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



**Senate Legal and Constitutional Legislation Committee Inquiry
into the government's bill to abolish position of
Aboriginal and Torres Strait Islander Social Justice Commissioner and
establish the 'Australian Human Rights Commission'**

Dear Senators

This proposed Bill is a disgraceful attempt by the government to hide its appalling human rights record while hypocritically trying to appear that it is acting properly.

Statistics show that Aboriginal and Torres Strait Islanders continue to suffer great disadvantages compared to most other sections of the Australian community. It is essential that Australia has a human rights commissioner who has intimate knowledge and experience of the community life of Aboriginal people and Torres Strait Islanders.

Reduced life expectancy, poor health care, over-representation in prisons and alienation of indigenous youth are just some of the issues crying out for the attention of a specialist Human Rights Commissioner. Things have not improved since 1999 when the UN Committee on the Elimination of Racial Discrimination urged Australia to keep a specialist Social Justice Commissioner expert in indigenous affairs.

Increasing the public education functions of the Commission appears a reasonable proposal until it is compared with the government's record. What point is there in educating the public when the government is demonstrating by example how **not** to treat people such as refugees and native title claimants?

Regarding intervention in court cases, the courts should decide who can appear, not a politician. The Bill's requirement that the Attorney-General must give permission for the Commission to apply to intervene in a court raising human rights principles verges on the unconstitutional. What happened to the separation of powers and the independence of the judiciary? As we have seen of late, government policies and actions can be at odds with human rights. The decision as to who can appear in the courts should be left to the judges.

Yours sincerely

(Mrs) J Edwards