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From: jamie mackie [jamiemackie@hotmail.com]
Sent: Sunday, 27 April 2003 8:41 PM
To: Legal and Constitutional, Committee (SEN)
Subject: Submission to Inquiry into the Aust. Human Rights Commission legislation 2003

27.4.2003

The Secretariat,
Senate Legal and Constitutional Committee,
Parliament House. Canberra. ACT.

SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL COMMITTEE

on the

Human Rights Legislation Amendment Bill (no 2) 2003

With apologies for the last-minute dispatch of this submission, due to email difficulties, I am sending you as an attachment to this document a submission to the above Committee on behalf of Racial Respect Inc., a Canberra-based organization established in 1997, whose aims are explained in the first paragraph.

The Chairman of Racial Respect is the Hon. John Kerin, AM and I am currently the Acting Secretary. The postal address is GPO Box 506, Canberra 2601 and our email address is mail@racialrespect.org.au. I set out my own name, phone number and home address below. This document has been approved by the Committee of Racial Respect.

I will be happy to provide any further information about Racial Respect if it is necessary.

Yours sincerely,

J. A. C. Mackie

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28/04/2003

RACIAL RESPECT

SUBMISSION TO THE SENATE LEGAL AND CONSTITUTIONAL COMMITTEE on the

Human Rights Legislation Amendment Bill (no 2) 2003

Racial Respect Inc. is a body established in 1997 and dedicated to the aim of ensuring that Australia continues to develop as a nation where people of every race and religion live in mutual respect and equality. We want to encourage the development of Australia as a nation in which racial, ethnic and religious diversities are recognized, accepted and valued. One of our primary objectives is to campaign against the propagation of racially prejudiced views and racially discriminatory behaviour.

In this submission we wish to express our strong support for the submission made by the Human Rights and Equal Opportunity Commission (HREOC) on the matter of the Australian Human Rights Commission Legislation Bill 2003. In particular, we are disturbed at the effect of the new legislation in

- a – negating the ability of such organizations to take legal action without the need to seek Government approval first; and
- b - bringing about the removal of the highly specialized and expert Commissioners and the supporting staff of these bodies, which has hitherto been essential to their effective functioning, in fields of considerable complexity.

While the bill also has implications which we regard as retrograde for the Race Discrimination Commissioner, ATSI Social Justice Commissioner and others, whose roles we also regard as valuable for the prevention of ethnic and religious discrimination, our comments here will be directed primarily towards the situation of HREOC. We wish to make three main points.

1 The importance of HREOC and similar bodies stems from the fact that while matters like human rights abuses and the issues arising out of denials of equal opportunity constantly arise in any country, they are particularly serious in Australia because of both the severely disadvantaged conditions in which our indigenous people live and the complex racial issues attending many members of our now very substantial migrant communities. Some of the latter are also seriously disadvantaged or discriminated against in various ways. But problems such as these are often not a direct or major concern of any particular part of our federal or state bureaucracies; hence they can easily escape the notice of government agencies altogether. Nor are they adequately covered by our legal system, since they often arise out of changing social conditions that the law, or government policy, has simply not kept up with.

HREOC has therefore been of immense value over recent years because of its ability to investigate human rights violations and denials of equal opportunity in depth and with the backing of specialist experts in the relevant fields who have an awareness of the broader dimensions of the social, economic and legal circumstances out of which they have arisen.

2 The need for such a body which is responsive to problems of this sort arising in our society and, above all, is independent of the government of the day and established by parliament and responsible to it, with statutory powers and obligations, and a budget adequate for its tasks, is a matter of the highest importance. HREOC has been engaged in ensuring justice for many people whose rights have been violated, and has also performed an invaluable role in ensuring that reliable information on such matters is easily accessible to the public - and in particular the media - which would otherwise not be easily available. Its educative function has therefore been extremely valuable.

3 While race relations within Australia have improved greatly in various respects over the last forty years or so, they have lagged badly in others. Yet it is a matter of enormous significance to Australia's future that the progress we have made so far should be maintained and extended further until our record is beyond reproach, especially in respect of both equality of opportunity for all indigenous people and equality of treatment of them under the law, by the police, and within our society by way of employment, education and access to health facilities. Our nation's standing among our Asian neighbours, and in the eyes of the rest of the world, will not improve to the extent it will have to if we are to prosper from our proximity to them so long as we have black marks on our record in these respects.

Forty or fifty years ago it was possible for us to live with the kind of 'Fortress Australia' mentality that prevailed which was based on an assumption that we could simply ignore the opinions of other countries on these matters, as we did over the White Australia Policy from 1901 until the 1960s. That has become less and less possible since World War II as the decolonisation process has extended throughout Asia, Africa and the Pacific. In the present age of globalisation we can no longer ignore the complex problems of racial inequality that are arising out of the worldwide movements of peoples from country to country, including asylum seekers and illegal immigrants. The problems emerging have to be recognised, faced squarely and resolved.

Without bodies such as HREOC to take the lead in this, it is far less likely that they will be resolved.

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