

<p>HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION CONSULTATION WITH NATIONAL PEAK NON-GOVERNMENT ORGANIZATIONS 17 AND 18 NOVEMBER 1988</p>
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**HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION
CONSULTATION WITH NATIONAL PEAK NON-GOVERNMENT ORGANIZATIONS
17 AND 18 NOVEMBER 1988**

DAY ONE

SESSION 1 - WELCOME

Chris Sidoti - Secretary, Human Rights and Equal Opportunity Commission

In welcoming participants to the Commission's first annual consultation with NGOs, Chris Sidoti said that the Commission saw three main objectives for the meeting:

- (a) to maximize exchange of opinions
- (b) to promote an increased awareness of the breadth of the field of action covered by human rights
- (c) to discuss possibilities for co-operative action.

Participants from NGOs and from the Commission introduced themselves (attendance list attachment 1).

Chris Sidoti stated that the meeting represented the culmination for the Commission of a 12 month process of developing a strategy for working with the community through non-government organizations. The meeting was the major opportunity for exchange of views envisaged by that strategy, although the Commission also consulted with NGOs on an ongoing basis. The major aim was for the Commission to hear the priorities of the NGOs represented. He emphasized that the meeting was not a formal program setting exercise; nonetheless it formed part of the Commission's planning process.

The first part of the program would present an overview of the human rights field. This, necessarily, would not be highly detailed, but it was important for all participants to have an opportunity to see a composite picture of the Commission's areas of responsibility and concern.

SESSION 2 - OVERVIEW OF MAJOR ISSUES COVERED BY THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION ACT

Chris Sidoti, chairing the session, firstly apologized on behalf of the Human Rights Commissioner, Brian Burdekin, who was not present due to illness.

He noted that the Commission was presently responsible for three pieces of Federal legislation: the Racial Discrimination Act and Sex Discrimination Act (which would be dealt with later in the program), and the Human Rights and Equal Opportunity Commission (HREOC) Act.

The HREOC Act dealt with five broad areas corresponding to five international instruments:

- civil and political rights (such as the right to life, rights in the criminal justice process, and the right to privacy) under the International Covenant on Civil and Political Rights
- the rights of children, under the Declaration of the Rights of the Child
- rights relating to disability, under the Declaration on the Rights of Disabled Persons
- rights relating to intellectual disability, under the Declaration on the Rights of Mentally Retarded Persons
- discrimination in employment, under International Labour Organization Convention no. 111.

The work of the Commission in some of these areas was outlined, followed by two perspectives on current issues from non-government organizations.

I. Children:

Two major areas of activity by the Commission in the area of children's rights were mentioned:

- (a) The Commission conducted a National Inquiry on homeless children over the past 12 months. Hearings for that Inquiry were now completed. The Inquiry will deliver a report to the Commonwealth Government and make it public early next year. The Inquiry was looking closely at recommendations to provide direction for government policy rather than being content with a purely descriptive Report.
- (b) The Commission has done a substantial amount of work on Australia's contribution to the Convention on the Rights of the Child currently being drafted. The drafting of the Convention commenced in the International Year of the Child and has been a protracted and complex process. The Human Rights Commissioner has been actively involved in the sessions of the international Working Group responsible for drafting, through participation in the Australian delegations and in contributing to formulation of the Australian Government position on issues. The Commission has also been, and will continue, working with NGOs to promote the ratification, acceptance and implementation of the Convention in Australia when it is completed.

II. Disability:

- (a) The Commission has been conducting a joint project with AAMR, the national association on intellectual disability, identifying areas of denial of rights of people with disabilities. The report of the project is expected to be issued shortly. The Report will provide a basis for formation of views on the need for measures to protect these rights, including legislation. At present the Commission lacks the same powers in disability discrimination as it has

in race and sex discrimination. Legislation analogous to the Sex Discrimination Act and the Racial Discrimination Act may not be constitutionally possible for the Commonwealth but certainly stronger measures than presently provided are envisaged.

- (b) The Commission conducted a research project on the accommodation needs of people with severe physical disabilities in Queensland. It is hoped that that study will lead to improvements in the situation in Queensland but will also have broader application. The report of the project and a workshop conducted on the issue are now available.

III. Civil and Political Rights:

The Commission's activities in this area are limited by difficulties with powers and jurisdiction. Some areas of current activity, however, are:

- (a) Prisons: The Commission made submissions to the Kennedy inquiry in Queensland, which arose partly from representations made by the Commission on the proposed reopening of the "Black Hole" at Boggo Road Gaol.
- (b) Age discrimination: The Commission had discussions with organizations of the aged and with youth advocacy groups, to develop options and strategies for dealing with age discrimination. The Commission will be participating in a seminar organized by ACOTA with the aim of promoting measures to deal with age discrimination, including legislation if necessary. It hoped to sponsor a joint seminar (with ACOTA and YACA) on the subject in 1989.

IV. Complaint handling:

The Commission has limited powers in complaint handling in the areas covered by the HREOC Act, having only the power to make recommendations to government rather than to make determinations. Complaint handling will be addressed in more detail in later sessions.

NGO PERSPECTIVES

I. Disability : Felicity Purdy (Senior Vice President, ACROD)

ACROD is the national peak body on disability issues, primarily representing service providers, but also taking a major role in other areas of disability rights.

There are many concerns in the area but also some positive developments, many of which have grown out of the International Year of Disabled Persons.

The new Disability Services Act shifts the focus from accountability for provision of services, to accountability for outcomes for service users. Hence there is an increased focus on human rights issues such as privacy and advocacy services.

The Social Security Review has recommended that disability benefits be available on a non means tested basis. This is an advance since it amounts to recognition in principle (even if inadequately) of the costs of disability, and the fact that the exercise of rights for people with disabilities has financial preconditions.

It was Dame Roma Mitchell who drew Australian attention to the work of the New York City Commission, identifying three levels of discrimination based on disability:

- (a) overt - refusal of access to services, employment, etc;
- (b) network of barriers - where a discriminatory effect is produced without any discriminatory intention;
- (c) indifference - a lack of awareness and attention to the needs of people with disabilities.

Anti-discrimination legislation only impacts directly on the first of these levels and therefore has limited impact in expanding opportunities. Education of the community must be a high priority for this reason.

Three categories of rights are of particular relevance to disability issues:

- (a) Community participation.
 - (i) Access to employment:

Mechanisms to deal with employment discrimination are now in place in most jurisdictions, but the attitudes of employers and employees need to change. This is particularly the case regarding people with epilepsy or manifest physical disabilities. Problems are anticipated to increase as more people move into more open employment in response to the Disability Services Act.

Problems have already been encountered for people with disabilities wishing to join trade unions.

The taxation system gives inadequate recognition of the costs for people with disabilities in employment. Only purely medical equipment is subject to tax relief. No allowance is made for home support needed to make participation in the work force possible; no allowance is made for transport other than private car.

There are also problems relating to insurance.

- (ii) Access to the environment:

In this area equal opportunity is limited by economic reality. Access to public buildings is now achieved in principle. Access to all private buildings has been regarded as too expensive. Access to all public transport similarly has come to be regarded

as prohibitively expensive (although developments in the US will be watched with interest). Thus the priority is for alternatives to be provided. The scheme for subsidized and special taxi services faces some problems in access but is an improvement.

(b) Personal and citizens' rights.

(i) Immigration:

Discrimination against people on the basis of deafness, epilepsy and other disabilities is a major problem. ACROD in its submissions to the CAAIP review sought to have a clear distinction between disability and health issues.

(ii) Voting:

There have been gains in this area, concerning physical access to polling booths and recognition of the right to have assistance in actually casting a vote. However the blind are still excused from voting.

(iii) Guardianship:

Most States now have guardianship legislation. Issues of procedures for making decisions related to health care of people with intellectual disabilities, especially who should make the decisions, remain difficult, as indicated by reaction to the Family Court judgment this week (In re a Teenager).

(c) Right to life:

This raises complex issues. The application of technology can have different results based on different values. The objective of applying technology to promote integration and participation of people with disabilities is no longer controversial. But technology applied at the start of life can also cause disability issues - by permitting people to be born who would not otherwise have survived, or as a side effect of fertility drugs, etc, or as a consequence of measures to keep people alive; or by identifying disabilities before birth and hence being used to prevent disability by means of preventing the person being born. There is need for the views of people with disabilities themselves to be canvassed on these issues.

General Discussion

Joan Bielski (Women's Electoral Lobby): Carers for people with disabilities are principally women and also face discrimination.

Felicity Purdy: ACROD recognizes this as a real problem. The Disability Services Act addresses the issue to some extent. However, the real focus has to be on information and attitudes. There is a definite need for carers and prospective carers to have better access to information and more involvement in decision-making processes, though how to achieve this is not clear.

