



Australian
Human Rights
Commission

Corporate Plan

2020–2021

COVERING THE PERIOD 2020–21 TO 2023–24



Contents

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Preface

As the accountable authority of the Australian Human Rights Commission, I am pleased to present our 2020–21 Corporate Plan.

It covers the four-year period to 2023–24, as required under paragraph 35(1)(b) of the *Public Governance, Performance and Accountability Act 2013*.

It identifies the strategic and operating framework in which we operate, and the actions we will take to achieve our purpose. This year has a particular focus on the COVID-19 pandemic, both in terms of its immediate ongoing impact and in the recovery phase to follow.

This Corporate Plan ensures a line of sight exists between our Portfolio Budget Statement and the purpose and strategic goals of our organisation, as set out below.

The Corporate Plan articulates how our actions contribute to achieving our vision for an Australian society where human rights are enjoyed by **everyone, everywhere, everyday**.



Emeritus Professor Rosalind Croucher AM
President



1 Our purpose

As Australia's national human rights institution, our 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.

Portfolio Budget Statement

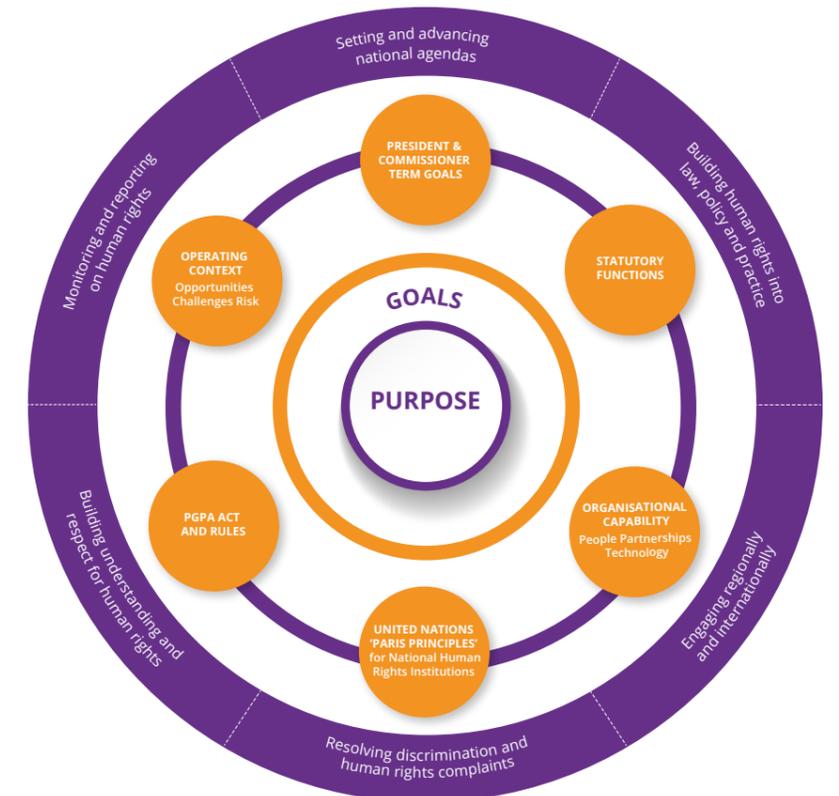
Our role is to work towards an Australia in which human rights are respected, protected and promoted, finding practical solutions to issues of concern, advocating for systemic change, and raising awareness of human rights and fundamental freedoms across the community.

Our **statutory functions** require us to undertake activities that:

- Promote understanding, acceptance and public discussion of human rights in Australia (including through our specialist Commissioners).
- Promote 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).

- Undertake 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.
- Conduct inquiries into acts or practices that may be contrary to human rights, report on laws that Parliament should make, or actions that the Commonwealth should take, to meet Australia's international human rights obligations.
- Examine laws and proposed laws for consistency with human rights.
- Inquire into, and attempt to conciliate, complaints of unlawful discrimination, or breaches of human rights or discrimination in employment.

We undertake this work in a complex strategic and operating environment, as set out in the diagram below.



2 Our goals

Our vision and purpose are reflected in our goals.

