

UNSURE ORIGIN AHRC Induction: An introduction to the Australian Human Rights Commission

*An Australian
Conversation on
Human Rights*

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Conversation on
Human Rights*



Welcome to the Australian Human Rights Commission's (the Commission) online induction training.

This short course is designed to provide new staff with an introduction to the role and responsibilities of the Australian Human Rights Commission.

It should take approximately 45 minutes to complete.

No extra resources are required to complete this course. However, you may want a pen and paper to take notes during the course.

The course covers the following content:

- What is the Australian Human Rights Commission?
- What are the functions of the Australian Human Rights Commission?
- What is a national human rights institution?
- Which legislation is administered by the Australian Human Rights Commission?

Below is an overview of the entire course.

Please note: This course is one of five mandatory online induction courses for staff. You are required to complete all induction courses within six months of commencing work at the Commission.

Please complete the courses in the following order:

1. *An introduction to the Australian Human Rights Commission* (this course)
2. An introduction to human rights
3. An introduction to United Nations human rights frameworks
4. An introduction to a human rights-based approach
5. An introduction to human rights education

If you have any urgent queries or any technical difficulties accessing any elements of this course, please contact the Education Team at training@humanrights.gov.au.

When you are ready to begin, click on the 'START COURSE' button near the top of the page.

INTRODUCTION

 **How to navigate this course**

 **Course overview**

MODULE 1: INTRODUCTION TO THE AUSTRALIAN HUMAN RIGHTS COMMISSION

 **Knowledge check**

 **Welcome**

 **Introduction to the Australian Human Rights Commission**

MODULE 2: PURPOSE, FUNCTIONS AND STRUCTURE

☰ Core statutory functions

☰ Purpose and goals

☰ Commission structure

☰ Commissioners

☰ Policy and programs

☰ Information and conciliation service

☰ Other services

MODULE 3: RELEVANT LEGISLATION

☰ Our legislation

☰ Australian Human Rights Commission Act

☰ Racial Discrimination Act

☰ Sex Discrimination Act

☰ Disability Discrimination Act

☰ Age Discrimination Act


MODULE 4: INTRODUCTION TO NATIONAL HUMAN RIGHTS INSTITUTIONS

☰ National human rights institutions

 **Regional networks**

MODULE 5: CONCLUSION

 **Wrap-up**

 **Evaluation**

 **Final knowledge check**

How to navigate this course

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You can complete this course in your own time.

This online course operates much like a website. It can be accessed on a smart phone, tablet or computer that is connected to the internet. You can read through the course content like

you would any other website. Use your finger to scroll through each topic on a phone or tablet or your mouse, if you are using a computer.

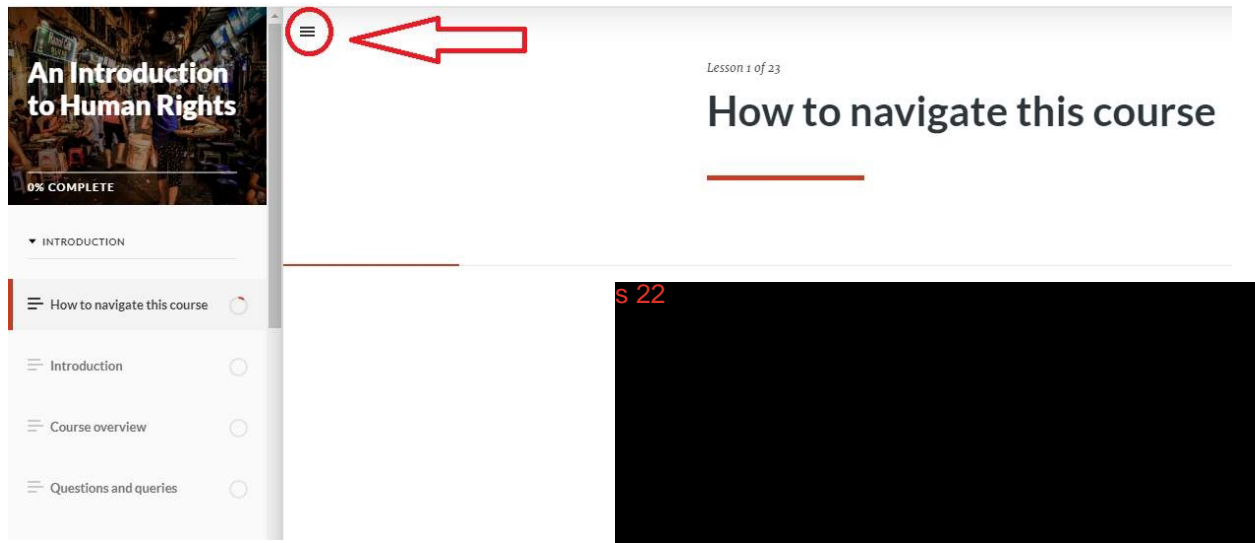
You can complete the course in your own time, at a time convenient for you. You can also stop part way through and come back to the course at a later time. You will not have to start the course again if you do this.

The course is divided into short 'modules'. Each module includes a number of different 'lessons'. Each lesson has its own page. **You must complete the lessons in order.**



At the end of each page is a CONTINUE button.

You will know you have reached the end of a page when you see a big orange button with the word 'CONTINUE' in the middle. Click on this button to move to the next lesson.



The red arrow points to the lines that you can click on to show or hide the course menu.

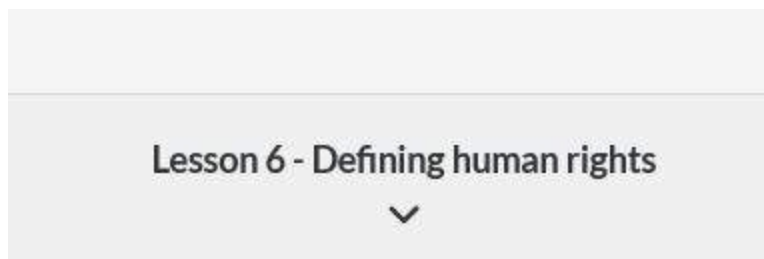
Course menu

At the left of your screen, you will find the course menu. This lists all the modules and lessons in the course. It also shows which topics you have completed and which topics you have remaining.

To show or hide the menu, click on the three horizontal lines that appear at the top of your screen.

Quizzes

At the end of some modules, you will be asked to take a short quiz. The quizzes are designed to assist you in checking your learning and knowledge.



Click on the grey bar to continue to the next lesson.

At the end of each quiz you can navigate to the next lesson by clicking on the grey bar at the bottom of the page.

Privacy

The knowledge checks and quizzes throughout this course are designed to assist you in checking your learning and knowledge. The Commission's Human Resources section and your manager will be notified when you complete a course. However, individual quiz results will not be shared with anyone. De-identified reports and feedback will be used to improve the content of the course.

Feedback and evaluation

At the end of the course, you will be asked to complete a short evaluation survey and provide feedback on the course. Please take the time to provide us with feedback. Your feedback will help us to evaluate the usefulness of the course and will allow us to improve it for future employees.

Click on the CONTINUE button below to move to the next topic.

CONTINUE

Course overview

This short course has been designed to introduce you to the Australian Human Rights Commission.



**Australian
Human Rights
Commission**

The Commission's logo

We will be addressing questions including:

- What is the purpose of the Commission?

- What are the Commission's core statutory functions?
- What is the structure of the Commission?
- Which legislation is relevant to the work of the Commission?
- What is an national human rights institution?

Learning outcomes

By the time you complete this course, you should:

1

Understand the purpose and functions of the Australian Human Rights Commission

2

Be aware of the federal legislation administered by the Australian Human Rights Commission

3

Understand the role that national human rights institutions play in promoting and protecting human rights.



CONTINUE

Knowledge check

Before we introduce any new content, let's check what you may already know about the Australian Human Rights Commission.

This is a "True" or "False" quiz. There are 15 questions. Answer each question by clicking on either "true" or "false" and then "submit".

Please answer the quiz questions to the best of your current knowledge.

Click on 'START QUIZ' below to begin.

Question

01/15

The Australian Human Rights Commission is an "A status" accredited national human rights institution.

True

False

Question

02/15

The Australian Human Rights Commission was established by an act of Victorian parliament.

True

False

Question

03/15

The Chief Executive of the Australian Human Rights Commission is the Attorney-General.

True

False

Question

04/15

The Australian Human Rights Commission used to be called the Human Rights and Equal Opportunity Commission.

True

False

Question

05/15

The Australian Human Rights Commission has specific responsibilities under Australia's anti-discrimination legislation.

True

False

Question

06/15

The Australian Human Rights Commission's vision is: *everyone, everywhere, everyday.*

True

False

Question

07/15

The investigation and conciliation of complaints is a core function of the Australian Human Rights Commission.

True

False

Question

08/15

The Australian Human Rights Commission does not engage in public education.

True

False

Question

09/15

New Commissioners are appointed to the role by the President of the Australian Human Rights Commission.

True

False

Question

10/15

The Australian Human Rights Commission has the power to call national inquiries into acts or practices that violate human rights.

True

False

Question

11/15

The *Sex Discrimination Act 1984* (Cth) makes it against the law to discriminate against a person because of their gender identity, intersex status or sexual orientation.

True

False

Question

12/15

Racial hatred is unlawful under the *Racial Discrimination Act 1975* (Cth).

True

False

Question

13/15

The *Disability Discrimination Act 1992* (Cth) provides protection for people who are relatives, friends and carers of people with disability.

True

False

Question

14/15

The *Age Discrimination Act 2004* (Cth) only provides protection for older people.

True

False

Question

15/15

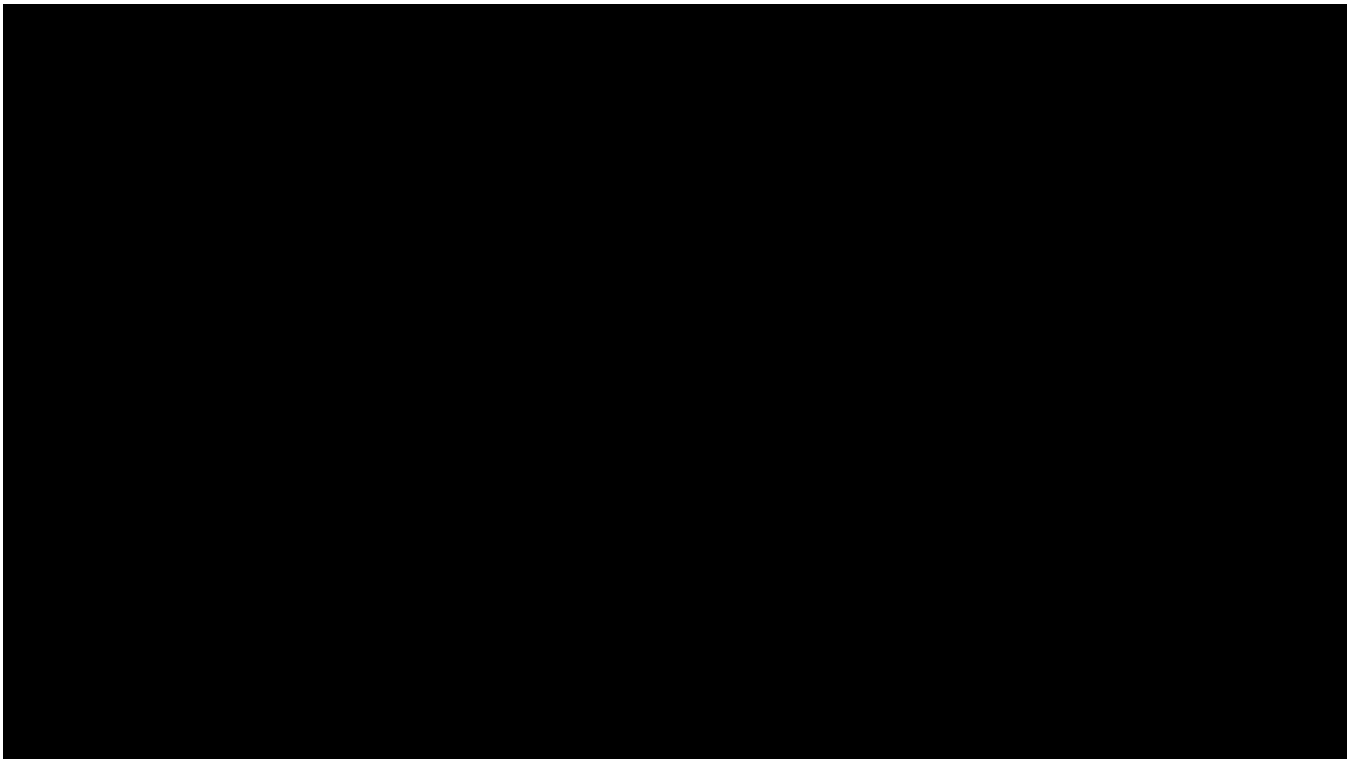
The *Australian Human Rights Commission Act 1986* (Cth) gives effect to Australia's international obligations under a number of international laws.

True

False

Lesson 4 of 23

Welcome



CONTINUE

Introduction to the Australian Human Rights Commission



Introduction

The Australian Human Rights Commission (the Commission) is Australia's national human rights institution. Established in 1981, after Australia ratified the International Covenant on Civil and Political Rights, the Commission was made permanent in 1986. Established by legislation of the federal Parliament, the Commission is the primary government agency

responsible for protecting and promoting human rights in Australia. The Commission's operations are determined independently of the government through the President and Commissioners.

The Commission provides human rights analysis to the courts and parliamentary inquiries, conducts research and contributes to partnerships. The Commission's role is to work towards an Australia in which human rights are respected, protected and promoted, finding practical solutions to issues of concern, advocating for systemic change and raising awareness of human rights across the community.

The Commission also has a complaint-handling function which requires it to investigate and, where appropriate, try to conciliate complaints made under federal anti-discrimination laws and the Australian Human Rights Commission Act.

In addition to its public education, complaint handling and policy functions, the Commission plays a role in advancing the protection and promotion of human rights in the Asia-Pacific region and globally by engaging and partnering with governments, other national human rights institutions, international NGOs and donors in regional meetings, capacity-building activities and bilateral cooperation programs.

Foundation

Australia's first federal Human Rights Commission was established for a period of five years by the *Human Rights Commission Act 1981* (Cth).

The current Australian Human Rights Commission was established as a permanent independent statutory organisation by an act of Federal Parliament in 1986. It was called the Human Rights and Equal Opportunity Commission. In 2009, its name was changed to the Australian Human Rights Commission.

The Commission reports to Federal Parliament through the Attorney-General.



An independent statutory organisation is a government agency that is established by legislation and has responsibilities to administer particular legislation on behalf of the government.

Structure



The President and Commissioners of the Australian Human Rights Commission at the Human Rights Awards, December 2019

The Commission is a collegiate body made up of:

- [President](#)
- [Aboriginal and Torres Strait Islander Social Justice Commissioner](#)
- [Age Discrimination Commissioner](#)
- [National Children's Commissioner](#)
- [Disability Discrimination Commissioner](#)
- [Human Rights Commissioner](#)
- [Race Discrimination Commissioner](#)
- [Sex Discrimination Commissioner](#).



