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HREOC
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A submission for the consideration of the Senate Legal and Constitutional Legislation Committee on the inquiry into the provisions of the Australian Human Rights Commission Legislation Bill 2003.

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At a time when statistics show that Indigenous people continue to be marginalised I am dismayed that Australia appears to be going backwards on social justice.

The figures on life expectancy, health, and care and protection systems all show that Indigenous people continue to be disadvantaged.

I note that education and the dissemination of information would be central functions of the new commission.

I have worked in Indigenous higher education and on issues concerning the dissemination of information among Indigenous peoples.

At present, the Aboriginal and Torres Strait Islander Social Justice Commissioner must have significant experience in Indigenous communities. None of the proposed generalist Human Rights Commissioners will have to meet this requirement. This raises two key points: the rights of Indigenous peoples would therefore have to compete for attention with other discrimination cases; and there would be significant credibility issues for a commissioner without significant experience in Indigenous communities performing the education and dissemination of information function.

I am also concerned that the 'new-look' commission would need the Attorney-General's permission to apply to intervene in a court case raising human rights principles.

Giving the Attorney-General the 'gatekeeping' function is inappropriate, and raises the spectre of conflict of interest.

Any way you look at it, the proposed commission would reduce the powers and independence of HREOC's current role as a mechanism for monitoring and ameliorating the human rights situation of the Indigenous peoples of Australia.

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