

partment of Correctional Services. In 1995 Ms Vardon was awarded the Inaugural Telstra Business Woman of the Year award.

The Agency also has a Board of Directors which provide direction to the CEO and an accountability link between the Minister and the Agency. The Agency was officially launched under the name Centrelink by the Prime Minister in September 1997.

### **Enforcement of Human Rights Determinations**

On 15 September 1997, the Attorney-General and Minister for Justice, the Hon Daryl Williams AM QC MP issued the following News Release in response to concerns about enforceability of determinations made by the Human Rights and Equal Opportunity Commission.

#### **Changes to Human Rights Commission Will Allow Enforcement of Determinations**

Legislation now before the Senate – the Human Rights Legislation Amendment Bill – will address problems involving the enforcement of determinations by the Human Rights and Equal Opportunity Commission.

The legislation addresses problems that currently exist where compensation awarded by the Commission cannot be enforced, as highlighted in *The Australian* today (p. 1).

The legislation was introduced in December last year. It seeks to simplify dispute resolution procedures in human rights matters, making them more accessible and userfriendly.

Under the current process the Commission hears disputes. However, the High Court in *Brandy* held that determinations by the Commission are not binding.

Under the scheme proposed by the Government, complaints will continue to be lodged with, and conciliated by the Commission. However, matters which cannot be successfully conciliated may proceed directly to the Federal Court for a binding determination.

In removing the potential requirement to litigate disputes in the commission and then in the court, the proposed scheme will save time and limit the cost, duplication, uncertainty and tension inherent in the current processes.

Elements of the Human Rights Legislation Amendment Bill have their origins in a review of the commission conducted by the previous Government. During the passage of the Bill through the Senate, I trust the opposition will not seek to obstruct or play politics with the rights of Australians and their access to redress.

The legislative package is an indication of the Government's commitment to the promotion and protection of human rights.

### **Establishment of the Human Rights and Responsibilities Commission**

On 23 September 1997, the Attorney-General and Minister for Justice, the Hon Daryl Williams AM QC MP, announced the Government's intention to replace the Human Rights and Equal Opportunity Commission with a new body to be called the Human Rights and Responsibilities Commission. The text of the Attorney's News Release follows.

#### **Human Rights and Responsibilities Commission**

The Government's commitment to effective and equitable protection and promotion of human rights will be underlined through the establishment of a new Human Rights and Responsibilities Commission with a streamlined structure and more focused principal functions following a reorganisation of the Human Rights and Equal Opportunity Commission.

The protection afforded to all Australians under Commonwealth anti-discrimination laws will be fully maintained under the reorganised commission.

The structure of the new Human Rights and Responsibilities Commission will consist of a president and three deputy presidents.

The president, deputy presidents and the commission as a whole will have the responsibility of protecting and promoting human rights.

In order to achieve a balance between the need to maintain areas of expertise and the unsustainable structure of portfolio specific commissioners, each deputy president will also have responsibility for particular areas.

One deputy president will be assigned general responsibility for sex discrimination and equal opportunity; one will be assigned human rights and disability discrimination and one Aboriginal and Torres Strait Islander social justice and race discrimination.

The role of the current privacy commissioner will be separated from the commission and established as a statutory Office of the Privacy Commissioner.

The deputy president responsible for human rights and disability will also be able to develop expertise in the areas such as children and the aged.

Removing the top-heavy structure of six specific commissioners while maintaining areas of expertise will allow for the development of a more collegiate organisation protecting everyone's rights and promoting awareness of our responsibilities to each other.

Education and dissemination of information on human rights and assistance to business and the general community will be made a central function of the commission.

The commission will retain current powers to investigate and conciliate complaints. Problems which currently exist following a High Court ruling which affects the enforcement of determinations by the commission will be addressed by legislation now before the Senate.

While the reorganised commission will ensure that the interests of more vulnerable sections of the community are properly protected, the establishment of deputy presidents with more general responsibilities will remove perceptions that the commission seeks only to pro-

tect sections of the community for whom a specific commissioner exists.

As the previous Government recognised but failed to address, the structure of the human rights commission had not been providing effective and equitable protection and promotion of human rights. As one former Labor Minister said, the top-heavy structure was creating in-fighting and placing territorial concerns above the effective protection and promotion of human rights.

This reorganisation reinforces the Government's commitment to a strong and independent human rights body.

Making people aware of their responsibilities when it comes to human rights is as important as protecting those who are subject to discrimination.

By balancing education and prevention with investigation and conciliation, the Human Rights and Responsibilities Commission will be more effective in ensuring a fair society.

Legislation to implement these changes will be introduced as soon as possible.

## **Second Parliamentary Report on the Australian Legal Aid System**

The first report of the Senate Legal and Constitutional Affairs References Committee entitled *Inquiry into the Australian legal aid system* was tabled in the Parliament on 26 March 1997. On 26 June 1997, the Committee tabled its second report (Senate Hansard 5272 - 5273).

The report's recommendations cover 3 areas:

- the role and contribution of the profession

**Recommendation 1:** The Committee recommends that the Government, in cooperation with the Law Council of Australia, undertake research to determine the extent and nature of, and the motivation for, the legal profession's subsidy of legal aid provision in Australia.