



Australian Government
Attorney-General's Department

Priorities and Coordination Division

10/19181

9 December 2010

Ms Julie Dennett
Committee Secretary
Senate Standing Committee on
Legal and Constitutional Affairs
Parliament House
CANBERRA ACT 2600

Dear Ms Dennett

Clarifications and corrections to Hansard

I write concerning evidence provided by officers from the Attorney-General's Portfolio to the Senate Standing Committee on Legal and Constitutional Affairs at the Supplementary Budget Estimates hearing of 18 October 2010.

Following the hearing, officers from the Attorney-General's Portfolio who provided evidence to the Committee reviewed the proof copy of Hansard. Consequently, I wish to submit the following clarification on behalf of the Attorney-General's Portfolio.

Evidence of Ms Broderick and Mr Dick

In an exchange with Senator Barnett on page 41 of the transcript regarding whether the Australian Human Rights Commission had taken a view on the United Nations defamation of religions resolution, Ms Broderick and Mr Dick state that the Commission has not taken a view.

The Commission wishes to clarify that in July 2008 the former Race Discrimination Commissioner, Mr Tom Calma, made a submission to the Office of the High Commissioner for Human Rights on the implementation of the resolution.

The Race Discrimination Commissioner expressed concern 'about some of the wording, focus and omissions of the resolution' while being supportive of the broad rationale and goals that informed it. The Commissioner noted that the Government's decision to not support the resolution at the time was 'reasonable'. In particular, the Commissioner:

- Expressed concern at the content of the resolution on that basis that:
 - The resolution over-referenced Islam and did not adequately address all religions
 - It confuses issues around defamation and human rights—humans, not religions, have human rights

- The terms 'combating' and 'defamation' lack clarity and the way they are used in the resolution are confusing
- Noted that most nations, even many of those not supporting the resolution in the form it was put to the General Assembly, supported the principles and intent of the resolution.
- Noted that Australia has a relatively good record responding to the defamation of religions, with all Australian governments (federal, state and territory) committing to a national action plan to promote social harmony and security, and investing in promoting greater understanding about culture and religion.

The Commission, being the President and the Commissioners acting together, has not considered the resolution since that time.

The action officer for this matter is Tara Cheyne who can be contacted on (02) 6141 2740.

Yours sincerely



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