



***Human Rights and Equal
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**SUMMARY OF HREOC ACTIVITIES AND ISSUES
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SUMMARY OF HREOC ACTIVITIES & ISSUES

(JULY 2006 – AUGUST 2007)

HREOC-WIDE

Anti-Terrorism laws

In the wake of the September 11 terrorist attacks the Australian Government has introduced many new counter-terrorism laws. These laws have created:

- new criminal offences,
- new detention and questioning powers for the Australian Security and Intelligence Office (ASIO) and the Australian Federal police,
- new powers for the Attorney-General to proscribe terrorist organisations;
- new ways to control people's movement and activities without criminal convictions (control orders); and
- new investigative powers for police and security agencies.

Many of these new laws are unprecedented in Australia's legal history. The challenge facing law makers is how to protect national security without sacrificing fundamental rights and freedoms.

The Commonwealth Government has said that it recognises the need to balance counter-terrorism laws with human rights. However, the Human Rights and Equal Opportunity Commission (HREOC) believes that not all of Australia's counter-terrorism laws contain adequate human rights safeguards. HREOC has consistently advocated the importance of making sure counter-terrorism laws are compatible with human rights principles in its submissions to parliamentary inquiries into proposed counter-terrorism legislation.

HREOC's most recent submission on anti-terrorism legislation is available at:

http://www.hreoc.gov.au/legal/submissions/2007/proscription_powers_terrorist_org_feb2007.html

Human Rights Developments

There has been an ongoing debate in Australia about the need for a statutory Charter of Human Rights. Victoria and the Australian Capital Territory have introduced Charters of Rights and Western Australia, Tasmania, and the Northern Territory are also considering introducing statutory charters.

HREOC believes that, depending on its form and content, a statutory Charter of Rights can improve human rights protection by fostering a human rights culture at all levels of government and in the wider community. HREOC has made a submission to that effect to inquiries into

proposed Charter of Rights in Victoria, Tasmania and, most recently, Western Australia.

HREOC's most recent submission on a Charter of Rights to the Tasmanian Law Reform Institute is available at:

http://www.hreoc.gov.au/legal/submissions/Tas_charter_rights.html

Northern Territory (Emergency Response) Legislation

Following the release of the Government-sponsored report into Indigenous children in the Northern Territory, *Little Children Are Sacred*, in August 2007 the Australian government introduced several new laws that will restrict Aboriginal access to welfare and control alcohol. They will also enable the Commonwealth to acquire leases over townships on Aboriginal land and will open up public access to communities by abolishing the permit system.

While HREOC welcomes action being taken to address social and economic disadvantage in Indigenous communities and the aim of protecting children, it stresses that all measures should be consistent with the right to racial equality. It does not support the measures in the act being exempt from the Racial Discrimination Act and submitted to the parliamentary inquiry into the legislation that for them to qualify as 'special measures', effective consultation with Indigenous people is required.

HREOC's submission to the Senate Inquiry into the new legislation is available at:

http://www.hreoc.gov.au/legal/submissions/2007/NTNER_Measures20070810.html

RACE DISCRIMINATION

Ongoing Issues Relating to Terrorism, Racism and Muslim Vilification

HREOC continued to respond to ongoing issues related to: terrorism, newly proposed anti-terrorism laws and the current climate of fear and suspicion between Muslim and non-Muslim communities in Australia. The Education and Partnerships Section was created within the Race Discrimination Unit (RDU) to address the specific concerns of the Muslim community as well as those of other ethnic groups the members of which are predominantly Muslim. This section will undertake projects designed to provide a benefit to the wider community.

Unlocking Doors Project

The *Unlocking Doors Project* consists of encouraging dialogue between Muslim communities and police in order to build on the capacity of police

to respond to incidents of racial or religious hatred and abuse. It also seeks to develop the trust between Muslim communities and law enforcement agencies.

