

# WOMEN'S RECONCILIATION NETWORK

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24 April 2003

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

Dear Sir

On behalf of the Women's Reconciliation Network, I am writing to express my concern at the proposed changes to the Australian Human Rights Commission Legislation. We are extremely concerned at the proposal to restructure the Human Rights and Equal Opportunity Commission (HREOC). The WRN particularly abhors the proposal to replace the three specialist commissioners with a president and three generalists. In our field of work, our concern is with the replacement of the Aboriginal and Torres Strait Islander Social Justice Commissioner, currently Dr William Jonas. To our knowledge the *Bill* contains no requirement for an Aboriginal or Torres Strait Islander to be responsible for Indigenous issues.

It is our view that the Aboriginal and Torres Strait Islander Social Justice Commissioner has been the only independent monitor of Government performance with respect to progress toward reconciliation and the upholding of Aboriginal and Torres Strait Islander rights particularly with respect to native title.

The Social Justice Commissioner is the author of numerous reports including the annual Social Justice Reports and the Native Title Reports. These reports have provided detailed and accurate information on issues of deep concern to the Aboriginal and Torres Strait Islander community and the People's Movement for Reconciliation. It has come to our attention that the *Bill* does not guarantee that these reports will continue to be produced annually.

It is noteworthy that on many occasions the federal Attorney-General has given only scant attention to these reports and to their recommendations despite the fact that they contain criticisms of Government with regard to the upholding and protection of Aboriginal and Torres Strait Islander rights; issues which still need to be addressed. These reports and others produced by the Social Justice Commissioner have made many Australians very aware of our country's inconsistent performance in terms of our international human rights obligations.

The Social Justice Commissioner has also had particular roles in the overseeing of recommendations of *Bringing Them Home* and the *Royal Commission into Black Deaths in Custody*. It is also noteworthy that it was following from the Social Justice Commissioner's recommendation that we are now undergoing a Senate Inquiry on the progress toward national reconciliation. It is also significant that it was an initiative of the Social Justice Commissioner to hold a workshop on benchmarking reconciliation in 2002 which had high level input from

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Aboriginal people and Torres Strait Islanders and which identified numerous significant shortcomings in the COAG 'Framework for reporting on Indigenous disadvantage', a framework which is being developed with the imprimatur of the current Prime Minister. These shortcomings are summarised in the *Social Justice Report* for 2002 and the HREOC Report *Benchmarking Reconciliation and Human Rights*.

The *Bill* proposes to make 'education, dissemination of information and assistance central functions of the new Commission', however, this is already happening with the work HREOC is doing now. There is no other source of independent, accurate information with regard to issues such as self-determination .

Finally the provision requiring the Commission to obtain the Attorney-General's consent before taking part in court proceedings as well as the removal of HREOC's power to recommend the payment of damages or compensation are obviously both conflicts of interest and we recommend strongly that these proposals are not taken forward.

We urge your consideration of these matters.

Yours faithfully

*Sally Fitzpatrick*

Sally Fitzpatrick  
Chair

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