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All the members of the Castan Centre would like to thank Anne for her enormous contribution to the research efforts of the Centre and for her piloting of the first and second editions of the newsletter. We wish her well in her future endeavours with Phillips Fox.

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Member Profile: Assoc Prof Beth Gaze *“Enforcing Human Rights – An Evaluation of the New Regime”*

Assoc. Prof Beth Gaze has been conducting a research project with Professor Rosemary Hunter of Griffith University into the effect of the changes in enforcement of federal anti-discrimination law brought in by the Human Rights Legislation Amendment Act 1999. The research was funded and assisted by the NSW Law and Justice Foundation, and the Australian Research Council, and is reaching the final stages of writing up.

Previously claims under the Racial Discrimination Act 1975, Sex Discrimination Act 1984 and Disability Discrimination Act 1992 which were not settled at conciliation could be referred for adjudication before a Hearing Commissioner of the Human Rights and Equal Opportunity Commission, where each part bore their own costs and proceedings were relatively informal. However, HREOC determinations were not directly enforceable, and any action taken in the Federal Court to enforce them involved a de novo rehearing of the matter. From April 2000, HREOC's role as a tribunal to hear and decide disputes was abolished, and any discrimination claim under federal law can be adjudicated by bringing proceedings in the Federal Court or Federal Magistrates' Court. Concern was expressed that this change, involving a formal, generalist court in which costs normally are awarded to the winner, would deter many discrimination complainants from proceeding, or even bringing claims.

The project aimed to find out what the effects of the change have been. It involved interviewing parties to discrimination claims both before and after the changes, as well as lawyers, and collecting information from many other sources.

Statistics on usage of the federal anti-discrimination system show that the number of claims in the system has fallen since the new procedures were introduced and continues to fall, while usage of state systems rises. This suggests that complainants are preferring to use state anti-discrimination systems. Preliminary results of lawyer interviews suggest some party groups are pleased with the federal courts as a venue, while lawyer representing specific plaintiff groups, in particular those with disabilities, regard it a serious disadvantage. The final report will be produced by the Law and Justice Foundation later this year.

<http://www.law.monash.edu.au/castancentre/index.html>