

HUMAN RIGHTS COMMISSION
Annual Report 1985-86

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Human Rights Commission
G.P.O. Box 629
Canberra, A.C.T. 2601
15 October 1986

The Hon. Lionel Bowen, M.P.
Deputy Prime Minister
and Attorney-General
Parliament House
Canberra, A.C.T. 2600

Dear Attorney-General,

I have pleasure in enclosing with this letter the Report of the Commission on its operations from 1 July 1985 to 30 June 1986. Pursuant to sub-section 29(1) of the Human Rights Commission Act 1981, the Report covers the operations of the Commission under that Act, the Racial Discrimination Act 1975 and the Sex Discrimination Act 1984.

Yours sincerely,

A handwritten signature in black ink, reading "Roma Mitchell". The signature is written in a cursive style with a long, sweeping underline that extends to the right.

Chairman
for and on behalf of
the Human Rights Commission

Human Rights Commission

		<i>Appointment Expiry Date</i>
<i>Chairman</i>	Dame Roma Mitchell, D.B.E.	9/12/86
<i>Deputy Chairman</i>	Mr P.H. Bailey, O.B.E.	9/12/86
<i>Commissioners</i>	Associate Professor M.J. Aroney, O.B.E.	9/12/86
	Professor P.J. Boyce (resigned 4/ 4/ 86)	9/12/86
	Mr M.R. Einfeld, Q.C. (from 13/3/86)	9/12/86
	Mrs N.C. Ford	9/12/86
	Mrs E. Geia	9/12/86
	Ms E. Hastings	9/12/86
<i>Commissioner for Community Relations</i>	Mr J.P.M. Long	6/11/89
<i>Sex Discrimination Commissioner</i>	Ms P.F. O'Neil	31/7/89

Acts administered by the Commission

Human Rights Commission Act 1981

Racial Discrimination Act 1975

Sex Discrimination Act 1984

List of abbreviations and acronyms

ACTTF	Australian Capital Territory Teachers Federation
ACTU	Australian Council of Trade Unions
ADB	(N.S.W.) Anti-Discrimination Board
ALRC	Australian Law Reform Commission
AJA	Australian Journalists' Association
AUSINET	Australian Information Network
ASSC	Australian Schools Sports Council
CEO	Commissioner for Equal Opportunity
CLIRS	Computerised Legal Information Retrieval System
CO	Central Office
CYSS	Community Youth Support Scheme
DOLGAS	(Commonwealth) Department of Local Government and Administrative Services
EEO	Equal employment opportunity
FOI	Freedom of Information
FMIP	Financial Management Improvement Program
HRC	Human Rights Commission
ICCPR	International Covenant on Civil and Political Rights
IYDP	International Year of Disabled Persons
IYP	International Year of Peace
NCDEO	National Committee on Discrimination in Employment and Occupation
NESB	Non-English-speaking background (students)
NGO	Non-government organisation
NPC	National Press Club
RDA	Racial Discrimination Act 1975
RSI	Repetitive strain injury
SCALE	Statutes and Cases — Automated Legal Enquiry
SDA	Sex Discrimination Act 1984
SES	Senior Executive Service
TAFE	Technical and Further Education
TEAS	Tertiary Education Allowance Scheme
TUTA	Trade Union Training Authority
UNICEF	United Nations Children's Fund

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Preface

This report differs in format from earlier reports. It reflects steps towards implementation by the Commission of the Government's Financial Management Improvement Program (FMIP) which is a key element in the package of reforms to improve the management of the public service.

Briefly, FMIP requires an agency to arrange its structures and practices into separate programs of activity which can be viewed and assessed as elements of its operations.

The Commission has taken notice of this aspect of the Government's reforms (as it has with others, for example industrial democracy and equal employment opportunity — see its report for 1984-85). It is moving quickly towards organising its operations in such a way that program budgeting can be implemented without delay and with least disruption to the performance of the Commission's statutory responsibilities.

In discharging these responsibilities, the Commission has consistently taken a practical, result-oriented approach. Efficiency and effectiveness have been assisted by an integration to the greatest degree possible of differing activities and processes — especially complaint handling, research and promotion. Co-operative arrangements with State anti-discrimination agencies (now including Western Australia as well as Victoria, New South Wales and South Australia) have enhanced the Commission's capacity for outreach into the Australian community and the one-stop shopping provided is both a convenience to the public and an efficient way of using limited resources.

The revised format of this report represents a stage in the development of the Commission management's plan for implementation of program budgeting and FMIP. The basic aim has been to identify discrete segments of the Commission's work (programs); to break these down into sub-programs; and to resolve each of the latter into its elements or components. This will provide the basis of the Commission's approach to program budgeting.

Following to some degree the example of the Public Service Board in its report for 1985-86, a chart (pp. 20-21) shows all the Commission's programs, sub-programs and components. Each subsequent chapter is preceded by a chart showing the relevant program and its sub-divisions. Each of these is expanded and explained within the chapter itself.

Highlights of 1985-86

This is the fifth Annual Report of the Commission. Highlights of the year under review include the following:

- The Commission received considerable public attention, including substantial criticism associated with debate in the Parliament of the Australian Bill of Rights Bill and the Human Rights and Equal Opportunity Commission Bill, in response to which it prepared a special paper *The Human Rights Commission: its activities and achievements* (full text at Appendix XIII).
- There was a continuing rise in activity under the Sex Discrimination Act, the most notable features of which were:
 - an increasing number of complaints, 870 (822 in 1984-85) with two-thirds relating to employment;
 - six hearings by the Commission on reference from the Commissioner under s.57 as compared with three last year and five exemptions under s.44 as compared with two last year.
- Substantial activity under the the Racial Discrimination Act focused largely on the conciliation of complaints:
 - 606 complaints were received (604 in 1984-85), of which one-third were from Aborigines;
 - one certificate was issued under s.24.
- Complaints under the Human Rights Commission Act increased from 385 in 1984-85 to 405:
 - immigration complaints increased from 51 to 121;
 - employment-related complaints rose from 52 to 66.
- The Commission submitted three reports to the Minister during the year on:
 - *The human rights of Australian-born children: a report on the complaint of Mr and Mrs Yilmaz* (No. 15);
 - *Freedom of expression and section 116 of the Broadcasting and Television Act 1942* (No. 16);
 - *The Passports Act 1938* (No. 17).
- The first two volumes in its Monograph Series were published:
 - *Human rights for Australia: a survey of literature and developments and a select and annotated bibliography of recent literature in Australia and abroad*, by Professor Alice Erh-Soon Tay;
 - *Ethical and legal issues in guardianship options for intellectually disadvantaged people*, by Dr Terry Carney and Professor Peter Singer.
- The entry by Western Australia into co-operative arrangements with the Commission, the fourth State to do so, means that the Commission is in co-operation with all relevant State equal opportunity agencies.
- The 'Teaching for Human Rights' program which received praise from many schools and teachers using the materials came under some substantially unfounded criticism in the Parliament. To meet this criticism a special paper entitled *The Human Rights Commission: its education program and 'Teaching for Human Rights'* was prepared (text at Appendix XIII). The program was used by some 150 schools throughout Australia (see table p. 45). It is being revised and re-issued in the light of experience in use and of public comment.

- Human Rights Week, which focuses on International Human Rights Day (10 December) was actively celebrated this year in Canberra, Adelaide, Brisbane and Sydney. The Attorney-General, the Hon. Lionel Bowen M.P., presented the Human Rights Media Awards, including a special award for youth, at the National Press Club during the Canberra celebrations.
- Community Education Grants were made to organisations and groups to assist them contribute to an understanding and acceptance of human rights. Twenty-three grants totalling \$49 370 were made this year, making a total of \$108 000 since the scheme's inception in October 1984, but lack of funds meant many eligible applications had to be refused.
- As a contribution to the International Year of Peace (IYP) the Commission has planned a seminar on Human Rights and the Right to Peaceful Protest to be held in Canberra in July 1986.

Functions of the Commission

The Human Rights Commission is an independent statutory authority established under the Human Rights Commission Act 1981 to promote and protect human rights in Australia. Its functions are described in s.9 of the Act (see Appendix III). Broadly speaking, in the Commonwealth sphere the Commission is able to review legislation, investigate complaints, and undertake research and educational programs relating to human rights. The Commission has also been charged with implementing the Racial Discrimination Act 1975 and the Sex Discrimination Act 1984. Under the Racial Discrimination Act the Commissioner for Community Relations has responsibility for inquiring into, and endeavouring to settle, complaints of racial discrimination. Similarly under the Sex Discrimination Act, the Sex Discrimination Commissioner has responsibility for conciliating complaints of discrimination on the ground of sex, marital status or pregnancy made under that Act.

The standards which form the basis of the human rights legislation are to be found in a number of international human rights instruments (covenants, conventions or declarations) attached to the three Acts referred to above. The instruments have either been ratified by Australia or, in the case of declarations, place an obligation on Australia by virtue of its membership of the United Nations.

The Human Rights Commission Act has annexed to it as schedules the International Covenant on Civil and Political Rights (ICCPR), the Declaration of the Rights of the Child, the Declaration on the Rights of Mentally Retarded Persons, and the Declaration on the Rights of Disabled Persons.

The Racial Discrimination Act has as a schedule the International Convention on the Elimination of All Forms of Racial Discrimination and the Sex Discrimination Act has as a schedule the Convention on the Elimination of All Forms of Discrimination Against Women.

Details of the relevant sections of the Acts and the international instruments may be found in Appendix III to this report.

The Minister

The Minister responsible for the Commission is the Attorney-General, the Hon. Lionel Bowen M.P.

The Minister has the following powers under the Human Rights Commission Act:

- (a) to make (or vary or revoke) an arrangement with a State or the Northern Territory for the performance of functions relating to the promotion of the observance of human rights (s.11);
- (b) to declare, after consultation with the States and the Northern Territory, an international instrument to be an international instrument relating to human rights and freedoms for the purposes of the Act (s.31).

The Minister may also, under s.9 of the Human Rights Commission Act, request the Commission to perform certain functions such as the examination of proposed enactments to ascertain whether they are inconsistent with or contrary to any human rights. He has similar powers under s.48 of the Sex Discrimination Act.

Under the Human Rights Commission Act, s.15, the Attorney-General has the power to issue to the Commission a certificate certifying that the disclosure of certain information or the disclosure of the contents of certain documents would be contrary to the public interest.

Members of the Commission

Members of the Commission may be appointed as full-time or part-time members.

The Chairman of the Human Rights Commission is the Hon. Dame Roma Mitchell, D.B.E.

The Deputy Chairman, Mr Peter Bailey, O.B.E. is the only full-time Commissioner. His rank is equivalent to that of Departmental Secretary in the Australian Public Service, but as Deputy Chairman and a Commissioner he is not a member of the public service.

During 1985-86 the other Commissioners were Associate Professor Manuel Aroney, O.B.E., Professor Peter Boyce (to 4 April 1986), Mr Marcus Einfeld, Q.C. (from 13 March 1986), Mrs Norma Ford, Mrs Eva Geia, and Ms Elizabeth Hastings.

The Commissioner for Community Relations, Mr Jeremy Long, and the Sex Discrimination Commissioner, Ms Pamela O'Neil, while not members of the Commission, attend its meetings and contribute to its work and discussions.



*Dame Roma Mitchell,
D.B.E.*

Dame Roma Mitchell has been the Commission's Chairman from its establishment in 1981. From 1965-83 she was a Justice, and in 1983 Acting Chief Justice, of the South Australian Supreme Court. In 1962 she had the distinction of being the first woman in Australia to be appointed Queen's Counsel. She was created Dame Commander of the Order of the British Empire in 1982 in recognition of her record of community service, including that as Deputy Chancellor of the University of Adelaide (she was elected Chancellor in 1983) and Deputy National Chairman of the Winston Churchill Memorial Trust (she was elected Chairman in 1984).

During the year Dame Roma has maintained a busy schedule of activities on behalf of the Commission. This has often involved speaking at public meetings and on television and radio. She has addressed a wide variety of gatherings apart from those the Commission itself conducts: in July-August for example, she addressed the ANZAAS Symposium in Melbourne on euthanasia; the Amnesty Lawyers at the Australian Legal Convention in Melbourne on the Human Rights Commission; a symposium at the Royal Adelaide Hospital on the human rights of the elderly dementing; and was keynote speaker at the End of the Decade for Women at the Constitutional Museum, Adelaide.

During September she was Australian participant at the United Nations Seminar on Community Relations Commissions and their Functions in Geneva.

As well she has undertaken a large number of Commission activities, which range from conducting Commission meetings, opening Adelaide's 'Fair Go Fair' and the Commission's shopfront in Canberra to liaising with various State agencies on behalf of the Commission. These various Commission functions are reported in detail throughout this report.



Mr Peter Bailey, O.B.E.

Mr Peter Bailey is Deputy Chairman of the Commission, and was previously Head of the Human Rights Bureau, the forerunner of the present Commission. Mr Bailey was earlier a Royal Commissioner with the Royal Commission on Australian Government Administration and Deputy Secretary of the Department of Prime Minister and Cabinet. He was Rhodes Scholar for the State of Victoria for 1950.

Mr Bailey's work encompasses the broad range of the Commission's activities. In addition to his full-time management role within the Commission, he is regularly in demand as a public speaker and media spokesman on human rights. A listing of his major engagements for September-October 1985 undertaken as Deputy Chairman serves to illustrate the diversity of these activities:

- radio interviews with a number of radio stations throughout Australia on a range of subjects;
- attended Conference on the Commonwealth Ombudsman, Canberra;
- lecture at the Australian National University on the Commission in the 'Politics of Inequality' Course, Political Science Department;
- addressed guardianship seminar convened to review the draft A.C.T. Guardianship Ordinance;
- lecture to Law Institute, Melbourne on 'The Human Rights Commission and Anti-Discrimination Legislation — Commonwealth and State';
- received members of the Gay Immigration Task Force, Sydney, during their visit to Canberra;
- lecture on 'Welfare and Rights in the Several States' to Melbourne University Political Science course on aspects of federalism;
- lecture to Sydney University jurisprudence class on the Human Rights Commission and recent developments;
- met members of the A.C.T. gay community to discuss the role of the Commission in the A.C.T. on migration and other matters;
- welcome to Aboriginal women from Quirindi TAFE and brief talk on the work of the Commission;
- meeting with four unions to review the proposed joint consultative committee arrangements and to review statements on industrial democracy and equal employment opportunity plans for the office of the Commission;
- received Dr Adalbert Polacek, a member of the German Research Institute, Freiburg, on a world visit to investigate methods of enforcing human rights;
- attended meeting of Task Force reviewing the activities of the Attorney-General's Department and the four 'research' agencies in the portfolio (including the Commission);
- attended consultation in Sydney on Sex Discrimination Act and superannuation;
- received Mr Marcelo B. Fernan, Chairman of the LAWASIA Standing Committee on Human Rights;
- convened meeting on A.C.T. Guardianship Ordinance to follow up September consultation and prepare a report for the Commission;
- with Ms Colleen Waide, met the Schizophrenia Support Group of the A.C.T. to discuss human rights issues and the work of the Commission.

As well as Dr Polacek and Mr Fernan, Mr Bailey received a number of other overseas visitors during the year including:

- Dr Hector W. Jayewardene, Q.C., Chairman of the Sri Lanka Foundation of Human Rights;
- Professor Rainer Knopff, University of Calgary, Canada;
- the Honourable Eddison Zvobgo, Minister for Justice, Legal and Parliamentary Affairs, Government of Zimbabwe and Mrs Julia Zvobgo, M.P.; Mr David Zaamchiya, Permanent Secretary, Ministry of Justice, Legal and Parliamentary Affairs, Zimbabwe; Mr E. W. Tsomondo, Permanent Secretary, Ministry of Home Affairs, Zimbabwe;
- Justice Walter Tarnopolsky, Ontario Court of Appeal, Canada; and
- Mr Toivo ja Toivo, Secretary-General of the South-West Africa People's Organisation.

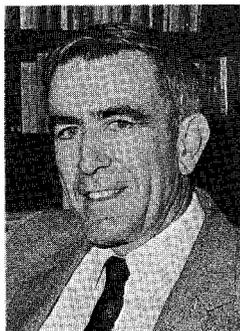


Professor Manuel Aroney

Professor Manuel Aroney is Associate Professor of Inorganic Chemistry at the University of Sydney. He was formerly a member of the National Ethnic Broadcasting Advisory Council, the Board of the Special Broadcasting Service and the Australian Institute of Multicultural Affairs. He was a founding member of the Ethnic Communities' Council of New South Wales and is on the executive of that council.

Professor Aroney has undertaken a wide range of activities with an ethnic and multicultural emphasis. For example, he represented the Human Rights Commission at the Seventh National Conference and Annual General Meeting of the Federation of Ethnic Communities' Councils of Australia held in Perth in November 1985, and at the Tenth Anniversary of the Ethnic Communities' Council of New South Wales. He has maintained an active liaison between ethnic groups and the Commission and has a particularly strong involvement with Greek community activities in Sydney. He undertook a series of consultations and media interviews in Mackay and Townsville in north Queensland, giving lectures to the Migrant Resources Centre and to the Greek community of Townsville on the Human Rights Commission and its activities. He was interviewed for the Channel 9 television program *Sunday* on the subject of ethnic and multicultural broadcasting.

Professor Aroney was involved also in equal employment opportunity issues with the Equal Employment Opportunity Unit of the University of Sydney.



Professor Peter Boyce

Professor Peter Boyce is Vice-Chancellor of Murdoch University. He was formerly Professor of Politics in the University of Western Australia. He is an executive member of the Australia—New Zealand Foundation.

Professor Boyce, a foundation member of the Commission, resigned in April as a result of additional duties arising from his appointment as Vice-Chancellor.

He contributed to the managing of the Commission's research program and the thinking of the Commission on such matters as the interpretation of Article 25 of the **ICCPR**. He also represented the Commission at many functions in Perth. The Commission expresses its thanks to him for his high quality contribution during his four years of service.



Mr Marcus Einfeld

Mr Marcus Einfeld, recently appointed to the Commission, is a practising member of the Bar in Australian States and Territories and in the U.K. He was appointed Queen's Counsel in 1977. He holds a **Ph.D.** in international relations and political science. During the 1970s while stationed in London he inaugurated and headed a political and cultural program in the Third World for a number of Non-Government Organisations (NGOs) accredited to the United Nations and various other international agencies. He later became special legal and political consultant to the British multinational corporation, Marks and Spencer Ltd.

He is currently Chairman of the Legal and Social Committee of the National Advisory Committee on **AIDS**, a member of the Medical Board of New South Wales and an executive of the Australian Section of the International Commission of Jurists.



Mrs Norma Ford

Mrs Norma Ford is a barrister and solicitor from Traralgon, Victoria. She has a continuing interest in equal opportunity, having served as an occasional member of the Victorian Equal Opportunity Board, as a member of the Premier's Advisory Committee on Equal Opportunity and, in September 1985, chairing an Equal Opportunity Conference in the La Trobe Valley. She has long been active in issues of concern to women, having served on the Premier's Advisory Committee on Women's Affairs, and as a past National President of the Australian Federation of Business and Professional Women. She is Chairperson of the National Status of Women Committee and a Director of the La Trobe Region Women's Co-operative and the Women's Employment Resource Centre. Mrs Ford has an active interest in post-secondary education, having served as a member of the Victorian Post-Secondary Education Commission and of the Tertiary Education Commission Advanced Education Council; as Chairman of the Councils of two Colleges of Advanced Education; and currently as Chairperson of the Regional TAFE Board.

During an overseas visit in July 1985 Mrs Ford attended the Conference for the End of the Decade for Women in Nairobi and while there also had discussions with members of the Committee for an African Human Rights Commission, the Law Reform Commission, and with legal practitioners and members of the judiciary regarding human rights.

On her return to Australia she gave a series of seven lectures on human rights to the Australian Protection Services as part of the implementation of the Commission's Villawood Immigration Detention Centre report. She also undertook to develop a correspondence course on human rights for the Australian Protection Services.

She has represented the Commission at conferences such as the Conference on Human Rights at the University of New South Wales, and spoken on the Human Rights Commission and its work at a number of functions in various areas including her home territory, the La Trobe Valley.

She also chaired the committee of the Commission which made the primary assessment of the second round of applications for the Community Education Grants offered by the Commission in 1985-86.

In Melbourne, in March, she launched on behalf of the Commission the Institute of Early Childhood Development's publication *Play and friendship in a multicultural playground*.

In May Mrs Ford represented the Commission at the Australian National Commission for Unesco Conference on Law and Indigenous Peoples held in Canberra. In June she visited Rockhampton, Woorabinda and Bundaberg. In Rockhampton she convened compulsory conferences under the Racial Discrimination Act, met with the Commission's Rockhampton Consultative Committee on Community Relations and the Aboriginal Legal Service, and gave media interviews. She visited the Milbi Incorporated Farm, a special initiative to assist and train Aboriginal people. At Woorabinda she held discussions with the Chairman and members of the Aboriginal Council, and gave several talks on human rights to primary and secondary school children. In Bundaberg she represented the Commission at the Multicultural Festival.



Mrs Eva Geia

Mrs Eva Geia is a member of the Aboriginal Development Commission and a former member of the National Aboriginal Conference in Queensland. She is a former President of Abis Community Co-operative Society Limited, an organisation which administers housing, hostel, sporting, welfare and educational programs for the Aboriginal and Islander communities of Townsville and district.

Mrs Geia visited Tahiti in July with the Aboriginal Development Commission to attend the Pacific Arts and Cultural Festival. This festival is to be held in Townsville in 1988.

She has continued her work among the local community in Townsville, including prison and hospital visits.

She participated in a television interview with Mike Willesee on Palm Island, and in January she spoke on human rights matters to the Women's Conference on Thursday Island.



Ms Elizabeth Hastings

Ms Elizabeth Hastings is a Counsellor at La Trobe University, Melbourne, where she also gives occasional lectures to sociology, behavioural science and social work students on issues relating to disability and human rights.

She was a member of the Executive of the Victorian International Year of Disabled Persons Committee from 1980-82, and a member of the Executive Committee of the Yooralla Society of Victoria for several years. She was also a Director of the Victorian Paraplegic and Quadriplegic Association, a founder member of Disabled Peoples International in Australia, and Chairperson of two Victorian Council of Social Service Committees on aspects of disability and human rights.

She has recently been appointed to the Council of the Melbourne College of Advanced Education, and is Secretary to the Victorian Branch of the Australian and New Zealand Association of Psychodramatists.

Ms Hastings has continued a busy round of activities in these areas and has been guest speaker on a number of occasions, including the Annual General Meeting of the Victorian Interchange Program, and the Annual General Meeting of the Paraplegic and Quadriplegic Association of Victoria. She has also conducted a seminar for a

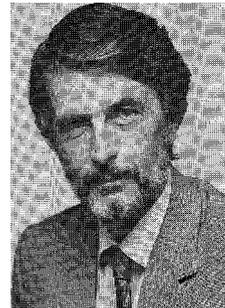
TAFE program for the training of Integration Aides, a session on Peace, Justice and Human Rights for the Melbourne Inner City Mission, and addressed and chaired the National Conference of the Sheltered Workshops and Activity Centres Council.

Racial discrimination an overview

by the Commissioner for Community Relations, Mr Jeremy Long

Some of the highlights of the year's work in combating racial discrimination were:

- a sustained program of field visits in the Northern Territory, Tasmania and Queensland, extending to places which had not previously been visited — notably Aboriginal communities in Arnhem Land, Flinders and Cape Barren Islands of the Furneaux Group in Bass Strait, and Cape York;
- a first field visit to one of the external Territories, Christmas Island, to deal with a complaint relating to the conditions of employment of members of the local police force;
- a conciliation conference held by means of a telephone link-up between parties in three cities: Hobart, Sydney and Canberra;
- the commencement of State-legislation outlawing racial discrimination in Western Australia (in July 1985) and South Australia (in March 1986);
- the settlement by conciliation of the complaint of Mr Mohamed Metwally against the University of Wollongong, five years after it had originally been submitted in 1981, after a favourable decision in the New South Wales Equal Opportunity Tribunal and after proceedings in the High Court.



Mr Jeremy Long

Details of field trips undertaken by Canberra-based staff during the year are set out in the chapter on complaint handling, together with notes on some of the more significant kinds of complaints dealt with under the Racial Discrimination Act.

Discrimination against Aboriginal Australians

Complaints about discrimination against Aboriginal people made up more than one-third of all complaints, as they have done in previous years. On 30 October 1985 the Racial Discrimination Act had been in force for ten years but numerous complaints were still being received about blatant, direct discrimination in the provision of goods and services and notably about refusal of service to Aboriginal people in hotels. In spite of the extensive work done in conciliating complaints of this kind over the years and the dissemination of information about the Act to hoteliers and others, complaints continue to be received, especially in Queensland and New South Wales, from Aboriginal people who are denied service in hotels, nightclubs and discotheques for no good reason.

Racial defamation

Numerous complaints were again received about racially defamatory and offensive material including articles in newspapers and magazines. Many of these also related to Aboriginal Australians and in particular to Queenslanders who found themselves criticised in reported comments by the State Premier in an international magazine, and by a senior police officer in a northern city whose alleged comments appeared in an Australian weekly magazine.

The Racial Discrimination Act does not make it unlawful to publish statements likely to incite racial disharmony. Nor does it outlaw the distribution of highly offensive anti-Semitic material still circulated by a few determined propagandists within Australia and overseas. As a consequence, complaints about such material cannot be dealt with under the formal procedures set down in the Act. Nevertheless, some useful results were achieved, as in

previous years, by taking such matters up with the relevant authorities and where appropriate, by drawing public attention to the senselessness and damaging effects of the publication and distribution of such material.

Complaint of Mr Mohamed Metwally

Mr Mohamed Metwally, an Egyptian post-graduate student in the Department of Metallurgy at the University of Wollongong, complained to the Commissioner for Community Relations in March 1981 alleging that university staff had discriminated against him. He also made a complaint to the New South Wales Anti-Discrimination Board and eventually his case was heard by the Equal Opportunity Tribunal which upheld his complaint and awarded damages. The University then appealed against the decision of the Tribunal and constitutional questions were referred to the High Court which in November 1984 found that the New South Wales Anti-Discrimination Act did not, at the time, validly apply to racial discrimination since the Commonwealth Racial Discrimination Act 1975 covered that field.

