



COMMENT: THIS IS WHAT THEY SAID

"The committee has adjudged the Northern Territory intervention laws to be a farcical exercise. In a disguised but unmistakable attack upon racist government in Australia, the committee has requested the government of Australia report back by July."



- 2008 Human Rights Medal winner and Chair of the Foundation for Aboriginal and Islander Research Action (FAIRA) Les Malezer.

"I think these are very positive responses and that's probably all we have asked for in the circumstances... the Australian government is going to have to respond to the complaints formally."



- Prominent human rights lawyer and ALP candidate for the seat of Wentworth in the 2007 election, George Newhouse.

"If people are accusing Rudd and (Indigenous Affairs Minister) Jenny Macklin of being racist... it's laughable."



- Former ALP National President Warren Mundine in *The Australian* newspaper.

UN awaits report on winding back of intervention measures

Aboriginal activist labels UN letter an attack on "racist" government.

Canberra
NATIONAL

A letter from a United Nations committee to the Australian government detailing its concerns with elements of the NT intervention is a "disguised but unmistakable attack" upon racist government in Australia, a prominent Indigenous human rights activist has said.

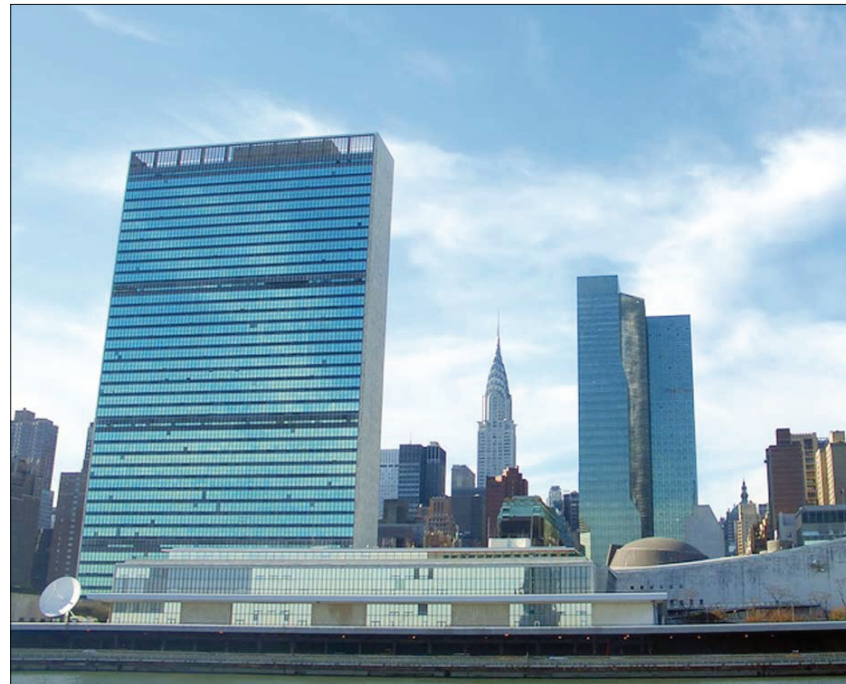
The UN Committee for the Elimination of Racial Discrimination (CERD) said it had noted "with concern" action taken by the government to roll out some of the more controversial measures to combat child sexual abuse.

The letter said there had been constructive dialogue with the federal government and the committee welcomed its commitment "to building a new relationship with Indigenous Australians based on mutual respect, mutual resolve and responsibility".

But it requested a report by July 31 on plans to reinstate the Racial Discrimination Act, suspended by the former Howard government in 2007 to allow for measures such as compulsory welfare quarantining.

The letter was written in response to a complaint made to the UN last month by a collection of Aboriginal communities.

Queensland Aboriginal leader Les Malezer, chairman of the Foundation for Aboriginal and Islander Research Action (FAIRA), said the letter was evidence the UN



found the NT intervention to be in breach of international law.

"The committee have adjudged the Northern Territory intervention laws to be a farcical exercise," Mr Malezer said.

