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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION AMENDMENT BILL 1985

EXPLANATORY MEMORANDUM

(Circulated by the authority of the Honourable Lionel Bowen, M.P.,
Deputy Prime Minister and Attorney-General)

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION
AMENDMENT BILL 1985

OUTLINE

The purpose of this Bill is to remove from the Human Rights and Equal Opportunity Commission (the Commission) functions relating to the International Covenant on Civil and Political Rights (the Covenant) upon the coming into operation of the substantive provisions of the Australian Bill of Rights Act 1985.

The Australian Bill of Rights Act 1985 provides for the implementation in Australia of the Covenant and upon the substantive commencement of that Act the Commission will be able to receive complaints and exercise other functions in relation to the Bill of Rights. Accordingly, it will no longer be necessary or appropriate for the Commission also to receive complaints and exercise those functions in relation to the Covenant.

NOTES ON CLAUSES

Clause 1 - Short title, &c.

1. Formal

Clause 2 - Commencement

2. The Act will come into operation on the day fixed by Proclamation under sub-section 2(2) of the Australian Bill of Rights Act 1985 for the commencement of the substantive provisions of that Act.

Clause 3 - Interpretation

3. This clause amends section 3 of the Human Rights and Equal Opportunity Commission Act by removing the definition of "Covenant"; by omitting from the definition of "human rights" the reference to the Covenant; and by omitting paragraph (4) (a) which also refers to the Covenant.

Clause 4 - Functions of Commission

4. This clause amends section 11 of the Human Rights and Equal Opportunity Commission Act by omitting from paragraphs (1) (k) and (m) of the functions of the Commission references to the Covenant.

Clause 5 - Repeal of Schedule 2

5. This clause removes the Covenant as a Schedule to the Human Rights and Equal Opportunity Commission Act.

Clause 6 - Transitional

6. This clause enables the Commission to continue and complete the performance of functions relating to the Covenant that it had begun but had not completed on the commencement of this legislation.