Muslim Women and Human Rights Forum

Living Spirit: Muslim Women and Human Rights Project – the right to participate in social change was held in Victoria in September 2006. The forum aimed to promote common goals of harmony and understanding between Muslim and non-Muslim women in Australia. It was attended by more than 130 women from diverse religious and cultural backgrounds, most of whom were Muslim women home-makers, students, service providers, community workers, religious leaders and professionals, including lawyers. Non-Muslim participants included church leaders, police, community workers, service providers, anti-discrimination agencies, media, government representatives and individuals.

The one-day forum included a hypothetical session called 'Righting the Wrongs: How would you respond?' which addressed the policy standards used by decision makers to respond to incidents of discrimination and abuse. There was also a morning tea with politicians and a 'Why Women Matter' exhibition profiling achievements and contributions to Australia by 10 everyday Muslim women. 'Veiled Ambition' and other DVDs were screened and 10 concurrent workshops were held exploring human rights issues facing Muslim women.

Meeting of State Equal Opportunity Managers Working in the Race Discrimination Area

HREOC hosted a meeting on 2 November, 2006 of the state equal opportunity commissioners or their representative and the New Zealand Race Relations Commissioner. The purpose of the meeting was to:

- share information and experiences about race discrimination and the strategies being adopted to combat racism across Australia and New Zealand;
- identify common issues and possible partnerships; and
- develop common strategies on race-related issues.

It was agreed to continue to hold regular meetings of state equal opportunity commission managers working in this area and to further identify common strategies.

Sport and Racism project

The Department of Immigration and Multicultural Affairs (DIMA) funded HREOC to survey and compile a list of existing strategies to combat racism within sport that have been adopted by selected national sporting organisations, codes, government and non-government sporting agencies and human rights institutions. The report has been provided to the Department (now known as the Department of Immigration and Citizenship) and will be released in the latter part of 2007.

The report also gathers available baseline data on the level of participation by culturally and linguistically diverse (CALD) communities and individuals in sport as well as information on any projects which aim to increase Indigenous and CALD participation.

Democracy, Human Rights and Multiculturalism

HREOC held a Democracy, Human Rights and Multiculturalism forum at its office in Sydney on 17 August 2007 in partnership with the newly founded Sydney Democracy Forum. The purpose of the forum was to launch a new publication by HREOC entitled *Multiculturalism: A position* and to promote discussion about government policy within the framework of human rights and democracy.

ABORIGINAL & TORRES STRAIT ISLANDER SOCIAL JUSTICE

The Social Justice and Native Title Report

The *Native Title Report 2006* and *Social Justice Report 2006* were tabled on 14 June, 2007. The *Native Title Report* continued the theme from the previous three Native Title Reports by focusing on land tenure and economic reform on Indigenous communal lands. It specifically focused on the capacity of the native title system to deliver economic benefits for Indigenous people and showcases best practice examples of Indigenous community led development and agreement making processes.

The key focus of the *Social Justice Report* was the federal governments' policy settings for Indigenous affairs. The report considered the progress made two years into the 'new arrangements' and built on the analysis of the previous three reports. It noted in particular that the new arrangements are a top-down imposition, with policy set centrally and unilaterally by government and then applied to Indigenous peoples.

Indigenous Health Equality Campaign

On 2 July, 2007 the Social Justice Commissioner co-hosted a historic meeting in Sydney of state, territory and national Indigenous peak health bodies (Aboriginal community controlled health services and Indigenous medical professional organisations). The first meeting of its kind, it helped to foster consensus on a wide range of strategic questions about how these organisations interact with each other, as well as how they are to collaborate in the implementation of the current national campaign to improve Indigenous health equality within a generation.

A national summit on Indigenous health equality is being planned for late October 2007, following the federal election.

IPO Network Meeting and Public Forum on 2007 UN Permanent Forum on Indigenous Issues (PFII)

The Indigenous Peoples' Organisations (IPO) Network is a loose coalition of peak Indigenous organisations from around Australia which are working on Indigenous rights at the national and international level. It is a follow-up action in the 2006 *Social Justice Report* that the Social Justice Commissioner will work with the IPO Network to identify sustainable options for establishing a national Indigenous representative body.

