

Review of ACT Human Rights Office annual report, 2005-6

A Civil Liberties Australia annual report review, by CLA member Keith McEwan



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The ACT Human Rights Office (HRO) Annual Report 2005-2006 is enlightening.

With a small work force of seven and a budget of \$843,000, the office carried out its role, under the Attorney-General, of fostering a human rights culture in the ACT through developing community understanding of human rights and the elimination of discrimination as set out in two Acts: the ACT Human rights Act 2004 and the ACT Discrimination Act 1991.

A highlight of this comprehensive report of 58 pages is the HRO's audit of the Quamby Youth Detention centre, which produced 52 recommendations. The HRO was also helped monitor progress that followed the report, as well as having a voice in the planning of the proposed new youth detention centre. HRO is also a member of the Alexander Maconochie Centre Working Group planning the new ACT prison.

Over August – December 2006, the HRO is reviewing the effect and implementation of existing Territory law governing the ACT's correctional facilities, particularly Remand centres at Belconnen and Symonston. The HRO's legal officer will focus on establishing benchmarks for the new ACT prison.

During the report period, the HRO made a submission to the Senate Legal and Constitutional Legislation Committee on federal anti-terrorism legislation, and to the ACT Legislative Assembly Standing Committee on Legal Affairs, emphasising that the ACT Terrorism Act 2006 is more compliant with human rights than Federal anti-terrorist laws, as for example, in the former, only a court can make preventative detention orders. The HRO also canvassed other relevant human rights points.

The ACT government has agreed to the HRO's proposal to review the Discrimination Act 1991 to test its compatibility with the Human Rights Act 2004 and to consider the proposal by ACTCOSS to protect people on the ground of socio-economic status.

Also the HRO will help the Human Rights and Equal Opportunity Commission identify laws that deny same-sex couples financial and work-related benefits and entitlements that heterosexual couples enjoy.

A major focus for 2006-07 will be the establishment of a new Human Rights Commission from 1 November 2006 with the aim of delivering superior services, both in oversight and advocacy terms. The new statutory authority will amalgamate the offices of the Community and Health Services Complaints Commission and the Human Rights Office and be involved in facilitating service improvements.

The bulk of the annual report concerns the HRO's performance in handling complaints and allegations of victimisation and discrimination on sexual harassment,

race, disability and employment issues resulting in compensation and reconciliation in many cases. and gives credit to the small staff for ensuring the effective implementation of the Human Rights Act 2004.

On 24 May 2006 the Office made a detailed written submission to the Attorney-General indicating that there is still a long way to go in creating and sustaining a human rights culture in the ACT, especially in the areas of health and housing.

Health could well become a key issue of concern in the year 2007 as the performance of public and private hospitals leaves much to be desired as waiting times blow out and preventable mishaps resulting in deaths need to be investigated and remedies put in place. Greater attention must be paid to the needs of the mentally ill, as many lack professional help, secure facilities and at-home services resulting in many being placed in jail wherein their illness is exacerbated

Also the curtailment of abortion facilities as a result of the sale of the John James Hospital to a Catholic order reduces the options of those seeking access to contraceptive measures or abortions. Furthermore, the only palliative care hospital in Canberra is in the hands of another Catholic group which discriminates against people seeking voluntary euthanasia despite public opinion polls, over the years, showing more than 70% of people desire a right of choice at the end stage of their life.

Affordable housing is another basic human right and, while the report refers to unlawful discrimination experienced by those seeking accommodation, a broader view is required to assess the needs of the homeless and those on the waiting lists for limited public housing. This would require an advocacy role by the Commission.

Another area of human rights concern is that of industrial accidents, many of which are avoidable if proper safety measures are in place at the work site. This could require a close examination of Australian Workplace Agreements which may overlook safe working practices as individual contracts are signed by unrepresented workers keen to be employed.

To continue and expand the vital work of upholding human rights in the future, consideration must be given to expanding the staff of the HRO and avoiding the disruption caused by staff turnover as occurred in the year of the report. This will require careful selection and adequate remuneration.

– Keith McEwan, 23 October 2006

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