			
<p>Greater prioritisation and embedding of human rights issues at the national level.</p>	<p>More people, communities, and organisations understand and respect human rights.</p>	<p>More people, communities, and organisations take action to respect, protect and promote human rights in their own contexts.</p>	<p>Improved access to justice and remedies for people and communities whose rights are breached.</p>



3 Who we are

The Commission is a small independent statutory agency established by the federal Parliament in 1986.¹ We report to the Attorney-General and are accountable to the federal Parliament. We are tasked with protecting and promoting the human rights of all people in Australia.

2021 marks 40 years since the Fraser Government established the inaugural Human Rights Commission (1981–1986) to assist in ensuring Australia was operating in conformity with the newly ratified *International Covenant on Civil and Political Rights*. 40 years on, Australia has now ratified 7 major human rights treaties and the Commission continues to have a role in monitoring and promoting compliance with these instruments.

We operate under the *Australian Human Rights Commission Act 1986* (Cth) as well as federal laws that seek to ensure freedom from discrimination on the basis of age, disability, race, sex, sexual orientation, intersex status and gender identity. The Commission also has specific responsibilities under the *Native Title Act 1993* (Cth) and the *Fair Work Act 2009* (Cth).

Our operations are determined independently of the Commonwealth government through our President and Commissioner leadership team.

We are accredited as an 'A status' national human rights institution (NHRI). This accreditation is regularly reviewed through United Nations sanctioned processes by the Global Alliance of NHRIs. To achieve 'A status', NHRIs must be established and operate in compliance with the United Nations Principles Relating to the Status of National Institutions for the Promotion and Protection of Human Rights—commonly known as the 'Paris Principles'.² The Principles require us to operate in a robust, independent manner in order to provide accountability for human rights in Australia.



¹ The Commission was initially set up for a period of five years in 1981. It was later established as permanent agency in 1986.
² Further information: <http://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>.

Our leadership team

Our work is led by a President, seven Commissioners and Chief Executive.



June Oscar AO
Aboriginal and Torres Strait
Islander Social Justice
Commissioner



The Hon Dr Kay Patterson AO
Age Discrimination Commissioner



Dr Ben Gauntlett
Disability Discrimination
Commissioner



Anne Hollonds
National Children's
Commissioner



Chin Tan
Race Discrimination
Commissioner



Edward Santow
Human Rights
Commissioner



Padma Raman PSM
Chief Executive



Kate Jenkins
Sex Discrimination
Commissioner



Emeritus Professor
Rosalind Croucher AM
President

4 Key activities, how we work

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

We conduct some activities on an ongoing or regular basis—such as complaint handling under federal discrimination law, statutory reports on the human rights status of children and Indigenous peoples, and educational outreach. Other key activities are undertaken for a defined period, such as major inquiries, engagement in United Nation human rights scrutiny processes and partnership programs with other government entities, the business and / community sectors.

The COVID-19 pandemic will have a significant impact on our work and work programs for the foreseeable future—we have begun to see an increase in discrimination complaints and anticipate that this will continue as an economic downturn unfolds.

Our President and Commissioners are responsible for our key activities. Each of these statutorily appointed office holders has their own strategic plan, goals and work programs, anchored in their specific functions and specialist portfolios to guide their work over the course of their appointment (usually five years).



For the President and Commissioner goals, key activities and workplans, visit our Corporate Plan website page at <https://humanrights.gov.au/our-work/commission-general/publications/corporate-plan-2020-2021>³

Setting and advancing national human rights agendas

We have a track record of drawing national attention to pressing human rights issues, raising community awareness, and encouraging positive action by governments, service providers and others.

In the coming year, major activities such as the Human Rights and Technology project and *Wiyi Yani U Thangani* (Aboriginal and Torres Strait Islander Women and Girls) project will report to the federal Parliament. Implementation of these reports, as well as of the Commission's *Respect@work* national inquiry into sexual harassment in the workplace and *Willing to Work* report on disability employment, will form a major focus for the Commission over the coming four years.

The Commission's project, *Free and Equal: A national conversation on human rights* enters its reporting phase in 2020–21. This project sets out a national reform agenda across all areas of human rights. The recommendations of the project will guide the Commission's advocacy on law reform over the next four years, as well as shaping the strategic objectives of the Commission over this period.

³ Commissioner Hollonds commences as the National Children's Commissioner from 2nd November 2020. Her term goals and strategic work program will be developed in this period.

Building human rights into Australian law, policy, and practice

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 of 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 on modern slavery practices, tools for organisations to ensure they are child safe into the future, and for innovation in learning activities in housing modifications for disability access with design and architecture students, and our engagement with Parliament on the human rights impact of proposed laws ensures human rights issues are considered.

