

Communique – February 2022

The Australian Council of Human Rights Authorities (ACHRA) which comprises the State, Territory and Federal human rights and discrimination authorities, met in Sydney on 28 February 2022 to consider issues of common concern and interest. The ACHRA members listed at the end of this document endorse the following statements.

Sydney WorldPride 2023 Human Rights Conference and ACHRA Reception

ACHRA members look forward to participating in the three-day Sydney WorldPride LGBTQIA+ Human Rights Conference from 1– 3 March 2023, including an ACHRA activation space. The conference will bring people together from across the world to tackle LGBTQIA+ issues and effect positive change. ACHRA hosted a Sydney WorldPride reception to welcome visiting Australian and international dignitaries and stakeholders. Helena Dalli, the European Union Commissioner for Equality delivered an address on her work to strengthen Europe's commitment to inclusion and equality and lead the fight against discrimination and Victor Madrigal-Borloz, United Nations (UN) Independent Expert on Sexual Orientation and Gender addressed the reception on approaches to achieving LGBTQIA+ equality globally.

Positive duty to prevent workplace sexual harassment

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) presented the 2022 *Investigation: Preventing sexual harassment in retail franchises*. The investigation focused on Bakers Delight Holdings' legal obligation to take reasonable and proportionate steps to eliminate sexual harassment as far as possible, known as 'the positive duty', under the *Equal Opportunity Act 2010* (Vic).

ACHRA welcomes reforms to the *Sex Discrimination Act 1984* (Cth) in late 2022, introducing a positive duty to prevent workplace sexual harassment, sex discrimination and victimisation. The positive duty is currently legislated in Victoria and the Northern Territory and being actively considered in Western Australia, Queensland and the Australian Capital Territory. ACHRA supports enactment of the positive duty to prevent sexual harassment in all Australian jurisdictions.

Sexual harassment litigation damages and costs

Members appreciated guest presenters Emerita Professor Margaret Thornton, Kieran Pender and Madeliene Castles from Australian National University presenting on [Damages and Costs in Sexual Harassment Litigation: A Doctrinal, Qualitative and Quantitative Study](#) which considers damages awarded and cost orders in Australian unlawful discrimination proceedings, pursuant to recommendations 24 and 25 of the Australian Human Rights Commission's [Respect@Work](#) Report. ACHRA continues to endorse the [implementation](#) of all *Respect@Work* recommendations.

Human rights across Australia

Professor Emeritus Geoff Gallop AC, University of Sydney presented his speech *Substantive Equality – The Missing Link*, addressing barriers and opportunities to achieve substantive equality and liberty and to protect rights across Australia, including through creation of an Australian Charter of Human Rights and Freedoms.

Human rights in closed environments

Addressing human rights matters in places of detention, including introducing mechanisms to prevent torture and inhumane treatment, remains one of ACHRA's focus areas. ACHRA is concerned by the extraordinary decision to terminate a tour of Australian places of detention by United Nations inspectors. To this end, ACHRA encourages governments across Australia to meet its obligations in the Optional Protocol to the Convention against Torture (OPCAT) treaty. ACHRA will be advocating for the Commonwealth Government to publicly release the report that the UN Subcommittee on the Prevention of Torture has indicated it will be providing, in the interests of transparency and accountability.

For further information, contact the following ACHRA members:

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NT	Traci Keys, A/Commissioner, Northern Territory Anti-Discrimination Commission	08 8999 1444
QLD	Scott McDougall, Queensland Human Rights Commissioner	07 3021 9123
SA	Jodeen Carney, South Australian Equal Opportunity Commissioner	08 7322 7070
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WA	Dr John Byrne, Western Australian Commissioner for Equal Opportunity	08 9216 3900
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