



The ALSO Foundation

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24th April 2003

Senate Legal and Constitutional Committee
Room S1.61 Parliament House
CANBERRA ACT 2600
Email : legcon.sen@aph.gov.au

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Dear Committee Members,

Re : Inquiry – Australian Human Rights Commission Legislation Bill 2003

The ALSO Foundation welcomes the opportunity to submit a brief response to the above-mentioned Bill currently under review by the Senate Legal and Constitutional Legislation Committee.

The ALSO Foundation (ALSO) is one of Australia's oldest and largest gay and lesbian charities. Since our inception in 1981 we have worked tirelessly to bring about positive change in support of gay and lesbian people in our community. Our work takes many forms, including; direct lobbying for legal and social protection and reform, provision of community support programs and services, intervention in cases of discrimination, information and referral services.

Given our understanding of the proposed Bill, we hold grave concerns for the protection of minorities within the community, including in our case gay and lesbian people and as such we wish to express our opposition and objection to the proposed Bill.

Gay and lesbian people are discriminated against within our community and are either excluded or exempt from protection under current Federal legislation. It is therefore imperative that Australia has processes that are independent of Government to ensure the rights of all people within our community. ALSO believes that this Bill, as it currently reads would severely jeopardise the effectiveness and capacity for the Human Rights and Equal Opportunity Commission to ensure protection of minority groups such as gay and lesbian people. If a section of the community has no or limited legal status and protection under Federal legislation as in the case of gay and lesbian people, then the need for an independent human rights body is paramount.

Our objections to this Bill relate to the following key areas;

The limiting of the Commission's independence to act in legal proceedings in support of human rights, by having to first obtain the approval of the Attorney-General.

The removal of the Commission's ability to recommend that compensation be paid in discrimination cases, would in our opinion further weaken the power and effectiveness of the Commission.

- The removal of the special purpose Commissioners, would in our opinion weaken the Commission's focus on human rights issues faced by 'at risk' or minority groups.

Given the importance of the proposed changes to the Human Rights and Equal Opportunity Commission, ALSO would welcome the opportunity to appear before the Committee, in Melbourne, to speak to our objections.

Adam Pickvance
Executive Officer