



Human Rights and Equal
Opportunity Commission
www.humanrights.gov.au

HUMAN RIGHTS

Everyone, Everyday

21

21 YEARS OF THE HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

who we are

The Human Rights and Equal Opportunity Commission (HREOC) was established in 1986 by an act of the federal Parliament.

Our goal is to foster greater understanding and protection of human rights in Australia and to address the human rights concerns of a broad range of individuals and groups.

We are an independent statutory organisation and report to the federal Parliament through the Attorney-General.

what we do

Our responsibilities include:

- education and public awareness
- resolving discrimination and human rights complaints
- promoting human rights compliance
- supporting policy and legislative development.

We do this through:

- developing human rights education programs and resources for schools, workplaces and the community
- conciliating complaints of discrimination or breaches of human rights under federal laws
- holding public inquiries into issues of national importance
- providing independent legal submissions to courts in cases that involve human rights principles
- providing advice and assistance to parliaments and governments to develop laws, programs and policies
- undertaking research into human rights and discrimination issues.

We also work closely with other national human rights commissions, particularly through the Asia Pacific Forum of National Human Rights Institutions, to address major human rights issues in the region.

For more information about HREOC see www.humanrights.gov.au/about

“standing up for basic rights and freedoms”

Human rights is, in many ways, a technical term for some very simple concepts: dignity, humanity, tolerance and respect.

These values provide the cornerstone of strong communities in which everyone, regardless of their background, can feel included and make a contribution.

Australia is a stable and peaceful nation. Its success is based on a long-standing commitment to robust parliamentary democracy, the rule of law, a free media, a healthy civil society and, of course, the protection of human rights.

In a turbulent and ever changing world, however, a nation's commitment to protect human rights can be sorely tested. These 'new' challenges come in different guises: terrorism, immigration, climate change.

Time and again, the argument is put that human rights should give way in order to achieve greater security. Some even claim that the age of human rights has come and gone.

When we erode human rights, be it through intent or negligence, democracy and the rule of law suffer. Perversely, our way of life becomes less – not more – secure.

The challenge before all of us is to continue to stand up for the protection of basic rights and freedoms.

It is a job that the Human Rights and Equal Opportunity Commission (HREOC) has committed itself to since its establishment in 1986.

Charged with a statutory responsibility to ensure that basic minimum standards are upheld, HREOC has been a passionate defender of human rights on behalf of all Australians and especially so for those living on the margins of our community.

Over the past 21 years HREOC has evolved as a strong, independent body and grappled with a broad range of complex issues, including: discrimination, harassment, exclusion and injustice.

As this publication demonstrates, HREOC's achievements throughout this time have been significant.

They have also provided the organisation with valuable lessons and insights which will equip it to confront and respond to the diverse human rights challenges of the 21st Century.

The Hon. John von Doussa
HREOC President



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HREOC offers extraordinary support and the possibility of redress to those pushed to the edges of our society. Australia's history as a global human rights advocate owes much to HREOC's achievements and reputation.

Andrea Durbach, Director,
Australasian Human Rights
Centre

The defence of human rights is by its nature never a popular task. HREOC has a daunting job, as successive Commissioners have found, but we have been fortunate that the character of those appointed has been such that they have carried out their work with courage and without (apparent) fear or favour.

The Hon. Fred Chaney
– Director of Reconciliation
Australia

HREOC was established on 10 December 1986 (International Human Rights Day) as Australia's national human rights watchdog.

With an expanded complaint handling role and a major focus on research and education, HREOC replaced the previous Human Rights Commission, which had operated essentially as a part-time body since 1981.

Three full-time Commissioners were appointed to the new organisation – a Human Rights Commissioner, Race Discrimination Commissioner and Sex Discrimination Commissioner – along with a part-time President.

1986	The Human Rights and Equal Opportunity Commission is established.
1988	The <i>Privacy Act 1988</i> comes into force on 1 January. The position of President is created.
1989	Ten additional grounds of discrimination in employment, including age, increasing the number of, or grounds for, complaints to HREOC.
1990	The RDA is amended to explicitly protect people against indirect discrimination.
1992	The <i>Disability Discrimination Act 1992</i> comes into force. The position of President is created.
1993	The position of Aboriginal and Torres Strait Islander Social Justice Commissioner is created. The first report on the human rights situation of Indigenous Australians, as well as the <i>Disability Discrimination Act 1992</i> , is published.
1993	The SDA is amended to make dismissal on the grounds of family responsibility unlawful in a broader range of areas.
1993	HREOC is given responsibility to monitor Australia's performance under the <i>Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief</i> .
1995	The High Court decides in the <i>Brandy</i> case that HREOC does not have jurisdiction to hear complaints of discrimination.
1995	The RDA is amended to make racial vilification against the law.
1996	HREOC hosts the inaugural meeting of the Asia Pacific Forum of National Human Rights Institutions.
1997	HREOC begins an on-going technical co-operation program on human rights with the United Nations Human Rights Commission.
2000	HREOC's role of hearing complaints of unlawful discrimination is transferred to the Australian Human Rights Commission. The role of the Australian Human Rights Commission is given the role to appear as 'amicus curiae' ('friend of the court') in proceedings before the High Court.
2000	An Office of the Federal Privacy Commissioner, separate from HREOC, is established.
2004	The <i>Age Discrimination Act 2004</i> comes into force – an outcome HREOC had advocated for.
2005	The Commissioner responsible for Age Discrimination is appointed.
2007	20th anniversary of the Human Rights Medal and Awards.

ange and challenges

Based in Sydney, the organisation was given statutory responsibilities under the *Racial Discrimination Act 1975* (the RDA), the *Sex Discrimination Act 1984* (the SDA) and the *Human Rights and Equal Opportunity Commission Act 1986*, which allows HREOC to receive complaints and monitor Australia's performance under international human rights standards.

