



Australian  
Human Rights  
Commission

President

Professor Gillian Triggs

20 September 2013

Senator the Hon George Brandis QC  
Attorney-General  
Parliament House  
Canberra ACT 2600

By email:

Dear Attorney,

On behalf of the Australian Human Rights Commission, may I offer my warm congratulations on your appointment as Attorney-General. The Commission has enjoyed a cooperative working relationship with your department, and we look forward to continuing this under your leadership.

I would very much appreciate the opportunity to meet you shortly to provide an overview of the Commission's work and strategic priorities. I am in contact with your office to see if there might be a time convenient to you.

I would also like to invite you to visit the Commission when you are next in Sydney. We have developed a tradition with successive Attorneys whereby they visit the Commission to meet the Commissioners and staff for a morning or afternoon tea. I know they will welcome the opportunity to meet you.

#### **Our Agenda – The Commission's work plan for 2013-14**

Please find attached a copy of *Our Agenda: A guide to the Commission and its activities for 2013-2014*. This document sets out the Commission's activities for the financial year. Our Strategic Plan for 2011-14 has two priorities; tackling violence, harassment and bullying and building respect for rights and freedoms.

This year we are focusing our work on business engagement, human rights education, placing greater prominence on protection and promotion of rights and freedoms (alongside our discrimination focused work).

I recommend this document to you, as it provides a cross-commission perspective on the Commission's work and priorities.

Under the Commission's legislation, we are required to finalise a Strategic Plan for 2014-2017 by 30 June next year. I look forward to working with you in the development of this new plan.

## Complaint Information and Investigation and Conciliation Services

The Commission's dispute conciliation services provide efficient and effective access to justice for all Australians, including business and government. The service also provides an opportunity to educate the wider community about their rights and responsibilities, enables individual cases to be resolved and achieves systemic change consistently with federal human rights and anti-discrimination laws.

~~Draft findings of a recent Cost Benefit Analysis conducted by the Centre for International Economics has found that the Australian community is substantially better-off having complaints dealt with by the Commission rather than the courts and that these services have a positive net benefit to the Australian community.~~

As the Commission's complaint process is confidential, this work of the Commission often goes unnoticed. We will shortly lodge our 2012-13 Annual Report with you for tabling. The key statistics are as follows:

- Our national Information Service assisted over 17,000 people and organisations across Australia by providing information about rights and responsibilities under the law, assisting with problem solving and providing referrals to other services.
- Our Investigation and Conciliation Service received 2,177 complaints of alleged discrimination and breaches of human rights, finalised 2,500 complaints and surpassed its Key Performance Standards for conciliation outcomes, timeliness of process and service satisfaction.
- The Commission conducted approximately 1,650 conciliation processes of which 1,079 complaints (65%) were successfully resolved. This represents successful dispute resolution and avoidance of possible protracted legal proceedings for more than 2,158 people and organisations.
- Survey feedback from complainants and respondents involved in the complaint process indicated that 93 percent were satisfied with the Commission's service and 64 percent rated the service as 'very good' or 'excellent'.

On behalf of the Commission, we look forward to working with you in advancing the protection and promotion of human rights and fundamental freedoms for all in our society.

Yours sincerely,

Gillian Triggs  
President

CC David Fredericks, Deputy Secretary, Civil Justice & Legal Services Group AGD;  
Greg Manning, First Assistant Secretary, International Law and Human Rights Division AGD; and  
Stephen Bouwhuis, Assistant Secretary, Human Rights Policy Branch AGD



Australian  
Human Rights  
Commission

# Our Agenda

A GUIDE TO THE COMMISSION AND  
ITS ACTIVITIES FOR 2013-2014



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#### **Contact Us**

Communications  
Australian Human Rights Commission  
GPO Box 5218  
SYDNEY NSW 2001  
Telephone: (02) 9284 9600  
Email: [communications@humanrights.gov.au](mailto:communications@humanrights.gov.au)