A collegiate body is a government agency in which authority is vested in its members (in the case of the Commission, its President and Commissioners).

Legislation

The current Commission was established by the *Human Rights and Equal Opportunity Commission Act 1986* (Cth). In 2009, this legislation was renamed the [*Australian Human Rights Commission Act 1986*](#) (Cth). The Commission has statutory functions under this act as well as under Australia's anti-discrimination legislation:

- [*Racial Discrimination Act 1975*](#) (Cth)
- [*Sex Discrimination Act 1984*](#) (Cth)
- [*Disability Discrimination Act 1992*](#) (Cth)
- [*Age Discrimination Act 2004*](#) (Cth).

A basic introduction to each of these pieces of legislation will be provided later.

The Commission also has responsibilities under:

- [*Native Title Act 1993 \(Cth\)*](#)
- [*Fair Work Act 2009 \(Cth\)*](#).

Further reading



The Australian Human Rights Commission .pdf
647.4 KB



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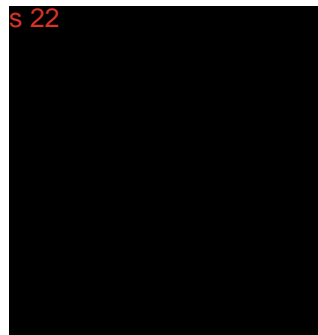
Core statutory functions



President Croucher addresses the 2019 Federal and Supreme Court Judges' Conference in Hobart.



Commissioner Patterson and Attorney-General Porter launch the National Plan to Respond to the Abuse of Older Australians (Elder Abuse).



Commissioner Santow hosts a meeting of religious leaders at the Commission.



Commissioner Tan participates in a panel discussion at a PWC cultural diversity event.

The Australian Human Rights Commission Act details a number of core statutory functions which the Commission is required to undertake. They include:

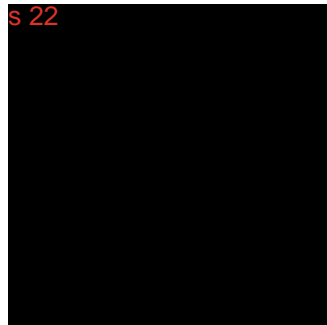
- Promoting understanding, acceptance and public discussion of human rights in Australia (including through our Commissioners)
- Promoting compliance with human rights and federal discrimination law (including through the preparation of guidelines; developing and

monitoring disability standards; and considering applications for exemptions under relevant discrimination laws)

- Undertaking research, educational and other programs for promoting human rights, including by reporting to Parliament on the status of enjoyment of human rights by children and Aboriginal and Torres Strait Islander peoples
- Conducting inquiries into acts or practices that may be contrary to human rights; reporting on laws that Parliament should make, or actions that the Commonwealth should take, to meet Australia's international human rights obligations; and examining laws and proposed laws for consistency with human rights
- Inquiring into, and attempting to conciliate, complaints of unlawful discrimination, or breaches of human rights or discrimination in employment.



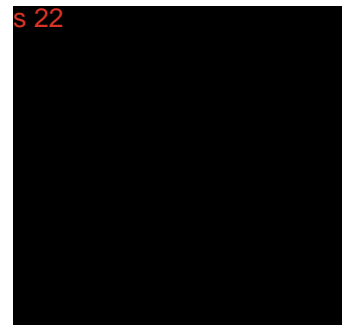
Commissioner Oscar addresses the Bourke Maranguka Summit.



Former Commissioner Mitchell conducts a consultation with primary school students.



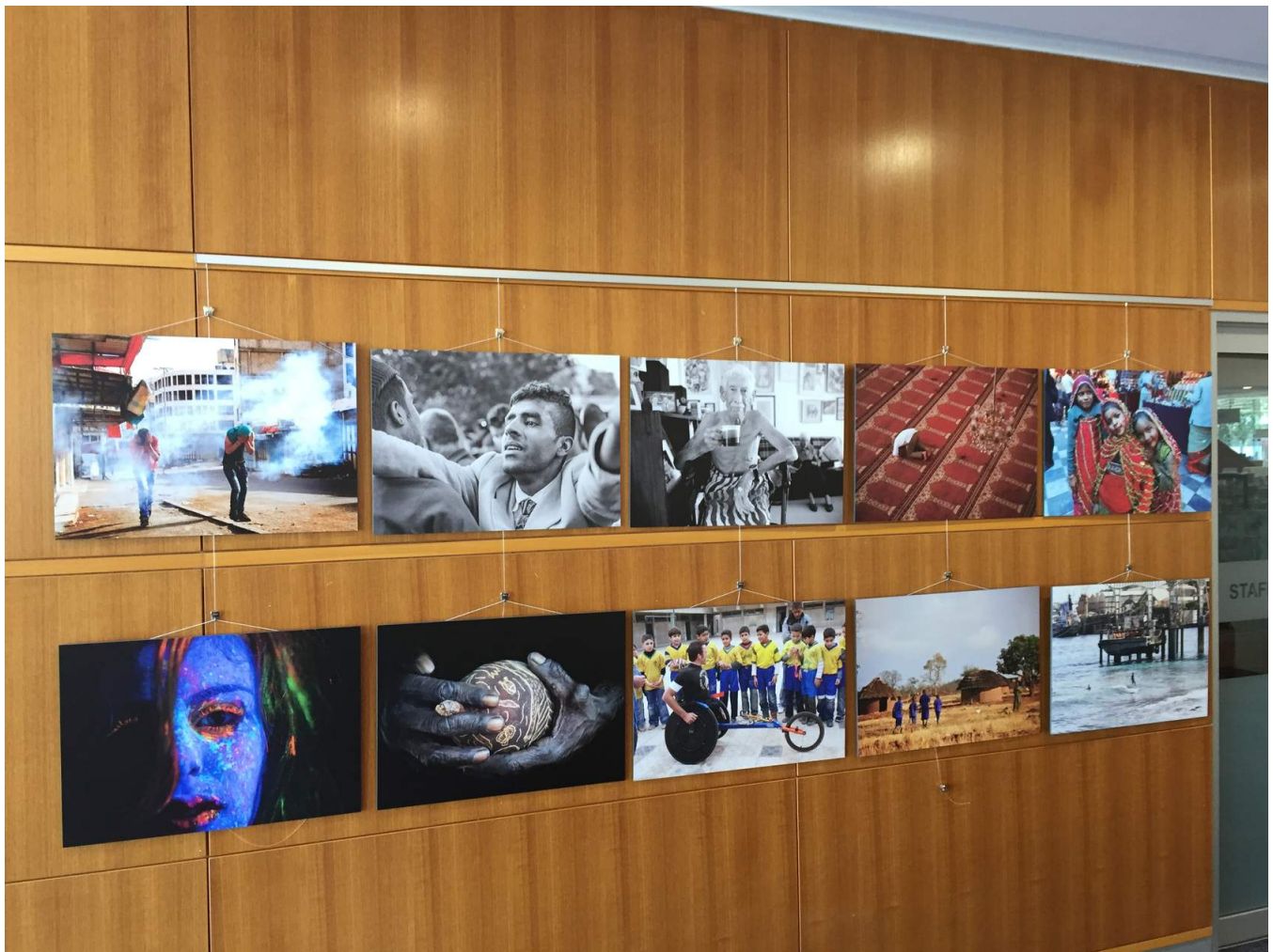
Commissioner Jenkins delivers the keynote address at the 2019 Not in My Workplace summit.



Commissioner Gauntlett addresses the UN Committee on the Rights of Persons with Disabilities.

CONTINUE

Purpose and goals



An exhibition of photos submitted to the Commission's Human Rights Photo Competition, Blacktown Library.

Purpose

As Australia's national human rights institution, the Commission's purpose is to ensure that Australians have access to effective, independent complaint handling and public inquiry processes on human rights and discrimination matters, and benefit from our human rights education, advocacy, monitoring and compliance activities.

Vision

The Commission's vision of *Human rights, everyone, everywhere, everyday*, is an Australia where respect for human rights and freedoms is the cornerstone of a cohesive and peaceful society in which everyone can contribute and feel safe and included. To achieve this we need an effective system of human rights protection: where the promotion of human rights is a shared endeavour—by government, business, the non-government organisation sector, educators, service providers and the community at large.

Goals

The Commission's vision and purpose are reflected in our goals:



Greater
prioritisation
and embedding
of human
rights issues
at the national
level.



More people,
communities,
and
organisations
understand
and respect
human rights.



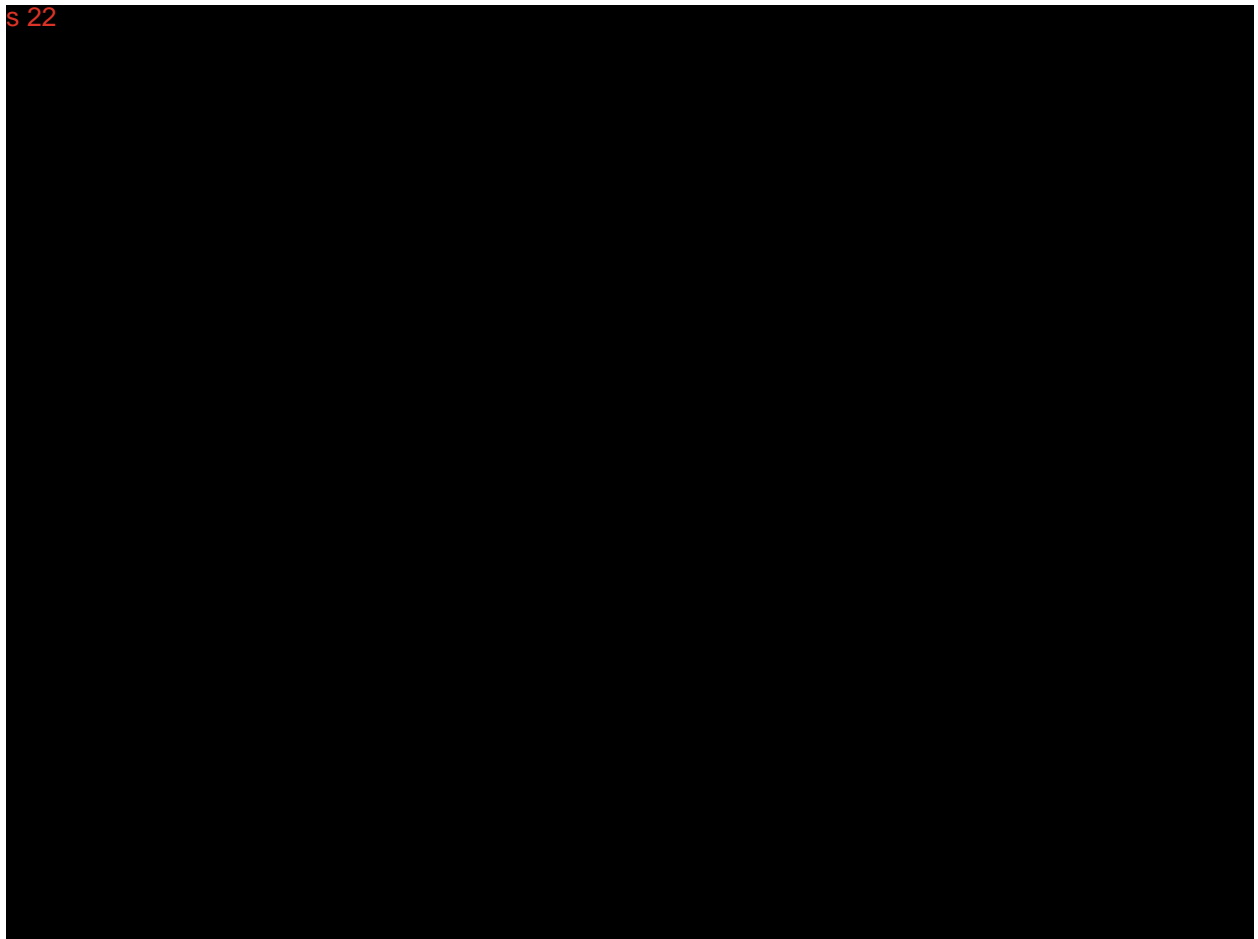
More people,
communities,
and
organisations
take action to
respect, protect
and promote
human rights
in their own
contexts.



Improved
access to
justice and
remedies for
people and
communities
whose rights
are breached.

Approach

There is no simple way to solve complex human rights issues. Accordingly, the Commission adopts a range of differing approaches to fulfilling our statutory functions and achieving our purpose:



A Wiyi Yani U Thangani consultation with high school students in Tennant Creek.

Setting and advancing national human rights agendas

Through our major projects and inquiries, the Commission draws national attention to pressing human rights issues, raising community awareness and encouraging positive action by governments, service providers and others.

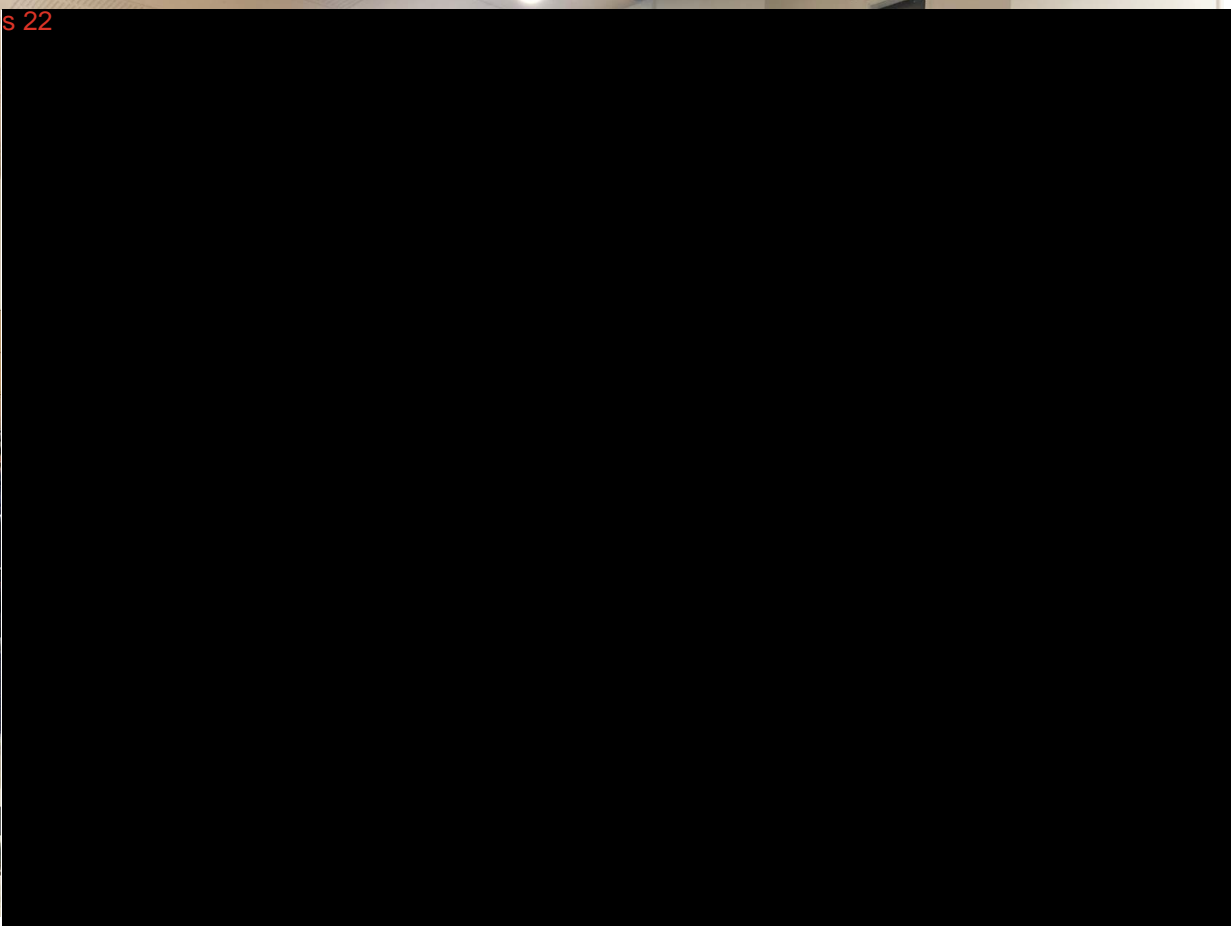
Some examples include: [Free and Equal: An Australian conversation on human rights](#); [Human Rights and Technology](#) project; [Wiyi Yani U Thangani](#) (Aboriginal and Torres Strait Islander Women and Girls) project; and, [National Inquiry into Sexual Harassment in Australian Workplaces](#).

