



**Australian  
Human Rights  
Commission**

6 December 2013

Ms Carly Nyst  
Head of International Advocacy  
Privacy International

By email: [carly@privacy.org](mailto:carly@privacy.org)

Dear Ms Nyst

**Your correspondence to the Australian Human Rights Commission (the Commission) in relation to the Australian Signals Directorate (also known as the Defence Signals Directorate) (DSD)**

I refer to your correspondence to the Commission dated 2 December 2013 in relation to DSD. You allege a breach of human rights under the *International Covenant on Civil and Political Rights* (ICCPR) which is scheduled to the *Australian Human Rights Commission Act 1986* (Cth) (AHRCA). You also alleged that DSD has breached the *Racial Discrimination Act 1975* (Cth) (RDA).

I note that you have requested that the Commission refer your allegations to the Inspector-General of Intelligence and Security (IGIS).

**Consideration of the issues in your correspondence**

*Breach of human rights*

Sections 11(3) and 11(4) of the AHRCA state that the functions of the Commission do not include inquiring into an act or practice of an intelligence agency, including DSD, and that the Commission shall refer such complaints to IGIS.

Having noted the above, in order for the Commission to accept a complaint from you and perform its referral function, the requirements of section 20(1)(b) of the AHRCA need to be met. Section 20(1)(b) requires that a complaint be made in writing, by or on behalf of one or more persons aggrieved by an act or practice, alleging that the act or practice is inconsistent with or contrary to any human right.

You have provided written correspondence to the Commission and you allege that DSD has engaged in an act or practice which is inconsistent with or contrary to Article 17 of the ICCPR. However, at this time it is unclear whether you are an 'aggrieved person' for the purposes of section 20(1)(b) and/or whether you are bringing the matter forward on behalf of others who are said to be aggrieved.