The Social Justice Commissioner hosted a meeting of the IPO Network in Sydney to allow delegates that had attended the 6th session of the PFII in May 2007 to report back to the Network. Initial discussions about research and preparation for participation in the 7th session of the PFII also commenced. The theme for the 7th session will be climate change, and a half-day of the agenda will be devoted to Indigenous Peoples in the Pacific.

Bringing them Home 10th Anniversary

HREOC undertook several projects which formed the commemoration of the 10th anniversary of the *Bringing them home* report, which collated the findings of a nation-wide inquiry into the national policy for many decades of removing Aboriginal children from their families. The activities were also aimed to coincide with commemorative events for the 40th Anniversary of the 1967 Referendum. A publication is in production which will include personal responses to the anniversary of the report from Indigenous people, speeches, important events and artwork from Indigenous and non-Indigenous artists. It is anticipated that the publications will be distributed to schools, Indigenous organisations, public libraries and contributors.

Indigenous Community Legal Education and Human Rights Project

This joint project with the Indigenous Law and Justice Branch of the Attorney-General's Department commenced in June 2007. The project achieves one of the aims of the Intergovernmental Summit on Violence and Child Abuse in Indigenous Communities of July 2006 and the COAG Communiqué of June 2004, (incorporating the National Framework of Principles for preventing family violence and child abuse in Indigenous communities).

HREOC will coordinate and deliver training to 15 people who will be employed by the Attorney-General's Department as Community Legal Education Workers in regional and remote Family Violence Prevention Legal Services. The 15 people will have responsibility to educate remote Indigenous communities about the relationship between Australian law, customary law and human rights.

SEX DISCRIMINATION

New Sex Discrimination Commissioner

Pru Goward left her position as Sex Discrimination Commissioner (SDC) in March 2007. The President of HREOC, John von Doussa acted as SDC until August 2007, when Elizabeth Broderick assumed her role as the new SDC.

Women, Men, Work and Family

Work and family balance has continued to remain a hotly debated issue in Australian politics and society. The SDC has continued to do a range of speeches, media interviews and opinion pieces on the topic and is seen as a national leader in the debate.

In June 2005, a project on women, men, work and family was launched with a discussion paper called *Striking the Balance: Women, men, work and family*. The project examined the particular pressures facing men and women who seek to combine paid work with family responsibilities. A total of 44 public consultations and focus groups were held across Australia throughout 2005-06, and, along with 181 submissions and roundtable discussions, fed into the final stage of the project – the development and release of the *It's About Time: Women, men, work and family* Final Paper in March 2007.

The *It's About Time: Women, men, work and family* final paper and an accompanying community guide were launched at Blake Dawson and Waldron on 7 March 2007. It has since been distributed to approximately 650 stakeholders including all federal Members of Parliament and Senators, policy makers, non-government organisations, employers, unions and interested members of the public. The paper and community guide are also available online.

The launch was followed up by a number of community, business and academic forums around the country to disseminate the findings of the paper and gather feedback on the paper's recommendations. The community forums were organised in partnership with local organisations, such as state and territory equal opportunity and anti-discrimination agencies and universities. Employer forums were held in Brisbane, Sydney and Melbourne, and were hosted by the Diversity Council Australia as part of their Diversity Practitioners' Forum.

Research Benchmarking Women's Wages and Conditions

The Sex and Age Discrimination Unit, along with the National Foundation of Australian Women and the Women's Electoral Lobby, commissioned research by a consortium of academics (Women in Social and Economic Research - WiSER - based at Curtin University of Technology) into current pay and conditions for women in the labour market.

The research collated all available data relating to women's pay and conditions in Australia and gave a snapshot which provides a benchmark

against which future research on women's employment can be measured. The research also identified gaps in currently available data and put forward recommendations about further research and data collection relevant to women's employment in the context of the new workplace relations framework.

The final report of this research, the *Women's pay and conditions in an era of changing workplace regulations: Towards a Women's Employment Status Key Indicators (WESKI) database* report, was released on 11 September 2006.