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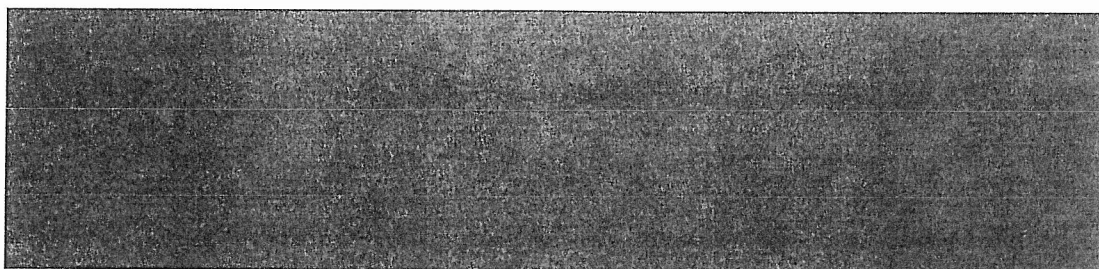
# What are human rights?

Human rights are about valuing the inherent worth and dignity of every person. They are an expression of how people should, and should not, be treated – by individuals, by government, and by the community at large. We all have these rights and we all want them acknowledged by our friends, families and employers. Just as importantly, we all have responsibilities to recognise them in others.

Human rights and freedoms are set out in international treaties; to a limited extent in the nation's Constitution; and, where successive governments have agreed to be bound by these treaties, have been given national effect in many domestic laws. These laws provide legal protection to people who have been treated unfairly and set practical standards for all the community to follow.



# Who we are



The role of the Australian Human Rights Commission is to see that human rights and fundamental freedoms are understood and respected in law, policy and practice. The Commission is independent from government, with a legislative mandate, and recognised internationally as an 'A Status' National Human Rights Institution. We strive to resolve complaints, encourage positive law reform and build a shared awareness and recognition of freedoms and rights throughout Australia.

We operate under the *Australian Human Rights Commission Act 1986* (Cth) as well as federal laws that seek to ensure freedom from discrimination on the basis of attributes such as age, disability, race, sex, sexuality and gender identity. The Commission also has specific responsibilities under the *Native Title Act 1993* (Cth) and the *Fair Work Act 2009* (Cth). Our job is to work towards an Australia in which human rights are respected, protected and promoted – finding practical solutions to issues of concern; advocating for systemic change; and raising awareness across the community.

Much of this work is at the policy level – engaging with the public and the media; and encouraging government, industry and community groups alike to see fundamental rights and freedoms realised. It involves building the case for change on issues ranging from paid parental leave to age discrimination in employment. It involves providing a human rights analysis to the courts and to parliamentary inquiries, conducting research and contributing to partnerships. Our work also involves exchanging ideas with equivalent bodies around the world; while, closer to home, we monitor and report on the experiences of those particularly vulnerable to disadvantage.

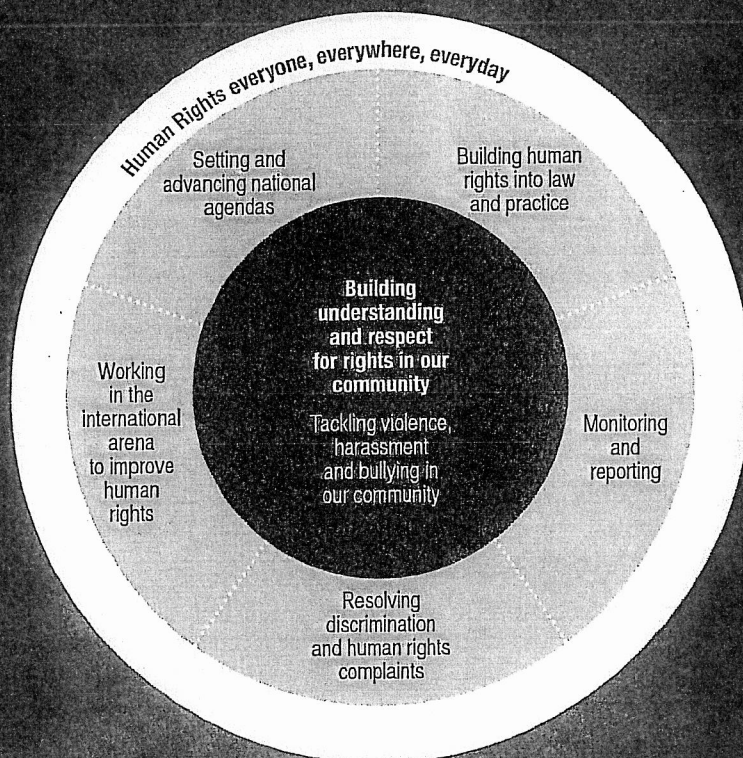
From addressing individual complaints of discrimination, to engaging with government on policy issues, the Commission's task is both to apply those rights that are currently recognised in our laws; and to aspire for greater recognition and protection of those that are not.