Building understanding and respect for human rights

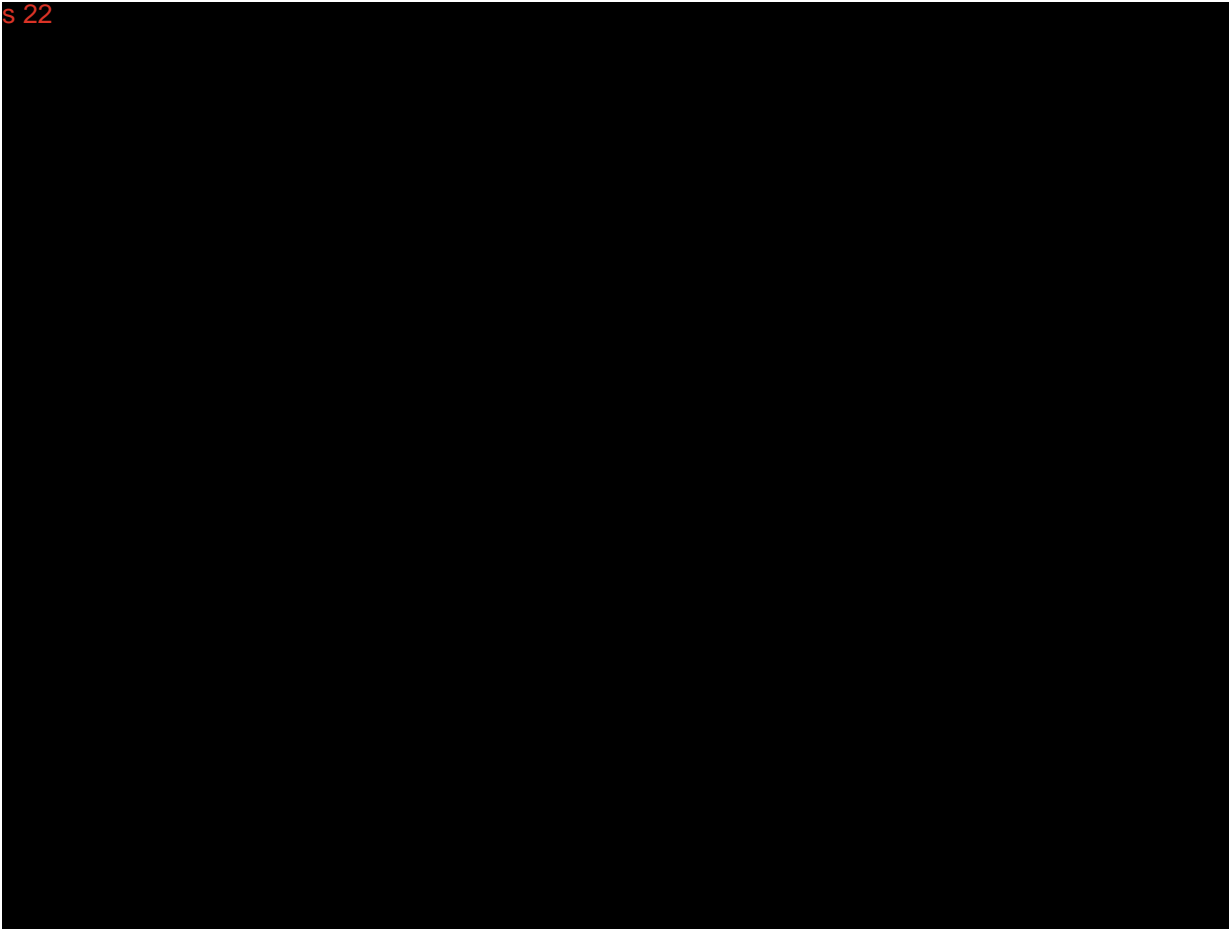
The Commission focuses on increasing understanding and respect for human rights in our community. This includes building recognition that everyone has a responsibility to respect the rights of others. We empower people to engage in meaningful activity on human rights and to make the connection between what human rights are and how they apply to everyday life in Australia.

The Commission raises awareness of a range of issues facing different communities in Australia through various projects, and by developing educational resources for schools, workplaces and public servants to increase understanding of human rights.

Some examples include: [Elder abuse](#) project; [Sharing the Stories of Australian Muslims](#) project; [Story of Our Rights and Freedoms](#) education resources; and, [Roundtable on human rights and mega sporting events in the Commonwealth](#).



Commissioner Tan facilitates a consultation with Muslim community members in Canberra.



An event discussing the role of the financial sector in preventing modern slavery.

Building human rights into Australian laws, policy and practices

The Commission considers that human rights protection needs to be a central part of laws, policies and practices in order to build a fairer and more inclusive Australia.

The advocacy work undertaken by our Commissioners, as well as the partnerships we engage in, help us to positively influence laws and practices and drive other practical changes.

Our work developing guidance for businesses, tools for organisations and our engagement with Parliament on the human rights impact of proposed laws put human rights issues on the agenda.

Some examples include: Work on preventing modern slavery; [Child safe organisations](#) project; and, Parliamentary [submissions](#).

Monitoring and reporting on the human rights situations of vulnerable groups

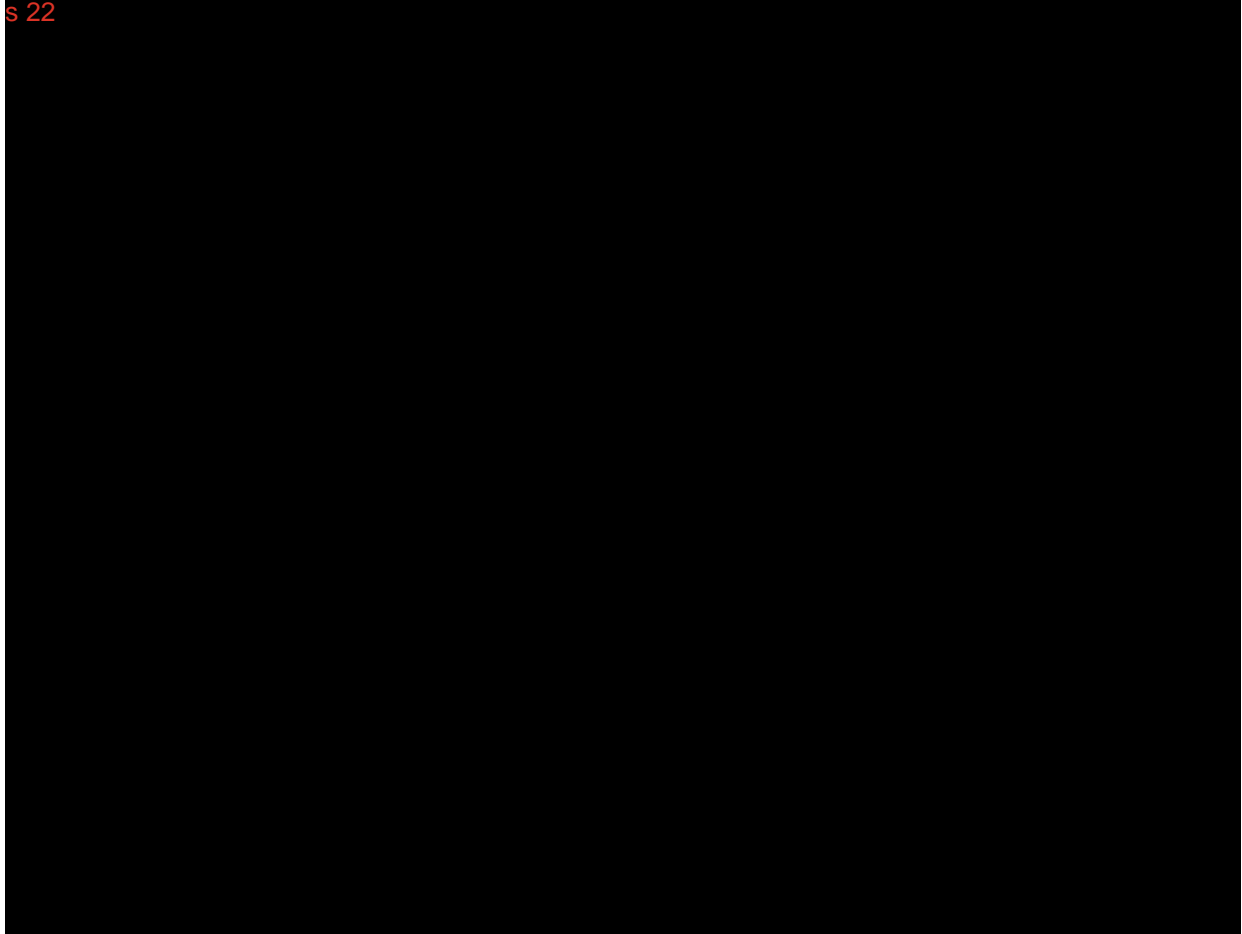
Some people in Australia are especially vulnerable to discrimination, exclusion and unfair treatment. The Commission has a particular responsibility to monitor the situation facing these groups, identify issues of concern and propose solutions that will improve their lives.

Some examples include: [Children's Rights Report](#); [Immigration detention](#) visits and reports; and, [Protecting the human rights of people born with variations in sex characteristics in the context of medical interventions](#) project.

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Former Commissioner Mitchell with Annandale Primary School students.



President Croucher and other attendees at the 2019 Asia Pacific Forum conference in Seoul, South Korea.

Engaging regionally and internationally with human rights agencies and systems

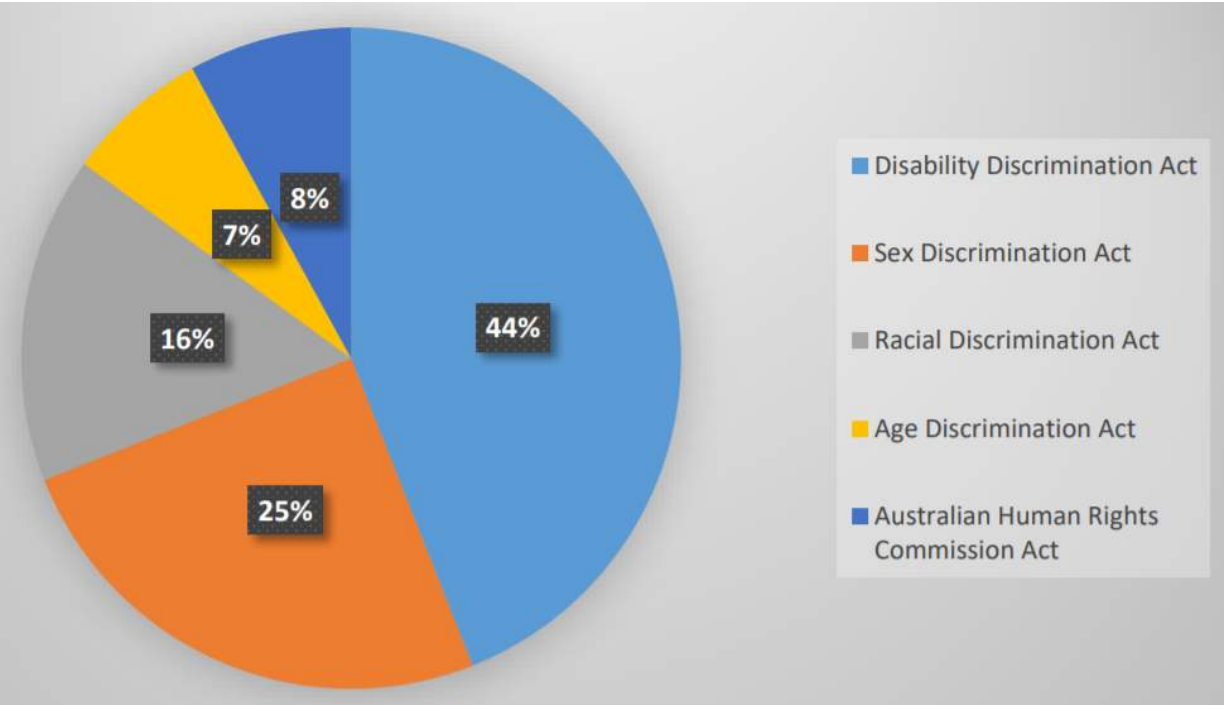
As Australia's national human rights institution, the Commission engages in UN mechanisms such as the Human Rights Council and human rights treaty bodies to provide a credible, independent voice on the status of human rights in Australia. In 2019–2020, the Commission reported to the following treaty bodies:

- [Committee on the Rights of the Child](#)
- [Committee on the Rights of Persons with Disabilities](#)
- [Committee Against Torture](#)

The Commission also engages with other national human rights institutions in the Asia-Pacific region, across the Commonwealth and at the global level.

Resolving discrimination and human rights complaints

One of the Commission's core functions is to help people resolve complaints of discrimination and other breaches of human rights through our complaint-handling service. Our [National Information Service](#) offers advice to businesses and members of the community about the operation of discrimination laws. People can make complaints to us about discriminatory treatment or breaches of their human rights in certain areas of public life, for example in employment, education, or the provision of goods and services. Our [conciliation service](#) aims to resolve complaints in order to avoid the need for court proceedings and where possible, tried to achieve systemic improvements in addition to the individual resolution of complaints. We use information and trends from complaints to develop targeted education programs and suggest policy reforms to address the underlying factors that lead to discrimination.



