

Clifford, Julia (SEN)

From: Majella Tracey [majellat@labyrinth.net.au]
Sent: Saturday, 19 April 2003 5:27 PM
To: Legal and Constitutional, Committee (SEN)
Subject: Proposed abolition of position of Aboriginal and Torres Strait Islanders Social Justice Commissioner

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



Dear Mr. Hallahan

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

I am alarmed 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 in general seems totally impractical, a movement backward instead of forward.

It alarms me that under the Bill, none of the three Human Rights Commissioners would have specific responsibility for Aboriginal and Torres Strait Islander social justice issues. Hence 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 people 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 programs 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 means 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.

In 1999, the UN Committee on the Elimination of Racial Discrimination urged Australia to reconsider its attempt at that time to abolish the Social Justice Commissioner position. It was concerned that the absence of a specialist commissioner would adversely affect the ability of the Commission to adequately address the full range of issues regarding indigenous peoples that warrant attention given the continuing political, economic and social marginalisation faced by the indigenous community of Australia (UN Doc: A/54/18, para.21(2)).

There is still abundant information available to show that sufficient progress has not been made in addressing the marginalisation of Indigenous peoples for the position to be terminated. In fact, I see this Bill sending a clear message that the Government is again turning its back on our indigenous people and making it more difficult for them to secure justice. I urge the Senate Inquiry to recommend that the position of Aboriginal and Torres Strait Islander Social Justice Commissioner High Commissioner not be downgraded but in fact, that it be given more support.

Yours Sincerely,

Majella Tracey
7 Norton's Lane

Wantirna South 311152