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### **A Submission to the Inquiry into the provisions of the Australian Human Rights Commission Legislation Bill 2003.**

Recent history in Iraq and other countries, highlights the way in which governments can override the human rights of their citizens. Along with many Australians, I am concerned that the proposed provisions of the Australian Human Rights Commission Legislation Bill 2003 will erode the foundations of human rights legislation in this country.

Specific areas of concern to me include:

- The restructure of the Human Rights Commission by creating three generalist Human Rights Commissioners to replace the existing specialist Commissioners – Aboriginal and Torres Strait Islander Social Justice, Race Discrimination, Sex Discrimination, Disability Discrimination and Human Rights Commissioners.  
It would be a backward step to replace Commissioners with expertise in their fields with generalist Commissioners. The role of the Aboriginal and Torres Strait Social Justice Commissioner is a particular example, where experience in community life of Aboriginal persons and Torres Strait Islanders is particularly necessary to the proper fulfilment of the role of Commissioner – experience which a generalist Commissioner would lack.
- The requirement that the Commission obtain the Attorney General's consent before seeking leave to intervene in court cases. Surely if the Government is involved in a case, this would present the Attorney General with a major conflict of interest. The "proud record" of human rights in Australia is no accident: it reflects successive government's respect for the principle of the separation of powers.
- The change in name to the Australian Human Rights Commission. This seems to suggest that the human rights to be fostered in the future in Australia could somehow be different to those set out in the international agreements such as the Universal Declaration of Human Rights. Some recent attempts to abide by treaties and agreements on a selective basis, would reinforce the suggestion that the name change has more than cosmetic overtones.
- The removal of the Commission's power to recommend compensation in disputes would lead to a diminishing of the powers and protection afforded by the existing legislation.

In summary, the proposed changes rather than “strengthening” the protection of the human rights of all Australians, as suggested by the Attorney General, will in fact weaken and interfere with the work of our national human rights watchdog. The proposals can only weaken the expertise available to comment and advise on human rights issues and create a perception, if not the reality, of Government interference in the adjudication of claims of violation of human rights in our country.

If the government really wishes to equip the Commission to take on new responsibilities such as age discrimination and to manage the increasing incidence of issues which cross human rights boundaries, it would seem more appropriate to add to, and possibly modify, the existing structures without making the major changes being proposed. In doing so the Commission could be politicised, silencing a voice that might well be seen as an irritant to the government, but that would not be without significant cost to Australia as a nation.

Yours faithfully

Br P S Cram  
23<sup>rd</sup> April 2003.