Eva Byrne (FECCA): what progress is occurring on access to information, particularly as part of access to premises, services, etc?

Felicity Purdy: ACROD is very active on issues relating to access to information. There is some degree of recognition of services for print handicapped people in the Disability Services Act. There is a need for computer based technological aids to be made more affordable.

Tim Shao (Australian Council of Churches): The issue of disability in refugee cases is a serious human rights question. Australia is only accepting the "cream" of applicants.

II. Children

Pam Cahir, National Director, Australian Early Childhood Association, and Vice-President, Australian Council of State School Organizations.

Pam Cahir started by observing that the groups represented at the meeting would be much more powerful if they all acted together.

She referred to the reference in the draft Convention on the Rights of the Child to the "best interests of the child". The real question is who decides what those interests are.

Two areas were singled out which illustrated problems and possibilities in children's rights: childcare and education.

(a) Childcare

Most discussion of childcare revolves around economic issues: as a subject for government policy, welfare policy or women's policy. Very little emphasis is put on quality of child care for the child. There is a need for qualified staff and good staff/child ratios. Group care is a qualitatively different thing from caring for a single child.

In the US it has been claimed that for every \$1 spent on quality child care, \$40,000 is saved in ultimate social costs: in welfare payments, costs of crime and so on.

The Draft Convention refers to the right to child care. There is a need to focus on what sort of child care. Even simple things like building standards need examination. In several States the standard is inappropriate: eg one sink is specified. This is totally inappropriate for child care: eg it is not acceptable that the same sink should be used for dirty nappies as for food preparation and other washing. There will be a need to work for the adoption of minimum standards of child care linked to the adoption of the Convention.

A major problem in the area of child care has been a lack of attention to the perspective of the rights of the child. The women's perspective is valid and relevant but needs to be supplemented.

(b) Education

This presents a similar set of problems. Pam Cahir quoted her daughter's observation that in any debate on children's education there is a "prior question": who are the schools for? The outcome of education should be that all children have the skills and other resources to shape their own lives. This presents a question of access. Access for all children to education involves (i) physical access; (ii) access to learning. The question then is what sorts of environment make learning accessible to all children. Denial of a child's language or culture (including gender, disability, other personal characteristics as "culture") has been demonstrated over and over again to destroy the child's chances for learning.

The present focus of policy seems to be on secondary and post secondary education. It is primary and pre-primary education, however, that has been shown to determine outcomes. Resources for integration of children of non-English speaking background and children with disabilities are particularly major questions.

General Discussion

Michael Hogan (ACOSS): The Convention on the Rights of the Child has the potential of pressing for action by the Commonwealth Government, and as a means of developing values and outcomes in the area generally. There is a need to develop strategies and aims, particularly on the role of NGOs in securing implementation of the Convention.

Stella Cornelius (UNAA): How satisfactory is the performance of the media on these issues?

Pam Cahir: In general (and with exceptions among the women's media) it is difficult to get the media to take the quality of childcare seriously as an argument. She noted that there is an Australian NGO working group on the implications of the Convention on the Rights of the Child, but that its coverage could be expanded. There is a need to build understanding of the Convention.

Chris Sidoti: The Convention covers not only children in the strict sense, but anyone under the age of majority in their country, which in Australia means 18. He therefore invited comments on youth issues.

Meg Westhorpe (YACA): Older children need to gain rights to make decisions. The area of "transitional rights" was a difficult one which needed to be addressed. In the context of increased retention rates at school for example there were demands for increased participation for children in decision-making. Changes to the social security system, however, seemed to be moving the effective age of independence back up towards 21.

Eva Byrne: There is an anomalous position of children between 15 and 18 who were above the minimum school leaving age but lacked adequate income support, training or skills. She asked whether the Commission had addressed this group, particularly in the Homeless Children Inquiry.

Chris Sidoti: The area was a "minefield", particularly in attempting to produce acceptable legal definitions. However, the report on Homeless Children would attempt to deal with the problems of this group. The Convention, rather than setting an arbitrary age at which rights suddenly spring up, takes the developmental approach that the child always has rights but that the capacity for their independent exercise develops over time.

Heather Southcott (UNAA): There are problems as to who should receive payments such as Austudy - the parent or the child.

Pam Cahir: ACSSO had after much discussion adopted a policy that payments should be made directly to the child; however the issue remained a difficult one.

Meg Westhorpe: In many cases the "trickle down" to the child of payments made to the family does not occur, because the money is needed for the whole family due to inadequate income; that is, in many cases these benefits are helping to support families rather than to support the particular child in respect of whom the benefit is payable.

Joan Bielski (WEL): The rhetoric of the family was often misused to deny the rights of its members.

Eva Byrne (FECCA): Nonetheless the nurturing role of the family needed to be recognized.

Heather Southcott (UNAA): predicted that the "Year of the Family" projected for 1994 could have divisive effects.

Other human rights issues

Tim Shao (Australian Council of Churches) referred to the issue of undocumented migrants and asylum seekers.

Chris Sidoti in closing indicated that the Commission was to be given responsibility for administering the Privacy legislation currently before the Parliament, and foreshadowed further consultations on that issue.

SESSION 3 - OVERVIEW OF MAJOR ISSUES UNDER THE SEX DISCRIMINATION ACT

Quentin Bryce, the Federal Sex Discrimination Commissioner, chairing the session, gave an overview of the issues which have been of concern under the Sex Discrimination Act (SDA) in the nine months since she took up her position.

She reminded participants that the SDA was now four years old.

Of complaints received:

- 85% are concerned with employment
- 15% are made by men
- majority are from women under 35 years of age
- ordinary Australian women make complaints, not the "high flyers" as predicted by early critics of the Act
- very few complaints came from rural or immigrant women
- increase in pregnancy complaints

Conciliation is the great strength and least known aspect of the legislation; it is the very foundation of the Act. It has had great success as an alternative to the adversarial approach in the settlement of disputes although there have been problems with lawyers, the media and victimization.

In 1988 priorities have included addressing the special needs of rural and immigrant women.

Rural Women: A pilot research/public education project is being conducted, designed to increase access to the SDA. The project has so far targeted women in rural Queensland: Roma, Mt Isa, Longreach, Bundaberg, Innisfail and Atherton. Women received information about their rights under the SDA especially in the area of employment. The program utilized public meetings, and interviews with the press, radio and television.

Pregnancy Guidelines: A draft document to assist employers to comply with the provisions of the SDA has been sent to employer and other relevant organizations for comment.

Sexist Advertising: In October Commissioner Bryce presented a speech at a seminar, organized by the Office of the Status of Women on sexist advertising in which a number of legislative options available under the SDA had been outlined.

Exemptions: Several exemptions under the SDA remained. Superannuation and insurance are among the most significant; these had been highlighted in the National Agenda for Women. The Commission has been disappointed in the Government's approach to the issue especially in regard to part-time workers, the bulk of whom are women. As part of the consultative process the Commission is reviewing the insurance exemption with the assistance of a consultant, Catherine Prime. The Life Insurance Federation of Australia is holding a seminar on 30 November 1988 on the issue and the Commission is looking forward to further discussion and debate on this complex issue.

Other exemptions are in the area of protective legislation; in particular lead processing and manual handling. There are new applications from the lead industry for an exemption under the SDA on occupational health and safety grounds.

Future Projects: One project will be concerned with educating young girls about strategies for dealing with sexual harassment. This program will operate on a national basis and will be developed in conjunction with the YWCA.

Parental leave: With the ratification of ILO convention 156, the ACTU plans to proceed with a test case on parental leave.

Girls and Sport: In consultation with the Australian Sports Council the Commission is looking forward to bringing about some positive changes in this area. The Minister for Sport has, in response to questions in the Senate, referred to some of the difficulties faced in the past and will ask the Commission to come up with a new approach.

NGO PERSPECTIVES

Margaret Timpson, National President of the Australian Federation of Business and Professional Women.

Margaret Timpson endorsed Commissioner Bryce's comments on priorities and on the need for government and non-government bodies to work together in a symbiotic relationship.

A number of areas of concern were raised.

Immigration: The Fitzgerald Inquiry had shown that the criteria for selection for immigration to Australia had favoured not only those who were rich, young and healthy but also male. In occupations prioritized for skilled immigrants, traditional male areas were favoured. This means that when women do come to Australia they tend to come as appendages and not in their own right.

Legislation: There is a need for legislation to protect women from discrimination in ALL states although Commonwealth legislation has covered some areas.

Equal Pay: The Australian Federation of Business and Professional Women represents the interests of working women but increasingly working women have other, additional roles. BPW believes that the changes which will benefit Australian women will benefit all Australia. Pay equity is a priority issue. Women still do not have equal pay. It is a very complex area. We operate in a climate where bargaining and trade offs of productivity are made to gain higher wages; traditionally women have very little to bargain with. How do you assess the work value of child care? Legislation is in place. NGOs are monitoring the existing situation. The preliminary report on affirmative action referred to in the Financial Review of 18 October gave examples of discrimination within companies. We await the full report.

