

Blue Mountains Community Interagency

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



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

To whom it may concern,

The Blue Mountains Community Interagency is made up of over 70 services and organisations in the Blue Mountains west of Sydney. These organisations include Neighbourhood Centres, Family Support services, Community Development projects, Youth services, Disability services, Migrant services, Children's and Child Protection services, Community Housing and staff from Council, Health Services, and Employment services. We represent thousands of people in the Blue Mountains community.

On behalf of those people and in their interests, we take the opportunity to comment on the issues being addressed by this committee.

We make the following points:

Community concern regarding the agenda of the Federal Government:

The organisations represented by the BM Community Interagency express extreme concern about the Federal Government's agenda in the proposal to restructure the Human Rights and Equal Opportunity Commission so that there will be three generalist Human Rights Commissioners instead of the existing specialist commissioners.

The Government's record in creating restrictive Migration, Refugee and Asylum seeker policy and their response to Indigenous issues and Reconciliation have not given us any confidence that this proposal is directed at improving access to justice by marginalised groups. The incidence of racism in our community is widely acknowledged to be increasing as a consequence of Government policies eg racism against Muslims, and we have no belief that this proposal is designed to more adequately address this.

Blue Mountains Community Interagency is a regular Forum attended by representatives from Neighbourhood Centres, Family Support services, Community Development projects, Youth services, Disability services, Migrant services, Children's and Child Protection services, Community Housing and staff from Council, Health Services and Employment services.

It is convened by the Mountains Community Resource Network.

Specialist Commissioners are vital:

We believe that it is essential to retain specialist Commissioners who are appointed on the basis of their expertise in a particular area of discrimination, their own personal experience of disadvantage and their connection with communities that have been historically discriminated against. For instance Mick Dodson, former Commissioner is Aboriginal, Elizabeth Hastings, former Disability Discrimination Commissioner uses a wheel chair and Alice Tey and Irene Moss, both past Race Discrimination Commissioners are Chinese.

These are powerful symbolic statements, aside from the fact that specialist Commissioners are better able to advocate for and promote the interests of their constituency. The categories of "race" or "sex" or "disability" are not limited in scope!!! The Commissioners already face a huge task representing the many communities with different needs that come within their portfolio. They provide community leadership that is vital to their constituencies.

The generic Commissioner model has not been shown to be effective:

The generic Commissioner model that operates at a State level is not effective in our view. It makes lobbying more difficult and often does not result in good policy. It is a commonly held view for example that Chris Puplick, NSW Anti-Discrimination Commissioner, has specialised interest areas and it is difficult for other interest groups to get a hearing.

Specialist Areas need consistent work:

It is clear there is much work to be done in the specialist areas covered by the Sex Discrimination Commissioner, Disability Discrimination Commissioner, Human Rights Commissioner and Aboriginal and Torres Strait Islander Social Justice Commissioner. This work is not likely to be furthered by making the positions generic.

Commission's independence:

We are also concerned about 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 even in case involving the government. The Commission cannot work unless it has the confidence of the people, and this amendment threatens this.

Yours faithfully



Mary Waterford Mountains Community Resource Network
for the Blue Mountains Community Interagency.

April 16th, 2003

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