Two of the High Court judges suggested that the Commonwealth and State governments might consider an *ex gratia* payment of compensation to Mr Metwally because deficiencies in the law had prevented him from receiving the damages awarded by the New South Wales Tribunal. But in January 1986 Mr Metwally decided to pursue his complaint under the Commonwealth legislation. The University was sent details of the complaint and, after its response was received, arrangements were made to convene a conciliation conference in Sydney on 29 April, presided over by the Commissioner for Community Relations. At this meeting the parties reached an agreement on a settlement of the matter, one of the terms of which was that details of the settlement should not be publicised.

Bias in conciliation conference

In February 1984 a local Cairns citizen, a woman of Aboriginal descent, was appointed to preside at a conciliation conference dealing with complaints from several Aboriginal people that they had been unfairly denied access to a nightclub in the city in January. The conference did not resolve the matter and the respondent's lawyer stated at the conclusion of the conference that it should be considered void because the person presiding had shown bias when she stated that two of her own daughters had on another occasion been denied entry to the same nightclub. When six of the seven complainants later applied for certificates stating that a conference had been held and that the matter was not settled, the Commissioner duly issued these certificates, enabling the complainants to initiate civil proceedings in the Courts. The respondent then applied to the Federal Court on the basis that the conference and hence the certificates were of no effect because of the bias allegedly shown by the person presiding.

In April 1986 this matter was heard before a single judge of the Federal Court in Townsville. On 2 June Mr Justice Spender gave judgment in favour of the respondent to the complaints.

Employment complaints

There is a good deal of evidence to suggest that many people, especially Aboriginal people and immigrants, are treated unfairly when applying for jobs and seeking promotion in public and private sector employment. It is not often, however, that such people are given clear and unequivocal indications that prejudice against them on the basis of their racial or ethnic origin is the main reason for their not being given the job they seek or for their being treated unfairly in employment. All too often complainants have no evidence to offer to support their view that they have suffered discrimination.

Unlike some anti-discrimination legislation, the Racial Discrimination Act does not provide explicitly that inquiries into and attempts to settle complaints may be abandoned if it appears that the complaints lack substance. However, the view of the Commission is that the Commissioner and delegates should take no further interest in any matter if preliminary inquiries do not suggest that there was any connection between the action complained about — a decision not to recruit or promote, or to dismiss the person — and the racial, ethnic or national origin of the person making the complaint.

In one such matter, an employee complained that he had been passed over for appointment as regional manager and ultimately retrenched because of his ethnic origin. He was convinced that the company gave preference to Australian-born employees. After a protracted period of negotiation a conciliation conference was convened, at which the complainant was able to make senior company representatives aware of his concerns. The company was prepared to acknowledge the grievance, and agreed to an *ex gratia* settlement.

Sex discrimination issues and trends

by the Sex Discrimination Commissioner, Ms Pamela O'Neil

Economic issues continued to be in the forefront during the second year of the operation of the Sex Discrimination Act. As in 1984-85, two-thirds of formal complaints under the Act were concerned with discrimination in employment.

Employment-related complaints, overwhelmingly from women, dealt with a range of issues including:

- recruiting practices
- status of and remuneration for work done
- access to promotion and training opportunities
- access to other benefits associated with employment (for example, housing)
- dismissals

Sexual harassment complaints, particularly in small businesses, were regrettably common, while in larger organisations some more complex complaints combined elements of sex discrimination in employment and sexual harassment.

On the other hand, three issues with broader economic overtones — affirmative action legislation, comparable worth and superannuation — emerged as significant developments during the year.

The introduction of affirmative action legislation into the Commonwealth Parliament following the report of the Affirmative Action Working Party was a most welcome move, as the Sex Discrimination Act was originally designed to work in tandem with affirmative action law. While anti-discrimination legislation offers an avenue of redress to those discriminated against in employment, affirmative action processes can more readily address lack of opportunity arising from structural barriers which inhibit women's equal participation in the workforce.

The issue of comparable worth was highlighted by the cases brought by the ACTU on behalf of nurses before the Conciliation and Arbitration Commission. Article 11(1)(d) of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women states:

I. States Parties shall take all appropriate measures to eliminate discrimination against women in the field of employment in order to ensure, on a basis of equality of men and women, the same rights, in particular:

(d) The right to equal remuneration, including benefits, and to equal treatment in respect of work of equal value, as well as equality of treatment in the evaluation of the quality of work ...

Consideration therefore needed to be given to the application of this Article, and that of the Sex Discrimination Act, to the case and some advice was offered to the Commonwealth Government on this matter. The comparable worth case highlighted the considerable disparity between the incomes of women and men in Australia. It also brought to notice the legally complex issue of the relationship between the Conciliation and Arbitration Act and the Sex Discrimination Act. Given the clear priority Australian women place on employment issues in their quest for equality, it is critical that decisions in the industrial relations arena

should be made in accordance with both the principles of the Sex Discrimination Act and Australia's international obligations to remove discrimination in employment.

The third aspect of the women's economic trilogy in 1985-86 was superannuation. Superannuation is an important element of the wages package which at present benefits twice as many men as women in Australia. The Human Rights Commission was asked by the former Attorney-General, Senator Gareth Evans, to report on superannuation and insurance discrimination and the Sex Discrimination Act (see p. 28). The agreement in 1985 between the Government and the ACTU regarding the payment of productivity increases in the form of superannuation made the need to address sex discrimination in superannuation arrangements more urgent. An examination of 'indirect' discrimination, an example of which is the exclusion of part-time employees, 78% of whom are women, from superannuation schemes, was seen as critical. As membership of superannuation schemes becomes more widespread, it is clear that the factors which operate to limit women's access to and benefits from superannuation need to be addressed if their rewards from employment are not to slip even further behind those of their male colleagues.

Restrictive legislation

The year saw increasing activity by governments, both Commonwealth and State, in the review of legislation for sex and marital discriminatory provisions prior to 1 August 1986, when the statutory exemption of actions done in compliance with such legislation is due to expire. All Commonwealth legislation was reviewed for provisions inconsistent with the Sex Discrimination Act, and as a consequence amendments were made to various Commonwealth laws. An area of great concern has been so-called 'protective' legislation which restricts women's full participation in employment. This legislation, together with sex discriminatory industrial awards, was identified by the Working Party on Affirmative Action as a significant barrier to women's access to equality of opportunity in the workplace. A task force, consisting of representatives from the National Occupational Health and Safety Commission, the Department of Employment and Industrial Relations and the Office of the Status of Women was established to examine legislative restrictions on women's employment, particularly in the areas of manual handling, hazardous chemicals and industrial awards.

As the year progressed, it became apparent that the necessary preconditions to the complete removal of the exemption in the Sex Discrimination Act will not be met by August 1986, and as a result it was announced that regulations will be prepared to allow limited exemptions to continue for a further twelve months. Despite the opposition of some union and employer groups to the removal of discriminatory employment provisions, it must remain a high priority for the forthcoming year.

State complaints

Western Australia joined New South Wales, Victoria and South Australia as States with equal opportunity legislation in 1985. Thus most Australian people now have access to both Commonwealth and State law on the subject. As a result of the implementation of the Western Australian Equal Opportunity Act 1985, the number of complaints made under Commonwealth law in Western Australia decreased significantly, as many complaints which previously would have been made under the Sex Discrimination Act were able to be pursued under the Western Australian legislation, which has very similar provisions.

The new South Australian Equal Opportunity Act replaced earlier South Australian legislation in March 1986. The availability of more comprehensive South Australian legislation did not affect the numbers of complaints of discrimination registered under the Commonwealth Sex Discrimination Act.

The pattern of complaints in Victoria also remained stable, whilst in New South Wales an increase in complaints was recorded.

Queensland and the Australian Capital Territory recorded an increased number of complaints, whilst activity in Tasmania and the Northern Territory remained limited for most

of the year due to the lack of a resident conciliator on the Commission's staff.

Complaint numbers

During 1985-86 the total number of complaints received under the Sex Discrimination Act across Australia was 870 (see detailed breakdown at Appendix VII).

The areas and grounds covered by the complaints followed patterns similar to those for the first eleven months of the Act's operation (i.e. to 30 June 1985). About 67% of the complaints involved discrimination in employment, with a quarter of these complaints alleging sexual harassment in employment. Complaints of discrimination in the provision of goods, services and facilities totalled a further 20%. Complaints of discrimination by clubs totalled 6%.

By comparison with the previous year, the proportion of complaints of discrimination by clubs has decreased significantly, while complaints of discrimination in education have increased. Complaints by trade unions on behalf of their members, while still small in number, are also increasing. They principally identify systemic discrimination against their women members and are often occasioned when the union members are seeking support and resources in delicate or difficult situations.

Aboriginal women, first generation migrants, and professional women seem still to be under-represented as complainants. A radio advertising campaign is being undertaken to alert more recently arrived migrants in particular to the complaint handling facilities under the Sex Discrimination Act.

Complaints referred to the Commission

Eleven unresolved complaints were referred in 1985-86 to the Human Rights Commission for inquiry. Eight of the complaints were of discrimination in employment on the grounds of sex, marital status, pregnancy or sexual harassment, one complaint was club related and two were about access to services and use of facilities.

Legislative considerations

While my assessment is that the Sex Discrimination Act works well in practice, a number of shortcomings in the legislation have become apparent to those working with it in its first two years of operation.

Most of these shortcomings could readily be remedied by minor legislative amendment to:

- provide legal aid to complainants in appropriate cases, in particular where the respondent is legally represented at a Commission inquiry;
- allow an exemption in relation to employment by organisations providing health and welfare services to members of one sex (various of the State Acts have such a provision);
- provide the Commissioner with a discretion not to call all the complainants to a compulsory conference where the number of complainants is large and the attendance of all of them would not be in the best interests of conciliation;
- provide for the respondents to a complaint of discrimination in employment to include the person who is alleged to have done the discriminatory act (i.e. not only the employer, as at present);
- provide for the prosecution of those who victimise a friend or relative of persons involved in any inquiry and attempt at conciliation under the Act, when that friend or relative is not otherwise involved in the inquiry;
- clarify that, where the Commissioner has ceased inquiries into the complaint at the request of a complainant, the Commissioner does not need to advise the complainant of the right to have the matter referred to the Commission; and
- expand the definition of sexual harassment in employment to cover the common circumstance where a person is disadvantaged at work purely as the result of being sexually harassed (i.e. where there was no disadvantage because the advance was rejected or any fear that disadvantage would result if the advance was rejected).

A few complaints have been subject to requests under the Freedom of Information (FOI) Act. It is a cause of great concern to parties to complaints to find that, notwithstanding the prohibition on the disclosure of private information contained in s.112 of the Sex Discrimination Act, Freedom of Information requests must be considered. The impact of FOI on complaint procedures which aim to resolve disputes through conciliation needs further careful consideration.

If the Human Rights and Equal Opportunity Commission Bill 1985 and consequential legislation is passed, a number of changes will be effected to the Sex Discrimination Act and to the role of the Sex Discrimination Commissioner. Two of the most important changes would be:

- the appointment of the Sex Discrimination Commissioner as a member of the Human Rights and Equal Opportunity Commission;
- the establishment of a panel of persons, not being members of the Commission, to participate in the Commission inquiries under the Act.

Sexual defamation

I continue to receive regular submissions from people who are offended by sexist advertising particularly in newspapers and magazines. The Sex Discrimination Act does not provide a clear answer to this issue but there is no doubt that the use of women's bodies in suggestive or demeaning ways to sell products offends many women, and is seen as a form of exploitation which is inappropriate in a country committed to the principle of equality.

The concept of racial defamation is well recognised (although the appropriate response may not be agreed). Large quantities of material, ranging from sexist advertising to hard-core pornography, are published in Australia and are harmful to the image and reputation of women. This could be considered sexual defamation. This issue must not remain in the 'too hard' basket during the coming year.

The Commission's programs

<i>Program</i>	<i>Sub-program</i>	<i>Component</i>
Commission policy determination	<i>Commission meetings</i>	Preparation of Commission papers
		Consideration of issues Policy decisions
Research and legislative review	<i>Research programs</i>	In-house research projects
		External research projects
	<i>Legislative review</i>	Reports to the Attorney-General Provision of legal advice -
Promotion of human rights	<i>Community awareness education activities</i>	Special events
		Human Rights Media Awards
		HRC Shopfront
		Community Education Grants
		Equal Opportunity Educators Network
<i>Schools program</i>		Liaison with NGOs
		Field trips
		Public addresses
<i>Publishing</i>		1985 program
		1986 program
		Information material Reports, Occasional Papers and Discussion Papers Monographs

Program	Sub-program	Component
Complaint handling	<i>Inquiry and conciliation under</i> — <i>the Human Rights Commission Act</i> — <i>the Racial Discrimination Act</i> — <i>the Sex Discrimination Act</i>	Inquiry Conciliation Field work Compulsory conferences Reports to the Attorney-General (H.R.C. Act) Certificates (R. D. Act) Referral to Commission (S.D. Act) Formal inquiries by Commission (S.D. Act) Delegations
Administration	<i>Co-operation with the States</i> <hr/> <i>Personnel management</i> <hr/> <i>Financial management</i> <hr/> <i>Information management</i> <hr/> <i>Facilities and services</i>	Commission offices State agencies <hr/> Industrial democracy and equal employment opportunity Personnel and establishment activities Staff development <hr/> Budgets and estimates Purchasing and accounting Program budgeting <hr/> Information dissemination Library Registry Statistics system FOI

Commission policy determination

<i>Pn),t,rrain</i>	<i>Slib-program</i>	
Comnriission policy determination	<i>inectitigs</i>	Preparation ol Commission paper', Consideration of issues Folic\ decisions

Commission policy determination

Commission meetings

General policy direction is given to the Commission's work by the Commission itself, meeting as a collegial body at intervals of about five weeks, usually in Canberra but from time to time in State capitals or other major cities.

This policy evolves within the framework set by Parliament in the legislation under which the Commission operates. The legislation provides a broad-ranging charter covering human rights generally, racial discrimination and sex discrimination. The development and selection of policy options is conditioned by the availability of resources, financial and human, to carry into effect any decisions made.

Effective allocation of limited resources entails amongst other things an integrated approach to Commission activities, whether complaint handling, research, education or recommending to the Attorney-General changes to bring law and practice into line with human rights standards. Thus, for example, much of the Commission's research and educational work has stemmed from complaints received, from field trips or from issues emerging in discussion at seminars, including seminars conducted by the Commission. Similarly, matters are frequently brought before the Commission as a body which have arisen from activities of Members of the Commission or of staff.

Preparation of Commission papers

For each meeting of the Commission, papers are prepared, each dealing with a topic contained in a list of agenda items selected by the Commission at its previous meeting as well as other items that have come forward during the intervening period. They are prepared under the general supervision of the Deputy Chairman in consultation with relevant Commissioners. Broadly, the papers fall into two categories: matters requiring discussion and decision, and other matters of information. Of the papers requiring discussion there are two further sub-categories: matters of substantial importance which are likely to require a significant part of Commission meeting time; and other matters likely to require somewhat less time.

The Secretary to the Commission co-ordinates the preparation and collation of papers and is responsible to the Chairman and Deputy Chairman for ensuring that they are in appropriate form, contain no inadvertent policy inconsistencies, and bring forward practicable recommendations. The Secretary is also responsible for supervising the implementation of decisions and the maintenance of the records associated with Commission meetings.

Consideration of issues

In order to involve staff in its deliberations, the Commission ensures that the relevant officers, including those who prepared the paper, are present during its discussion of an item. Except where a particular topic is of a kind requiring confidential treatment by the Commission, meetings are open to staff generally. The Commission, either in full session or through designated Members, clears all documents before publication.

Although the Commissioner for Community Relations and the Sex Discrimination Commissioner are not members of the Commission, they are invited to sit with the Commission and in practice attend its meetings and take a full part in discussion.



The Commission at its 39th meeting in Marc/i.

Policy decisions

Ordinarily, consensus decisions are made at meetings but if, for example, a report involves issues on which the Commission is unable to reach a consensus view, then the Commission has decided that the report itself will record both majority and minority views (but not name the position of individual Commissioners).

Although staff members who are involved in a particular matter will normally be present during the Commission's deliberation and when a decision is made, debriefings are always held after a Commission meeting. There is a general debriefing where all staff are informed of significant aspects of the meeting and areas of general interest; followed by a more intensive and detailed debriefing for senior officers of the Commission on particular work that has to be carried out. As well, staff have access to the minutes of Commission meetings.

Arrangements are in place for the Commission, between its formal meetings, to consider papers or issues and make decisions upon them. This requires the contacting of all available Commissioners by telephone to secure the decision of each Member. If a Member when contacted so indicates, the issue will be held over for decision at the next meeting of the Commission.

Research and legislative review

<i>Prorari</i>	<i>Sub-program</i>	
Research and legislative review	<i>Research pr('iarns</i>	In-house research projects External research projects
	<i>Legislative review</i>	Reports to the Attorney-General Provision of legal advice

Research and legislative review

The research and legislative review program of the Commission includes the undertaking of projects on human rights issues, review of Commonwealth and Territory laws to see whether they are consistent with human rights and the provision of legal advice on specific matters raised either in the course of projects or by complaints.

Research programs

Much time this year has been taken up by the investigation of a major matter referred to the Commission by the Government concerning discrimination on the basis of sex or marital status in superannuation and insurance. Consideration of the right of freedom of expression (including its relation to television and broadcasting) was also a major undertaking. In relation to the A.C.T., work has been done on human rights aspects of guardianship legislation, adoption and public assembly. Some projects are undertaken internally by members of the Legal and Projects Branch. Others are contracted out to external consultants according to the expertise and resources required by a particular project. The supervision of the very large number of externally contracted research projects (some thirty) has continued to make major demands on staff throughout the year.

The results of projects may be published in the form of Discussion Papers, Occasional Papers or Monographs, or may form the basis of a report to the Attorney-General recommending changes in Commonwealth or Territory law or practice, or may provide necessary background for the conciliation of a complaint or the determination of policy by the Commission.

Some projects involve significant legal research, and legal advice on particular matters may need to be sought at various times during the course of others.

At some stage during a project, as is planned in the study on peaceful protest discussed later, a public seminar may be held to elicit views on particular issues. Alternatively, a seminar may be held following the conclusion of a project in order to consider the results in a particular context. For example, a seminar on guardianship law in the A.C.T. was held in September 1985 in order to consider the results of an earlier project (now published as Human Rights Commission Monograph No. 2) by Professor P. Singer and Dr T. Carney on legal and ethical issues in guardianship of intellectually disadvantaged persons, in relation to the particular requirements of the A.C.T.

In-house research projects

Superannuation

The Commission continued work on its report on Superannuation and the Sex Discrimination Act 1984. The report is being prepared in response to a request by the then Attorney-General, Senator the Hon. Gareth Evans, Q. C., under s.48(1)(g) of the Sex Discrimination Act. The Commission was asked to report to him as to:

- (a) whether the Sex Discrimination Act should be amended in relation to the exemption granted in s.41(1) of the Act regarding the terms or conditions appertaining to a superannuation or provident fund or scheme, and, if so, the form the amendment should take; and

- (b) whether the Sex Discrimination Act should be amended in relation to the exemption granted in s.41(4) of that Act regarding the terms on which an annuity, a life assurance policy, a policy of insurance against accident or any other policy of insurance may be offered or obtained, and, if so, the form the amendment should take.

The Commission's report will deal with the Commission's findings as to the superannuation aspect of the inquiry. A separate report will be made concerning the insurance part of the inquiry which is still under way.

After the completion of preliminary consultations, the Commission drafted an outline of material to be included in its final report. This draft outline was forwarded to government, non-government and private sector bodies which had expressed interest in the report. Comments made by these groups composed the agenda for a consultation held by the Commission in Sydney in October 1985. The meeting clarified a number of points and helped to identify practical solutions to a number of issues.

The Commission held a further consultation in Canberra in February 1986 seeking comments on the late stage draft report from a smaller number of government, non-government and private sector bodies. This draft report is being revised in the light of comments made at the February 1986 consultation and subsequent discussions.

Insurance

The Commission has commenced work on the second stage of its inquiry into the desirability of continuing the exemption of insurance from the provisions of the Sex Discrimination Act 1984. The second stage relates to the exemption contained in s.41(4) of the Sex Discrimination Act for actuarially and reasonably based discrimination with respect to the terms on which an annuity, a life assurance policy, a policy of insurance against accident or any other policy of insurance may be offered or obtained.

Research into the many complex issues raised by the inquiry is being undertaken in consultation with a professional actuary engaged to provide advice on technical issues. Submissions were sought from members of the public and interested organisations.

Issues in euthanasia

In November 1985, the Centre for Continuing Education of the Australian National University held a public seminar on decision making in euthanasia and the Commission assisted with advice in the planning of the program. One of the major subjects of discussion was the treatment and non-treatment of severely disabled infants, issues pertaining to which are examined in the Commission's Occasional Paper No.10 *Legal and ethical aspects of the management of newborns with severe disabilities*. This paper has also been debated at a number of other public seminars and conferences.

Freedom of expression inquiry

In March 1982 the Commission instituted a public inquiry into the right to freedom of expression as guaranteed under Article 19 of the International Covenant on Civil and Political Rights, with a view to seeing whether there were excessive limitations or insufficient restrictions on any aspect of the right to freedom of expression. Over fifty submissions were received from a wide range of individuals and organisations.

The submissions covered a variety of matters. The following were the major issues raised:

- freedom of assembly as an aspect of the right to freedom of expression;
- the election blackout provisions, the prohibition of dramatisation of current political matter and restrictions on access to the media in s.116 of the Broadcasting and Television Act 1942;
- the availability of pornographic material and its effect on public morality;
- the restrictions on freedom of expression as contained in the law of contempt;
- the prohibition of racial defamation and incitement to racial hatred; and
- restrictions on ownership and control of TV and broadcasting stations.

All these issues have been addressed by the Human Rights Commission, the Government or Government agencies and tribunals. A brief summary of action taken or being undertaken in respect to these issues is given below:

- Freedom of assembly

On the topic of freedom of assembly, Occasional Paper No.8 *The right of peaceful assembly in the A.C.T* was published in February 1985 by the Human Rights Commission. The paper examined this right in relation to the A.C.T. as the Commission's mandate under the Human Rights Commission Act 1981 does not extend to State legislation.

- Section 116 of the Broadcasting and Television Act 1942

In its Report No.16 the Commission reported to the Attorney-General on the inconsistencies between the provisions of s.116 of the Act and the right to freedom of expression as contained in Article 19, and recommended that appropriate amendments be made to s.116. Section 116(2) of the Act -- prohibition on dramatisation of political matter for five years — was repealed by the Broadcasting and Television Legislation Amendment Act 1986 which was assented to on 19 February 1986. The Commission's report is discussed in detail in the section dealing with legislative review.

The election black-out provisions in sub-sections 116(4), (4A) and (6) of the Broadcasting and Television Act were repealed by the Broadcasting and Television Amendment (Election Black-out) Act 1983.

- Pornography

The question of restricting access to pornographic video material is being considered by the Joint Parliamentary Committee on Video Material. The Commission made written and oral submissions to that Committee.

- The law of contempt

The law of contempt has been referred to the Australian Law Reform Commission (ALRC) which is currently preparing a discussion paper for publication. The Human Rights Commission has made contributions to this work of the ALRC.

- Racial defamation

In its Report No.7 *Proposal for amendments to the Racial Discrimination Act to cover incitement to racial hatred and racial defamation*, published in November 1983, the Commission made recommendations for provisions to make incitement to racial hatred and racial defamation unlawful in certain circumstances. Although the Government has yet to adopt these recommendations, the Commission notes that certain of these proposals have been incorporated by the Australian Broadcasting Tribunal into its latest guidelines on program standards.

- Ownership and control of TV and radio stations

As the Australian Broadcasting Tribunal has responsibility over the question of concentration of ownership and control of broadcasting and television stations, the Commission has forwarded submissions received on this particular topic, with the consent of submitters concerned, to the Australian Broadcasting Tribunal for its attention.

The Commission wishes to place on record its thanks to all those who have made submissions to this inquiry.

Externally contracted research projects

Human rights implications of prostitution legislation

A report on the 'containment' policy relating to the regulation of prostitution in Western Australia was received from the Council of Civil Liberties. Their project officer, Dr Judy Edwards, sought the views of prostitutes, clients, proprietors of brothels, police and others. As well as reviewing the existing legislation which makes the activities surrounding prostitution, rather than prostitution itself, illegal, the Council also looked into the reality of

'containment' and its implications for human rights. The report has been published as Discussion Paper No.8.

Human rights and Commonwealth prisoners

A research paper prepared for the Commission by Professor Gordon Hawkins has been finalised. Professor Hawkins examines the anomalous situation existing for prisoners who are detained under federal laws and who are nevertheless confined and subjected to the rules of State institutions. His report analyses, by reference to the relevant international instruments on human rights, the rights to which prisoners are entitled. Reference is made to the current discussion of prisoners' rights, both in Australia and overseas. The study, which will be published as an Occasional Paper in the second half of 1986, is intended to provide a basis for discussion with those concerned with the prison system.

Multiple sclerosis and human rights

A draft report commissioned from the Multiple Sclerosis Society of Victoria analysed the findings of Occasional Paper No.7 *Epilepsy and human rights* to identify the extent to which its findings are relevant to people with multiple sclerosis. People with multiple sclerosis, and staff working with them, were consulted to identify and rank the major human rights issues which affect those with the disease and may result in discrimination against them. Issues such as employment and income security, public education, provision of services and residential options raised in the 'Epilepsy' report were seen as being relevant to people with multiple sclerosis but not necessarily in the same order of priority. The complex nature and variable patterns of multiple sclerosis, with its features of exacerbation and remission, raised some further issues such as mobility, provision of aids and appliances and privacy. The issues raised were seen as being important to people with multiple sclerosis and to warrant further research. The report will be issued as a discussion paper.

Attitudinal change through positive visual and verbal exemplars

The Aboriginal Education Branch of the Western Australian Education Department under contract to the Commission is compiling a kit for distribution to Education Department Resource Centres. The project is designed to promote the self-esteem of Aboriginal children from kindergarten to Year 12 in the State's education system.