Complaints received by the Australian Human Rights Commission, by Act, 2018-2019.



CORPORATE PLAN 2019-2020.pdf

14.5 MB



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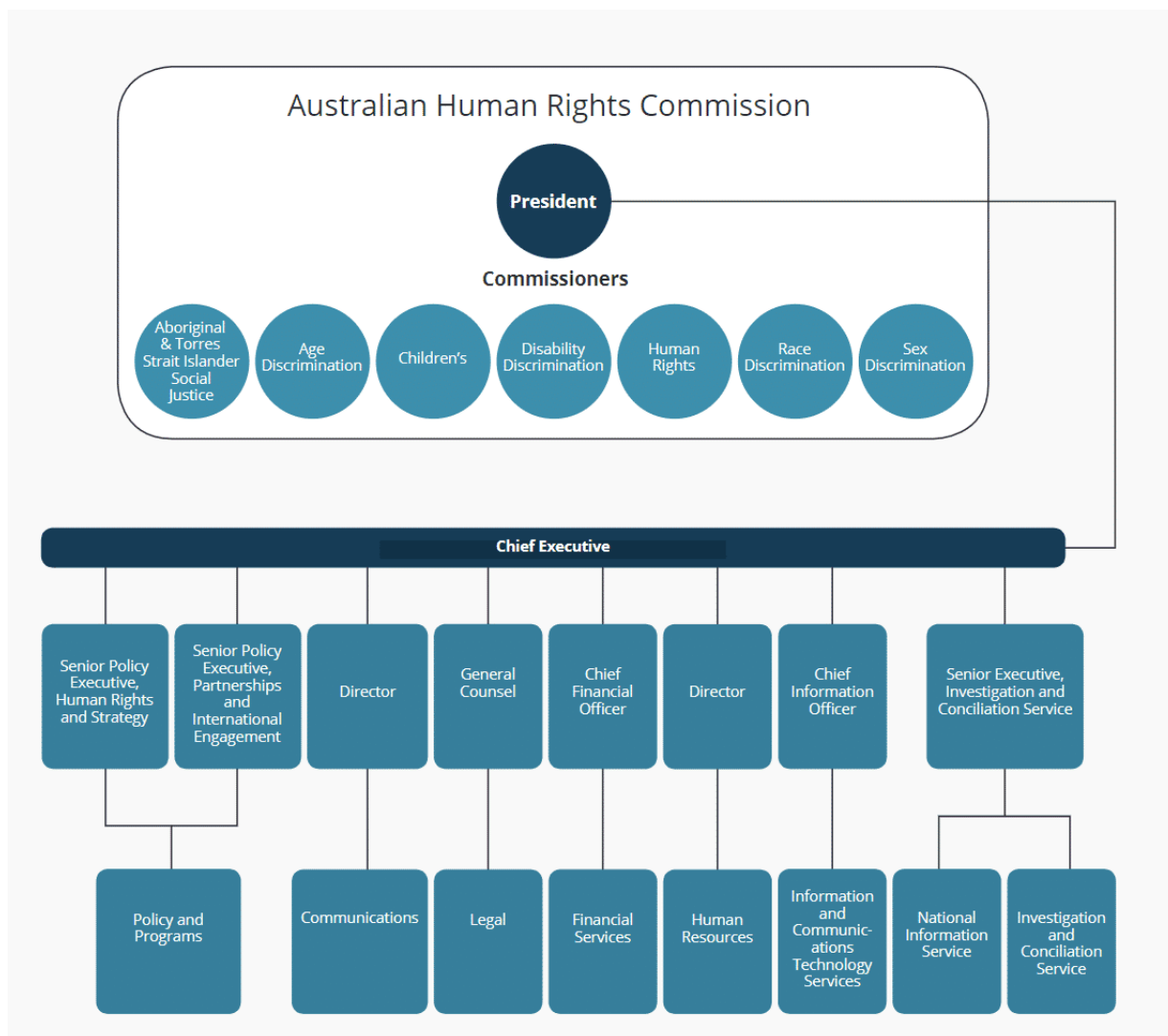
Commission structure



The President, Commissioners and Chief Executive of the Australian Human Rights Commission, 2018.

The Commission's work is led by the President, Commissioners and Chief Executive.

There are currently about 150 staff (123 FTE) employed by the Commission. They work across a range of teams. The image below shows the Commission's reporting structure.



The structure of the Australian Human Rights Commission (2019-2020). Some changes have been made for 2020-21; an updated organisational chart will be provided when it is available.



Commission Structure - accessible version.docx

14.7 KB



CONTINUE

Commissioners



President and Commissioners at the Human Rights Awards, December 2019.

The Commission is a collegiate body made up of:

- [President](#)
- [Aboriginal and Torres Strait Islander Social Justice Commissioner](#)
- [Age Discrimination Commissioner](#)
- [National Children's Commissioner](#)

- [Disability Discrimination Commissioner](#)
- [Human Rights Commissioner](#)
- [Race Discrimination Commissioner](#)
- [Sex Discrimination Commissioner](#).

The President has overall responsibility for the administrative affairs of the Commission. The Commissioners are responsible for: promoting discussion and raising awareness; conducting research and education activities; and, reviewing existing and proposed legislation to determine compatibility with human rights, as this relates to their particular thematic portfolio.

The President and Commissioners are appointed to the role by the Governor-General, upon the recommendation of the Attorney-General. While they may be appointed for a term of up to seven years, most are appointed for a five year term. Some Commissioners may be re-appointed for a second term. The terms of appointment for each Commissioner are detailed in the relevant legislation.



President

Emeritus Professor Rosalind Croucher AM

Term: 2017 - 2024

President

Emeritus Professor Rosalind Croucher AM

Term Goals:

- Progress the role and leadership of the Commission as an independent statutory agency and as Australia's National Human Rights Institution
- Advance the Commission's relationship with key stakeholders including Commonwealth Government and Parliament
- Enhance community understanding of human rights and an Australian culture of rights-mindedness
- Lead and manage the internal and external governance of the Commission effectively
- Foster and lead a positive and collegiate Commission and organisational culture.

President Croucher oversees the following areas of work: [Investigation and Conciliation Service](#); [National Information Service](#); [Human rights education and training](#); Human rights technical co-operation; [International engagement](#); Business and human rights strategy; Human rights scrutiny.

Aboriginal and Torres Strait Islander Social Justice

Commissioner

June Oscar AO

Term Goals:

- Elevate the voices of Aboriginal and Torres Strait Islander women and girls
- Reduce Aboriginal and Torres Strait Islander health inequality
- Reduce numbers and rates of Aboriginal and Torres Strait Islander incarceration and children in the out of home care system
- Progress constitutional reform
- Progress the UN Declaration on the Rights of Indigenous Peoples to full effect through a national level coordinated action plan
- Progress native title reform.

2019-20 key projects: [Wiyi Yani U Thangani](#) (Women's Voices) project; [Native Title](#) project; The [Close the Gap](#) campaign.



Aboriginal and Torres Strait Islander Social Justice Commissioner
June Oscar AO
Term: 2017 - 2022



Age Discrimination Commissioner

The Hon Dr Kay Patterson AO

Term: 2016 - 2021

Age Discrimination Commissioner

The Hon Dr Kay Patterson AO

Term Goals:

- Increase employment opportunities for older workers

- Improve recognition and responses to elder abuse
- Increase housing security for older women at risk of homelessness
- Promote positive ageing.

2019-20 key projects: [Older Australians and employment](#) program; [Elder abuse](#) awareness program; [Older women at risk of homelessness](#) program; Supporting and promoting positive ageing.

National Children's Commissioner

Anne Hollonds

Anne Hollonds commenced as National Children's Commissioner in November 2020. Her terms goals have not yet been established.



National Children's Commissioner

Ms Anne Hollands

Term: 2020 - 2025



Disability Discrimination Commissioner

Dr Ben Gauntlett

Term: 2019 - 2024

Disability Discrimination Commissioner

Dr Ben Gauntlett

Term goals:

- Increase access to meaningful employment opportunities for people with disability
- Increase availability of accessible housing for people with disability
- Greater community awareness of disability rights and disability discrimination
- Strengthen legal and policy frameworks to protect disability rights.

2019-20 key projects: Guidelines for Equivalent Access under the Disability Standards for Accessible Public Transport 2002 (Cth); Protecting the rights of people with disability: guidelines on human rights-based decision making in the context of COVID-19; Disability Employment project; Accessible Housing project; Engagement with the [Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability](#) ; Providing input on the [new National Disability Strategy](#).

Human Rights Commissioner

Edward Santow

Term Goals:

- Improve human rights protections for people including:
 - Refugees and asylum seekers
 - Lesbian, gay, bisexual, transgender and intersex people
 - People in all forms of detention
 - People of faith.
- Improve Australia's protection of human rights in difficult contexts including:
 - Design and regulation of new technologies
 - Serious harms experienced by religious communities

- Implementation of anti-terrorism and national security law and policy.

2019-20 key projects: [Human rights and technology project](#); [Asylum seeker and immigration detention program](#); [Freedom of religion program](#); Implementation of the [Optional Protocol to the Convention Against Torture \(OPCAT\)](#) program; [Medical interventions for people born with variations in sex characteristics](#): consultation project.



Human Rights Commissioner

Mr Edward Santow

Term: 2016 - 2021



Race Discrimination Commissioner

Mr Chin Tan

Term: 2018 - 2023

Race Discrimination Commissioner

Chin Tan

Term Goals:

- Improve protections against racial discrimination
- Reduce institutional racism and systemic inequities
- Increase capacity for multicultural and racial minority communities to advocate for their rights
- Increase awareness of racism and racial discrimination.

2019-20 key projects: [Sharing the Stories of Australian Muslims](#); Media and Australian Muslims; [Racism. It Stops With Me Campaign](#); A national data framework; Combatting racist extremism; COVID-19 and Asian Australians; Leadership Council on Cultural Diversity; [Kep Enderby lecture series](#)

Sex Discrimination Commissioner

Kate Jenkins

Term Goals:

- Reduce violence against women
- Improve women's economic security and empowerment
- Increase diversity in leadership.

2019-20 key projects: [Respect@Work: Sexual Harassment National Inquiry Report](#); Violence against women projects; Inclusion and sport; Women's economic security projects; [Defence Cultural Reform Collaboration](#); [International engagement](#) (UN [Committee on the Elimination of Discrimination against Women](#) and [Commission on the Status of Women](#)).



Sex Discrimination Commissioner

Ms Kate Jenkins

Term: 2016 - 2021

[CONTINUE](#)

Policy and programs

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The Human Rights Awards, 2019.

The Policy and Programs teams support the thematic work of the President and Commissioners.

The President is supported by an Associate and an Executive Assistant.

Each Commissioner is supported by a team that includes a Director, a Policy Officer and an Executive Assistant. Teams may also include additional policy and project officers who are recruited to support particular projects.

The Policy and Programs section is led by the Senior Policy Executives.

The Senior Policy Executive, Human Rights and Strategy leads the work of the following portfolios:

- [Aboriginal and Torres Strait Islander Social Justice](#)
- [Children's Rights](#)
- [Human Rights Scrutiny](#)
- [Race Discrimination](#)
- Parliamentary Scrutiny
- International human rights scrutiny.

The Senior Policy Executive, Partnerships and International Engagement leads the work of the following portfolios:

- [Age Discrimination](#)
- [Disability Discrimination](#)
- [Sex Discrimination](#)
- Business and Human Rights
- [Education](#), Engagement and Partnerships
- [International Engagement](#).

Aboriginal and Torres Strait Islander Social Justice

The Australian Human Rights Commission works to ensure governments, the private sector and civil society acknowledge and implement the rights of Aboriginal and Torres Strait Islander people to self-determination, participation in decision-making, respect for and protection of culture, and equality and non-discrimination.

The Commission also recognises the distinctive rights Aboriginal and Torres Strait Islander peoples hold as the original peoples of this land.

The Commission participates in the development of international human rights standards relating to Aboriginal and Torres Strait Islander peoples. The Aboriginal and Torres Strait Islander Social Justice Commissioner co-chairs the Indigenous health campaign, [Close The Gap](#).

This work is led by the Aboriginal and Torres Strait Islander Social Justice Commissioner, June Oscar AO.

Other activities include:

- [Wiyi Yani U Thangani \(Women's Voices\) project](#)
- Supporting [Indigenous education initiatives](#)
- Monitoring the impact of laws, policies and programs on Indigenous peoples
- Providing policy advice and research on Indigenous human rights issues including [health](#), [family violence](#), [children's rights](#) and the ['Stolen Generations'](#).

Age Discrimination

The Commission's work in the area of age discrimination includes research, policy advice and education to remove the barriers to equality and participation faced by older Australians and young people.

This work is led by the Age Discrimination Commissioner, the Honourable Dr Kay Patterson AO.

In addition to helping individuals and organisations understand their rights and meet their legal responsibilities, Commissioner Patterson's team is currently focusing on three core areas:

- Older workers: The Commission's [Willing to Work report](#), published in 2016, makes it clear that many older Australians are willing and able to work but are prevented from doing so by age discrimination and lack of positive policies and supports. The Commissioner is working to implement many of the recommendations of that report.
- [Elder abuse](#): Elder abuse can take various forms, including: financial, physical, psychological, emotional or sexual. It can also be the result of intentional or

unintentional neglect. No older person should be subjected to any form of abuse. The Commissioner works with civil society organisations and government departments to implement recommendations from the [2017 Australian Law Reform Commission report, Elder Abuse - A national Legal Response](#).

- [Older women and homelessness](#): Increasing numbers of older women are facing a housing crisis or homelessness. There are clear issues relating to the lack of affordable housing and targeted services for older people.

Business and Human Rights

The Australian Human Rights Commission promotes respect for human rights in the context of Australian business operations and global supply chains, through the implementation of the [2011 United Nations Guiding Principles on Business and Human Rights](#) (UNGPs). The

Business and Human Rights team:

- Provides advice to government and the business sector on the implementation of UNGPs
- Provides advice to government on the implementation of Australia's new modern slavery laws
- Develops resources for businesses (locally and international) on meeting their obligations under modern slavery laws, and understanding the 'business responsibility to respect human rights' under the UNGPs
- Hosts a range of events, consultations and training for businesses, government, unions, civil society and academia to promote and progress the business and human rights agenda in Australia and the region
- Supports the Australian OECD National Contact Point in its complaints handling function under the OECD Guidelines for Multinational Enterprises, including as a member of its Governance and Advisory Board.

This work is led by the Senior Executive, International and Partnerships.

Children's Rights

Just like adults, children have human rights across the full spectrum of civil, cultural, economic, political and social rights. Children also have special rights because of their vulnerability, such as the right to protection from exploitation and abuse, the right to be cared for and have a home, and the right to have a say in decisions which affect them.

The Commission's work in the area of children's rights includes:

- Advocating nationally for the rights and interests of children and young people
- Promoting children's participation in decisions that have an impact on them
- Providing national leadership and coordination on children's rights issues
- Promoting awareness of and respect for the rights of children and young people
- Undertaking research about children's rights
- Examining laws, policies and programs to ensure they protect and uphold the rights of children and young people.

