

NATIONAL HUMAN RIGHTS CONSULTATION PUBLIC HEARING

WEDNESDAY 1 JULY – FRIDAY 3 JULY 2009

Great Hall
Parliament House
Canberra

Human
Rights



COMMITTEE BIOGRAPHIES



Father Frank Brennan is a committed advocate for human rights, having worked tirelessly for others for over 30 years and has won a number of human rights awards.

Father Frank is a Jesuit priest, a Professor of Law at the Australian Catholic University and Visiting Professorial Fellow at the University of New South Wales.

He was the founding Director of the Uniya Jesuit Social Justice Centre in Sydney.

He has also written extensively on aboriginal land rights and, in 1995, he was awarded an Order of Australia for his services to Indigenous Australians.

In 1998, he was named a Living National Treasure, during his involvement in the Wik Debate.



Mary Kostakidis has made a major contribution to the public broadcasting landscape in Australia. She was a member of the management team that developed SBS television in 1980 and presented its flagship World News for two decades.

Her work and long history of community service reflect her interest in governance, social justice, conflict resolution, and recognition of the integral role of the media in a democracy and the arts to civilisation.

Mary is currently on the Board of the Fred Hollows Foundation. Her former service includes the Advertising Standards Board, the Republican Advisory committee, the Constitutional Centenary Foundation, the Order of Australia Honours Committee, the Drug & Alcohol Council of Australia and the Breast Cancer Council Advisory Committee and the James Joyce Foundation.



Well before her 20s, Tammy Williams was a vocal spokeswoman for issues affecting young people in Australia. In 1996, she was identified as a future leader and selected to attend the State of the World Forum in San Francisco.

For her efforts, she was awarded the 1997 Youth Award by the Australian Human Rights & Equal Opportunity Commission.

She went on to address other international forums, including being invited by the UN Commissioner of Human Rights to speak at the United Nations World Conference on Racism, Xenophobia, Discrimination and Other Related Intolerances, in Durban, South Africa in 2001.

Tammy went on to get her law degree from the Queensland University of Technology in 2001 and was admitted to practice as a Barrister in Queensland.

She has worked as a prosecutor for the Commonwealth Director of Public Prosecutions and in 2003 was named the 'Emergent Young Lawyer of the Year' by the Queensland Women Law Association.

She has been appointed as a Member of the Children's Tribunal by the Queensland Government, and is also one of the Indigenous Directors on the Board of Indigenous Enterprise Partnerships.



Mick Palmer is a 35 year police professional who enjoyed service in the Northern Territory and with the Australian Federal Police.

He served for 6 years as Commissioner of the Northern Territory Police, Fire and Emergency Services and was appointed AFP Commissioner in 1994.

A lawyer, Mick is an Honours graduate of the Queensland Barristers Admission Board and in 1982 was admitted to practise as a Barrister at Law in Queensland. He practised at the private bar during 1982 and 1983 before returning to policing.

In 1997 he became the first Australian to be appointed to the Executive Committee of Interpol a position he held for three years.

In 1998, Mick was appointed Deputy Chair of the Australian National Council on Drugs. He was also appointed by the former Prime Minister to oversee an Inquiry into the Government's handling of Cornelia Rau in 2005.

Mick presently holds the statutory office of Inspector of Transport Security.

FOREWORD

The protection and promotion of human rights is fundamental to Australian values—values such as freedom, respect, justice and democracy.

With this in mind, on 10 December 2008 the Government announced the appointment of an independent National Human Rights Consultation Committee to undertake a national Community consultation for protecting and promoting human rights in Australia. Findings from the Consultation would then be delivered in a report to Government on 31 August 2009.

Since that announcement, the Committee has held roundtable discussions, meetings and interviews across the country to provide the opportunity for communities and individuals to share their views. As part of the process, we also invited e-mail and written submissions from the public.

The response to the Consultation has been considerable, and when the deadline for submissions closed on 15 June 2009, we had received over 38 000 submissions.

In order to hear from as many people as possible, we also established an online discussion forum that allowed people to post comments on human rights issues. This forum, which closed on 26 June 2009, has also been a successful tool for capturing people's views. And while comments posted on this site do not constitute formal submissions, they will certainly be considered in our final report to Government.