Building understanding and respect for human rights

We focus 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.

We continue to focus on raising awareness about elder abuse and tools to address it, and to engage with Muslim communities to create broader awareness in the community of their experiences of exclusion. The COVID-19 Pandemic has revealed ongoing challenges with racism in our community, and the Commission will strengthen its community partnerships to expand the national focus on anti-racism.

Monitoring and reporting on the human rights situations of vulnerable groups

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

Our regular Children's Rights Reports, as well as reports of conditions in immigration detention centres, put the spotlight on the situation of vulnerable people in Australia. In 2020–21, we will also release a report on involuntary medical procedures experienced by people with intersex variations, as well as contribute to the design of national monitoring standards and processes for places of detention.



Delighted audience at the Human Rights Awards, December 2019



AHRC President with a family member of award finalist Richard Boele at the Human Rights Awards, December 2019

Engaging regionally and internationally with human rights agencies and systems

As a national human rights institution, we engage 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 2020–21, the Commission will contribute to Australia's engagement in the Universal Periodic Review at the UN Human Rights Council. This considers Australia's progress in meeting its human rights obligations and sets out key recommendations to guide the next five years. The Commission will align its input in this process with the findings of its *Free and Equal* project.

We undertake technical cooperation programs funded by DFAT in Vietnam and the Lao People's Democratic Republic, as well as other activities with the ASEAN Inter-Governmental Commission on Human Rights and regional partners in the Asia-Pacific region.

Resolving discrimination and human rights complaints

One of our core functions is to help people resolve complaints of discrimination and other breaches of human rights through our complaint-handling service.

People can complain to us about discriminatory treatment or breaches of their human rights in employment or more generally. Our conciliation service often resolves complaints without the need to proceed to court and achieves systemic improvements in the workplace.

Our National Information Service offers advice to businesses and members of the community about the operation of discrimination laws.

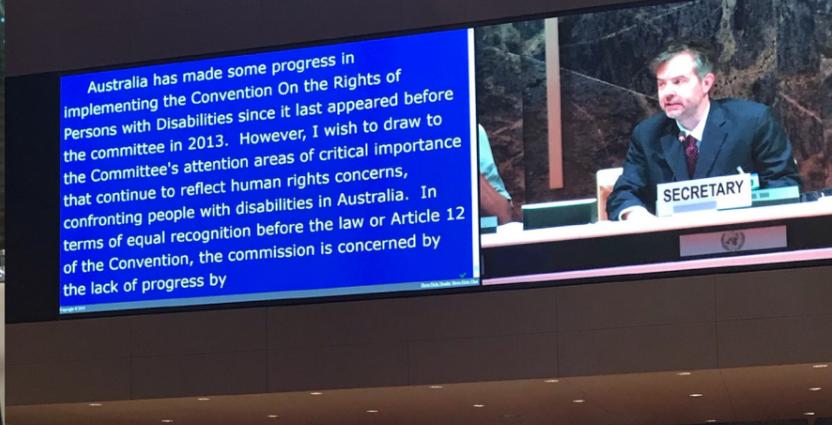
We use information about trends in complaints to develop targeted education programs and suggest policy reforms to address the underlying factors that lead to discrimination.

ROW 1 (LEFT TO RIGHT): AHRC President and Nicklyn Driffen at morning tea event, December 2019; Commissioner Oscar speaking on Jam Pakt with Jonzy; Commissioner Tan with writer Thomas Keneally at the Kep Enderby Memorial Lecture, October 2019; Commissioner Patterson with Executive Assistant from Tas Pharmacists, Swansea Tas, August 2019; Commissioner Gauntlett with Brandom Tomlin from Scope Australia at the Australian Rail Accessibility Forum, August 2019.

ROW 2 (LEFT TO RIGHT): Commissioner Oscar, 41st Session, Human Rights Council, June 2019; Commissioner Tan speaking at the Leadership Victoria Graduation Ceremony Dinner, November 2019; Commissioner Santow talking to high school students about ethical issues surrounding AI, August 2019; Commissioner Jenkins at the Minister for Women, Senator the Hon Marise Payne's 'Women's Economic Security meeting', July 2019.



