

**Clifford, Julia (SEN)**

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**From:** Juliet Bourke [juliet.bourke@workpluslifestrategies.com]  
**Sent:** Thursday, 24 April 2003 10:46 AM  
**To:** Legal and Constitutional, Committee (SEN)  
**Cc:** 'Erica French'; Peterson, Renee; PLAISTER Robyn; 'Lawrence Fong'; Nicole Haj;  
'Bakaric, Pauline'  
**Subject:** EEONA submission to the Senate Legal and Constitutional Committee

Dear Secretariat

The Equal Employment Opportunity Network of Australia is pleased to make the following submission to the Senate and Legal Constitutional Committee on the *Australian Human Rights Commission Legislation Bill 2003*.

Should you wish to clarify any of the issues we have raised within our submission, please do not hesitate to contact Juliet Bourke, Foundation Chair EEONA c/- Alison Cole (secretariat) NSW Equal Employment Opportunity Practitioners' Association, PO Box 566, DOUBLE BAY NSW 1360, by return email, or by telephone:0414 426 939.

Yours faithfully  
Juliet Bourke  
Foundation Chair  
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EEONA submission to the Senate Legal and Constitutional Committee on the  
*Australian Human Rights Commission Legislation Bill 2003*

**1. Background on EEONA**

The Equal Employment Opportunity Network of Australia (EEONA) is a peak body representing the interests of EEO practitioners in government and private organisations throughout Australia. EEONA's members comprise not-for-profit Equal Employment Opportunity organizations, such as the:

- (i) NSW Equal Employment Opportunity Practitioners' Association,
- (ii) The Equal Opportunity Employment Practitioners' Association Queensland Inc;
- (iii) The Equal Employment Opportunity Network (Vic); and
- (iv) The Employment Equity Specialists Association (NSW).

The objectives of EEONA include:

- a. Advancing the interests of EEO in private and public institutions;
- b. Acting in a consultative capacity to government and business organisations;
- c. Promoting awareness of EEO principles and best practices within, and to, the Australian community;
- d. Contributing to public debate including by consultation and research; and
- e. Supporting State-based EEO networks.

**2. Submissions on the Bill**

EEONA is pleased to have the opportunity to make submissions to the Senate Legal and Constitutional Committee on the *Australian Human Rights Commission Legislation Bill 2003 (Cth)*. We are very concerned about the practical and symbolic impact of the proposed changes to the current Human Rights and Privacy legislation. In particular this submission will address our concerns about:

- (i) the proposed restructure of the Human Rights and Equal Opportunity Commission (HREOC);
- (ii) the proposed restrictions on HREOC's powers of intervention;
- (iii) the proposed refocusing of HREOC on education; and
- (iv) the renaming of HREOC.

### *2.1 Proposed restructure of the Commission*

We understand that the Bill proposes to abolish the specialist portfolio Commissioners who are currently responsible for the areas of Human Rights, Sex Discrimination, Race Discrimination, Disability Discrimination and the rights of Aboriginal and Torres Strait Islander peoples. Moreover, these five specialist Commissioners are to be replaced by three generalist Commissioners.

We are opposed to the proposed restructure for the following reasons:

- (i) the current structure is very effective and we find no evidence that the current structure is in need of revision. The current structure has had the support of the community, and our constituent groups, since its establishment in 1986.
- (ii) identifying Commissioners by areas of specialty performs an educative function for the community and organizations. Each of the areas addressed by the current Commissioners represents a fundamental human characteristic which is deserving of respect and attention, and provides a clear point of reference. Indeed, it is submitted that the Government's focus on education is better served by maintaining specialized Commissioners, than by introducing generalist Commissioners.
- (iii) identifying Commissioners by areas of specialty has an important practical function, namely it enables Commissioners with specialist expertise to operate within their areas of specialty. The specialist Commissioners are also a clear/effective resource for organizations, employees and the wider community.

(iv) reducing the number of Commissioners suggests that there is less work to be done in reducing discrimination in Australia. Our view is that there is in fact more work to be done eliminating discrimination, as the grounds of discrimination continue to expand (eg the proposed introduction of a separate of age discrimination legislation) and as forms of discrimination become more covert.

### *2.2 Proposed restrictions on HREOC's powers of intervention*

We understand that the Bill proposes to amend HREOC's powers of intervention by requiring the Commission to obtain the approval of the Attorney General prior to intervening in proceedings. We are opposed to the proposed amendment for the following reasons:

- (i) it places an unnecessary fetter on the independence of HREOC;
- (ii) a conflict of interest may arise when HREOC is considering intervening in a case brought against the Commonwealth Government. It also infers the focus for intervention and cases will be on organizations and the public; and this does not reflect the reality of discrimination issues/cases; and
- (iii) it reduces the perceived and practical independence of HREOC.

### *2.3 Proposed refocusing of HREOC on education*

We understand that the Bill proposes to make education, the dissemination of information and assistance central functions of the new Commission. Whilst we support the importance of education in the elimination discrimination, in our view education is much more effective when supported by a platform of strong legal supports. Many organizations, particularly in the private sector, have well-established training/education programs. These organizations need the support of a strong legal framework. Hence we oppose a refocusing of the Commission on education, and submit that education and compliance are equally important.

#### *2.4 The renaming of HREOC*

We understand that the Bill proposes to rename the Human Rights and Equal Opportunity Commission as the Australian Human Rights Commission. We oppose this name change as the current focus on equality of opportunity emphasizes that there are many groups within our community who continue to face systemic disadvantage. Including the words "equal opportunity" in the name of the Commission emphasizes that providing equal opportunities is integral to enabling human rights. The term is also consistent with the dialogue used in organizational policies, education and training.

Should you wish to clarify any of the issues we have raised within our submission, please do not hesitate to contact Juliet Bourke, Foundation Chair EEONA c/- Alison Cole (secretariat) NEEOPA PO Box 566, DOUBLE BAY NSW 1360, email: [Juliet.Bourke@workpluslifestrategies.com](mailto:Juliet.Bourke@workpluslifestrategies.com), tel: 0414 426 939.

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24 April 2003