Trafficking in Women

The Sex and Age Discrimination Unit continues to monitor the situation in relation to trafficking of women in Australia, and has regular contact with non-government agencies, academics and government agencies on the issue, as well as with the US State Department which prepares an annual report of each country's response to the problem.

ARC Linkage Project 'Impact of Parents' Employment on Children's Well-being'

The Sex and Age Discrimination Unit, on behalf of HREOC, is an industry partner to the Australian Research Council linkage project 'Impact of Parents' Employment on Children's Well-being: The influence of employment quality, time and activities with children, and parenting practices.' The research is progressing with preliminary findings presented and discussed at various national and international conferences.

It is expected that some papers with results of the study will be available around October 2007.

AGE DISCRIMINATION

Commissioner Responsible for Age Discrimination

Elizabeth Broderick was appointed in August 2007 as the Commissioner responsible for age discrimination, which is in addition to her role as Sex Discrimination Commissioner.

Age Discrimination Research and Community Awareness Campaign

In 2006, HREOC commissioned research to identify key issues for older people in relation to discrimination, to explore barriers older people face in resolving problems they may experience and to propose an appropriate focus for a public awareness campaign. The research showed that age discrimination is prevalent in Australia, that there are considerable barriers to preventing age discrimination and that ageist stereotypes amongst employers are a significant part of the problem. The Unit has

used the results to engage a print media company to produce a poster detailing the benefits of employing older people.

The print advertisement will form part of a broader community awareness strategy on age discrimination issues, currently being developed. The elements of the strategy include a revised age discrimination brochure and web-based materials aimed at overcoming negative stereotypes and discrimination against older workers.

DISABILITY DISCRIMINATION

Convention on the Rights of Persons with Disabilities

In December 2006 The United Nation's General Assembly passed its landmark Convention on the Rights of Persons with Disabilities. Australia signed the Convention at a formal ceremony opening the Convention for signature in March 2007 at the UN Headquarters in New York. The Australian Government played a key role in the Convention's conclusion.

A productive workshop on the Convention was held on 27-28 June 2007 with representatives of disability peak organisations, disability advisory bodies and our colleagues at State and Territory equal opportunity agencies, together with officers from other government departments. Participants particularly appreciated the attendance of the Attorney-General and the strong support he expressed at the meeting and in a media release for prompt movement to the steps needed to enable the Government to consider ratification, and the commitment indicated to continuing consultation with disability organisations in those processes. Further information from this workshop including proposals for further actions towards ratification should be available shortly

National Inquiry into Employment and Disability

HREOC has continued to follow up on its *National Inquiry into Employment and Disability* Report which was tabled by the Attorney-General in federal Parliament in February 2006.

The federal government responded positively in 2006-07 to the Inquiry's recommendations, including the launch in August 2006 of the *JobAccess* one-stop-shop information service on employment and disability. Other welcomed initiatives include reforms to the *Workplace Modifications Scheme*, and in January 2007, the commencement of an insurance cover scheme for work trials. Other recommendations, including adoption by the federal government of an accessible procurement policy, remain under discussion.

HREOC continued to convene working groups on a number of areas identified by the Inquiry, including ongoing employment supports and the relationship between occupational health and safety legislation and equal

opportunity laws. HREOC has welcomed substantial work being done by the Office of the Australian Safety and Compensation Council to address one of the main obstacles to the employment of people with disability in the open workplace – the perception by employers that there is an increased exposure to legal and financial risks related to occupational health and safety.

Access for People with a Disability

HREOC is working in a range of areas to improve access for people with disability including:

- following up from its July 2005 report on the progress of banks in making financial services accessible for people with disability;
- working with industry and disability community organisations to increase the use of captioning at cinemas;
- making recommendations to the federal Attorney-General on amendments to the Copyright Act so more material can be produced in accessible formats for people with disabilities;
- establishing working groups to improve the availability of captioning and audio description on DVDs;
- writing to relevant ministers to seek a trial of electronic voting to make secret ballots a reality for people with a vision impairment;
- working with the Royal Australian College of General Practitioners and disability advocacy groups to increase the use of height-adjustable examination beds;
- assisting in the development of a code to standardise information about features on telecommunications equipment;
- developing the current guidelines for website accessibility and;
- assisting in the development of the Disability Standards for Education which came into effect in August 2005.