Our vision is for an Australia where human rights are enjoyed by **everyone, everywhere, everyday.**

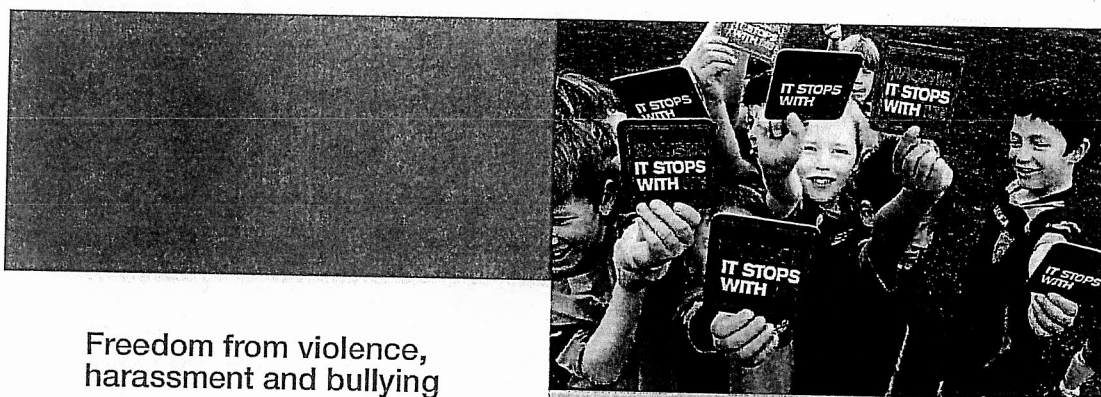
# Our Agenda

There is no simple way to solve complex human rights issues. From the challenges that face a person with a disability seeking independent living, through immigration detention policy, the promotion of human rights must address issues for individuals as well as the need for broader systemic change. That is why the Commission uses a range of integrated approaches, while also focussing on particular areas of discrimination through our specialised commissioners.

This document provides an overview of the Commission's major activities and programs for 2013-14 which are organised according to the following themes and priorities.



# Our work plan for 2013-14



## Freedom from violence, harassment and bullying

Violence, harassment and bullying profoundly affect the lives of thousands of people living in Australia. Discrimination and breaches of human rights can often be both a contributing factor and a consequence of such acts. The Commission has prioritised work on violence, harassment and bullying since 2010 and will continue to do so for the coming year.

### What we're doing

This year, we will:

- Lead the National Anti-Racism Partnership and Strategy
- Support prominent Australian leaders and organisations in taking a public stand through the Racism. It Stops with Me! campaign
- Conduct the second round of our BackMeUp competition to engage 13-17 years olds on the issues of standing up to and preventing cyberbullying
- Audit the implementation of the Commission's reports into the treatment of women in the Australian Defence Force and the Australian Defence Force Academy
- Identify best practice responses to homophobic bullying at the school level
- Provide information and referral assistance about harassment and bullying through our national information hotline
- Investigate and conciliate individual complaints of bullying and harassment under federal human rights and anti-discrimination laws.



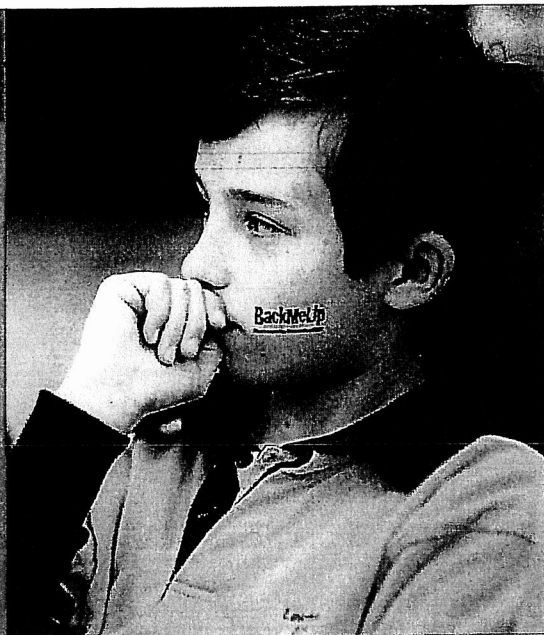
### **Back Me Up!**

"BackMeUp has really helped me understand what I can do if I see cyber bullying happening before me. It provided information that I didn't get from anywhere else, even school."