ROW 3 (LEFT TO RIGHT): Commissioner Jenkins with Minister for Women, the Hon Senator Marise Payne, for the Launch of the National Inquiry Report, Sydney, March 2020; Commissioner Santow at Launch of the AI Standard Roadmap, Sydney, March 2020; AHRC President speaking at the Free and Equal National Conference, October 2019; Commissioner Patterson at the ABC Panel Old People's Home for 4 Year Olds, August 2019; Commissioner Gauntlett appearing before the UN, September 2019.



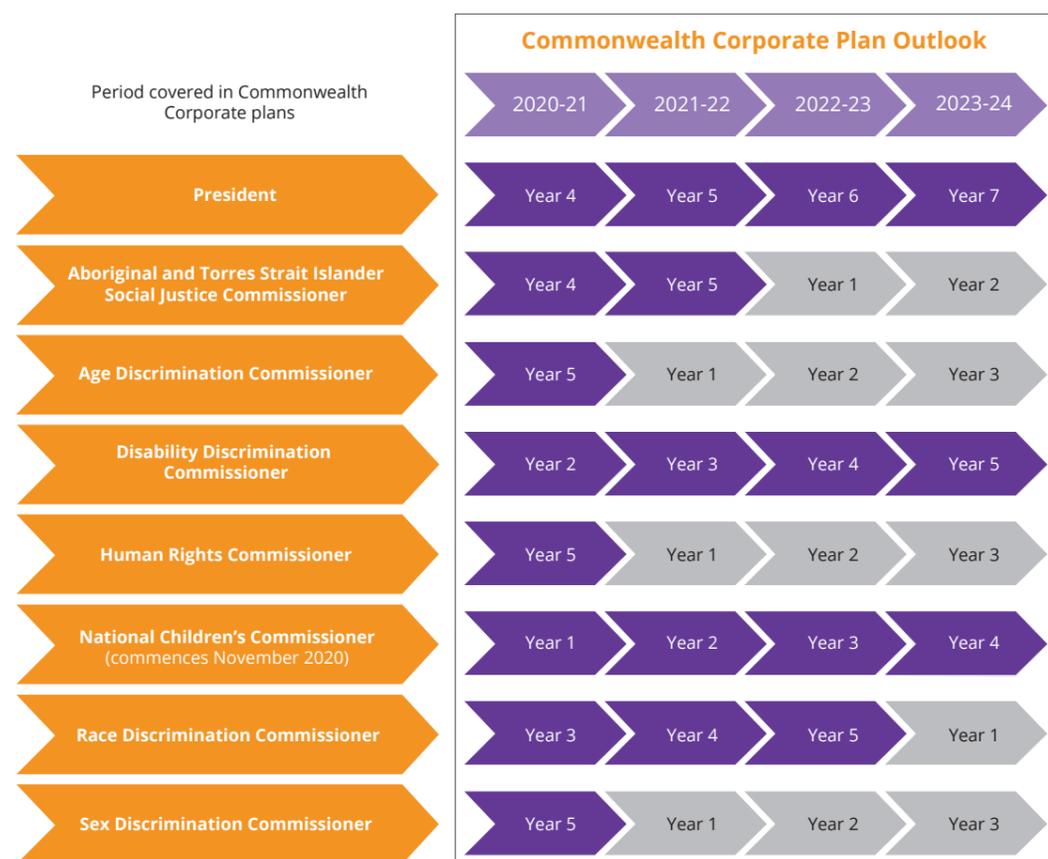
Australia has made some progress in implementing the Convention On the Rights of Persons with Disabilities since it last appeared before the committee in 2013. However, I wish to draw to the Committee's attention areas of critical importance that continue to reflect human rights concerns, confronting people with disabilities in the law or Article 12 of the Convention, the commission is concerned by the lack of progress by

5 Our performance framework

President and Commissioner terms

Our planning and performance framework differs from many other agencies as a President and seven Commissioners lead our work in different priority areas as independent statutory officeholders. The President and Commissioners are appointed as individual vacancies arise and for terms that end at different times (usually after 5 years).⁴ Each office holder develops term goals and work programs for their portfolios.

The figure below shows the status of the terms of our President and Commissioners, and how it links to the four-year reporting outlook of this Corporate Plan. The different stages that Commissioners are at in their terms is factored into our planning and performance framework, and through our annual planning and reporting processes.



⁴ The current President is appointed for a seven-year term.

