

**Human**  
**Rights**  
**Law**  
**Centre.**



*We acknowledge the Wurundjeri people of the Kulin Nation and the Gadigal people of the Eora nation, the Traditional Owners of the lands on which we work and live and pay our respects to Elders past and present. We recognise that this land always was and always will be Aboriginal and Torres Strait Islander land because sovereignty has never been ceded. We acknowledge the role of the legal system in establishing, entrenching, and continuing the oppression and injustice experienced by First Nations peoples.*

*WARNING: This document may contain images or names of people who have passed away.*

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# Fearless action for a fairer future

## A message from our Chair and Executive Director

2021 has been another challenging year for human rights in Australia and across the globe. While Australia avoided the scale of illness and death that many countries endured, hundreds of people lost their lives, with many families unable to farewell their loved ones together. Restrictions that saved lives and protected health took a big toll, leading to mental illness, family violence, job loss, education disruption, heartbreaking stories of family separation and more. Existing inequality was exposed and intensified.

The Human Rights Law Centre has been a vital voice for fairness during these tough times, helping to ensure that those at risk are protected and that government powers are used responsibly. And in spite of the challenges, we made human rights progress, as always working in close partnership with others. Partnerships are at the heart of all our work; with Aboriginal and Torres Strait Islander organisations, civil society partners, grassroots activists, pro bono lawyers, donors, philanthropists and, most importantly, with the people and communities whose rights are at stake and who are fighting for change.

Working in partnership, this year we played a key role in:

- keeping the urgent need to raise the age of criminal responsibility in the national spotlight;
- repealing harmful public drunkenness laws in Victoria to reduce deaths in custody;
- securing decriminalisation of abortion in South Australia and safe access zone laws in Western Australia to stop the harassment and intimidation of women accessing reproductive healthcare;
- defeating yet another attempt to introduce anti-protest laws in Tasmania targeted at environmental protesters;
- securing a commitment from Rio Tinto to fund a major independent assessment of the impact of toxic waste from its abandoned mine on Bougainville;
- exposing the Australian Government's cruel laws and policies that separate refugee families;
- securing vital human rights and democracy safeguards in Victoria's new pandemic laws;
- growing the campaign for an Australian Charter of Human Rights and documenting the surge in support for a Charter during the pandemic.

As we emerge from what we hope is the worst of the pandemic, we are at a critical moment. The pandemic has given us difficult but valuable lessons. We must act on them to shape a fairer future for all.

We must improve transparency, accountability and human rights protections to help ensure governments make decisions which are consistent with enumerated human rights, including in times of crisis and beyond. We must give people greater legal power to address human rights breaches. We need to reform laws, policies and practices that increase and entrench inequality and perpetrate injustice against Aboriginal and Torres Strait Islander people. We need better laws so that corporations don't put profits ahead of people's rights and the wellbeing of Country. And we must strengthen our democracy so that the interests of people, the planet and future generations are at the heart of every government decision.

Human rights reflect the shared values that unite us and help to articulate the kind of society we all want to live in. To everyone who worked alongside us and supported our work this year, thank you. To everyone we partnered with to make change, we look forward to continuing to build on our progress. Together we help to build a fairer, safer, more compassionate Australia that values our differences, honours our planet and is grounded in respect.



*Robynne Quiggin*

Professor Robynne Quiggin  
Chair of the Board



*Hugh de Kretser*

Hugh de Kretser,  
Executive Director

# Who We Are & How We Work

## Our Vision

An Australia where everyone is free to lead a decent, dignified life; where our laws, policies and institutions promote fairness and equality; and where people and communities have the power to address inequality and injustice and ensure that governments always act in the public interest.

## Our Mission

The Human Rights Law Centre uses strategic legal action, policy solutions and advocacy to support people and communities to eliminate inequality and injustice and build a fairer, more compassionate Australia.

## Where we work

We are a national organisation committed to building a fair and compassionate Australia. We work on human rights issues in Australia and that relate to the actions of Australian governments and corporations overseas.

## Our tools

### Legal action

We take strategic legal action to secure redress for people and communities in need, to ensure accountability, to establish precedents that protect human rights and to prompt law and policy change.

### Policy solutions

We conduct analysis, consultation and research to develop policy solutions to change laws and policies to advance human rights.

### Advocacy

We advocate with decision makers, in the media and through UN accountability mechanisms, to secure law and policy reforms to advance human rights and to defeat policy proposals that would undermine human rights.