Over the next 21 years HREOC's role and workload grew markedly. Following are some of the major organisational and legislative milestones.

For more information on the history of HREOC see www.humanrights.gov.au/about/history

(10 December).

Privacy Commissioner is created within HREOC.

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f Disability Discrimination Commissioner is created within HREOC.

Commissioner is created within HREOC. The Commissioner is given the role to monitor and all as the operation of the Native Title Act.

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sferred to the Federal Court and the Federal Magistrates Service. HREOC Commissioners relevant cases before the Courts.

is created.

C has been working towards since 1992.

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resolving

Discrimination and harassment can have a real and lasting impact on people's lives.

It can mean losing a job or getting passed over for an interview, being excluded from a venue, being abused on the street for how you look or feeling intimidated by a boss who won't take no for an answer.

These things significantly affect the choices that people make and can undermine their self-esteem.

A central part of HREOC's work is to help people resolve complaints of discrimination and get on with their lives.

Since 1986 HREOC has received almost 29,000 complaints from people who said they were discriminated against because of their sex, race, disability or age.

In addition, more than 3,500 complaints have been made by people claiming human rights breaches or certain forms of discrimination at work.

Our goal is to work with the parties involved to discuss the issues and help them come up with a fair and practical solution.

WHAT DO PEOPLE COMPLAIN ABOUT?

The overwhelming majority of complaints HREOC has received over the past 21 years have been about employment.

The workplace consistently accounts for 80 per cent or more of sex discrimination complaints. Sexual harassment and pregnancy discrimination continue to be major issues for working women.

Roughly half of all disability and race discrimination complaints are employment-related. Three quarters of complaints received since the Age Discrimination Act became law in 2004 are also employment-related.

Access to goods, services and facilities also account for a substantial proportion of disability and race discrimination complaints.

Since changes to the Racial Discrimination Act came into force in 1995, racial vilification has made up around 20 per cent of complaints lodged under the Act.

In 1994 we lodged a disability complaint in relation to access to public transport. HREOC's president, Sir Ronald Wilson, was vitally important in us being able to work in a cooperative way with transport officials. The progressive change in transport becoming more accessible would never have occurred without the strategic involvement of HREOC and the support it provided to disability representatives.

Maurice Corcoran AM – Past President of the Australian Federation of Disability Organisations



discrimination fairly

HOW ARE COMPLAINTS RESOLVED?

Complaints to HREOC are resolved through a process of conciliation, where the people involved in a complaint talk through the issues with the help of someone impartial and settle the matter on their own terms.

Conciliation is a very successful way of resolving complaints. Feedback shows that most people find our approach to be fair, informal and easy to understand. It helps them to better understand the issues and come up with solutions that are appropriate to their circumstances.

Complaint outcomes vary depending on the issues involved but can include an apology, reinstatement to a job, compensation for lost wages, changes to a policy or establishing an anti-discrimination policy.

From HREOC's Customer Satisfaction Surveys:



"... it looked like an impossible task but with HREOC's help I have my job back. Being back at work means the world to me. You helped my boss understand why I lodged the complaint, he's welcomed me back and that has been great."



"... everyone left the conciliation meeting feeling something incredible had happened and the lawyer for the school took me aside and thanked me for lodging the complaint. My daughter is now secure in her position at the school."



"... while it's never pleasing to have complaints made against the company, if they are managed well the experience for all of us can be a good one."

GETTING IN EARLY

Resolving complaints of discrimination is crucial – but it's just as important to prevent discrimination from happening in the first place.

Information about complaints directly informs other parts of HREOC's work. It helps us identify patterns of discrimination where we can investigate further, either through research or a public inquiry.

The information also guides our community education programs, particularly around employment issues.

Another major role of our complaints area is to answer questions that people have about their rights and responsibilities. Last year we received over 16,000 enquiries. By providing high-quality advice and information, many issues can be sorted out before they get to the formal complaint stage.

Find out more about HREOC's complaint process and service at www.humanrights.gov.au/complaints_information



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landmark

Why do I love HREOC? Well, I was there at the birth. I watched the Commission grow and accept new challenges every year. Australians used to be blind to the inequalities of women, to injustice to Aboriginals and other indigenous peoples, to Asian Australians, to gays and other sexual minorities, to people with disabilities and many others. If our eyes have been opened, we should be grateful to HREOC. In a real sense, it has been a conscience of our country; speaking out when others were silent.

**The Hon. Justice Michael Kirby
AC CMG, Justice of the High
Court of Australia**

Federal discrimination law in Australia has come a long way since the commencement of the Racial Discrimination Act in 1975.

The field has grown considerably with the passage of the *Sex Discrimination Act 1984*, the *Disability Discrimination Act 1992* and the *Age Discrimination Act 2004*.

