

**SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO**

Program: Australian Human Rights Commission

Question No. AE17/047

Senator Burston asked the following question at the hearing on 28 February 2017:

1. Are you aware of the Australian Human Rights Commission Amendment (Preliminary Assessment Process) Bill 2017 currently being debated in the Parliament?
2. The Bill seeks to deal with unmeritorious claims at an early stage of proceedings to protect the integrity of the Commission and to ensure innocent respondents have the opportunity to deal with complaints efficiently and at minimum cost.
 - (a) Do you consider that the Bill achieves its objectives?
 - (b) Is there a better way of dealing with unmeritorious complaints to the Commission?
 - (c) Are there other ways to improve the complaints handling procedures of the Commission?
3. The Bill provides that the preliminary assessment of a complaint is made on the basis of information supplied by both the complainant and respondent.
 - (a) Do you agree that the existing procedure for dealing with complaints is biased in favour of the applicant?
 - (b) Do you agree that some people at the Commission "are enforcing their vision of the world" to quote former Commissioner Dr Sev Ozdowski OAM?
 - (c) If the proposed Bill were enacted, would the legislation restore any imbalance in the way the Commission handles complaints?

The answer to the honourable senator's question is as follows:

1. Yes.
2. The Commission proposed a number of improvements to its complaints handling process in submissions it made to the inquiry into *Freedom of Speech in Australia* recently conducted by the Parliament Joint Committee on Human Rights. The Commission considers that the proposals contained in its submissions provide a better way of dealing with unmeritorious complaints than the Australian Human Rights Commission Amendment (Preliminary Assessment Process) Bill 2017.
3.
 - a) No.
 - b) No.
 - c) The Commission does not agree that there is an imbalance in the way the Commission handles complaints.