Performance differences between boys and girls under 12 years in swimming and athletics

Mr Les Rauert of the Australian Schools Sports Council (ASSC) has prepared two interim reports for the Commission, one on swimming and one on athletics. In both studies he was assisted by the Centre for Sports Studies, Canberra College of Advanced Education. These studies aimed to determine performance differences between boys and girls under 12 years of age from the intra-school to the national level of competition in government, non-government, rural and urban schools. A final report analysing the findings of the two interim reports will be published in the second half of 1986.

The status of women in the professions: architecture as a case study

The Royal Australian Institute of Architects, under contract from the Commission, has sub-contracted to Dr Russell Darroch of the Australian National University the undertaking of research on the status of women in the architectural profession as a case study on the position of women in professional employment. The aim of the project is to assess women's participation in schools of architecture courses and their subsequent career paths, compared with those of male architects. It is also expected that these findings will be extrapolated, where appropriate, to women in other professions in private enterprise. It is hoped that this report will be published late in 1986.

The use of section 42(1) of the Sex Discrimination Act 1984 by South Australian sporting bodies

Dr Ken Dyer of the Centre for Environmental Studies at the University of Adelaide is conducting research on behalf of the Commission that will help clarify the concepts of strength, stamina and physique embodied in s.42 of the Sex Discrimination Act and identify sports in which they are relevant. Dr Dyer is also examining the present use of this section of the Act by South Australian sporting bodies. A selection from a number of sports areas is being surveyed to establish present discrimination, to determine actual physical differences between participants and the true contributions of strength, stamina and physique to participation and performance.

Women's return to paid work after having taken maternity leave

Dr Tanya Castleman is heading a team of three researchers from the Swinburne Institute of Technology in a study for the Commission of the factors affecting a woman's decision about her return to paid work after having taken maternity leave. It will address the issues of maintenance of work skills; availability of child care; family roles; availability of work; and financial and health considerations. The researchers will focus particularly on the effect of the appropriate awards and conditions as they relate to women in the Victorian Public Service and will compare the State award with the Federal award. It is envisaged the report will be completed in late 1986.

Aboriginal community autonomy and political participation

This study by Ms Hilary Rumley is one of a series of projects let by the Commission in Western Australia on issues relating to racial discrimination. It examines the Western Australian experience with Aboriginal participation in local administration through incorporated Aboriginal associations and local government authorities. A particular emphasis of the study is on Aboriginal participation in the local government elections in May 1985 under amendments to the Local Government Act 1960 (W.A.) made shortly before the elections. The report is to be published later in 1986.

The school system and students from non-English-speaking backgrounds

Most of the seven related studies on this subject selected for funding by the Commission in May 1984 are either in their final phase or have been completed. A further related study, which examines the needs of Muslim students in Australian schools, is being undertaken for the Commission by Mrs Aziza Abdel-Halim.

Dr B.M. Bullivant of Monash University has completed his study of the occupational socialisation of non-English-speaking background (NESB) students in seven Melbourne high schools. The study examined whether students' employment aspirations are determined along the lines of ethnicity, socio-economic status and/ or gender by such factors as curricula, career guidance, and experience of prejudice and discrimination. The Commission intends that the resulting substantial report will be published late in 1986.

A study of play in a multicultural playground has been carried out by the Institute of Early Childhood Development. Focusing on a Melbourne inner city primary school, the researchers examined the ways in which children respond to playground life which is multicultural and multilingual in character. A report on the study, *Play and friendships in a multi-cultural playground*, was published by the Institute early in 1986.

Ms Kathy Skelton, Project Officer with the project Combating Prejudice in Schools — a joint initiative of the Ecumenical Migration Centre, the Child Migrant Education Centre and the Richmond Community Education Centre in Melbourne which was partially sponsored by the Commission — developed, through intensive work in one school, a model for total school involvement in developing administrative and instructional strategies for countering prejudice and discrimination in schooling. A report on the project will be released in 1986.

Mr Colin Henry, of the Deakin Institute for Studies in Education, undertook an action research program in which students from a number of Geelong schools were guided in an examination of the problems faced by NESB students in their schools. Students were encouraged as far as possible to research their own situations themselves, with their teachers and the Deakin Institute for Studies in Education playing only a supervisory role. A report on the project is to be published.

Yipirinya School in Alice Springs was founded by Aboriginal parents who saw the need for a school which would teach their children in their own language a curriculum based on their own culture as well as mainstream subjects. A report on the school's programs is being written by Ms Carol Scott, of the South Australian College of Advanced Education, Underdale, in collaboration with the school staff.

Marian College, in West Sunshine, Victoria, is a Catholic girls school whose intake consists almost entirely of NESB students. The school has produced a report on its curriculum and organisational innovations devised to meet the particular needs of its students and to minimise systemic discrimination. This is available for consultation in the Commission's library.

Preparatory work for a study of ethnic prejudice in Sydney schools was undertaken by the Centre for Multicultural Studies, University of Wollongong. Unfortunately a combination of circumstances made it impossible for the study proper to commence.

Experience of racism by Asian ethnic communities

Following manifestations of increased anti-Asian sentiment in recent years, especially in the capital cities, the Commission provided funds to a number of Asian ethnic community organisations to conduct surveys of experience of racism among their members.

In Brisbane, the Indo-China Refugee Association of Queensland surveyed a total of 120 Indo-Chinese families (mostly Vietnamese, with a smaller number of Cambodian, Lao and Chinese). In its report, which will be published in 1986, the Association states its conclusion that the majority of Indo-Chinese refugees believe that they as a group are discriminated against. It also finds that in particular those from the smaller ethnic groups — the Cambodians and the Laos — are inclined to hold negative views of Australian society in this regard. Some four out of ten households reported personal experience of discrimination, which tended to take the form of verbal abuse or withdrawal of services rather than physical violence. The report includes a number of recommendations for counteracting racism, including community education initiatives and amendment of the Racial Discrimination Act to cover incitement to racial hatred and racial defamation.

In Adelaide, surveys have been carried out by the South Australian Chinese Association, the Indo-China Chinese Association, the Cambodian Australian Association and the Vietnamese Community Association in South Australia. A report on racial tension and discrimination in South Australia, utilising the data gathered, is being written and it is expected that this will be published towards the end of 1986.

The Australian Chinese Community Association of New South Wales has interviewed a sample of their Sydney members to investigate their experiences of racism, to invite comment on the causes of racial tension and discrimination and identify ways of overcoming them. A report on the findings is in preparation and is expected to be published.

Discrimination against intellectually disabled persons seeking accommodation within the community

Alternative Accommodation for the Intellectually Disabled, Inc., of Adelaide, has investigated for the Commission apparent infringements of human rights and discrimination against intellectually disadvantaged people during and after the establishment of group homes within the community. Neighbours and service providers near both new and established group homes were surveyed to determine their attitudes towards residents of group homes.

Attitudes and reactions of local government and other authorities have also been examined. A report on the project is being prepared for publication.

Rights of people with hearing impairment and deafness

Ms Merril Cook has written a pamphlet on the rights of people who are deaf or hearing impaired which is currently being prepared for distribution. She has also conducted numerous seminars for a variety of organisations on the needs and rights of hearing impaired persons in the workplace and has produced a report based on those seminars. The report incorporates a literature survey.

The right of peaceful protest

In 1984 while attached to the Commission under the Public Service Board's Interchange Program, Mr Robin Handley, currently of the University of Wollongong, wrote Occasional Paper No.8 *The right of peaceful assembly in the A.C.T.* Mr Handley is now undertaking further work for the Commission on the right of peaceful protest. This includes an examination of law and practice relating to peaceful protest in Australia, Australia's obligations in this regard under international human rights treaties and strategies for ensuring that those obligations are met. Mr Handley has also assisted the Commission in planning a public seminar on the right of peaceful protest, to be held in Canberra on 3-4 July 1986. Research on peaceful protest and stimulation of public discussion concerning it are intended by the Commission as its contribution to the International Year of Peace, as 1986 has been designated.

Rights of residents in institutions

A report on the rights of residents in institutions prepared for the Commission by the Disability Resources Centre of Victoria drew attention to a number of human rights issues. A summary highlighting these was prepared by Dr Margaret Grocke and will be published with the report itself as a Discussion Paper. An associated pamphlet prepared by the Disability Resources Centre entitled 'What Are My Rights?' is to be issued separately by the Commission.

Human rights in a New South Wales country town

This study was undertaken in 1983 by two researchers, one Aboriginal and one European Australian. Its aim was to document the nature and structural components of discrimination against Aboriginal people in a small New South Wales country town.

The material from this study is available for in-house use in the Commission library, where it will provide a useful source of data for those with a significant interest in the area.

Legislative review

As part of its on-going review of Commonwealth and Territory legislation to seek inconsistencies with human rights, the Commission drew attention in reports to the Attorney-General to the need for several changes to Commonwealth legislation and made comments on a number of proposed enactments particularly in regard to A.C.T. Ordinances. Details of these follow.

Freedom of expression and section 116 of the Broadcasting and Television Act 1942 (Report No.16)

In a report to the Attorney-General the Commission recommended that the prohibition on dramatisation of current political matters for a period of five years under s.116(2) of the Broadcasting and Television Act should be amended so that the prohibition will be imposed only during an 'election period' (as defined in the Broadcasting and Television Act). The

Commission expressed the view that the limitation contained in s.116(3) giving reasonable opportunities for broadcasting or television time during an election period only to political parties already having representation in Parliament was inconsistent with the right to freedom of expression. It recommended that the section be amended so that all registered political parties (as defined in s.4(1) of the Commonwealth Electoral Act 1918) with validly nominated candidates standing for election should have the benefit of the reasonable opportunities rule. The Government has since repealed (rather than amending) s.116(2) of the Act (see Broadcasting and Television Legislation Amendment Act 1986). The repeal brings that aspect of s.116 fully into consistency with Article 19.

Review of the A.C.T. Adoption of Children Ordinance 1965

The Commission's review of A.C.T. adoption legislation, referred to in the last annual report, is approaching completion. Major areas of concern being addressed are:

- access to information by adoptees
- access to information by relinquishing mothers
- inter-country adoptions
- Aboriginal adoptions
- appeal procedures for adoptive parent(s)
- eligibility criteria for adoptive parent(s)
- open adoption

The Commission has considered comments received from government bodies, State social welfare administrators, groups representing members of the adoption triangle and groups interested in inter-country and Aboriginal adoption.

It has had detailed consultations with the Adoption Section of the Welfare Branch of the Department of Territories. The Commission will present its report to the Attorney-General later in 1986.

The Passports Act 1938 (Report No.17)

The Commission's report to the Attorney-General on the Passports Act 1938 was tabled in Parliament on 17 February 1986.

The Commission generally endorsed the amendments to the Passports Act made late in 1984 as reflecting the human rights set out in the International Covenant on Civil and Political Rights and in the other international instruments within the Commission's charter.

However, the Commission took the view, and recommended, that the Passports Act should confer on every citizen the right to a passport subject only to conditions laid down in that Act which should be within the restrictions allowed by Article 12.3 of the International Covenant. Although the Act implies that a citizen has a right to a passport, it does not confer it in explicit terms and the Commission's view is that in the modern world the right to freedom of movement in Article 12 in effect calls for a legislatively declared right to a passport, subject to whatever reasonable restrictions are contained in the Act.

The Commission made five further recommendations relating to certain sections of the Act and also recommended amendments to the information notes which accompany an application for a passport.

Guardianship in the A.C.T

Following on from its earlier Discussion Paper on *Guardianship and the rights of intellectually disadvantaged people*, the Commission was asked by the Attorney-General's Department in June 1985 to comment on two draft A.C.T. Ordinances relating to guardianship.

The Guardianship and Management of Property Ordinance 1985 relates to the appointment of guardians and managers of property for persons who are not able to manage their personal affairs or to manage all or part of their property. Such inability arises from mental impairment, age or the effects of a drug.

The Guardianship and Management of Property (Miscellaneous Amendments) Ordinance 1985 makes consequential amendments to other A.C.T. legislation, especially the Public Trustee Ordinance 1985.

The Commission was generally supportive of the proposals, but commented on the following areas:

- the objects of the legislation
- the question of administration by a Court or Tribunal
- definition of mental impairment
- appointment of a guardian
- eligibility of a person to be a guardian
- duties of a guardian
- right to review
- legal representation
- medical examination
- wills
- temporary orders
- privacy

In order to stimulate public discussion of the proposed legislation, the Commission convened a public seminar in September 1985 in collaboration with the A. C.T. branch of the Australian Group for the Scientific Study of Mental Deficiency. This was attended by members of support and service organisations and relatives of intellectually disabled persons as well as academics and officers of the Attorney-General's Department. Following this a meeting was held with persons involved at a senior level with guardianship matters in the A.C.T. in order further to clarify major issues requiring attention in the redrafting of the legislation.

Provision of legal advice

An important aspect of the Legal Section's functions continues to be the furnishing of legal opinions to the Conciliation and Inquiry Branches on whether complaints referred to them raise any human rights or discrimination issues under the Acts the Commission administers. Complaints are increasing and legal opinions sought cover questions relating to a wide range of rights and questions of discrimination, especially under the Sex Discrimination Act. Complaints involving human rights questions are also increasing, and raise varied questions from the application of privacy (Article 17 of the ICCPR) in the context of the administration of the Social Security Act, to whether the requirement of a three-year residency period on Norfolk Island before a person can vote in its Legislative Assembly elections infringes Article 25.

Promotion of human rights

<i>Program</i>	<i>Sub - program</i>	<i>Component</i>
Promotion of human rights	<i>t</i>	Haman Rights 'Media Awards Shopfront Community Education Grants Equal Opportunity Educators Network Liaison with NGOs Field trips Public addresses
	<i>Schools</i>	1985 program 1986 program
	<i>Publishing</i>	Information material Reports. Occasional Papers and Discussion Papers Monographs

Promotion of human rights

Community awareness / education activities

Under the Human Rights Commission Act, the Commission is given the function of promoting an understanding and acceptance and the public discussion of human rights in Australia, and also of undertaking educational programs to promote human rights.

Each year since it was established, the Commission has increased its activities in these areas, and has attempted to vary the methods it uses in its promotion of human rights. It has produced a number of pamphlets on the work of the Commission, and on specific areas of discrimination such as service in hotels, accommodation and employment. Last year the Commission produced its first major film *Talk Back*, which dealt with discrimination as it affected Aborigines, disabled people and racial groups recently arrived in Australia. In video form it has been used extensively this year in community awareness activities.

The Commission's opportunities for effective promotional work have increased in the year under review because it was the first full year of operation for co-operative arrangements with New South Wales, Victoria, South Australia and Western Australia. With its own office in Brisbane and with representatives in Darwin and Hobart, the Commission has been able to reach out more effectively to its target groups throughout the country.

The year was also the first full year of operation of the Sex Discrimination Act. Because of the limitations on staff numbers, the Commission was unable to expand significantly on the initial publicity associated with the launching of the Act in August-September 1984. However, the Sex Discrimination Commissioner and staff, by combining promotional activities and other work in visits to capital cities and provincial towns, achieved considerable additional promotion of the legislation.

Complaints received indicate that the information program on the operation of the Sex Discrimination Act has been successful in reaching many of those to whom it was directed, for instance, young women in small employment establishments. The Commission has been acutely aware of its special role in many of the community debates on social issues involved with human rights. While many of these issues are important to the Commission and to groups which have an interest in the special topic, it remains a concern that responsible coverage in the media — particularly the print media — has generally been absent. The Commission is giving further consideration to how this problem can be alleviated so that public debate on human rights is not deflected by minor issues raised for reasons extraneous to the central matters at stake.

This year has seen further development of ongoing programs, a number of new projects and a number of highlights as the Commission continues to discharge its responsibility of promoting awareness of human rights in the community. These include:

- Human Rights Week
- Human Rights Media Awards
- Youth Rights Rock Concert
- A.C.T. Human Rights Shopfront
- Community Education Grants
- Equal Opportunity Educators Network
- Development of video and other information material

As well, activities such as speaking engagements and formal liaison with government and non-government organisations work to enhance an awareness of human rights in the community. Community awareness of human rights is also very much a by-product of inquiry and conciliation work. Such activities as recommending strategies for eliminating sexual harassment in a workplace, or dealing with an inquirer seeking advice on a complaint

of discrimination make significant contributions. Respondents to a complaint are similarly involved, whether as individual employees or managers who incur liability through the actions of a staff member, as they re-examine their perception of events within the framework of the legislation.

Officers in State agencies and offices are finding that an increasing proportion of their time is being given to consultancy work with organisations to assist them in reassessing their personnel practices so that discrimination no longer occurs. The assistance is now more likely to be given as a result of inquiries than following investigation of a complaint.

National Human Rights Week

National Human Rights Week from Sunday 8 December to Sunday 15 December 1985 involved thousands of people around the country. For the first time, major human rights-related public events were organised in Adelaide, Brisbane, Sydney and Canberra with the participation of the Prime Minister, the Attorney-General and the Minister for Foreign Affairs.

On 10 December, the Minister for Foreign Affairs, the Hon. Bill Hayden M.P., announced that Australia had signed the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The President of the New South Wales Anti-Discrimination Board, Ms Carmel Niland, released a widely publicised list of human rights 'highlights' and 'setbacks' in 1985.

A major conference on human rights was convened on 10 and 11 December by the University of New South Wales. Among the speakers at the conference were the Deputy Chairman of the Commission, Mr Peter Bailey, the Commissioner for Community Relations, Mr Jeremy Long, the Sex Discrimination Commissioner, Ms Pamela O'Neil, the President of the New South Wales Anti-Discrimination Board, Ms Carmel Niland and the Senior Conciliation Officer with the Western Australian Equal Opportunity Commission, Ms Luba McMaugh.

In Canberra the A.C.T. Arts Council and the Human Rights Commission presented the third annual Human Rights Sunday in the Park with the theme 'Fair Go for All'. It was attended by 14 000 people and supported by over forty community human rights organisations who presented a lively international program of information, theatre, dance, music, food and children's activities.

In Adelaide the Equal Opportunity Commission's 'A Fair Go Fair', held in conjunction with fifty community organisations, was attended by about 5000 people.

The Commission's office in Brisbane co-operated with fifty-two Queensland human rights community organisations on Sunday 15 December in the first community celebration of human rights in that State. Some 5000 people attended this pioneering Human Rights Sunday in the Street.

Youth rights rock concert

The Commission marked International Youth Year in Human Rights Week 1985 by staging a six-hour rock concert, featuring seven of Australia's top rock bands, in Sydney's Domain on Sunday 8 December. The Prime Minister attended the concert, which was later televised nationally.

The focus of the concert was youth rights and discrimination issues as they affect young Australians, pursuant to the Commission's responsibilities arising from the United Nations Declaration of the Rights of the Child. The concert provided an opportunity for those attending to learn what their rights are and, if those rights are infringed, how they can use Commonwealth and State anti-discrimination laws to redress the situation.

Human Rights Media Awards 1985

The Human Rights Media Awards are made by the Commission, the Australian Journalists' Association (AJA) and the National Press Club (NPC). The judging panel consists of representatives of all three organisations. This year's judges were Mr Randal Macdonald, Mr Paul Lewer (AJA), Mr Ken Randall (NPC) and Mr John Dickie (HRC).

The second annual Human Rights Media Awards were presented by the Attorney-General at Canberra's National Press Club on Human Rights Day, 10 December 1985.

The 1985 entries were of a very high standard and were representative of all sections of the media. The winner of the print section, Mr Oscar Landicho, submitted a number of entries which made a valuable contribution to wider understanding of human rights.

For the second time, the *Age* newspaper's 'Accent Age' section won an award, on this occasion for its treatment of 'women's issues'.

The judges were particularly impressed by the number and standard of entries received from the Australian Broadcasting Corporation, especially the *Four Corners* program, 'Black Death', and Robin Williams' winning entry in the radio section, 'The Science of Torture'.

The 1985 special Youth Media Award was awarded to two young broadcasters whose contribution both to human rights and to the International Year of Youth was to involve young people in northern Queensland in public debate on a range of important human rights questions.

The winners of the 1985 Awards were:

PRINT SECTION

Winner

Oscar Landicho, for a series of articles on human rights,
The Daily Mirror

Highly commended

Duncan Graham, 'Crime in Black and White',
The National Times

'Accent Age', *The Age*, Editors Rosemary West, Stephanie Bunbury

Judges' commendation

Ann-Marie Strickland, 'Women at Work'

TELEVISION SECTION

Winner

David Marr, 'Black Death', ABC *Four Corners*

Highly commended

Blair Roots, *Gurindji Revisited*, ABC Darwin

RADIO SECTION

Winner

Robin Williams, *The Science Of Torture*, ABC National Radio

Highly commended

Ray Moynihan, *The Aurukun Special*, 4ZZZ-FM and ABC Radio 4QR

YOUTH AWARD

Winner

Julia Griffith, Russell Clarke, *Youth Hassle Hotline*, Radio 4CA Cairns

Highly commended

Ross Mathewson, 'Aboriginal Drunks Face Gaol' and
'A Remedy Mixed from Old and New',
The West Australian



The 1985 Human Rights Media Award winners: (from left) David Marr, Robin Williams, Oscar Landicho, the Attorney-General Mr Lionel Bowen, Julia Griffith and Russell Clarke.

A.C.T. Human Rights Shopfront

In order to improve access to Commission services in the A.C.T. region, ground floor shopfront premises were obtained in October. After shop-fitting and staff training, the A. C.T. Human Rights Shopfront was opened on 10 December 1985 by the Chairman, Dame Roma Mitchell, and the Member for Fraser, Mr John Langmore.

The shopfront provides a range of services including:

- access to conciliators
- information on human rights
- a human rights video library
- general reference material
- information on A.C.T. community services
- a newsletter
- schools and project material
- mobile displays and information, and
- NGO meeting facilities

The shopfront opens from 9 a.m. to 5 p.m. five days a week.

Video information material

This year the Commission assisted the National Committee on Discrimination in Employment and Occupation with the production of a film dealing with sexual harassment in the workplace. The film, available from July 1986, is directed towards managers with the object of making them more sensitive to sexual harassment complaints and to attitudes which could allow sexual harassment to continue. The film is the first of its kind to have been produced in Australia and will be particularly helpful for staff who have a difficult educative task in this area.

The Commission also provided funds to assist in the production of a video on discriminatory attitudes being produced jointly by the Victorian Ministerial Advisory Committee on Multicultural and Migrant Education, the Victorian International Youth Year Committee and the Commission. Its target audience is youth and its objective again is to highlight the various behaviours and attitudes which can comprise discrimination.

The Commission has now developed an extensive range of video information material, and has been involved in the production, co-production or sponsorship of a dozen films and videos. These are set out in detail at Appendix XII and include *Talk Back*, *Camps for Kids*, *Fair Go*, induction and training films and films on discrimination and sexual harassment.

Talk Back has been launched in all States and shown twice on national television. It has been distributed to more than 150 locations. Thirty-second and sixty-second spots are being produced for use on television.

Community Education Grants

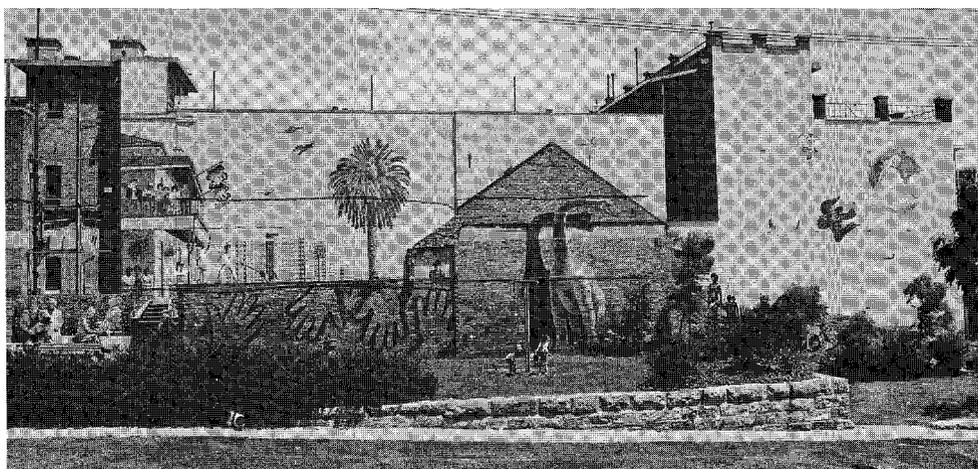
Community education grants were introduced into the Commission's community education program as a pilot study in October 1984. The response to the initial launch was much greater than had been anticipated with more than 180 applications being received. By 30 June 1985 twenty-five grants totalling \$58 000 had been approved.

During 1985-86 a further twenty-three grants totalling \$50 370 were made. Statistics of grants approved, showing the disbursement by State, category, sponsor, and type of activity, are at Appendix XI. The majority of applicants were from New South Wales and Victoria. The projects covered a wide range of activities which included producing print material, plays, videos and radio programs.

Evaluation of completed projects indicates that the most successful from the standpoint of their contribution to the understanding and acceptance of human rights, are those that involve members of the grantee organisations and the wider community.

Two projects of particular note are the painting of the mural 'Think globally, act locally' in Redfern, a suburb of Sydney and the series of parish education nights held in Rockhampton, Yeppoon and Mount Morgan, Queensland.

The themes contained in the mural are global peace, community self-help and the socio-economic and multiracial diversity of the neighbourhood. They were developed from a series of meetings held with local residents and organisations. The mural won the Sir John Sulman Art Prize for 1985.



The winning mural: Think globally, act locally.

The series of parish education nights evolved from a group of Aboriginals reaching out to the community saying 'Understanding — it takes two of us'. A questionnaire was produced to identify views and attitudes, followed by a series of public meetings organised by Catholic, Anglican and Uniting Church groups working together with the Aboriginals.

Equal Opportunity Educators Network

The Network, established in 1984, provides a forum for equal opportunity educators to plan together. Meetings have been held in Melbourne and Hobart this year and a greater level of practical co-operation has developed including examining plans for co-ordinated national community education projects. A one-day seminar on media promotion was held in March with representatives from other agencies with human rights interests participating.

Liaison with Non-Government Organisations

During the year the Commission continued to maintain close liaison with non-government organisations concerned and active in the human rights field. In addition to on-going contact with both national and State-based organisations, the Commission sponsored a consultation on 'Equal Opportunity and Access' which was held in Hobart on 13-14 June 1986. The consultation was the first of its kind organised in Tasmania. It was opened by the Hon. John Bennett, Attorney-General for Tasmania and was attended by some one hundred people representing various non-government organisations and Federal and State departments and authorities. It raised important issues associated with equal opportunity and access to services in the areas of health, housing, employment, social_ welfare, and education of Aboriginal people, immigrants, people with disabilities and women.