In recent years a number of important cases decided by the courts have set important benchmarks and precedents for the recognition of human rights in Australia.

Interpreting and applying anti-discrimination legislation remains one of the more complex areas of Australian law. However, in the absence of a Bill of Rights, it is also one of the most crucial.

Following are some landmark human rights cases over the last 21 years.

RACIAL DISCRIMINATION

Mabo v Queensland (No.1)

Before the High Court had considered Eddie Mabo's claim that he had native title over his traditional lands in the Torres Strait, the Queensland Government passed a law extinguishing all native title in Queensland. The High Court found that, on the assumption that Indigenous people did have title to their traditional land, the Queensland law was discriminatory because it took away property rights from Indigenous people and not from anybody else. The High Court later went on to consider whether, under Australian law, Indigenous people did have title to their traditional land – a matter decided in the famous case of *Mabo v Queensland (No. 2)*.

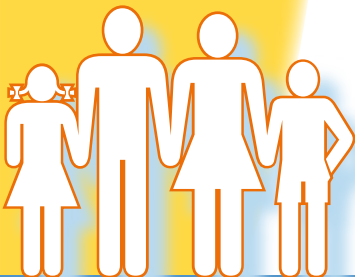
SEX DISCRIMINATION

McBain v Victoria (2000)

Dr John McBain, a Melbourne gynaecologist, was prohibited under Victorian law from assisting Ms Lisa Meldrum, a single woman, to conceive using IVF treatment. McBain challenged the Victorian law in the Federal Court and argued that it was inconsistent with the SDA, which prohibits discrimination in the provision of goods and services on the grounds of sex or marital status. Justice Sundberg of the Federal Court agreed. The decision was unsuccessfully challenged in the High Court by the Australian Catholic Bishops Conference.

Hickie v Hunt & Hunt (1998)

Marea Hickie, a contract partner with Sydney law firm Hunt & Hunt, brought a complaint against her employer after her request to work part-time following the birth of her child was refused. She claimed the firm had given away her client base while she was on maternity leave. In a complaint heard by HREOC, Commissioner Evatt found that the law firm had indirectly discriminated against Ms Hickie by requiring her to work full-time in order to maintain her



from the bench: human rights cases

practice. The firm was ordered to pay \$95,000 in compensation. The case highlighted the importance of employers putting in place flexible working arrangements.

DISABILITY DISCRIMINATION

Maguire v SOCOG (1999)

In the lead-up to the Sydney Olympics, Bruce Maguire lodged a complaint against the organisers for failing to provide its website and ticketing information in a format accessible to people with a vision impairment. In the case heard by HREOC, the website developer confirmed that some parts of the site were not accessible. However, SOCOG argued that correcting the site would cause unjustifiable hardship. Hearing Commissioner William Carter disagreed and ordered SOCOG to upgrade its website prior to the start of the Games and provide ticketing information in Braille. After the Olympics had finished the SOCOG website was found to only be partly compliant and \$20,000 damages were awarded.

Scott v Telstra (1995)

Geoffery Scott, who is deaf, complained that Telstra indirectly discriminated against him because it had not provided him with a telephone typewriter (TTY) in the same way it provided standard handsets to other customers. In a case heard by HREOC, Telstra argued that supplying TTYs was not part of its service and that the cost of doing so would cause unjustifiable hardship. Sir Ronald Wilson upheld the complaint. Telstra was directed to provide a TTY to Mr Scott and to all other Australia households that required the service. Telstra accepted the decision and established a voucher scheme to assist people who required a TTY.

ASSISTING THE COURTS

HREOC provides assistance to the courts in our role as amicus curiae ('friend of the court') and through our ability to intervene in cases, with the permission of the court. Our role is to provide specialist advice on human rights and discrimination issues, independent from the parties.

HREOC has sought leave to intervene in over 50 cases since 1988, involving family law, criminal law, child abduction, the rights of refugees and asylum seekers, native title, employment law and pay equity.

We have appeared in a number of prominent cases, including 'Teoh' (1994), 'Tampa' (2001), 'McBain' (2002) and the 2005 inquest into the death on Palm Island of Mulrunji, where the Queensland Coroner adopted all 40 of HREOC's recommendations.

Find out more about HREOC's legal research and resources at www.humanrights.gov.au/legal

Subscribe to the Human Rights Law Bulletin by sending a blank email to join-complaints_legal@list.humanrights.gov.au



going matters

In today's world, with an increasing focus on greed and building individual wealth, advocacy for the human rights agenda couldn't be more important. Over the years, HREOC has produced outstanding reports, like Bringing them home, with important recommendations. To fail to act on those recommendations diminishes Australia as a nation, and all of us as individuals.

Professor Fiona Stanley AC – Executive Director, Australian Research Alliance for Children and Youth.

Right from the start, public inquiries have been one of HREOC's most effective strategies for investigating and drawing attention to the pressing human rights issues facing the country.

They are especially important to address discrimination and human rights violations where there is little or no legal protection.

An essential part of the inquiry process is hearing from people directly affected by the issues.

Inquiry recommendations seek to help governments uphold obligations under international human rights standards and create positive systemic change.

Following are a selection of some of the national inquiries HREOC has conducted over the past 21 years.