Other issues were raised by Ms Timpson:

- Within the public service in Canberra and NSW there is a lot of restructuring occurring. Within this process a lot of the women who got to the top have been on the unattached list as their jobs have gone.
- Reference to recent sexual harassment case, pregnancy leave, single mothers and the discrimination they experience.

- The recent reference to sex role stereotyping in text books - why are they still in use?
- Sexist language - a number of women feel very strongly about being held by the tyranny of language.
- Women in the home - issues of job and task sharing, men as carers of children, issue of caring for ageing parents - important that it is not seen automatically as duty of the daughter.
- Ageing women - number of women in poverty because they are without superannuation.
- Issue of age discrimination.
- Aboriginal, NESB and disabled sisters can also list a number of issues of concern, which should come out in discussion.

Margaret Timpson concluded by saying that it is encouraging that women are talking to each other about strategies and techniques and are working for change.

General Discussion

Quentin Bryce: The issue of superannuation should be at the top of the National Agenda. It is indirect discrimination because over eighty percent of part-time workers and workers not covered by awards are women. There is recognition of the need of Australian women to have access to superannuation. Women are living longer.

Joan Bielski (WEL): In the building industry workers have a central fund providing portability of superannuation - could women use this model? The issue of superannuation also needs to cover the discontinuity of women's careers, to provide coverage while they are not working. How does HREOC become institutionalized in the Australian political scene. Land rights, women's services in NSW have all been eroded. What the legislators give they can take away. Affirmative action is being scaled down, killed off by attrition. How do you maintain legislation in bad times.

Quentin Bryce: I am encouraged by how quickly it has become almost mainstream; how it has become part of the legal system. There is no longer the same sort of focus on the incredible effect it will have on Australian society.

Pam Cahir (AECA/ACSSO): The Commission has to build up a public constituency for itself through a public information role.

Tim Shao (ACC): Cultural differences, particularly where there is a lesser understanding of sex discrimination in particular cultures, need to be taken into account in the design of information programs.

Eva Byrne (FECCA): Has the Commission presented information in other languages?

Quentin Bryce: That is what the Immigrant Women's project is about. It is an expensive activity, and the pilot project will be carefully evaluated before expansion.

Chris Budden (Uniting Church): The churches would be keen to be involved in consultation about sexual harassment information programs.

Bill Jegerow (FECCA): I am in favour of information on equal opportunity for women of NESB but many men of NESB have similar problems. Shouldn't programs be extended to cover men of ethnic minorities also?

Quentin Bryce: That is a topic for the next session.

SESSION 4 - OVERVIEW OF MAJOR ISSUES UNDER THE RACE DISCRIMINATION ACT

Irene Moss, Federal Race Discrimination Commissioner, chaired this session and spoke from a prepared paper on activities and priorities under the Race Discrimination Act (paper is attachment 2).

Bill Jegerow, National Honorary President of the Federation of Ethnic Communities' Councils of Australia, spoke to a paper on FECCA's priorities for legal and human rights (paper is attachment 3).

In the subsequent general discussion, the following points were raised:

- There is a clear need for legislation, accompanied by community education to outlaw incitement to racial hatred, and the Commission should develop a policy on this.
- The Commission could play a major role in coordinating the array of activities and initiatives to overcome racism.
- The work with the media to examine sexist advertising could be adapted to examine racist stereotyping and to promote the reporting of positive stories.
- The Community Relations Council under the Race Discrimination Act could help overcome the current racist public debate, but it was time to consider a national coalition against racism.
- Even without establishing a new national coalition, co-operation between the wide range of organizations represented in this room today could make a major contribution to overcoming racism.
- Accurate polling could be a useful tool to analyze community attitudes to race questions, as a means to refine strategies to counter racism, but many felt that polling was not necessary as the extent of the problem was already known.

More detailed discussion of these issues was held over to the workshop on strategies for combatting racism.

The meeting broke for lunch.

SESSION 5 - INTERNATIONAL DIMENSIONS

Chris Sidoti, chairing this session, explained that, while the work of the Commission was predominantly directed to the domestic situation in Australia, there were international dimensions to this work, as there were for many of the organizations represented here.

Russell Rollason, Executive Director of the Australian Council for Overseas Aid, led discussion on this topic. There are approximately eighty NGOs with a major involvement in overseas aid in Australia, and their work was carried out in consultation with the Government's overseas aid program, primarily through the mechanism of the Committee for Development Co-operation.

Both in Australia and around the world, overseas aid agencies recognize that their work for development can not be achieved just through the raising and transferring of funds. Development assistance has to involve education about the causes of under-development and the interrelationship of the basic human rights and needs of all people. Racism is seen as a major obstacle to development, and Australian agencies are increasingly aware of the problems caused by the current racist debates. International human rights law is also of concern to the agencies, and the failure of Australia to meet its obligations to Aboriginal Australians has long been an issue worked on by overseas aid agencies. The reservation placed by the Australian Government on the provision of the Convention on the Elimination of all forms of Racial Discrimination dealing with incitement to racial hatred was also of concern, particularly recently. Many aid agencies have experience in raising overseas human rights abuses with the Australian Government and there are many examples of positive action taken as a result of letters and lobbying to the Government. There is a set procedure that Australia's overseas missions observe when complaints about human rights abuses are received, and information about this should be more widely known.

The Commission could play a useful role in spreading this information, and there are a number of other areas where co-operation between the Commission and agencies could be productive. One is by informing agencies of the responsibilities of Australia under human rights instruments that have been ratified and particularly on what requirements there are for Australia to prepare formal reports to the United Nations on the compliance with these instruments. Another is through work on the draft Declaration on the Right to Development, particularly the need to ensure that the connections between human rights and development are reflected in that document. A third area is to assist the agencies in their consideration of the Canadian and Scandinavian policy initiatives on linking of human rights concerns with development assistance programmes. It was noted that the Department of Foreign Affairs and Trade had a small fund (currently \$40,000) to assist human rights programmes.

Harris van Beek, National Director of Amnesty International Australia, added to these comments. He said that the implications of Australia becoming a party to an international human rights instrument were rarely fully explored because of the small size of

the constituency concerned with these issues. Few people were aware of the recourse in relation to domestic human rights abuses provided through many instruments ratified by Australia. For example, the Torture Convention will soon be ratified, and it had many implications for Australia. The awareness of these instruments was starting to spread to the judiciary, but more could be done in this area. There were many lost opportunities for public debate through organizations not being aware of the reporting requirements Australia has under international agreements, and the fact that few organizations ever saw the Government's reports, even though they are public documents. The Commission should at least inform NGOs of the availability of these reports. Protection of human rights workers from harassment was also an issue of concern.

General Discussion

Heather Southcott (UNAA): There is a need to start by making many organizations, particularly social justice or social welfare organizations, aware that they are involved with human rights, as defined by the various international instruments. Information on the UN mechanisms for raising human rights concerns would be useful.

Peter Grogan (ICJ): Outlined the activities of ICJ. The Commission, despite its domestic jurisdiction, could play a useful role as a conduit for information on both Australia's international position on human rights questions and what is achieved.

Chris Budden (Uniting Church): The International Covenant on Economic, Social and Cultural Rights has always been seen as too hard to enact in Australia, but its contribution to the protection of rights should be examined by the Commission.

Eric Sidoti (Amnesty): The indivisibility of economic, social and cultural rights and civil and political rights is often propounded. The Commission could assist by circulating material on the nature of this indivisibility.

Russell Rollason (ACFOA): This issue came together for aid agencies when considering the impact of the programs of the IMF/World Bank and of the debt crisis.

Patricia Hyndman (Lawasia): Outlined the seminar programme of Lawasia and of the Human Rights Centre of the University of New South Wales. These issues could be usefully explored in a seminar.

Heather Southcott (UNAA): The Commission should assist NGOs in other states receive papers from such seminars.

Christine Burke (CBCJDP): The interconnection between trade, aid and human rights needs to be emphasized in educational work by the Commission and other agencies.

Chris Sidoti said that much of the progress on sex, race and other forms of discrimination had only come about across Australia

through the exercise of the foreign affairs power by the Federal Government to implement international human rights agreements. The Commission consequently paid close attention to the development of new instruments, and encouraged NGOs to take a greater interest in international instruments, particularly through examination of Government reports on Australia's compliance with its obligations. The Commission had been called on to comment on the content of these reports, and had recently been invited to attend the presentation of the latest reports to the UN Committees responsible. The Commission, under its legislation, was responsible for advising the Federal Government on its compliance with international human rights instruments, and for advice on other instruments to which Australia should become a party. The Commission's jurisdiction was limited in many areas to the acts and practices of the Commonwealth.