Commission goals, outcomes and telling our 'performance story'

Having our purpose and functions reflected in organisational goals and outcomes helps us to tell an entity level 'performance story' through the contributions of successive Presidents and Commissioners and our ongoing, statutorily required programs and services.

On the next page, is our organisational goals and outcomes map. It shows the 'line of sight' between President and Commissioner portfolio goals and programs and the pursuit of organisational level goals and outcomes.

The outcomes are the changes we anticipate from our work.⁵ They are pitched to a level where we can reasonably expect to contribute to them:

- within the four-year outlook of this Corporate Plan
- through the collective annual-to-term results of President and Commissioner activities and other ongoing programs and services
- within our operating context.

Measuring our performance

Measuring our impact (what difference, what benefit), in the context and nature of our work, is complex. The ultimate results of our activities are often long-term and incrementally achieved, our role is generally collaborative, and challenging to attribute.

Our performance measurement framework shows how we measure our results in this context. It maps performance expectations and progress indicators to each organisational outcome. The progress indicators are designed to provide 'reasonable' evidence of contribution to the given outcome, and are, in turn, supported by data from monitoring and evaluation strategies implemented across the Commission's programs and services.



For the Commission's performance measurement framework, visit our Corporate Plan website page at <https://humanrights.gov.au/our-work/commission-general/publications/corporate-plan-2020-2021>

⁵ Outcomes with an asterisk correspond to the Performance Criteria in the Commission's Portfolio Budget Statement.

Our Purpose

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.

Outcomes

The national human rights reform agenda proposed in the national conversation initiative is considered by the Parliament, government and the non-government sector.

The leadership and advocacy of our Commissioners on thematic areas or identified human rights issues, improves the enjoyment of human rights by affected groups.

Law and policy makers consider and address the human rights impacts we identify through our submissions, inquiries, research, reports and United Nations engagement.*

Our education activities, increase capability among individuals, communities and organisations to promote and protect human rights and address discrimination.*

Our information resources, guidelines, services, events and campaigns reach, inform and influence users and audiences.*

Our activities increase the capacity of stakeholders, particularly vulnerable groups, communities and their advocates to understand and advocate for their rights.*

Our activities increase the capacity of Governments, organisations, other groups and services to understand and address the human rights impact of their actions, particularly when working with vulnerable groups and communities.*

We deliver a fair and effective investigation and conciliation of complaints service.*

President and Commissioner Term Goals

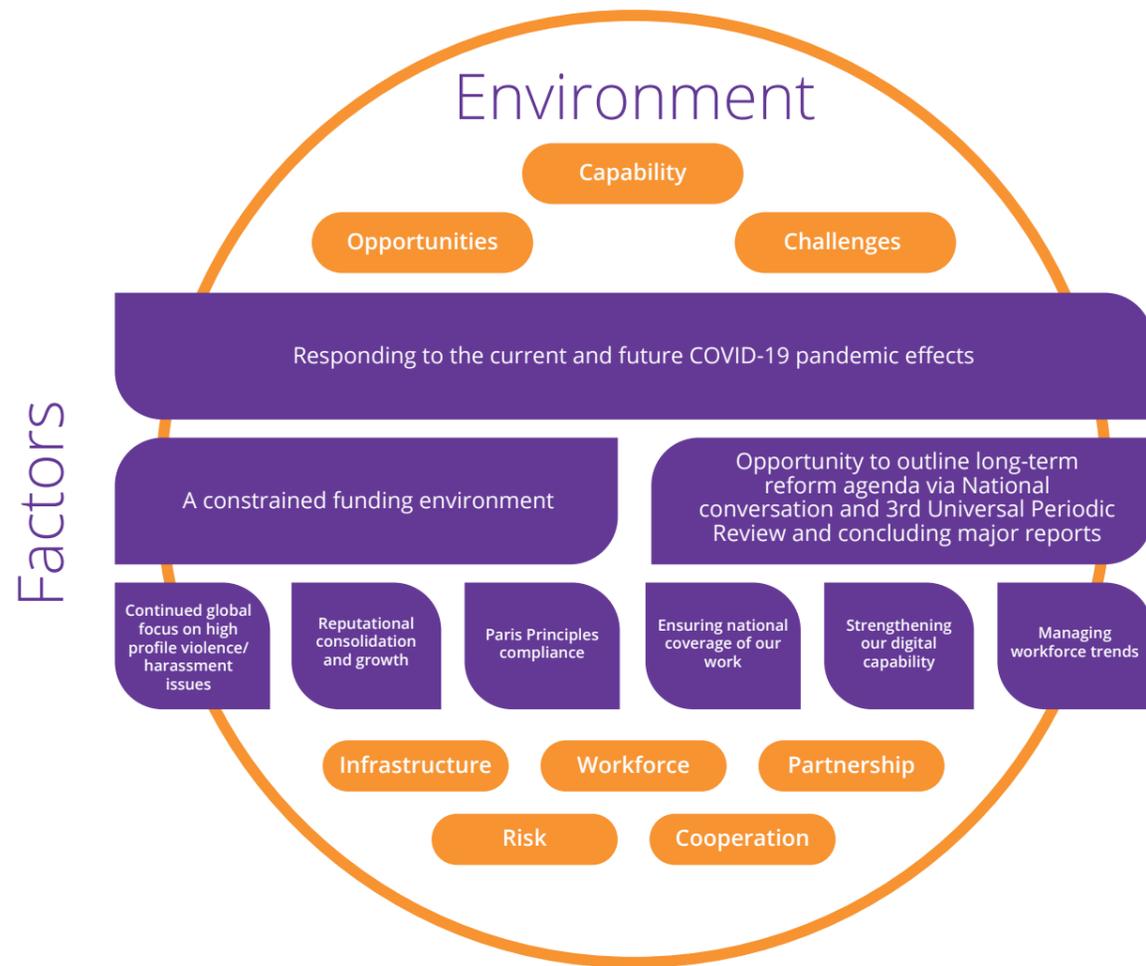
Outcomes of President and Commissioner advocacy and programs, core programs and services