OUR HOMELESS CHILDREN: NATIONAL INQUIRY INTO HOMELESS CHILDREN (1989)

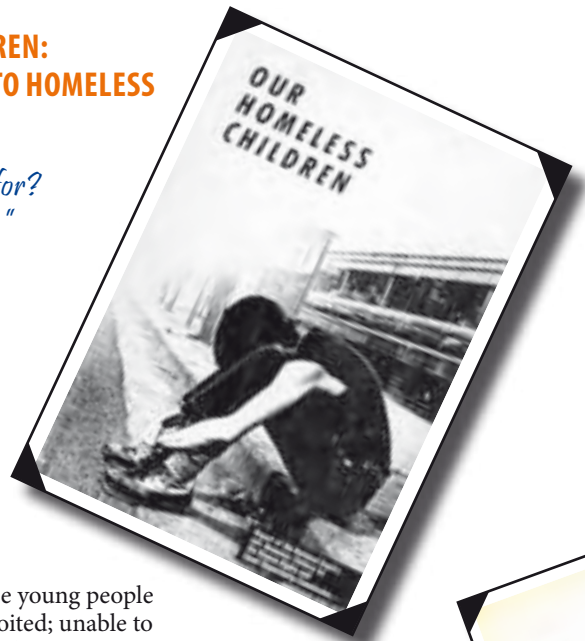
*"What do I most hope for?
That I die pretty quick."
(Inquiry participant)*

Our Homeless Children, the report of HREOC's first national inquiry, shocked the country with its estimate that up to 25,000 young Australians were homeless, including around 9,000 aged between 12 and 15.

The inquiry found that these young people were often abused and exploited; unable to complete their education or find work. Many turned to crime or prostitution to survive, and many suffered mental health problems.

The report recommended changes in areas such as income support, accommodation, health and education. It also stressed the need for greater coordination of services at a Commonwealth, state and local level.

Widespread public awareness put the issue high on the public agenda and the federal Government committed \$100 million over four years for improved accommodation and services.



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NATIONAL INQUIRY INTO RACIST VIOLENCE (1991)

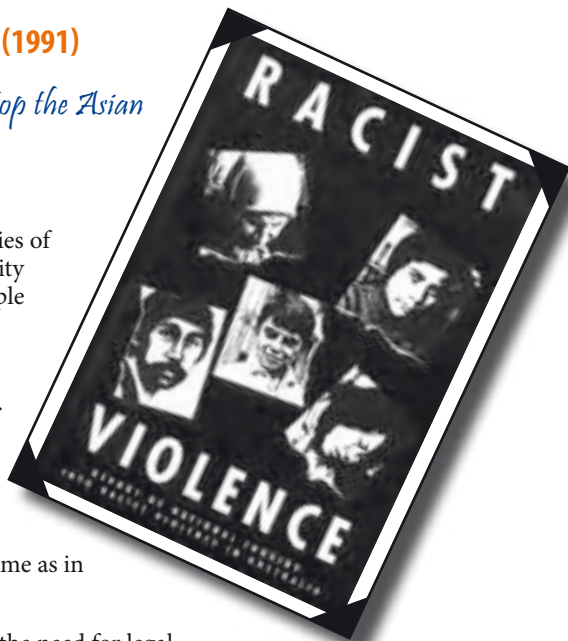
*"Our car has been daubed with paint and 'Stop the Asian Invasion' stickers applied to our front fence."
(Inquiry participant)*

The inquiry was established in 1988 following a series of well organised attacks against church and community leaders, as well as complaints from Indigenous people and ethnic community groups.

Despite intimidation and the fear of retaliation, almost 1,000 people came forward to give evidence.

The inquiry found racist violence against Indigenous Australians was endemic, nationwide and severe, with racist attitudes and practices ingrained in many institutions. Racist violence on the basis of ethnicity, while not as extreme as in other countries, was also a serious concern.

A key recommendation of the Inquiry's report was the need for legal protection against racial hatred. In 1995 the Racial Discrimination Act was amended to make racial vilification against the law.



NATIONAL INQUIRY INTO THE HUMAN RIGHTS OF PEOPLE WITH MENTAL ILLNESS (1993)

*"My daughter's first admission involved so many horrific experiences that it was almost worse than the schizophrenia."
(Inquiry participant)*

The landmark inquiry found that many thousands of people affected by mental illness suffered systemic discrimination and were consistently denied the rights and services to which they were entitled.

Health and community services, established to support people with a mental illness who live in the general community, were found to be seriously underfunded or simply not available.

The inquiry helped change perceptions of mental illness. It also meant issues facing people with a mental illness were seen from a 'human rights' – rather than only a 'medical' – perspective.

The recommendations from the Inquiry's report helped deliver better funding, laws, policies and programs, along with the establishment of the National Mental Health Strategy.



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BRINGING THEM HOME: NATIONAL INQUIRY INTO THE SEPARATION OF ABORIGINAL AND TORRES STRAIT ISLANDER CHILDREN FROM THEIR FAMILIES (1997)

*"I remember this woman saying to me, 'Your mother's dead, you've got no mother, that's why you're here with us.'"
(Inquiry participant)*

Bringing them home told the stories of Indigenous families and communities devastated by government policies which allowed Indigenous children to be taken from their families.

