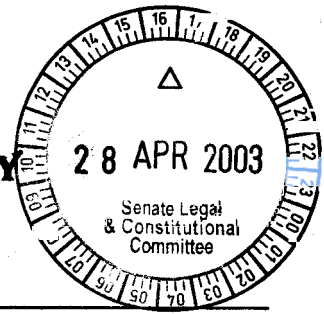


**FRANCISCAN MISSIONARIES OF MARY**  
**64 Aurelia Street**  
**Toongabbie, NSW 2146**



April 22, 2003

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

Dear Mr. Hallahan,

We would like to submit our concerns about the Bill introduced into Federal Parliament, which seeks to abolish the position of Aboriginal and Torres Strait Islander Social Justice Commissioner.

We are 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.

Appointing three generalist commissioners with responsibility for such diverse and demanding areas as Aboriginal and Torres Strait Islander Social Justice, Race Discrimination, Sex Discrimination, Disability Discrimination and Human Rights Commissioner, would seem to the thinking community highly misguided.

We are even more concerned that under the Bill, none of the three Human Rights Commissioners would have specific responsibility for Aboriginal and Torres Strait Islander social justice issues. All the more remarkably, 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.

Currently the Social Justice Commissioner promotes discussion and awareness of Indigenous peoples' human rights, and undertakes research and educational programmes 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 mean 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.

We remind the Inquiry, that in 1999, the UN Committee on the Elimination of Racial

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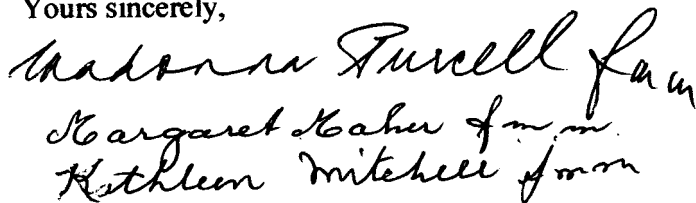
Discrimination urged Australia to reconsider its attempt at that time to abolish the Social Justice Commissioner position to ensure that the absence of a specialist commissioner does not adversely affect the ability of the Commission to address in an adequate manner the full range of issues regarding indigenous peoples that warrant attention given the continuing political, economic and social marginalization 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 do not suggest that there has been sufficient progress in addressing the marginalization 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 – have actually declined.

We fail to see how the new arrangements proposed by the Government will increase the chances of our country being a just society. In fact, we 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, we urge the Senate Inquiry to recommend that the position of Aboriginal and Torres Strait Islander Social Justice High Commissioner not be downgraded but in fact, that it be given more support.

Yours sincerely,



Madonna Purcell fmm  
Kathleen Mitchell fmm  
Margaret Maher fmm