

SUBMISSION TO SENATE LEGAL & CONSTITUTIONAL COMMITTEE

FAX TO: 02 6277 5794 (2 pages)

**SUBJECT: AUST HUMAN RIGHTS COMMISSION LEGISLATION BILL
2003**

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I am writing to express my deep concern at the Government's proposals to make changes to the Human Rights Commission, in particular:

1) I believe the proposal to eliminate specialist portfolios and instead create three 'generalist' commissioners will introduce a sort of 'call centre' mentality to the process of Human Rights in this country, and will limit access to the HRC by people belonging to certain specific groups, who may feel less inclined to approach generalist Commissioners who have no specific understanding of their needs and background, and may generally feel less 'welcome' or 'safe' in approaching the HRC.

2) I am particularly concerned at the proposal to remove a specialist Commissioner with responsibility for Aboriginal and Torres Strait Islander people. The Indigenous people of this country are not just another multicultural or interest group within contemporary society – they are the traditional owners of this country and members of the first nations of this country and I believe their needs and interests are therefore worthy of special respect and priority, and that *ongoing* mechanisms need to be in place to meet their needs and interests.

My understanding is that the ATSI Social Justice Commissioner position was created as a result of the Royal Commission into Aboriginal Deaths in Custody and of HREOC's work on the Inquiry into Racial Violence, to ensure an *ongoing mechanism* for the human rights of Indigenous people in Australia.

I think it is absolutely vital that this position should continue as a specialist Commissioner with responsibility for the Human Rights of Indigenous people.

3) I am also concerned that the HRC should have to ask permission of the Attorney General to investigate or intervene in issues. This sounds like a very 'political' requirement to me. A non-partisan and profound human issue such as the investigation of Human Rights matters in this country should not be reduced to the whim of the government of the day – any government. Human Rights matters should be above party politics and the HRC should not require the permission of the Attorney General before it can act or intervene. If the courts give leave to the HRC to intervene in certain cases if required, that should be enough.

Should one person, a politically appointed Attorney General, be allowed to determine what Human Rights can be investigated or what cases can be visited by the HRC? I hope not. This would be too subject to the prejudices or human frailty of one individual.

4) Finally, I am VERY concerned about the international reputation of my country, if these proposals go ahead. We have already been criticized by the United Nations CERD Committee on a couple of occasions recently for our shortcomings with regard to the Human Rights of Indigenous Australians.

Given that Indigenous people here are still marginalized and face many social and economic problems, and that racism clearly is alive and well here, I feel that a further attempt to abolish the ATSI Social Justice Commissioner position (and the Racial Discrimination position) – and to devalue and de-prioritise other special needs within the broad area of Human Rights in this country – will diminish Australia further in the eyes of the world.

5) Basically, I believe that people in Australia have the right to feel safe and welcome in approaching the HRC if they need help of any sort. Any one of us would feel much safer and more welcome, if we knew we could approach a person (or 'office') which had knowledge and understanding of our particular background and needs – a Commissioner who would know where we're coming from – and who would be able to give us the help we need.

I believe it would be 'best practice' to keep the specialist Commissioners for Aboriginal & Torres Strait Islander Social Justice, Race Discrimination, Sex Discrimination and Disability Discrimination, for instance.

I have never written a submission like this before and have never appeared before a Senate Committee of Inquiry, but I would be prepared to do so if required to discuss this further ... because I only just found out about this proposed Bill and there hasn't been much time to respond to it properly or think it through fully, as a member of the community.

I trust the receiver of this Submission will do me the courtesy of ensuring that this fax reaches the appropriate people.

Thank you very much.