SESSION 6 - WORKSHOPS - EDUCATION AND PROMOTION - COMPLAINT HANDLING

Des Walsh, Director of Education and Promotion for the Commission, outlined the current work to develop awareness and understanding of human rights in Australia. The target audience for this work is all Australians, but programs were developed for specific audiences whose information needs varied, *eg* the judiciary, employers, immigrant women. The various elements of public education needed to be co-ordinated and consisted of media work, NGO liaison, handling of individual complaints, public inquiries, publication of research and speeches at various public events. A lot of time had been spent developing some of the basic tools for public programs such as a contact database, a newsletter and information brochures. But other more focussed projects were being conducted or planned, such as:

- an exhibition on human rights in Australia
- a Human Rights Congress in September 1989
- projects in schools in NSW and Tasmania
- a pilot information project for immigrant women
- guidelines for employers on the rights of pregnant women workers
- pilot projects with large companies on race relations in the workplace
- activities to observe Human Rights Week and the 40th anniversary of the Universal Declaration of Human Rights.

Margaret Doyle, a Conciliator with the Commission, outlined the processes involved in handling individual complaints and some of the strengths and weaknesses of the conciliation process (attachment 4).

The meeting broke into three workshops, two on education and one on complaint handling.

The following points were reported back to the meeting after the workshops:

- greater opportunities for exchange of ideas on education were needed and more resources for conducting programs

- a basic speakers' kit and a video should be produced
- greater use should be made of community radio
- awards for community service in human rights should be given in addition to the existing medal and media awards
- there should be a skills workshop, or series of state based skills workshops, to assist public speakers and community educators
- police and military need to receive information
- a mailing list for NGOs, including state and regional branches, needs to be established and circulated as a first step towards an expanded contact network
- the networking amongst NGOs needs to be expanded; NGOs need to ensure that information from meetings such as this gets to state branches and further to the membership; this information should be used to encourage work on these issues, and organizations should develop plans on how they will respond to major human rights issues, firstly within the organization, then by building links with other organizations and consequently showing a strong face to the community and the media
- much clearer information on what to expect when laying a complaint with the Commission should be provided and NGOs should assist with the widest possible distribution of this material
- complaints should not have to be in written form initially, and a 008 number should be used by the Commission to provide greater access for enquiries.

In summing-up the day, participants commented on the value of the opportunity to get an overview of the range of issues in the human rights community.

Chris Sidoti adjourned the meeting until the following day.

DAY TWO

SESSION 7 - WORKSHOPS

The morning of the second day was spent in a series of workshops. Reports on these are attached:

Children's Issues Disability	Attachment 5
Issues Priorities in Sex	Attachment 6
Discrimination Convention on the	Attachment 7
Rights of the Child Targeting	Attachment 8
Information on Sex Discrimination	Attachment 9
Strategies for Combating Racism	Attachment 10

SESSION 8 - CONTINUING CONSULTATION BETWEEN THE COMMISSION AND NON-GOVERNMENT ORGANIZATIONS

Chris Sidoti, chairing this session, sought ideas to improve the Commission's consultation and co-operation with NGOs. In general discussion, the following points were made:

- There needs to be feedback from the Commission to NGOs on the proposals raised in this meeting.
- The points of access to the Commission should be clarified - how can matters be raised at other times than this meeting? A "Human Rights Ideas Bank" or list of ideas, possibly in the newsletter, should be established to let others know of ideas such as the police racial violence hotline.
- The Commission needs to continue to go out to organizations rather than just bring them in for meetings.
- State level equivalents of these consultations should be organized when Commissioners or staff travel so that local level people can get into contact. Heather Southcott would be pleased to assist such a meeting in South Australia. An A4 sheet for inclusion in NGO newsletters should be produced by the Commission containing information on activities.
- An annual summary of the Commission's program for the forthcoming year would be valuable.
- Strong support was expressed for the two-level meeting strategy (two day national meeting for all organizations, mid-year more focussed meetings).
- The Commission should investigate establishing formal "consultative status", as with the UN, for organizations which share a commitment to the International Bill of Rights and to the work of the Commission.
- There is a need for adequate timelines to allow consultation with NGOs on specific issues.
- The Commission's regional offices should be involved during the year with local NGOs.

The Commission should send out a list of international agreements that Australia is a party to, with information on what human rights are involved in them, their status, and parallel programs the Commission has on these instruments.

SESSION 9 - CONCLUSION

Brian Burdekin, the Federal Human Rights Commissioner, was able to attend the closing session. He thanked participants for their contribution over the last two days. Comments were sought on the meeting and there was a strong feeling that the meeting had been particularly valuable and informative.

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION CONSULTATION WITH NATIONAL PEAK NON-GOVERNMENT ORGANIZATIONS 17 AND 18 NOVEMBER 1988

Attachment 1 - Attendance List

NAME	ORGANISATION
Sue Harris	NATIONAL ASSOCIATION FOR THE PREVENTION OF CHILD ABUSE AND NEGLECT (NAPCAN)
Audrey MacDonald	UNION OF AUSTRALIAN WOMEN (UAW)
Meg Westhorp	YOUTH AFFAIRS COUNCIL OF AUSTRALIA (YACA)
Tim Shao	AUSTRALIAN COUNCIL OF CHURCHES (ACC)
Christine Burke	CATHOLIC BISHOPS' COMMITTEE FOR JUSTICE, DEVELOPMENT AND PEACE
Chris Budden	UNITING CHURCH OF AUSTRALIA (UCA) AND ACC
Helen Leonard	NATIONAL WOMEN'S CONSULTATIVE COUNCIL (NWCC)
Pam Cahir	AUSTRALIAN EARLY CHILDHOOD ASSOCIATION (AECA) AND AUSTRALIAN COUNCIL OF STATE SCHOOL ORGANIZATIONS (ACSSO)
Mary Pulsford	YWCA
Sandy Cornish	AUSTRALIAN CATHOLIC BISHOPS CONFERENCE
Michael Costigan	CATHOLIC BISHOPS COMMITTEE FOR JUSTICE, DEVELOPMENT AND PEACE
Joan Bielski	WOMEN'S ELECTORAL LOBBY (WEL)
Michael Hogan	AUSTRALIAN COUNCIL OF SOCIAL SERVICE (ACOSS)
Felicity Purdy	ACROD
Eva Byrne	FEDERATION OF ETHNIC COMMUNITIES' COUNCILS OF AUSTRALIA (FECCA)

Stella Cornelius	UNAA CONFLICT RESOLUTION NETWORK
Glenn O'Neil	AUSTRALIAN RED CROSS SOCIETY
Dinesh Senan	INTERNATIONAL LAW ASSOCIATION
Stephen Hamilton	INTERNATIONAL LAW ASSOCIATION
Eric Sidoti	AMNESTY INTERNATIONAL AUSTRALIA
Margaret Timpson	AUSTRALIAN FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN
Bert Lane	INTERNATIONAL COMMISSION OF JURISTS (ICJ)
Zoula Nittim	WOMEN'S ELECTORAL LOBBY (WEL)
Mattina Mottee	ASSOCIATION OF NON-ENGLISH SPEAKING BACKGROUND WOMEN OF AUSTRALIA (ANESBWA)
Bill Jegorow	FECCA
David Gordon	YOUTH ACCOMODATION ASSOCIATION
Lila Kirilik	YOUTH ACCOMODATION ASSOCIATION
Gill Whan	ACOSS
Mark Lyons	ACOSS
Pat Walsh	AUSTRALIAN COUNCIL FOR OVERSEAS AID (ACFOA)
Heather Southcott	UNITED NATIONS ASSOCIATION OF AUSTRALIA (UNAA)
Russell Rollason	AUSTRALIAN COUNCIL FOR OVERSEAS AID (ACFOA)
Peter Grogan	ICJ
Tom Kelly	ICJ
Richard Walsham	AUSTRALIAN TEACHER'S FEDERATION
Patricia Hyndman	LAWASIA
Louise Sutcliffe	ACROD (NSW)

Harris van Beek	AMNESTY INTERNATIONAL AUSTRALIA
Sylvia Harding	UNION OF AUSTRALIAN WOMEN
Eva Cox	WEL
Nigel De Souza	SECRETARIAT OF THE NATIONAL ABORIGINAL AND ISLANDER CHILD CARE (SNAICC)
Juan Federer	AUSTRALIAN CATHOLIC SOCIAL JUSTICE COUNCIL
Robert Nestdale	UNICEF AUSTRALIA

Quentin Bryce	SEX biscRimINATION COMMISSIONER
Irene Moss	RACE DISCRIMINATION COMMISSIONER
Brian Burdekin	HUMAN RIGHTS COMMISSIONER
Chris Sidoti	SECRETARY, HREOC

Meredith Wilkie] HREOC STAFF
Merryl Lees	
Zita Antonios	
Megan Chalmers	
John Hall	
Barbara Pearson	
David Mason	
Margaret Doyle	
Pia Carle	
Howard Glenn	

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Attachment 2 - Overview of major issues under the Race
Discrimination Act - Race Discrimination Commissioner

I would like to begin by looking for a moment at one of the major political issues which has come to dominate much of the broader discussion on race relations in Australia across the course of this year.