"In a disguised but unmistakable attack upon racist government in Australia, the committee has requested the government of Australia report back by July."

Mr Malezer said it was an embarrassment to the Australian people

that the government had been reprimanded on the international stage.

"There is no excuse for the government, which has continued to subject the Aboriginal community to an official position of racial discrimination."

Sydney-based human rights lawyer George Newhouse, who took the case to the UN, described the development as a win.

"I think these are very positive responses and that's probably

all we could have asked for in the circumstances," he said.

"The Australian government is going to have to respond to the complaints formally." - AAP

• **SEE ALSO**
- *Rudd govt to endorse UN Dec, p3*

- *BOX SEAT: Australian Labor, our Lite on the Hill, p20*

- *POINTED VIEW: The long road to UN rights, p22*

• COMPLAINT IN BRIEF

ABORIGINAL people living under the NT intervention raise objections to the following main points:

- The suspension of the Racial Discrimination Act.
- Compulsory income management.
- Compulsory acquisition of Aboriginal land.
- Powers over Aboriginal community councils.
- Removal of consideration of Aboriginal customary law.
- Coercive powers of the Australian Crime Commission Task Force.
- Abolition of Community Development Employment Projects (CDEP).

• CLICK THROUGHS

- CERD:
<http://www.unhcr.ch/html/menu2/6/cerd.htm>
- INTERVENTION ROLLBACK ACTION GROUP:
<http://rollbacktheintervention.wordpress.com/>
- NORTHERN TERRITORY EMERGENCY RESPONSE (NTER):
<http://www.fahcsia.gov.au/nter/>
- HUMAN RIGHTS LAW RESOURCE CENTRE
http://www.hrlrc.org.au/html/s01_home/home.asp

A TIMELINE: THE NORTHERN TERRITORY INTERVENTION

- 15 June, 2007: The NT-government commissioned *Little Children Are Sacred* report is publicly released. Its first recommendation called for the government to consult with Aboriginal people over ways to solve the crisis.
- 21 June, 2007: Prime Minister John Howard and his Indigenous affairs minister Mal Brough announce that the federal government would send the army into NT Aboriginal communities in response to the report. Mr Howard called the situation "akin to a national emergency". Howard and Brough claimed the NT government had been too slow to respond to the *Little Children Are Sacred* report, despite the federal government sitting on the Memmott report

- (which detailed almost identical problems) in 2001 for 18 months.
- 17 August, 2007: The controversial NT intervention legislation passes the Senate, after only one day of debate at a Senate inquiry and despite hundreds of Aboriginal protestors converging on Parliament to make their case. Labor offers the Coalition bipartisan support on the issue.
- October, 2007: Bawinanga Aboriginal Corporation (BAC) and Reggie Wurdjal, a traditional owner in Maningrida in the Northern Territory launch a legal action against the Commonwealth's compulsory acquisition of townships on five year leases.
- November 24, 2007: Labor wins the federal

- election. A few days later, Prime Minister Kevin Rudd announces his frontbench, with the Indigenous affairs portfolio going to Jenny Macklin (who held the post in Opposition).
- 13 October, 2008: Labor's promised review of the Northern Territory intervention is finally released to the public, after Ms Macklin's office is accused of revising a draft copy of the report. One of the key recommendations of the report was to allow income management to be voluntary. But Ms Macklin has since said that compulsory income management will remain in the Northern Territory.
- 4 February, 2009: The High Court dismisses the NT intervention challenge by the BAC and Mr Wurdjal

- with retiring Justice Michael Kirby by the only judge to dissent (it was his last judgement in the High Court). Protestors attempted to storm the building after the decision was announced.
- February 2009: A group of Aboriginal people living under the NT intervention send a detailed complaint to the UN Committee on the Elimination of Racial Discrimination (CERD).
- March 2009: CERD sends a letter to the Australian government, calling on it to report back on progress in watering down aspects of the intervention.