

We need some checks and balances to deal with the mistakes that get made and the practical and tragic human consequences of ill considered policies.

We, Australian citizens living in the Northern Territory are entitled to say to our Governments – let us be secure and let us also enjoy our basic freedoms. Let there be respect for our citizenship. That requires some measured checks and balances. A Human Rights Act for Australia helps provide those checks and balances.

The idea for a Human Rights Act for all Australians is an idea whose time has come.

#### ENDNOTES

1. NSW Council for Civil Liberties “Australia’s Human Rights Violations”. [www.nswccl.org.au issues/hr-violations.php](http://www.nswccl.org.au/issues/hr-violations.php)
2. *Al-Kateb v Godwin* (2204) 219 CLR 562, 581 at paragraph 31.
3. Attorney General’s Department Media Release – 111/2006 dated 15 June, 2006. [www.ag.gov.au/agd/www/Minister-TuddockHome.nsf/Page/Media\\_Releases](http://www.ag.gov.au/agd/www/Minister-TuddockHome.nsf/Page/Media_Releases).
4. *A v Australia* UN D.C CCPR/C/59/D/560/1993 (30 April, 1997).
5. NSW Council of Civil Liberties “Australia’s Human Rights Violations” op cit.p 2.
6. Migration Amendment Regulation 2003 (No. 8) which excised all the islands of the Northern Territory as “excised offshore places”.
7. Transcript of the hearing before Justice Mildren on 7 November, 2003.
8. (2003) 143 NTR 10 at p 12 paragraph 10.
9. (2003) 143 NTR 10 at p 14 paragraph 24.
10. See: Frank Brennan SJ. ‘Tampering with Asylum’. 2nd Edition, ‘Epilogue: More Tampering Some Relief’ for a comprehensive account of the Minasa Bone saga.
11. Law Council of Australia Media Release MR 1606 20 June, 2006. [www.lawcouncil.asn.au](http://www.lawcouncil.asn.au)
12. Frank Brennan SJ op cit.p 6.
13. Frank Brennan SJ op cit.p 6.

## Why Indigenous Australia needs Human Rights Legislation

By Sharon Payne, CEO of the North Australian Aboriginal Justice Agency.

I had not been a fan of having a prescribed set of rules to promote or protect human rights, believing, rather naively perhaps, that ‘we all know what they are’ and can count on learned women and men in the judiciary to uphold them.

I did believe that until I was part of the ACT Bill of Rights consultation process and saw by the many “I’m all right Jack” responses by mainly middle-class white men, my confidence was sadly misplaced.

As Magistrate Terry Higgins said (in his article in *Lawyer’s Weekly* 30 June 2006)

*“...the judiciary is needed more than ever to stand up for individual’s rights against the tide of*

*public opinion”.*

I would argue that not only the judiciary is needed to do this – with more and more of our rights, our liberties and protections being eroded (and who hasn’t been affected by those humourless, fear-driven, power-mad, self-important airport officials), those of us who can see through the hyperbole and nationalist ranting must also stand up.

The truth often lies hidden and in the case of Indigenous Australians

As Martin Luther King said:

*“the ultimate measure of [people] is not where [we] stand in times of comfort and convenience but where we stand in times of challenge and controversy.”*

I would also say that a country’s worth is not measured by its wealth in dollar terms or what is ripped out of the ground or even whether ‘leaders’ get invited to the White House; rather it is measured by how well the most vulnerable and disadvantaged are treated. From the perspective of Aboriginal people, it could be argued then that Australian is not worth much at all.

It may seem a dichotomy that we the colonized should be calling on the colonizers to protect our rights as citizens but really what choice do we have? The conditions for Aboriginal people are worse than anything witnessed in the world, at least according to our volunteer international students from the US and a lawyer from the UK who have worked in Africa and Asia. And it doesn’t need a visit to a remote community to see the disgraceful conditions. Just one mile from the Darwin CBD in a town camp called One Mile Dam, our volunteers witnessed some of the worse human rights abuses in terms of provision of adequate housing, running water or electricity – the only difference between this and other ‘suburbs’ in Darwin is this one has only Aboriginal inhabitants.

So yes I do believe we need a human rights act to protect the vulnerable and disadvantaged in Australia, a human rights act to guide the courts and the lawmakers - I just wish we didn’t.

## Australian Human Rights Bill - Darwin launch

Address by Tony Fitzgerald, Anti-Discrimination Commissioner.

In the context of *New Matilda’s* campaign, I want to share with you why I took on the job of Anti Discrimination Commissioner

I’ve had the job for about three years after practising