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;

• 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
Senior Lawyer
Human Rights Law Resource Centre
Direct line: + 61 3 8636 4451

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Endorsements

This letter has been endorsed by the following organisations:

Aboriginal Catholic Social Services
Aboriginal Legal Rights Movement Inc
Aboriginal Support Circle - Older Women’s Network
Alternative Law Journal
Anarchist Black Cross
Arid Lands Environment Centre
Association of Children’s Welfare Agencies
Australian Council of Social Service (ACOSS)
Australian Human Rights Centre
Australians for Native Title and Reconciliation, Armidale
Australians for Native Title and Reconciliation, Boroondara Group
Australians for Native Title and Reconciliation, NSW
Australians for Native Title and Reconciliation, Victoria
Baldwin Nominees Pty Ltd
Baptist Aboriginal Partnerships, Melbourne
Bennelong and Surrounds Residents for Reconciliation
Bwgcolman Future Inc
Campbelltown Family Support Service
Caritas Australia
Castan Centre for Human Rights Law
Catholics in Coalition for Justice and Peace
Cavanbah Reconciliation Group
Central Australian Aboriginal Legal Aid Service Inc
Central Land Council
Centre for Human Rights Education, Curtin University
Centre for International and Public Law, ANU College of Law
Centre for the Human Rights of Imprisoned People (CHRIP)
CEPU: Communications Division: Postal and Telecommunications Branch Victoria
Combined Churches Social Justice Group, Mitcham and Surrounds (Vic)
Conference of Leaders of Religious Institutes (NSW) Social Justice Committee
Darwin Aboriginal Rights Coalition
Darwin Community Legal Service Inc
Dawn House Inc
Disability Discrimination Legal Centre, NSW
Dreamtime Kullilla-Art
Earth Trust
Eastern Community Legal Centre Inc
Ecopella
Ethnic Child Care Family and Community Services Co-operative Ltd
Federation of Community Legal Centres (Vic) Inc
Fitzroy Legal Service
Flemington & Kensington Community Legal Centre Inc
Friends of Bilingual Learning
Galambila Aboriginal Health Service Inc
Geelong One Fire Reconciliation Group
Greek Orthodox Community of NSW
Gunawirra Limited
Gunditj Mirring Traditional Owners Aboriginal Corporation
Holy Saviour Glen Waverley North’s Reconciliation Australia Action Plan Group
Human Rights Council of Australia
Indigenous Department of the National Union of Students
Indigenous Social Justice Association
Indyk Architects Pty Ltd
Intervention Rollback Action Group
Jumbunna Indigenous House of Learning, University of Technology Sydney
Kiwi Crib Hut Café
Kurranna Aboriginal Corporation
Larrakia Nation Aboriginal Corporation
Law Society Northern Territory
Liberty Victoria
Little Sisters of Jesus, Yuendumu
Maaraka Kwob Aboriginal Corporation (Western Australia)
Melbourne Anti-Intervention Collective
Menai Community Services
Mercy Aboriginal Network NSW/ACT
Mildura Aboriginal Corporation Inc
Missionaries of the Sacred Heart Justice and Peace Centre
Missionary Sisters of Service
Monash Indigenous Solidarity
Monash Student Association
Moreland Community Legal Centre Inc
Mornington Peninsula Human Rights Group
Mosman Reconciliation
Mullumbimby iNTervention Awareness Group
Murri Mura Aboriginal Corporation
National Assembly, Uniting Church in Australia
National Association of Community Legal Centres (NACLC)
National Children's and Youth Law Centre
Network of Immigrant and Refugee Women of Australia
New South Wales Aboriginal Land Council
New South Wales Ecumenical Council
Ngoppon Together Inc
Nillumbik Reconciliation Group Inc
North Australian Aboriginal Family Violence Legal Service
North Australian Aboriginal Justice Agency
NSW Council for Civil Liberties
NSW Reconciliation Council
NT Shelter Inc
Nuclear Disarmament Party of Australia
Nulsen
Our Generation
Parramatta Greens
Pax Christi Australia
Peace Organisation of Australia
People's Health Movement Australia
PlanHealth
Port Phillip Citizens for Reconciliation Inc
Presentation Sisters Wagga
Public Interest Advocacy Centre
Public Interest Law Clearing House (PILCH), Victoria
Queenscliff Reconciliation Mob
Queensland Wild Food And Products Inc
Radio 4US, Queensland
Reconciliation for Western Sydney Inc
Reconciliation Victoria
Redfern Oral History
Religious Society of Friends (Quakers) in Australia
Right Now Inc
Royal Australasian College of Physicians
Ruby Gaea, Darwin Centre Against Rape Inc
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 Cooperative 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