

TRIBUNAL WATCH

Reorganisation of Human Rights and Equal Opportunity Commission

On 8 April 1998, the Attorney-General, the Hon Daryl Williams AM QC MP, issued a news release regarding the legislation he introduced that day to reorganise the Human Rights and Equal Opportunity Commission, Australia's principal human rights organisation. The legislation, introduced into the House of Representatives, had its second reading on 8 April 1998.

The news release states:

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

The Human Rights and Equal Opportunity Commission will be reorganised to become the Human Rights and Responsibilities Commission with more focussed functions and a streamlined structure.

The new Commission's primary functions will be to focus on education and dissemination of information on human rights and assisting the general community and business sector to comply with obligations under federal anti-discrimination laws.

These functions will be additional to the Commission's current functions.

The structure of the new Commission will consist of a President and three Deputy Presidents.

Removing the top-heavy structure of six specific Commissioners will help develop a more effective organisation

which will better protect everyone's rights.

Under the new structure, one Deputy President will be assigned general responsibility for sex discrimination and equal opportunity, one will have responsibility for human rights and disability discrimination and one will deal with race discrimination and Aboriginal and Torres Strait Islander social justice.

The Deputy Presidents will also be able to develop expertise in other areas as necessary without, as under the old structure, the need to consider appointing specialist Commissioners as each new area develops.

The Privacy Commissioner will be separated from the Commission and a statutory Office of the Privacy Commissioner will be established.

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 protect sections of the community for whom a specific Commissioner exists.

The Human Rights Legislation Amendment Bill (No. 2) 1998 introduced on 8 April 1998 underlines the Government's commitment to the effective and equitable protection and promotion of human rights for all Australians.

The new commission will retain existing powers to investigate and conciliate complaints. Problems which exist following the High Court's *Brandy* ruling which affect the enforcement of determinations by the Commission will be addressed by separate legislation now before the Senate. That legislation will transfer the hearing function of the

Commission to the Federal Court as required under the High Court's *Brandy* decision. This reorganisation reinforces the Government's commitment to a strong and independent human rights body.

Making people aware of their responsibilities to protect and promote 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.

Under the Bill the Attorney-General will have the power to approve an intervention by the new Commission in court proceedings which involve human rights or discrimination issues. The Commission will not have a power to recommend the payment of damages or compensation following inquiries into certain types of complaints under the renamed Act.

The Bill had not been passed by the Senate at the end of the Winter sittings.

Closure of the Darwin Office of the Administrative Appeals Tribunal

From 1 July 1998, the Darwin Office of the Administrative Appeals Tribunal will be closed and all matters originating from the Northern Territory will be dealt with in the AAT's Brisbane Registry.

The AAT will continue to conduct circuits to Darwin and Alice Springs as it currently does.

The effect of these changes is that, to the extent that "reviewable decisions" are made, the notification of review rights provided to persons under s. 27A of the *Administrative Appeals Tribunal Act 1975*

may need to be amended, to reflect the changed arrangements.

The contact details for the new arrangements are:

Administrative Appeals Tribunal
GPO Box 9955
BRISBANE QLD 4001

tel: 1300 366 700 (toll free)

Administrative Decisions Tribunal Legislation Amendment Bill (NSW)

The Administrative Decisions Tribunal Legislation Amendment Bill was introduced into the New South Wales Legislative Council on 28 May 1998 and passed without amendment on 3 June 1998. The legislation relating to the Administrative Decisions Tribunal is expected to commence in 1998.

The Bill is the second stage of legislation conferring jurisdiction on the tribunal.

As well as increasing both original and review jurisdictions on the tribunal, the Bill contains several significant amendments to the *Administrative Decisions Tribunal Act 1997*. First, it provides that the president of the tribunal will be a Judge of the District Court. The Bill also provides that the President can simultaneously hold office as a member of another tribunal. Members of other tribunals may be appointed as members of the Tribunal as well. The Bill also contains a number of other consequential amendments.

The New South Wales Attorney-General, the Hon J W Shaw QC MLC, has announced the appointment of Kevin O'Connor as a Judge of the District Court of NSW and President of the Administrative Decisions Tribunal of NSW. Judge O'Connor has