Our workplan—how we deliver these outcomes

Capability to deliver and operational context

6 Operating context

Each year the Commission examines our operating context to assess the risks/challenges, opportunities, and capabilities in our environment that may affect our work. This reflects on the complex social and political environment in which we operate and identifies the multiple and often competing factors that can affect how, and how well, we achieve our purpose. The figure below shows the key factors identified in this year's analysis.



The most significant factor in the coming period is responding to the effects of the COVID-19 pandemic. Our responses include:

- our Commissioners' leadership roles to provide robust, independent human rights expertise during the pandemic to ensure that no-one is left behind during and in the aftermath, and
- our National Information Service and Investigation and Conciliation Service continuing to provide information and assistance to people making and responding to complaints about discrimination and human rights breaches. Data from these services will also be utilised to identify key trends so that we can proactively address emerging or prevalent human rights and discrimination issues arising from the pandemic and the responses to it.

A key opportunity for the Commission continues in the *Free and Equal* project, which is aimed at identifying a national reform agenda for human rights for the next decade. We will build on the lessons from the handling of the COVID-19 pandemic as we shape the recommended actions in this project, and also leverage Australia's participation in the Universal Periodic Review process (at the United Nations Human Rights Council) to achieve some key reforms.

A major challenge we anticipate is that all our work will take place in a constrained resourcing environment, and with significant economic pressures facing the entire nation.



For the full analysis of our operating context, the key factors, the varying degrees of control we have over them, and our management strategy, visit our Corporate Plan website page at <https://humanrights.gov.au/our-work/commission-general/publications/corporate-plan-2020-2021>

Cooperation and capability through our partnerships

The Commission regularly operates through partnerships and collaborations with government, business, the non-government sector and internationally.

We have built a reputation for expertise in human rights in research, consultation, and implementation design. Our operation as an independent agency is critical to our capability in this regard: it means we are a trusted neutral interlocutor that can bring diverse and often competing interests together to address difficult human rights challenges.

Partnerships increase our capability through shared skills and resources and create a collective ability to achieve outcomes greater than the individuals or organisations acting alone. It is a central feature of how we work.

Our partnerships are two-way. First, we receive significant pro-bono support from the private sector—especially from law and consulting firms. Second, we also enter a range of 'fee for service' partnerships on a cost-recovery basis where we can provide our technical expertise to third parties.

Governments and entities from all sectors consistently invite us to work with them to share our human rights expertise and to enter collaborations on specific human rights projects and advocacy activities. In doing so, we have become accomplished in collaborating with professionalism and integrity.

