

**LAW COUNCIL OF AUSTRALIA**

**SUBMISSION TO THE SENATE COMMUNITY AFFAIRS LEGISLATION COMMITTEE**  
**REVIEW INTO THE SOCIAL SECURITY AND OTHER LEGISLATION AMENDMENT**  
**(WELFARE REFORM AND REINSTATEMENT OF THE RACIAL DISCRIMINATION ACT)**  
**BILL 2009**

**CORRIGENDUM**

1. The Law Council of Australia made a submission to the Senate Community Affairs Legislation Committee in relation to the Inquiry into the *Social Security and Other Legislation Amendment (Welfare Reform and Reinstatement of the Racial Discrimination Act) Bill 2009* (Cth), dated 11 February 2010 (**the Law Council submission**) (**ATTACHED**).
2. This corrigendum notes certain corrections to the Law Council's submission.
3. On page 14 of the Law Council submission, at paragraph 61, it is incorrectly stated that:

Revelations that FaHCSIA advised the previous Government against consulting with Aboriginal communities over 5-year leases prior to their introduction on the grounds that it would not be worthwhile (because the affected communities would be unlikely to consent) also militates strongly against suggestions that the measures are "special measures"....
4. Paragraph 61 incorrectly refers to the "previous Government", when it should refer to the current Government, as the Advice of FaHCSIA was dated 25 March 2009. Accordingly, paragraph 61 should be deleted in its entirety from the Law Council submission and replaced with the following new paragraph 61, which more correctly states the position:

It is also of concern to note revelations that FaHCSIA advised the Government on 25 March 2009 about the contents of legal advice FaHCSIA received from the Australian Government Solicitor, that 5-year leases may be found to be inconsistent with the RDA if the RDA suspension is removed. That advice also led to a recommendation by FaHCSIA that there be no consultation over proposed administrative changes to compulsory 5-year leases, on the basis that a consultative mechanism which falls short of requiring consent would be unlikely to strengthen the argument that the measures are "special measures". This appears to indicate that the government was aware, when entering into the 'Future Directions' consultations, that the 5 year leases are not able to be characterised as 'special measures' and that failure to secure consent during those consultations would not strengthen that argument. Having received this advice and having carried out consultations, in relation to which there is no evidence of consent to 5 year leases, the Government now proposes not to repeal them, but to

make virtually no changes, other than to insert new provisions which merely state the government's objectives.

5. At paragraph 32, the first sentence should be deleted, so that the paragraph commences with the words of the second sentence: "When enacted in 1975, the RDA was landmark legislation reflecting the will of the Australian Parliament..". The balance of the paragraph should remain the same.