**Source:** Survey of young people participating in the 2012 BackMeUp cyberbullying campaign.

The Commission's *Back Me Up!* Competition encourages young people (aged 13-17 years) to make short videos identifying what practical actions they could take to support a friend who is being cyber-bullied. It uses social media and user-generated content to provide peer to peer education about taking safe and effective action when someone witnesses cyber-bullying

The 2013 edition of the campaign was launched in August 2013 and will run through to November.



### **Building understanding and respect for rights in our community**

We all have obligations to respect the rights of others, but for this to take practical effect we need to build wider understanding of human rights and their importance in daily life.

Community education, training and community engagement projects translate human rights values into practical reality. The Commission uses social media and other tools to reach a wide range of members of the Australian population.

### **Human rights education and advocacy course**

"This course has empowered us to be agents of change... and to mobilise our communities through education about rights and responsibilities so that they can make changes in their own lives."

**Source:** Human Rights Education and Community empowerment paper, written and delivered by Certificate IV in Human Rights Education and Advocacy course participants.

The Commission has worked with Granville TAFE to develop training on human rights advocacy for community workers who work with Muslim communities. The next stage of the project is to develop tools which can be built into certificate level courses in the Vocational Education & Training sector.

## Your rights at retirement

Launched in July 2013, *Your Rights at Retirement* is a 'one stop shop' reference manual that helps older people navigate the complex decisions, services and supports that are part of planning and managing retirement. Initial distribution of the booklet has occurred in collaboration with NSW Department of Ageing.

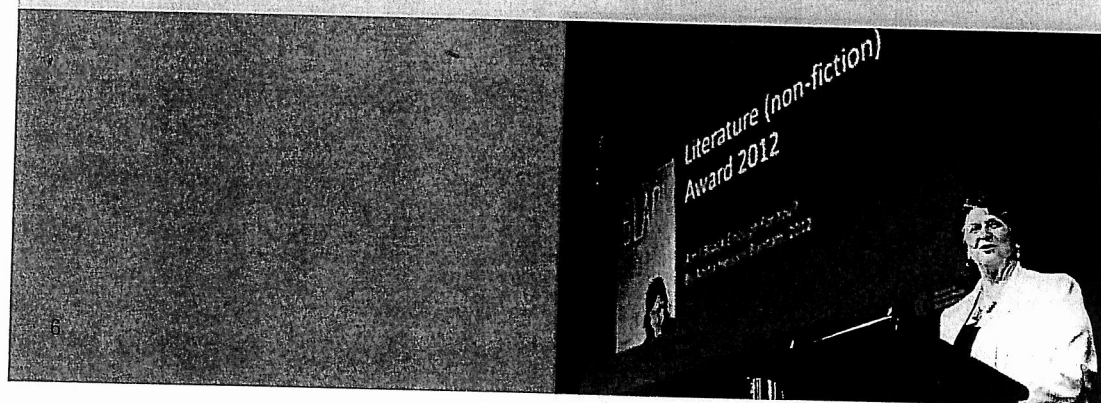
## What we're doing

Under our *Human Rights Education Program* we will:

- Release a resource for teachers and syllabus writers linking human rights across all areas of the national curriculum
- Develop new teaching resources, linked to the national curriculum, exploring issues of disability, racism and cultural diversity
- Update our *Rights:Ed* suite of educational resources online
- Pilot education and training to enable Australian Public Service (APS) staff to discharge their obligations under the APS Code of Conduct.

