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From: Martin Oliver [<mailto:moliver@planet-save.com>]

Sent: Wednesday, 16 April 2003 10:08 AM

To: Legal and Constitutional, Committee (SEN)

Subject: Submission (Discrimination Commissioners)

MARTIN OLIVER

SUBMISSION CONCERNING THE FEDERAL GOVERNMENT PROPOSAL TO ABOLISH THE POST OF VARIOUS DISCRIMINATION COMMISSIONERS

Dear Sir / Madam,

I would like to express my opposition to the proposals to abolish the posts of Race Discrimination Commissioner, Sex Discrimination Commissioner, Disability Discrimination Commissioner, Human Rights Commissioner and Aboriginal and Torres Strait Islander Social Justice Commissioner. Of these, I believe that the proposed change to the role of Race Discrimination Commissioner is of the greatest concern.

Under the new proposals, this role would compete for attention with the functions dealing with sex and disability discrimination, human rights and Indigenous social justice. There is no guarantee that a future Commission will always devote resources and attention to race issues.

Over the years, Race Discrimination Commissioners have achieved numerous successes, including:

1986-87 - mediation of racial tensions in Goondiwindi and referral of HREOC's first public inquiry (which reported in 1988).

1991 - national inquiry into Racist Violence recommending the introduction of racial vilification legislation and other measures.

1993-1996 - annual State of the Nation reports on the extent to which people from non-English speaking backgrounds experience equality and freedom from discrimination.

1994 - a report drawing attention to the lack of safe drinking water in remote Indigenous communities.

1995 - racial vilification legislation introduced; strong support for Aboriginal communities wishing to limit access to alcohol.

1996 - publication of Face the Facts, providing factual information to counter prevalent misinformation about refugees, immigration and Indigenous issues.

1997 - publication of a guide for the media on the racial vilification legislation.

1999-2000 - independent information about racial discrimination in Australia provided to relevant UN treaty committees.

2001 - national consultations on racism in Australia in preparation for the World Conference Against Racism; second edition of Face the Facts.

2002 - symposium on racial vilification on the internet (cyber-racism) with industry and other expert participants.

2003 - initiation of Isma? - Listen: National consultations on eliminating prejudice against Arab and Muslim Australians.

For these reasons, I believe very strongly that the role of Race Discrimination Commissioner should be maintained.

I am also deeply concerned about a further amendment that threatens the Commission's independence as well as its potential to defend human rights effectively.

Under this proposal, the Commission will need the Attorney-General's permission to apply to intervene in a court case raising a human rights principle. The Attorney-General will be the gatekeeper of this function even in cases involving the government.

Yours sincerely, Martin Oliver

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