I'm referring here of course to the immigration debate, or what is also known as the so-called immigration debate, or what has been called in the last couple of days, the immigration debate mark 2.

If the initial debate on immigration in this country took the form of an ending of bi-partisan policies, a notion of a 'Commitment to Australia', and rather controversial incidents involving prominent media identities such as Ron Casey and John Laws, then the second phase of this debate has taken a rather different tangent, one that now directly involves the Prime Minister of another country.

While I am not prepared to enter into the political shot-firing game over Mr Lee's statements, I would like to point out the fact that if the first phase of the immigration debate only hinted at the overseas perception of Australia's internal policies, this second phase now clearly focuses the international, and in particular, the South East Asian nations spotlight on our political decision making processes, on our decision makers, on the effects of those decisions, on our internal affairs, on our community relations, and most especially pertinent as far as I am concerned, on the extent to which racism is capable of being eliminated within our society.

This is a situation which acquires a more particular relevance if you look at some of the other major international attention given to Australia as our bicentenary year proceeds. I refer specifically here to the treatment of Aborigines in Australia.

In mid January, the United Nations chairperson of the Working Group on Indigenous Peoples, Professor Erica Daes, prepared a report which stated that Aborigines in Australia are oppressed and feel hopeless, that progress "being made is not sufficient and Australia has not yet achieved the level of UN standards in some areas", and that the failure to provide land rights contravenes the Universal Declaration of Human Rights.

Professor Daes wrote that "In one indigenous community after the other...people live in run-down houses, tin sheds and tents without clean or running water or sewerage facilities. When separate, these communities do not even appear on maps."

In March, the Anti-Slavery society launched a report in the British House of Commons. The report, focussing mainly on the

physical and mental abuse of aborigines, warned that Australia is suffering from "compassion fatigue", an unusual term whose meaning should be regarded as deeply disturbing for those involved in the promotion of community relations regardless of nationality, race or allegiance.

And in October, the Australian mission to the United Nations conceded that not enough had been done to ensure that Aborigines played a full role in our society. Australia's acting permanent representative to the UN said that "There remains much to be achieved before all Aborigines and islanders could enjoy conditions equal to those enjoyed by a majority of Australian society."

Of course, it is at this point that the Human Rights and Equal Opportunity Commission comes into the picture. As the statutory body responsible for ensuring the observance of international agreements on both human rights and the Convention for the Elimination of Racial Discrimination, the focussing of global attention on Australia inadvertently becomes a focus upon the Commissions activities as well.

1988 has been an intense year of activity in the area of race relations throughout Australia with numerous Commission projects being undertaken.

Perhaps the most important of these, given what I have just said about international perceptions, is the Toomelah inquiry and its subsequent report. By way of background, the Commissions attention was first drawn to Toomelah in early 1987 following rioting in the towns of Goondiwindi, Boggabilla and Toomelah, all located on the New South Wales-Queensland border. While the rest of 1987 was taken up in collecting evidence, the task of assembling that material into a workable form that would develop positive working solutions dominated the first half of 1988.

At Toomelah we found poverty, lack of services, water that ran for only 15 minute intervals twice a day, no adequate sewerage provisions, pitiful housing, no roads capable of use in wet weather and an unreasonable lack of access to educational facilities. In 1988, no Australians should be living like this, yet Toomelah is only one example of the reality for Aboriginal Australians in many outback towns in this country.

If the situation at Toomelah was made any the more extreme than other regional centres, it was because only a few kilometers away was a predominantly white township of 4000 people that had every service, every form of access, every requirement catered for. It was the open intensity of discrimination, of racism, that led to our investigation, and I believe our efforts have been well rewarded. Later next month, Justice Einfeld will report again on the Toomelah situation and I am confident that he will find a marked change since my own first visit over 20 months ago.

One of the major study areas of the Toomelah inquiry has directly sparked off another major Commission action research project, and that looks at the access of Aboriginal communities around Australia to clean water. This issue highlights the fact that

racism and race discrimination need not take the form of what is done to disadvantage or deny equality but rather, what is not done and what is not provided.

After the release of the Toomelah report we received numerous letters and complaints from Aboriginal communities pointing to the quality of their own water supplies, or lack of supplies. With the water research project, we will be seeking to identify the extent of this problem, possible solutions and possible options.

Toomelah has also served to reinforce one of the basic activities of the Commission - that of actually visiting the areas where we known racial problems exist - often in response to a complaint or a media report, and attempting to institute a conciliation process.

Just as one example of a more extreme case, in early March I visited Rockhampton where a campaign of psychological terrorism was being inflicted upon the local Aboriginal community. People in cars were watching Aboriginal homes, sometimes shining torch beams through windows at night, chasing aboriginal children home from school. Aboriginal parents were afraid to send their children out and were keeping themselves locked in their houses.

Of a more recent period, I have also commenced a program of visits to local communities representing diverse ranges of Australian society, not for the purpose of dealing with known problems, but to ascertain a wholly unknown element - the extent of racism in our community, the beliefs of the ordinary persons down in the streets, in their homes, in their workplaces.

You, like I, will have read much about the feelings of our community about immigration, about aborigines, you will have seen the opinion polls, the media commentators, the political duels being fought out in Canberra.

I believe there is another side to all that, something which misses the elderly Egyptian couple living in Marrickville, the Vietnamese street kids in Bankstown, the Turkish family in Brunswick, Melbourne, the English migrants in Perth and the so-called ordinary Australian in the public bar of a one hundred and ten year old pub somewhere in back-blocks of South Australia. What are they thinking, feeling. Just what is going on out there in heartland?

Incidentally, I visited the RSL club in Marrickville the other day and watched a man from Hong Kong playing a returned serviceman at pool, my host was a Vietnamese community leader who sat drinking with the clubs manager and laughed about how successful the staging of the local Vietnamese Moon Festival had been, especially given that the venue for that festival had in fact been the RSL club itself.

Across the next few months this visiting program will take me to every Australian State with the Melbourne phase being next week and Western Australia taking place in mid December. At the end of the exercise, I will be preparing a short monograph relating some of my impressions and some of the ideas we pick up as we travel

around. I believe it is important that we have some direct perception of how community inter-relations are working, or not working, such background information is of course essential in developing any future programs or strategies.

As another angle of activity, the Commission has carried out across the course of this year two pilot projects designed to enhance race relations in the workplace.

We started from the premise that better race relations would lead to a better working environment and we have implemented that idea in two quite separate enterprises, Bradford Insulation here in NSW and James Hardie Industries in Queensland.

The projects involved expert consultants who identified areas of difficulty, worked with alongside management to develop new internal company strategies and methods that built upon existing processes - and I think that is the only way in which you can carry out a project like this successfully - to the point where Bradford have now achieved the highest number of consecutive accident free days yet recorded by their firm and are now planning to introduce the programme into their factories Australia wide.

A similar degree of success is *emerging* with two schools projects being undertaken by the Commission. I think it is vitally important that we do get it into schools because schools are a major building block of our communities, the starting point in fact, for much of the broader social relations each of us will come to develop in our own lifetimes.

In NSW, working alongside State Education authorities, it was decided that rather than hitting teachers with a barrage of new materials and projects a better approach would be to incorporate a race relations unit into the teacher development process.

In Tasmania, by contrast, we worked with the State Education authorities to take the message straight into the classroom, but again, rather than doing the 'telling', we did the resourcing and the listening. Individual schools each took up a particular international covenant or treaty, and sat down in the classrooms and had the kids work out just what these agreements meant, both internationally, nationally, and locally. The projects allowed the students themselves to ascertain the relevance and implications of basic rights and basic race relations issues, and that of course, is where real learning begins.

In the area of community education the Commission has (largely through the efforts of Des Walsh and Danuta Kozaki) developed a pilot series of radio broadcasts in three different languages to advise immigrant women on aspects sex and race discrimination acts.

The Commission has also done a substantial amount of work in regards to the rights of an individual to an interpreter in legal and other administrative dealings. At present, such a right is contentious in the eyes of the law with few substantive guidelines or legislative frameworks available. The bottom line question to be dealt with being of course, the right of an individual to be

present at his or her own trial. Given the predominance of non-English speaking background persons at the high end of the crime scale - and that fact should be understood in its economic and social context - the need to clearly establish the right of access to interpreting services is crucial.

