



**The Law Society  
of New South Wales**

Our Ref:

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9 April 2009

The Hon. Robert McClelland MP  
Attorney General  
Parliament House  
CANBERRA ACT 2600

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Dear Attorney-General,

**Re: Suspension of the Racial Discrimination Act 1975**

The Society's Human Rights Committee ("Committee") notes that a complaint has been made to the United Nations Committee on the Elimination of Racial Discrimination by a group of twenty Aboriginal persons to the effect that:

'the Northern Territory intervention is a "flagrant breach" of Australia's obligation under the Convention for the Elimination of All Forms of Racial Discrimination'.

The Committee further notes the complaint is based on the intervention laws being racially discriminatory and because the Racial Discrimination Act 1975 has been excluded from applying to those laws. In addition, the October 2008 report of the Northern Territory Emergency Response Review Board recommended that if the intervention continued, it should be altered to respect the principle of racial equality.

It seems to the Committee the essential aim of the intervention is to remedy the effects of past policies of racial discrimination and it cannot see how that aim can be achieved by a policy which is itself, racially discriminatory.

As the Committee understands the Government has acknowledged in relation to the intervention, that long term measures cannot rely upon the suspension of the Racial Discrimination Act and has foreshadowed action to cure that obvious breach of Australia's international human rights obligations.

Noting also that the same UN Committee strongly criticised the mandatory sentencing policy of the Northern Territory Government in the year 2000, the Committee is concerned that a negative finding by the UN Committee in relation to the current complaint could lead to further damaging international criticism and a perception that Australia treats its human rights obligations lightly.

We would be grateful for your advice and explanation of the government's attitude to this matter.

Yours sincerely

**Michael Tidball**  
Chief Executive Officer



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New South Wales is a  
constituent body of the  
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