

30th June 2023

Parliamentary Joint Committee on Human Rights

Committee Secretariat

Inquiry into Australia's Human Rights Framework- submission by NCWA

The National Council of Women of Australia applauds the initiative of the Australian Government to review the scope and effectiveness of Australia's 2010 [Human Rights Framework](#) and the [National Human Rights Action Plan](#).

The NCWA recommends the Australian Parliament use the model legislation approach to enact a uniform comprehensive Human Rights Act applicable Australia-wide.

The National Council of Women of Australia is a non-sectarian, not-for-profit, umbrella organisation representing over 140 affiliate organisations throughout Australia for over 120 years; with broadly humanitarian objectives advocating for the wellbeing of women and girls across metropolitan, regional and rural Australia; including the right to physical safety, education at all levels, equal pay for equal work; and advocating against violence in the home and public places, and discrimination on the basis of gender, race, marital status, age, or ability.

Uniform High Standard for all Australian girls and women

Over the years we have observed the complications federalism poses for the development of a uniform approach to social and economic rights and obligations for women and girls across Australia.

Our own civic rights as electors varied amongst the States both pre and post Federation. In the 1950s making enquiries of the then Minister for Home Affairs about the condition of First Nations people we were fobbed off with a response that such matters were an issue for the states. And so took up the concern with respective state officials.

We could go on in this vein, but we will not. We know that where there is a will there is a way! As we have seen with the use of model legislation enacted in respective states and territories to provide a uniform approach with Corporations Law, and Competition and Consumer Law, Health Professional Registration etc - we have a tried and tested method of overcoming concerns regarding constitutional limitations and state's rights - to address the common good.

Australian businesses and employers are regularly frustrated by the disparity in rights and obligation - depending on location - and the need to discern the highest common factor as a value or principle guiding corporate behaviour Australia - wide.

The mood of the Australian women electors is one of concern, frustration and impatience with situations in which their supposed rights depend upon the location and jurisdiction in which they reside or work - housing, potable water, age of criminal responsibility, age of consent, relief from domestic violence including coercion, access to quality health care [including maternity and reproductive care/abortion and medical research], aged care, nurse to patient ratios, education, harassment and discrimination, decriminalisation of sex work....

NCWA proposes and recommends that the respective premiers, attorney's general and human rights commissions take the opportunity to go for the gold standard using a consultative approach focused on the common good through the leadership of Standing Council of Attorney Generals or National Cabinet. - rather than a competitive (grass is greener) approach or going for the lowest common denominator.

To do as the Commission proposes - to restrict a federal Human Rights Act to federal laws and federal public authorities and encourage replication of mirror legislation in various states and territories - including by fiscal means over the long haul - In light of Australia's Constitutional structure and the existing Human Rights Act instruments in states and territories - is to miss an opportunity and perpetuate confusion on the part of citizens, business and the public service.

During covid we all became aware of the lack of clarity regarding lines of control and standards in public and private Aged Care between the federal and state/ territorial and local governments. Where will the assumed rights of residents sit in this matrix of responsibilities and service delivery regimes? Will the funder set the standard? How will the resident know their rights? How will the provider know their obligations?

Awareness and Culture Change

Forty to fifty years after the enactment of human rights legislation regarding equal opportunity, harassment, and discrimination - it is apparent that sections of the Australian community, public service and private sector organisations and individuals including those in leadership, regard themselves as not being subject to such legislative regimes.

It is imperative the respective federal, state, and territorial human rights commissions are tasked with and resourced to actively promote awareness of the breadth of human rights across the community with a Key Performance Indicator about increased cultural awareness for each attribute protected/ behaviour prohibited. That is alongside resources to address any complaints or claims - and in the case of the public service, resources to redress inequity - not just a plan - in the short term.

Our recommendations are based upon the professional and lived experience of our members.

In reviewing and fine-tuning current legislation, the provision of public services and institutional arrangements, policy settings and associated programs, specific priority should be given to changes that will benefit women and girls, that:

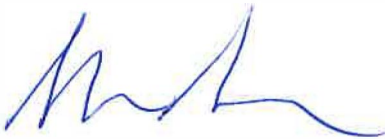
- promote gender equity
- promote RESPECT
- eradicate harassment and domestic violence in all its forms
- eradicate discrimination and harassment based on gender, race, marital status, age, or ability and
- promote national peace and cohesion.

Communication with women and girls, men and boys about these principles and prohibitions across our culturally and linguistically diverse community, will be key.

We strongly recommend the Parliamentary Joint Committee on Human Rights include in its deliberations going forward a gendered lens that is specifically focused the achievement of equity in the life and experience of women and girls in rural, regional, and metropolitan Australia - be they citizens or residents.

We thank you for the opportunity to submit our observations and recommendations and look forward to participating in the public consultations.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Chiou See Anderson', with a stylized, flowing script.

Chiou See Anderson

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