

Clifford, Julia (SEN)



**From:** A Spencer [annspencer5@msn.com]  
**Sent:** Tuesday, 22 April 2003 11:31 AM  
**To:** Legal and Constitutional, Committee (SEN)  
**Cc:** darrendick@humanrights.gov.au  
**Subject:** Submission not to abolish the Position Aboriginal Social Justice Commissioner

Anne Spencer

5 Bilgola Ave

Bilgola2107.

Dear Sir,

**I write to you to object to the Federal Government proposal to abolish the post of Aboriginal and Torres Strait Islander Social Justice Commissioner (together with the posts of Race Discrimination Commissioner, Sex Discrimination Commissioner, Disability Discrimination Commissioner and Human Rights Commissioner).**

As I understand it a Bill has been introduced into federal Parliament which seeks to abolish the position of Aboriginal and Torres Strait Islander Social Justice Commissioner. The proposal is to restructure the Human Rights and Equal Opportunity Commission by creating three generalist Human Rights Commissioners to replace the existing specialist commissioners (Aboriginal and Torres Strait Islander Social Justice, Race Discrimination, Sex Discrimination, Disability Discrimination and Human Rights Commissioner).

Under the Bill, none of the three Human Rights Commissioners would have specific responsibility for Aboriginal and Torres Strait Islander social justice issues. The allocation of specific responsibilities would be at the discretion of the President. The Commission as a whole, however, would still be required to submit the annual Social Justice and Native Title reports to federal Parliament.

The Bill removes the present 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 persons or Torres Strait Islanders. None of the proposed generalist Human Rights Commissioners will have to meet this requirement.

Current functions of the Social Justice Commissioner to promote discussion and awareness of Indigenous peoples' human rights, and to undertake research and educational programs for the purpose of promoting respect for Indigenous peoples' human rights will be maintained as general Commission functions. They would compete for attention with the functions dealing with sex and disability discrimination, human rights and race discrimination. There is no guarantee that a future Commission will always devote resources and attention to these issues.

It is important that the full range of issues regarding indigenous peoples that warrant attention given the continuing political, economic and social marginalization faced by the indigenous community of Australia (UN Doc: A/54/18,para.21(2)).

My concerns about this are very serious indeed

23/04/2003

- Firstly I am concerned about the proposed abolition of the specialist commissioners of the HREOC, particularly the Race Commissioner. The structure of the Commission must have a clear allocation of responsibility to a dedicated, specialist Commissioner, who can present a strong individual voice for equality. Such proposed restructuring will have a negative effect on maintaining and developing expertise in the field of race discrimination and will threaten the continuation of dedicated programmes that educate about race discrimination, inequalities, promote understanding and cohesion among ethnic groups and work to combat racial prejudice.
- I am also seriously concerned about the proposal to remove the Commission's power to independently intervene in court proceedings. This clearly threatens the Commission's independence, as well as creating a conflict of interest for the Attorney-General whenever the government is a party to the litigation.
- I am also concerned that any reduction in the intervention power of the Social Justice Commissioner will reduce the independence of the role.
- and lastly that many UN committees hailed the establishment of the Social Justice Commissioner as a special measure to help reduce disadvantage. So here you are about to abolish it.

The bitter irony of this is that the UN has now given indigenous peoples of the world a special home in the Permanent Forum and the Australian Government is proposing to go backwards

Therefore, I urge the Senate not to accept the proposed changes to the structure of the HREOC.

Sincerely,

Anne Spencer

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