This work is led by the National Children's Commissioner.

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Former Commissioner Mitchell facilitates a consultation with primary school students.

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An event commemorating 25 years of the Disability Discrimination Act.

Disability Discrimination

Around one in five Australians has a disability. Many face significant barriers in work, study, sport, getting around and simply taking part in everyday activities.

The Australian Human Rights Commission works with governments, the private sector and civil society to help individuals and organisations understand their rights and meet their legal responsibilities under the Disability Discrimination Act. This includes:

- Conducting research and public inquiries
- Encouraging reform by promoting disability standards and guidelines
- Assisting organisations to develop Disability Action Plans
- Promoting the [United Nations Convention on the Rights of Persons with Disabilities](#), which Australia ratified in 2008.

This work is led by the Disability Discrimination Commissioner, Dr Ben Gauntlett.

Education, Engagement and Partnerships

This work is led by the Director, Education, Engagement and Partnerships.

Education and Partnerships

The Australian Human Rights Commission promotes and provides education and training which seeks to build a universal culture of human rights. This includes:

- Developing resources to educate the public about human rights, including particular thematic issues
- Developing resources mapped to The Early Years Learning Framework and the Australian Curriculum
- Developing and delivering fee-for-service training for government departments (locally and internationally) and private employers
- Coordinating the development of online training courses and managing the Commission's Learning Management System (LMS)
- Providing advice to government, business and sport codes on the operation of Australia's anti-discrimination laws and inclusion
- Collaborating with policy teams to develop education materials for particular projects

Media and Communications

The Commission's media and communications team support the internal and external communications requirements of the Commission. This includes:

- Monitoring media coverage and sending daily media summaries
- Coordinating Commission communications, including newsletters and the Annual Report
- Marketing Commission events and launches, including the annual Human Rights Awards
- Proactive and reactive engagement with journalists and media, including responding to media enquiries, composing opinion pieces, arranging interviews and preparing interview briefs for Commissioners
- Developing and coordinating communications strategies for Commission projects, including reports and inquiries

- Sending media alerts and press releases for Commissioner announcements, events and major speeches
- Coordinating production of video content
- Managing and developing the Commission's websites and social media platforms and YouTube channel, including for individual Commissioners
- Managing electronic marketing, subscriber lists and the monthly newsletter
- Coordinating online and social media campaigns
- Providing live streaming and audio/visual support for public events
- Streamlining the online complaints process.

Human Rights Scrutiny

The Human Rights Scrutiny team undertakes work across a number of different areas:

- Rights and freedoms policy
- Parliamentary scrutiny
- International human rights scrutiny.

Rights and Freedoms

The Rights and Freedoms policy team within the Commission has a co-ordination role for work across all areas of human rights, with a particular focus on issues under the International Covenant on Civil and Political Rights.

The team are currently undertaking a major project on the relationship between [human rights and technology](#).

The Rights and Freedoms policy team also leads the following work:

- [Asylum Seekers and Refugees](#)
- [LGBTI people](#)
- [Freedom of Religion](#).

This work is led by the Human Rights Commissioner, Edward Santow.

Parliamentary Scrutiny

The Commission promotes effective Parliamentary scrutiny of legislation to ensure that legislation is compatible with human rights and promotes and protects human rights, including:

- by working with the [Parliamentary Joint Committee on Human Rights](#) and
- through [submissions](#) to other Parliamentary Committees on draft legislation and other inquiries.

The parliamentary scrutiny work is led by the Director, Human Rights Scrutiny.

International human rights scrutiny

The Commission promotes and contributes to effective engagement, by the Australian Government and by Australian community organisations, with international mechanisms for human rights scrutiny, including

- the [Universal Periodic Review](#) process
- [Reporting under human rights treaties](#)
- [International human rights complaint procedures](#).

The international human rights scrutiny work is led by the Director, Human Rights Scrutiny.

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Commissioner Jenkins,
Commissioner Oscar and
Minister for Women Kelly
O'Dwyer represent
Australia at a UN
Commission on the Status
of Women meeting, 2018.

President Croucher and the
President of the Ho Chi
Minh National Academy of
Politics sign a
Memorandum of
Understanding for a Human
Rights Education
Partnership.

International Engagement

The Commission has a role engaging with UN human rights mechanisms, to promote and protect human rights both in Australia and within the international human rights arena.

The Commission has an important role to play at the United Nations through its various human rights mechanisms. As an accredited national human rights institution, the Commission has a responsibility to cooperate with the United Nations and any other organisation in the United Nations system, the regional institutions and the national institutions of other countries that are competent in the areas of the promotion and protection of human rights.

The Commission monitors when Australia's human rights performance is reviewed by UN human rights agencies and participates in proceedings where possible. The Commission also regularly provides independent reports that track how Australia is doing in meeting its human rights obligations and what improvements could be made. This work is informed by the observations and recommendations made by UN agencies. The Commission regularly engages with a range of UN mechanisms.

The Commission, through the Department of Foreign Affairs and Trade, also engages in human rights technical cooperation activities with other countries.

The Commission currently engages in human rights cooperation programs with China, Laos and Vietnam.

This work is led by the Senior Policy Executive, Partnerships and International Engagement

More information on the Commission's [international work](#) can be found on the website.

Race Discrimination

The Race Discrimination Commissioner works with governments, business, community partners, education providers, the media and workplaces to help individuals and organisations understand their rights and meet their legal responsibilities.

The team are undertaking a project to listen to and [share the stories of Australian Muslims](#). This includes holding national consultations with members of the Australian Muslim community about their needs and experiences of discrimination, Islamophobia and hate speech and their right to safely practice their religion.

This work is led by the Race Discrimination Commissioner, Chin Tan.

Sex Discrimination

Australia has made good progress towards achieving gender equality in recent times. However, women still experience inequality and discrimination in many important parts of their lives.

The Commission works in partnership with a broad range of groups to promote gender equality and counter discrimination, sexual harassment, violence against women and other barriers to equality. We also act to overcome discrimination, harassment and hostility toward lesbian, gay, bisexual, intersex, trans and gender diverse people in Australia.

The Sex Discrimination team undertakes major research projects and provides policy advice to government and others to bring about positive change.

A recent major focus for the team has been the National Inquiry into Sexual Harassment in Australian Workplaces. In June 2018, the Minister for Women asked the Sex Discrimination Commissioner to conduct the national inquiry. Between September 2018 and February 2019 the inquiry team surveyed 10,000 Australia, held 60 public consultations and received 460 submissions. The final report [Respect@Work: Sexual Harassment National Inquiry Report](#) was released in March 2020 and makes 55 recommendations to government, employers and the community to better prevent and respond to sexual harassment in the workplace, and position Australia as a world leader in addressing workplace sexual harassment.

This work is led by the Sex Discrimination Commissioner, Kate Jenkins.

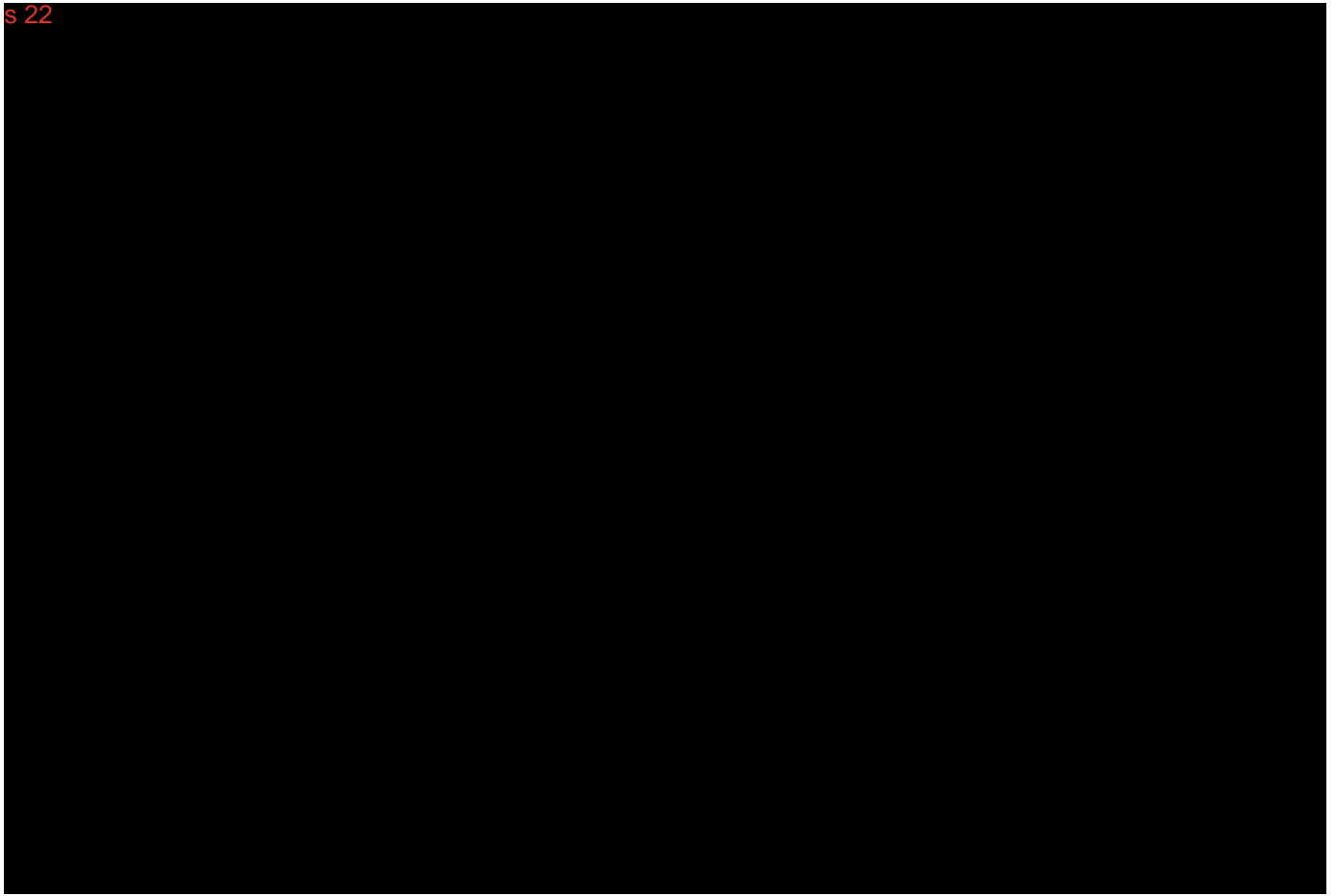
Australian Defence Force Collaboration

The Commission collaborates with the Australian Defence Force to support and improve Defence's cultural reform priorities. The Commission-Defence Collaboration is held up internationally as a unique example of a positive and productive partnership between a national human rights institution and a national military.

The Commission has consulted with more than 3,000 members of the Australian Defence Force over the course of the collaboration to provide advice on issues relevant to the cultural reform agenda.

The Collaboration began in 2014, following the conclusion of former Sex Discrimination Commissioner Elizabeth Broderick's reviews into the treatment of women in the Australian Defence Force and Australian Defence Force Academy.

This work is led by the Sex Discrimination Commissioner, Kate Jenkins.



Back Me Up Ambassador Ruby Rose poses with students at the campaign launch.

Information and conciliation service

One of the Commission's statutory functions is to investigate, and attempt to conciliate, complaints of discrimination and human rights breaches in employment. Special-purpose Commissioners have no role in the complaint handling.

Conciliation is a form of alternate dispute resolution in which a conciliator tries to help the complainant, and the person or organisation they have complained about, find a way to resolve the complaint. The conciliator is an independent third party. They do not take sides in the dispute. The conciliator's role is to help ensure the process is fair, help both sides talk to each other and help negotiate an agreement. The conciliator can also provide information about the law and how other complaints have been resolved.

COMPLAINTS PROCESS

how can I make a complaint about unlawful sex, age, race or disability discrimination?

make an enquiry

If you think you may have experienced discrimination due to your age, sex, race or disability, contact the National Information Service to talk about your options



your complaint is investigated

We will contact you, and the person or organisation you are complaining about, to find out more about what happened.

We may talk to you about trying to resolve the complaint by conciliation



make a complaint

A complaint must be in writing, and can be lodged online, email or post. In your complaint, you must reasonably argue that you experienced unlawful discrimination and you must provide sufficient details, including what happened, where and who was involved.



conciliation

We will try to help you, and the person/organisation you are complaining about, resolve the matter through conciliation. This can take place in a face-to-face meeting, by telephone conference or by exchange of letters. Complaints can be resolved in many ways, e.g. by an apology, a change of policy or compensation.

court action

If your complaint is not resolved or is discontinued, you can take the matter to court. The Commission cannot assist you with this process.



It is against the law to be discriminated against in many areas of public life, including employment, education, the provision of goods, services and facilities, accommodation, sport and the administration of Commonwealth laws and services. The Commission can investigate and attempt to resolve complaints of discrimination, harassment and bullying based on a person's:

- Sex, including pregnancy, marital or relationship status (including same-sex de facto couples), breastfeeding, family responsibilities, sexual harassment, gender identity, intersex status and sexual orientation
- Disability, including temporary and permanent disabilities; physical, intellectual and sensory, psychiatric disabilities, diseases or illnesses; medical conditions; work related injuries; past, present and future disabilities; and association with a person with a disability
- Race, including colour, descent, national or ethnic origin, immigrant status and racial hatred
- Age, covering young people and older people.

The Commission can also investigate and resolve complaints:

- Of discrimination, harassment and bullying (in employment only) based on a person's criminal record, trade union activity, political opinion, religion or social origin
- About alleged breaches of human rights against the Commonwealth and its agencies.

The infographic to the left provides an overview of the Commission's complaints process. An accessible text only version can be downloaded below.



Complaints process - accessible version.docx

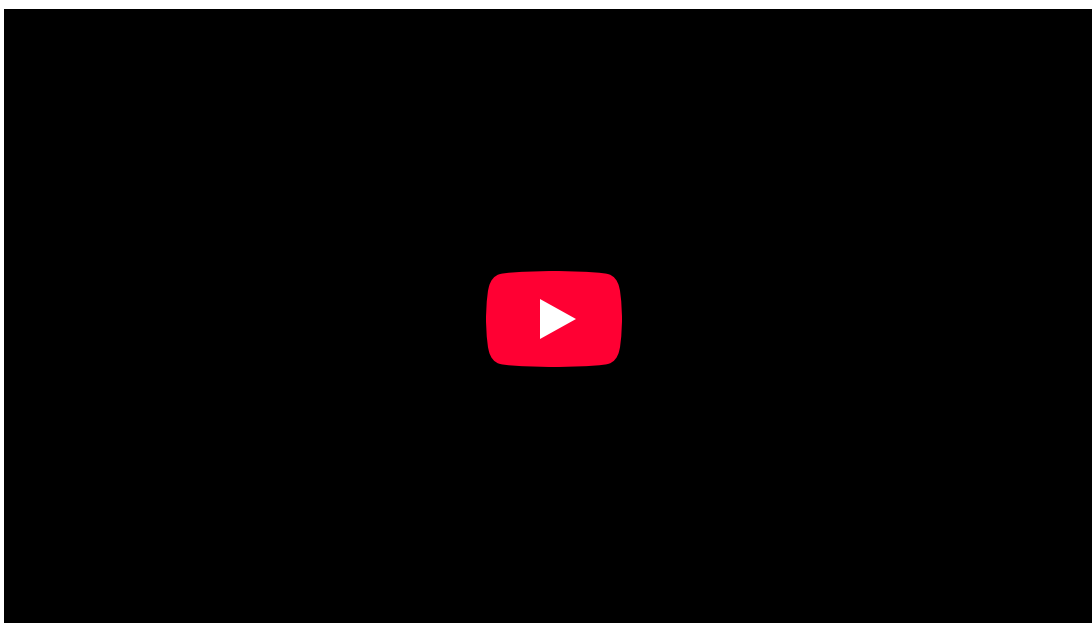
14.6 KB



The Investigation and Conciliation Service is led by the Senior Executive, Investigation and Conciliation.