The following three days of public hearings represent the final point in the Consultation process. They are being held to provide the public with an opportunity to hear from expert panels, academics and substantive submission makers. They will also allow the committee to invite substantive submission makers to expand upon or clarify elements of their submission. During proceedings we will also have the opportunity to hear from notable academics and public figures in the United Kingdom, who will share their views and experiences about human rights and the various frameworks available for their protection and promotion.

I thank all of you for your attendance at these public hearings and encourage each of you to participate in proceedings, to ask questions and share your views. A society that commits to human rights, commits to ensuring that everyone is treated with dignity and respect.

Frank Brennan

Chair of the National Human Rights Consultation Committee

**DAY 1
WEDNESDAY
1 JULY 2009**

THEME: HOW ARE HUMAN RIGHTS AND RESPONSIBILITIES PRESENTLY PROTECTED AND PROMOTED IN AUSTRALIA?

8.30am – 08.45am	Arrival and Registration
9.00am – 09.30am	Official Opening and Welcome to Country
	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p>Welcome to Country by Ngunnawal Community Leader Agnis O'Shea</p>
9.30am – 10.20am	Being at home in contemporary Australia – respect and dignity for all – the national perspective
	<p><i>Session Chaired by:</i></p> <p>Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Ms Olga Havnen Coordinator Combined Aboriginal Organisations of the Northern Territory Member ACOSS Board of Governors Member National Committee of ANTaR</p>
	<p>Mr Waleed Aly School of Political and Social Inquiry Faculty of Arts Monash University</p> <p>Auwa Benny Hodges Elder Mainland Torres Strait Islander Community</p> <p>Mr Corey Irlam Spokesperson Australian Coalition for Equality</p>

10.20 am – 10.45am	Morning Tea Break
10.45am – 11.15am	An overview of those who miss out and fall through the cracks of a fair go for all
	<p><i>Session Chaired by:</i></p> <p>Ms Mary Kostakidis Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Ms Robin Banks Chief Executive Officer Public Interest Advocacy Centre</p> <p>Mr Bill Mitchell Convener of the Human Rights Network National Association of Community Legal Centres Townsville Community Legal Service Inc.</p> <p>Ms Jacqui Phillips Policy Officer Australian Council of Social Services</p> <p>Emeritus Professor Stuart Rees AM Director Sydney Peace Foundation University of Sydney</p>
11.15am – 11.35 am	Discussion with the Committee
11.35am – 11.55 am	Questions from Audience
11.55 am – 12.55pm	Break for Lunch
12.55pm – 1.00 pm	Conference resumes
	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>

1.00pm – 1.30pm	The human face of those who miss out
	<p><i>Session Chaired by:</i></p> <p>Mr Mick Palmer Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Dr Sue Gordon AM Indigenous Implementation Board Department of Indigenous Affairs Western Australia</p> <p>Ms Rosemary Kayess Acting Director Disabilities Studies Centre</p> <p>Emeritus Professor Ian Webster AO Former Chairman Alcohol Education and Rehabilitation Foundation</p> <p>Ms Vickie Roach Political Activist Oral Historian for Koorie Heritage Trust</p> <p>Dr John Falzon Chief Executive Officer National Council St Vincent de Paul Society</p>
1.30 pm – 1.40pm	Discussion with the Committee
1.40pm – 2.10 pm	The human face of those who miss out, contd
	<p><i>Session Chaired by:</i></p> <p>Mr Mick Palmer Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Mr Mustafa Najib Asylum Seeker ex Tampa and ex Nauru</p> <p>Ms Janet Wood President Council on the Ageing Victoria</p> <p>Ms Maha Krayam Abdo OAM Executive Officer United Muslim Women Association Inc.</p> <p>Mr Michael O’Connell APM Commissioner for Victims’ Rights South Australia</p>
2.10 pm – 2.20 pm	Discussion with the Committee

