

CATHOLICS IN COALITION FOR JUSTICE AND PEACE

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25 APR 2003

The Secretary
Senate Legal and Constitutional Committee
Suite S1.61, Parliament House
CANBERRA ACT 2600

Dear Mr Hallahan,

Attached is a Submission to the Senate Inquiry into the Provisions of the Australian Human Rights Commission Legislation Bill 2003 from Catholics in Coalition for Justice and Peace.

Catholics in Coalition for Justice and Peace (CCJP) is a coalition of individuals and groups, working for the emergence of just social structures in Australia and overseas. Its wide membership works at supporting marginalised people in Australian society and beyond

If you have any questions, they should be addressed to me or to one of the other members who worked on the submission. Their names and contact details are listed on the cover sheet.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'A Byrne for', written over the typed name of Margaret Hinchey.

Margaret Hinchey RSM
Convenor

21 April 2003

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Senate Legal and Constitutional Legislation Committee

*Inquiry into the Provisions of the
Australian Human Rights Commission Legislation Bill 2003*

Submission from

CATHOLICS IN COALITION FOR JUSTICE AND PEACE
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This Bill seeks to limit the powers of the Human Rights and Equal Opportunity Commission (HREOC) in a number of ways, and we oppose these changes.

- ❖ Making education a central function of the proposed new Commission must result in less emphasis on its role in enquiring into current human rights issues in Australia, either in specific areas or in general. If the Australian people are to be informed about Human Rights, the Commission must have up to date information to disseminate.
- ❖ Restricting the ability of HREOC to intervene in court proceedings and requiring the permission of the Attorney General makes a mockery of having a Commission and removes its independence. It is obvious that the Attorney General, as a member of Cabinet, will not allow any of the Government's legislation or actions to be challenged by the Commission.
- ❖ If the Commissioners who enquire into complaints cannot recommend appropriate compensation, how can anyone justify being in a better position to make such judgements?
- ❖ Removing the present Commissioners with specific areas of work, and replacing them with "Generalists" will reduce the competence of the Commissioners and their authority to speak on the matters before them.

In particular, we oppose strongly the proposed abolition of the position of the Aboriginal and Torres Strait Islander Social Justice Commissioner.

This position was established in 1992 when it was clear that Aboriginal deaths in custody were continuing at a totally unacceptable rate and that there was a high level of racial violence in the Australian community. Recent census data gives no indication of improvements in these areas. Rather the opposite is the case.

In 1999, the United Nations Committee on the Elimination of Racial Discrimination expressed concern about the abolition of the ATSI Social Justice Commissioner's specific role. The UN was concerned that HREOC be adequately resourced to address the full range of social justice issues concerning Australia's Indigenous people, given their level of marginalisation at that time. As we have already suggested, their position has not improved.

Our specific objections to the abolition of the position of the Aboriginal and Torres Strait Islander Social Justice Commissioner include:

- ❖ There will be no requirement for the "generalist" Commissioners to have significant experience in the community life of Aboriginal people or Torres Strait Islanders.
- ❖ The human rights concerns of Australia's Indigenous people will have to compete for attention and funds with the rights of other minority groups.
- ❖ One role of the present Commissioner is to promote respect for Indigenous people. Competition for funds could seriously affect this.

We trust the Senate Committee will take these points into consideration and reject this Bill.