

# Australian Council of Human Rights Authorities

## Communiqué 27 October 2017

The Australian Council of Human Rights Authorities (ACHRA), which comprises the State, Territory and Federal human rights and discrimination authorities, recently met in Melbourne on 26-27 October 2017 to consider a number of issues of common concern and interest.

### Changes of Commissioners

ACHRA acknowledges the positive contribution of Kevin Cocks, who finishes his seven-year term as Queensland Anti-Discrimination Commissioner in February 2018. We pay tribute to his compassionate approach to work in empowering the most disadvantaged and vulnerable members of our community. ACHRA also welcomes two new Presidents – Emeritus Professor Rosalind Croucher AM (Australian Human Rights Commission) and the Hon Annabelle Bennett AO SC (NSW Anti-Discrimination Board).

### Marriage Equality Debate

ACHRA calls for a respectful debate on marriage equality during the postal vote process being undertaken to gauge the views of the Australian community on reform to national marriage law. We are aware of concerns about how the tone of debate may affect people with differing views on marriage equality. We remind the community of legislative protections against discrimination and vilification that are available.

ACHRA considers that civil marriage should be available, without discrimination, to all couples, regardless of sex, sexual orientation, gender identity or intersex status, on the basis of the fundamental human rights principles of equality and non-discrimination. ACHRA considers that if the Marriage Act is amended to permit two people to marry, ministers of religion should be able to refuse to solemnise a marriage in accordance with the doctrines, tenets and beliefs of their religious organisation

### Gender equality

ACHRA reaffirms its support for the important work promoting gender equality in institutions, including the Report *Change the Course: National Report on Sexual Assault and Sexual Harassment at Australian Universities* by the Australian Human Rights Commission. The August 2017 Report includes the results of a survey of over 30,000 students about the nature, prevalence and reporting of sexual assault and sexual harassment at 39 Australian Universities.

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) and the South Australian Equal Opportunity Commission (SAEOC) are continuing to work with the police departments in their respective States to monitor and audit progress against the recommendations in their reports into sex discrimination and sexual harassment, including predatory behaviour among police personnel. VEOHRC is also undertaking a review to examine the nature and prevalence of discrimination, including bullying and sexual harassment in the Country Fire Authority and Metropolitan Fire Brigade.

## Optional Protocol on Convention Against Torture

ACHRA remains concerned by the gaps in independent monitoring of places of detention in Australia. We commend the Australian Government's commitment to ratify the Optional Protocol to the Convention Against Torture (OPCAT) by December 2017, and we call on all Australian governments to commence progressive implementation immediately thereafter. ACHRA welcomes the work of the Australian Human Rights Commission in holding stakeholder consultations on how OPCAT should be implemented. ACHRA heard from the Victorian Ombudsman Deborah Glass about her important work in identifying what practical changes are required to implement OPCAT, and ACHRA looks forward to the release of the Victorian Report, which is expected at the end of 2017.

## Older Australians

ACHRA is concerned about ageism and age discrimination being the drivers of elder abuse, which is a growing and entrenched problem needing systemic and legal reform. We commend three recent reports: the Australian Law Reform Commission's Report on *Elder Abuse* released in May 2017; the *Review of National Aged Care Quality Regulatory Processes* by Carnell & Paterson released in October 2017; and the Australian Human Rights Commission's *Willing To Work* Report released in 2016.

## Child Safe Organisations

ACHRA heard from Justice Jennifer Coate, a Commissioner with the Royal Commission into Institutional Responses to Child Sexual Abuse. She outlined the Commission's work and conveyed the power and legacy of the thousands of personal stories provided in private sessions and hearings. Areas where sustained forward national momentum is needed to implement recommendations in the Commission's *Final Report* (due in December 2017) include: redress; reporting, investigation and information exchange; contractual and regulatory reform; criminal justice responses; and building and monitoring organisational cultures that protect, value and listen to children. The National Children's Commissioner noted the relevance of current work she is leading to develop and implement principles for child safe organisations, including the development of draft National Statement of Principles on Child Safe Organisations, as part of the National Framework for Protecting Australia's Children.

## Uluru Statement

ACHRA notes the Australian Government's rejection of the genuine request to consider the Uluru Statement seeking serious discussion of Constitutional reforms that would affirm the United Nations Declaration of the Rights of Indigenous Peoples, which the Australian Government endorsed in 2009. This decision does not give the Parliament and the Australian community the opportunity to listen to the Aboriginal and Torres Strait Islander peoples' reform proposals contained in the Uluru Statement, including enshrining a First Nation's Voice in the Australian Constitution.

We note that the Australian Government has not commented on the Uluru Statement's proposed Makarrata Commission to supervise an agreement-making process between Indigenous people and governments, and honest discussion of past injustices. We hope this means that the Australian Government remains open to allowing respectful debate aimed at reaching Australia's full reconciliation with its Aboriginal and Torres Strait Islander community.

## **Disability equality**

ACHRA heard from actuary Sarah Johnson from the National Disability Insurance Agency (NDIA) about the rollout of the NDIS.

## **Sports, human rights and equality**

ACHRA discussed the important work of the national inclusive sports program *Play by the Rules* in which ACHRA are key partners.