	The Hot Button Issues
2.20pm – 3.00 pm	<p><i>Session Chaired by:</i> Ms Tammy Williams and Mary Kostakidis Members National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p style="color: #c4c400;">Euthanasia and the Right to die Mr Neil Francis Chief Executive Officer Dying with Dignity Victoria</p> <p style="color: #c4c400;">Abortion and the Right to life Ms Rita Joseph Lecturer Institute on Family Policy and Politics</p> <p style="color: #c4c400;">Same Sex Marriage Mr Rodney Croome AM Campaign Co-ordinator Australian Marriage Equality</p> <p style="color: #c4c400;">Religious Freedom in Employment The Rt Reverend Robert Forsyth Bishop of South Sydney Diocese of Sydney Anglican Church of Australia</p>
3.00 pm – 3.10pm	Discussion with the Committee
3.10 pm – 3.20 pm	Questions from Audience
3.20 pm – 3.40pm	Afternoon Tea Break
	The Human Rights concerns that come to our attention and how we deal with them
3.40 pm – 4.20pm	<p><i>Session Chaired by:</i> Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Dr Helen Szoke Chief Conciliator/Chief Executive Officer Victorian Equal Opportunity and Human Rights Commission</p> <p>Dr Helen Watchirs Commissioner ACT Human Rights Commission</p> <p>Ms Linda Matthews Commissioner Equal Opportunity Commission South Australia</p>
4.20 pm – 4.30pm	Discussion with the Committee
4.30 pm – 4.40 pm	Questions from Audience

4.40 pm – 4.50 pm	A view to children’s rights
	<p><i>Session Chaired by:</i> Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p><i>Speaker:</i> Ms Tiffany Overall Spokesperson Children’s Rights Taskforce Policy Officer Youth Law Victoria</p>
4.50 pm – 4.55 pm	Discussion with the Committee
4.55 pm – 5.00 pm	Close by Chair
	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>

**DAY 2
THURSDAY
2 JULY 2009**

**THEME: WHAT DIFFERENCE WOULD
A COMMONWEALTH CHARTER OF
HUMAN RIGHTS MAKE?**

8.30am – 08.45am	Arrival and Registration
9.00am – 09.05 am	Introduction to Session
	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>
9.05am – 9.35 am	How does it look in the United Kingdom?
	<i>Session Chaired by:</i>
	<p>Mr Mick Palmer Member National Human Rights Consultation Committee</p>
	<i>Speakers (by video):</i>
	<p>Lord Thomas Bingham of Cornhill KG, PC, FBA Former Senior Law Lord United Kingdom</p>
	<p>Rt Hon Jack Straw MP Lord Chancellor Secretary of State for Justice Member for Blackburn United Kingdom</p>
	<p>Ms Felicity McMahon Solicitor Linklaters United Kingdom</p>
	<p>Mr Murray Hunt Legal Adviser Joint Committee for Human Rights United Kingdom</p>
	<p>Professor Geoffrey Robertson QC Visiting Professor Human Rights Queen Mary College University of London United Kingdom</p>

	<p>What lessons does the UK offer us in Australia? How are we different?</p> <p><i>Session Chaired by:</i></p> <p>Mr Mick Palmer Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Professor Hilary Charlesworth AM Director Centre for International Governance and Justice Australian National University</p> <p>Professor George Williams Anthony Mason Professor of law Foundation Director Gilbert and Tobin Centre of Public Law Faculty of Law University of New South Wales</p> <p>Mr Julian Leeser Executive Director Menzies Research Centre Australian Capital Territory</p> <p>Mr Alan Anderson Solicitor Freelance Columnist</p>
9.35 am – 10.25 am	
10.25 am – 10.35 am	Discussion with the Committee
10.35 am – 10.45 am	Questions from Audience
10.45 am – 11.05am	Morning Tea Break
	<p>The political case in Australia</p> <p><i>Session Chaired by:</i></p> <p>Ms Mary Kostakidis Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>The Hon Bob Carr Former Premier New South Wales</p> <p>The Hon Susan Ryan AO Former Senator Australian Capital Territory</p>
11.05am – 11.25am	
11.25am – 11.45 am	Discussion with the Committee
11.45am – 12.05 pm	Questions from Audience
12.05 pm – 1.05pm	Break for Lunch
	<p>Conference resumes</p> <p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>
1.05 pm – 1.10 pm	