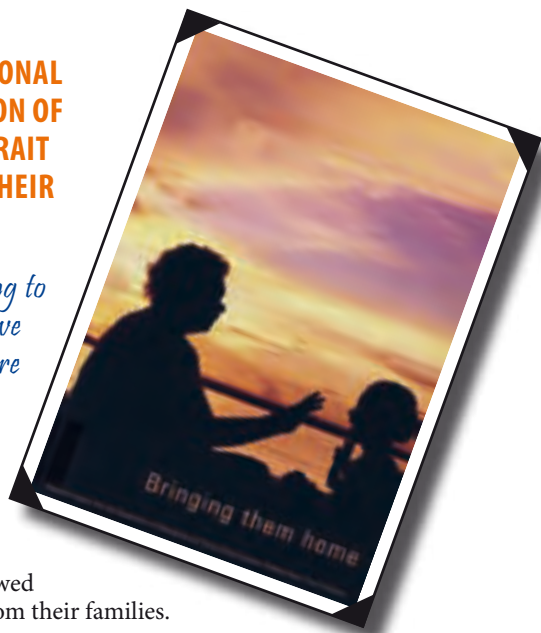
The report estimated that between one in three and one in 10 Indigenous children in Australia were forcibly removed from their families between 1910 and 1970.

It found that separation had affected every Indigenous community, damaging people's self-worth, their connection to culture and land and their ability as parents. In turn, next generations have suffered.

Bringing them home made recommendations on counselling and health services, family tracing and reunion programs and education. It also recommended compensation and a national apology to those affected by separation.

The report helped build understanding about this part of Australian history and its ongoing impact on Indigenous people. In just four months after the report's release more than one million people around the country had signed 'sorry books'.

In 1997 the federal Government announced a package of \$63 million over four years to address issues raised in the report, with an additional \$54 million provided in 2002.



Newspaper clipping, Australian Archives collection

A LAST RESORT? NATIONAL INQUIRY INTO CHILDREN IN IMMIGRATION DETENTION (2004)

"We came here because we wanted freedom. We did not come to be imprisoned for three years. We want to be free - that is all." (Inquiry participant)

From 1999 the number of asylum seeker children placed in Australian immigration detention rose alarmingly. Over 2,000 children were held in detention between 1999 and 2002 and there was widespread concern about the treatment they were receiving and the effects of the detention.

The inquiry found that Australia's immigration detention policy jeopardised the mental health of children and failed to provide adequate health care, education and protection for vulnerable children.

The inquiry's report found that detention was not a measure of 'last resort' or for the 'shortest appropriate period of time', as required under the Convention on the Rights of the Child.

Shortly after the report's release, and following consistent action by NGOs to bring the issue to public attention, the federal Government took steps to remove the remaining children from immigration detention centres.



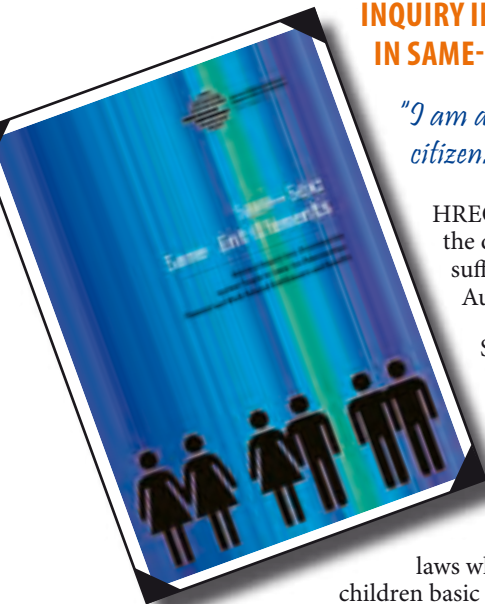
SAME-SEX: SAME ENTITLEMENTS: NATIONAL INQUIRY INTO DISCRIMINATION AGAINST PEOPLE IN SAME-SEX RELATIONSHIPS (2007)

"I am a first-class taxpayer but a second-class citizen." (Inquiry participant)

HREOC's most recent national inquiry addressed the daily financial and work-related discrimination suffered by more than 25,000 same-sex couples in Australia.

Same-sex couples often pay more in tax than opposite-sex couples and they are not eligible for basic entitlements in employment, workers' compensation, veterans' entitlements, health care subsidies, family law and superannuation.

The report recommended changes to 58 federal laws which currently deny same-sex couples and their children basic entitlements available to opposite-sex couples.



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HREOC has been extraordinarily important to me as a researcher and policy advocate, as an academic and as a citizen. It has been a significant reminder of our international and domestic obligations. In times when many of these rights are questioned, it is important that there is an officially funded independent source of information, public education, complaints handling and research.

Eva Cox – Academic and social commentator

In the areas of Indigenous and Disability Rights in particular, we have worked with HREOC on major national campaigns that have seen significant progress towards greater awareness of human rights and greater protection.

Robin Banks – Chief Executive Officer, Public Interest Advocacy Centre

One of the most important ways to protect human rights is to build community understanding and challenge attitudes which are based on myths and stereotypes. The key to this is education.

Education is a crucial area of HREOC's work. At a basic level, everything we do – from resolving individual complaints to holding national inquiries – is about human rights education.

