

# Australian Council of Human Rights Authorities

## Communiqué

17 October 2016

The Australian Council of Human Rights Authorities (ACHRA), which comprises the State, Territory and Federal human rights and discrimination authorities, recently met in Canberra on 13-14 October 2016 to consider a number of issues of common concern and interest.

### Changes of Commissioners

ACHRA acknowledges the positive contribution of Robin Banks, who finishes her term as Tasmania Anti-Discrimination Commissioner in January 2017. It also especially welcomes six new Commissioners - Kay Patterson (Federal Age Discrimination Commissioner), Alastair McEwin (Federal Disability Discrimination Commissioner), Ed Santow (Federal Human Rights Commissioner), Karen Toohey (ACT Discrimination Commissioner), Kristen Hilton (Victorian Equal Opportunity & Human Rights Commissioner) and Dr Niki Vincent (SA Commissioner for Equal Opportunity).

### Marriage equality

ACHRA reminds leaders and the community that prejudice and vilification in relation to sexuality and gender identity is harmful to individuals and society. In this regard, public debate must comply with existing discrimination protections in Federal, State & Territory laws. Those laws provide an appropriate balance of the right to freedom of expression, freedom of belief and the right to equality and freedom from discrimination'.

### National Disability Insurance Scheme

ACHRA heard from David Bowen, CEO, and Louise Glanville, Deputy CEO, of the National Disability Insurance Agency (NDIA) about the roll-out of the NDIS. Issues discussed included: drafting a national quality and safeguards framework that engenders the 'dignity of risk' principle; having affordable and accessible housing; and the challenges in rolling out a scheme that is person-centred. Members were concerned that any 'rationing' could occur during roll-out in jurisdictions such as the ACT.

### Disability and justice

ACHRA noted the recent decision of the High Court in [Lyons v Queensland](#)<sup>i</sup> which was contrary to the Views of the UN Committee on the Rights of Persons with Disabilities on the same issue in [Lockrey](#) and [Beasley](#) cases.<sup>ii</sup> ACHRA calls on jurisdictions to review their legislation to enable deaf jurors to serve on juries, and be provided with Auslan interpreters or other necessary adjustments to enable participation.

ACHRA also noted the Conclusions and Recommendations of the UN Committee on the Rights of Persons with Disabilities in the case of [Noble](#),<sup>iii</sup> and calls on States and Territory jurisdictions to review their legislation to ensure compliance with human rights obligations in respect of fitness to plead in criminal matters and lawful detention.

## Youth Justice

ACHRA notes the importance of the work of the Royal Commission into the Protection and Detention of Children in the NT. It emphasises the value of justice reinvestment to divert young offenders from the Youth Justice system. Members also highlight the need for Australia to formally ratify the Optional Protocol against Torture (signed by Australia in 2009) to guarantee national and international monitoring of places of detention, including youth detention centres such as Don Dale in Darwin.

## Racism

ACHRA welcomed the joint parliamentary policy statement by Prime Minister Turnbull and Opposition Leader Shorten denouncing 'racial intolerance in any form as incompatible with the kind of society we are and want to be', and reaffirming Australia's commitment to an immigration policy 'wholly non-discriminatory on grounds of race, colour, creed or origin'.

## Refugees and asylum seekers

ACHRA heard from Thomas Albrecht, the UN High Commissioner for Refugees Regional Representative, who spoke about the system of immigration detention, poor conditions and treatment of asylum seekers, and reduced review rights.

## Sports, human rights and equality

Peter Downs Manager of Play By the Rules, spoke about the important work of this national inclusive sports program in which ACHRA are key partners. The program is having a positive impact on ensuring respectful sport in Australia, and information is available on [its website: http://www.playbytherules.net.au/](http://www.playbytherules.net.au/)

## Older Australians

ACHRA acknowledged the work of former Aged Discrimination Commissioner The Hon Susan Ryan AO and in particular her Willing to Work Report and acknowledged the role ACHRA members could play in encouraging the implementation of the recommendations. In addition they noted the Australian Law Reform Commission's inquiry into Elder Abuse and the implications that the Report in May 2017 may have for the need to consider law reform in areas such as financial advice, will making, powers of attorney and enduring power of attorney.

### **For further information, contact:**

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- Northern Territory: Commissioner Sally Sievers, 08 8999 1444
- Queensland: Commissioner Kevin Cocks, 0402 288 419
- South Australia: Commissioner Niki Vincent, 0439493303
- Tasmania: Commissioner Robin Banks, 0459 800 570
- Victoria: Commissioner Kristen Hilton, 0447 526 642
- NSW: Acting President Elizabeth Wing, 02 9268 5545

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<sup>i</sup> [2016]HCA38 (5 October 2016).

<sup>ii</sup> Committee on the Rights of Persons with Disabilities, *Views: Communication 11/2013*, 15<sup>th</sup> sess, UN Doc CRPD/C/15/D/11/2013 (25 April 2016) para 2.7 ([Beasley v Australia](#)); Committee on the Rights of Persons with Disabilities, *Views: Communication 13/2013*, 15<sup>th</sup> sess, UN Doc CRPD/C/15/D/13/2013 (25 April 2016) para 2.11 ([Lockrey v Australia](#)).

<sup>iii</sup> Committee on the Rights of Persons with Disabilities, *Views: Communication 7/2012*, 16<sup>th</sup> sess, UN Doc CRPD/C/16/D/7/2012 (2 September 2016) ([Noble v Australia](#)).