Dr Sev Ozdowski, HRC Director State/Non-Government Relations, Mr Jeremy Long, Commissioner for Community Relations, Mr Nabil Kazemi, HRC Representative in Tasmania and Ms Pamela O'Neil, Sex Discrimination Commissioner at the 'Equal Opportunity and Access' consultation in Hobart in June. Photo by courtesy of the Mercury.

Field trips

In addition to conciliation of complaints, field trips by Commission staff, particularly in Tasmania, Queensland and the Northern Territory, have included a community education and awareness role. They provide an opportunity for wider public contact and also for liaison with government and non-government bodies including union or employer groups, schools, the media, local organisations and disadvantaged or community groups.

Meetings with community groups provide an opportunity both to publicise information on rights and responsibilities under the legislation and to foster understanding between the Commission and the wider community.

Public addresses

Commissioners, Commission officers and officers from State co-operating agencies have frequently been called upon during the year to speak on human rights issues at conferences, seminars and to groups of interested people. Some of the speaking engagements of Commissioners are noted earlier in the report.



Secretary to the Commission, Mr Fergus Thomson, addresses a group of TA FE students from northern New South Wales.

Schools program

From the time the Human Rights Commission was established in 1981, it received a continuing stream of requests from teachers for help in teaching for human rights. Though there were good resources on such aspects of human rights teaching as racism, sexism, peace, law, development, prisoners of conscience and multiculturalism, there was no material that pulled all these issues together into a comprehensive program of proven classroom worth.

As a result a basic manual, several booklets (on racism, on sexism, and on human rights, and later one on multiculturalism as well) were prepared by Dr Ralph Pettman, the Commission's Assistant Director, Education. These, plus a video-cassette containing two films (one on the rights of people with mental disabilities, and the other on human rights in the classroom and the school) were packaged as a kit of materials entitled *Teaching for human rights: activities for schools*, and made available to schools in 1984.

After advertising nationwide for teachers interested in mounting human rights projects for their schools, the Commission accepted 155 applications. A number of other teachers subsequently joined the program on an informal basis. Participants agreed to provide reports on their project planning and results, and small grants were made on receipt of reports.

The Commission's kit was offered to all participants as a reference or resource, though there was no obligation to use it. A unit of work for Kindergarten to Grade 2 classes, written for the Commission by Joan Braham of Jervis Bay Primary School, was also made available to those participants teaching for humane values at infant and lower primary levels.

Further details on the background to the program may be found at Appendix XIII.

During the Parliamentary debates on the proposed Human Rights and Equal Opportunity Commission, certain passages in the materials came under some criticism. Much of the criticism was unfounded and failed to allow for or reveal that by the time the debate was taking place, the first experimental basic manual was in the process of being reviewed in the light of classroom experience and teacher-suggested revision. It was regrettable that remarks made during the debates caused real concern to some teachers associated with the program, as a result of which there was a temporarily reduced response to the program in some States.

The schools program: 1985

The number of schools and teachers involved in the program remained substantially the same throughout the school year. There were 150 participants at its conclusion. It is worth noting that these figures do not include schools participating on a voluntary basis; or indicate cases where single grants were given to groups of teachers (in one school three teachers shared one grant, and in another five); or include participating schools administered by the Brisbane Catholic Education Office (which were funded through that office, rather than by direct grants to individual schools).

The schools and teachers awarded grants to participate in the schools program constituted a comprehensive representation of the Australian school scene. There were some from every State and Territory: from rural and city areas; from the public and private sector; from secular and religious schools; and from primary, secondary, large systemic and small 'community' schools. In the following table, participants in the program have been categorised into types of schools, levels and locations.

	Number of participants	School type				School level				School location		
		o	3	"z	"z	.	'	a	t	o	-E	o, k,
Qld	4	-	3	-	1	2	1	1	-	2	2	-
N.S.W.	25	14	7	3	1	10	13	-	2	11	11	3
A.C.T	15	13	1	-	1	8	5	-	2	14	1	
Vic.	57	52	3	2	-	27	24	-	6	31	19	7
Tas.	7	3	-	1	3	4	2	-	1	5	1	1
S.A.	27	23	2	1	1	11	14	-	2	17	9	1
W.A.	11	7	3	1		3	8	-		5	5	1
N.T.	4	4	-	-	-	-	4	-	-	2	-	2
Total	150	116	19	8	7	65	71	1	13	87	48	15

The seventy-one secondary teachers who participated in the program during 1985 were almost all teachers of English and the Humanities or Social Sciences. This suggests that improving respect for human rights is largely understood within Australian secondary schools as a matter of subject content and not as an integral part of teaching.

With reports from 1985 now in hand, the core manual, *Teaching for human rights*, has been revised to incorporate what was learned in that school year. It is being re-published as a resource for teachers working in classes 5-10.

In addition, a new manual has been written, based upon the relevant project reports, specifically for use with Kindergarten to Grade 4 classes.

The schools program: 1986

Teachers have responded well to advertisements placed around Australia, in November 1985 and February-March 1986. In those States where there are project officers, they have the discretion to select local participants and to organise in-service programs. Commission supervision remains on-going, and the program consultant, Mr Colin Henry, is in regular contact with all taking part. He is also mounting a sustained campaign to interest teacher training institutions throughout the country in the Commission's education work and in the pedagogic issues — both theoretical and practical — that it has raised.

Education systems are continually encouraged to consider a human rights approach to their values teaching and social education programs. With the assistance of key personnel from State education systems, plans are being drawn up to carry the schools program forward into 1987 and 1988. The overall objective is to have a human rights project of one kind or another under way in every Australian school by the bicentenary.

Overseas recognition

In November 1985 the Director of the schools program, Dr Ralph Pettman, was invited by the United Nations Centre for Human Rights in Geneva to write a draft manual on teaching for human rights for use worldwide at both primary and secondary levels. In March 1986 a resolution noting this draft was accepted by the UN Commission for Human Rights. It is expected the final draft will receive UN distribution in its six languages in the near future. In addition a Japanese translation of the core manual from the Australian program is being prepared under the auspices of the Nara University of Education.

Publishing

One of the chief tasks of the Commission's publishing program is that of preparing and disseminating education and information materials to promote an understanding and acceptance of human rights. Materials in relation to the Racial Discrimination Act and Sex Discrimination Act are also prepared. In addition, the results of research the Commission has undertaken or arranged in relation to human rights issues of general concern, form an important part of the program.

Under its publishing program, the Commission distributed more materials this year than in all the years since its inception. Many of the new written materials deal with aspects of the Sex Discrimination Act in areas such as advertising, harassment and discrimination in the workplace.

The various materials are made available through the Commission's Shopfront in Canberra to State offices and agencies and direct to the public. The Commission's published Reports, Occasional Papers and Monographs are primarily available from Commonwealth Government Bookshops throughout Australia. Kits of materials on general human rights, racial discrimination and sex discrimination themes have also been prepared for school level, and for use as a speaker's resource.

Newsletters, leaflets, posters and media releases

During the reporting year a variety of material was published. The Commission's newsletter, which provides information and discussion on human rights issues, has a circulation of 10 500 copies. Each issue provides up-to-date information on the Commission's publications and media releases issued on matters of particular importance or concern. The newsletter is free and available on request. A full list of Commission publications and media releases during the period of this report may be found at Appendix XII.

With the assistance of the Sex Discrimination Commissioner and Sex Discrimination Branch, particular attention was given this year to developing materials in relation to the Sex

Discrimination Act. A leaflet was prepared to alert advertisers, particularly newspaper

advertisers, to their obligations under the Act. Several leaflets on sexual harassment were also developed. Translations into foreign languages of some sex discrimination leaflets are now being undertaken.

During the year the Commission produced the following material:

- four issues of the newsletter *Human rights*;
- a leaflet, *The Human Rights Commission and you*;
- *The Sex Discrimination Act and advertisers* leaflet;
- leaflets 'Sexual harassment in education institutions' and 'Sexual harassment in the workplace' (to be published 1986-87);
- a booklet *Multiculturalism* in the series *Human rights for humankind*;
- reprints of the booklet *Human rights for humankind: sexism* and of school leaflets on human rights;
- a poster on sex discrimination, and 'human rights' stickers and badges.

Reports, Occasional Papers and Discussion Papers

Three reports to the Attorney-General on enactments, or acts and practices inconsistent with or contrary to human rights were made during 1985-86. These are detailed in the research and legislative review chapter of this report, as are the Occasional Papers and Discussion Papers published during the year.

Monographs

The Human Rights Monograph Series was launched in Canberra in May 1986 by the Chairman, Dame Roma Mitchell, with the release of two titles, *Human rights for Australia: a survey of literature and developments* and *a select and annotated bibliography of recent*



Dame Roma Mitchell launches the Commission's new Monograph Series. From left: Rocco Fazzari (cover designer), Professor Alice Erh-Soon Tay, Dame Roma and Dr Terry Carney.

literature in Australia and abroad by Professor Alice Erh-Soon Tay and *Ethical and legal issues in guardianship options for intellectually disadvantaged people* by Dr Terry Carney and Professor Peter Singer.

An education monograph 'Anti-racism: a handbook for adult educators' by Ms Barbara Chambers and Dr Jan Pettman is expected to be released shortly, as is also 'Teaching for human rights: Preschool and Grades 1-4' by Dr Ralph Pettman, and his revised *Teaching for human rights* which is to be published as 'Teaching for human rights: Grades 5-10'.

Complaint handling

<i>Program</i>	<i>Sub-program</i>	<i>Component</i>	
Complaint handling	<i>inquiry and conciliation under the Human Rights Commission Act</i> <i>the Racial Discrimination</i> <i>The Sex Discrimination Act</i>	<i>Inquiry Conciliation</i> <i>[Case studies under the three Acts are included]</i> Field work Report, to the Attorney General (HRC ACT) Certificates,(RD Act) Referral to Commission (SD Act) Formal inquiries by the Commission (SD Act)	

Complaint handling

Inquiry and conciliation

The Commission is required by the three Acts it administers to inquire into and attempt to settle by conciliation complaints made to it. This function is the responsibility of the Commission itself in the case of human rights complaints. The Sex Discrimination Commissioner and the Commissioner for Community Relations act for the Commission in complaints under the two anti-discrimination Acts, assisted by officers of the Commission and co-operating State agencies. These officers, under authorisation from the Commission and delegations from the two Commissioners, carry out much of the complaint-handling function on behalf of the Commission.

Inquiry process

When a complaint of unlawful discrimination or infringement of a human right is made to the Commissioner, it is first assessed to establish whether the act complained of appears to contravene the legislation. This often involves further discussion with the complainant. If it appears that there is no such contravention, or that the complaint is frivolous, vexatious or misconceived, the complainant is advised accordingly. A complainant under the Sex Discrimination Act has the right to require the complaint to be referred to the Commission for inquiry.

Where complaints appear to be within jurisdiction, the Commission or relevant Commissioner, or their delegates, investigate the complaint by first trying to establish the facts as seen by each of the parties to the complaint. This process always involves the substance of the complaint being put to the respondent in writing and often involves a personal interview with the respondent, at which the details of the complaint and the procedures relevant to the inquiry and conciliation process are fully discussed.

Under the Sex Discrimination Act, the Commission itself is empowered to refer apparently unlawful sex discriminatory acts which are not the subject of a complaint to the Sex Discrimination Commissioner for inquiry. In the period 1 July 1985 to 30 June 1986, no such matters were referred to the Commissioner by the Commission, although five were referred in 1984-85.

Powers/protection

Provision has been made under the Sex Discrimination Act and the Human Rights Commission Act to require the production of information or documents which would assist inquiries. No such provision is contained in the Racial Discrimination Act. The inquiry and conciliation process under each of the Acts is confidential and non-adversarial. In most cases the parties readily co-operate to assist the inquiries. The Acts make victimisation of a complainant an offence and provide that complaints in themselves do not give rise to any action for damages against complainants.

In the case of the Sex Discrimination Act there is provision for the granting by the Commission of interim determinations to preserve the rights of the parties to a complaint while the inquiry into, and attempts to conciliate, the complaint are still in progress. The practice of the Commission in granting such determinations is to grant them for the shortest possible time required to complete inquiries. The longest period for which an interim determination was granted was four months. Such a determination is not made as a matter of course, but only to preserve the status quo between, or rights of, the parties to the complaint.

During the period 1 July 1985 to 30 June 1986, four such interim determinations were sought from the Commission and three were granted. Most applications for such a determination have involved a complaint that an employer has unreasonably given a woman notice because she is pregnant.

Conciliation process

The role of the Commission and Commissioners, in attempting to conciliate the complaints they respectively have the duty to conciliate, is to facilitate the development of an understanding of the relevant facts as seen by the parties, of their feelings about them and of the relevant provisions of the legislation. The purpose is to place the parties in a position to discuss ways of settling the matters at issue on terms acceptable to both of them. In the great majority of conciliations the parties do reach an accommodation of this kind. The terms on which settlement is reached are diverse, ranging from an apology to the payment of compensation or the revision of administrative procedures. The way in which the parties discuss the issues is a matter for the conciliator's discretion — it can be by way of a formal (compulsory) conference or an informal conference between the parties, or by way of an exchange of correspondence through the conciliator. Conciliation conferences, available under the two anti-discrimination Acts, where the parties are confronted with the need to discuss the issues openly with each other (often for the first time), usually prove very effective. It is important that the parties speak directly to each other, rather than seeking to communicate through third parties. Consequently, conciliators often require the parties to attend the conference alone or accompanied only by a person such as a close friend who has undertaken to be there for support but not to take part in the discussion unless asked to do so by the conciliator.

Case studies

The following case studies illustrate the kinds of complaints received under the Human Rights Commission Act, the Racial Discrimination Act and the Sex Discrimination Act during the period covered by this report.

Human Rights Commission Act

Deportation and Australian born children

Since 1981, twenty-seven complaints have been received by the Commission under the Human Rights Commission Act about the rights of children who are Australian citizens because they were born in Australia but whose parents are prohibited non-citizens liable to deportation. To date, ten families in this category have been deported or have left Australia under the threat of deportation despite the Commission's intervention.

The following is a typical case involving the rights of Australian-born children:

A Malaysian couple arrived in Australia in June 1980 on a three-month Temporary Entry Permit and, by overstaying without permission, became prohibited non-citizens. In September 1983 a daughter was born to them. As an Australian, the child was entitled to the rights of any other Australian citizen, including the right to remain in Australia, and the right to have her parents with her. The parents built up a successful restaurant business employing two people in a New South Wales coastal town and in December 1985 they purchased a home. They were arrested by the Department of Immigration and Ethnic Affairs and after unsuccessfully contesting the deportation order in the Federal Court, and despite the intervention of the Commission because of the human rights issues involved, they were deported in June 1986.

Rights of the disabled

A disabled person in a wheelchair complained that he had been refused access to a tavern in the A.C.T. The matter was settled at a conference convened by a conciliator and attended by

two representatives of the Australian Council on the Rehabilitation of the Disabled (ACROD) by the tender of an apology and a statement by the tavern management affirming the right of access of disabled persons to public facilities which was published in a major newspaper.

Benefits (disability)

A university professor complained that disabled students who apply for the Tertiary Education Allowance Scheme (TEAS) were disadvantaged as a result of a requirement that they complete the normal workload that would be expected of other students. Many blind, cerebral palsied and wheelchair-bound students had been denied TEAS because they could not work at the same rate as other students.

The complaint was referred to the Department of Education and resolved by a variation to the TEAS policy whereby concessional requirements would enable disabled students to complete less than the normal workload and still qualify for TEAS.

Employment (disability)

A complaint was received from the National Epilepsy Association of Australia on behalf of a woman who was refused entry as a clerk to the Royal Australian Air Force because she suffered from epilepsy. The Joint Services' health standards include any form of epilepsy as a ground for rejection of an enlistment application. Medical evidence submitted by the complainant revealed that her form of epilepsy was controllable, that her condition was in fact controlled and supported her argument that therefore the Defence Department policy should be relaxed in her case.

The Department's response was that, as medication was required to control the condition, the woman could not be posted to remote localities where lack of access to medication during military service might place her and others at risk. The matter is still under consideration.

Freedom of association

Several complaints were received about bans imposed by the A.C.T. Teachers Federation (ACTTF) on contact between government and non-government schools to highlight education funding cuts. The complainants (supporters of non-government schools) stated that the bans were inconsistent with the right to freedom of association as non-government school staff and students were precluded from participating in a range of activities which would otherwise have involved them, including sporting competitions, accreditation panels and staff development courses. Paragraphs 1 and 2 of Article 22 of the International Covenant on Civil and Political Rights read:

1. Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests.
2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others. This article shall not prevent the imposition of lawful restrictions on members of the armed forces and of the police in their exercise of this right.

Conciliators met ACTTF representatives and also convened a meeting of students' groups from both government and non-government schools at the Commission's office.

The ACTTF explained that the bans were imposed after a ballot of members and were a form of action taken in the interests of members consistent with Article 22. Subsequently its members voted to end the bans.

Another complaint came in respect of a child at a non-government school who had been removed from a waiting list for assessment at a government education clinic. The service could not be provided elsewhere and the parent had been told that the action of removing her child from the list was a result of the ACTTF bans. The matter was referred to the A.C.T. Schools Authority which reinstated the child to the waiting list.

Privacy and application forms

A complaint about an application form for Commonwealth Government assistance was referred by the Office of the Commissioner for Equal Opportunity in Western Australia. The complainant alleged that privacy issues were raised by questions on the form, not relevant to the assistance sought, about the marital status of applicants and the date on which marital status may have changed. The department concerned replied that a spouse's income or income from a former spouse in the financial year prior to the period covered by the application was a relevant consideration in deciding eligibility for the benefit. This response has been referred to the complainant for comment.

Racial Discrimination Act

Unfair publication

A complaint was received from two Aboriginal organisations in Tennant Creek about a letter published in a regional newspaper based in the town which read in part 'get that f g gin out of here'. The author of the letter and the editor agreed to place apologies in the newspaper. Conciliators subsequently met the author and editor during a field trip and arranged for them to meet committee members of the Aboriginal organisations to discuss community relations issues.

Services

Conciliators inquired into and settled a complaint against a video hire shop in a Central Australian town. The complaint stated that, in addition to a hire charge of \$5, a deposit of \$100 was charged if the video tape was hired by an Aboriginal. Conciliators arranged a conference between the Manager and the Aboriginal aggrieved by the practice and the matter was settled on the basis of the discussion and an undertaking that the deposit of \$100 would not be charged in future.

Accommodation

Complaints were received from an Aboriginal employee of the Pitjanjatjara Council that caravan park owners had refused him accommodation. Conciliators and the complainant called on the owners to inform them of the provisions of the Racial Discrimination Act. However, the complainant decided to withdraw his complaints as he had purchased his own caravan. Representatives of the Combined Aboriginal Organisations in Alice Springs reported that a practice of refusing accommodation to Aboriginals in caravan parks and in houses and flats on the rental market was widespread. Many Aboriginal organisations had diverted resources to purchase houses and flats in order to overcome the problems faced by their employees in finding accommodation. It was suggested to the conciliation team that publicity in the newspaper about the provisions of the Racial Discrimination Act and an approach to the Real Estate Institute would help to overcome the situation. Both suggestions were acted upon and interviews were given to the *Centralian Advocate* and the Central Australian Aboriginal Media Association. Discussions were also held with Real Estate Institute representatives who offered to distribute to members information about the Racial Discrimination Act.

Police/Aboriginal relations in the Northern Territory

An Aboriginal couple complained regarding Northern Territory police inaction in investigating an assault on them by employees of a Darwin nightclub. A serious eye injury had been sustained by the husband as a result of the incident. A response to the complaint was received from the Northern Territory Police Commissioner who agreed that the complainants had been denied the standard of police service to which they were entitled. Disciplinary action for negligence was taken against the senior Northern Territory police force member who attended the incident and also against the police officer responsible for the subsequent investigation.

Mental health services in the Northern Territory

The Central Australian Aboriginal Legal Aid Service (CAALAS) wrote to the Commission about the lack of local facilities for behaviourally disturbed and mentally retarded persons. Some of the people in this category were Aboriginals. Often such people came before the Magistrates Court for minor offences and had to be remanded in custody as there was no other facility for them. Magistrates had expressed concern about the situation, as had members of an Aboriginal community who raised the issue with conciliators. The matter was referred to the Northern Territory Department of Health which reported that plans for a local residential facility were proceeding, but later advised that the project had passed to another department. CAALAS has since been invited to join a number of other community organisations and health groups to help develop the plans.

Sex Discrimination Act

Education

A woman who was studying at an educational institution complained that she had suffered sex discrimination because she objected to comments made in the course of lectures which she felt were of a sexist nature. When she objected to the comments, she was temporarily suspended by the institution on the grounds that she had caused disruption in class. As a result of this action, the complainant missed tuition during the suspension period and also feared that because of her objection to the comments her work would not be fairly assessed.

A conciliation conference was arranged between the complainant and staff members of the educational institution. The case was resolved by the institution arranging to make up the tuition missed, and appointing an independent panel acceptable to both parties to assess the complainant's work.

Employment (Recruitment)

1. A married woman complained that she was unable to obtain work as a truck driver because her husband worked on-site for the same mining company. There was an on-site agreement between the union and the company which gave preference to single-income families but reserved for resident married women jobs as cleaners.

The company responded by offering the complainant a position as truck driver. The union then called its members, including the complainant, out on strike, and the matter went to the Industrial Commission. The Commission ordered that this matter be dealt with separately and that the union and the company settle their other differences. This was done and the matter was conciliated. The woman remains employed as a driver and the previous policy has now been rescinded.

2. In a large provincial city, a woman approached the local office of a national security firm to be placed on a list for temporary employment. She was told by the manager that the company did not hire female security guards. Reasons given by him were that security work in that city was a male domain, that there might be problems with toilet facilities and that a male could look after himself better than a woman. The woman, who had had substantial military experience, was proficient with small arms, in self-defence, and with two-way radio communication, as well as holding a driving licence for a variety of vehicles. When approached, the security company stated that it was not, in fact, its policy to hire only men as security guards. It counselled the manager, and gave an assurance that the woman would be considered for any vacancy on merit. The complaint was settled on this basis.

Employment (Dismissal)

1. The complainant was employed by an insurance company for sixteen years, initially as a clerk and then as a telephonist.

In April 1985 the complainant was informed that arrangements were to be made for her to cease work at the end of June that year and that she should take pre-retirement leave until her

60th birthday on 5 September, 1985. A new retirement and superannuation scheme which offered different benefits for employees was to come into operation in October 1985.

The complainant alleged that it was company policy to retire women at 60 and men at 65 and that, by implementing this policy the company had discriminated against her on the ground of sex. She alleged that she had suffered detriment in the form of five years' lost wages and ineligibility to retire under the new scheme.

In a letter to the conciliation officer the company stated that because of the qualifying ages for government age pension benefits, it was customary for employees to retire at 60 in the case of females and 65 in the case of males. The company also stated that their new superannuation scheme has a retiring age of 62 for males and females.

The complaint was conciliated with the respondent company paying the complainant the sum of \$45 000.

2. Complaints were received from two women who were employed as part-time cleaners by a contractor at a lead smelting plant. They complained that they had been given notice and that they were to be replaced by men. An interim determination was sought and granted by the Human Rights Commission, preventing the dismissal of the women for two months while the matter was under investigation.

The employer agreed that female cleaners were being replaced by male cleaners and claimed that the company was acting in direct compliance with State industrial regulations prohibiting women from working in 'areas where a lead process is carried on'. Under these regulations, males under 18 and females may not be employed in such areas.

Two delegates of the Sex Discrimination Commissioner visited the plant for three days to investigate the complaint. It became apparent that the two complainants were not employed in an area of the plant regarded by any of the parties as a lead processing area, but were to be dismissed on the redundancy principle of 'last on, first off'.

At a conciliation conference, the respondent agreed that the women dismissed were not working in a lead processing area and unconditionally withdrew their termination notices. The women accepted this as a satisfactory resolution of their complaints.

In the course of this inquiry, the correct application of the safety regulations to the female cleaning staff at the plant was discussed — at first with the conciliators and then with the relevant State Department. The Department subsequently began a full study of the plant to review safety procedures. The agency which had handled the complaint on behalf of the Commission indicated that it would make submissions to a national inquiry into the redrafting and application of regulations relating to lead processing.

Clubs

A woman who was an active associate member of a yacht club complained of discrimination because her nomination for full membership was rejected on the ground of her sex.

A conciliation conference was arranged between the complainant and a senior club official. This allowed the complainant to put her case and enabled male members who opposed her full membership to understand the implications of the victimisation provisions of the Sex Discrimination Act.

After seeking legal advice, the club decided to amend the constitution to permit females to be nominated for senior membership. The new constitution was presented to a special general meeting where it was adopted. The complainant's nomination was then successful and she is now a full member of the club.

Employment (Sexual harassment)

Two young women approached the Commission about sexual harassment by their male supervisor in a large national company. One of the young women complained that the supervisor had been putting his arm around her at work, touching her breasts and thighs, and requesting sexual intercourse. She tried to ignore these advances but decided to complain formally about him when she was seriously physically molested in the lift after work one

night. The same night, at an after-work function, the other complainant complained that the supervisor hit her on the buttocks, tried to kiss her, held her hand, and demanded she sleep with him to prove she was a 'woman' and not a young girl. Her complaint said that she was then picked up and forcibly carried to a nearby car park, where she feared for her safety. Work colleagues arrived and she was put in a cab to go home. Both young women felt they had no option but to resign, as they felt the working relationship with their supervisor was now untenable.

The company and supervisor agreed that the incidents complained of took place, but initially would not accept their resignations and told the women that their jobs were safe and that something would be done internally to redress what had happened. After further discussion, however, the complaint was settled by the company:

- accepting the resignations;
- asking for and receiving the supervisor's resignation;
- providing written references for the complainants;
- providing letters of apology to the complainants;
- nominating a senior staff member to handle complaints of sexual harassment and discrimination in the workplace;
- agreeing to work in liaison with the Human Rights Commission on an educational initiative for all company staff;
- paying each complainant \$2000 as compensation for stress, suffering and lost salary.