Cooperation with Australian Government departments

The Commission regularly enters multiyear partnerships with federal departments. Key partnership programs that continue for 2020–21 and beyond include:

- Our collaboration with the **Department of Defence**, which has been extended to 2024. Through this partnership we engage with the Australian Defence Force (Army, Navy and Air Force), and Department of Defence to design and implement activities that further the Defence’s cultural reform priorities.
- A long-standing collaboration with the **Department of Foreign Affairs and Trade** Aid Program continues with two multiyear human rights technical cooperation programs in Vietnam and Laos.
- Our 2017 partnership with Government on the *Wiyi Yani U Thangani* (Women’s Voices) initiative, which continues with phase 2 of this program undertaken in partnership with the **National Indigenous Australians Agency** to 2021.

The Commission’s partnership strategy is centrally coordinated to ensure that it aligns with our strategic and operational objectives.

Each year our planning process captures data on our partner organisations. The figure opposite shows the range of partner categories in our forward workplan.



AHRC President signing a Memorandum of Understanding with the Ho Chi Minh Political Academy, February 2019



HE Dr Michelle Bachelet, UN High Commissioner for Human Rights with AHRC President and Commissioner Gauntlett at disability consultation, October 2019



Capability: digital infrastructure and investment

Over recent years, our Information and Communications Technology (ICT) team has led the Commission through a range of significant infrastructure projects. Partnership arrangements have been entered into to deliver innovative, high value and low-cost ICT capabilities to service our organisational needs. This has led to the Commission being one of the first Commonwealth entities to deliver services through cloud-based infrastructure, as well as trialling industry-leading options for an artificial intelligence centred document management system.

An increase in our capability was demonstrated in our technical and cultural response to the COVID-19 pandemic. Our ICT team were able to respond rapidly to the dramatic change in work practices, enabling the entire workforce to be transitioned to remote working arrangements within a week, supported by new digital tools for internal and external engagement, as well as full access to financial management and human resources functions remotely while maintaining appropriate security.

This experience coupled with other and future digital investments, positions us well to continue to realise these benefits over the four-year period ahead.

Capability and our workforce

Our most important asset is our people. We understand the importance of a diverse and inclusive workplace culture and the need to foster excellence and expertise in our staff. With our internal and external stakeholders, we lead by example and operate in accordance with the human rights standards that we expect of others.

In the 2019 Australian Public Service (APS) Employee Census survey:

97% of our staff respondents believed strongly in the Commission's purpose and objectives (**82%** APS wide), with:

86% agreeing: 'I am proud to work in my agency' (**74%** APS wide).

95% also agreed they were happy to go the extra mile at work when required (**91%** APS wide).

92% also confirmed: 'I work beyond what is required in my job to help my agency achieve its objectives' (**79%** APS wide).

The main internal workforce capability gap that we face is matching the breadth of the work we want to do with the limited core funding and other resources available to do so. Our challenge is to ensure that our workload remains achievable and our staff are productive but not overwhelmed.

Our main externally facing challenge is managing a stronger 'mobility mindset' among our newer staff cohorts and the flow-on effects such as the risk to corporate knowledge. This is a global trend we expect will continue over the four-year outlook of this workplan.

Risk oversight and management

Our risk management framework provides a mechanism for proactively identifying and mitigating risks across the organisation, and for monitoring the operating environment.

The risk management framework is tailored to meet the needs of the Commission, and covers three main areas:

- Key strategic risks: for example, a constrained funding environment, and ensuring that we respond quickly and effectively to a changing political landscape.
- Core business risks: for example, failing to provide an accessible and effective complaint handling service that complies with all relevant laws.
- Corporate support risks: for example, recruitment of appropriately skilled and diverse staff, resources and business continuity processes not in place, an unsafe work environment.

We have mitigation strategies and controls in place to manage these key risks.

We undertake regular reviews of the Commission's risk management framework and the risks being managed, to ensure new risks are identified and existing risks remain appropriately managed. Our most recent review was undertaken by senior executive staff and the accountable authority in February 2020.