The Great Debate – Does Australia need a Charter of Human Rights?	
1.10pm – 2.10 pm	<p>Session Chaired by:</p> <p>Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p>Speakers:</p> <p>Professor Adrienne Stone Professor Faculty of Law University of Melbourne</p> <p>Professor Helen Irving Professor Faculty of Law Sydney University</p> <p>Professor Greg Craven Vice-Chancellor Australian Catholic University</p> <p>The Hon Catherine Branson QC President Australian Human Rights Commission</p> <p>Mr Edward Santow Director Gilbert and Tobin Centre of Public Law</p> <p>Ms Lisa Baker MLA Former member WA Human Rights Consultation Committee Member for Marylands</p>
2.10 pm – 2.30 pm	Questions from Committee
2.50 pm – 3.10 pm	Afternoon Tea Break

	The view from Legislators
3.10 pm – 3.40 pm	<p><i>Session Chaired by:</i></p> <p>Ms Tammy Williams Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Mr Brian Tee MP Member for Eastern Metropolitan Region Victorian Legislative Council</p> <p>The Hon John Hatzistergos MLC Attorney General New South Wales</p>
3.40 pm – 3.50 pm	Discussion with the Committee
	The view from Law Enforcement
3.50 pm – 4.10 pm	<p><i>Session Chaired by:</i></p> <p>Ms Tammy Williams Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Mr Simon Overland Chief Police Commissioner Victoria</p> <p>Mr Mark Burgess Chief Executive Officer Australian Police Federation of Australia</p>
4.10 pm – 4.20 pm	Discussion with the Committee
	The view from Judiciary
4.20 pm – 4.45 pm	<p><i>Session Chaired by:</i></p> <p>Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>The Hon Ron Merkel QC Former Judge of the Federal Court of Australia</p> <p>The Hon Peter Heerey QC Former Judge of the Federal Court of Australia</p>
4.45 pm – 4.55pm	Discussion with the Committee
	Close by Chair
4.55 pm – 5.00 pm	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>

DAY 3
FRIDAY
3 JULY 2009

**THEME: HOW COULD WE BETTER
 PROTECT HUMAN RIGHTS AND PROMOTE
 RESPONSIBILITIES IN AUSTRALIA?**

8.30am – 08.45am	Arrival and Registration
9.00am – 09.05 am	Introduction to Session
	Father Frank Brennan Chair National Human Rights Consultation Committee
9.05am – 9.55 am	The role of other protections for Human Rights
	<i>Session Chaired by:</i> Ms Mary Kostakidis Member National Human Rights Consultation Committee
	<i>Speakers:</i> Senator the Hon George Brandis SC Senator for Queensland Shadow Attorney-General The Hon Bob Debus MP Member for Macquarie New South Wales Mr Nicholas Cowdery AM, QC Human Rights Adviser Law Council of Australia
9.55 am – 10.10 am	Discussion with the Committee
10.10 am – 10.30am	Morning Tea Break

	Parliamentary scrutiny – the view from the Hill
10.30 am – 11.10 am	<p><i>Session Chaired by:</i></p> <p>Father Frank Brennan Chair National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Reverend Fr The Hon Michael Tate AO Former Federal Minister of Justice</p> <p>Professor Bryan Horrigan Louis Waller Chair of Law Associate Dean (Research) Monash University</p> <p>Mr Harry Evans Clerk of the Senate</p> <p>Professor Brian Galligan Professor Social and Political Sciences University of Melbourne</p>
11.10 am – 11.20am	Discussion with the Committee
11.20 am – 11.30 am	Questions from Audience
	Rights and responsibilities — resources and practical applications
11.30am – 12.10pm	<p><i>Session Chaired by:</i></p> <p>Ms Tammy Williams Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Magistrate Elizabeth Langdon Kalgoorlie Courthouse</p> <p>Ms Michelle Patterson Assistant Secretary Social Inclusion Unit Department of Prime Minister and Cabinet</p>
12.10pm – 12.20 pm	Discussion with the Committee
12.20pm – 12.30 pm	Questions from Audience
12.30 pm – 1.30pm	Break for Lunch
	Conference resumes
1.30 pm – 1.35 pm	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>