HUMAN RIGHTS

Same-Sex Inquiry

In April 2006, HREOC launched a National Inquiry into the discrimination faced by same sex couples in relation to financial and work-related entitlements. The Inquiry conducted an audit of State, Territory and Commonwealth laws that exclude gay and lesbian couples from financial and work-related benefits available to heterosexual couples. It also collected the personal stories of people affected by those laws. Two discussion papers were issued and the inquiry received submissions from 685 different individuals and organisations.

The *Same-Sex: Same Entitlements* report identifies 58 federal laws which deny same-sex couples and their children the basic financial and work-related entitlements which are available to opposite-sex couples and their children. The 58 discriminatory laws identified by the Inquiry cover the following areas:

- employment;
- workers' compensation;
- tax;
- social security;
- veterans' entitlements;
- health care subsidies;
- family law;
- superannuation;
- aged care; and
- migration.

The report recommends amendment to the definitions of a de facto relationship in each of these 58 laws. The report also recommends changes to federal, state and territory laws to recognise the relationship between a child and both parents in a same-sex couple. Together, these changes would ensure that same-sex couples and their children would be treated in the same way as opposite-sex couples and their children.

The final report can be found at:

www.humanrights.gov.au/human_rights/samesex/report/

Immigration Detention, Asylum-seekers and Refugees

The President, the Human Rights Commissioner and Human Rights Unit staff conducted inspections of all mainland immigration detention facilities during October and November 2006. In January 2007 an inspection report was published on the HREOC website at:

www.humanrights.gov.au/human_rights/asylum_seekers/inspection_of_mainland_idf.html

The inspection report notes that substantial efforts have been made by the Department of Immigration and Citizenship (DIAC) to improve the physical environment, reduce the tension levels, enhance the programs and activities available to detainees, and improve mental health services inside immigration detention centres.

The inspection report also notes that, despite these improvements, the fundamental problem with immigration detention has not changed – the length of detention and the uncertainty about how much longer that detention will last.

The report makes 41 recommendations for improvements to the law, administration and conditions inside detention centres. There has been constructive interaction between HREOC and DIAC regarding those recommendations.

Discrimination on the Grounds of Criminal Record

In 2005 the Human Rights Commissioner produced *On the Record: Guidelines for the prevention of discrimination in employment on the basis*

of criminal record. The publication provides information and practical guidance on how to prevent criminal record discrimination in the workplace. It covers existing anti-discrimination and related laws, as well as best practice principles when recruiting or employing someone who may have a criminal record. HREOC is looking to redistribute those employer and employee guidelines to relevant audiences.

Art and Essay Competitions for Young People

In 2006 HREOC partnered with the Australian Red Cross to run the *Human Writes* Essay Competition and *Rights in Perspective* Art Competition. Children and young people aged between 11 and 18 years old were encouraged to express their views and thoughts about human rights in either a written or visual arts form.

The *Rights in Perspective* Art Competition received 326 entries and the *Human Writes* Essay Competition received 208 entries. The entries were judged by panels of experts including the Human Rights Commissioner, journalists, educators, artists, curators and senior representatives from the Australian Red Cross. Prizes were awarded for the best works in junior and senior categories at both a state and national level.

EDUCATION

HREOC continues to promote its program for human rights education in Australian upper primary and high schools. It has developed a range of human rights education resources, which focus on issues included in HREOC's area of statutory responsibility. These include:

Voices of Australia: An education resource for Australian secondary school teachers allows for the different stories of Australian people to be heard and celebrated in the classroom. Students will increase their awareness about experiences of diversity, discrimination, race relations, friendship, and respect.

Youth Challenge: Teaching Human Rights and Responsibilities: comprises of four units of study; (i) *Human Rights in the Classroom* provides an accessible overview of human rights: what they are, how they have developed and where they apply; (ii) *Disability Discrimination - but what about Doug's rights?* explores the issue of how competing rights can be resolved in a school community environment and (iii) *Young People in the Workforce* examines issues of race and sex discrimination, as well as the legal rights and responsibilities of employees and employers in Australia and (iv) *Tackling Sexual Harassment* addresses the issue of sexual harassment and how students can identify and address the issue, regardless of whether it happens to them or another student.