In the coming year we will also:

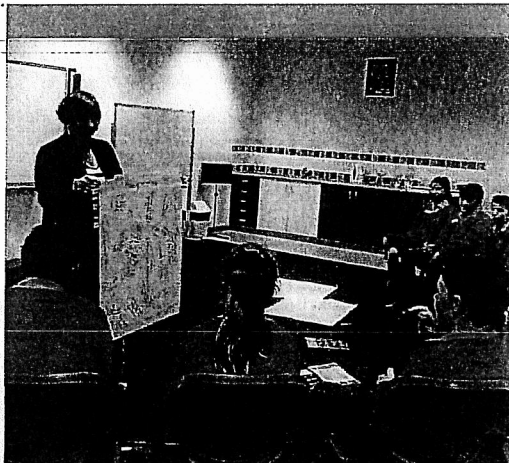
- Continue our *RightsTalk* events which enable members of the public to debate, discuss, argue and learn about human rights issues
- Provide education sessions about the law and the complaint process for potential complainant groups, business and government
- Celebrate International Human Rights Day with our annual Human Rights Awards event.



## Setting and advancing national agendas

One of the Commission's tasks is to draw national attention to areas in which human rights and fundamental freedoms are not being properly recognised or respected.

As a result, we undertake research, provide advice, review laws, engage in public inquiry processes and work with groups from across the community to pursue reform. We develop partnerships and take a constructive approach to help contribute to practical change.



## National Children's Commissioner – Big Banter

"I have a little sister who is 9 years old. We both know that kids and young people should be safe and be able to go to school and have food, but we'd never heard of the UN convention that puts all of this in writing. In fact, I don't think many young people know about the convention...it was comforting to see that I – and other young people – are recognized this way...before I become an adult, I'm going to enjoy school and my friends and take comfort in knowing that there's a special list of rights for people just like me."

Source: Views from a Big Banter child reporter (Year 10)

The incoming Children's Commissioner has focused the initial months of her term engaging with children and young people about their rights. This will inform her inaugural report to the federal Parliament in late 2013.

## What we're doing

In the coming year, we will:

- Assess Australia's implementation of its commitments made through the United Nations Universal Periodic Review process
- Focus on human rights in cyber space by examining freedom of expression online, access to information, and by combating hate on the internet
- Research and report on the prevalence, nature and consequences of discrimination in the workplace related to pregnancy, parental leave and return to work and then identify best practice
- Work with media, advertisers and corporate Australia to develop responses to our national research about the portrayal of older Australians in the media.



## Building human rights into Australian laws and practices

The Commission has developed an effective working relationship with the Joint Committee on Human Rights in the Australian Parliament. We consider whether any new legislative proposals raise concerns about human rights and discuss these concerns with the committee to ensure adequate parliamentary scrutiny. In the first year of operation, the Commission has observed and been concerned about a trend in new legislation of limiting civil rights such as the reviewability of decision making and procedural fairness guarantees.



## What we're doing

This year, we will:

- Examine Statements of Compatibility accompanying all new legislation to ensure that human rights and fundamental freedoms are respected
  - Provide assistance to the courts in discrimination and human rights cases through our intervention and *amicus curiae*, or 'friend of the court', roles
  - Report on access to justice for people with a disability to promote reform in the criminal justice system
  - Help implement the *UN Declaration on the Rights of Indigenous Peoples* by working in partnership with the National Congress of Australia's First peoples to increase awareness of, and encourage dialogue about the Declaration.
- Under our crucial *Business Engagement Program* we will collaborate with the business sector and:
- Work with the Diversity Council of Australia to release a *Work Place Cultural Diversity Health Check* tool which helps employers identify potential barriers to diversity within their organisations
  - Work with the business sector to promote understanding of new legislative protections against discrimination on the basis of sexual orientation, gender identity and intersex status
  - Develop a Business Portal on the Commission's website
  - Undertake a workplace education campaign on sexual harassment and revise our employer's resource: *Effectively Preventing and Responding to Sexual Harassment: A Code of Practice for Employers*
  - Implement the recommendations of the Australian Law Reform Commission's Age Barriers Inquiry, including partnering with the insurance and superannuation industries to develop guidelines to prevent age discrimination and promote redress.



### Intervention function

Our intervention work enables us to be involved in and influence the development of jurisprudence. Last year the Commission intervened in two matters.

The first was a challenge to the validity of mandatory minimum sentences for certain people smuggling offences.

The second was a challenge to the validity of a law restricting possession of alcohol on Palm Island. The High Court considered whether the law was invalid by reason of inconsistency with s 10 of the *Racial Discrimination Act 1975*.

