

Submission to the  
**SENATE LEGAL AND CONSTITUTIONAL COMMITTEE**  
by the  
**Alice Springs Human Rights Group**  
**re: The Australian Human Rights Commission Legislation Bill 2003.**



The **ALICE SPRINGS HUMAN RIGHTS GROUP** is strongly opposed to the proposed changes to the Human Rights and Equal Opportunity Commission as put before Parliament in the *Australian Human Rights Commission Legislation Bill 2003*.

Expressed below are the various points we consider of consequence in the proposed changes:

1. The proposed name change to Australian Human Rights Commission, cutting short the Equal Opportunity part of it, seems from the start to indicate that the principles of Access and Equity will be curtailed for the many disadvantaged people in Australia.
2. The proposed abolition of the posts of the Race Discrimination Commissioner, Sex Discrimination Commissioner, Disability Discrimination Commissioner and Human Rights and Aboriginal and Torres Strait Social Justice Commissioner will weaken the ability of the Commission to monitor that human rights, in all domains, are respected.
3. Considering that Race, Sex, Disability and Indigenous Social Justice issues are very different in approach and require very different responses, the replacement of four commissioners specialised in their area of activity by three "unclassified" commissioners to whom responsibilities would be assigned at the discretion of the Commission's President, will certainly water down the role fulfilled so far by the HREOC both in efficiency and effectiveness.
4. The envisaged enhanced performance of the Commission in the areas of public education and dissemination of information is indeed a small token in a function that can be and is already performed by many community based organizations, at least in Central Australia.
5. The restrictions imposed on a reformed Commission in the fields of advocacy, intervention, reporting on discrepancies, and representation in cases of human rights violations make of the new Commission a powerless body established as a virtual Human Rights caretaker, under the scrutiny of the Government.

In this respect, the abolition of an Indigenous Social Justice Commissioner in particular would have heavy consequences for the Aboriginal people as a whole: issues of overt or covert racism may be left unanswered and the whole process of Reconciliation would be left in a vacuum, at the mercy of unilateral decisions made by the Minister for Aboriginal Affairs without an independent counterpart able to respond.

6. Most importantly, the requirement of the Attorney General's permission to intervene in court cases where human rights are at stake - and sometimes violated by the Government itself - is a gross conflict of interest where the Government, as a gatekeeper, decides what it is prepared to consider a Human Rights issue before a Court. This means the complete loss of an independent mechanism to effectively respond to complaints of discrimination in or violation of human rights. Ultimately, only in countries under dictatorial regime - such as the one Australia has just been fighting against in Iraq - could such a loss of independence be accepted in Parliament.

All politicians are therefore urged to consider wisely the effects of such a Bill and oppose it in Parliament as a backward step going against our democratic system.

**submitted on 23 April 2003,  
on behalf of the Alice Springs Human Rights Group,  
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