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23 April 2003

Mr Peter Hallahan
Secretary
Senate Legal and Constitutional Committee
Room S1.61, Parliament House
Canberra, ACT 2600



Dear Mr Hallahan

**Proposed Restructuring of the Human Rights Commission
(Australian Human Rights Commission Bill 2003)**

We are members of Amnesty International, and make the following submission concerning the proposed abolition of the post of Human Rights Commissioner and the restructuring of his advocacy and legal functions, as well as those of the Human Rights Commissioner, the Race Discrimination Commissioner, the Sex Discrimination Commissioner, the Disability Discrimination Commissioner, and the Aboriginal and Torres Straits Islander Social Justice Commissioner. We understand that these five commissioners will be replaced by three commissioners with general responsibilities.

- (1) We are not aware of any strong reasons why the post of Human Rights Commissioner should be abolished or why the Human Rights and Equal Opportunities Commission should be restructured.
- (2) We believe that, in order to safeguard and improve human rights in Australia, a strong independent voice is required and the separate post of Human Rights Commissioner should be retained.
- (3) We are concerned that the Bill proposes that the Human Rights and Equal Opportunities Commission will not, in future, be able to take independent legal measures to intervene in cases requiring action, but instead will have to seek the approval of the Attorney General before intervening.
- (4) We are concerned that transferring such power to the Attorney General has the potential to impair the independence of the Commission's actions to progress human rights in Australia, and in a 'worst case scenario' could result in the Commission's work being politicised.
- (5) We therefore argue that the Human Rights and Equal Opportunities Commission should not be restructured as proposed in this Bill, and that the post of Human Rights Commissioner should be retained in its present form, and that the Human Rights Commissioner should be allowed to take legal measures independently of the Attorney General and independently of the Government.

Yours sincerely

Peter D. McIntosh *John Anderson*