Employment (Marital status)

A complaint was received from a male employee of a major transport organisation. He claimed that he had been denied a free travel pass for his de facto wife on the grounds that she had an income. He stated that although the organisation had a policy that an employee's spouse could obtain travel passes only when solely dependent on the employee, in practice married couples received passes as a matter of course. By contrast, an employee with a de facto spouse had to sign a statutory declaration of that status, also stating that the spouse had no other income. In the complainant's case, he could not fill out such a declaration as his de facto wife had an income and so he did not obtain the same benefit as all married employees where such details were not checked.

Initial investigations brought a denial of discrimination from the respondents, who said that their official policy was not discriminatory. Passes were not available to married spouses with an income. The only reason that those in de facto relationships were required to sign a statutory declaration was to give evidence of marital status, which was provided by a marriage certificate in the cases of those legally married.

A conciliation conference was held, and the respondents admitted that the official policy was seldom enforced and that they were surprised that the complainant had been denied a pass. As a resolution, they offered to refund to him the cost of his de facto wife's fares and to review their policy regarding the issue of passes. A number of alternatives were suggested to them, all involving the dropping of any consideration of marital status in the entitlement of employees to travel passes. The complainant was satisfied with this resolution of the matter.

Employment (Pregnancy)

A young pregnant woman applied for a position as checkout operator/ relief supervisor in a supermarket. During the initial interview for the position, she was told she had been successful in securing the job and that she could start work in three weeks' time. However, twelve days later she was telephoned and informed that she could no longer have the position because of her pregnancy.

The young woman then lodged a complaint of discrimination under the Sex Discrimination Act. Inquiries commenced and the company advised that a supervisor had taken the action because she was concerned that the strenuous and tiring activities would not be suitable for a pregnant woman. The supervisor's intention had been to protect the young woman

Both the company involved and the Sex Discrimination Commissioner believed that the supervisor's view was unreasonable in the circumstances of the case. As a result, the company offered the complainant immediate employment with back pay to the originally proposed starting date three weeks previously. This offer was accepted.

General inquiries

Conciliators receive many written and telephone inquiries. Some explore the possibility of making a complaint of discrimination, some seek to ensure that they are acting in conformity with the legislation. Employers seek aid in applying non-discriminatory recruitment practices; clubs seek help to apply equal terms and conditions of membership to women and men; newspaper publishers seek assistance to ensure non-discriminatory advertising; and Commonwealth departments seek guidance to ensure that the policies they are developing or implementing are non-discriminatory and do not infringe any human rights. The consultations involved in dealing with these requests for information and advice relating to the three Acts administered by the Commonwealth are often more time-consuming than the handling of individual complaints. Their importance, however, is to assist in preventing future cases of discrimination or infringements of human rights.

Field work

One of the advantages associated with the processes of complaint handling followed by the Commission is that opportunities arise for community development and education through on-the-spot contact with parties to a complaint and with the members of the community or organisations involved. Field work is undertaken wherever practicable to deal with complaints, to ease tensions in community relations and to promote the aims of the legislation the Commission administers. Canberra-based conciliation staff have concentrated their efforts in the Northern Territory and Tasmania since co-operative arrangements have been entered into with State Government equal opportunity agencies in Victoria, New South Wales, South Australia and Western Australia. The Commission's regional office in Brisbane is responsible for field work in Queensland.

In July 1985 two officers travelled to Christmas Island to inquire into a complaint of racial discrimination. Members of the Christmas Island Police Force of Malay and Indian origin had complained that they did not receive the same wages or conditions of service as their Australian Federal Police counterparts seconded to the Island's police force. The complaint was subsequently settled through the co-operative efforts of the Commission, the Christmas Island Police Association, the Australia and New Zealand Police Federation, the Department of Territories, the Christmas Island Administration and the Christmas Island Arbitrator.

This was the first visit by Commission staff to Christmas Island and, apart from complaint-related inquiries, it provided an opportunity for education work among the community of predominantly Chinese, Malay and Indian origin.

In October 1985 officers visited Darwin, Alice Springs, Tennant Creek and Borroloola. Seven complaints under the Sex Discrimination Act were dealt with. The four complaints in Darwin included one allegation of sex discrimination in tertiary education and three in employment. In Alice Springs there was one complaint of employment discrimination and another involving a club. Five conciliation conferences were held. In addition a new complaint concerning discrimination in accommodation on the ground of marital status was received. The complaints of racial discrimination dealt with included discriminatory practices in hiring video tapes to Aboriginals in Alice Springs and the refusal of service to Aboriginals at the Borroloola hotel. The team also carried out community liaison and education activities throughout the trip.

In November 1985 officers travelled to Tasmania to inquire into complaints under the Racial Discrimination Act. The team included the Commissioner for Community Relations and the Commission's Tasmanian representative, who is also the Executive Officer of the Tasmanian Committee on Discrimination in Employment and Occupation. Two compulsory

conferences were convened relating to hotel licencees refusing access to Aboriginals. The team also took the opportunity to establish contact with Aboriginal communities on Flinders and Cape Barren Islands.

A field trip to investigate both sex and race discrimination was conducted in December 1985 by a team travelling to Darwin, Nhulunbuy, Yirrkala and for the first time, Groote Eylandt. In Darwin a complaint under the Sex Discrimination Act concerning discrimination in recruitment, on the grounds of pregnancy, was satisfactorily settled. Another complaint concerning sexual harassment in a government department was brought to the attention of the conciliators and was resolved by way of meetings with the concerned parties. The officers also visited the Aboriginal Women's Resource Centre in Darwin and spoke to members of the Northern Territory Trades and Labour Council. Responsibilities of publishers under the Sex Discrimination Act were discussed with staff who receive classified advertisements at the *Northern Territory News*. Training sessions were provided to staff of the local offices of the Commonwealth Employment Service.

Matters dealt with under the Racial Discrimination Act included a complaint of refusal to provide medical treatment to an Aboriginal by an ambulance service in Darwin, and the provision of hostel accommodation to Aboriginals in Nhulunbuy. Officers also met with the police at Nhulunbuy. At Yirrkala a visit was made to the Women's Resource Centre and the women of that community brought a number of their concerns to the attention of the officers. At Umbakumba on Groote Eylandt allegations of discriminatory laws relating to provision of alcohol to an Aboriginal community were brought to the attention of conciliators. While they were on Groote Eylandt, the officers dealt with two complaints under the Sex Discrimination Act, one an allegation of employment discrimination and one which concerned the provision of employment-related accommodation. They also met the Aboriginal Council and other community members of Angurugu and Umbakumba, to whom they provided information on the functions of the Human Rights Commission and in particular the workings of the Sex Discrimination and Racial Discrimination Acts.

In June 1986 an officer travelled to Nhulunbuy in the course of inquiring into and seeking to conciliate a complaint of sex and marital status discrimination concerning the provision of employment-related accommodation.

Complaint inquiry work under the Racial Discrimination Act in the Northern Territory has resulted in the development of co-operative links between the Commission and the Northern Territory Police and the Northern Territory Liquor Commission. Liquor laws in the Northern Territory continue to cause concern for Aboriginal communities, particularly where restrictions apply. Statistics from the Northern Territory show that over 90% of complaints under the Racial Discrimination Act are lodged by or on behalf of Aboriginals and priority has been given to maintaining contact with Aboriginal communities already visited and extending contact to communities not previously visited.

Reports to the Attorney-General under the Human Rights Commission Act

Where a settlement of a complaint of an infringement of a human right cannot be achieved through the conciliation process, the Commission is required to report to the Minister who in turn must table the report in Parliament.

In the year under review one complaint made to the Commission under the Human Rights Commission Act which did not result in a conciliated settlement was the complaint of the Yilmaz family about their proposed deportation. As a result, the Commission made a report to the Attorney-General setting out its findings and recommendations relating to this complaint (Report No.15).

The Yilmaz complaint was typical of a number the Commission has received: a husband and a wife overstay in Australia, their temporary entry permits expire and they become prohibited non-citizens liable to deportation. This in itself does not necessarily raise human rights issues, but the Yilmaz family, like a number of other prohibited non-citizens, have children born in Australia who, under the traditional Australian law, automatically, on birth,

become Australian citizens, entitled to all the rights attaching to citizenship. The Commission was of the opinion that the insistence that the parents leave Australia inevitably meant that their infant children had to accompany them, with the result that these children were treated as if, in effect, they were not citizens, for an Australian citizen cannot be deported. The result was that their human rights were denied.

The Commission went on to say that it would be preferable to change the rule that birth in Australia automatically results in Australian citizenship for the children of prohibited non-citizens, provided that otherwise stateless children born in Australia are granted Australian citizenship.

The Government took up this second recommendation and passed laws implementing it which, at the time of the writing of this report, were expected shortly to be in force.

Certificates under the Racial Discrimination Act

Under the Racial Discrimination Act a complainant may institute civil court proceedings to obtain a remedy that could not be achieved by conciliation, if the Commissioner for Community Relations has issued a certificate that a conciliation conference has been held and the parties to the complaint have not been able to reach a settlement. One certificate was issued by the Commissioner for Community Relations during the year.

Referral to Commission under the Sex Discrimination Act

In the case of complaints under the Sex Discrimination Act, the Commissioner refers to the Commission for inquiry complaints which cannot be settled or which she believes she should not attempt to settle. In such a case, the Commissioner prepares a report for the Commission on the result of her inquiries into the complaint, without referring to anything said or done in the course of the attempted conciliation.

Relatively few cases are so referred to the Commission. A resume of the inquiries completed by the Commission during the year follows.

Formal inquiries under the Sex Discrimination Act by the Human Rights Commission

Four inquiries were completed by the Commission pursuant to Part III Division 3 of the Act during 1985-86.

Fenwick v. Beveridge Building Products Ltd

The complainant was employed by the respondent company on a part-time basis. On her dismissal from the company, she alleged discrimination by her supervisor on the ground of sex in her terms and conditions of employment and her dismissal, and complained of being subject to detriment pursuant to s.14(2)(a)(c) and (d) of the Act. The Commission held, in dismissing the complaint, that although the supervisor had adopted an attitude to the complainant which differed from that adopted to other employees, this did not amount to discrimination on grounds of sex in the terms and conditions of employment. Personality clashes between the complainant and the supervisor appeared to have been the reason for dismissal and the complainant failed to prove that discrimination on the ground of sex had occurred.

Worrall v. Bekonnen Community Youth Support Scheme

Mr Worrall claimed he was discriminated against by Belconnen CYSS on the grounds of his sex. He alleged that the operation of a Commonwealth program discriminated against men by classifying Mondays at the CYSS office as 'women's days'. He claimed he attended the office on a Monday and was refused information and had been asked to leave the office. The Commission dismissed the complaint. It held that there was no duty upon CYSS staff to supply the complainant with information about its programs and that he was not an 'aggrieved person' as only people under the age of 25 years were eligible to take part in CYSS programs and the complainant was over the age of 25 years. In any event there were good reasons, apart from his sex and age, for the request to him to leave the office.

Corry and Others v. Keperra Country Golf Club

A number of complaints were received from women who were ordinary members of the Keperra Country Golf Club against the Club's practice in allocating particular hitting off times for men and women on Saturdays. The club allowed women to hit off only at two specified times, in groups of four. This meant that only eight women ordinary members could play on Saturdays, and only at the times set by the club. Men, on the other hand, could choose to play in any numbers and at any other available times.

The club argued that, under s.25(4) of the Sex Discrimination Act, it had to allocate specific times for women because separate competitions were conducted for men and women and these could not be mixed. It further argued that it was providing the same benefit to both sexes, in fair and reasonable proportions, as there were fewer women members.

The Commission held that, in restricting playing times, the club was discriminating against women ordinary members on the grounds of sex by limiting their access to benefits provided by it. The club's actions were not excused by the Act — women ordinary members were not provided with a fair and reasonable proportion of use of the benefit.

The Commission declared that the club must permit all ordinary members, without regard to their sex, to sign up for Saturday play in foursomes consisting of members of one sex.

Boyle v. Ashan, Fezvi and Ulker Ozden

Ms Boyle complained that she was subjected to a number of unwelcome sexual advances by one of her employers while working at Central Kebabs in Wollongong. She was eventually dismissed by her employers who stated that the ground of her dismissal was a business downturn. The Commission found that she had been sexually harassed while in employment and that her dismissal was related to her rejection of the unwelcome sexual advances of the employer and was not occasioned by a downturn in business. The Commission made a determination that the respondents pay to Ms Boyle a sum of \$3000 to redress her loss of wages and for general damages.

Grant of exemption under s.44(1) of the Sex Discrimination Act 1984

In the case of the Sex Discrimination Act, an interested party may seek from the Commission a temporary exemption from the provisions of the Act. During 1985-86 the following five exemptions were granted:

- to allow the advertising of two female nursing positions in Australia, one in Vanuatu and the other in the Solomon Islands, in connection with overseas projects of the Save the Children Fund of Australia;
- to allow the Canberra South Bowling Club, whose rules at that time discriminated between men and women members, time to draft and approve new rules;
- to permit the advertising of employment for either male or female medical officers and nurses by the Pitjantjatjara Council on behalf of the Nganampa Health Council and the Ngaanyatjarra Health Service, so as to maintain a balance of men and women medical staff to service the particular Aboriginal community (two exemptions);
- to permit separate events to be held for boys and girls at the swimming carnival/ exchange in Adelaide on 28 April-1 May 1986 arranged by the Australian Sports Council and the Australian Primary Schools Sports Association on behalf of the South Australian Primary Schools Amateur Sports Association.

Delegations under the Racial Discrimination Act and Sex Discrimination Act

From 1 July 1985 to 30 June 1986, thirteen delegations under s.40(2) of the Racial Discrimination Act 1975 were issued by the Commissioner for Community Relations to various officers of the Commission and State equal opportunity agencies with which the Commission has co-operative arrangements, and to the Executive Officers of the Tasmanian and Northern Territory Committees on Discrimination in Employment and Occupation. Twenty-two delegations under s.104(2) of the Sex Discrimination Act 1984 were made by the Sex Discrimination Commissioner.

Administration

Administration	<i>Co-operation with the States</i>	<i>Commission Offices</i> State agencies
	<i>Personnel management</i>	Industrial democracy and equal employment opportunity Personnel and establishment activities Stall development
	<i>Financial management</i>	Budgets and estimates Purchasing and accounting Program budgeting
Information dissemination	Library	
Information management	Registry Statistics system FOI <i>Facilities and .services</i>	

Administration

Along with all Government departments and agencies, the Commission has been held strictly within the Government's guidelines in the number of staff it can employ. This has often placed considerable strain on the staff who have had to absorb an increasing workload without scope for adequate relief. This problem is exacerbated because the organisation has no control over the numbers of people who approach it for assistance.

The administrative operations of the Commission are carried out primarily by staff located in the Promotion and Information Branch augmented by assistance in final processing provided by officers of the Attorney-General's Department in the areas of personnel operations and the payment of accounts.

The Commission had an average staffing level of 54.6 in 1985-86. Its operating budget exceeded \$5 million for the first time. The Commission disbursed just under \$1 million to the States with which it has co-operative arrangements, paid \$1.674 million in salaries and spent over \$700 000 on information and education activities.

In 1985-86, the Commission, along with other Government departments and agencies, was introduced to portfolio budgeting — a process in which a total allocation is made to all the agencies under the Attorney-General's umbrella and then subdivided amongst the agencies according to need and workload. This new arrangement relies considerably on goodwill and integrity to make it work effectively, especially for the smaller organisations in the portfolio such as the Commission. The processes appear to be beginning to work effectively, following the report to the Attorney-General of the task force which reviewed the four 'research' agencies in the portfolio. The Deputy Chairman represented the Commission on the task force. Some initial problems associated with the distribution of the portfolio allocation have been experienced by the Commission as it prepares itself for program budgeting but these are gradually being resolved.

Co-operation with the States

In attempting to ensure its activities are carried out effectively and efficiently in the States and Territories, the Commission has offices in those States which do not have anti-discrimination legislation and has co-operative arrangements with the four bodies established to implement State anti-discrimination legislation.

The co-operating agencies are located in New South Wales, Victoria, South Australia and Western Australia. The Commission has an office in Queensland, and the Executive Officers to the Tasmanian and Northern Territory Committees on Discrimination in Employment and Occupation act as the Commission's representative in those areas. Apart from preventing obvious duplication of resources, the co-operative arrangements reported on below have proved to be very helpful to those seeking the Commission's services because of the 'one-stop shopping' they provide. This co-operation has allowed an interchange of ideas and co-ordination between the States and the Commonwealth in all areas where it is necessary to nurture whatever resources are available.

Commission offices

The Commission operates from Canberra and, in addition to its national responsibilities, its officers undertake all activities associated with its functions in the A.C.T. at national and

territory level. These activities include complaint handling, community education, liaison with community groups and the provision of legal, research and advice services.

The Commission has a regional office in Brisbane with a staff of seven officers, including two Aboriginals and one person from a non-English-speaking background. The staff deal with all three Acts for which the Commission is responsible; undertake significant work in human rights education; and liaise extensively with community groups. As there are no legal personnel in the Queensland Office, legal opinions are in the main provided by the legal staff in Canberra.

The Commission's representatives in Tasmania and the Northern Territory have recently been given delegations by the Commissioner for Community Relations and Sex Discrimination Commissioner to investigate and conciliate complaints under the Commonwealth legislation administered by the Commission. As with the Queensland office, close liaison is maintained. This arrangement is augmented from time to time by visits from the Commission's Canberra staff.

State agencies

In the case of New South Wales, Victoria, South Australia and more recently Western Australia, the Commission is represented by agencies of the respective State Governments. Addresses of the agencies are listed in Appendix XIV. Officers of these agencies undertake all activities on behalf of the Commission in that State and funds are provided to the State Governments for this purpose.

As well as investigating and conciliating complaints of discrimination made under the Commonwealth legislation on behalf of the Commission, officers in State agencies are responsible for much of the community education work done on the Commission's behalf.

In conjunction with the Department of Finance the Commission has carried out reviews of the financial aspects of the co-operative arrangements and appropriate adjustments have been made to reflect the work handled by those agencies.

Co-operative arrangements have allowed the best possible strategies to be used in each State within the limited resources available. The Commission expresses its appreciation to the three Commissioners for Equal Opportunity and the President of the Anti-Discrimination Board and the staff of their offices for their continuing co-operative and constructive approach and their assistance to the work of the Commission. Without these, its efforts would be far less effective.

The following are extracts from reports provided by the State agencies.

New South Wales — Anti-Discrimination Board

Complaint and investigation work

From 1 July 1985 to 30 June 1986, 659 complaints were received by the Anti-Discrimination Board under Commonwealth legislation; of these, 363 were lodged under the Sex Discrimination Act, 272 under the Racial Discrimination Act and 24 under the Human Rights Commission Act. These figures represent a significant increase over the last year's total of 437.

Employment was the most significant area of sex discrimination complaints, with the nature of the complaints being mainly dismissal and recruitment.

The next highest number of complaints was filed under the goods and services provisions and the bulk of these concerned provision of services on less favourable terms. The major respondents included department stores, major food supermarkets and government departments. Registered clubs was again a significant area of complaint and the introduction of the Board's Guidelines for Registered Clubs in July 1985 has not reduced the number of complaints in this area as was anticipated.

Employment was also the largest single category of racial discrimination complaints.

All twenty-four complaints under the Human Rights Commission Act were lodged against Government and statutory bodies. More men than women complained under this Act.

Community relations activities

In the past twelve months, the effects of Commonwealth-State relations on the community education programs of the Anti-Discrimination Board have been far-reaching. Every speaking engagement has involved outlining the differences between the now familiar State Anti-Discrimination Act and the three pieces of Federal legislation. Almost every issue of the ADB-INK has featured articles aimed to make the Federal laws more accessible to the newsletter's many readers. Involvement with the Human Rights Commission's Teaching for Human Rights program has led to series of sessions with educators in both State and Catholic systems, highlighting the need for a whole-school approach to the teaching of human rights issues as well as suggesting appropriate training for teachers in a multicultural setting. The feedback from these sessions has been positive, and more are envisaged in the coming year. New pamphlets and fact sheets have been designed to take account of the Anti-Discrimination Board's agency for the Human Rights Commission, and an expanded program of information to specific target groups is well under way. Information about the Human Rights Commission's Community Education Grants has continued to be in steady demand, and closer involvement at the State level is already proving to be a distinct advantage, both to the Commission in assessing applications received, and to the Anti-Discrimination Board in its better understanding of, and hence improved ability to advise groups of, the processes and aims involved. A variety of seminars and conferences have been held to enable particular issues to be addressed more fully.

There is no doubt that the establishment of co-operative arrangements between the State and Commonwealth Governments has enhanced the standing of legislation as a tool in the establishment of harmonious inter-group relations in the community.

General co-operation

The co-operative arrangements between the Commonwealth and New South Wales have been operating since August 1984. It is pleasing that the objective of 'one-stop shopping' has been achieved and no doubt the fact that the Anti-Discrimination Board is a venue for the Human Rights Commission has removed much public confusion.

There is a good working relationship between offices and all officers have been involved in joint ventures such as conciliation officers' conferences. However, problems still do exist in relation to dual legislation and the decision as to which Act to choose.

There is also a problem of lack of resources. With the introduction of 'one-stop shopping', there has been an increase in the number of complaints and conciliation officers are labouring under an excessive workload. However, we look forward to a continuation of the co-operative arrangements and the benefits that they offer.

Victoria — Office of the Commissioner for Equal Opportunity

In Victoria it is becoming increasingly difficult to separate State and Commonwealth functions, and as a result to identify the work that is specifically performed under co-operative arrangements.

This reflects, of course, the lack of separation that exists in the minds of the general public who come to this office with a problem or grievance which they want us to remedy. While there are the exceptional few who are definite about wanting to complain under a specific jurisdiction, most inquirers would prefer an informal solution or are seeking our advice as to the steps they need to take to achieve their perceived goals.

The full value of co-operative arrangements is now being felt in the flexibility to facilitate the office's move towards a consultancy service to prevent the need for complaints where these could result in major damage to a work or recreational environment. As the statistics indicate, while our complaint rate is at present declining, our inquiry rate is at the same time climbing steadily. At the inquiry stage the jurisdictional issue is often not settled especially when, as in the majority of sex-based complaints, it is clear that the matter could well be handled under either the State or Commonwealth statute.

The reasons for this change are complex; partly they reflect an explicitly stated objective of this office to provide an advisory service that will reduce discrimination and thereby the need for complaints. They probably reflect even more, however, the sensitive nature of the issues that are now being brought to us. For instance we have consulted with scores of golf clubs and bowls clubs needing help because of the confusion and resentment of various groups of members which involve circumstances unlikely to lead to formal complaints because of their socially adverse affects.

Similarly, many work situations lead to requests for assistance from us where a formal complaint would so sour relationships that the outcome would be of doubtful benefit to the complainant. The situation of Aboriginals provides another example of daily approaches to this office which would not be made if formal complaints were required to obtain our help.

It is our experience that this approach is the most effective way of reducing discrimination in the Victorian environment and it only becomes possible within the framework of co-operative arrangements that do not require an initial decision about jurisdiction.

At the operational level, co-operative arrangements involve no major problems for this office at present, and continue to provide significant benefits in ensuring the on-going resources necessary to handle our increasing range of issues. The ready response to our requests for consultation has been both valuable and reassuring.

Community education

The community education team's time is divided between on-going activities and new initiatives, most of which relate to discrimination issues involving both Commonwealth and State jurisdictions. On-going work includes meeting the growing demand for speakers; and training work with the growing group of EEO officers in both the public and private sectors who are requesting our assistance, especially with regard to dealing with sexual harassment problems and developing conciliation expertise. We are anticipating an increasing demand in this area and have targeted it for additional resources in the 1986-87 budget. The trade union area has also been targeted in the same budget and contact is being expanded with the Trade Union Training Authority (TUTA).

New initiatives already under way include the production of an updated version of the video *Fair Go*, which explains the working of the Victorian office (including co-operative arrangements), and staff information kits on a number of subjects.

Since December there has been a major review of the structure and forward planning of the education area, following its transfer to the Commissioner's office. This has included updating and expanding the office's written resource material, a new format for the house journal *Forum*, and greater co-ordination of publicity and promotion.

It is expected that most of the resource material produced — *Forum*, information bulletins, news releases, etc. — will be useful to other State offices (as South Australia's *Managers managing equally* has proved to be), and as it is produced, it will be sent to the Community Educators Network members.

A more comprehensive reference library is being developed, and once established it will be publicised as a resource centre for wider public use.

Initiatives in relation to particular target groups include regular contact with the Ethnic Affairs area; developing a committee network between the Aboriginal community and the police throughout Victoria; and starting a country outreach program involving publicity and regular visits to major regional centres. These are all areas which will be developed further in the coming budget period.

Western Australia — Office of the Commissioner for Equal Opportunity

An event of major significance during the year was of course the agreement for co-operative arrangements between the Commonwealth and the Western Australian Governments entered into on 1 August 1985.

Under these arrangements the Commissioner for Equal Opportunity for Western Australia, Ms June Williams, acts as an agent for the Human Rights Commission.

During the year visits were made to Western Australia by the Deputy Chairman of the Human Rights Commission, Mr Peter Bailey, the Commissioner for Community Relations, Mr Jeremy Long, and the Sex Discrimination Commissioner, Ms Pamela O'Neil.

Complaints

To 30 June 1986, seventy-one complaints were received under Commonwealth legislation in Western Australia. The highest number, thirty-seven, was taken under the Racial Discrimination Act. Twelve were taken under the Human Rights Commission Act and twenty-two under the Sex Discrimination Act.

Although the numbers are small, several trends are evident. The majority of complaints under the Racial Discrimination Act were on the grounds of race in the areas of goods and services and employment. The remainder of the complaints were in the areas of accommodation, education and land.

Complaints from Aboriginals outnumbered complaints from people of other racial origin and the majority of these complaints were in the area of goods and services. Other ethnic groups represented were Italian, Malaysian, German and African.

Of the twenty-two complaints received under the Sex Discrimination Act, half were from women. Most of the complaints were on the grounds of sex, with four complaints on the ground of marital status or joint sex/ marital status, and one complaint of sexual harassment. Approximately half the complaints were in the area of employment and there were five in the area of goods and services. Three complaints were in the area of clubs. As well, a number of inquiries were received and handled during the year.

