

Australian Council of Human Rights Authorities

Communiqué 28 April 2017

The Australian Council of Human Rights Authorities (ACHRA), which comprises the State, Territory and Federal human rights and discrimination authorities, recently met in Sydney on 27-28 April 2017 to consider a number of issues of common concern and interest.

Changes of Commissioners

ACHRA acknowledges the positive contribution of Gillian Triggs, who finishes her term as President in July 2017. We pay tribute to her inspiring leadership, courage, resilience, wisdom and compassion. ACHRA also welcomes two new Commissioners – John Byrne (WA Commissioner for Equal Opportunity) and Sarah Bolt (Tasmanian Anti-Discrimination Commissioner).

Gender equality

ACHRA reaffirms our support for the important work being done around Australia to promote gender equality in institutions, beginning with the Australian Human Rights Commission's seminal work in the Defence Forces. 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.

Disability equality

ACHRA heard from Louise Glanville, Deputy CEO, of the National Disability Insurance Agency (NDIA) about the rollout of the NDIS, and the National Quality and Safeguarding Framework that engenders the 'dignity of risk' principle.

ACHRA welcomed the work of the Senate Inquiry into Indefinite Detention of People with Cognitive and Psychiatric Impairment. We also heard from Dr Anna Arstein-Kerslake from the University of Melbourne about action-oriented research into fitness to plead in criminal cases involving people with cognitive and psychiatric impairments in NT, NSW and Victoria. ACHRA 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.

Optional Protocol on Convention Against Torture

ACHRA welcomes the Australian Government's announcement to ratify the Optional Protocol Against Torture (OPCAT) by the end of 2017. OPCAT provides for independent monitoring of all places of detention, and it has the potential to play a vital role in improving conditions of detention throughout Australia. With the Australian Human Rights Commission consulting stakeholders on how OPCAT should

be implemented, ACHRA calls on all Australian Governments to respond positively to this consultation process and adopt best practice in how people are detained.

Multiculturalism

ACHRA heard from Aleem Ali, Manager of *Welcoming Cities* (funded by the Scanlon Foundation) about their important social cohesion work developing an Australian Standard with local councils and others.

ACHRA is concerned that the introduction of International English Language Testing System Level 6 proficiency in new citizenship rules has the potential to unfairly exclude many people, and this new requirement does not take into account the generational nature of integration into Australian society. Level 6 is so high that many universities use it for undergraduate admission, and many new migrants are unlikely to meet this level of proficiency in their first decade of settlement.

Business and human rights

ACHRA welcomed the recent productive work from the partnership between the Australian Human Rights Commission and Deloitte on the *Business Case for Customer Diversity*, and with Ernst & Young on *Human Rights and Investment: the Value of Considering Human Rights in Environmental Social Governance (ESG) Due Diligence*.

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, and welcomed its recent campaign focussing on parent's respectful behaviour on sidelines at their children's sporting activities, *Let Kids be Kids*: <http://www.playbytherules.net.au/>

Older Australians

ACHRA is concerned about ageism and age discrimination being the drivers of elder abuse. We heard from Matt Corrigan of the Australian Law Reform Commission about its inquiry into *Elder Abuse*. The Report is due in May 2017 and will consider law reform proposals in areas such as: financial advice, will making, powers of attorney and enduring power of attorney.

Indigenous Incarceration

ACHRA is very interested in the new ALRC Inquiry into the *Rates of Indigenous Incarceration*, and calls on all Australian Governments to take measures to reverse the increasingly disproportionate number of Aboriginal and Torres Strait Islander people placed in detention, and to adopt evidence-based preventative programs such as Justice Reinvestment.

Child Safe Organisations

ACHRA supports the development of draft National Statement of Principles on Child Safe Organisations, as part of the National Framework for Protecting Australia's Children. It welcomes the Royal Commission's Paper on *Oversight and Regulatory Mechanisms Aimed at Protecting Children from Child Abuse*, and looks forward to the Royal Commission's Final Report due at the end of 2017.

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