### Resolving discrimination and human rights complaints

Through its complaint services, the Commission plays an important role in providing access to justice for people from across Australia.

Our national Information Service receives over 17,000 enquiries each year and provides information about rights and responsibilities under the law and the associated complaint process. In doing so it assists with problem solving and referrals to other services.

Our national Investigation and Conciliation Service receives over 2,100 complaints each year. It resolves disputes about discrimination and breaches of human rights informally, efficiently and in a manner that aims to address the needs of all involved.



### What we're doing

In the coming year, we will continue to provide:

- An efficient and accessible Information Service to respond to enquiries from individuals, business and government alike
- An efficient and accessible Investigation and Conciliation Service to help resolve disputes affecting a range of people right across Australia
- Information about rights and responsibilities under federal law to various audiences around Australia including potential complainant groups, business and government.

## Complaint resolution

In 2012-13, we conducted approximately 1650 conciliations, 65% of which saw the relevant complaints successfully resolved. This represents successful informal dispute resolution for more than 2150 people and organisations.

In 2012-13, 93% of those who participated in our Service Satisfaction Survey reported that they were satisfied with the service they received and 64% rated the service as 'very good' or 'excellent.'

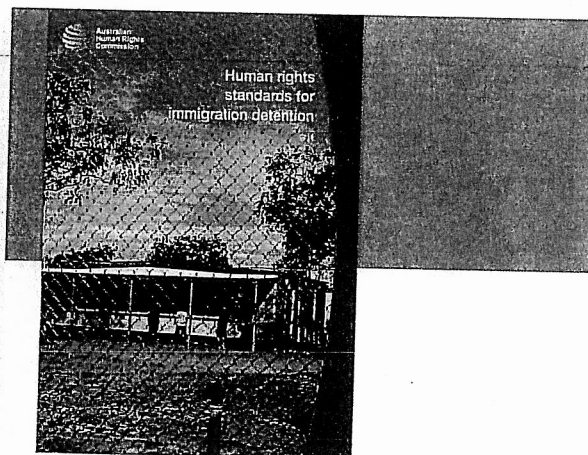
Some feedback from users of the service include:

"The service in itself is a fantastic way to reach resolution between parties willing to talk without the length and expense of a court case"  
– A complainant

"Very impressed with the expertise, skill, professionalism and approach of the Commission. Well done!"  
– A respondent

"The conciliator was excellent. She explained the process very clearly, was very professional ..., sympathetic without taking sides and very efficient in getting back to me when I had questions."  
– A complainant

"This was my first experience dealing with the Commission... I felt supported and respected throughout the process – Thank you"  
– A respondent



## Monitoring and reporting

Some people in Australia are especially vulnerable to discrimination, exclusion and unfair treatment. The Commission has a particular responsibility to monitor their experiences, identify issues of concern and propose solutions that will lead to improvement.

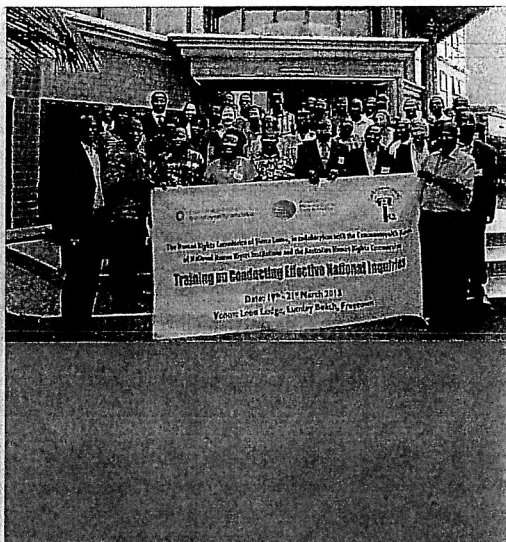
Sometimes we do this by holding national inquiries that examine these concerns in detail. We also undertake regular monitoring and reporting work, such as the Social Justice Commissioner's annual Social Justice Report and Native Title Report on issues affecting Aboriginal and Torres Strait Islander communities, and the annual National Children's Commissioner report to Parliament.

We also have the long-standing role of monitoring Australia's immigration detention system and treatment of asylum seekers. We do this through visits to detention facilities, raising public awareness and engaging with the government, NGOs and community groups. We advocate for reforms to the system of mandatory and indefinite detention, and for greater use of community-based alternatives to holding people in closed detention facilities for prolonged periods.

