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**OPPORTUNITY FOR PARLIAMENT TO STRENGTHEN HUMAN RIGHTS WITH THE STRONGER
FUTURES BILL**

'In debating the Stronger Futures bills, the parliament should not miss the opportunity to ensure that the measures meet domestic and international human rights standards,' said Stephen Keim SC, President of Australian Lawyers for Human Rights, today.

If passed, the Stronger Futures bills would repeal the Howard government's Northern Territory National Emergency Response Act 2007 (NTNER Act) in its entirety. The NTNER Act's controversial suspension of the operation of some parts of the *Racial Discrimination Act* was lifted by amendments to that Act in 2010.

'While the formal reinstatement of the *Racial Discrimination Act* is a step in the right direction, it does not in itself make the intervention measures under both the NTNER legislation and the Stronger Futures bills consistent with anti-discrimination laws and other human rights standards, especially those contained in the Declaration on the Rights of Indigenous Peoples,' Mr Keim said.

Australian Lawyers for Human Rights echoes the call from organisations such as the Australian Human Rights Commission for the Stronger Futures bills to clarify that protections under the *Racial Discrimination Act* prevail to the extent of any inconsistency with the Stronger Futures measures. 'To ensure that the Stronger Futures measures do not interfere with the full protections of the *Racial Discrimination Act* for Aboriginal and Torres Strait Islander peoples in the Northern Territory, the legislation would need to clarify that the protections prevail *notwithstanding* any inconsistency with the measures. The bills in their current form do not include any such "notwithstanding" clauses.'

'Minister Macklin should respond to the request of Parliament's newly established Joint Committee on Human Rights to allow that committee to provide advice on the proposed legislation's compatibility with human rights,' Mr Keim said. 'Australian Lawyers for Human Rights supports the National Congress of Australia's First Peoples in calling on the Committee to examine the bills' human rights implications as one of its first actions since it was established in March this year.'

It is now necessary for all bills introduced into Parliament to be accompanied by a statement of compatibility in relation to a range of international human rights instruments. Additionally, the Joint Committee on Human Rights can examine bills and legislative instruments before Parliament or already existing Acts for compatibility with human rights. The Stronger Futures legislation was introduced before the statement of compatibility became a requirement. However, it is still open to the Committee to examine the bills. 'Given the significant day-to-day effect that the Stronger Futures measures will have on Aboriginal and Torres Strait Islander peoples in the Northern Territory, it is difficult to imagine legislative reforms more deserving of the scrutiny offered by this new Committee.'

'If the Stronger Futures bills are passed without a "notwithstanding" clause and without consideration of their compatibility with human rights, the Parliament will miss an important opportunity to protect Australia's first people from racial discrimination and from other breaches of international human rights standards in the continuation of the Northern Territory intervention.'

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ALHR (Australian Lawyers for Human Rights) is a network of Australian lawyers active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of over 2000 people, with active National, State and Territory committees.