

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, 27 July 1993

HUMAN RIGHTS BILL

Proposed Amendments

Hon. D. A. M. GRAHAM, in Committee, to move the following amendments:

Clause 2: To omit from line 12 on page 4 the word “which”, and substitute the word “that”.

Clause 34 (1) (d): To insert in line 25 on page 24, before the words “in respect of”, the word “whether”.

Clause 43 (1): To omit paragraph (b) (all the words in lines 3 to 9 on page 34), and substitute the following paragraph:

- (b) The environment in which the duties of the position are to be performed or the nature of those duties, or of some of them, is such that the person could perform those duties only with a risk of harm to that person or to others, including the risk of infecting others with an illness, and it is not reasonable to take that risk.

Clause 74: To omit from lines 30 and 31 on page 53 the words “an educational programme”, and substitute the words “the educational programme of that establishment”.

Clause 82 (5) (d): To insert in line 23 on page 64, before the words “Requiring persons”, the words “Subject to section 9c of the Superannuation Schemes Act 1989,”.

To omit from line 24 on page 64 the word “and”, and substitute the word “or”.

To insert in line 26 on page 64, after the word “age”, the word “ordinarily”.

Clause 118 (2): To omit from line 26 on page 95 the expression “subsection (1)”, and substitute the expression “subsections (1) to (1B)”.

Clause 120E: To omit this clause (all the words in lines 25 to 28 on page 98), and substitute the following clause:

120E. Privileges and immunities—Witnesses and counsel appearing before the Tribunal shall have the same privileges and immunities as witnesses and counsel have in proceedings in a District Court.

Clause 132 (1) (b): To insert in line 22 on page 104, after the expression “section 129 (2)”, the expression “or section 129 (2A)”.

Clause 138: To insert in line 32 on page 109, after the expression “section 105A”, the expression “or section 105B”.

To insert in line 35 on page 109 after the expression “section 105A”, the expression “or section 105B”.

To omit subclause (4) (all the words in lines 36 to 40 on page 109), and substitute the following subclause:

(4) Anything said or any information supplied or any document or thing produced by any person in the course of any inquiry or investigation by, or proceedings before, the Commission or a Commissioner under this Act shall be privileged in the same manner as if the inquiry or investigation or proceedings were proceedings in a Court.

To insert in line 43 on page 109, after the words “made by”, the words “the Commission or”.

Clause 145: To omit this clause (all the words in lines 17 to 22 on page 112), and substitute the following clause:

145. Commissioners and staff deemed to be officials—

Every Commissioner and every person engaged or employed in connection with the work of the Commission shall, for the purposes of sections 105, 105A, and 105B of the Crimes Act 1961, be deemed to be officials.

Clause 153 (a): To insert in line 37 on page 114, after the word “Commission”, the words “or the Complaints Division”.

Clause 154: To omit from line 5 on page 115 the words “The Acts”, and substitute the words “The enactments”.

Clause 155: To omit from line 9 on page 115 the word “Acts”, and substitute the word “enactments”.

Clause 157: To omit this clause (which appears on pages 115 to 117), and substitute the following clause:

157. Transitional provisions—(1) Notwithstanding section 155 of this Act,—

(a) All investigations which have been commenced by the Race Relations Conciliator under the Race Relations Act 1971 or by the Human Rights Commission under the Human Rights Commission Act 1977 and which are not concluded at the commencement of this Act shall be continued under **Parts III and V** of this Act:

(b) All proceedings which have been commenced under Part III of the Human Rights Commission Act 1977 and which are pending at the commencement of this Act shall be heard and determined—

(i) If the hearing of those proceedings has not commenced, under this Act; and

(ii) If the hearing of those proceedings has commenced, as if this Act had not been passed:

(c) All criminal proceedings which have been commenced under section 24, section 25, or section 29 of the Race Relations Act 1971 or under section 54 (4), section 61 (2), or section 84 of the Human Rights Commission Act 1977 and which are pending at the commencement of this Act shall be heard and determined as if those provisions had not been repealed.

(2) Notwithstanding any other provision of this Act,—

- (a) Every person who, immediately before the 1st day of February 1994, holds office as a Human Rights Commissioner (other than a person whose appointment would, even if this Act had not been passed, have ended with the close of the 31st day of January 1994) shall continue in office as a Human Rights Commissioner on the same terms of appointment as if this Act had not been passed:
- (b) Every person who, immediately before the 1st day of February 1994, is employed by the Human Rights Commission (other than a person whose employment by that Commission would, if this Act had not been passed, have ceased with the close of the 31st day of January 1994) shall continue to be employed by the Human Rights Commission on the same terms of appointment as if this Act had not been passed:
- (c) The person who, immediately before the 1st day of February 1994, holds the office of Chairperson of the Complaints Review Tribunal (unless his or her appointment would, even if this Act had not been passed, have ended with the close of the 31st day of January 1994) shall—
- (i) Continue to hold that office for the purpose of continuing the hearing of any proceedings which have been commenced under the Human Rights Commission Act 1977 and which are to be continued as if this Act had not been passed; and
 - (ii) Be the Chairperson, or one of the Chairpersons, of the Complaints Review Tribunal:
- (d) The 2 persons who, immediately before the 1st day of February 1994, are members of the Complaints Review Tribunal appointed by the Chairperson of that Tribunal shall continue as members of that Tribunal for the purpose of continuing the hearing of any proceedings which have been commenced under the Human Rights Commission Act 1977 and which are to be continued as if this Act had not been passed:
- (e) Every person who, immediately before the 1st day of February 1994, is a member of the panel maintained by the Minister under section 47c (1) of the Human Rights Commission Act 1977 shall continue as a member of the panel maintained by the Minister under section 113 of this Act.

Clause 161: To omit from subclause (5) (which appears on page 120) the expression "subsection (4)", and substitute the expression "subsection (3)".

First Schedule: To omit from page 126 the item relating to the Access Training Scheme Act 1988.

EXPLANATORY NOTE

The amendments proposed in this Supplementary Order Paper are of a tidying-up nature.