We also develop programs and resources to work directly with a broad range of groups in the community.

WORKING WITH MEDIA

HREOC has consistently engaged with the media to promote human rights issues.

Each year the President and Commissioners give hundreds of interviews to newspaper, television, radio and online media outlets, as well as specialist, Indigenous and ethnic media.

Extensive coverage of major HREOC reports has been critical in drawing public attention to important human rights issues and bringing about positive change in attitudes, laws and policies.

For the latest HREOC media releases, opinion pieces and speeches go to www.humanrights.gov.au/about/media or email media@humanrights.gov.au

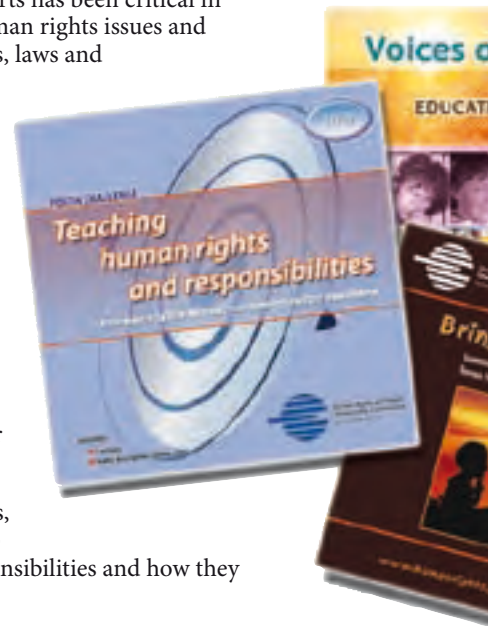
WORKING WITH SCHOOLS

With support from education departments, schools and teachers, HREOC has developed a wide range of curriculum-linked education resources for use in schools across Australia.

Provided on-line and in hard copy formats, the resources aim to help students develop an understanding of their rights and responsibilities and how they apply to everyday life.

We also offer professional development programs and resources to support teachers with ideas and approaches for teaching human rights in the classroom.

Information on HREOC's education resources for teachers and students is available at www.humanrights.gov.au/education or email education@humanrights.gov.au



ng the message out: man rights education

WORKING WITH THE COMMUNITY

Community consultations provide a valuable two-way exchange of information between HREOC and the many different organisations with which we work: community groups, NGOs, government agencies, business and industry, parliamentarians, lawyers and academics.

Community consultations have been the foundation of recent projects which aim to tackle prejudice against Arab and Muslim Australians, develop strategies to strike the work-life balance and respond to concerns with changes in Indigenous affairs.

Seminars and workshops are also an opportunity for HREOC to share information about what we do, such as our complaint handling role, or to discuss emerging issues in human rights law.



"HREOC is a vital voice for human rights issues in Australia. Its recent paper on Multiculturalism is an outstanding presentation and an excellent example of a positive contribution to the culturally and linguistically diverse community that the Federation of Ethnic Communities' Councils of Australia serves." (Voula Messimeri - FECCA Chairperson)

WORKING WITH GOVERNMENT

HREOC regularly provides advice and recommendations to Australia's governments, parliaments and other government agencies to ensure that laws, policies and programs treat people fairly.

Recent submissions to parliamentary inquiries have addressed anti-terrorism

laws, changes to workplace relations, migration law, the 'stolen wages' inquiry and the Northern Territory intervention.

Find out more about HREOC's submissions at www.humanrights.gov.au/legal/submissions

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HREOC came of age long before its 21st milestone and has since its inception consistently made significant contributions to fostering a greater understanding of human rights and promoting equal opportunity in Australia.

Heather Ridout – Chief Executive, Australian Industry Group

In these trying times Aboriginal and Torres Strait Islander peoples are comforted in the knowledge that we have HREOC as the defender, advocate and protector of our human rights, and for that we are grateful.

Mick Gooda, Gangulu – Chief Executive Officer, Cooperative Research Centre for Aboriginal Health

"HREOC has been tremendously important in the way they've consistently raised issues over pay equity and non discriminatory practices in terms of women's incomes. There is no doubt that having an entity with the capacity to initiate and publicise research is a very important part of our democracy." (Marie Coleman – Chair Social Policy Committee, National Foundation for Australian Women)

WORKING WITH EMPLOYERS AND EMPLOYEES

There is an ongoing need to educate employers and employees about their rights and responsibilities under federal anti-discrimination laws, especially in today's changing industrial relations environment.

Online resources, such as *Work out your rights* and *Good Practice, Good Business*, provide practical information about dealing with discrimination and harassment in the workplace.

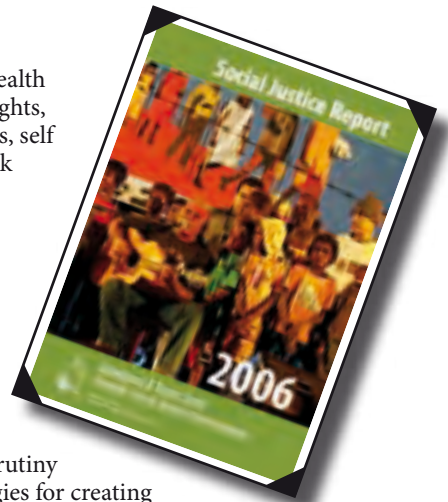
Information for employers is available at www.humanrights.gov.au/info_for_employers and information for employees at www.humanrights.gov.au/complaints_information/WOYR

SOCIAL JUSTICE AND NATIVE TITLE REPORTS

The Aboriginal and Torres Strait Islander Social Justice Commissioner is required to prepare reports to federal Parliament annually on the significant social justice and native title issues facing Indigenous Australians.