The video below provides an introduction to making a complaint at the Commission, using the Racial Discrimination Act as an example.

 **YOUTUBE**



Racial Discrimination? Know your rights

The Racial Discrimination Act 1975 (Cth) was a landmark in Australian race relations. It was a legislative expression of a new commitment to multiculturalism and it reflected the ratification by Australia of the International Convention on the Elimination of All Forms of Racial Discrimination.

[VIEW ON YOUTUBE >](#)

More information about the Commission's Investigation and Conciliation function can be found on the ['Complaints'](#) section of the website.

National Information Service

The National Information Service (NIS) provides information and referrals for individuals, organisations and employers about a range of human rights and discrimination issues.

This NIS is a free and confidential service that:

- Provides information about rights and responsibilities under federal human rights and anti-discrimination law
- Discusses whether a person may be able to make a complaint to the Commission or how the law might apply to the situation
- Provides information about how to make a complaint, respond to a complaint or deal with specific discrimination issues
- Refers individuals to another organisation that may be able to assist, if the Commission cannot.

The NIS does not provide legal advice.

Enquiries to the NIS can be made by phone or in writing. The NIS phone line is open during the week from 10am to 4pm.

In 2019–2020, the Commission received 12,554 enquiries, with 5,499 received through the NIS phone line.

In addition to dedicated NIS staff, staff from the Investigation and Conciliation Service support the work of the NIS by answering the phone line on a rotating basis (for about one day per month).

More information about the Investigation and Conciliation Service can be found on the ' the [website](#).

CONTINUE

Other services



Legal Services

The primary role of the Legal Section is that of in-house counsel to the Commission. The section provides legal advice and representation to the Commission on all aspects of its work.

The main functions of the Legal Section are:

Legal advice

The Legal Section provides legal advice to all areas of the Commission, including:

- Advice on human rights and federal discrimination laws
- Legal advice on Commission reports, guidelines, education resources or other project outputs
- Advice on contractual issues, including procurement, confidentiality, partnership agreements, and sponsorship agreements
- Advice on privacy laws, record keeping and other relevant laws.

Legal representation

The Legal Section acts on behalf of the Commission in any proceedings brought against it. This includes applications under the *Administrative Decisions (Judicial Review) Act 1982* (Cth) (where a person is unhappy with a decision of the Commission and wants to have it reviewed by the Federal Court).

The Legal section also conducts the Commission's strategic litigation. That is, when the Commission intervenes, or acts as 'amicus curiae' with the leave of the Court in proceedings that raise human rights issues. The Commission has [guidelines on the exercise of its intervention function](#).

Human rights complaints

The Legal section advises the President on human rights complaints.

Separate to the Commission's role in investigating and conciliating complaints of unlawful discrimination, the Commission also has a role of inquiring into:

- Alleged breaches of human rights by the Commonwealth or its agents
- Allegations of workplace discrimination (contrary to ILO [Convention No. 111](#) [Convention concerning Discrimination in Respect of Employment and Occupation, 1958](#))

These functions may result in a [report to the Attorney-General](#) where a breach of human rights or discrimination is found.



'Discrimination in employment' is a different jurisdiction from the 'unlawful discrimination' jurisdiction under the four discrimination acts.

Exemptions

The *Sex Discrimination Act 1984* (Cth), *Disability Discrimination Act 1992* (Cth) and *Age Discrimination Act 2004* (Cth) enable a person who is a potential respondent under those Acts to apply to the Commission for an exemption. The effect of an exemption is that conduct of that person that would otherwise be unlawful under the Act is rendered not unlawful for a period of up to five years.

The Legal Section processes [applications for exemptions](#) under these Acts.

Freedom of information

The Legal section processes *Freedom of Information Act 1982* (Cth) applications.

Education

The Legal Section writes a [textbook on federal discrimination laws](#). This book is a useful resource for staff as it provides an overview of the federal unlawful discrimination laws and examines the significant issues that have arisen in the cases.

The work of Legal Services is led by the General Counsel.

Financial and Services Team

The Finance and Services Team (FAST) are the Commission's corporate financial and administrative services team. The FAST provide the following corporate functions and services:

- Audit and Risk Committee (ARC) – assists the President discharge responsibilities under the [Australian Human Rights Commission Act 1986](#) and the [Public Governance, Performance and Accountability \(PGPA\) Act 2013](#) and [PGPA Rule Section 17](#). This PGPA Rule requires functions to include reviewing appropriateness of Accountable Authority's: financial and performance reporting; system of risk oversight and management; system of internal control; and compliance with relevant laws and policies.
- Reception Services – is the first point of contact for all incoming calls. Visitors to the Commission should use the intercom in the building Lobby. Reception issue staff security access cards in accordance with workplace management policies, changes to security access (e.g. weekends) must be approved by the Director, Human Resources. Reception hours are 8.30am to 5.00pm weekdays.
- Mail Services and Registry – mail delivery is daily and collection only each Monday, Wednesday and Friday. Outgoing mail must be delivered to reception no later than 2.30pm. Toll Fast are our local couriers and TNT for interstate deliveries. Reception can assist with estimated courier charges and costs. Registry services include file creation, archival and destruction.
- Official Domestic Travel (ODT) – all travel away from an official's base, this is outside the Sydney Metropolitan area, to conduct business on behalf of the Commission is considered ODT and must be approved by a delegated Approver (e.g. Director) prior to the domestic travel being undertaken. FAST can assist with ODT co-ordination services, including administration of domestic online booking tool.
- Official International Travel (OIT) – must be in order to conduct business on behalf of the Commission and must be approved by the President prior to international travel being undertaken. All bookings for OIT must be made through our travel agent QBT. FAST can assist with OIT co-ordination services, including assistance with international flights, visas, passports and travel allowances.
- Office and Facilities Management – FAST work closely with Building Management, Dexus, to manage our facilities. Staff can email adminhelp@humanrights.gov.au for day-to-day service requests. Request examples: air conditioning, minor office repairs, lighting, waste management, cleaning, lockers, plumbing, and office keys.
- Purchasing and Procurement – Purchasing is the process of how goods and services are ordered. Procurement deals with sourcing activities, negotiation and strategic selection of goods and services that are generally of significant importance to require entering

into a Contract. The [Commonwealth Procurement Rules](#) provide the framework and requirements for procurement, setting out the rules that officials must comply with when procuring goods and services.

- Contract Management – a contract is an arrangement, as defined by [Section 23\(2\) of the PGPA Act](#), for the procurement of goods and/or services under which relevant money is payable or may become payable. Following a procurement exercise resulting in a contract the FAST maintain the Commission’s contract register, it is the responsibility of individual Project Manager to ensure the contract, supporting documentation is completed correctly and sent to the FAST and the contract to be registered.
- Protective Security – appointed members of the FAST assist the Chief Executive implement the policies, procedures and internal controls required to provide a safe workplace for staff and visitors while safeguarding physical assets and other resources. The Commission adopts the [Commonwealth Protective Security Policy Framework](#) and aims to ensure the mandatory requirements for maintaining acceptable standards for protective security.
- Commission Administration, Employee Services And Resource (CAESAR) System – administration, technical and user support, and training.

The work of the Financial and Services Team is led by the Chief Finance Officer. More information about the services provided by FAST can be found on the [Finances and Services Information page on Sharepoint](#).

Human Resources

The Human Resources (HR) team at the Australian Human Rights Commission deliver a range of services including:

- Payroll services including salary, superannuation, taxation, allowances, leave etc.
- Work health and safety (WHS)
- Recruitment and selection
- Development of HR policies and guidance
- In-house learning and development
- Workplace relations including ensuring compliance with all current workplace relations legislation, liaising with workplace representatives on issues for resolution, staff

consultation, exit interviews, negotiation of enterprise agreement etc.

- Performance management
- Coordination of the diversity and inclusion committee
- APS information dissemination and reporting
- Participation in external networks including WHS fora, Australian Network on Disability, NSW Equal Opportunity practitioners forum, Small Agencies Forum, APSC regional forum etc.
- Internal support including referral to counselling and other support services.

The HR team is led by the Director, Human Resources. For more information about the services provided by HR, please see the document below ('HR Services at the Commission 2020').



HR Services at the Commission 2020.docx

15.1 KB



Information and Communications Technology Services

The ICT section looks after all the Commission's information and communications technology needs. This includes the computer and software that you use, as well as the phones (both mobile and desk) and the photocopiers and printers. ICT provide remote and work-from-home solutions and also look after the equipment in the meeting and conference rooms and help with teleconferences and video conferences.

ICT provide all the Commission's technical support as well as developing the Commission's ICT capability and helping Commission staff get the most out of its technology and telephony systems. ICT can also arrange for training sessions for products that are used by the Commission and provide guidance on doing technology related things.

The ICT office is located on Level 4 and you can get in touch with the ICT Helpdesk by calling “ICT Service Desk” in Skype for Business or by sending an email to servicedesk@humanrights.gov.au

The ICT team is led by the Chief Information Officer.

CONTINUE

Our legislation



The House of Representatives, Australian Parliament, Canberra

The Commission has responsibilities under the following federal laws:

- [*Racial Discrimination Act 1975 \(Cth\)*](#)
- [*Sex Discrimination Act 1984 \(Cth\)*](#)
- [*Disability Discrimination Act 1992 \(Cth\)*](#)
- [*Age Discrimination Act 2004 \(Cth\)*](#)
- [*Australian Human Rights Commission Act 1986 \(Cth\)*](#)

- [Fair Work Act 2009 \(Cth\)](#)
- [Native Title Act 1993 \(Cth\)](#).

Collectively, the first four laws listed above are referred to as Australia's anti-discrimination legislation; they exist to protect people from discrimination on a range of grounds. Additional human rights protections exist under the Australian Human Rights Commission Act. The Commission has responsibilities under each of these laws to investigate and conciliate complaints of discrimination and breaches of human rights. We will look at the protections provided under each law shortly.

It is important to be aware that each state and territory also has its own anti-discrimination and/or equal opportunity legislation. In some cases, the federal and state/territory legislation overlaps. However, in other cases, there are more comprehensive protections against discrimination in the state/territory laws.

The state and territory human rights agencies perform a similar role to the Commission in administering these laws. Individuals must choose to make a complaint under either the federal or state/territory law. They cannot make complaints under both jurisdictions.

Native Title Act

The Commission also has responsibilities under the *Native Title Act 1993 (Cth)*. Under this legislation, the Commonwealth Minister can direct the Aboriginal and Torres Strait Islander Social Justice Commissioner to report on:

- (a) the operation of the Act,
- (b) the effect of the Act on the exercise and enjoyment of human rights of Aboriginal peoples and Torres Strait Islanders.

Fair Work Act

The Commission also has responsibilities under the *Fair Work Act 2009* (Cth). Under this legislation, the Commission can raise concerns about potentially discriminatory industrial agreements. If it does so, the Fair Work Commission is required to review the relevant agreement and, if relevant, vary the agreement.

CONTINUE

Australian Human Rights Commission Act



The Australian Human Rights Commission Act (AHRCA) sets out the main roles and responsibilities of the Commission. These functions can broadly be described as:

- Education and public awareness
- Discrimination and human rights complaints
- Human rights compliance
- Policy and legislative development.

The AHRCA also gives effect to Australia's obligations under the following international instruments:

- [International Covenant on Civil and Political Rights](#)
- [Convention Concerning Discrimination in Respect of Employment and Occupation](#)
- [Convention on the Rights of Persons with Disabilities](#)
- [Convention on the Rights of the Child](#)
- [Declaration of the Rights of the Child](#)
- [Declaration on the Rights of Disabled Persons](#)
- [Declaration on the Rights of Mentally Retarded Persons](#)
- [Declaration on the Eliminations of All Forms of Intolerance and of Discrimination Based on Religion or Belief.](#)

Complaints under the Australian Human Rights Commission Act

In addition to its complaint handling responsibilities under Australia's anti-discrimination laws, which make up the vast majority of the complaints received annually, the Commission can also investigate and resolve complaints of:

- Discrimination, harassment and bullying (in employment only) based on a person's criminal record, trade union activity, political opinion, religion or social origin.

Complaints under one of the above grounds are considered a complaint under the International Convention concerning Discrimination in Respect of Employment and Occupation (International Labour Organization Convention No. 11).

- Alleged breaches of human rights against the Commonwealth and its agencies.

It is against the law to be discriminated against in many areas of public life, including employment, education, the provision of goods, services and facilities, accommodation, sport and the administration of Commonwealth laws and services.



Human rights are defined in the AHRCA as "the rights and freedoms recognised in the Covenant, declared by the Declarations or recognised or declared by any relevant international instrument."

Resolution

If a complaint brought under the AHRCA is not resolved through conciliation, it may be raised with the President. The President of the Commission can decide if the complaint is discrimination under the international 'Convention concerning Discrimination in respect of Employment and Occupation'. If the President is of the opinion that discrimination has occurred, the President may report the matter to the Federal Attorney-General. This report may include recommendations, for example, the President may recommend that the respondent change its policies or practices.

Examples of the President's decisions about discrimination under the international 'Convention concerning Discrimination in respect of Employment and Occupation' are available on the [Commission's website](#).

Complaints brought under the AHRCA that are not resolved through conciliation may **not** be taken to court. Once a complaint has been considered by the Commission, there is no further pathway for remedy under the AHRCA.

CONTINUE

Racial Discrimination Act

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The Racial Discrimination Act (the RDA) makes it against the law to treat a person unfairly because of their race, colour, descent, national or ethnic origin or immigrant status. The RDA also makes racial hatred against the law.

The RDA protects people from discrimination in many areas of public life, such as:

- **Employment**—getting a job, terms and conditions of a job, training, promotion, being dismissed
- **Education**—enrolling or studying in a course at a private or public school, college or university
- **Accommodation**—renting or buying a house or unit
- **Getting or using services**—such as banking or insurance services, services provided by government departments, transport or telecommunication services, professional services like those provided by lawyers, doctors or tradespeople, services provided by restaurants, shops or entertainment venues
- **Accessing public places**—such as parks, government offices, restaurants, hotels or shopping centres.