## What we're doing

In the coming year, we will:

- Release a report on the fundamental human rights concerns under Australia's immigration detention and asylum policy
- Advocate for immigration policy and detention conditions that are compliant with Australia's human rights obligations
- Deliver 'state of the nation' reports on indigenous issues (the annual Social Justice Report and Native Title Report) and children (the inaugural National Children's Commissioner report to Parliament).



## Engaging regionally and internationally

We are often invited to share our knowledge and technical skills with other countries in the Asia Pacific region. As a member of the International Coordinating Committee of National Human Rights Institutions, the Asia Pacific Forum of National Human Rights Institutions and the Commonwealth Forum of National Human Rights Institutions, we share best practice approaches and respond to pressing human rights issues facing Australia and our region. This helps to build our own expertise and informs how we work domestically.

We also have an important role to play in the United Nations system, regularly providing independent reports which describe how Australia is progressing in relation to meeting its human rights obligations.

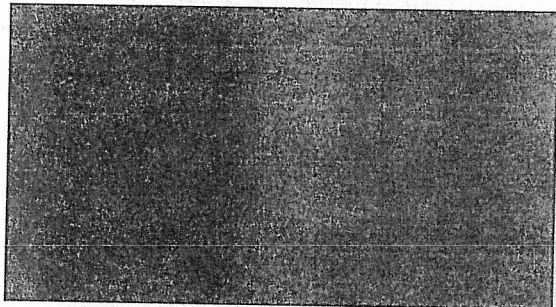
Taking stock in this way helps to highlight any gap between our international commitments and the domestic reality, contributing to wider awareness of the challenges that remain.

## What we're doing

In the coming year, we will:

- Continue to work in partnership with AusAid to deliver technical programs in the Asia Pacific region, such as in China and Vietnam
- Submit information, in our capacity as an A status national human rights institution, to the United Nations on Australia's performance under international human rights treaties relating to civil and political rights, women, people with disabilities, racial discrimination and torture.

## Organisational excellence



Our Strategic Plan commits us to working collaboratively, innovatively, and to the highest standard of excellence. This Plan provides a framework to enable us to take stock of progress in our mandate, to measure our impact over time, and to assess whether we are achieving our goals.

We also strive to lead by example – by being transparent and accountable, and by operating in accordance with the human rights standards that we expect of others. We seek to minimise our environmental footprint and to practise and inspire sound corporate social responsibility.

### What we're doing

In the coming year, we will:

- Monitor and evaluate our impact to ensure that our work makes a positive and tangible difference
- Finalise our next Strategic Plan for the period from 2014-17, identifying our key strategic focus
- Facilitate the transition from our current accountability framework under the Financial Management and Accountability Act 1997 to being a Commonwealth Corporate entity under the Public Governance, Performance and Accountability Act 2013
- Refine the Commission's document management systems to respond to incoming e-records requirements
- Work in a collaborative way that recognises the universal and indivisible nature of human rights
- Offer a broad range of flexible working options to our staff and develop staff skills for professional growth within the Commission and beyond.





## Our leadership team



LEFT TO RIGHT: Mick Gooda Aboriginal and Torres Strait Islander Social Justice Commissioner, Megan Mitchell Children's Commissioner, Emeritus Professor Gillian Triggs President, The Hon Susan Ryan AO Age Discrimination Commissioner, Graeme Innes AM Disability Discrimination Commissioner, Elizabeth Broderick Sex Discrimination Commissioner, Dr Tim Soutphommasane Race Discrimination Commissioner, Padma Raman Executive Director

The work of the Commission is led by a President and Commissioners:

**Emeritus Professor Gillian Triggs**  
President

**Mick Gooda**  
Aboriginal and Torres Strait Islander  
Social Justice Commissioner

**Megan Mitchell**  
Children's Commissioner

**The Hon Susan Ryan AO**  
Age Discrimination Commissioner

**Graeme Innes AM**  
Disability Discrimination Commissioner

**Elizabeth Broderick**  
Sex Discrimination Commissioner

**Dr Tim Soutphommasane**  
Race Discrimination Commissioner

**Padma Raman**  
Executive Director

# Organisational structure

