

Clifford, Julia (SEN)

From: CLAUDE MOSTOWIK [mscjust@smartchat.net.au]
Sent: Tuesday, 22 April 2003 4:08 PM
To: Legal and Constitutional, Committee (SEN)
Subject: Bill to Abolish Human Rights Commissioners
Importance: High



Mr Peter Hallahan
 Secretary
 Senate Legal and Constitutional Committee
 Parliament House
 Canberra ACT 2600

Dear Sir,

I would like to submit my concerns about the Bill introduced into Federal Parliament, which seeks to abolish the positions of Aboriginal and Torres Strait Islander Social Justice Commissioner, Sex Commissioner, Race Commissioner and Disability Commissioner.

The restructuring by the proposed Bill of the Human Rights and Equal Rights Commission and the creation of three generalist Human Rights Commissioners to replace the various specialist Commissioners is most alarming.

The appointment of three generalist commissioners who would be responsible for Aboriginal and Torres Strait Islander Social issues, and those of Racial Discrimination, Sex Discrimination and Disability Discrimination would mean that all of these areas would be inadequately dealt with by people who have, it would seem, no particular expertise in these demanding and important areas. The role of Human Rights Commissioner is a very important one, and the Australian community has been well served by the present Commissioner and his predecessors. It would seem that the passage of the proposed Bill would be a truly retrograde step in the area of human rights and dealing with discrimination against people who often have little voice.

Four of the organisations that I am involved in [Pax Christi Australia (NSW), Missionaries Justice and Peace Centre, St Vincent de Paul Advisory Committee on Care of People Living with Mental Illness and Acceptance Australia] would be deeply concerned that the Commissioners, as mentioned above, have no specific responsibility in the area of Aboriginal and Torres Strait Islander issues, disabilities, race and sexual issues.

The awareness of human rights issues promoted by the various commissioners have been most important. The religious congregation I belong to also has been involved in Indigenous Issues for many decades in this country and their human rights concerns are our concern. Neglect of indigenous people's human rights issues where the issues might also compete for resources in terms of personnel and other resources would mean that all would be negatively affected.

In 1999, a submission was sent through Pax Christi International [NGO Member of the United Nations] to the UN Committee on the Elimination of Racial Discrimination. That Committee urged Australia to reconsider attempts to abolish the position of Social Justice Commissioner. This was to ensure that the Commission would continue to be able to address fully the whole range of issues that affected Aboriginal and Torres Strait Islander peoples at the time. The ongoing economic and political marginalisation of Indigenous peoples has not diminished. When the position of Aboriginal and Torres Strait Islander Commissioner was established in 1992 it was done so to respond to the

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Royal Commission into Aboriginal Deaths in Custody and the Human Rights and Equal Opportunity Commission's National Inquiry into Racial Violence. The specific role of these was to provide a way to check on the human rights of Aboriginal and Islander Peoples. According to reports from non-government organisations the issues of criminal justice procedures, health care and violence in Aboriginal communities have not diminished and need more specialist care.

The important Report of the National Inquiry into the Human Rights of People Living with Mental Illness published in 1993 has still not been fully implemented. Reports suggest that the situation of people living with mental illness has not progressed and the rights of many of these people in the community are largely neglected, not to mention the many people who are living with mental illness who are incarcerated for crimes that may not have been committed had they been properly monitored and the recommendations of the Inquiry been implemented.

I urge the Senate Inquiry to recommend that the position of all the specialist Commissioners be maintained and given greater, not less, support. If Australia is to continue to provide safeguards for all its citizens then the abolition of specialist commissioners would not contribute to this.

Yours Sincerely

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