Community education activities

A number of community education activities were carried out by staff during the year. Prior to the commencement of co-operative arrangements, a field trip was made to Kellerberrin where staff addressed a public meeting. A guest speaking invitation from the Professional and Business Women's Association in Bunbury was accepted. Officers also addressed community groups, staff of government departments and several Rotary luncheons.

Copies of Human Rights Commission publications were distributed widely to students, politicians and other interested community groups.

South Australia — Office of the Commissioner for Equal Opportunity

Complaints and investigation work

Inquiries received during the year relating to Commonwealth legislation increased by some 25% over last year. Of these inquiries, 55-60% were in the area of employment with an increase in inquiries about rights relating to sexual harassment or pregnancy. There has also been a steady flow of inquiries regarding responsibilities of clubs in relation to the Sex Discrimination Act.

As a result of these inquiries, a total of 138 complaints have been lodged, representing an increase of over 50% over last year. Of these complaints, ninety-six were registered under the Sex Discrimination Act, forty under the Racial Discrimination Act and two under the Human Rights Commission Act.

Of the complaints lodged under the Sex Discrimination Act, 79% were in employment, 46% of these on the ground of sex, 30% on the ground of sexual harassment, 12% pregnancy and 11% marital status; 85% of those who lodged complaints were women.

Forty complaints were received under the Racial Discrimination Act, a quarter of these from Aboriginal complainants. Complaints made under the Human Rights Commission Act related to s.12 of the Commonwealth Migration Act 1958 and to impaired mobility.

Community education

This reporting year has been notable for a large increase in consultations, over 150 in all. These consultations have been held with typical 'respondent' groups: employers, clubs, personnel services, newspapers and banks. Such a trend is viewed as a positive one by this Office, as it indicates that the community is taking preventative measures against the breaking of anti-discrimination laws.

Examples of such consultations include:

- review of personnel policies and procedures in a hospital and university to determine any potentially discriminatory provisions;
- assisting equal opportunity consultants with background data for their training sessions;
- assisting with the development of in-service training programs on equal opportunity and sexual harassment;
- assisting newspapers to develop policies which comply with the law;
- extensive consultation with community groups to develop sport guidelines in schools.

Similar trends are apparent in the requests that the office receives for speakers. A wide range of organisations require details about the law and their responsibilities under it. There are also many requests for speakers from those concerned about their rights. The Office of the Commissioner for Equal Opportunity has initiated a program in the area of ethnic groups, which is funded by the Community Employment Program. The project's main aims are to develop a bank of educational training equipment and resources, and to expand contacts between the Office and people from non-English-speaking communities. Some of the work includes:

- compiling a list of resource and contact people, organisations and materials;
- developing a contact/ resource list of ethnic organisations;
- identifying geographical locations of non-English-speaking communities;
- preparing displays on human rights and discrimination;
- arranging lectures and seminars to inform organisations of the work of the Office of the Commissioner for Equal Opportunity and how it can assist them.

Personal contact has been established with a large number of ethnic communities as well as the 'umbrella' groups who represent them. During these meetings the role and operations of the Commissioner for Equal Opportunity's Office are explained. A questionnaire concerning the organisation and ethnic group is completed during the first interview. If possible, a guest speaker speaks to the group and ideas and suggestions on the ways of informing ethnic people that the Office is there to help them are discussed. Contact has also been made with ethnic radios and newspapers, so that these can be used to inform and educate ethnic communities.

Because of time constraints, the Office no longer accepts requests to speak to school groups. A major training program has been developed for Equal Opportunity Officers in the Education Department, so that they can provide the basic input to classroom groups that the Office formerly provided.

A new logo for the Office has been designed to correspond to the broader responsibilities under the Equal Opportunity Act and co-operative arrangements.

The office is currently producing publications on the Equal Opportunity Act, sexual harassment, guidelines for clubs, and guidelines for sport. These should be completed by the end of the financial year.

Human Rights Day

Human Rights Day was acknowledged in South Australia at 'A Fair Go Fair' held at Elder Park on Sunday 8 December 1985. Over 5000 people attended. Some fifty organisations with human rights interests had stalls from which they distributed information on human rights issues of concern to them. Many stalls also sold produce such as multicultural food, posters or T-shirts.

The public were welcomed to the event by the Commissioner for Equal Opportunity, Mrs Josephine Tiddy. The Attorney-General of South Australia, Mr Chris Sumner, officially opened the fair and this was immediately followed by a ceremony to 'dot the eye' of a Chinese dragon boat at which the Chairman of the Human Rights Commission, Dame Roma Mitchell, officiated.

Throughout the afternoon a variety of entertainment with human rights themes was provided.

Personnel management

During 1985-86, 67% of the Commission's staff were women, including one woman in the Senior Executive Service (SES). The number of Aboriginal staff employed during the year was four and the number identified as coming from non-English-speaking backgrounds was nine. Expenditure on salaries was \$1.674 million. The establishment at 30 June 1986 was sixty-six and there were fifty-seven staff on strength. A full list of the staffing as at 30 June is at Appendix I. An amount of \$22 375 was spent on staff development and training during the year. This figure does not include costs associated with the fellowships taken up by two Commission officers during the year.

Industrial democracy and equal employment initiatives

The Equal Opportunity Program and Industrial Democracy Plan for the Commission were developed in 1984-85 and have been generally recognised as good working models. Implementation commenced during 1985-86. However, as with other agencies, the Commission has not received any additional resources for this purpose. This has drawn criticism from participating unions, and the Commission joins them in their call for increased resources. There have been two meetings of the Joint Consultative Committee, membership of which comprises representatives of each of the four unions with coverage in the Commission, including the Queensland Office, and of management. Agenda items have included resource management, occupational safety and health issues, and implementation and review of the Equal Employment Opportunity Program. A sub-committee has been set up to investigate and report on matters referred by the Joint Consultative Committee. Some issues addressed to date are security and staff amenities; the appointment of sexual harassment complaints officers; the development of an induction handbook; a review of the communication channels within the Commission; and the development of a repetition strain injury (RSI) prevention and management program aimed at all staff. A working party has been set up to investigate methods, measures, processes and issues involved in RSI prevention and management, and to develop an appropriate program. The Commission's office has had no RSI cases during the year despite heavier workloads. It is believed this is largely because of the success of current measures taken in education, improved organisation of workload flow, and the purchase of ergonomic furniture and equipment.

Personnel and establishment activities

While the Attorney-General's Department provides the processing operations for personnel matters, the Commission undertakes its own recruitment and establishment activities. Unfortunately, within its current resources it has been unable to allocate a staff member full-time for this purpose causing delays to both recruitment action and organisational reviews.

During the 1985-86 year, despite limitations on the financial and human resources some administrative changes were implemented.

An officer permanently appointed to a position of Director (Class 10), Management Support took up employment in October 1985. The Commission is now able more adequately to address administrative policy matters and review its general administrative operations such as delegation structures, the development and implementation of management improvement programs, the implementation of the Industrial Democracy Plan and Equal Employment Opportunities Program.

A Computing Systems Officer Grade 3 position was established within the Attorney-General's Department and the occupant is on loan to and funded by the Commission, to assist in the development and installation of computing facilities and systems.

A Clerical Administrative Class 11 position was created in the complaint handling area in recognition of the increasing complexity of complaint matters being brought before the Commission under the three Acts it administers. Action was also put in train to integrate the activities of the Inquiry and Conciliation (Race and Human Rights) Branch and the Inquiry and Conciliation (Sex Discrimination) Branch under one Branch Head. While these initiatives would have enabled rationalisation of resources, facilitated consistency in conciliation policies and processes and enhanced staff development opportunities, they have not been implemented because of uncertainties about the future of the Commission.

Despite its limited resources, the Commission has revised its delegation structures and begun production of a staff procedures manual which covers administrative policies and practices particularly in the personnel management area.

Staff development

Staff of the Commission have attended a wide variety of information seminars and training courses during the year with an increasing emphasis on those associated with management skills, increasing computer awareness and broadening of their skills bases. Senior officers have also been involved in overseas studies. In April Dr John Hookey undertook a three-month fellowship to study legal issues and complaint handling in human rights bodies overseas. He visited the Canadian Human Rights Commission, the U.S. Commission on Human Rights and the Equal Employment Opportunity Commission and their regional offices; the U.K. Commission for Racial Equality; and the European Commission for Human Rights in Strasbourg. Dr Sev Ozdowski returned in April from twenty months overseas on a Harkness Fellowship which took him to Harvard University, Cambridge Massachusetts; Georgetown University, Washington, D.C.; and the University of California, Berkeley. Prior to his return he attended a United Nations Human Rights Commission meeting in Geneva. In June 1986 Mr Philip Moss, Acting Chief Conciliator, Race and Human Rights Branch, attended two short courses on negotiation at the Massachusetts Institute of Technology and the Harvard Law School.

The small number and diversity of staff creates difficulties in implementing individual development programs. However, the Commission has improved its information dissemination process and encourages all staff and supervisors to pursue staff development activities. The emphasis is on ensuring that the less senior staff have the opportunity each year to take part in a program of development.

Financial Management

The Commission's expenditure in 1985-86 represented a 5% increase over 1984-85, from \$4.757m to \$5.089m. Details of the expenditure are given in Appendix IV to this report.

Budgets and estimates

The increase in expenditure in 1985-86 is mainly attributable to the full year effect of the Sex Discrimination Act, although staffing for this requirement has not proceeded as quickly as hoped. While it is not easy to separate out expenditure precisely in terms of the functions of the Commission, the following is a broad estimate indicative of program expenditure:

- complaint handling \$0.735m
- research \$0.340m
- policy \$0.515m
- promotion \$1.128m
- administration \$1.361m
- reimbursements to the States \$1.010m

Expenditure for reimbursements to the States under co-operative arrangements was included in the Commission's 1985-86 budget for administrative expenses but will be a separate item in the 1986-87 budget.

Purchasing and accounting

The Commission undertakes all its own purchasing and accounts preparation work but the processing is undertaken by staff of the Attorney-General's Department. The Commission is grateful for this assistance. However, it must be recognised that some delays occur as a result.

Program budgeting

The Commission is scheduled to commence program budgeting for the year 1987-88 and discussions have commenced with officers of the Department of Finance as to the format to be adopted. The acquisition of computing facilities will enable the Commission to improve its financial management information system and the program budgeting process.

Information management

As part of its information management, the Commission operates a shopfront office, a library and a registry system and has developed a statistics collection system which is being integrated with similar systems operating in the State offices.

With the acquisition of computing facilities, the Commission is planning fully to automate and integrate all its information systems.

Information dissemination

Dissemination of the Commission's information and educational material is through the Commission's Shopfront office, State offices and agencies, mailing lists, and in the case of publications, purchase from the Commonwealth Government bookshops. As well as printed matter, audio-visual material is available.

Library

The library's collection of over 10 000 volumes is made up of monographs and periodicals in the social sciences/ human rights area, and national and international primary legal materials.

A personal computer is currently being used for cataloguing new books and backlog material, for indexing selected newsclippings, and for accessing the external databases SCALE, CURS, AUSINET and Australian Bibliographic Network.

Interested persons are encouraged to come and browse in the library and to familiarise themselves with the library's resources.

Registry

The Commission operates a registry system comprising mainly files on complaints and administrative matters. This is to be computerised as a priority once the new computer is in full operation.

Statistics system

As part of the management information requirements of the Commission it is necessary to collect, collate and analyse information on the number, type and origin of complaints and inquiries. This information is in part collected by the State offices but the systems used are in varying stages of automation. It is planned that a fully operational, automated and integrated system will be in place before the end of 1986-87. This will allow a much more informative analysis of complaints and their outcomes, and the control process.

Freedom of Information (FOI) — internal procedures

A manual of procedures for the guidance of staff in handling FOI requests within the Commission sets out the various steps to be followed at each stage in processing a request or an application for review. The manual is available to the public for perusal.

The Commission promotes a policy of maximum openness subject only to s.34 of the Human Rights Commission Act and the equivalent provision in the Sex Discrimination Act, which in effect provide for non-disclosure of information acquired by the Commission about the affairs of individuals.

The Commission has authorised six officers to grant access and two officers to refuse access to documents requested under FOI. During the year the Commission received twenty-four FOI requests from twenty-two applicants.

Facilities and services

More accommodation is needed by the Commission for the computer facilities; to improve staff amenities (there is, for example, no staff rest room or lunch room in the present provision of accommodation in the A.C.T.); and to give better service to persons making complaints. Negotiations are continuing with the Department of Local Government and Administrative Services.

Word processing services have for some time been provided by equipment which is not adequate to meet the Commission's requirements nor sufficiently user-friendly to motivate the operators. Following an evaluation by a consultant of the Commission's present and projected computing and word processing needs, the Commission decided to purchase new equipment to meet its statistical collection and analysis, management and administration, and information-processing needs. The equipment chosen had been recommended to all agencies in the Attorney-General's portfolio after an exhaustive examination of available equipment by computer specialists.

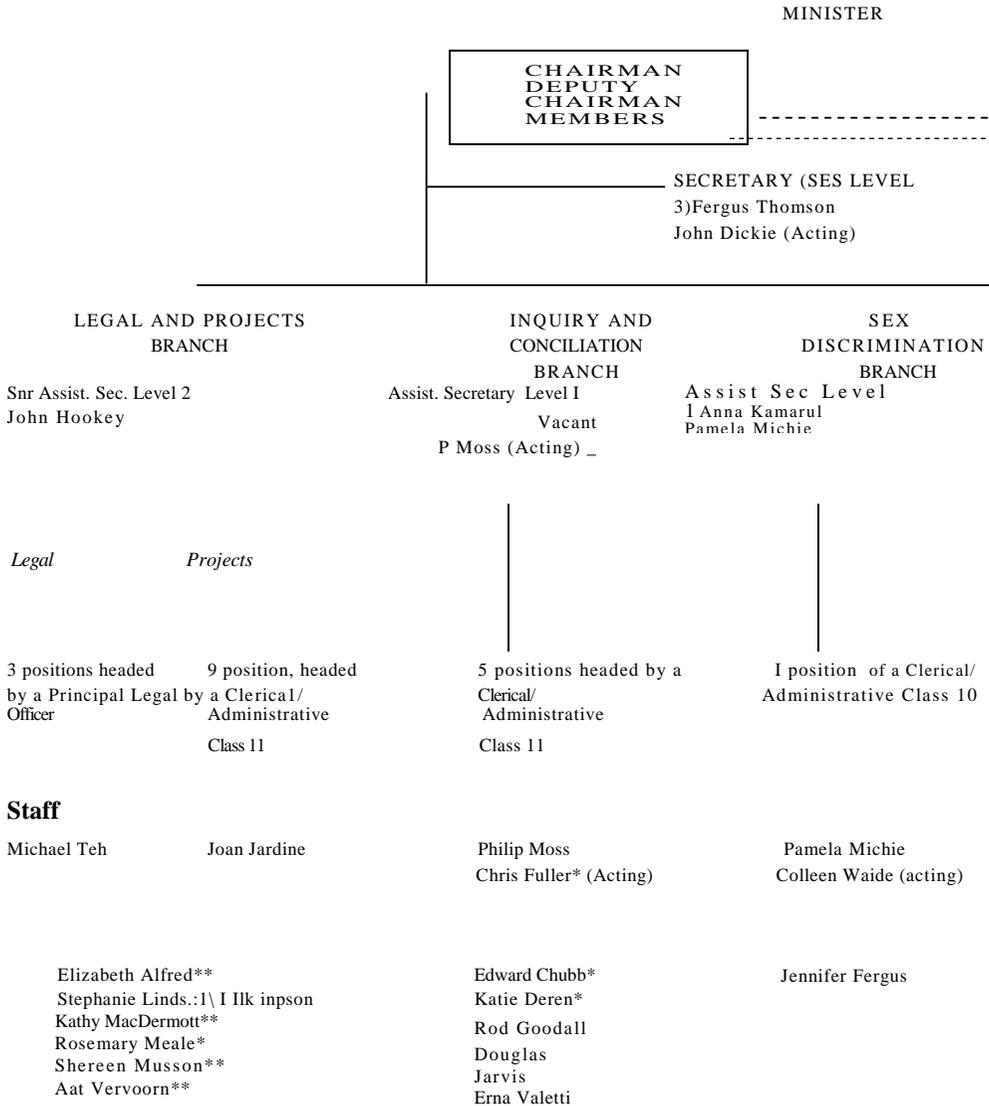
Further stages in the setting up of the computer will be undertaken in 1986-87 and in 1987-88. It is anticipated that it will be operational early in the 1986-87 financial year and at maximum output by 1988.

Acquisition of these new word processing and computer facilities will assist in rationalising the workload in the administrative operations area and considerably improve management capacity.

In concert with the accommodation and computing facilities reviews, it is proposed to assess the efficiency of the delivery of other office services.

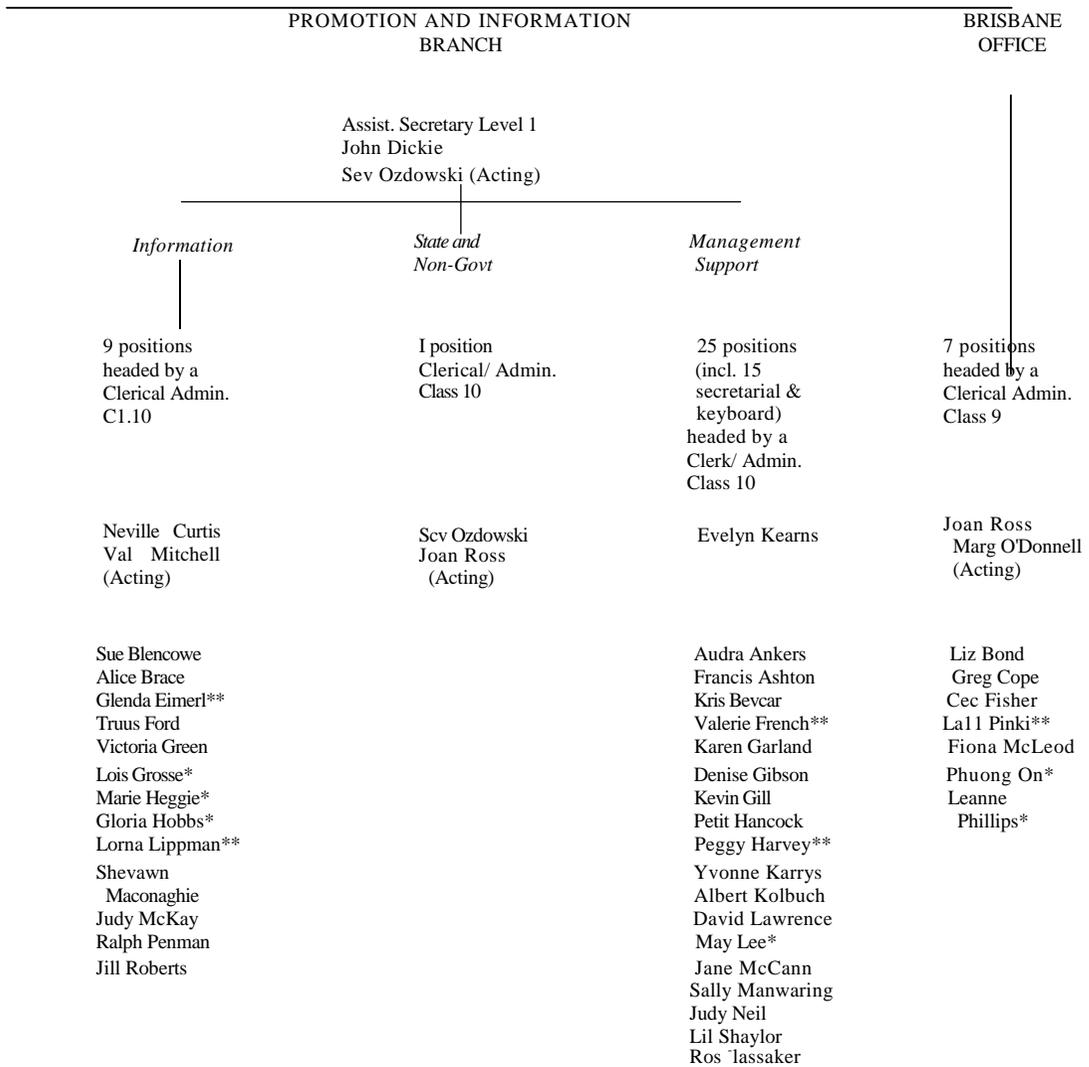
Appendix 1

Organisation structure and staff of the Human Rights Commission as at 30 June 1986



On loan from other agencies
 ** Temporary staff

— COMMISSIONER FOR COMMUNITY RELATIONS
SEX DISCRIMINATION COMMISSIONER



Appendix II

Commission meetings

1985		
4 July	Sydney	New South Wales
5 July		Anti-Discrimination Board Room
2 September	Melbourne	Victorian Equal
3 September		Opportunity Board Room
8 November	Canberra	Commission Meeting Room
9 November		AMP Building
9 December	Canberra	Commission Meeting Room
10 December		AMP Building
1986		
30 January	Canberra	Commission Meeting Room
31 January		AMP Building
18 March	Canberra	Commission Meeting Room
19 March		AMP Building
29 May	Canberra	Commission Meeting Room
30 May		AMP Building

Appendix III

Legislation and international instruments

Section 9 of the **Human Rights Commission Act 1981** reads:

9.(1) The functions of the Commission are —

- (a) to examine enactments, and (when requested to do so by the Minister) proposed enactments, for the purpose of ascertaining whether the enactments or proposed enactments are, or would be, inconsistent with or contrary to any human rights, and to report to the Minister the results of any such examination;
- (b) to inquire into any act or practice that may be inconsistent with or contrary to any human right, and
 - (i) where the Commission considers it appropriate to do so — endeavour to effect a settlement of the matters that gave rise to the inquiry; and
 - (ii) where the Commission is of the opinion that the act or practice is inconsistent with or contrary to any human right, and the Commission has not considered it appropriate to endeavour to effect a settlement of the matters that gave rise to the inquiry or has endeavoured without success to effect a settlement of those matters, — to report to the Minister the results of its inquiry and of any endeavours it has made to effect such a settlement;
- (c) on its own initiative or when requested by the Minister, to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to human rights;
- (d) when requested by the Minister, to report to the Minister as to the action (if any) that, in the opinion of the Commission, needs to be taken by Australia in order to comply with the provisions of the Covenant, of the Declarations or of any relevant international instrument;
- (e) on its own initiative or when requested by the Minister, to examine any relevant international instrument for the purpose of ascertaining whether there are any inconsistencies between that instrument and the Covenant, the Declarations or any other relevant international instrument, and to report to the Minister the results of any such examination;
- (f) to promote an understanding and acceptance, and the public discussion, of human rights in Australia and the external Territories;
- (g) to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting human rights and to co-ordinate any such programs undertaken by any other persons or authorities on behalf of the Commonwealth;
- (h) to perform —
 - (i) any functions conferred on the Commission by any other enactment;
 - (ii) any functions conferred on the Commission pursuant to any arrangement in force under section 11; and
 - (iii) any functions conferred on the Commission by any State Act or Northern Territory enactment, being functions that are declared by the Minister, by notice published in the Gazette, to be complementary to other functions of the Commission; and
- (j) to do anything incidental or conducive to the performance of any of the preceding functions.

(2) The Commission shall not -

- (a) regard an enactment or proposed enactment as being inconsistent with or contrary to any human right for the purposes of paragraph (1)(a) or (b) by reason of a provision of the enactment or proposed enactment that is included solely for the purpose of securing adequate advancement of particular persons or groups of persons in order to enable them to enjoy or exercise human rights equally with other persons; or
 - (h) regard an act or practice as being inconsistent with or contrary to any human right for the purpose of paragraph (1)(a) or (b) where the act or practice is done or engaged in solely for the purpose referred to in paragraph (a).
- (3) For the purpose of the performance of its functions, the Commission may work with and consult appropriate non-governmental organisations.

Section 20 of the **Racial Discrimination Act 1975** reads:

20. In addition to the functions of the Human Rights Commission under the Human Rights Commission Act 1981, the Commission has the following functions:
- (a) to inquire into alleged infringements of Part II. and endeavour to effect a settlement of the matters alleged to constitute those infringements, in accordance with section 21;
 - (b) to promote an understanding and acceptance of, and compliance with, this Act; and
 - (c) to develop, conduct and foster research and educational programs and other programs for the purpose of —
 - (i) combating racial discrimination and prejudices that lead to racial discrimination;
 - (ii) promoting understanding, tolerance and friendship among racial and ethnic groups; and
 - (iii) propagating the purposes and principles of the Convention.

Section 48 of the **Sex Discrimination Act 1984** reads:

48. (1) In addition to the functions of the Human Rights Commission under the Human Rights Commission Act 1981, the Commission has the following functions:
- (a) to inquire into alleged infringements of Part II, and endeavour by conciliation to effect a settlement of the matters to which the alleged infringements relate;
 - (b) to inquire into, and make determinations on, matters referred to it by the Minister or the Commissioner;
 - (c) to exercise the powers conferred on it by section 44;¹
 - (d) to promote an understanding and acceptance of, and compliance with, this Act;
 - (e) to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting the objects of this Act;
 - (f) to examine enactments, and (when requested to do so by the Minister) proposed enactments.
 - for the purpose of ascertaining whether the enactments or proposed enactments are or would be, inconsistent with or contrary to the objects of this Act and to report to the Minister the results of any such examination;
 - (g) on its own initiative or when requested by the Minister, to report to the Minister as to the laws that should be made by the Parliament, or action that should be taken by the Commonwealth, on matters relating to discrimination on the grounds of sex, marital status or pregnancy or to discrimination involving sexual harassment: and
 - (h) to do anything incidental or conducive to the performance of the preceding functions
 - (2) The Commission shall not regard an enactment or proposed enactment as inconsistent with or contrary to the objects of this Act for the purposes of paragraph (1)(f) by reason of a provision of the enactment or proposed enactment that is included for the purpose referred to in section 33.2
 - (3) If the Commissioner is a member of the Commission, the Commissioner shall not participate in any inquiry held by the Commission under Division 3 or attend any meeting of the Commission, be present during any deliberation of the Commission, or take part in an decision of the Commission, in connection with such an inquiry

International Human Rights

Four international instruments are annexed to the Human Rights Commission Act.

