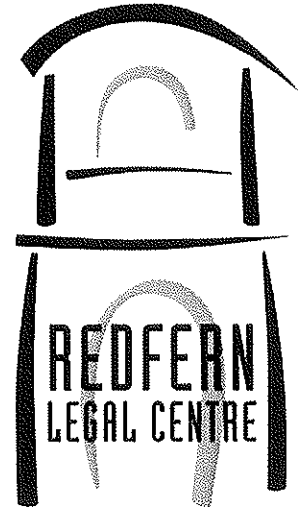


Redfern Legal Centre



Attorney General's Department
nhrap@ag.gov.au

29 February 2012

Please find attached our comments on the Exposure Draft National Human Rights Action Plan.

Yours faithfully,

Redfern Legal Centre

A handwritten signature in black ink, appearing to read 'Jacqui Swinburne', is written over a horizontal line.

Jacqui Swinburne
Acting Chief Executive Officer

Redfern Legal Centre



SUBMISSION:

Comments on Exposure Draft National Human Rights Action Plan

AUTHOR: Natalie Ross

DATE: 28 February 2012

1. Introduction: Redfern Legal Centre

Redfern Legal Centre (RLC) is an independent, non-profit, community-based legal organisation with a prominent profile in the Redfern area.

RLC has a particular focus on human rights and social justice. Our specialist areas of work are domestic violence, tenancy, credit and debt, employment, discrimination and complaints about police and other governmental agencies. By working collaboratively with key partners, RLC specialist lawyers and advocates provide free advice, conduct case work, deliver community legal education and write publications and submissions. RLC works towards reforming our legal system for the benefit of the community.

2. RLC's comments

RLC welcomes the opportunity to comment on the Exposure Draft Human Rights Action Plan. We have not commented on every section in the Exposure Draft, but have focused on those areas most relevant to our areas of work and our clients.

Our overall comment on the Exposure Draft is that, like the Baseline Study, it seems to be largely a list of existing and proposed Commonwealth and Victorian programs. It is not a plan to strengthen human rights protections in Australia in a systematic way across the full range of human rights obligations. Further, unlike the Victorian actions in the Draft Plan, most of the Australian Government actions in the plan do not have performance indicators and only have vague timelines.

Our comments on some of the sections of the Exposure Draft are set out below.

1. Section 1 Improving data collection and analysis

RLC welcomes the commitment to improve the collection of data for the measurement of progress on human rights in Australia. The data should relate as far as possible to the full range of human rights obligations that Australia is committed to upholding in the seven core human rights treaties. The Advisory Group should develop indicators to assess the extent that the human rights obligations in the treaties are met in Australia, and decide how data can be collected on those indicators.

Once the indicators have been developed, the Draft Action Plan should be amended to include goals in relation to each of the indicators.

2. Sections 17 - 20 Legal protections

RLC welcomes the plan to review the compliance regime and complaints process. We suggest that this review should include consideration of processes to address systemic discrimination without the need for individual complaints. We also suggest that the review give consideration to advocacy organisations having standing lodge complaints and to apply to the Federal courts in discrimination matters.

The section on the consolidation of Commonwealth anti-discrimination laws should include a commitment to extend enforceable protection from discrimination to other attributes in the core human rights treaties.

3. Sections 21 – 25 Australia's Human Rights Framework

RLC welcomes the new law to ensure scrutiny of new legislation for compliance with Australia's international human rights obligations.

RLC also welcome the funding for human rights education programs.

4. Sections 26-36 Access to Justice

RLC is disappointed by this section of the Exposure Draft Action Plan. There does not appear to be any recognition of the role of access to legal advice and representation in protecting human rights and developing a human rights culture. There is no plan to increase the resources or geographic spread of legal services for advice and representation in discrimination complaints.

The plan does not contain any actions to overcome the barriers faced by particular groups, such as young people, people from culturally and linguistically diverse backgrounds Indigenous people, people in remote areas and people with disabilities, in getting access to justice.

5. Sections 38 – 42 Use of force by police

RLC submits that section 38 should be a stronger proposal. There will be greater protection of human rights if, rather than oversight by independent authorities of the investigation of complaints made against police, the investigations are undertaken by independent authorities.

6. Sections 63 – 99 Aboriginal and Torres Strait Islander People

RLC welcomes the plan to recognize Aboriginal and Torres Strait Islander people in the Constitution.

RLC welcomes the plan for the Australian Government to address the over-representation of Aboriginal people in the criminal justice system as both victims and offenders. We suggest that one of the strategies should include cultural awareness training for general duties police officers. Other strategies should address the causes of disadvantage that lead Indigenous people being over-represented in the justice system.

7. Sections 100-111 Women – freedom from violence

RLC welcomes the plan for governments to respond to the ALRC and NSWLRC 2010 Report on Family Violence.

We suggest that the plan should also include actions to deal with homelessness caused by

domestic violence.

8. Sections 112 – 116 Women – gender equality in public life

The Plan should have actions to address the gender pay gap between men and women, and particularly the gap in superannuation between men and women.

The Plan should also have actions to implement the Sex Discrimination Commissioner's Gender Equality Blueprint 2010.

9. Sections 154 – 173 People with a disability

RLC welcomes the extensive range of actions to address the needs of people with disabilities. However, as this is a Human Rights Action Plan, we submit that Convention on the Rights of People with Disabilities should be the starting point for actions in the plan.

All the actions in the Plan should include consultation with people with disabilities and their carers and advocates.

10. Sections 179-187 People in prisons

The Plan should include a commitment to introduce an enforceable action for people who are discriminated against in employment and other areas of life because of an irrelevant criminal record.

The Plan should also include actions to improve facilities in prisons for aged prisoners and those with disabilities

11. Sections 188-219 Refugees, asylum seekers, migrants and people from CALD backgrounds

The Plan should include the funding of legal services for international students who are so frequently the victims of scams and exploitation.