Of course, while such a broad range of major projects currently fall into my areas of activity, there are the ongoing processes of complaint handling, conciliation, submission work in response to both Government and International organisation proposals, general community liaison, and of course, planning and development of our agenda priorities for 1989.

In summing up, I'd like to leave you with a few remarks about the future directions that are being looked at by myself and the Commission as we try to ascertain the next steps.

While there are many facets to the overall problem, long term strategies to combat the problem of racism depend upon the extent to which the pieces themselves can be linked not only in the minds of the informed, but also in the minds of the uninformed and the deliberately misinformed.

To achieve this will take considerable imagination and creativity in devising appropriate means, especially given the difficulties which are created by the high costs of long term processes. To provide details of two above mentioned Human Rights and Equal Opportunity Commission projects, the schools component for NSW and Tasmania saw an expenditure of \$150,000 dollars while the Race Relations in the Workplace undertakings required a commitment of \$50,000 dollars. In both these projects the primary component of expenditure was teacher relief time and consultancy fees. Much of the actual material used in fact already existed and was simply re-directed to meet new requirements created by each situation. This tends to suggest that the means to achieve our desired results, the elimination of racism and the creation of effective community relations, lies with the ability to communicate the basic facts and insights. For this reason, long term expenditure commitments should be looked upon primarily as implementation capital.

I would argue too, that a prime goal of future action against racism will be greater degrees of co-ordination of activities between all bodies, groups, and agencies involved in the task. Commonality of purpose, a commitment to achieve change for the better, provision of effective resources by which existing strategies can be better implemented, and a central co-ordinating mechanism are the keys to long term results that will achieve our purpose.

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Attachment 3 - Overview of major issues under the
Race Discrimination Act - FECCA

FECCA PRIORITIES FOR LEGAL AND HUMAN RIGHTS FOR 1989

A DISCUSSION PAPER

PREAMBLE

The policy directions of HREOC in concern for vulnerable groups such as women, youth, children and the disabled (and should include aged) in regard to human rights is recognised. It is FECCA's concern that communication of those whose first language is not English with Australian society, its authorities and its instrumentalities and institutions are critical dimensions of that policy direction. It remains a fact that the basic unit in Australian society is the family and family reunion should be fostered in our Immigration Policy.

Working with NGOs in the promotion of human rights is only one path to an Australian society concerned with responsibilities of citizens as well as rights.

FECCA'S PRIORITIES REGARDING LEGAL AND HUMAN RIGHTS FOR 1989 have been taken from Recommendations ratified at Annual General Meetings of the Federation since 1984 to date.

FECCA looks forward to a meaningful and continuous relationship with the HREOC generally and particularly regarding these priorities.

1 INCITEMENT TO RACIAL HATRED

- (i) FECCA supports in principle the introduction of legislation in the Federal Parliament to enable remedies to be pursued against expressions of racial hatred in Australian Society, and that the Racial Discrimination Act, 1975 be reviewed as to its effectiveness and recommendations on changes be made.
- (ii) Federal Budget resources should be made available to the HREOC to undertake public education programs, in all relevant languages on racial matters in Australia. The program should extend to such systems as education, the media, legal, health, and other service systems.

2 **DEFAMATION**

Defamation on the basis of racial, religious or national origin to be counteracted through the appropriate action.

3 **INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION**

Australia should recognise Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination as a matter of urgency.

4 **CRIMINAL TRIALS**

That all criminal trials and pretrial investigations, including proceedings in Magistrates courts should be required to provide an interpreter for the accused (or other persons involved) unless he/she prefers not to.

5 **INTERPRETERS**

That NAATI accreditation be a requirement for all interpreters and used by Federal, State and Territory Authorities and instrumentalities. That points of access to interpreters be widely advertised.

6 **OVERSEAS QUALIFICATIONS**

That the assessment procedures for employment qualifications gained prior to entry into Australia be reviewed and revised to endeavour to eliminate existing anomalies.

7 **YOUTH UNEMPLOYED AND REDUNDANCY**

The provision of language and other skills to those of NESB who are young unemployed or retrenched due to technological changes especially in industry.

W G Wojak MBE
Chairperson

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Attachment 4 - Complaint Handling Outline

CONCILIATION

MEDIATION
(go between)

ARBITRATION
(decider, imposes solution)

S E T T L I N G C O N F L I C T B Y B R I N G I N G
D I S P U T I N G P A R T I E S T O G E T H E R T O
R E A C H A M U T U A L L Y S A T I S F A C T O R Y
A G R E E M E N T

* SETS PROCESS

* GO BETWEEN

* INFLUENCES DECISION

- looking back
- examine rights
- assert rights
- adversarial *?!

OBJECTIVES * educate * prevent reoccurrence
 * attitudes * behaviour

NO "HOW TO" IN LEGISLATION * confidentiality * neutrality
 * natural justice * gather info.

STRENGTHS - cost, time, educative

WEAKNESSES - power, expectations, trade off

REMEDIES * apology * compensation * donation * job
 * behaviour * training *policy change
 * goods, service

 * private OR on record

IS IT A COMPLAINT ? * investigate * conciliate
 * compulsory conference * referral

WRITTEN COMPLAINT, DISCUSS, NOTIFY RESPONDENT, DISCUSS,
REPLY, INTERVIEWS, CONFERENCES - voluntary or compulsory

ROLE OF CONCILIATOR

ROLE OF LAWYERS

VICTIMISATION

DEFAMATION

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Attachment 5 - Workshop on Children's

Issues Participants:

Michael Hogan - ACOSS
Glenn O'Neil - ARCS
Audrey MacDonald - UAW
Pam Cahir - AECA, ACSSO
Sandie Cornish - ACBC
Carolyn Cover - ACROD
David Gordon - YAA Sue
Harris - CAPS, NAPCAN
Bert Lane - ICJ Australia
David Mason - HREOC Mary
Pulsford - YWCA Heather
Southcott - UNAA Pat
Walsh - ACFOA
Meg Westhorp - YACA

David Mason stated that the main purpose of the workshop was to hear, the NGOs' priorities in the children's area and to listen to their ideas for co-operative action with HREOC.

Michael Hogan stated that the prime concern for ACOSS was the forthcoming Convention on the Rights of the Child. Since that Convention was the subject of a later workshop he would not address it at this point. Other concerns were:

- (a) Juvenile Justice: This area has not had a high profile in the past. There have however been some indications of increased Commonwealth involvement, such as the funding of a study on Sentencing Young Offenders for the ALRC's Sentencing reference. At the ACOSS conference in 1988 a resolution was passed requesting HREOC to undertake a study of standards in the administration of juvenile justice.
- (b) Child welfare (comprising care and protection, substitute care, adoption): This is largely governed by State law and administration, but there is a need for an overall approach and standards. The relation between child welfare, juvenile justice and housing has been emerging through the Homeless Children Inquiry. There is a need for HREOC to take an ongoing role.

Pam Cahir asked what strategy should be adopted to this end, in view of the perceived tendency for the Commission to move out of areas after completing particular projects. She emphasized the need for NGOs to take up these concerns now in a co-ordinated way, rather than waiting for the ratification of the Convention on the

Rights of the Child to provide a framework. Michael Hogan noted that ACOSS was still developing its own position.

Heather Southcott noted that a large amount of work on juvenile justice had been done in the International Year of the Child, and there was a need for further activity to build on this.

Michael Hogan also noted that ACOSS had set up a working party on income support, and that the Homeless Children report can be expected to give impetus to this process. Heather Southcott commented that the adequacy of income support had an impact on conflict in families. Michael Hogan observed that there is a tendency towards privatization of social costs, which is placing excessive responsibility on the family. Heather Southcott noted that there is a lack of linkages being made between expenditure and costs to government.

Participants agreed that there is a need for effective political use to be made of the Homeless Children report. Linkages between failure to provide services and costs to society - through crime, family breakdown, etc - need to be pursued even if these linkages cannot be quantified.

Michael Hogan observed that the most useful role for the Commonwealth is in setting standards: eg in juvenile institutions, in funding of programs through YSAP, etc. He referred to the French experiments in juvenile crime prevention. These had involved a massive commitment of resources to funding local initiatives, based on increasing participation and opportunities for young people. It has been based on the realization that repressive measures give limited returns.

Pam Cahir commented that there is a role for the Homeless Children Inquiry in gaining acceptance of the setting of national standards. She thought that State governments would see themselves as constrained by resource limitations from instituting major new programs.

Bert Lane asked whether the role of the Commonwealth should be in setting general guidelines or in the detailed implementation of schemes. Pam Cahir responded that there was no intrinsic merit in bypassing the State structures, and that local government may also have a role. The essential need, however, was to work for acceptance of the idea that the Commonwealth had a legitimate role.