The International Covenant on Civil and Political Rights (ICCPR) proclaims the rights of all people to:

- privacy
- marriage and family
- use by minorities of their own language, culture and religion
- participation in public affairs
- freedom of expression, movement, association and assembly

1. Section 44 provides, in effect, that the Commission may grant exemption from the operation of certain provisions of the Act concerning discrimination.

2. Section 33 reads as follows: Nothing in Division 1 or 2 renders it unlawful to do an act a purpose of which is to ensure that persons of a particular sex, marital status or who are pregnant have equal opportunities with other persons in circumstances in relation to which provision is made by this Act.

- protection of every human being's inherent right to life
- liberty and security of person
- freedom from degrading treatment or punishment
- equal treatment with others under the law

The three declarations assign particular rights to children, people who are intellectually disadvantaged and people with disabilities

The Declaration of the Rights of the Child states that all children are entitled to:

- a name and a nationality
- opportunities to develop fully in conditions of freedom and dignity
- adequate care, affection and security, including pre-natal care
- education
- special treatment, education and care if handicapped
- protection against cruelty and neglect

All intellectually disadvantaged people have the following additional rights, according to the **Declaration on the Rights of Mentally Retarded Persons**:

- proper medical care and therapy
- economic security
- education, training, and work, and trade union membership
- a qualified guardian
- review of procedures which may deny them these rights

The Declaration on the Rights of Disabled Persons affords the following rights to persons with disabilities:

- respect
- family and social life
- economic security
- education, training, employment and trade union membership
- protection from discriminatory treatment

The **Racial Discrimination Act** declares unlawful a defined range of racially discriminatory actions and is based upon the **International Convention on the Elimination of All Forms of Racial Discrimination**.

This Convention provides that people of all races, colours and national or ethnic origins have a right to:

- equal treatment with others under the law,
- equal access to public services and places
- freedom of thought, conscience and opinion, peaceful assembly and association
- work, housing, public health, medical care, social security, education and training

The Sex Discrimination Act declares unlawful a range of actions which are discriminatory on grounds of sex, marital status or pregnancy or constitute sexual harassment and is based in part on the **International Convention on the Elimination of All Forms of Discrimination Against Women**. This Convention provides for:

- women to be ensured rights on an equal basis with men in the areas of access to the law, employment, education, social services, health care, financial services, family relations, rural development and nationality
- women to be ensured equal participation with men in the political, social, economic and cultural life of the community
- the elimination of prejudices and practices based on notions of the inferiority or superiority of, or stereotyped roles for, men and women.

Appendix IV

Statement of expenditure

	1989-85	1985-86
<hr/>		
<i>Special Appropriations</i>		
Salaries of Commissioners, including Deputy Chairman, Commissioner for Community Relations and Sex Discrimination Commissioner	294 784	317 761
<hr/>		
<i>Appropriation Acts (No. 1 and No. 3)</i>		
<i>Human Rights Commission</i>		
<i>1. Appropriations in the nature of salaries</i>		
Senior executive staff	247836	249465
Other staff	1203706	131106
Overtime	1 1163	56
Other payments	5 708	
<hr/>		
Total—Salaries:	1 468 943	1 674 217
<hr/>		
<i>.Administrative expenses</i>		
Travel	119 42.0	267 109
Office requisites	11. 476	
Information services		
Postage, telephone		44. 44
Consultants	122 35	124 91
Public Hearings		1 1 -144
Furniture and fittings	1	44 .911
Building services	322 697	451 787
Grants	17 550	69 .514
Incidentals	22.5	42 554
Reimbursements to States	(04i	983 418
<hr/>		
Total administrative expenses	2 992 543	3 040 949
<hr/>		
<i>Appropriation Act (No.2 and 4)</i>		
<i>Division 18.1.04: Plant and equipment</i>		
Purchase of computer equipment		55 768
Total outlay	4 756 570	5 088 695
<hr/>		

Note that the composition of some items in Division 181.2 will be changed for the financial year 1986-87. These changes will be reflected in the Budget documents.

	4				4	
	11				11	
	50				50	12
	55	16	6		91	23
	341	24	19	12	405	

Tasmanian and Northern Territory complaints included in this figure.

Access to legal advice

Family dispute

Commonwealth

State

Other

III 1:

Criminal law

Treatment before and
after Court

Arrest

Appeal

Prisoners' rights

Commonwealth

State

Incoherent.' Outside sphere

Other

Appendix VI

Complaints received from 1 July 1985 to 30 June 1986
Racial Discrimination Act
606 complaints were received, analysed as follows:

	HRC Co*	NSW ADB	Vic CEO	Qld HRC	WA CEO	SA CEO	No	%
Male	74	158	16	47	13	22	330	55
Female	28	106	1	37	18	17	207	34
Organisation/group	25	6	1	10	3	-	45	7
Family	7	1	-	6	3	1	18	3
Not known	1	1	-	-	-	-	2	-
Section 21(1)(b)	4	-	-	-	-	-	4	1
	139	272	18	100	37	40	606	
By State/Territory where lodged								
NSW	24	272	-	-	-	-	296	49
Victoria	20	-	18	-	-	-	38	6
Qld	13	-	-	100	-	-	113	19
WA	3	-	-	-	37	-	40	7
SA	8	-	-	-	-	40	48	8
Tas	3	-	-	-	-	-	3	-
ACT	42	-	-	-	-	-	42	7
NT	23	-	-	-	-	-	23	4
Overseas	1	-	-	-	-	-	1	-
Not known	2	-	-	-	-	-	2	-
	139	272	18	100	37	40	606	

*Tasmanian and NT complaints included in this figure

Appendix VII

Complaints received from 1 July 1985 to 30 June 1986

Sex Discrimination Act

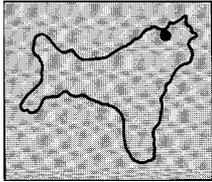
870 complaints were received, analysed as follows:

Ground	HRC* CO	NSW ADB	Vic CEO	Qld HRC	WA CEO	SA CEO	No	%
Sex	107	234	41	49	17	44	492	57
Sexual Harassment	14	30	26	59	1	27	157	18
Sex/sexual harassment	3	6	-	-	-	-	9	1
Marital status	17	41	6	11	2	11	88	10
Sex/marital status	8	22	8	2	2	2	44	5
Pregnancy	11	5	4	9	-	12	40	5
Sex/pregnancy	1	25	12	1	-	-	39	4
	161	363	97	131	22	96	870	
Area								
Employment	103	220	83	96	10	75	587	67
Accommodation	2	18	-	3	3	2	28	3
Goods/services/facilities	27	88	10	23	5	10	163	20
Clubs	10	29	2	7	3	5	56	6
Ch laws and programs	8	-	-	-	1	-	9	1
Education	9	7	7	1	-	2	21	3
Application forms	2	-	-	1	-	2	5	-
Land	-	1	1	-	-	-	1	-
	161	363	97	131	22	96	870	
Female complainants	133	288	94	112	**	82		

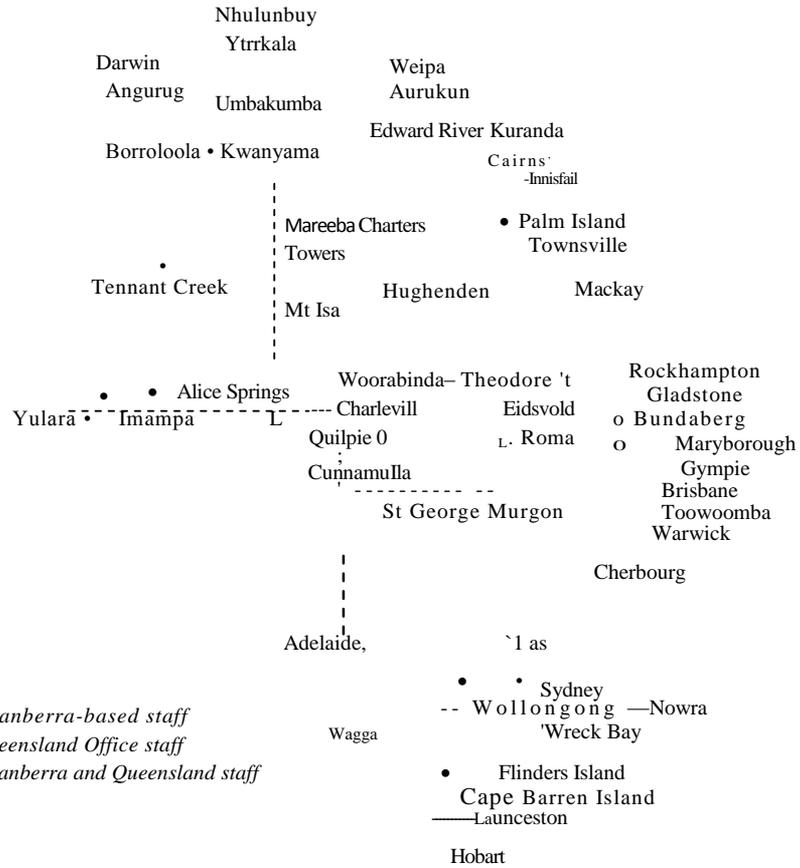
Appendix VIII

Compulsory conferences convened and certificates issued under the Racial Discrimination Act 1975-1986

Compulsory conferences 31.10.75 to 30.6.85	Certificates issued 31.10.75 to 30.6.85	Compulsory conferences 1.7.85 to 30.6.86	Certificates issued 1.7.85 to 30.6.86
102	32	20	1



Christmas Island
(Indian Ocean)



rit

Appendix IX
 Staff during 1985-86

Appendix X

Externally contracted research

Researcher	Topic	Date commenced	Date finished	Amount spent in 1985-86
Ms M. Cook	Rights of people with hearing impairment	July '84		8 754
Centre for Multicultural Studies, Uni. of Wollongong	Effects of the school system on NESB students	Aug. '84		
Council for Civil Liberties	Human rights and prostitution: a Western Australian case study	Aug. '84	June '86	
Marian College	Effects of the school system on NESB students	Aug. '84		
Ms H. Rumley	Aboriginal autonomy and political participation	Aug. '84		1 900
Child Migrant Education Centre	Effects of the school system on NESB students	Sept '84		
Institute of Early Childhood Development	Effects of the school system on NESB students	Sept. '84	Jan. '86	1 853
Victorian Multiple Sclerosis Society	Multiple sclerosis and human rights	Sept. '84		120
Aboriginal Education Branch, W.A. Dept of Education	Attitudinal change through positive visual & verbal exemplars	Sept. '84		0
Dr B. Bullivant, Monash University	Effects of the school system on NESB students	Oct. '84		4 000
Disabilities Resources Centre	Rights of residents in institutions	Oct. '84		4 000
Mr C. Henry, Deakin University	Effects of the school system on NESB: students	Oct. '84	Jan. '86	1 610
Yipirinya School	Effects of the school system on NESB students	Oct. '84		
Professor G. Hawkins	Human rights and Commonwealth prisoners	March '85	May '86	5 868
Indo-China Refugee Association	Refugees' experiences of anti	March '85	June '86	1 650
(Q1d)	Asian sentiment in the Brisbane area			
Alternative Accommodation for the Intellectually Disabled, Inc.	Discrimination against intellectually disabled people seeking accommodation within the community	June '85	May '86	2 000
86 Australian Schools Sports Council	Performance differences between boys & girls under 12 years in swimming & athletics	June '85		9 000
Dr Ken Dyer	The use of s.42(1) of the Sex Discrimination Act 1984 by South Australian sporting bodies	July '85		4 500
Cambodian Aust. Association (S. A.)	Racial tension and discrimination affecting the Cambodian community in S.A.	Sept. '85		1 200
<i>Researcher</i>	<i>Topic</i>	<i>commenced</i>	<i>finished</i>	<i>spent in</i> 1985-86

Royal Australian Institute of Architects	The status of women in the professions: architecture				
	Women's return to paid work after having taken maternity leave		Sept. '85		
Swinburne Institute of Technology	Racial tension and discrimination affecting the Vietnamese community in S.A.		Sept. '85		
	Anti-Asian sentiment in Adelaide				
Vietnamese Community in Australia (S. A.)	Racial tension and human rights: the Chinese experience in N.S.W.				
	The right of peaceful protest		Oct. '85		1 500
Chinese Assoc. (S.A.)	Sex discrimination and insurance				
	Community education strategy and planning				
Australian Chinese Community Assoc. (N.S.W.)	Organisation of seminar on peaceful protest	Jan. '86		'86	962
Mr R. Handley			Feb. '86		
Towers, Perrin, Forster & Crosby Inc.					
	Muslim children at an Australian school		Feb. '86		
Ecumenical Migration Centre	Racial tension and discrimination affecting the Indo-China Chinese community in S.A.		March '86	May '86	12000
	Consultancy services to HRC research program				
Australian Convention and Travel Services	Consultancy services to HRC research program		March '86		24 000
	Consultancy services to HRC research program				8 500
	Consultancy services to HRC research program				11 000
					9 042
Mrs A. Abdel-Halim			April '86		
Indo-China Chinese Assoc. (S.A.)					
				May '86	
Dr M. Grocke Mr S. Brennan Mr				June '86	
D. Stepniak					
			Jan. '86	May '86	1 325
			June '86		500
					700
					6 000
					(Grant from Department of Foreign Affairs)

Appendix XI

Human Rights Commission Community Education Grants to 30 June 1986

<i>Name of sponsor</i>	<i>Project title and description</i>	<i>Amount approved</i>
Grants approved 1984-85		
Foundry Assoc., A.C.T.	Camp for kids. A 5-day residential human rights activities program for 30 children aged 7-13	3 000
Michael McCann,	Video on Human Rights Sunday in the Park, Canberra	2 000
	A.C.T.	
Elizabeth Coleman, A.C.T.	Murals, The painting of three outdoor human rights murals in Canberra.	2 000
Bread & Circus Community Theatre Co., N.S.W.	Frames. Anti-racist theatre production for schools	2 340
Australians for Racial Equality, N.S.W.	Publication of anti-racist poster	700
Aust. Geography Teachers Assoc., Qld	Thematic workshop on teaching human rights in geography classes	920
A.C.T. Assoc. for Mental Health	A patient's Bill of Rights for the mentally ill. Program to establish the human rights of mentally ill persons	3 000
Women & Development A.C.T.	The Right to Live in Peace. Photo! poster exhibition Network of Aust., A.C.T.	3 000
Amnesty International (W.A. Branch)	International Youth Year Schools Project. Program of youth education in human rights — Part 1	
Kalkadoon Tribal Council Ltd, Qld	<i>Kalkadoon Newsletter</i> . Publication of newsletter of interest to Aboriginal persons	3 000
Unemployed People's Embassy, N.S.W.	<i>Dole News</i> . Publication of newsletter of interest to unemployed persons	2 200
Victorian Aboriginal Legal Services, Vic.	Protection of rights of Aboriginal inmates in Pentridge Prison. A study to assess degree of discrimination against Aboriginal inmates in prisons	250
Western Region Council for Social Development, Vic.	Seminar on multiculturalism. Seminar to discuss multiculturalism and to develop strategies for its implementation	4 285
Business & Professional Women's Club of Melbourne, Vic.	Workers with Family Responsibilities. Seminar to discuss provisions of ILO Convention 156	1 650
Workers' Health Action Group, Vic.	Women's Occupational Health and Safety Forum. Forum for women workers	1 500
Disability Resource Centre of W.A.	Publication of newsletter of interest to disabled persons	1 360
Jewish Museum of Aust., S.A.	Children of the Holocaust Exhibition. Historical exhibition showing the story of children of the Holocaust	6

1 000

<i>Name of sponsor</i>	<i>Project title and description</i>	<i>Amount approved</i>
Women Screen Printers, Qld	Women's Poster. Productions. Series of posters advertising services available to women faced with problems of discrimination in north Qld	2 315
South Barwon Advisory Committee, Vic.	Publicising of facilities available for people with disabilities in the community. Production of labels, leaflets and pamphlets publicising facilities available for, and needs of, people with disabilities	1 600
Qld Council for Civil Liberties, Qld	Assistance for documentation and publication of educational materials on human rights	3 000
St Marys and Districts Aboriginal Legal Assistance, N.S.W.	Human Rights to Underprivileged Aboriginal Australians. Organisation of community meetings on human rights with Aboriginal persons	5.000
W.A. Anglican Social Responsibilities Commission, W.A.	Human Rights — A Christian Perspective. Seminars on human rights	2 750
National Status of Women and Decade Committee, Vic.	National women's conference on achievements during Decade for Women and to ascertain what remains to be done on Women's human rights issues	5 000
Robert Lachowicz, Qld	Production of three radio programs on human rights	600
Grants approved 1985-86		
Illawarra Community Centre, Vic.	Development, of community education programs. An awareness and 'education project to improve the well-being of persons with visual impairment'	2 000
Community Housing Publishing Group, Vic.	<i>Moving Out Moving On:</i> Production of a community housing kit providing disabled people with information on alternative housing	3.000
Amnesty International (W. A. Branch)	International Youth Year Schools Project. Program of youth education in human rights — Part 2	3 000
Maltese Community Council of N.S.W.	Produce and broadcast series of radio programs in Maltese on human rights	000
Public Art Squad, N.S.W.	'Think, Globally, Act Locally'. Community Mural, Redfern, Completion of a co-operatively designed and executed community mural on a large wall in Redfern	3 000
Adoption Jigsaw, W.A.	Adoption Jigsaw Education Program Leaflets. Production of three leaflets dealing with adoption	1 500
Working Women's Centre, Adelaide, S.A.	Sexual Harassment Information Kit. Production and distribution of a sexual harassment information kit at workplace information sessions	700
Aboriginal and Islander Team, Catholic Archdiocese, Brisbane, Qld	Aboriginal and Islander Cultural Awareness Program. Training of Aboriginal persons to be leaders in discussion with non-Aborigines on Aboriginal culture and recognition of their human rights	3 000
Geelong Rape Crisis Centre, Vic.	Child Assault Prevention Program — three schools, 750 children. A program to prevent child assault by training children to recognise and deal with potentially dangerous situations; also to prepare teachers and parents to detect and care for children who are victims of sexual assault	3 000

<i>Name o sponsor</i>	<i>Project title and description</i>	<i>Amount approved</i>
Koorie Information Centre, Vic.	<i>Koorier 2</i> newspaper. Publication of a newspaper of interest to Aboriginal persons	2000
Aboriginal & Islander Ecumenical Committee, Qld	Parish education nights. Presentation of four parish education nights aimed at improving understanding between Aborigines and the white community	2 500
Chigwell CYSS, Tas.	Chigwell/ Claremont Free Press. Publication and distribution of a community newspaper to promote awareness of human rights	2 000
South Australians For Racial Equality, S.A.	SAFRE pamphlets. Publication of an anti-racist pamphlet	
Australian Deafness Council, S.A.	<i>Directory of services</i> . Production of a directory for people with hearing impairments	2 000
Royal South Australian Deaf Society, S.A.	Employment brochure. Production of a brochure for employers hiring hearing impaired persons	945
Amnesty International, Qld,	Grand eastern seaboard tour of Qld. An educational tour of Queensland towns promoting human rights	350
LAWASIA, N.S.W.	Prospects of Establishing an Inter-Governmental Human Rights Commission in the South Pacific Conference Publishing Of Conference papers	2
Association for Commiunity Theatre Inc., S.A.	Rainbow Theatre Company. A theatre production involving disabled persons	3 000
Centacare Catholic Family Welfare, N.S.W.	Program for personnel providing services to disabled persons. In-service seminars for personnel caring for intellectually disabled persons	1 000
Street Arts Community Theatre, Qld	'Cafe Domestique — Inside Looking Out'. Theatre production dealing with sexual discrimination, sexual harassment and domestic violence	5 000
Prisoners Legal Service, Qld	Human rights and remedies of Federal prisoners. Preparation of a leaflet explaining the human rights of Federal prisoners	1 675
Approved 198586	Payable 1986-87	
Roadcrew Crosswinds & CAO, Vic.	The RO Project Interactive Theatre Program in Schools. Presentation of an interactive performance to schools to raise awareness of prejudice	2

Analysis of program

No. of grants

	<i>1984-85</i>	<i>1985-86</i>	<i>Total</i>
	25*	23	48

2. Value of grants

	<i>1984-85</i>	<i>1985-86</i>	<i>Total</i>
Total	\$58070	\$50370	\$108440
Average	\$2322	\$2190	\$2259

3. By State

	<i>N.S.W.</i>	<i>Vic.</i>	<i>Yd.</i>	<i>WA.</i>	<i>S.A.</i>	<i>Tas.</i>	<i>A.C.T.</i>	<i>N.</i>
Applications received	51	42	29	17	12	6	29	
Applications granted:								
No. 1984-85								
No. 1985-86								
Total no.	10	11	11					
Value 1984-85	13 290	15 395	9 035	6 350	1 000		13 000	
Value 1985-86	9 500	12 000	17 525	4 500	6 845	2 000		
Total value	22 790	27 395	26 560	10 850	7 845	2000	13000	

* Includes one grant payable over two years.

4. By category

	<i>Aborig- inal</i>	<i>Disab- ility</i>	<i>Multi- cultural</i>	<i>Sex Discrim.</i>	<i>Children Youth</i>	<i>Educa- tional</i>	<i>General</i>
No. 1984-85	3	4	3	5	3	3	
No. 1985-86	4	7					
		11					
Value 1984-85	11 485	10 200	3 350	13 175	8 340	4 520	7 000
Value 1985-86	10 000	16 445	1 700	5 700	9 500	350	8 675
Total value	21 485	26 645	5 050	18 875	17 840	4 870	15 675

<i>Individual</i>	<i>Community group</i>	<i>State group</i>	<i>National group</i>
	7	12 •1.6	3
	13	28	4
4 600	16 705	29 845	6 920
	17000	33 370	2 000
4600	33 705	63 215	8.20

<i>Theatre</i>	<i>Seminar Meeting</i>	<i>Workshop Training</i>	<i>Poster Leaflet</i>	<i>Newsletter Newspaper</i>	<i>Media Radio, Video)</i>	<i>Mural</i>	<i>Research Information</i>	<i>Exhibition Kit/ Publication</i>	
					2	1	1	2	
								5	
	10						1	7	
2 340	20 260	6 920	7 615	3 050	2 600	2000'	428	8000	1000
13 000	3 850	11 000	4 320	6 500	1 000	3 000		9 700	
15340	24110	1754202:	11:935	9 550	3		4285	17 700.	::1 000

5. By sponsor

	<i>Individual</i>	<i>Community group</i>	<i>State group</i>	<i>National group</i>
No. 1984-85	3	7	12	3
No. 1985-86		6	16	
		13	28	4
		\$	\$	\$
Value 1984-85	4600	16 705	29 845	6 920
Value 1985-86		17000	33 370	2 000
Total value	4 600	33 705	63 215	820

6. By activity

	<i>Theatre</i>	<i>Seminar/ Meeting</i>	<i>Workshop/ Training</i>	<i>Poster/ Leaflet</i>	<i>Pen, letter/ Newspaper</i>	<i>Media (Radio, Video)</i>	<i>Mural</i>	<i>Research</i>	<i>Information Kit/ Publication</i>	<i>Exhibition</i>
No. 1984-85	1	7	3	4	3	2	1	1	2	
No. 1985-86	3	3	3	4	3	1				
Total no.	4	0	6	8	6	3	2			
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Value 1984-85	2 340	20 260	6921)	7 615	3 050	2 600	2 000	4 285	8 000	1 000
Value 1985-86	13 000	3 850	11 0(X)	4 320	6501)	1 000	31)01)		9 700	
Total value	15 340	24 110	17 920	11 935	9 550	3 600	5 000	4 285	17 700	1 000

Appendix XII

Human Rights Commission publications and media releases 1985-86

Reports

No. 15 *The human rights of Australian-born children: a report on the complaint of Mr and Mrs M. Yilmaz*

No. 16 *Freedom of expression and section 116 of the Broadcasting and Television Act 1942*

No. 17 *The Passports Act 1938*

Occasional Papers

No. 10 *Legal and ethical aspects of the management of newborns with severe disabilities*

No. 11 *The treatment of disabled persons in social security and taxation law*

August 1985

Discussion Papers

No. 7 *The aspirations of Aborigines living at Yarrabah in relation to local management and human rights*

November 1985
November 1985

No. 8 *Prostitution and human rights: a Western Australian case study*

August 1985

Monographs

Human rights for Australia: a survey of literature and developments and a select and annotated bibliography of recent literature in Australia and abroad, by Professor Alice Erh-Soon Tay

January 1986

Ethical and legal issues in guardianship options for intellectually disadvantaged people, by Dr Terry Carney and Professor Peter Singer

May 1986

June 1986

Education Series (at printers)

No.1. Anti-racism: a handbook for adult educators

No.2 Teaching for human rights: Preschool and Grades 1-4

May 1986

No.3 Teaching for human rights: Grades 5-10

May 1986

Leaflets/ Posters

The Sex Discrimination Act and advertisers

The Human Rights Commission and You

In preparation:

'Sexual harassment in education institutions'

December 1985

'Sexual harassment in the workplace'

March 1986

'The Sex Discrimination Act' poster

Miscellaneous

Human Rights Commission Annual Report 1984-85

The Human Rights Commission: its activities and achievements

February 1986

The Human Rights Commission: its education program and 'Teaching for Human Rights'

March 1986

Reprints during 1985-86

Human rights for humankind

July 1985

Mini-posters (refusal of service)

August 1985

Sorry mate

October 1985

<i>Sorry it's gone</i>	October 1985
<i>What are human rights? (illustrated leaflet for children)</i>	October 1985
<i>Human rights (illustrated leaflet for children)</i>	October 1985
<i>The Racial Discrimination Act and you (plain English version)</i>	October 1985
Aboriginal poster	\larch 1986
<i>The Sex Discrimination Act and you (Comic)</i>	\pill 1986

Videos

	<i>Length</i>	<i>I(a)mat</i>	<i>Date</i>	<i>Audience — Topic</i>
1. Don't think I don't think	21 mins	BETA VHS/ 3/ 4"	1984	General — HRC1 Education
2. Fair enough	17 mins	BETA VHS. 34"	1984	General - HRC Education
3. Talk back	26 mins	BE FA \ 118 I omm	1984	General Schools Discrimination
4. Fair go	18 mins	VHS	1984	General - Sunday in the Park
5. AIDS	30 mins	VHS	1985	General — Aids
6. Camps for kids	22 mins	VHS	1985	General — Human rights Education
7. Induction 1	30 mins	VHS	1985	General — Overview HRC
8. Induction 2	30 mins	VHS	1985	General — II R Education
9. Induction 3	30 mins	VHS	1985	General — HRC: Conciliation
10. Induction 4	30 mins	VHS	1985	General — HRC: Administration
11. Leave me alone	30 mins	VHS	1986	Employment — Sexual harassment
12. The real Aussie video	20 mins	VHS	1986	General — Discrimination

