

**UNITED NATIONS**  
**HIGH COMMISSIONER FOR HUMAN RIGHTS**  
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18 August 2006

H.E. Mrs. Caroline Millar  
Permanent Representative  
Permanent Mission of Australia  
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Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination considered, at its 69th session held from 31 July to 18 August 2006, the additional report submitted by the Government of Australia, pursuant to rule 65 (1) of the rules of procedure of the Committee (CERD/C/AUS/CO/14/Add.1).

The Committee welcomed the timely submission of the responses to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 10, 11, 16 and 17 of the concluding observations (CERD/C/AUS/CO/14, March 2005), adopted following the consideration of the thirteenth and fourteenth periodic reports of the State party. The Committee thus appreciates the opportunity provided to continue the dialogue with the State party.

In this spirit, the Committee would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on action taken from the State party on these issues be included in its 15th to 17th periodic reports, to be submitted in a single document on 30 October 2008.

**Paragraph 10 of the Concluding observations.** The Committee takes note of the State party's commitment to reform the Human Rights and Equal Opportunity Commission in order to improve its structure and processes. The Committee, while stressing again the importance of its recommendation as included in Paragraph 10 of its concluding observations, wishes to be informed about comprehensive changes in the mandate and structure of the Commission.

**Paragraph 11 of the Concluding observations.** The Committee takes note of the new forms of consultation of indigenous peoples carried out by the Australian

authorities, in particular the Regional Partnership Agreements and the Shared Responsibility Agreements. It remains concerned, however, that the abolition of ATSIC resulted in an overall lessening of the participation of indigenous peoples in decisions concerning them. The Committee further reiterates its recommendation that the State party, due to the specific situation of indigenous peoples, should take decisions directly relating to their rights and interests with their informed consent, and draws again the attention of the State party to its General recommendation 23 (1997) in this regard. The Committee takes this opportunity to reiterate the importance of a continuous dialogue between governmental authorities and indigenous peoples, and recommends that the State party ensure that relevant fora are available for such dialogue.

**Paragraph 16 of the Concluding observations.** The Committee notes that the State party, in September 2005 announced proposed reforms to the native title system to ensure that native title processes work more effectively and efficiently, and that it undertook extensive consultation with indigenous people in this regard. The Committee would be grateful if it could receive more detailed information on the content of the proposed reforms, their current status, the measures adopted to consult indigenous peoples in an effective manner, as well as about the outcomes of these consultations.

**Paragraph 17 of the Concluding observations.** The Committee takes note of the detailed information provided by the State party. It requests that the State party, bearing in mind the Committee's concern and recommendation included in paragraph 17 of its Concluding observations, provide it with an update on this matter in its next periodic report. In particular, the Committee wishes to receive more detailed information on the reasons why the Australian authorities find it inappropriate to alter the principles relating to the standard of proof required to establish native title.

The Committee takes this opportunity to encourage the State party to extend an invitation to the United Nations Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples for a visit to its territory.

Allow me, Excellency, to reiterate the wish of the Committee to pursue the constructive dialogue with your Government, and to underline that the Committee's observations and request for further information are made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,

Regis de Gouttes  
Chairman of the Committee for the  
Elimination of Racial Discrimination