HREOC also maintains on-going communication with teachers and education bodies through an electronic mailing list. HREOC provides regular updates about:

- the most recent set of human rights education activities;
- reviews and links to human rights education resources;
- reviews of particular sections of HREOC's website which are useful for educators;
- upcoming human rights education events.

MONITORING

Monitoring human rights in Australia is one of HREOC's key functions. HREOC does this through the work of individual Commissioners and their policy units (see above) and via submissions to parliamentary committees, assessment of proposed enactments and other processes.

In addition to their primary purpose, the submissions and other papers are also used by lawyers as resource material; politicians and advocacy groups in public debate and to influence the political process and by students and other individuals with an interest in human rights.

In this way, HREOC monitors potential breaches of human rights and seeks to influence the political process to ensure that human rights protection is a paramount consideration.

Issues on which HREOC has made submissions over the past year include:

- a submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Provision of Aboriginal Land Rights (Northern Territory) Amendment Bill 2006 (Cth) – expressing concerns about a lack of traditional owner participation in the development of the amendments and the failure to inform traditional owners of the content of the proposed amendments. HREOC's submission is available at:
http://www.humanrights.gov.au/social_justice/submissions/alra_amendments_senate_subjuly2006.html
- a submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into Indigenous Stolen Wages bringing attention to the Inquiry the issue of underpayment of wages; the human rights principles relevant to the issue of stolen wages; and relevant developments in Queensland, including those cases under the Racial Discrimination Act in which HREOC was involved. HREOC's submissions is available at:
www.humanrights.gov.au/legal/submissions/2006/stolen_wages_2006.html

- a submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Crimes Amendment (Bail and Sentencing) Bill 2006 (Cth) opposing the proposal to exclude 'cultural background' as a specific relevant factor in sentencing, noting that this is an inappropriate response to the issue of Indigenous violence and potentially counter-productive. A copy of HREOC's submission is available at:
www.humanrights.gov.au/legal/submissions/crimes_amendment.html
- a submission to the Department of Immigration and Citizenship in response to its Discussion Paper on the introduction of formal citizenship testing titled *Australian Citizenship: much more than just a ceremony* recommending that testing for citizenship should not be introduced and noting that there was a prospect that such a test may have a discriminatory impact on the ground of national or social origin and/or birth. A copy of HREOC's submission is available at:
www.humanrights.gov.au/racial_discrimination/report/citizenship_paper_2006.html
- a submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 (Cth) and the Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 (Cth) - expressing concern that the Bills did not do enough to ensure that financial institutions adopt non-discriminatory criteria when determining the 'money laundering/terrorism financing risk' of providing a designated service to a customer. A copy of HREOC's submission is available at:
www.humanrights.gov.au/legal/submissions/anti_money_laundering_counter_terrorism.html
- a submission to the Tasmanian Law Reform Institute in response to its Discussion paper titled *A Charter of Rights for Tasmania?* - noting what rights it should embody, application to the legislature and executive, scrutiny of legislation for human rights compliance and enforceable remedies for breaches. A copy of HREOC's submission is available at:
www.humanrights.gov.au/legal/submissions/Tas_charter_rights.html
- a submission to the House of Representatives Legal and Constitutional Affairs Committee's Inquiry into Older People and the Law - providing a range of background material, including statistics about age discrimination complaints and expressing its concern over the coverage of the Age Discrimination Act, consistent with previous submissions concerning the Act when it was before parliament as a Bill. A copy of HREOC's submission is available at:
www.humanrights.gov.au/legal/submissions/2006/ADA_200612/older_people_and_the_law_dec06.html
- a submission to the Senate Legal and Constitutional Affairs Committee's Inquiry into the Migration Amendment (Review Provisions) Bill 2006 - expressing concern that the Bill created an unfair process for determining refugee and migration cases which may breach the human rights of applicants by denying applicants a fair hearing; and/or leading to incorrect decisions which increases the