Media releases

July 1985

4	Commission Chairman bans further visits by Shadow Attorney -General
16	Co-operative arrangements and human rights film launched in Perth
16	Commission's Chief Conciliator retires
26	Dementing elderly need protective body
30	Employment the crucial issue for women
31	The Sex Discrimination Act: first year sees women fighting employment discrimination

August

6	Abolition of Human Rights Commission 'a retrogressive step'
9	Human Rights Commission essential for effective Bill of Rights
13	Management has a duty to prevent sexual harassment
17	Past adoption of Aboriginal children tantamount to genocide

- 8 Greater protection needed for human rights of aged persons
- 21 Growing community awareness of human rights____ Commission report
- 27 Euthanasia: a human right?
- 29 Verbal brigands continue with outrageous racist statements
- 31 Equal opportunity means fair and unprejudiced access
- September
- 12 Human Rights Commission and Australian College of Paediatrics urge public discussion of euthanasia
- 18 Human Rights Commission announces Community Education Grants
- 20 Workshop to discuss guardianship of intellectually disabled people in the A.C.T.
- 21 Australian women still seriously economically deprived compared with men
- 26 Acting Chairman defends role of Human Rights Commission
- 27 Commission supporting Deafness Awareness Week
- October
- 1 State governments are responsible for the removal of archaic barriers to equality
- 14 Queensland protective legislation questioned
- 18 Compulsory Conference conciliation under the Racial Discrimination Act
- 21 Human Rights Commission and Children's Week
- 24 Women, poverty and discrimination. The way out of the trap
- 31 Ten years of racial discrimination legislation
- November
- 5 International recognition for Australian human rights project
- 13 The Human Rights Commission to recommend an end to superannuation discrimination
- 15 Deputy Chairman of Human Rights Commission recommends professional charter for public servants
- 19 Deputy Chairman of Human Rights Commission urges implementation of equal employment opportunities in police forces
- Racial Discrimination Act: a decade of success with conciliation
- 28 Human Rights Commission evidence on video material: caution against undue limitation on freedom of speech
- 28 Human Rights Commission recommends full public discussion of euthanasia
- December
- 4 Rights issues focus for rock concert
- 4 Street party marks International Human Rights Day in International Youth Year
- Human Rights Commission wants Broadcasting and Television Act amended to guarantee right of freedom of expression
- 7 Human Rights Week commences
- 10 Human Rights Media Award winners

- 10 Book launching to mark Human Rights Day in International Youth Year
- 13 Street party celebrates International Human Rights Day
- 17 Human Rights Commission makes landmark decision for women golfers:
Corry and Osterlund v. Keperra Country Golf Club
- 20 Human Rights Day rock concert to be televised nationally
- January 1986
- 23 HRC Chairman slams critics
- 31 Human Rights Commission rebukes Premier: deplorable irresponsibility
- February
- 11 Unions and arbitration system must work against discrimination
- 13 Citizens should have inherent right to passport
- 17 No justification for difference in retiring ages for men and women
- 17 Affirmative action an absolute necessity for the achievement of labour
force equality
- March
- 2 Community Education Grants to raise public awareness
- 9 Human Rights Commission delighted with amendments to Citizenship Act
- April....
- 23 Task force to review restrictions on women's employment
- 24 \$3000 compensation for sexual harassment
- May
- 2 Human Rights Commission — 2000 complaints per year
- 2 Commissioner working hard to overcome sex discrimination
- 5 Handicapped people discouraged from working part time
- 16 Human Rights Commission calls for stronger affirmation of the rights of
severely disabled infants
- 22 Deputy Chairman denies 'Overdose' claim
- 29 Human Rights Commission launches important new publication
- June
- 1 Human Rights Commission calls for Media Award entries
- 12 Women workers must challenge male privilege
- 24 Human Rights Commission to recommend equal superannuation
provisions for women

Appendix XIII

Papers circulated to Members of Federal Parliament

The Human Rights Commission Its activities and achievements

The ultimate purpose of the Human Rights Commission is complementary to the principal aim of any government: to reduce division and disaffection within the community and so to assist in the maintenance of peace, order and good government.

The work of the Commission is carried out in three main areas:

1. Complaint handling

- (a) To December 1985 the Commission had received 9882 complaints from citizens who felt their human rights had been infringed. This figure includes complaints made to the Commissioner for Community Relations before the establishment of the Human Rights Commission in 1981.

Complaints to the Commission are made under one of three enactments: the Human Rights Commission Act 1981, the Racial Discrimination Act 1975, or the Sex Discrimination Act 1984; and it is the responsibility of the Commission to attempt a resolution of the complaints through a process of conciliation.

- (b) (i) Between 1975 and December 1985, 7353 complaints of *racial discrimination* were made to the Commission (or the Commissioner for Community Relations prior to December 1981). Only a handful of them were not settled by conciliation or resolved by other means. Most towns with significant Aboriginal populations have been visited at least once by conciliation teams and field work has been undertaken to facilitate better community relations, particularly in rural and outback areas.

(ii) In its first eighteen months of operation, 1300 complaints of discrimination were made under the Sex Discrimination Act; the vast majority were resolved through conciliation.

The work of the Commission in this area provides for both prevention and cure. Two-thirds of the complaints have related to discrimination in the workforce and have been settled privately between the complainants and the respondents themselves. This process has a flow-on effect which is beneficial both to other employees and to industry efficiency.

The Commission also provides information and advice about the requirements of the Sex Discrimination Act to clubs, the media, employers and employment agencies, schools and government departments. In this way the aims of the legislation are being achieved through co-operation rather than confrontation.

(iii) 1223 complaints have been made under the Human Rights Commission Act. These have focused on the rights of the family and of the child, the right to privacy and rights to equality of treatment in the administration of Commonwealth laws and programs for disadvantaged groups such as disabled persons, migrants and welfare recipients.

- (c) *The conciliation process*

The Commission's method of complaint handling is specially designed to meet the needs of disadvantaged groups; it is also cheap, convenient and effective. It allows for the relatively amicable settlement of differences with very little cost to the parties involved or to the community. The alternative is litigation through the courts; a procedure more likely to exacerbate problems and far more time-consuming and expensive.

(d) *Co-operating with the States*

The Commission has developed unique co-operative arrangements with equal opportunity agencies in New South Wales, Victoria, South Australia and Western Australia which, together with its offices in Brisbane, Darwin and Hobart, provide local avenues or redress for people alleging infringements of their rights.

The combination of the federal character of government and the development of separate human rights agencies in a majority of States might well have given rise to considerable public confusion as well as to diffusion and waste of resources. However, the Commission has been able to curb any such tendency through direct participation and co-ordinated decentralisation of complaint handling. Commonwealth funds are as a result controlled and deployed economically by an agency which has, nonetheless, a high level of accumulated experience and expertise in the field.

2. Promotion and community education

A major part of the Commission's work in promoting the observance of human rights derives from its statutory responsibility to heighten community awareness and increase the public perception of human rights as a public good.

- (a) The Community Education Program encourages community group initiatives and activity by non-government organisations. To help achieve this, the Commission established the *Community Education Grants Scheme* which gives financial support to projects with a human rights locus that involve or facilitate direct community participation. The emphasis on non-government organisations means that the commission is itself directing energy and resources into the human rights sphere; and it also has the virtue of being economical since there is a minimum of direct government involvement. The scheme was announced in October 1984 and resulted in 187 applications. Of these, to January 1986, 48 had been granted, amounting in total to \$108 000, an average of a little over \$2000 each.

(b) *School curriculum — Teaching for Human Rights*

Believing that, as in all other areas, the most effective long-term community awareness of human rights is attainable through education, the Commission has developed its 05k ii course of study, *Teaching for Human Rights*.

The course has met a high degree of acceptance by educators across Australia and is being trialled in over 150 schools, Government (except in Queensland), Catholic (in Queensland as well as elsewhere), and Independent (across Australia). It takes an effective and participative approach to what is a very complex and abstract subject and fills a gap in the scheme of education for human rights.

Teaching for Human Rights has also achieved international recognition. The UN Centre for Human Rights last year invited its author, Dr Ralph Pettman, who is a member of the Commission's staff, to Geneva to adapt the course for use around the world. The recent publication of the course internationally is an acknowledgement of the success of the Commission's national schools program. No other nation in the world has made a comparable effort to promote human rights teaching in this way, or received comparable recognition.

- (c) The Commission has developed strong consultative links with non-government organisations with a human rights focus, such as Ethnic Communities Councils, ACROD (which works for disabled people), the National Council of Women, the former National Aboriginal Conference, the Council for Civil Liberties and Amnesty International (Australia). Its relationships with these bodies are important. They channel to the Commission many of the concerns they have in the human rights field. The members of the Commission, taken together, have and maintain direct links with many of these bodies.

- (d) In addition, the Commission has a substantial publications program designed to promote awareness and discussion of human rights and their better observance. It has published ten Occasional Papers, six Discussion Papers, three Annual Reports and a number of other handbooks, leaflets, posters and video tapes. It publishes a bi-monthly newsletter, circulation of which has, in response to requests, risen to 10,000. All these publications are available to the public and over half a million copies have been distributed to the public on request. Annual Human Rights Media Awards have also been established and are intended to stimulate media and thus public interest in and awareness of human rights.

3. Reporting to the Parliament

As part of its responsibility to the Parliament the Commission undertakes research on human rights matters and makes reports as directed, or when matters arise, through the Attorney - General. It has so far issued sixteen reports on a wide variety of human rights issues. Action has already been taken to respond to the issues raised in a number of the reports. A list of the Commission's reports is attached.

Nine of the reports review legislation for its consistence with human rights principles, the inconsistencies having been brought to light by complaints to the Commission. Most of the Reports deal with general Commonwealth legislation but two refer to legislation in the A.C.T. Three are concerned with the human rights implications of Queensland laws. Seven of the reports examine the relationship between human rights and immigration law and practice.

Conclusion

From the point of view of the Parliament, the Commission serves two important purposes. First, it draws attention in its reports to human rights issues arising from Commonwealth law and practice or requiring Commonwealth action. Second it provides a referral mechanism to assist Members of Parliament when dealing with constituents. Where they have raised controversial human rights matters, it can deal with them objectively and dispassionately, in most cases through its conciliation procedures. Human rights issues and their related problems would not evaporate with the abolition of the Commission.

From the point of view of the community, the Commission offers direct and easily accessible means of redress. Be it curbing the intrusion of the bureaucracy into the daily lives and personal affairs of the citizenry, entertaining complaints against over-zealous Commonwealth officers or providing some solution to Aboriginal frustrations through complaint handling, the Commission has established itself as an effective instrument for promoting the observance of human rights in Australia.

February 1985

Human Rights Commission reports 10 December 1981 — 10 December 1985

The Australian Citizenship Act 1948	August 1982
Proposed A.C.T. Mental Health Ordinance 1981	October 1982
Testamentary Guardianship in the Australian Capital Territory	April 1983
Human Rights and the Deportation of Convicted Aliens and Immigrants	June 1983
Review of Crimes Act 1914 and Other Crimes Legislation of the Commonwealth	August 1983

	The Observance of Human Rights at the Villawood Immigration Detention Centre	August 1983
	Proposal for Amendments to Racial Discrimination Act to cover Incitement to Racial Hatred and Racial Defamation	November 1983
	Deportation and the Family: A Report on the Complaints of Mrs M. Roth and Mr C. Booker	September 1984
	Community Services (Aborigines) Act 1984	January 1985
10.	The Human Rights of Australian-Born Children: A Report on the Complaint of Mr and Mrs R.C. Au Yeung	January 1985
11.	Human Rights of the Terminally Ill	March 1985
12.	The Queensland Electricity (Continuity of Supply) Act 1985	March 1985
13.	Human Rights and the Migration Act 1958	April 1985
14.	Queensland Electricity Supply and Related Industrial Legislation	May 1985
15.	The Human Rights of Australian-Born Children: A Report on the Complaint of Mr and Mrs M. Yilmaz	August 1985
16.	Freedom of Expression and Section 116 of the Broadcasting and Television Act 1942	November 1985

The Human Rights Commission

Its education program and *Teaching for Human Rights*

The educational role of the Commission

The Human Rights Commission was established in 1981 to promote and protect a wide range of human rights and freedoms. Its educative and promotional role permeates all its activities – conciliation, review of legislation, research and so on.

A major part of the Commission's work derives from its statutory responsibility to heighten community awareness of human rights and to increase the public perception of human rights as a public good. Its educational work is variously targeted on educational institutions, on the community generally and on specific groups within the community.

In the discharge of its educative function the Commission has developed a publications program, a program of small grants - the Community Education Grants Scheme - and the Teaching for Human Rights Program. The latter has over the past two years absorbed the major part of the resources the Commission has for community education because of its belief that in the long term human rights are best observed if children and young people in their formative years learn about them and their importance in a peaceful and multicultural society

The origin of the teaching for Human Rights Program

From its inception the Commission has received a continuing stream of requests from schools and teachers for help in teaching for human rights. This prompted a search for material to meet the demand. While good teaching materials were available on particular aspects of human rights, such as racism, sexism, peace, development, and prisoners of conscience there was no single course which provided a comprehensive framework capable of being used in classrooms.

Accordingly, the Commission decided to develop its own course of study. Extensive consultation with community groups and experts in the field preceded the first draft of a basic manual on the subject which was completed in 1982. The draft was targeted at upper level primary schools; it was formally appraised by curriculum experts, and it was given to three curriculum consultants for trial in schools in New South Wales, Victoria and the Australian Capital Territory in 1983.

Throughout this period, comments and criticisms were sought from a wide range of interested educationalists. The Commission's Chairman advised all Directors-General of Education of the program in March 1983, and solicited their support and the help of curriculum consultants. In a letter in December 1983 she reported progress and invited local initiatives.

As a consequence of the consultative process, the draft manual was revised before publication in 1984 and, following advice from the professional consultants, the Commission redesigned the course to accommodate both upper-primary and secondary classes.

In May 1984 all Directors-General of Education were notified of publication and of plans for 1985, there was discussion of the project at a meeting of Directors of Curriculum in mid 1984 and a continuing expert advisory committee was established by the Commission to monitor progress and advise on development of the program.

The first stage of the program

Every education system in the country was invited to participate in what has become a program of national significance, and which has also attracted international interest and recognition. Late in 1984 approaches were made to the eight State and Territorial systems and the eight Catholic systems and to the National Council of Independent Schools, the Australian Teachers' Federation, the Independent Teachers' Federation, and the Australian Council for State School organisations. Help was also sought from more specialised

associations such as subject discipline bodies, Amnesty International, the Bicentennial Authority, and the co-ordinating bodies for International Youth Year and International Year of Peace.

Human rights project officers were appointed in the New South Wales, Victorian, South Australian and Western Australian State education systems. They are funded by the Commission but recruited and supervised by the relevant State authority to provide support to teachers under their jurisdiction who are taking part in the small grants materials development scheme.

The project has been welcomed in both government and non-government systems in every State and Territory except Queensland. In that State its use is confined to the Catholic and Independent School systems.

The small grants scheme. In November 1984, the Commission advertised in metropolitan dailies inviting submissions from teachers interested in mounting human rights projects. The advertisements were used again early in 1985 in metropolitan and also major country newspapers. Small grants were offered to participants \$500 for a one-term project and \$1000 for a two-term project.

During 1985, 155 schools were funded and others joined the program on an unpaid basis. It was a comprehensive sample which included schools from every State and Territory country and city, public and private, secular and Catholic.

Teachers were asked to provide written reports on the planning and implementation of their projects: and to comment on how schools and communities might best contribute to improving respect for human rights.

Revision of manual. In the light of these reports, now being assessed, and of general community reaction, the Commission plans to revise the manual and to have a new edition available for use in 1986.

Criticisms of *Teaching for Human Rights*'

Two main criticisms have been made of the manual *Teaching for Human Rights*. The first is that it contains a 'marxist' description of the consequences of capitalism. The text of the introductory section in the manual on 'Life' is reproduced in Attachment A. It can be seen that the passage relating to a capitalist world economy has been taken out of the context, and that in the previous paragraph there is a reference to the many who died in the Holocaust, and also in the development of the modern Soviet state. The somewhat extravagant criticism has deflected attention from the issues being raised. In any event, the revised manual to be published in 1986 will not contain these passages.

The second main criticism relates to a comment in the introduction to the section on 'the Family' on Australia's value system see Attachment B. The criticism is that it is wrong and subversive to describe Australia as having a value system that is secular, racist, sexist and materialistic. Although not intended to be comprehensive, the elements mentioned are a part of Australian society and are a statutory concern of the Commission. Further, the criticism overlooks reference to Australia being a multicultural democracy and the comment in the text that the picture is far from static or clear.

The purpose of *Teaching for Human Rights* is to stimulate discussion about human rights and their implications for the way people behave both in the classroom and in the community. The Commission regards it as an integral part of its work to supply teachers with factual information and interesting ways of presenting it. The present manual has now been superseded and in revising the material the Commission will be sensitive to all constructive criticisms made of it by Parliamentarians, teachers and parents. It had already decided, for instance, that the passages which had evoked such strong reaction in the manual should be revised so that the human rights issues are more clearly perceived.

International impact

In June 1985, the Commission's program director attended a conference sponsored by the World Studies Teacher Training Centre at the University of York, and the British section of Amnesty International. He also had discussions with many European experts involved in fostering human rights teaching in schools, and with representatives of such bodies as Amnesty International, the International Schools Association, the International Commission of Jurists, the United Nations Center for Human Rights, the Council of Europe, and the Standing Conference of the Ministers of Education and Cultural Affairs of the States of the Federal Republic of Germany.

These discussions made it clear that the Australian teaching for human rights program is unique: the materials being developed here are more comprehensive and more closely tailored to classroom use than are materials available elsewhere. The Commission hopes that its pioneering efforts will meet not only a national but also an international need. In November 1985 the Center for Human Rights invited the Commission's program director Dr Ralph Pettman to Geneva to adapt the course for use around the world. The acknowledgement of the course internationally and its preparation for publication in Japan, are an endorsement of the Commission's national schools program. No other nation in the world has made a comparable effort to promote human rights teaching in this way, or received comparable recognition.

Conclusion

The Commission believes that its educational work is vital. Unless there is educational and promotional effort, other efforts are bound to fail. The United Nations General Assembly states (Resolution 32 123) that:

for their full observance, human rights must be ensured to all human being, and that this aim cannot be attained unless human rights are made known to them, particularly through teaching and education.

There will be less need for recourse to anti-discrimination legislation, and to legal action in the courts, as community respect for human rights increases.

One critical question the Commission has had to consider is what approach it should take to the educational process. Influenced by current modes of educational thinking, by the stand taken by UNESCO and by the general thrust of human rights principles, the Commission espouses education as distinct from indoctrination. Hence for its manual *Teaching for Human Rights* it has rejected the title 'Teaching Human Rights' in an effort to emphasise that it is not sufficient simply to educate people in the concepts and content of human rights. They should also experience the significance of the principles. IA Inch can in part be achieved by the way they are practised in the educational process itself.

The history of the Australia-wide program in schools demonstrates the Commission's concern to match its educative function to the expressed needs of the community. At every stage in its development, the program has been subject to continual assessment, criticism and modification by both educationists and community groups. That consultative process is still an integral part of the development of the program to ensure that it achieves its purpose. That purpose is to provide teachers with a sound basis for bringing to young people in a challenging and fairminded way the need to espouse and promote the practice of human rights, and to select for themselves values which will best enable them to make their own contribution to the development of Australia.

March 1986

Attachment A

LIFE

The Universal Declaration was devised in direct response to the appalling events of World War II, and Article 3 begins: 'Everyone has the right to life ...' The point of this particular principle was to oppose the sort of ideologies and institutions that make wars happen, and in the course of them can systematically murder six million Jews, Slavs and Gypsies.

Genocide — the deliberate attempt to exterminate whole peoples — is not new. However, the technology of our age has made this possible on a completely new scale and ruthless regimes of both the left and right have not been slow in using the tools that the contemporary world has made available to kill those they see as in the way. More than twice the numbers who died in the Holocaust, for example, were killed in constructing the modern Soviet state.

There has been mass assassination, too, by more covert and indirect means. The construction of a capitalist world economy, predicated upon dishonesty and greed, has slaughtered uncounted Millions the world over through the exploitation and the mis-development of global resources. The United States and the other erstwhile 'free market' democracies have much to answer for in this regard.

Meanwhile, like Nemesis, there hangs over all the daily threat of thermo-nuclear suicide. Asserting the 'right to life' has taken on a meaning it has never had before. The extinction of the entire species is imminent daily.

There is much here to discuss and understand. On one level, it is a matter of the utmost urgency that people be made aware of the implications of what could be done at the touch of a button — in their ostensible defence — by regimes that control immense armories of the most terrifying weapons imaginable. On another level, people die in large numbers daily from exploitation. This is not incidental. It is actively perpetrated by people who control world production to their own profit, rather than the good of humankind (especially those most in need). On another level again, innocent people in a large number of contemporary states are harassed daily by politicians, police and the military. These leaders demand obedience and are prepared to maim and kill to get it.

This is strong stuff. However, as Ned Kelly is supposed to have said just before he was hanged: 'Such is life'

Focal questions

What is the 'right to life'?

Should the 'right to life' include the *means* to live — for example, food, affection, shelter, a clean environment, freedom from fear?

Are there limits, even to the 'right to life'?

What fundamental principles, and what structures of power, must any society promote to secure every individual's right to be alive?

Further questions / activities

Why do you think you ought to be alive?

(a) *The Council of Universal Authority*

Explain to the class that it has become the Council of Universal Authority. The Ministry for Minor Life-Forms reports the discovery of a species of thinking beings on a small planet in a remote solar system in a galaxy the Council doesn't hear from much. Under the current Council plan, that part of the cosmos is supposed to be cleared so that space-farmers can use it to grow more

Extract from Ralph Pettman *Teaching for human rights: activities for schools*, Hodja Educational Resources Cooperative Ltd for the Human Rights Commission, Richmond, Vic., 1984, pp.66-7.

Attachment B

THE FAMILY

The family, Article 16(3) of the Universal Declaration proclaims. 'is the natural and fundamental group unit of society and is entitled to protection by society and the State'.

Bedrock unit it may well be but it is not immune from the forces that shape society itself. Indeed, the family typically takes the form relevant to the socio-economic and cultural realities of the larger community it lies within. At the same time, of course, it plays its own part in conditioning them. Thus, hierarchically arranged societies manifest patterns of family power of a similar sort. Egalitarian societies typically manifest more equal familial relationships. And vice versa.

In Australia — a liberal, capitalist, multicultural democracy, with social welfare proclivities, a highly stratified class structure, a value system that is secular, racist, sexist and materialistic -- the family reflects and promotes this fact.

The picture is far from static or clear, however. Quite the contrary. As our society has changed, so, in symbiotic fashion, has this 'fundamental group unit'. The conventional Anglo-bourgeois model of Mum, Dad, and the Kids (plus assorted 'rellies') has never been adequate as a description of the Australian family, though it has been very powerful in defining expectations in this regard.

Aboriginal Australians, with the elaborate kinship systems intrinsic to Aboriginal culture, have never sat happily within the imperial framework. Nor have many of those who came after them. The mass immigration of the last few generations has meant, among other things, the importation of a wide range of multicultural family forms. However, given the highly assimilationist nature of the dominant Anglo-culture, these, like those of Aboriginal Australians, have never received much official recognition. They continue to flourish more or less modified - nonetheless.

Meanwhile, the conventional model as defined in Anglo-Celtic terms has become progressively less accurate as an account of conventional behaviour. The effects of secular individualism have taken a heavy toll, and modifications to the monocultural version now abound. For example, in terms of human rights, there is no ideal form of the family. There is only the decree that government should protect families, and those who live therein. Unless one has a prior conception of what the family ought to be, and applies this regardless (a distinctly totalitarian approach), a wide range of current familial forms justify governmental recognition in the promotion and protection of this fundamental right. There are, in other words, a number of *group units* that people find 'natural' and 'fundamental' in the performance of familial functions, and if Article 16(3) is to be given a fair go, governments are obliged to acknowledge and allow for this fact.

Focal questions

How would you define the Australian family?

What, in State or societal terms at least, does 'protecting the family entail'?

Further questions/activities

I. What do families do?

(a) Familial functions

Discuss with the class what it is that any sort of family *does*. Make a list on the board. Whether one-parent, two-parent, multi-parent or extended, any family (in whole or in part):

1 serves adult needs for companionship, recreation, and procreation...

Extract from Pettman, op.cit., pp.152-3.

Appendix XIV

Human Rights Commission offices

Australian Capital Territory

Fergus Thomson

Secretary

6th Floor. AMP Building

Hobart Place

Canberra. A.C. T. 2601

(062) 43 4122

Queensland

Joan Ross

Regional Director

Human Rights Commission

15th Floor. MLC Centre

Car George & Adelaide Streets

Brisbane. Qld 4000

107) 221 8399

Commission agencies

New South Wales

Carmel Niland

President

*Anti Discrimination
Board*

11th floor

8 18 Bent Street

Sydney N.S.W, 2000

(02)231 0922

Victoria

Fay Marles

Commissioner for Equal

Opportunity

9th floor. 350 Collins Street

Melbourne, Vic. 3000

(03) 602 3222

Northern Territory

Dawn Lawrie

Human Rights Commission

Representative

3rd Floor

Royal Life Building

13 Cavenagh Street

Dar in, N.T. 5794

0)89) 81 1668

Tasmania

Nabil Kazemi

Human Rights Commission

Representative

Commonwealth Law Courts

39-41 Davey Street Hobart

Tas. 7000

(002) 20 1700

South Australia

Josephine Tiddy

*Commissioner for Equal
Opportunity*

Ground floor

30 Wakefield Street

Adelaide. S.A. 5000

(8) 227 0944

Western .A ustralia

June Wilhams

*Commissoner for Equal
Opportunity*

City Mutual Building

5 Mill Street

Perth,W.A. 6000

(9) 481 0833