Heather Southcott suggested that, since homelessness is only part of the problem, HREOC should make statements on the appropriate standards in other areas, such as prisons. Pam Cahir noted that the fact that the Homeless Children Inquiry identifies links between homelessness and other issues does not mean that HREOC has to address all these issues itself, and questioned whether HREOC should be taking on the whole of juvenile justice itself.

Meg Westthorp emphasized the forthcoming Youth Strategy consultation, which Peter Duncan is holding as part of the Social Justice strategy, as a ready opportunity for NGOs to get issues considered. The participants generally accepted the need for an

NGO consultative group to that consultation rather than each organization attempting to have direct input.

Michael Hogan raised a Federal Children and Youth Services Act as one of the possibilities. The idea had been raised at the YACA Congress but needed further thought. Pam Cahir stated that any such legislation would have to address standards and principles in child care. Heather Southcott raised the possibility of a Children's Ombudsman.

Michael Hogan stated that the major concern of the Community Legal Centres was the undeveloped state of advocacy services for children and young people. There is no national advocacy system. Victoria provided the only real example; other systems have not had funding maintained. The report by Ian O'Connor and Claire Tilbury in 1986 for Legal Aid Branch of the Attorney General's Department has sat gathering dust. Advocacy services are obviously essential if any standards set are to be enforced. This has been said over and over again, and needs to be present on the HREOC agenda.

Pam Cahir cautioned that in any strategies it is necessary to keep economic realities in mind. It was noted that Peter Duncan has had some costings done through the Australian Institute of Criminology on institutions versus other alternatives.

Participants asked for further details on the Youth Strategy consultation. Meg Westhorp indicated that no details were available as yet.

A co-ordinating role was suggested for HREOC (with input from the NGO consultative group) especially in emphasizing the human rights aspects.

In the context of the Homeless Children Inquiry, Heather Southcott raised the issue of access to services for young people overall. Sue Harris commented that there were in any event very few services for them to have access to. Meg Westhorp indicated that there is a need for a national program to inform young people of their rights. A major difficulty however particularly in the case of homeless children is how to find them in the first place.

Participants agreed that the current approach to problems of young people - heavy handed intervention, coupled with a lack of support and assistance services - is totally ineffective. The need to draw the connections between lack of effective services and ultimate social costs (in crime, health, unemployment, etc) was emphasized. Meg Westhorp expressed concern that advocacy groups should not be seen simply as asking for 'more money' all the time, but should rather have some expertise in allocation issues.

Participants saw a need for HREOC to take a unifying, articulating role, and to link youth concerns with issues and groups not confined to the youth area. Michael Hogan noted that HREOC could play an important role by emphasizing disparities in standards between States. Pam Cahir saw the report of the Homeless Children

Inquiry as an opportunity to identify the linkages between different youth issues.

Participants expressed the view that there is a need to develop strategies to address the sorts of linkages emerging from the Homeless Children Inquiry. HREOC could have a clearinghouse role and give some overall direction, although it was also necessary for NGOs to form their own links.

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Attachment 6 - Disability issues workshop

(Only two people attended this discussion - ideas were proposed on provision of information)

Suggestions/Possible Future Co-operation

1. ACROD's newsletter reaches both service providers and individuals.
 - (a) One suggestion is that a "flyer" be produced for easy insertion into (and removal from) the newsletter. The aim would be to inform the members and others of the Commission's role and services, perhaps in the form of a "What the Commission can do for you" type of thing. The flyer would be specifically drafted for the benefit of individuals with disabilities.
 - (b) Further to this it was suggested that the flyer could be a joint project between the Commission and relevant State bodies covering the ,functions and roles of each body; for example in New South Wales other bodies involved could be the Intellectual Disability Rights Service and the Anti-Discrimination Board.
 - (c) The production of brochures or tapes along similar lines was also suggested.
2. In relation to the idea of targeting and "educating" certain groups or audiences, such as town planners or journalists (the media), it was suggested programs of some sort could be developed in co-operation with those people .with a special interest or involvement in the area/issue of concern.

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Attachment 7 - Workshop on priorities in sex discrimination

Discussion about educating public about workings of SDA; agreement about need to increase participation of Aboriginal women and women of NESB but views were expressed that professional bodies, unions, employers etc should be educated also.

- It was suggested that kit be prepared to assist those involved in public speaking etc to provide information on the SDA.

Suggestion to target information to men within NESB communities as it was difficult for migrant women to initiate complaints when faced with the disapproval of their entire community.

Suggestion that unions can assist with dissemination of information. One person objected, claiming that unions themselves fostered discrimination against women.

- Status of women's issues within HREOC. Can we be confident that this area is receiving its fair share of personnel and other resources within the work of the Commission. Can we have a breakdown of how much money etc is apportioned to issues of race, children, ethnicity, sex etc.

- The Act needs to be publicised so as with power people understand that they are liable.

Issue of pay equity needs to be addressed. In every age group women's wages are lower than men's. Women are still not getting promotions or above award wages. Some of these issues cannot be dealt with through pay equity. The present wage bargaining position does not include women who have little to bargain with.

Commission could recommend a project on wage awards. Examine test cases such as child care workers, nurses and dental therapists. Women's Directorate in New South Wales has examined a number of awards. Need to determine how jobs are valued. Problem of looking at awards - eg child care is covered by 32 different awards and unions.

There needs to be a way of challenging the unions about their classification of jobs and wages. Need to show how women have slipped back to traditional jobs. Need to look at how when men enter a profession etc the wage structure is altered to accommodate male wage rates. Situation cannot be corrected simply by getting women into non-traditional areas. Need to be able to say to unions: your figures are a disgrace, fix them up.

Conciliation and Arbitration Commission has not overcome sexism in awards eg secretaries. Needs better monitoring. EEO reporting has become quite clever in obscuring comparative progress rates of men and women. Need to establish pay equity bureau within the Commission. Need to buy into centralised wage fixing.

1990 should be time to produce a document on social indicators of the status of women; to show what gains and losses there have been in the economic, social and political position of women within the last 15 years. Could be joint document with NWCC and HREOC and/or OSW.

Superannuation

BPW thinks exemption should stay. Life tables may show women who take insurance are getting closer to men all the time in terms of risk. Disabilities a very small market. Most women who take this form of insurance are professionals, self employed. Women have an advantage in insurance why not keep it.

Should be looking at definitions of "ill health" so as to exclude pregnancy.

Actuarial statistics are unreliable: they relate to New York 20 years ago. Ask if actuaries are monitoring the quality of statistics.

It needs to be acknowledged that there are real differences between men and women for purposes of insurance but what we want to avoid is the social presumptions 'made about women. Also need to look at screening of family backgrounds.

ILO 156

Parental Leave - Commission will make a decision on that case.

GIRLS AND SPORT

Commission needs to be flexible. Looking at developing a national policy.

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Attachment 8 - Workshop on the Draft Convention on the Rights of the Child

Participants:

Michael Hogan - ACROSS
Glenn O'Neil - ARCS
Audrey MacDonald - UAW
Chris Budden - UCA
Pam Cahir - AECA,
ACSSO
Sandie Cornish - ACBC
Carolyn Cover - ACROD
Eva Cox - WEL
Patrizia DiGiovanni - FECCA
Nigel D'Souza - SNAICC
David Gordon - YAA
Sylvia Harding - UAW Sue
Harris - CAPS, NAPCAN
Bert Lane - ICJ Australia
David Mason - HREOC
Mary Pulsford - YWCA
Heather Southcott - UNAA
Pat Walsh - ACFOA
Meg Westthorp - YACA

It was agreed that the objective of the workshop was to discuss how NGOs can work for early ratification and effective implementation of the Convention. To this end particular concerns which participants had with the text of the Convention would also need to be discussed.

David Mason outlined the present state of progress toward adoption of the Convention. The First Reading of the text had been completed earlier this year, which meant that the text was basically complete after 10 years of drafting and negotiation. It was recognized, however, that the text had various technical defects and needed to be brought into line with other existing standards. For this reason, and largely at Australian initiative, a Technical Review of the text had been conducted, to be followed by a Second Reading. It was hoped that the Second Reading could be completed at the session of the Working Group being held in November-December this year, to enable adoption of the Convention by the United Nations General Assembly in late 1989. The Australian delegation, which included the Human Rights Commissioner, would be pressing for the best possible Convention within the framework of the Technical Review. At the same time it was important to avoid, so far as possible, re-opening substantive issues on which decisions had already been reached, since this would delay the adoption of the Convention and perhaps threaten some of the compromises which had been arrived at.

Sexist language

Eva Cox raised concern at the non-gender-neutral language of the present text of the Draft, which appeared as a result to be a Convention for boys only. David Mason noted that this matter was addressed by the Technical Review. The Australian delegation had indicated at the last session its intention to press for gender-neutral terms, and would pursue the matter strongly in the second Reading.

