

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.

Recommendation 2: The Committee further recommends that the Government formally acknowledge the contribution of the legal profession through an annual award program recognising the pro bono work undertaken by individuals and firms.

Recommendation 3: The Committee recommends that the Government, in cooperation with the Law Council of Australia, give consideration to the establishment of a new initiative development and evaluation fund to encourage the trialing of innovative methods of providing legal information, advice and education provision by legal aid service providers. Such a fund would preferably have an out years component to enable successful and effective initiatives to continue to function, and provide incentives for sponsor involvement.

- the implications of the *Dietrich* decision

Recommendation 4: The Committee recommends that the Commonwealth should ensure that the impact of the *Dietrich* principle on the legal aid system is monitored.

Recommendation 5: The Committee further recommends that the Attorney-General take up in the Standing Committee of Attorneys-General the need for it to complete its consideration of the impact of the *Dietrich* principle as a matter of priority.

- the implications of the *Re K* decision

Recommendation 6: The Committee recommends that the Commonwealth Government ensures that adequate funding is available to legal aid commissions for the provision of separate representation of children in family law matters having regard to the guidelines set down in the *Re K* decision.

Recommendation 7: The Committee further recommends that the Attorney-General's Department, in cooperation with legal aid service providers and the Family Court, initiate the development of a sophisticated model to determine more precisely the level of resources required to provide separate

representation for children in appropriate situations. Such a model will enhance the ability of the Government to appropriate sufficient funds for the separate representation of children on a reviewable recurrent basis.

Recommendation 8: The Committee recommends that the Commonwealth Government develop national uniform guidelines to be applied by the legal aid commissions when funding separate representation matters.

The Committee is continuing its inquiry so that it can monitor the new Commonwealth State funding arrangements and to deal with specific terms of reference. In particular the Committee will focus on:

- access to litigation and legal services by disadvantaged individuals and groups;
- access to litigation and legal services in rural and regional areas;
- the equity implications arising from the current tax deductibility regime for legal expenses, including by the corporate sector; and
- the levels of disparity between the Commonwealth Government's payment of legal services it uses (both in-house and from private practice) and rates of payment to legal aid lawyers (both in-house and from private practice).

Submission on these matters were sought by 15 August 1997.

Parliamentary Report on Access to Medical Records

The Community Affairs References Committee report relating to access to medical records in Australia was tabled in the Senate on 26 June 1997. Senator Bishop's tabling statement (Senate Hansard 5273- 5274) noted that

"The inquiry into access to medical records was referred to the Committee on 14 December