Since 1993 the Social Justice Reports have addressed a broad range of critical issues: health and education, family violence, children's rights, criminal justice and deaths in custody issues, self determination and reconciliation. Landmark research in the reports have included the Social Justice Package proposal (1995), stolen generations (1998), benchmarking reconciliation and human rights (2001), Indigenous women in corrections and post-release services (2003, 2004) and Indigenous health equality (2005).

Native Title Reports have examined the operation of the Native Title Act, key native title court decisions, international scrutiny of the Act, land use negotiations and strategies for creating sustainable economic and social development on traditional land.



The reports have come to be respected as the annual 'state of the nation' review of Indigenous human rights in Australia with a comprehensive analysis of the issues based on human rights principles, along with practical recommendations to help Indigenous Australians more fully enjoy their rights.

Find out more about the annual Social Justice and Native Title reports at www.humanrights.gov.au/social_justice



HUMAN RIGHTS ONLINE

Virtually unheard of when HREOC was established, today the internet is one of the organisation's primary tools for providing information, resources and publications.

The HREOC website is used widely by legal, community and employer groups, government, journalists, teachers, students and individuals. Last year it recorded more than 12.6 million page views.

Electronic mailing lists help us to regularly share information with different groups, an increasing number of people lodge complaints online, e-forums and blogs allow us to engage with people around the country.

See HREOC's website and join the mailing lists at www.humanrights.gov.au



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setting the standards: building partnerships for change

HREOC's greatest value is that it has provided people with disabilities with a mechanism to acknowledge that disability is a human rights issue. It also provides a framework for those in leadership to understand the human rights of people with disabilities and to respect those rights. This allows people with disabilities to participate in society with dignity and equality.

**Kevin Cocks – Director,
Queensland Advocacy Inc**

Most organisations want to do the right thing by their employees, clients and others with whom they work. To reduce the potential for complaints, HREOC produces guidelines to help employers and organisations meet their obligations under federal anti-discrimination laws.

Many of the guidelines address concerns that employers have raised with us or which have been the source of a large number of complaints: employment advertising (1998), pay equity (1998), sexual harassment (1996; updated 2004), pregnancy (2001) and criminal record (2005).

Guidelines are developed following consultations with employers, business and industry, and draw on the latest research, complaint information and court decisions.

While employment is a major area of discrimination, people with disability face a much broader range of barriers that can greatly limit their participation in the community.

Under the Disability Discrimination Act, the federal Attorney-General can set legally-binding 'disability standards' in a range of areas, such as employment, education, accommodation and public transport.

HREOC has played a leading role, in partnership with disability groups, industry and others, in the development of these disability standards.

The first standards to come into effect covered access to public transport (2002). The second addressed access to education (2005). Draft standards on employment of people with disability and access to premises have also been developed.

These standards provide clearly defined benchmarks for improving accessibility, as well as timetables for achieving those targets. In areas where large investment is required, such as public transport infrastructure, these standards provide the certainty needed to plan and roll out services.

While not legally binding, HREOC has also developed guidelines and resources to assist organisations provide improved access to insurance, superannuation and online information.

Find out more at www.humanrights.gov.au/



working with our neighbours: our international role

In today's globalised world the protection of human rights can no longer start and end at our borders.

While HREOC's role is focused firmly on domestic issues, over the past decade we have had a significant role promoting human rights in the Asia Pacific region.

Australia – along with India, Indonesia and New Zealand – was a founding member of the Asia Pacific Forum (APF), a regional body established in 1996 to support the work of national human rights institutions in the region. The APF has since grown to include 17 member countries.

Through the APF and on a country-to-country basis, HREOC has provided training and support to many national human rights commissions in areas such as investigation techniques, complaint handling, legal interventions, public education and national inquiries.

We also work in partnership with other national institutions to develop strategies that address emerging human rights issues in the region, such as the trafficking of women and children.

Our most substantial international commitment is managing the China-Australia Human Rights Technical Cooperation Program, which is an integral part of Australia's annual inter-governmental dialogue on human rights with China. HREOC also manages a Human Rights Technical Cooperation Program with Vietnam and participates in a Human Rights Dialogue with Laos.

The role of national human rights institutions is also increasingly being recognised on the international stage. Due to the efforts of Australia and others, national human rights institutions are now able to participate in deliberations at the United Nations.

The contribution that national institutions made in drafting the recently adopted Convention on the Rights of Persons with Disabilities highlights the practical knowledge and expertise that they can offer.

See the Asia Pacific Forum website at
www.asiapacificforum.net



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looking ahead

Over the past 21 years HREOC has helped to highlight, investigate and respond to a wide range of complex human rights issues in Australia.

During this time there have been many positive changes. It is clear, however, that gaping holes still exist.

The entrenched deprivations suffered by Indigenous Australians are unacceptable and embarrassing given our status as a first world country.

