



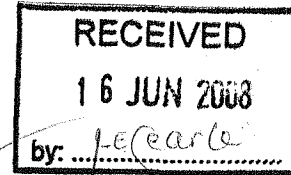
N E D A

Submission 4
TT 4 June 2008



Federation of Ethnic Communities' Councils of Australia

June 12th 2008



Committee Secretary
Joint Standing Committee on Treaties
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600
AUSTRALIA

NIA Convention on the Rights of Persons with Disabilities

Dear Committee Secretary

We write in relation to the tabled National Interest Analysis for the Convention on the Rights of Persons with Disabilities (CRPD) currently under consideration by the Joint Standing Committee on Treaties, and ask that the following be taken into consideration:

The Federation of Ethnic Communities' Councils of Australia (FECCA) is the national peak body that promotes multiculturalism, community harmony and social justice. Our goal is to enrich and enhance Australian society through the fullest participation of all members of our community. We are committed to the eradication of all forms of racism and discrimination and to this end we advocate, lobby and promote issues on behalf of our constituency to government, business and the broader community.

The National Ethnic Disability Alliance (NEDA) is the national peak organisation representing the rights and interests of people from non-English speaking background (NESB) with disability, their families and carers throughout Australia. NEDA is funded by the Commonwealth Department of Families, Community Services and Indigenous Affairs (FACSI) to provide policy advice to the Australian Government and other agencies on national issues affecting people from NESB with disability, their families and carers.

NEDA estimates that one in every four people with disability is a person of either first or second generation NESB, representing approximately 1 million people across Australia.

1. FECCA and NEDA wholeheartedly support ratification of the CRPD without reservation or interpretive declaration.

2. In their submissions to the Australian Government, both NEDA and FECCA raised the possibility of positive reforms to Australian migration processes – in particular safeguarding against potential indirect discrimination as a result of medical condition tests - as a future benefit of Convention ratification. NEDA and FECCA note that Articles 4(1)(b), 5(2), 18 and 23(4) may present some inconsistency with existing migration law and practice, and that modest reforms informed by the CRPD, would provide a fairer policy setting for potential migrants with disability.

3. The NIA states in relation to these concerns that “Australia's immigration processes comply with those Articles. The processes apply to all applicants, are based on legitimate, objective and reasonable criteria and would not constitute discrimination under international law. The Australian Government is currently considering whether it is desirable to lodge an interpretive declaration to this effect” (p15).

4. NEDA and FECCA would be very concerned if the Australian Government were to lodge an interpretive declaration in relation to this issue. Given the instrumental role of Australia in negotiating the text of the CRPD, an interpretive declaration would reflect poorly on Australia's commitment to the principles in the Convention.

5. It is further noted that if the Australian Government is confident that there is no inconsistency between the *Migration Act 1958* and international obligations, then an interpretive declaration should not be necessary.

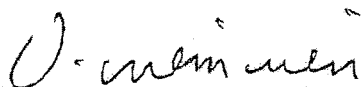
6. If however there are any inconsistencies between the CRPD obligations and Australian domestic law, a valuable opportunity will be missed for positive reforms that will improve opportunities and fairness for people with disability.

7. FECCA and NEDA reaffirm their commitment to working constructively with the Australian Government towards improving the fairness of Australian migration law and practice as part of the implementation of the CRPD.

8. NEDA and FECCA also take this opportunity to reaffirm their commitment to Australian ratification of the Optional Protocol to CRPD.

We hope the above comments will be taken into consideration by the Joint Standing Committee on Treaties, and look forward to speedy ratification of this important treaty.

Yours sincerely



Voula Messimeri
Chair
FECCA



Dinesh Wadiwel
Executive Officer
National Ethnic Disability Alliance