

Clifford, Julia (SEN)

From: Aileen Crowe [aileen@sbgroun.com.au]
Sent: Friday, 25 April 2003 12:39 AM
To: Legal and Constitutional, Committee (SEN)
Subject: HEROC Senate Enquiry

Mr Peter Hallahan
Secretary
Senate Legal and Constitutional Committee
Room S1.61, Parliament House
Canberra ACT 2600



23.4.03

Dear Mr Hallahan,

I am alarmed at the Government's intention to reduce the staff of any of the Human Rights and Equal Opportunity Offices. In the present climate in Australia where racism is rife, xenophobia is by no means reduced, the situation with the Reconciliation process between non-indigenous and Indigenous Peoples has worsened in that the Rights of First Peoples are constantly undermined, people with disabilities living in boarding houses are continually exploited; how can any reasonably thinking leader contemplate reducing staff? Australia's vulnerable people - Aborigines, Gay and Lesbians, people with disability, Muslims and Lebanese and Asian people, women sexually harassed in the work place, and of course, people seeking asylum are constantly losers in a society that won't even contemplate a Bill of Rights. The International community has regularly reminded the Government that it is out of step with our International obligations on many of the above matters.

As a citizen in this present political climate where we are working to create cross cultural "harmony" I am appalled to think the government would introduce such a Bill into Federal Parliament and it would be tragic if such positions were to be abolished. To abolish the position of Aboriginal and Torres Strait Islander Social Justice Commissioner would be such a backward step, wasting all that energy, knowledge and money spent over the past ten or more years as Australia was making it's first steps in coming to terms with it's violent early colonial history.

I am alarmed by the fact that the Bill proposes to restructure the Human Rights and Equal Opportunity Commission and create three generalist Human Rights Commissioners to replace the existing specialist commissioners. In giving more authority to the Attorney General it creates the farcical position whereby there could be a situation where one of the three Commissioners might need to get permission from the "government" to sue the government!

I have serious concerns that under the Bill, none of the three Human Rights Commissioners would have specific responsibility for Aboriginal and Torres Strait Islander social justice issues. The Bill removes the present (seemingly essential) requirement that the person appointed to the position of Aboriginal and Torres Strait Islander Social Justice Commissioner be required to have significant experience in community life of Aboriginal persons or Torres Strait Islanders. None of the proposed generalist Human Rights Commissioners will have to meet this requirement. Further undermining the Reconciliation process.

Currently the Social Justice Commissioner promotes discussion and awareness of Indigenous peoples' human rights, and undertakes research and educational programs for the purpose of promoting respect for Indigenous peoples' human rights. Under the new Bill, these functions will be maintained as general Commission functions, which means that they would compete for attention with the functions dealing with sex and disability discrimination, human rights and race discrimination. Nor does the Bill give any guarantees that a future Commission will always devote resources and attention to these Indigenous issues.

I remind the Inquiry, that in 1999, the UN Committee on the Elimination of Racial Discrimination urged Australia to reconsider its attempt at that time to abolish the Social Justice Commissioner position to ensure that the absence of a specialist commissioner does not adversely affect the ability of the Commission to address in an adequate manner the full range of issues regarding indigenous peoples that warrant attention given the continuing political, economic and social marginalisation faced by

the indigenous community of Australia (UN Doc: A/54/18,para.21(2))

The position of Aboriginal and Torres Strait Islander Social Justice Commissioner was created in 1992 largely in response to the Royal Commission into Aboriginal Deaths in Custody and HREOC's National Inquiry into Racist Violence. The role was created specifically to ensure an ongoing national monitoring mechanism for the human rights situation of Indigenous peoples.

Recent Census and other data does not suggest that there has been sufficient progress in addressing the marginalisation of Indigenous peoples since the need for a specialist Social Justice Commissioner was identified in 1992. In fact, the situation in many respects - such as contact with criminal justice processes, contact with care and protection systems, life expectancy and significant measures of health - has actually declined.

I fail to see how the new arrangements proposed by the Government will increase the chances of our country being a just society. In fact, I feel that this Bill sends messages that the Government is turning its back on our indigenous people and making it more difficult for them to secure justice. Hence, I urge the Senate Inquiry to recommend that the position of Aboriginal and Torres Strait Islander Social Justice Commissioner High Commissioner not be downgraded but in fact, that it be given more support.

In fact I urge the Senate Inquiry to recommend that all these vulnerable people in Australian society are given sufficient assistance to allow them to live a dignified life and I dream of a government that deeply respects these people in the choices it makes governing at this difficult time.

Yours Sincerely,

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