likelihood of *refoulement* of asylum seekers. A copy of HREOC's submission is available at:

www.humanrights.gov.au/legal/submissions/2007/migration_amendment_bill_06.htm

- a submission to the Senate Finance and Public Administration Committee's Inquiry into the Human Services (Enhanced Delivery) Bill 2007 (Cth). The Bill sought to introduce an 'access card' to replace some 13 other cards that are required to access federal benefits – HREOC drew attention to the Committee's attention to how the access card might impact upon Indigenous Australians and made related recommendations. A copy of HREOC's submission is available at: www.humanrights.gov.au/legal/submissions/sj_submissions/human_services_bill_accesscards_Mar07.html
- a submission to the Joint Standing Committee on Migration Inquiry into eligibility requirements and monitoring, enforcement and reporting arrangements for temporary business visas. A copy of HREOC's submission is available at: www.humanrights.gov.au/legal/submissions/2007/migration_amendment_bill_06.htm
- a submission to the Northern Territory National Emergency Response Bill (NTNER) Senate Inquiry – noting that it did not support the NTNER measures being exempt from the Racial Discrimination Act and submitting that for them to qualify as 'special measures', effective consultation with Indigenous people was required. A copy available at: http://www.hreoc.gov.au/legal/submissions/2007/NTNER_Measures20070810.html

LEGAL AND LITIGATION ACTIVITIES

Interventions in court proceedings

HREOC has a statutory function whereby it can seek leave to intervene in court proceedings that raise human rights issues. In 2006-07, HREOC considered nine potential intervention matters. In two of these cases, HREOC was requested by one of the parties to consider intervention. In the remaining seven cases, HREOC considered the matters of its own motion. HREOC made an application to intervene in two matters and was granted leave to appear in both. The first matter was an appeal to the Full Federal Court which was settled at mediation (Oceania Judo Union, discussed below). The second matter concerned the related to an allegation of racial discrimination in employment, involving the denial of employment opportunities and racially derogatory comments. It also concerned disability discrimination in employment, including derogatory comments in relation to the applicant's making of a worker's compensation claim

Amicus curiae proceedings

Each of HREOC's Commissioners has a statutory function whereby they can, with leave of the court, intervene in proceedings before the Federal Court and Federal Magistrates Court that arose out of complaints of unlawful discrimination. During 2006-07, Commissioners have been granted leave to be amicus in five cases. These cases included:

- a case before the Federal Magistrates Court where it was alleged that applicant was discriminated against on the basis of disability by the Oceania Judo Union because he had been excluded from a judo tournament held in Queensland because he is blind;
- an application alleging discrimination on the basis of disability when a trainee ambulance officer's employment application was rejected because he has insulin dependant diabetes;
- a case in the Federal Court alleging that a number of bus stops within a local council did not comply with the Disability Standards for Accessible Public Transport;
- a case in the Federal Magistrate's Court regarding discrimination on the basis of current and non-ongoing disabilities due to the respondent's refusal to provide him with income protection insurance and;
- a case in the Federal Magistrate's Court regarding access to a government agency's premises for those with mobility impairment.

Reports to the Attorney-General of Breaches of Human Rights

The Legal Section has also prepared on behalf of HREOC reports to Parliament relating to breaches of human rights. There was one such report this financial year, with HREOC finding that the Commonwealth failed to provide a female detainee with a safe place of detention by continuing to accommodate her in the same detention facilities, despite repeated complaints of sexual assault committed against her by fellow detainees. The President found that that this constituted a breach of her human right to be treated with humanity and respect for her inherent dignity while in detention.

COMPLAINT HANDLING SECTION

The President of HREOC is responsible for HREOC's complaint handling function. The President is assisted in investigating and conciliating complaints lodged under federal anti-discrimination and human rights law by staff of the Complaint Handling Section (CHS). Complaints can be accepted under the *Human Rights and Equal Opportunity Commission Act 1986* (Cth) alleging a breach of human rights or alleging discrimination in employment under ILO 111 or alleging a breach of the *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth), *Disability Discrimination Act 1992* (Cth) and *Age Discrimination Act 2004* (Cth). Details of complaints received and finalised under each Act are below.

