



# CABRAMATTA COMMUNITY CENTRE

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## **Submission from Cabramatta Community Centre to the National Human Rights Consultation**

**June 2009**

Cabramatta Community Centre supports a constitutional Bill of Rights but given that the government has indicated that they will not agree to putting human rights in such a central position in Australia's governance we alternatively support a legislative Human Rights Act.

We believe that all human rights related international conventions that Australia has committed to should be covered by a Human Rights Act. We consider that this includes not just the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights but all human rights related commitments such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Refugee Convention, the Convention on the Rights of the Child, the Convention of the Elimination of All Forms of Discrimination against Women, the United Nations Declaration on the Rights of Indigenous Peoples and the United Nations Declaration on the Rights of Disabled Persons.

We believe that human rights in Australia are not currently sufficiently protected and promoted. For example, Australia's Race Discrimination Commissioner noted in the Report of the Australian Human Rights Commission to the Office of the High Commissioner of Human Rights in preparation for the Durban Review Conference that the Race Discrimination Act provides remedies for unlawful discrimination but it does not contain a duty on government agencies to promote equality either within the organisation or in the provision of services to the public.

We want to see a Human Rights Act remedy this situation. Australia could better protect and promote human rights if we had a mechanism for ensuring that the government upholds its international commitments to human rights. We note that the UN Committee on the Elimination of Racial Discrimination, considering Australia's report in 2005, expressed concern about the absence of any entrenched guarantee against racial discrimination that would override the law of the Commonwealth.

We have a particular interest in ensuring that a Human Rights Act is a meaningful mechanism for ensuring that the benefits of multiculturalism are recognised in Australian law and society. Unlike other countries Australian does not have a multiculturalism Act and we do not even currently have a multiculturalism policy. We believe that not only does this need to be rectified but that a Human Rights Act is an important mechanism for ensuring that the government, all government departments and programs as well as businesses and individuals address and met the needs of our multicultural society.

We believe that a body independent of government is best placed to assess the Australian government's commitments to human rights. We support this role being played by the judiciary since the courts are experienced at assessing legislation for its adherence to

Australia's international human rights commitments. We also believe that the courts are well placed to deal with breaches of human rights. If the government chooses not to give this power to the judiciary, then we believe that the Australian Human Rights Commission should be given additional powers to ensure that it can carry out this role.

We believe that an assessment of adherence to Australia's human rights commitments should be made prior to and following the development of legislation and policy and we believe that the Australian Human Rights Commission is well placed to make this assessment. We believe that policy development by Government departments should involve a formal process to assess the human rights implications of new policy proposals. We believe that a requirement for the government to adopt the recommendations of the Australian Human Rights Commission is the best way to ensure that the Australian government meets its human rights commitments.

We believe that Government departments should report to Parliament on their procedures and safeguards for protecting human rights in their decision-making processes. We believe that the parliamentary scrutiny process currently has the power to provide guidance to Government departments, legislative drafters, and policy advisers on human rights issues but if the government feels that this is not the current situation then we support it becoming so. We believe that Government Ministers should make a statement to the Parliament on how a Bill is, or is not, compatible with Australia's human rights obligations when it is introduced into Parliament. We believe that parliamentary scrutiny would be enhanced if bills were assessed against an agreed set of human rights set out in legislation.

We support mechanisms to protect the human rights of individuals and so we support the provisions of the ACT Human Rights Act 2004 which provide for a direct right of action to the courts for individuals who believe their human rights have been breached.

We support the appointment of an Australian Government Parliamentary Secretary for human rights to ensure that human rights are given more prominence.

We believe that a Human Rights Act that ensured that Australia met its international human rights commitments would greatly assist us in delivering the Cabramatta Community Centre mission to ensure that disadvantaged local residents enjoy the life opportunities experienced by other Australians.