centre	Dawn House Inc
Australians for Native Title and Reconciliation, Armidale	Disability Discrimination Legal Centre, NSW
Australians for Native Title and Reconciliation, Boroondara Group	Dreamtime Kullilla-Art
Australians for Native Title and Reconciliation, NSW	Earth Trust
Australians for Native Title and Reconciliation, Victoria	Eastern Community Legal Centre Inc
Baldwin Nominees Pty Ltd	Ecopella
Baptist Aboriginal Partnerships, Melbourne	Ethnic Child Care Family and Community Services Co-operative Ltd
Bennelong and Surrounds Residents for Reconciliation	Federation of Community Legal Centres (Vic) Inc
Bwgcorman Future Inc	Fitzroy Legal Service
Campbelltown Family Support Service	Flemington & Kensington Community Legal Centre Inc
Caritas Australia	Friends of Bilingual Learning
Castan Centre for Human Rights Law	Galambila Aboriginal Health Service Inc
Catholics in Coalition for Justice and Peace	Geelong One Fire Reconciliation Group
Cavanbah Reconciliation Group	Greek Orthodox Community of NSW
Central Australian Aboriginal Legal Aid Service Inc	Gunawirra Limited
Central Land Council	Gunditj Mirring Traditional Owners Aboriginal Corporation
Centre for Human Rights Education, Curtin University	Holy Saviour Glen Waverley North's Reconciliation Australia Action Plan Group

Human Rights Council of Australia	New South Wales Ecumenical Council
Indigenous Department of the National Union of Students	Ngoppon Together Inc
Indigenous Social Justice Association	Nillumbik Reconciliation Group Inc
Indyk Architects Pty Ltd	North Australian Aboriginal Family Violence Legal Service
Intervention Rollback Action Group	North Australian Aboriginal Justice Agency
Jumbunna Indigenous House of Learning, University of Technology Sydney	NSW Council for Civil Liberties
Kiwi Crib Hut Café	NSW Reconciliation Council
Kurranulla Aboriginal Corporation	NT Shelter Inc
Larrakia Nation Aboriginal Corporation	Nuclear Disarmament Party of Australia
Law Society Northern Territory	Nulsen
Liberty Victoria	Our Generation
Little Sisters of Jesus, Yuendumu	Parramatta Greens
Maaraka Kwob Aboriginal Corporation (Western Australia)	Pax Christi Australia
Melbourne Anti-Intervention Collective	Peace Organisation of Australia
Menai Community Services	People's Health Movement Australia
Mercy Aboriginal Network NSW/ACT	PlanHealth
Mildura Aboriginal Corporation Inc	Port Phillip Citizens for Reconciliation Inc
Missionaries of the Sacred Heart Justice and Peace Centre	Presentation Sisters Wagga
Missionary Sisters of Service	Public Interest Advocacy Centre
Monash Indigenous Solidarity	Public Interest Law Clearing House (PILCH), Victoria
Monash Student Association	Queenscliff Reconciliation Mob
Moreland Community Legal Centre Inc	Queensland Wild Food And Products Inc
Mornington Peninsula Human Rights Group	Radio 4US, Queensland
Mosman Reconciliation	Reconciliation for Western Sydney Inc
Mullumbimby iNTervention Awareness Group	Reconciliation Victoria
Murri Mura Aboriginal Corporation	Redfern Oral History
National Assembly, Uniting Church in Australia	Religious Society of Friends (Quakers) in Australia
National Association of Community Legal Centres (NACLC)	Right Now Inc
National Children's and Youth Law Centre	Royal Australasian College of Physicians
Network of Immigrant and Refugee Women of Australia	Ruby Gaea, Darwin Centre Against Rape Inc
New South Wales Aboriginal Land Council	SEARCH Foundation
	Secretariat of National Aboriginal and Islander Child Care

Sector Connect
 Shepparton Region Reconciliation Group
 Sisters for Reconciliation (Northern Rivers)
 Sisters Inside
 Sisters of Mercy, Brisbane
 Sisters of St Joseph, South Australia
 Social Justice Group of the Parish of Our Lady of Good Counsel, Deepdene, Victoria
 Socialist Alliance
 Southern Communities Advocacy Legal and Education Service Inc (SCALES)
 St John's Parish Social Justice Group, Mitcham
 St Timothy's Social Justice Group
 Stolen Generations Alliance
 Stonnington Citizens for Reconciliation
 Stop the Intervention Collective Sydney
 Storm Insight
 Sutherland Shire Community Transport
 Sydney Dominican Justice Peace and the Care of Creation Group
 Tarwirri Inc (Indigenous Law Students & Lawyers Association of Victoria)
 Teralba Park Commemorative Site Support Group
 The Orange Bird
 The Solidarity Choir
 The Tibet Project
 Think Films
 Top End Women's Legal Service Inc
 Townsville Aboriginal and Islander Media Association
 Union of Australian Women
 Urban Neighbours of Hope
 Victorian Aboriginal Legal Service Co-operative Limited
 Victorian Council of Social Service (VCOSS)
 Warrawong Residents Forum Inc
 West Heidelberg Community Legal Service Inc
 Whitehorse Friends for Reconciliation
 Why Documentaries
 Women for Wik
 Women With Disabilities Australia
 Women's Web – Women's Stories, Women's Actions
 Women's International League for Peace and Freedom NSW
 Women's Reconciliation Network
 Working Group for Aboriginal Rights
 World Vision Australia
 Yalanjiwarra Jalunji Marrjanga Aboriginal Corporation
 Yearly Meeting Indigenous Concerns Committee, The Religious Society of Friends (Quakers) in Australia
 Yorgum Aboriginal Corporation
 Yuendumu Mining Company NL
 YWCA Australia