Complaints Statistics 2006-07¹

Act	Received	Finalised
Racial Discrimination Act (RDA)	250	269
Sex Discrimination Act (SDA)	472	452
Disability Discrimination Act (DDA)	802	682
Age Discrimination Act (ADA)	106	115
Human Rights and Equal Opportunity Commission Act (HREOCA)	149	138
Total	1 779	1 656

Of the complaints finalised in 2006-07, 38% were conciliated. This is consistent with the conciliation rate for the previous three reporting years. Of those matters where conciliation was attempted in 2006-07, 69% were able to be resolved. This represents a 2% increase in the conciliation success rate in comparison with the previous reporting year. The conciliation success rate has consistently increased over the past four reporting years.

The CHS also manages the Complaint Information Service. In 2006-07, 16 606 enquires were dealt with by the Complaint Information Service. People can contact the Complaint Information Service either by telephone, TTY, post, e-mail or in person to obtain information about the law HREOC administers and the complaint process. As many enquirers are unsure which organisation can best assist them, the work of Complaint Information Service staff frequently involves providing contact details for organisations that can more appropriately deal with the enquirer's concerns. If the enquirer's concern is one that HREOC can deal with, the enquirer is provided with information on how to lodge a complaint and is either provided with the necessary forms or directed to HREOC's website and 'on-line' complaint lodgement facility

Community Education & Training

The CHS contributes to HREOC's function of promoting an understanding and acceptance of human rights through its community education activities.

In this reporting year over 100 organisations throughout all states and territories either attended information sessions on the law and the complaint process run by CHS staff or were visited by CHS staff. These organisations included: community legal centres; professional associations and unions; Aboriginal legal centres; multicultural organisations; youth organisations and legal centres; neighbourhood centres and; disability

¹ Provisional statistics as at August 2007

groups. In 2006-07, information kits about the law and the complaint process were also sent to more than 1 000 organisations around Australia.

Internal Training

HREOC has two specialized training programs which provide knowledge and skills in statutory investigation and conciliation. All complaint handling staff are required to undertake these courses. The CHS also provides training in investigation and conciliation for other organisations.

During 2006-07, the investigation training course was run for HREOC staff on two occasions and a three day conciliation training course was held for HREOC staff and staff of the Office of the Privacy Commissioner.

During the year staff in the CHS also attended training in leadership and management skills run by the Australian Public Service Commission. In November 2006 all CHS staff attended an in-house plain English writing skills course. Additionally, in February 2007 an in-house presentation skills training course was run for CHS staff.

External Training

In October 2006 HREOC conducted a two-day investigation training course in Hobart for staff of a Tasmanian state government department. In the same month HREOC ran a two day advanced conciliation training workshop in Sydney for staff of the Office of the Privacy Commissioner.

For the sixth year, HREOC has worked in partnership with the Australian Public Service Commission to provide a two-day investigation training course for federal public servants. Seven such courses were held in various locations around Australia including Brisbane, Sydney, Canberra, Darwin, Townsville and Perth.

Papers and Presentations

In September 2006 HREOC hosted the National Conciliators and Legal Officers Conference, *Recognising Difference: Realising Rights* in Sydney. The conference was attended by conciliators and legal officers from HREOC and state and territory equal opportunity/anti-discrimination commissions. Participants also included staff from Human Rights Commissions in New Zealand, Malaysia, Nepal, Fiji, Mongolia, Thailand and South Korea. Five CHS staff presented papers at this conference.

In this reporting year CHS staff also presented papers at the following national and international conferences: the National Conference on Women and Industrial Relations held in Brisbane in July 2006; the Queensland Safety Forum in Brisbane; the National Community Legal Centres Conference in Wollongong in September 2006; the National Investigations Symposium in Sydney in November 2006; and the Commonwealth Conference of National Human Rights Institutions in London in February 2007.