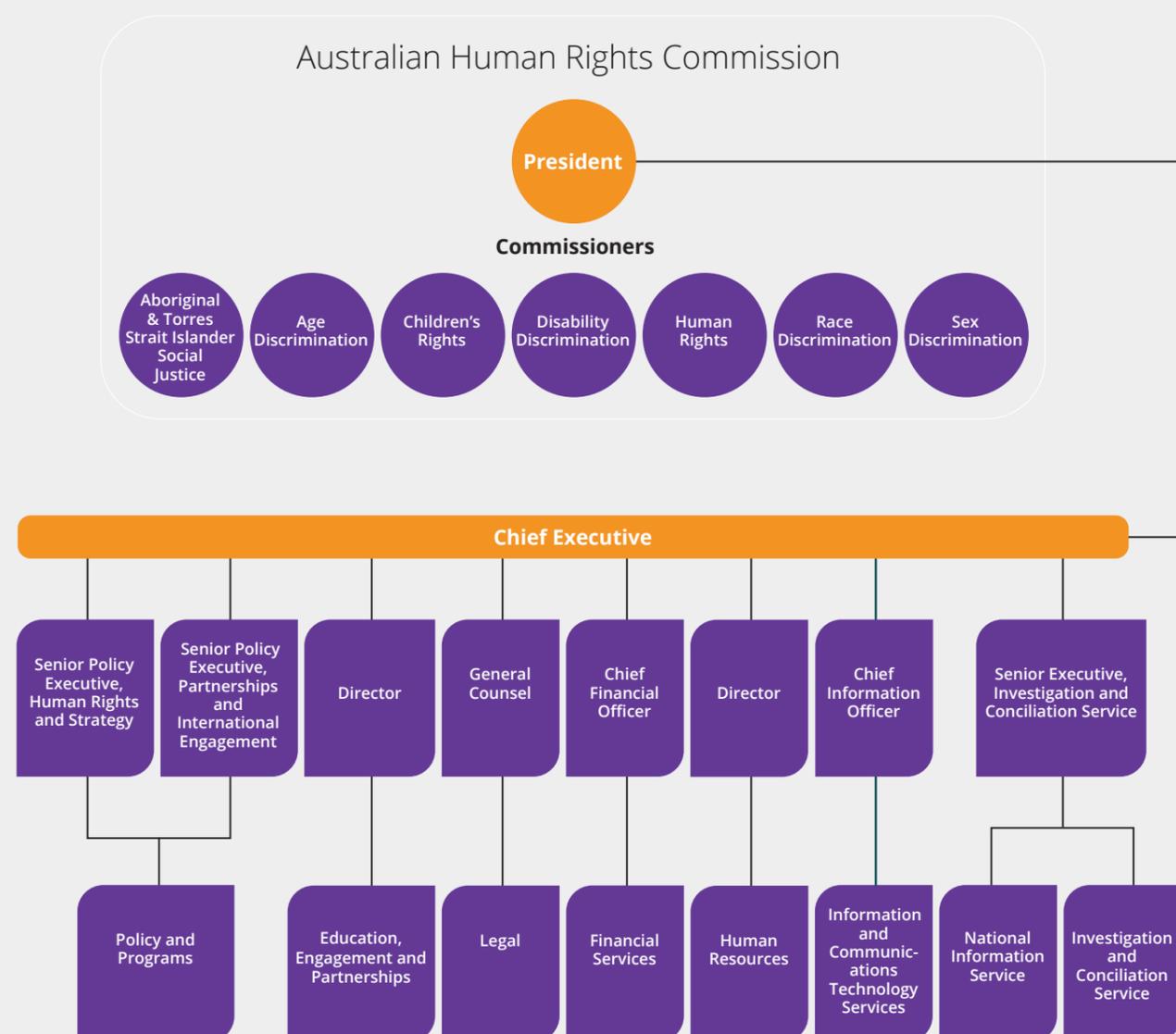
We have also embedded risk management into our decision-making and key business processes. For example, risk evaluations are conducted during procurement processes and in program planning processes. Simple templates have been developed to ensure these risk assessments are accessible to all staff. We have also developed specialist policies and processes for particular risk categories, including business continuity, fraud control, work health and safety, privacy, and child safety and wellbeing.

The Commission's Audit and Risk Committee oversees our risk management practices supported by our internal auditors who conduct regular audit reviews and other assurance activities.



Staff trainer Joanna d'Orey Novo delivering the Disability rights training workshop with NSW government participants, June 2019

7 Our organisational structure



8 Index of corporate plan requirements

The table details the requirements met by the Australian Human Rights Commission corporate plan and the page reference(s) for each requirement.

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Materials providing additional information on our key activities, operating context and performance measurement are on our Corporate Plan webpage at <https://humanrights.gov.au/our-work/commission-general/publications/corporate-plan-2020-2021>

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