

Wednesday, 16<sup>th</sup> April, 2003

Karen Darling  
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Peter Hallahan  
Secretary  
Senate Legal and Constitutional Committee  
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Canberra ACT 2600  
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Dear Mr Hallahan,

**Re: Federal Government proposal to abolish the post of Race  
Discrimination Commissioner**

I write to express my deepest concern at the proposed Legislation which has been introduced into federal Parliament to abolish the post of federal Race Discrimination Commissioner and to restructure the Human Rights and Equal Opportunity Commission.

If the changes are accepted by the Parliament there will be three generalist Human Rights Commissioners instead of the existing specialist commissioners. The post of President will be retained, but Australia will no longer have a Race Discrimination Commissioner. Under the legislation, none of the three Human Rights Commissioners would have specific responsibility for race discrimination. Allocation of specific responsibilities would be at the discretion of the President.

Education on race discrimination, promoting understanding and friendship among ethnic groups and working to combat racial prejudice would be general Commission functions. They 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. The current position The Race Discrimination Commissioner currently has responsibilities under Australia's oldest anti-discrimination law, the 1975 Racial Discrimination Act. Originally the Act was administered by a stand-alone Community Relations Commissioner. When the Human Rights and Equal Opportunity Commission was established in 1986, the position of Race Discrimination Commissioner was created and the Commissioner became a member of this new national body.

Currently, the Commissioner has a broad role especially in public education, policy development, conducting national inquiries and producing reports on important issues of community relations in Australia. The role involves promoting equality in the political, economic, social and cultural fields for everyone regardless of race, colour, descent, national origin or ethnic origin. I have been impressed and inspired by the significant achievements in all of these areas of the Race Discrimination Commissioners.

The legislation proposes giving more prominence to the public education function the Commission already has. Another amendment threatens the Commission's independence as well as its potential to defend human rights effectively. 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 in case involving the government, an inappropriate and unacceptable process.

The proposed changes will have a detrimental "watering down" impact on the work of the Commission, thus being unproductive and unnecessary. The proposed bill significantly undermines the Commission's independence in the exercise of its "intervention powers".

It is with great hope that the Inquiry being undertaken will respond to these concerns, and appropriate action be taken accordingly.

Yours Sincerely,

A handwritten signature in black ink that reads "Karen" followed by a stylized flourish.

Karen Darling

Mental Health Worker