What is racial discrimination?

Racial discrimination happens when a person is treated less favourably than another person in a similar situation because of their race, colour, descent, national or ethnic origin or immigrant status. For example, it would be 'direct discrimination' if a real estate agent refuses to rent a house to a person because they are of a particular racial background or skin colour.

Racial discrimination also happens when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular race, colour, descent, national or ethnic origin or immigrant status. This is called 'indirect discrimination'. For example, it may be indirect discrimination if a company says that employees must not wear hats or other headwear at work, as this is likely to have an unfair effect on people from some racial/ethnic backgrounds

What is racial hatred?

It is against the law to do something in public based on the race, colour, national or ethnic origin of a person or group of people which is reasonably likely in all the circumstances to offend, insult, humiliate or intimidate.

Examples of racial hatred may include:

- Racially offensive material on the internet, including e-forums, blogs, social networking sites and video sharing sites
- Racially offensive comments or images in a newspaper, magazine or other publications such as a leaflet or flyer
- Racially offensive speeches at a public rally
- Racially abusive comments in a public place, such as a shop, workplace, park, on public transport or at school
- Racially abusive comments at sporting events by players, spectators, coaches or officials.

Exceptions

The RDA aims to strike a balance between the right to communicate freely ('freedom of speech') and the right to live free from racial hatred. The RDA says that the following things are not against the law if they are "done reasonably and in good faith":

- An artistic work or performance—for example, a play in which racially offensive attitudes are expressed by a character
- A statement, publication, discussion or debate made for genuine academic or scientific purposes—for example, discussing and debating public policy such as immigration, multiculturalism or special measures for particular groups
- Making a fair and accurate report on a matter of public interest—for example, a fair report in a newspaper about racially offensive conduct
- Making a fair comment, if the comment is an expression of a person's genuine belief.

Special Measures

The primary exception in the RDA involves special measures. Special measures have the goal of fostering greater racial equality by assisting groups of people who face, or have faced, entrenched discrimination so they can have similar access to opportunities as others in the

community. If a law, policy or action fits the criteria of a special measure, it will not be considered racially discriminatory under the RDA.

More information about Special Measures under the Racial Discrimination Act can be found [here](#).

Right to equality before the law

Section 10 is a unique provision that is specific to the RDA. It focuses on the "operation and effects of laws" rather than the acts or conduct of individuals.

Section 10 does not require the complainant to show that the infringement of their rights was 'based on' or 'by reason of' race, colour, or national or ethnic origin. Rather, it asks whether the complainant, because of the operation and effect of law, does not enjoy a right to same extent as others not of that race.

More information about the RDA can be found on the Commission's webpage '[Complaints under the Racial Discrimination Act](#)'.

CONTINUE

Sex Discrimination Act

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The Sex Discrimination Act (the SDA) makes it against the law to treat people unfairly because of their: sex; gender identity; intersex status; sexual orientation; marital or relationship status (including same-sex de facto couples); family responsibilities; because they are pregnant or might become pregnant; because they are breastfeeding. The SDA also makes sexual harassment against the law.

The SDA protects people from discrimination in many areas of public life, such as:

- **Employment**—getting a job, terms and conditions of a job, training, promotion, being dismissed
- **Education**—enrolling or studying in a course at a private or public school, college or university
- **Accommodation**—renting or buying a house or unit
- **Getting or using services**—such as banking or insurance services, services provided by government departments, transport or telecommunication services, professional services like those provided by lawyers, doctors or tradespeople, services provided by restaurants, shops or entertainment venues.

What is sex discrimination?

Sex discrimination happens when a person is treated less favourably than a person of a different sex would be treated in the same or similar circumstances. For example, it may be direct sex discrimination if male employees are paid more than employees of a different sex who are doing the same work.

Discrimination also happens when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular sex. This is called indirect discrimination. For example, it may be indirect discrimination if a policy says that managers must work full-time, as this might disadvantage women, who are more likely to need to work part-time due to responsibilities for caring for children.

What is gender identity discrimination?

Gender identity discrimination happens when a person is treated less favourably because of that person's gender-related identity, appearance or mannerisms or other gender-related characteristics of the person. It does not matter what sex a person was assigned at birth or whether the person has undergone any medical intervention.

What is intersex status discrimination?

Intersex status discrimination happens when a person is treated less favourably because that person has physical, hormonal or genetic features that are:

- A combination of female and male; or
- Neither wholly female nor wholly male; or
- Neither female nor male.

What is sexual orientation discrimination?

Sexual orientation discrimination happens when a person is treated less favourably because that person has a sexual orientation towards:

- Persons of the same sex; or
- Persons of a different sex; or
- Persons of the same sex and persons of a different sex.

What is pregnancy discrimination?

Direct pregnancy discrimination happens when a woman is treated less favourably than another person because she is pregnant or because she may become pregnant. For example, it would be direct pregnancy discrimination if an employer refused to employ a woman because she was pregnant or because she may become pregnant.

Indirect pregnancy discrimination occurs when there is a requirement or practice that is the same for everyone but has an unfair effect on pregnant women. For example, it may be indirect discrimination if a policy says that all employees must wear a particular uniform if it is difficult for a pregnant employee to wear that uniform.

What is discrimination on the ground of breastfeeding?

Direct breastfeeding discrimination happens when a woman is treated less favourably because she is breastfeeding or needs to breastfeed over a period of time. For example, it

would be direct discrimination if a cafe refused to serve a woman because she is breastfeeding.

Indirect breastfeeding discrimination occurs when there is a requirement or practice that is the same for everyone but disadvantages women who are breastfeeding. For example, it may be indirect discrimination if an employer does not allow staff to take short breaks at particular times during the day. This may disadvantage women who are breastfeeding as they may need to take breaks to express milk.

What is family responsibilities discrimination?

Family responsibilities discrimination occurs when a person is treated less favourably than another person because the person has family responsibilities. Under the SDA, family responsibilities include responsibilities to care for or support a dependent child or a member of your immediate family.

For example, it may be discrimination for an employer to refuse to employ a person, demote a person or reduce a person's hours of work because the person needs to care for a family member.

What is sexual harassment?

Sexual harassment is any unwelcome sexual behaviour which is likely to offend, humiliate or intimidate. It has nothing to do with mutual attraction or friendship. Examples include:

- Unwelcome physical touching
- Staring or leering
- Suggestive comments or jokes
- Unwanted requests to go out on dates
- Requests for sex
- Emailing pornography or rude jokes

- Sending sexually explicit texts
- Intrusive questions about your private life or body
- Displaying posters, magazines or screen savers of a sexual nature.

Everyone has the right to be safe and free from harassment while at work. The SDA also covers you if you are sexually harassed when you are purchasing or providing a good or a service or when you are studying at a school, college or university.

More information about the SDA can be found on the Commission's webpage '[Complaints under the Sex Discrimination Act](#)'.

CONTINUE

Disability Discrimination Act



The Disability Discrimination Act (the DDA) makes it against the law to treat people unfairly because of their disability. This includes protection for people who have had a disability in the past, may develop a disability in the future or if people think a person has a disability

('imputed disability'). People who are relatives, friends and carers of people with a disability are also protected by the DDA.

The DDA protects people from discrimination in many areas of public life, such as:

- **Employment**—getting a job, terms and conditions of a job, training, promotion, being dismissed
- **Education**—enrolling or studying in a course at a private or public school, college or university
- **Accommodation**—renting or buying a house or unit
- **Getting or using services**—such as banking or insurance services, services provided by government departments, transport or telecommunication services, professional services like those provided by lawyers, doctors or tradespeople, services provided by restaurants, shops or entertainment venues
- **Accessing public places**—such as parks, government offices, restaurants, hotels or shopping centres.

The DDA also makes it unlawful for a person to be harassed because of their disability.

What is disability discrimination?

Disability discrimination happens when a person with a disability is treated less favourably than a person without the disability in the same or similar circumstances. For example, it would be 'direct disability discrimination' if a nightclub or restaurant refused a person entry because they are blind and have a guide dog.

Discrimination also happens when there is a rule or policy that is the same for everyone but has an unfair effect on people with a particular disability. This is called 'indirect discrimination'. For example, it may be indirect discrimination if the only way to enter a

public building is by a set of stairs because people with disabilities who use wheelchairs would be unable to enter the building.

Exemptions

Like other anti-discrimination laws, the DDA says that in some circumstances treating someone differently because of their disability won't be against the law. This is called an exemption.

For example, the DDA says it may not be against the law to refuse to employ a person with a disability, if because of their disability they cannot perform the inherent requirements of a job. However, the DDA also says that employers must consider how the person with a disability could be provided with reasonable adjustments to help them do the job. An adjustment is reasonable if it does not impose 'unjustifiable hardship' on the employer.

Unjustifiable hardship also applies to other situations. For example, it may not be against the law to only provide entrance to a building by a set of stairs if the owner of the building can show that it would cause unjustifiable hardship to modify the building to provide wheelchair access.

More information about the DDA can be found on the Commission's webpage '[Complaints under the Disability Discrimination Act](#)'.

CONTINUE

Age Discrimination Act

s 22



The Age Discrimination Act (the ADA) makes it against the law to treat people unfairly because of their age. The ADA protects young people, older people and everyone in between.

The ADA protects people from discrimination in many areas of public life, such as:

- **Employment**—getting a job, terms and conditions of a job, training, promotion, being dismissed
- **Education**—enrolling or studying in a course at a private or public school, college or university
- **Accommodation**—renting or buying a house or unit
- **Getting or using services**—such as banking or insurance services, services provided by government departments, transport or telecommunication services, professional services like those provided by lawyers, doctors or tradespeople, services provided by restaurants, shops or entertainment venues.

What is age discrimination?

Age discrimination happens when a person is treated less favourably than another person in a similar situation, because of their age. For example, it could be 'direct age discrimination' if an older person is not employed in a particular job because it is assumed that they are not as up to date with technology as a younger person.

Discrimination also happens when there is a rule or policy that is the same for everyone but has an unfair effect on people of a particular age. This is called 'indirect discrimination'. For example, it may be indirect discrimination if an employer requires an older person to meet a physical fitness test—which more young people are able to meet—if the fitness standard is not an inherent requirement of the job.

However, the ADA says that it is not against the law to discriminate against a person because of their age where the person cannot perform the inherent requirements of the job. For example, as a person must be over 18 years old to work in a bar, it would not be discrimination if a bar owner refused to employ a person because they are under 18 years of age.

Exceptions

Like other anti-discrimination laws, the ADA says that in some circumstances treating someone differently because of their age won't be against the law. This is called an exemption.

The exceptions in the ADA include:

- Things done in compliance with Commonwealth laws, including laws about taxation, social security and migration
- Things done in compliance with State and Territory laws
- Certain health and employment programmes
- Youth wages or direct compliance with industrial agreements and awards.

Positive discrimination

The ADA also says that it is not against the law to provide a genuine benefit to people of a particular age group or to do something that helps to meet an identified need of people of a certain age group.

Examples of 'positive discrimination' may include discounts and concessions provided to older Australians for services and/or facilities and special accommodation assistance provided to homeless teenagers.

More information about the ADA can be found on the Commission's webpage '[Complaints under the Age Discrimination Act](#)'.

CONTINUE

National human rights institutions

A national human rights institution is a government agency with a constitutional and/or legislative mandate to protect and promote human rights.

The Australian Human Rights Commission is Australia's national human rights institution (NHRI). Not every country has an NHRI, but many do. As of mid-2019, there were 123 accredited NHRIs around the world.

Principles relating to the Status of National Institutions

In order to be internationally recognised as a national human rights institution, an agency must comply with the 'Principles relating to the Status of National Institutions' (Paris Principles).

NHRIs are accredited and 'rated' by the Global Alliance of National Human Rights Institutions (GANHRI) based on their compliance with the Paris Principles. The Principles, adopted in 1991, establish the minimum standards for NHRIs.

Under the Paris Principles, NHRIs are required to:

- **Protect human rights**—including through investigating, conciliating and resolving complaints and monitoring compliance with human rights standards
- **Promote human rights**—including through education and training, community outreach and providing advice and assistance to government on human rights related issues.

In addition, there are six key criteria that NHRIs are expected to meet:

- **Broad mandate**—A national institution should be given as broad a mandate as possible based on universal human rights standards.
- **Independence, enshrined in law**—An NHRI's mandate should be clearly set out in a constitutional or legislative text, specifying the institution's composition and its sphere of competence, as well as the criteria for, and length of, member appointments.
- **Autonomy from government**—Despite relying on state funding to operate, an NHRI must be able to carry out its mandate autonomously and independently of government.
- **Pluralism**—The composition of the institution and the process for selecting its members should ensure the pluralist representation of the various sectors of society and the possibility for the commission to collaborate with all sectors of the community engaged in human rights issues, in particular non-governmental organisations.
- **Adequate resources**—A national institution should have adequate funding to support its own staffing and infrastructure 'in order to be independent of the Government and not be subject to financial control which might affect its independence'.
- **Adequate powers of investigation**—A national institution should have within its mandate the ability to carry out investigations and inquiries on human rights matters, without interference from Government. In performing this function, an NHRI should be able to hear from any relevant persons, obtain any relevant documents and enter any property relevant to the investigation (including places of detention).

Accreditation

There are three levels of accreditation for national human rights institutions: 'A', 'B' and 'C'.

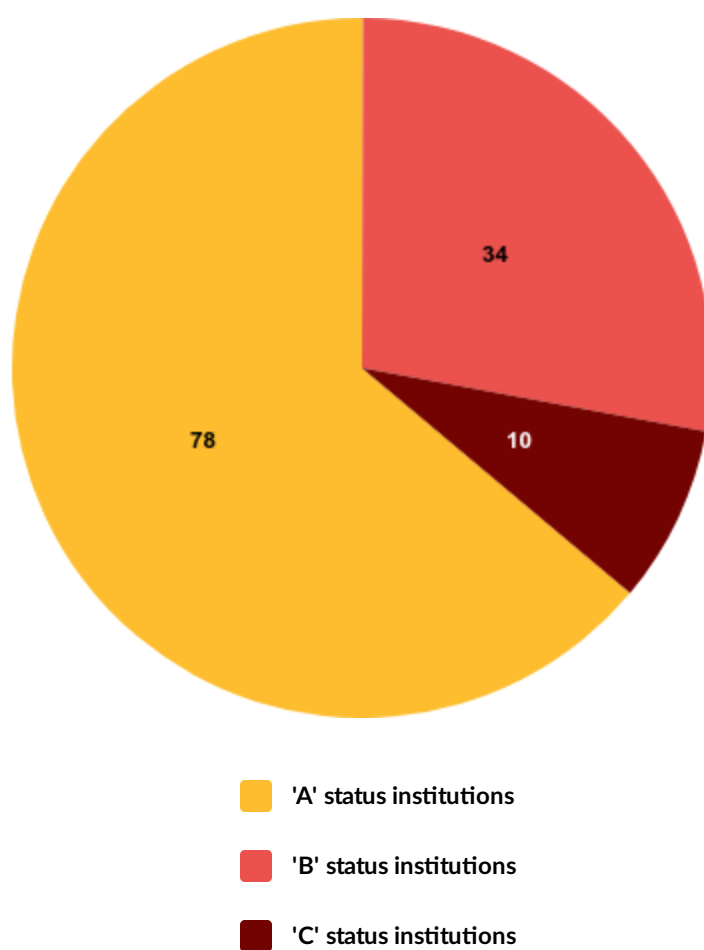
'A' status institutions: fully compliant with the Paris Principles.