<p>1.35 pm – 2.15 pm</p>	<p>Values formation of the Public Service</p>
	<p><i>Session Chaired by:</i></p> <p>Mr Mick Palmer Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Professor Andrew Podger National President Institute of Public Administration Australia Adjunct Professor Australian National University</p> <p>Professor John McMillan Commonwealth Ombudsman</p> <p>Mr James (Jim) Varghese Executive Director Health and Education City Springfield Land Corporation</p>
<p>2.15 pm – 2.25 pm</p>	<p>Discussion with the Committee</p>
<p>2.25 pm – 2.40 pm</p>	<p>Perspective from younger Australians</p>
	<p><i>Session Chaired by:</i></p> <p>Ms Mary Kostakidis Member National Human Rights Consultation Committee</p> <p><i>Speakers (by video):</i></p> <p>Chiara Ariza Stellato</p> <p>Liza Clerahan</p> <p>Stella Richardson-Dunai</p> <p>Ines Naylor</p> <p>Emma Owen</p> <p><i>Supported by:</i></p> <p>KommonGround Inc. Cross Culture Human Rights Theatre</p>

	Developing a culture of Human Rights: education, public awareness and active citizenship
2.40 pm – 3.10 pm	<p><i>Session Chaired by:</i></p> <p>Ms Mary Kostakidis Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Mr Simon Sheikh National Director Getup</p> <p>Brigadier (Retired) Jim Wallace AM Managing Director Australian Christian Lobby</p> <p>Ms Claire Mallinson National Director Amnesty International</p>
3.10 pm – 3.30 pm	Afternoon Tea Break
	Developing a culture of Human Rights: education, public awareness and active citizenship contd
3.30 pm – 4.00 pm	<p><i>Session Chaired by:</i></p> <p>Ms Mary Kostakidis Member National Human Rights Consultation Committee</p> <p><i>Speakers:</i></p> <p>Mr Graeme Innes AM Human Rights Commissioner Australian Human Rights Commission</p> <p>Ms Cecilia Riebl Solicitor Australian Network of Environmental Defenders Offices Victoria</p> <p>Mr Phil Lynch Director Human Rights Legal Resource Centre</p> <p>Ms Paula Gerber Deputy Director Castan Centre for Human Rights Law</p>
4.00 pm – 4.10 pm	Discussion with the Committee
4.10 pm – 4.20 pm	Questions from Audience
4.20 pm – 4.55 pm	Closing plenary questions and answers
	Close by Chair
4.55 pm – 5.00 pm	<p>Father Frank Brennan Chair National Human Rights Consultation Committee</p>

NATIONAL HUMAN RIGHTS CONSULTATION

TERMS OF REFERENCE

The Australian Government is committed to the protection and promotion of human rights—a commitment that is based on the belief in the fundamental equality of all persons.

The Government believes that the protection and promotion of human rights is a question of national importance for all Australians. The National Human Rights Consultation Committee will undertake an Australia-wide community consultation for protecting and promoting human rights and corresponding responsibilities in Australia.

The Government has given the Consultation Committee the following terms of reference:

1. The Committee will ask the Australian community:
 - Which human rights (including corresponding responsibilities) should be protected and promoted?
 - Are these human rights currently sufficiently protected and promoted?
 - How could Australia better protect and promote human rights?
2. In conducting the consultation the Committee will:
 - consult broadly with the community, particularly those who live in rural and regional areas
 - undertake a range of awareness raising activities to enhance participation in the consultation by a wide cross section of Australia's diverse community
 - seek out the diverse range of views held by the community about the protection and promotion of human rights
 - identify key issues raised by the community in relation to the protection and promotion of human rights, and
3. The Committee will report to the Australian Government by 31 August 2009 on the issues raised and the options identified for the Government to consider to enhance the protection and promotion of human rights. The Committee is to set out the advantages and disadvantages (including social and economic costs and benefits) and an assessment of the level of community support for each option it identifies.

The options identified should preserve the sovereignty of the Parliament and not include a constitutionally entrenched bill of rights.



www.humanrightsconsultation.gov.au 1800 086 134

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