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Parliamentary Joint Committee on Human Rights
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Parliament House
Canberra ACT 2600

By email: 18Cinquiry@aph.gov.au

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Dear Committee Members

The National Association for Community Legal Centres (NACLC) thanks the Committee for the opportunity to make a submission to this important Inquiry.

NACLC is the peak body for all community legal centres (CLCs) in Australia. CLCs are independent, non-profit, community-based organisations that provide free and accessible legal and related services to disadvantaged members of the community, and to people with special needs or who are for other reasons vulnerable and at risk. CLCs provide legal assistance and have expertise across a wide range of areas of law, including in relation to anti-discrimination law.

NACLC endorses the submission made by the Kingsford Legal Centre, an individual CLC, but also seeks to make a number of additional broad points, outlined below.

Broadly, and as noted in the Kingsford Legal Centre submission, NACLC considers that Part IIA of the *Racial Discrimination Act 1975* (Cth) strikes an appropriate balance between freedom of speech and freedom from racial vilification.

Australian Human Rights Commission

The role the Australian Human Rights Commission plays in handling complaints, undertaking community legal education and working to ensure the protection and promotion of human rights is vital.

Community legal centre clients across Australia are highly disadvantaged and vulnerable. The Commission's free processes, which NACLC understands successfully resolves approximately 76% of complaints, is an important and effective mechanism for CLC clients.

NACLC does not intend to make a detailed submission in relation to the Commission's complain handling functions, but suggests that one of the issues that should be considered by the Committee is the impact of budget cuts and resource constraints on the ability of the Commission to fulfil its role and the speed with which complaints are handled by the Commission, and what recommendations could be made to address this issue.

Other Issues and Solutions

Aside from legislative change to the *Racial Discrimination Act*, or the complaint handling functions of the Commission, NACLC suggests that there are a number of broad ways to address some of the issues and concerns likely to be highlighted in the course of this Inquiry, these include:

- **Enactment of a Human Rights Act in Australia**

The existing framework for the protection and promotion of rights in Australia is extremely limited, including for example limited rights provided for under the Australian Constitution and the clear ability of the Commonwealth Parliament to make laws that are specifically inconsistent with the rights and freedoms under international instruments to which Australia is a party.

In light of this, NACLC submits that the most useful recommendation that the Committee could make to ensure meaningful and systemic protection of rights and freedoms, including freedom of speech, is for the enactment of a Commonwealth Human Rights Act.

- **Consolidation of anti-discrimination law**

In April 2010, as one of the initiatives proposed in Australia's Human Rights Framework, the Australian Government announced its intention to consolidate federal anti-discrimination legislation—*Racial Discrimination Act*, *Sex Discrimination Act 1984* (Cth); *Disability Discrimination Act 1992* (Cth); and *Age Discrimination Act 2004* (Cth)—into one piece of legislation.

In 2012, an exposure draft of the Human Rights and Anti-Discrimination Bill was released, which was referred to the Senate Legal and Constitutional Affairs Committee for inquiry and report in 2013. NACLC and CLCs across Australia expressed support for consolidation and improvement of antidiscrimination legislation and actively engaged in the consolidation process. Unfortunately however, the consolidation process was discontinued.

NACLC suggests that one of the key ways to address a range of concerns and limitations with existing anti-discrimination law would be to revisit the consolidation of anti-discrimination law.

- **Ongoing community education and awareness raising**

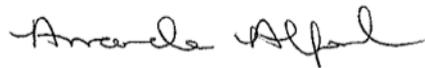
Importantly, education of people in Australia about their rights and responsibilities is a crucial part of any effort to address racial discrimination and vilification. NACLC strongly supports the work of the Commission in undertaking this work and highlights the vital role of community legal education undertaken by organisations such as CLCs across Australia in ensuring people are aware of their rights and responsibilities, and the mechanisms available for enforcement of those rights.

Conclusion

A number of CLCs across Australia have made or intend to make submissions to this Inquiry and NACLC draws attention to those submissions, including but not limited to submissions from Kingsford Legal Centre, Caxton Legal Centre, Arts Law Centre of Australia, JobWatch, Marrickville Legal Centre, Redfern Legal Centre, Refugee Advice and Casework Service, Cairns Community Legal Centre, Inner City Legal Centre and the Public Interest Advocacy Centre.

NACLC thanks the Committee for its engagement with this important issue and would be happy to provide additional information if required.

Yours sincerely

A handwritten signature in black ink that reads "Amanda Alford". The signature is written in a cursive, flowing style.

Amanda Alford

Director Policy and Advocacy
National Association of Community Legal Centres