



HARR

HORNSBY AREA RESIDENTS FOR RECONCILIATION

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

C/- 7 Wearne Avenue
Pennant Hills NSW 2120



Dear Mr Hallahan

**Submission to Inquiry into the proposed restructure of the
Human Rights and Equal Opportunity Commission**

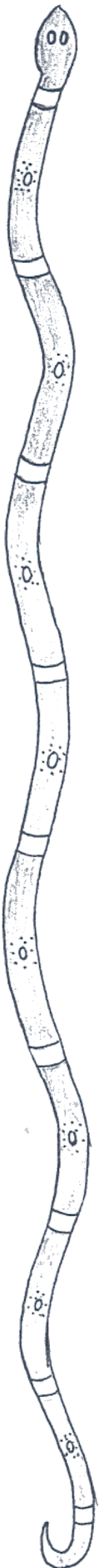
Hornsby Area Residents for Reconciliation (HARR), is part of the People's Movement for Reconciliation and is a Local Reconciliation Group affiliated with the NSW State Reconciliation Council. We work to raise awareness and advance Reconciliation between Indigenous and non-indigenous Australians and to advocate for recognition and social justice for Aboriginal people.

HARR is opposed to the Government's Bill to amend the legislation for the Human Rights and Equal Opportunity Commission. We believe the legislation would see the effectiveness of the Human Rights and Equal Opportunity Commission to advance and protect the rights of Aboriginal and Torres Strait Islander people reduced.

In particular, HARR objects to;

- the proposed abolition of the specialist Aboriginal and Torres Strait Islander Social Justice Commissioner in favour of generalist commissioners;
- the removal of the requirement that the specialist commissioner have significant experience in community life of Aboriginal persons or Torres Strait Islanders;
- the proposed requirement that the Commission obtain the approval of the Attorney General to intervene in court cases raising human rights principles.

We recognise that the current functions of the Aboriginal and Torres Strait Islander Commissioner to promote discussion and awareness of Indigenous people's human rights and to undertake research and educational programs to promote respect for Indigenous people's human rights would be maintained as generalist functions of the Commission under the Government's amendments. However, we consider that without a specialist commissioner, detailed attention to these functions may be neglected among competing priorities. There is no certainty that adequate resources and effort will be applied to them.



HARR recognises the importance of the range of human rights and equal opportunity issues the commission deals with across the board. We consider, however, that the continuing and entrenched disadvantage of Australia's Indigenous people and their historic dispossession in their own land gives Australia a special responsibility to focus on the protection and advancement of their rights. Retention of a specialist and expert Human Rights Commissioner with dedicated functions, is an important contribution to meeting this responsibility.

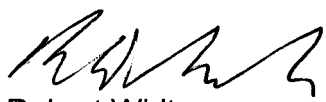
Australia's unfinished agenda for addressing and improving the outcomes for Indigenous people in the legal, health, educational and corrective systems will continue to be neglected unless special attention is maintained. This opinion was shared by the United Nations Committee on the Elimination of Racial Discrimination in 1999, when the Government previously moved to attempt to abolish the Aboriginal and Torres Strait Islander Social Justice Commissioner position.

The Aboriginal and Torres Strait Islander Social Justice Commissioners, past and present, have made a proud contribution in focussing attention and scrutiny on the shameful status and conditions our Indigenous people endure through systemic bias and disadvantage. Despite their efforts, the circumstances revealed by the Royal Commission into Aboriginal Deaths in Custody have not significantly changed. The chances of them changing will be reduced if advocates and watchdogs like the specialist commissioner are emasculated and restricted by legislation which changes the focus.

HARR also opposes the component of the Government's proposed amendments requiring the Commission to obtain the approval of the Attorney General before applying to intervene in court cases involving human rights principles. We believe the requirement for permission of the court is entirely adequate and appropriate to ensure interventions are made judiciously and productively. Permission of a politician in addition to the court is unwarranted. The Government's motive in this proposal is quite evident and consistent with its agenda of emasculation of the Commission.

HARR urges the Senate to stand for the continuation of the effective scrutiny and advocacy the specialist Commissioner has been able to apply for the advancement of Human Rights and Social Justice for Indigenous people. We hope the Committee will recommend the Senate disallow the Government's amendments.

Yours sincerely



22/4/13

Robert White
For Hornsby Area Residents for Reconciliation