The threat of terrorism has led to an increase in the level of prejudice experienced by Arab and Muslim Australians. It has also had a negative impact on our treatment of refugees and newly arrived immigrants.

The mistreatment and neglect of people who have a mental illness in our community is chronic and requires immediate attention.

These are some of the challenges that HREOC will continue to address in cooperation with a broad range of partners, including government, non-government, business, industry and community organisations.

‘Close the Gap’, a campaign to end the 17 year life difference in life expectancy between Indigenous and non-Indigenous Australians, is just one example of the collaborations that HREOC has helped to establish.

These projects will be supported by our commitment to provide a fair, fast and accessible complaint handling service and education programs that help build community awareness and ownership of human rights.

As an organisation, we also need to grow. To do this HREOC has embarked upon HREOC 21 – a project that marks our 21st anniversary by:

- reflecting on HREOC’s achievements to date
- creating an inspired, motivating and realistic role for HREOC in the future; and
- setting clear and measurable goals and objectives to assist HREOC in achieving its vision.

Our overarching goal, however, remains the same as it was in 1986 – to work towards an Australian society in which the human rights of all are respected, protected and promoted.

We must acknowledge that while Australia enjoys a standard of living and opportunity more advantageous than many other countries, we cannot pretend that all Australians share these privileges. There is much work still to be done.

**Professor Alice Tay, HREOC
President 1998–2003**



HREOC's leaders

PRESIDENT

The Hon. John von Doussa: 2003 – present

Professor Alice Tay, 1998 – 2003

Sir Ronald Wilson: 1990 – 1998

The Hon. Justice Marcus Einfeld: 1986 – 1990

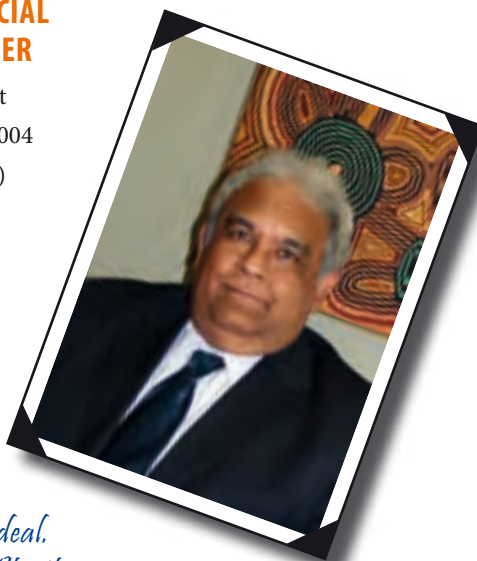
ABORIGINAL AND TORRES STRAIT ISLANDER SOCIAL JUSTICE COMMISSIONER

Tom Calma: 2004 – present

Dr William Jonas: 1999 – 2004

Zita Antonias: 1998 (Acting)

Mick Dodson: 1993 – 1998



The primary task of my Commission is to monitor the gap between the life experience of Indigenous and non-Indigenous Australians, to ensure that certain absolute minimum standards are achieved and then exceeded, to make equality an experience and not an ideal. (Mick Dodson, Aboriginal and Torres Strait Islander Social Justice Commissioner 1993-1998)

DISABILITY DISCRIMINATION COMMISSIONER

Graeme Innes AM: 2005 – present (Acting)

Dr Sev Ozdowski: 2000 – 2005 (Acting)

Susan Halliday: 1999 (Acting)

Chris Sidoti: 1998 (Acting)

Elizabeth Hastings: 1993 – 1997



*People with a disability have for too long been required to live on the margins of society; they have for too long been required to be grateful for moments of inclusion and patient about years of exclusion. This Act recognises their right to expect the same rewards and responsibilities as the community in which they live.
(Elizabeth Hastings, Disability Discrimination Commissioner 1993-1997)*

Australia is not just for winners. HREOC is in the business of responding to the needs of those in the community who are defenceless, disadvantaged and powerless. Australia's advancement in well-being must not leave any of its citizens behind.

**Sir Ronald Wilson, HREOC
President 1990-1998**

HUMAN RIGHTS COMMISSIONER

Graeme Innes AM: 2005 – present
Dr Sev Ozdowski: 2000 – 2005
Chris Sidoti: 1995 – 2000
Brian Burdekin: 1986 – 1994

RACE DISCRIMINATION COMMISSIONER

Tom Calma: 2004 – present (Acting)
Dr William Jonas: 1999 – 2004 (Acting)
Zita Antonias: 1994 – 1999
Irene Moss: 1986 – 1994

SEX DISCRIMINATION COMMISSIONER

Elizabeth Broderick: 2007 – present
The Hon. John von Doussa: 2007 (Acting)
Pru Goward: 2001 – 2007
Susan Halliday: 1998 – 2001
Moira Scollay: 1997 – 1998 (Acting)
Susan Walpole: 1993 – 1997
Quentin Bryce: 1988 – 1993
Pam O'Neill: 1984 – 1988

COMMISSIONER RESPONSIBLE FOR AGE DISCRIMINATION

Elizabeth Broderick: 2007 – present
The Hon. John von Doussa: 2007 (Acting)
Pru Goward: 2004 – 2007



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WARNING: This publication may contain images of deceased Aboriginal and Torres Strait Islander persons.



**Human Rights and Equal
Opportunity Commission**
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