Right to life

Eva Cox was concerned that the provision for the right to life could create an opportunity for Federal anti-abortion legislation, or be presented as creating an obligation to enact such legislation. David Mason responded that the Convention deliberately left unstated the point at which the right to life arose. The present text was a compromise which left the matter to the judgment of individual States. It added nothing to what was already contained in the International Covenant on Civil and Political Rights. In legal terms nothing was added in this respect to the legislative power of the Commonwealth using the external affairs power beyond what could already be done.

Eva Cox expressed concern that nonetheless the Convention could provide political impetus for anti abortion laws, and raised the issue of whether NGOs should press for Australia to enter a reservation on this point. David Mason thought that any reservation on this question would only highlight the issue unnecessarily.

There was general concern by participants that this issue should not threaten ratification of the Convention. It was argued that the Convention offered great potential for positive action on a wide range of children's issues and should not be compromised by debate on the abortion issue when the reality was that State Parliaments already had power to legislate on abortion and were the level of government most likely to exercise it.

It was generally agreed that it would be better not to put this matter on the public agenda in the run-up to ratification. Similarly it was important to counter any attempts to portray the Convention as an attack on the family.

NGO strategies

The workshop moved on to discussion of the strategies to be adopted in promoting ratification and implementation of the Convention. Pam Cahir outlined present activity.

A working group comprising representatives of ACROD, ACSSO, AECA, ACOSS, YACA, SNAICC, NAPCAN and FECCA had been set up. These 8 groups would be contributing to a special issue of the AECA journal in April dedicated to the Convention on the Rights of the Child in an Australian context. HREOC had agreed to provide funding. Pam Cahir flagged a concern that additional funding might be requested in view of the growing size of the publication. This journal issue was a constructive means of raising awareness

of the issues through the organizations' various networks and promoting discussion of desirable Commonwealth initiatives arising from the Convention.

Organizations had also been providing opportunities at their meetings for the Human Rights Commissioner Brian Burdekin to promote awareness of the Convention and its implications. Several participants expressed their appreciation of Brian Burdekin's work in increasing the profile of the Convention, and also for his contribution to the drafting process. The Commission was expected to provide two articles for the journal issue: an overview of the Convention, and an article on the implications of the Homeless Children Inquiry.

Articles for the special journal issue should be forwarded through HREOC. Pam Cahir was co-ordinating the project.

It was agreed that to achieve the widest possible circulation for the material produced in the journal, copyright should be waived by AECA, and that re-publication with acknowledgement should be encouraged. It was suggested that HREOC should make this a condition of the funding of the project.

Pam Cahir urged any organizations which had a contribution to make to become involved in the NGO Working Group. There was a consensus that representation of church groups was particularly important, given the likelihood that opposition to the Convention was likely to centre on supposed threats to family values. Chris Budden and Sandie Cornish undertook to discuss who might be the appropriate representative bodies.

The workshop then discussed other means for NGOs to increase awareness of the Convention, and the timing of such efforts. It was agreed that there is a need to push for early ratification of the Convention, rather than allow a repeat of the experience with the International Covenant on Civil and Political Rights, which took 14 years to ratify.

It was emphasized by NGO participants that they would need the earliest possible information on the prospects for ratification of the Convention in 1989. David Mason stated that the Commission would inform the NGO working group as soon as possible of developments at the forthcoming session of the UN Working Group.

Michael Hogan suggested an education session on the Convention for the media in or about June 1989 to be organised by HREOC and the NGO working group (depending on the progress of the Convention at the UN). The prospect of a National Women's Advisory Council seminar was also raised.

A consensus was reached that there is a need for a staged process:

1. informing and activating the NGO constituency
2. informing the media
3. more high profile 'political' work (including a presentation of the AECA journal special issue to the Federal Parliamentary all-party committee).

It was felt that this approach would promote development of broad support for the Convention before any opposition could crystalize, and would ensure that accurate information was disseminated before any fear campaign developed (which some participants regarded as inevitable).

It was suggested that HREOC should perform secretariat or clearing house functions particularly with respect to the articles for the AECA journal.

SNAICC concerns

Nigel D'Souza expressed concern that NGOs had had insufficient opportunity to participate. His impression had **been** that there would be an opportunity to have an input into the terms of the Convention. It was apparent that that was no longer the case. He felt that NGOs had not been enabled to participate sufficiently in the drafting process. As a result he was concerned that some issues had not been addressed adequately. The position of indigenous peoples and the treatment of structures other than the western nuclear family were of particular concern. He was not sure what level of support SNAICC's constituency could give to such a Convention.

David Mason responded that it was quite true that NGOs had not been sufficiently involved in the drafting process from the outset, though in recent sessions that had improved. Concern at the 'Western' focus of the Convention had been expressed by several countries' delegations and particularly by developing countries. The Commission had recommended that the Australian delegation support some improvements in this respect, and there was some prospect that these concerns would be addressed in the Second Reading. There was obviously a need for HREOC to work particularly closely with SNAICC from this point on, in information and consultation.

Participants noted that the SNAICC meeting in Melbourne in February would be particularly important and that HREOC should arrange to be represented.

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Attachment 9 - Workshop on targeting information on sex
discrimination

- **Information**

Disseminating information is a top priority under the Act. The philosophy behind conciliation is virtually unknown. The press has tended to focus on extreme sexual harassment case.

- There is a need to target both men and women with information about the SDA. In NESB communities there is a need to utilise community papers. Use of community radio is a good idea because many women are not literate.
- Need to focus on issues like sexual harassment and domestic violence.

- **Single Mothers**

Most complaints in this category involve the denial of accommodation to single mothers. These complaints fall outside the jurisdiction of the Act but there may be a case for indirect discrimination. Very few decisions have been made on indirect discrimination; this will be the challenge of the next few years. British legislation has looked at this issue. In a recent case the Home Office held that the denial of part-time work to a woman was discrimination as women still had the major parenting role and a disproportionate number of part-time workers were women.

- **Aboriginal Women**

There is a need to assist Aboriginal women to participate more fully in the workings of the SDA.

- **Girls and Sport**

A new position is to be worked out on this issue. The history of this issue within the old Commission is irrelevant. There is a need to consult with parents, teachers and administrators. The previous position has resulted in a lot of backlash. Children perceive the categories of GIRLS/BOYS and OPEN as being unfair and discriminatory.

There is a need to examine community attitudes to sport especially the violence in sport.

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Attachment 10 - Workshop on strategies for combating racism

- The emphasis must be on public education, using simple messages to communicate standards set down in international instruments. There is a shared responsibility between the Commission, NGOs and others to work on this to develop a sense of community responsibility for problems arising from racism. NGOs should be involved in devising public education programs.
- A model group of commentators should be identified to comment on problems to the media and other groups in a way that would help to resolve the conflicts. Such a panel could be established in each state, and would need training and support, possibly through workshops.
- There needs to be greater understanding of the terms of racism. Colour, race and culture are all treated together; immigration issues are clouded with allegations of racism. The Commission could play a useful role in assisting the clarification of terms and acting as a resource centre to supply or disseminate resource material. A glossary or guidenotes on terms should be sent to the media, MP's, opinion leaders etc.
- A positive approach is necessary; stereotyping is not something just done by racists. Adversarial approaches just make the situation worse. Guilt, self-hate, fear of the unknown need to be broken down.
- A speakers or information kit containing simple, easily reproduced A4 sheets would be useful. A 'multicultural
- forum' of opinion leaders at a local level -could be set p
- combat racism, to bring people from different races/cultures together to meet, to act as local 'strife-busters' The idea of a national coalition was not appropriate at this stage: it must evolve after community interest and involvement are first developed. The logistics of a national coalition would be hopeless.
- But the Commission should foster the development of strong state-based coalitions in each state. A worker in each state could be funded to help establish a human rights forum; the worker must be a channel for action not more paper. Various state agencies would participate in such a forum. Calling this approach a program to combat racism rather than a coalition would be better, as it suggests activity rather than just meetings. State level activities could be in some

form of national network. The state-based worker should know how to work with volunteers.

- The Federal Government should take responsibility to promote positive images of difference. At the moment it seems to show a level of acceptance of the existence of racism.
- A national inquiry by the Commission into racial violence was proposed. One aspect examined could be police inactivity. The victims of racial violence need to be perceived as real people. The terms of the inquiry should be framed carefully but should allow consideration of more than just physical violence, and violence as a political tool should be considered. The role of advocates, activists and people who write letters to papers as victims of racial harassment should also be examined. The notion of terrorism is important to understand: there is a loss of political freedom when people are terrorized into not standing up for issues; people's political freedom is being assaulted by violence. There needs to be a demand for police action.
- Positive stories of the success of Aboriginal enterprises should be promoted.
- The inquiry into racial violence should be discussed with the national Council of Police Ministers.