

18 December 2012

Committee Secretary  
Senate Legal and Constitutional Affairs Committee  
PO Box 6100  
Parliament House  
Canberra ACT 2600  
Australia

Dear Committee,

**Re: Exposure Draft of Human Rights and Anti-Discrimination Bill 2012**

Catholic Prison Ministry is a support service which responds to the issues faced by people affected by the criminal justice system; in court, in prison, in community corrections, in families and in the wider community. We work to encourage personal and social change which promotes and maintains human dignity in the community.

1. Although we are supportive of many aspects of the proposed Bill, we are extremely concerned about the removal of protection against discrimination on the basis of criminal record. Australia has ratified the International Labor Organisation Convention III, the Discrimination (Employment and Occupation) Convention 1958 (**ILO III**).<sup>[1]</sup> In order to ensure our obligations are met under this convention, protection against discrimination in employment on the grounds of irrelevant criminal history is needed. It is our opinion that the best way to ensure this protection is by adding 'irrelevant criminal record' as a protected attribute to the list in section 17(1). This addition will reduce social exclusion and ensure fair and reasonable treatment for all in relation to employment and other relevant matters.

When these legislative changes were announced, Robert McClelland MP said that there would be no diminution of existing protections currently available at the federal level.<sup>[2]</sup> In order to keep this promise, the Commission's jurisdiction to receive complaints about criminal record must be retained.

If you wish to discuss these aspects/opinions further please contact our office on the number provided above.

Yours sincerely,

David Martin  
Coordinator  
Catholic Prison Ministry

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<sup>[1]</sup> ILO 111 was ratified by Australia in 1973 and incorporated into domestic law by virtue of the *Human Rights and Equal Opportunity Commission Act 1986* (Cth).

<sup>[2]</sup> Hon. Robert McClelland MP (Attorney-General), The Hon Lindsay Tanner MP (Minister for Finance and Deregulation, *Reform of Anti-discrimination Legislation*, Media Release, Minister for Finance and Deregulation, 21 April 2010, available at [http://www.financeminister.gov.au/archive/media/2010/mr\\_292010\\_joint.html](http://www.financeminister.gov.au/archive/media/2010/mr_292010_joint.html) (accessed 11 December 2012).