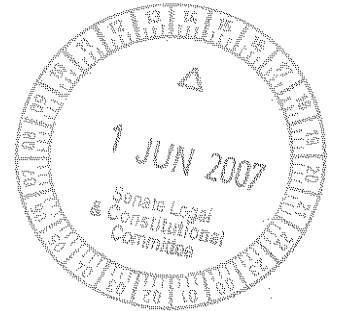


31 May 2007

Senator Guy Barnett
Chair
Senate Legal and Constitutional Committee
Parliament House
CANBERRA ACT 2600



Dear Senator Barnett,

I refer to the appearance of the Human Rights and Equal Opportunity Commission (HREOC) before the Senate Legal and Constitutional Legislation Committee (Committee) on 24 May 2007.

The witnesses for HREOC would like to make the following clarifications to their evidence and corrections to the Proof Hansard.

Clarifications

Evidence of Commissioner Graeme Innes

On page 68 of the Proof Hansard, Commissioner Innes, in answer to a question from you on inquiries referred to HREOC by the government, said that "the inquiry into employment of people with disabilities and the difficulties faced by people with disabilities in that area" was "a reference from the Attorney-General in late 2004 or early 2005".

This was incorrect. The inquiry referred to was an inquiry that HREOC commenced of its own motion.

Inquiries that have been referred to HREOC by the Attorney-General include the inquiry into *Access to electronic commerce and new service and information technologies for older Australians and people with a disability* (referred in 1999) and the reference in 1995 that resulted in the *Report of the National Inquiry into the Separation of Aboriginal and Torres Strait Islander Children from Their Families*.

Evidence of President John von Doussa

On page 71 of the Proof Hansard, President von Doussa was asked a question by Senator Ludwig about a speech he made where he referred to HREOC's concern

about the impact of the “new individual bargaining environment”. When asked to outline some of HREOC’s concerns, President von Doussa said:

Anecdotal reports were relayed to us of people trading off conditions of leave and entering into working hour conditions which they found difficult to increase their remuneration or alternatively were entering into arrangements that continued to provide them with a range of conditions which were suitable to their own particular family environment but at a lower wage.

This response would be more accurate if it read:

Anecdotal reports were relayed to us of **the possibility** of people trading off conditions of leave and entering into working hour conditions which they found difficult to increase their remuneration or alternatively were entering into arrangements that continued to provide them with a range of conditions which were suitable to their own particular family environment but at a lower wage.

Also on page 71, President von Doussa was asked by Senator Evans “was your commentary on the basis of complaints lodged with you or on the basis of consultations?” President von Doussa replied “the consultations”. It should be clarified that President von Doussa’s commentary was primarily based on the consultations but two case studies of complaints received by HREOC were specifically referenced in the speech.

Evidence of Commissioner Tom Calma

On page 63, Commissioner Calma stated that at the Permanent Forum on Indigenous Issues in New York there are “in the vicinity of 2,500 indigenous people” meeting. Recent media reports state that there are 1,500 people in attendance.

On page 65, Commissioner Calma stated in relation to the Tiwi Islands people that:

From my side of it, it was looking at the issue of free, prior and informed consent so that people are being provided with adequate and balanced information and a whole range of different information to allow them to make a decision.

The words “a decision” should be clarified as referring to an “informed decision”.

On the bottom of page 66, the reference in the second line to the “Native Title Tribunal” is a reference to the “National Native Title Tribunal”.

Corrections to Proof Hansard

The following corrections should be made to the Proof Hansard.

On page 65, Commissioner Calma states that “I guess it gets back to what I said earlier in my responsibility as social justice commissioner”. “In” should be replaced with “on”. In line 8 of the same paragraph of evidence, “it was looking at the issue” should be replaced with “I was looking at this issue”.

Thank you for inviting HREOC to appear before the Committee. It would be appreciated if this letter could be brought to the attention of the other members of the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Susan Roberts". The signature is written in a cursive, somewhat stylized font.

Susan Roberts
Executive Director