

2006

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL
TERRITORY**

**HUMAN RIGHTS COMMISSION
LEGISLATION AMENDMENT BILL 2006**

EXPLANATORY STATEMENT

Circulated by authority of the
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Attorney General

HUMAN RIGHTS COMMISSION LEGISLATION AMENDMENT BILL 2006

OVERVIEW

The *Human Rights Commission Act 2005* (the HRC Act) establishes the Human Rights Commission.

The Human Rights Commission Legislation Amendment Bill 2006 (the Bill) amends the HRC Act to delay its commencement.

The Bill also provides for the *Public Advocate Act 2005* to commence on 1 March 2006. The commencement of this Act is currently tied to the commencement of the *Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005*.

SUMMARY OF CLAUSES

Clause 1 sets out the name of the Act.

Clause 2 provides for commencement of the Act on the day after its notification.

Clause 3 specifies that the Bill amends the HRC Act.

Clause 4 substitutes a new commencement provision for the HRC Act. Under the existing commencement provision, the HRC Act would commence automatically on 1 March 2006. The new commencement will allow the HRC Act to commence on a day fixed by the Minister. The new commencement provision also disapplies the provision in section 79 of the *Legislation Act 2001* that provides for automatic commencement after 6 months.

Schedule 1

Amendment 1.1 inserts a transitional provision in the *Health Records (Privacy and Access) Act 1997*. This transitional provision is necessary to preserve the effect of amendments made by the *Health Records (Privacy and Access) Amendment Act 2005 (No 2)* that were predicated on the *Human Rights Commission Legislation Amendment Act 2006* having already commenced.

Amendment 1.2 ties the commencement of the *Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005* to the commencement of the Act it amends, the HRC Act.

Amendment 1.3 commences a number of amendments made by the *Human Rights Commission Legislation Amendment Act 2005*. The remainder of the amendments will commence on commencement of the HRC Act. The amendments that will be commenced immediately are amendments to the *Health Records (Privacy and Access) Act 1997*:

- Amendment 1.92 is a drafting amendment to restate the provision in current drafting style.

- Amendments 1.93 to 1.95 are drafting amendments to relocate existing definitions to a dictionary in accordance with current drafting practice. These amendments should be read in conjunction with Amendment 1.100.
- Amendment 1.97 restates the offence in accordance with the Criminal Code.
- Amendment 1.100 inserts new dictionary terms for the Act. These definitions are updated versions of the defined terms omitted by Amendment 1.93.

Amendments 1.4 to 1.7 make further changes to the amendments that are to be commenced immediately. The net effect of these changes is to ensure that the existing provisions reflect the current law, and on commencement of the HRC Act, reflect the new arrangements with the human rights commission.

Amendment 1.8 amends the commencement provision in the *Public Advocate Act 2005* so that the majority of the Act will commence on 1 March 2006. The commencement of this Act is currently tied to the commencement of the *Human Rights Commission (Children and Young People Commissioner) Amendment Act 2005* that is amended by Amendment 1.2. The requirement in the *Public Advocate Act 2005* to refer systemic matters to the human rights commission will not commence until the HRC Act commences.