'B' status institutions: partially compliant with the Paris Principles.

'C' status institutions: non-compliant with the Paris Principles.

The AHRC has maintained its 'A' status since its first assessment in 1999. An institution's accreditation is reviewed approximately every five years. The Commission's accreditation was last reviewed in 2016.

Accreditation Status of NHRIs



The current status of all accredited NHRIs can be found on the [GANHRI website](#).

References

Office of the United Nations High Commissioner for Human Rights, *National Human Rights Institutions: History, Principles, Roles and Responsibilities*, New York and Geneva: United Nations (2010).

Global Alliance of National Human Rights Institutions. Online at:

<https://nhri.ohchr.org/EN/Pages/default.aspx>

CONTINUE

Regional networks

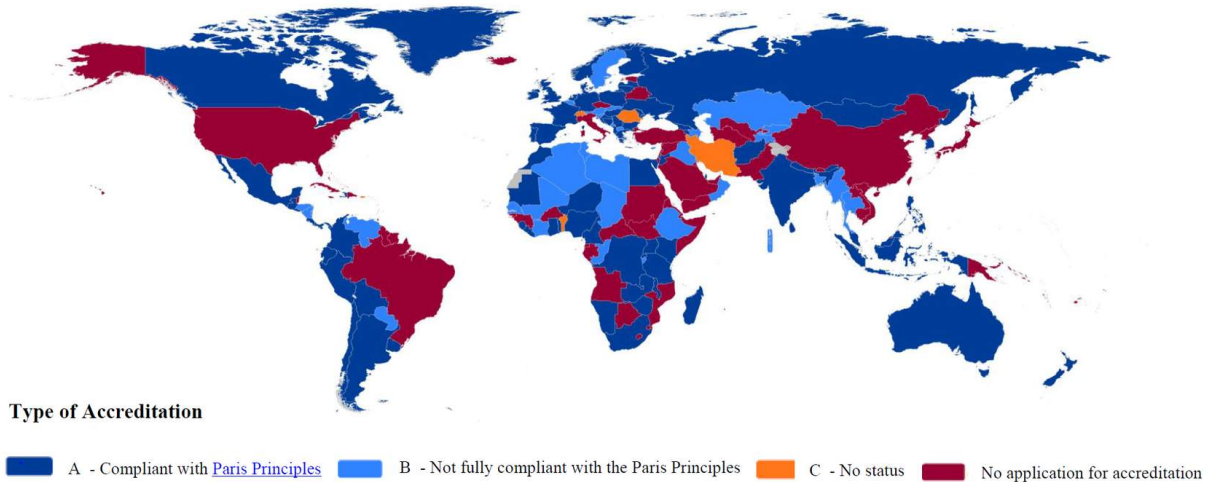
There are both international and regional networks of national human rights institutions.

They bring NHRIs together to support one another and collaborate on issues of regional relevance.

The Global Alliance of National Human Rights Institutions

Founded in 1993, the **Global Alliance for National Human Rights Institutions** (GANHRI) is a representative body composed of the world's NHRIs. GANHRI is responsible for accrediting, and reviewing the accreditation of, national human rights institutions for compliance with the Paris Principles. In addition, GANHRI: provides support to establish and strengthen NHRIs; supports legislative reform that enhances the capacity of NHRIs; provides education and training to NHRIs; facilitates engagement between UN agencies (including the Human Rights Council) and NHRIs; encourages cooperation and collaboration among NHRIs.

GANHRI Members, May 2019



Source: Office of the United Nations High Commissioner for Human Rights, OHCHR and NHRIs. Available at: <https://www.ohchr.org/EN/Countries/NHRI/Pages/NHRIMain.aspx>

The management committee of GANHRI is called the Bureau. It is composed of members of 16 'A' status accredited NHRIs. Members are appointed by their respective regional networks. Australia is a current member of the GANHRI Bureau. The Bureau meets in person twice a year.

In addition, GANHRI holds an annual meeting and conference for all members in Geneva each year.

More information about GANHRI can be found on [their website](#).

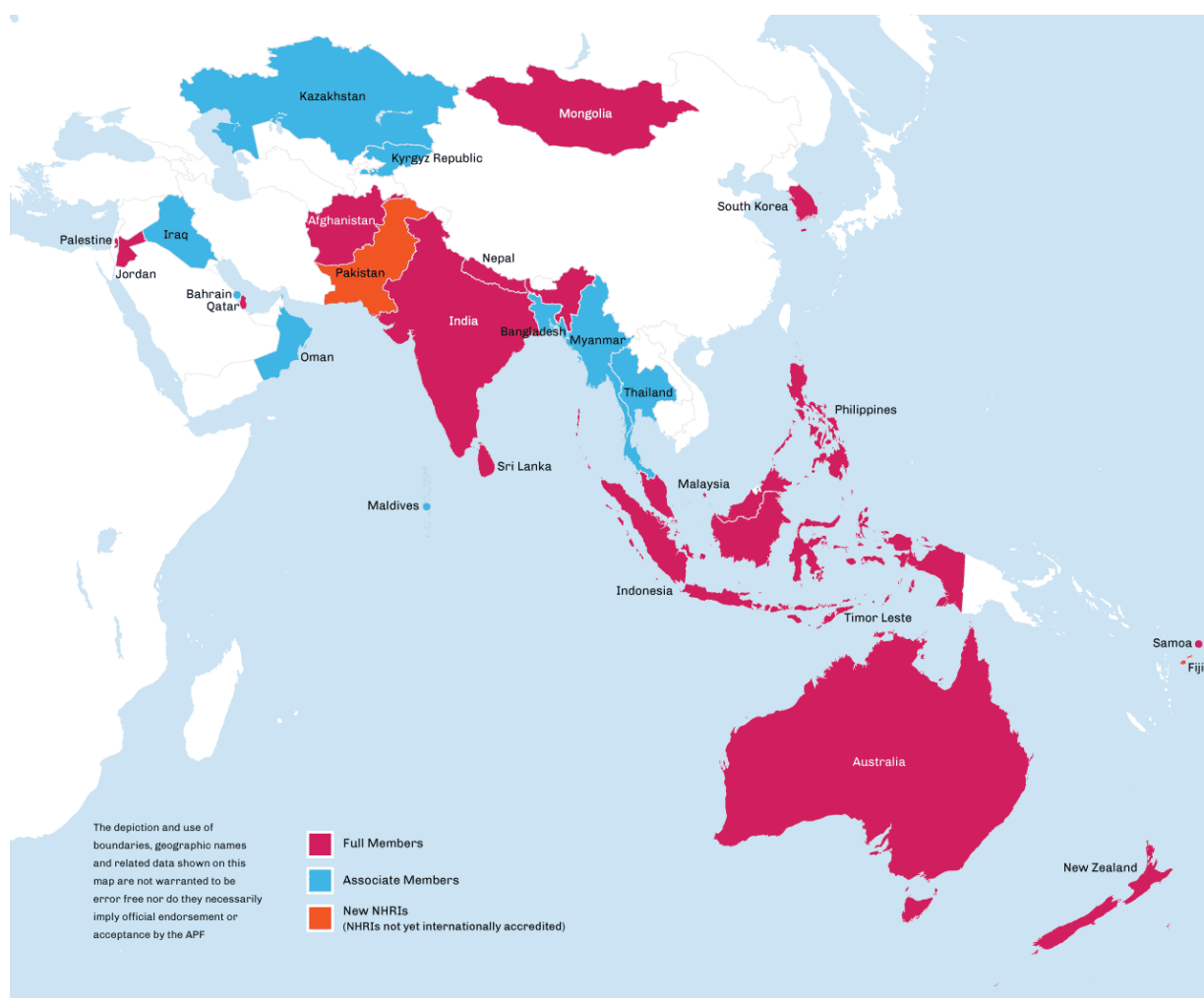
Asia Pacific Forum of National Human Rights Institutions

The **Asia Pacific Forum of National Human Rights Institutions** (APF) is the regional network of NHRIs. The APF provides its members with advice, training and resources to support them to defend human rights and promote change. This includes by connecting them with other NHRIs in the regional who are able to share particular expertise.

The Commission participates in the APF's annual meetings and a biennial conferences. The Commission is the current chair of the APF.

The APF has developed resources on a wide range of human rights related issues, many of which are available on [their website](#).

One of the ways in which the Commission supports the APF is by providing office space. The APF offices can be found on Level 3.



Source: Asia Pacific Forum of National Human Rights Institutions. Available at: <https://www.asiapacificforum.net/members/>

Full members of the APF: Afghanistan, Australia, India, Indonesia, Jordan, Malaysia, Mongolia, New Zealand, Nepal, Palestine, Philippines, Qatar, Samoa, South Korea, Sri Lanka, Timor Leste

Associate members of the APF: Bahrain, Bangladesh, Iraq, Kazakhstan, Kyrgyz Republic, Myanmar, Maldives, Oman, Thailand

New NHRIs (not yet internationally accredited): Fiji, Pakistan

More information about the APF can be found on [their website](#).

Commonwealth Forum of National Human Rights Institutions

The **Commonwealth Forum of National Human Rights Institutions** (CFNHRI) is a network of human rights institutions, ombudsmen and public defenders from across the Americas, Europe, Africa, Asia and the Pacific. Membership is open to all NHRIs and national accountability mechanisms with a human rights mandate within the Commonwealth. There are currently 46 member organisations.

The CFNHRI's vision is "for a Commonwealth where human rights are respected, protected and enjoyed." The CFNHRI seeks to influence the progression of human rights from within the process of the Commonwealth Heads of Government Meeting.

The CFNHRI holds an annual meeting and a biennial conference. The Chair of the CFNHRI is appointed on a rotating basis from a member that is an A status accredited institution. The Chair's office is responsible for developing CFNHRI priorities, setting meeting agendas, distributing minutes of meetings, training the CFNHRI's website and facilitating communication between members.

The CFNHRI has developed resources on a range of human rights related issues. They are available from [their website](#).

More information about the CFNHRI can be found on [their website](#).

References

Asia Pacific Forum, *A Manual on National Human Rights Institutions*, Sydney: APF (2018).

Commonwealth Forum of National Human Rights Institutions. Online at: <https://cfnhri.org/>

Global Alliance of National Human Rights Institutions. Online at:
<https://nhri.ohchr.org/EN/Pages/default.aspx>

CONTINUE

Wrap-up

s 22



UN High Commissioner for Human Rights, Dr Michelle Bachelet, delivers the keynote address at the Australian Human Rights Commission's 2019 Free and Equal Conference.

On the following page you will be asked to take a knowledge check similar to the one at the beginning of this course. It is not designed as an assessment; rather, it is a personal reference for you to see how much your knowledge about the Australian Human Rights Commission has increased.

Before you continue onto the knowledge check, let's recap what we have covered over this course.

The Australian Human Rights Commission is the primary government agency responsible for protecting and promoting human rights in Australia.

Australia's first Human Rights Commission was established in 1981. The current Australian Human Rights Commission was established as an independent statutory organisation by an act of Federal Parliament in 1986. The Commission reports to Federal Parliament through the Attorney-General.

Our core functions include:

- Promoting understanding, acceptance and public discussion of human rights in Australia
- Promoting compliance with human rights and federal discrimination law
- Undertaking research, educational and other programs for promoting human rights
- Conducting inquiries into acts or practices that may be contrary to human rights; reporting on laws that Parliament should make, or actions that the Commonwealth should take, to meet Australia's international human rights obligations; and examining laws and proposed laws for consistency with human rights.
- Inquiring into, and attempting to conciliate, complaints of unlawful discrimination, or breaches of human rights or discrimination in employment.

The Commission's work is led by the President, seven Commissioners and the Chief Executive.



The President and Commissioners of the Australian Human Rights Commission, December 2019.



The Commission has responsibilities under the following federal laws:

- Racial Discrimination Act (1975)
- Sex Discrimination Act (1984)
- Disability Discrimination Act (1992)
- Age Discrimination Act (2004)
- Australian Human Rights Commission Act (1986).

The Commission is an A-status accredited national human rights institution. We regularly collaborate with others NHRIs, including through our engagement with the Asia Pacific Forum and the Global Alliance of National Human Rights Institutions.



Human rights are for *everyone,*
everywhere, everyday.

CONTINUE

Evaluation

Congratulations on completing the first induction course, *An introduction to the Australian Human Rights Commission!*

We would appreciate appreciate your feedback on the structure and content of the course. Please click on our logo below to complete a quick survey.

Final knowledge check

Has your knowledge about the Australian Human Rights Commission increased?

This final knowledge check is designed so you can see if your knowledge about the Commission has increased. It is not an assessment, rather a personal reference.

This is a "True" or "False" quiz. There are 15 questions. Answer each question by clicking on either "true" or "false" and then "submit".

Please answer the quiz questions to the best of your current knowledge.

Click on 'START QUIZ' below to begin.

Question

01/15

The Australian Human Rights Commission is an "A status" accredited national human rights institution.

True

False

Question

02/15

The Australian Human Rights Commission was established by an act of Victorian parliament.

True

False

Question

03/15

The Chief Executive of the Australian Human Rights Commission is the Attorney-General.

True

False

Question

04/15

The Australian Human Rights Commission used to be called the Human Rights and Equal Opportunity Commission.

True

False

Question

05/15

The Australian Human Rights Commission has specific responsibilities under Australia's anti-discrimination legislation.

True

False

Question

06/15

The Australian Human Rights Commission's vision is: *everyone, everywhere, everyday.*

True

False

Question

07/15

The investigation and conciliation of complaints is a core function of the Australian Human Rights Commission.

True

False

Question

08/15

The Australian Human Rights Commission does not engage in public education.

True

False

Question

09/15

New Commissioners are appointed to the role by the President of the Australian Human Rights Commission.

True

False

Question

10/15

The Australian Human Rights Commission has the power to call national inquiries into acts or practices that violate human rights.

True

False

Question

11/15

The *Sex Discrimination Act 1984* (Cth) makes it against the law to discriminate against a person because of their gender identity, intersex status or sexual orientation.

True

False

Question

12/15

Racial hatred is unlawful under the *Racial Discrimination Act 1975* (Cth).

True

False

Question

13/15

The *Disability Discrimination Act 1992* (Cth) provides protection for people who are relatives, friends and carers of people with disability.

True

False

Question

14/15

The *Age Discrimination Act 2004* (Cth) only provides protection for older people.

True

False

Question

15/15

The *Australian Human Rights Commission Act 1986* (Cth) gives effect to Australia's international obligations under a number of international laws.

True

False