



**Australian
Human Rights
Commission**

everyone, everywhere, everyday

Our Ref: 207696 FD/RW

2 December 2008

Ms Heather Lucke
Secretary
East End Mine Action Group (Inc)
c/o 27 Riddle Street
BINGARA NSW 2404

Dear Ms Lucke,

I refer to your correspondence received by the Australian Human Rights Commission (the Commission) on 15 October 2008 and your telephone conversation with Miss Rebecca Webb, Complaint Information Officer on 31 October 2008. You raise concerns about both the state and Commonwealth government's role in reviewing and administering Council of Australian Governments' (COAG) Agreements on National Competition Policy/Water Reform. You say that both the State and Federal governments have failed to protect human rights and the water supplies of small rural landholders in exercising their functions.

As you discussed with Miss Webb, this Commission can investigate alleged breaches of human rights pursuant to the *Human Rights and Equal Opportunity Commission Act 1986* (HREOCA). As you are aware, the *International Covenant on Civil and Political Rights* (ICCPR) is one of the instruments scheduled to the HREOCA.

Articles 2 and 26 of the ICCPR have been interpreted to apply to circumstances where a law operates in a discriminatory manner on a ground such as race, colour, sex, language, political opinion, national or social origin, property, birth or status. The concerns that you raise in your correspondence appear to refer to a alleged failure of the government to consider scientific information and its resulting policies with regard to the application of COAG Agreements. On this basis, the issues you raise do not appear be covered by article 2 or 26 of the ICCPR. Accordingly, it does not appear that this Commission is the appropriate body to assist you.

You advise that you have sought legal advice in relation to this matter and that your solicitor has suggested that you do not pursue this matter as a civil action. You also indicate that you have spoken with the relevant ministers and representatives in parliament in relation to your concerns and have been unable to obtain a satisfactory outcome. As discussed, if you believe that an international covenant has been breached, you may like to speak with the United Nations about any avenue that may be available at an international level for you to seek redress.

I appreciate the seriousness of your concerns and I hope that this letter has helped to clarify the laws administered by this Commission. If you have any questions in relation to this letter or any of this Commission's laws or complaints process, please feel free to contact Domenic Viricillo, Principal Investigation/Conciliation Officer on 1300 656 419 (cost of a local call).

Yours sincerely,



Karen Toohey
Director Complaint Handling