



COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



HOUSE OF REPRESENTATIVES

**HUMAN RIGHTS LEGISLATION
AMENDMENT BILL (No. 2) 1998**

Second Reading

SPEECH

Thursday, 25 June 1998

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

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Date Thursday, 25 June 1998
Page 5470
Questioner
Speaker Macklin, Jenny, MP

Source House
Proof No
Responder
Question No.

Ms MACKLIN (Jagajaga) (5.25 pm)—This is the second of two related bills affecting the operation of the Human Rights and Equal Opportunity Commission. The first of these bills, now renamed the Human Rights Legislation Amendment Bill (No. 1) 1998, aims to circumvent the problems arising from the High Court decision in *Brandy v. Bell* by repealing the commission's determinative powers and providing that complaints that are not resolved by conciliation can be dealt with directly by the Federal Court.

As I said in my speech in the second reading debate on that bill, I support its basic intent but regard its detailed provisions as flawed. To address the shortcomings of that bill, Labor's minority report to the Senate committee which considered the bill made a number of recommendations which were aimed at the following: minimising the cost and complexity of Federal Court proceedings in discrimination matters; ensuring that conciliation powers remain vested in specialist commissioners, contrary to the provisions of the bill; empowering specialist commissioners to commence proceedings in the Federal Court as complainant in some cases; and empowering specialist commissioners to address systemic discrimination.

That bill is necessary to overcome a very serious problem and, with the appropriate amendments, it could provide a reasonable solution. The same cannot be said of the present bill. Most of its provisions have the potential to damage the effectiveness of the commission. The bill aims to replace the six specialist commissioners with three deputy presidents, each of whom would be required to deal with a broader range of issues. The government's justification for this appears to be its claim that, as the Attorney-General (Mr Williams) said in his second reading speech 'the current structure of the commission is inefficient and top heavy'. We have yet to see any evidence of this assertion. There has been very justifiable criticism of the proposed abolition of the specialist commissioners.

In the few minutes remaining, I want to focus my remarks today on the abolition of the position of the Disability Discrimination Commissioner. I want to underscore this point: the government is abolishing the position of the Disability Discrimination Commissioner. It is to be added to the role of the Human Rights Commissioner. In doing so, it sends one message and one message only to people with disabilities in this country: it does not regard discrimination against people with disabilities as a serious issue.

From the government's point of view, it is a second order issue—second order discrimination, if you like. It does not deserve a specialist commissioner whose time and expertise is dedicated to helping people with disabilities get the equal treatment they deserve. These groups are getting the message. A letter we have received from the Physical Disability Council of Australia states:

. The proposed Deputy President's role will include refugees, international agreements, aged people and children as well as people with disabilities, clearly a huge role for one person to preside over;

. The Disability Discrimination Commissioner has been responsible for a complex, poorly understood area that needs undivided attention to ensure equity prevails. Expecting a Deputy President to adequately understand disability as well as other areas, is unrealistic and will seriously undermine the rights of people with disabilities in Australia.

They are right, but this government's actions should come as no surprise. It has spent the last two years carving up services for people with disabilities—over \$170 million of cuts to services alone. These cuts have made it harder for people with disabilities to participate in employment, training and all the other activities that are available to other Australians.

The government has also slashed the human rights commission's budget from \$19 million to just over \$12 million over two years—a decrease of 36 per cent over just two years. The government's justification for this warrants little more than a passing response. It says that the human rights commission's growth over the last 10 years has been disproportionate to that in other areas. In other words, it believes that too much money has been spent on combating and redressing discrimination.

This bill is the next step in the government's dismantling of what was a national agenda to make Australian communities more accessible to people with disabilities. The national agenda, developed by many people, aimed to provide a constructive process to engage individuals, businesses and governments in the changes that needed to be made so that people with a disability could lead better lives, so that they could make the kinds of contributions that other Australians take for granted.

Debate interrupted.