Human Rights Law Centre  
Senior Lawyers Alice Drury  
and Yusra Al-Azzawi

## How We Work

In undertaking our work, we help people and communities understand their rights and take action to defend their rights and the rights of others. We work alongside people and communities affected by human rights violations and place their voices and interests at the heart of our work. We recognise that our goals can only be achieved by working collaboratively. That's why strong, respectful partnerships are central to all of our work.

We partner with other not-for-profit organisations to advance shared goals and achieve collective impact. We partner with Aboriginal and Torres Strait Islander peoples and organisations, working alongside them to address systemic injustices facing their communities, guided by partnership principles which support self-determination. We partner with law firms and barristers whose professional commitment to human rights, access to justice and the rule of law brings significant expert pro bono resources to support our work.

We build communities of action on the issues we work on. We connect people and communities whose human rights are at risk with our staff, donors, philanthropic funders, volunteers, not-for-profit and pro bono partners and with other people and communities who are committed to defending rights.

## Our Reconciliation Action Plan

The Human Rights Law Centre is deeply committed to the realisation of Aboriginal and Torres Strait Islander peoples' human rights in Australia, as a vital component of our broader mission to protect and promote human rights in Australia.

We are committed to conducting our work in a way that supports reconciliation and the full realisation of the right to self-determination for Aboriginal and Torres Strait Islander peoples. We are committed to the development of respectful and empowering partnerships and solidarity approaches to working with Aboriginal and Torres Strait Islander peoples. We are also committed to being a culturally responsive and respectful organisation and to developing a culturally safe work environment. The development of a Reconciliation Action Plan is integral to these goals.

In 2021, we continued to learn and grow as an organisation and have committed to ongoing Aboriginal and Torres Strait Islander cultural awareness training for all staff. We value the guidance of the Aboriginal and Torres Strait Islander organisations that we work with and have sought to support their work through shared advocacy efforts, litigation, media, campaigns, and community events on issues impacting the rights of Aboriginal and Torres Strait Islander peoples.

We are committed to increasing First Nations representation in the legal sector and we are proud to participate in the Waiwa Mudena program. Designed with and for First Nations law students, Waiwa Mudena is a program run by King & Wood Mallesons. The Human Rights Law Centre continued our involvement in the program and hosted three interns this year - Jonathon Gobbo, Olivia Nibbs and Lara Walker.

# Aboriginal & Torres Strait Islander Rights



## Our Vision

A fair legal system that is free from racial injustice and that upholds the principles of dignity, equality, and Aboriginal and Torres Strait Islander peoples' right to self-determination.

## How We Work

Aboriginal and Torres Strait Islander people know the solutions to the injustices their communities face – injustices borne of ongoing racism, colonisation and generations of oppressive government laws and policies. We strive to work in ways that respect Aboriginal and Torres Strait Islander peoples' right to self-determination and support the movement to end systemic racism in the legal system. We work in solidarity with Aboriginal organisations, peak bodies and the Change the Record coalition. Our partnership principles and Reconciliation Action Plan guide how we support Aboriginal and Torres Strait Islander peoples' right to self-determination. We recognise that meaningful solidarity requires ongoing reflection, change and learning.





## Focus of Our Work

- Removing racial injustice from the criminal legal system**

We work to end the mass-imprisonment and deaths in custody of Aboriginal and Torres Strait Islander people and challenge the lack of police accountability.
- Ensuring Aboriginal and Torres Strait Islander children are treated fairly and equally in the criminal legal system**

We advocate for a fair and compassionate youth legal system that ensures Aboriginal and Torres Strait Islander children are not locked up and instead, can reach their full potential, supported by their families and community.
- Pushing for economic justice through a fair social security system**

We work to end the Australian Government's oppressive targeting of Aboriginal and Torres Strait Islander people through the social security system, and to advocate for a fair social safety net so that all people can live a dignified life.

## Supporting the fight for economic justice in remote communities

For years, the Australian Government's racist social security policies have made life harder for many Aboriginal and Torres Strait Islander people, especially people living in remote communities. The remote work-for-the-dole program, called the 'Community Development Program' (CDP), forced Aboriginal and Torres Strait Islander people in remote communities to work hundreds more hours each year than people in cities for the same payment. In many cases, people were receiving a social security payment that was much lower than minimum wage to do work they should have been employed to do. A punishing regime of financial penalties left many people without money to feed their families.

Since 2015, Aboriginal and Torres Strait Islander people have been calling for an end to the CDP. We worked in solidarity with Aboriginal leaders and peak

organisations in the Northern Territory to support the campaign to abolish the CDP and replace it with an Aboriginal-led program that would create real job opportunities in remote communities. In May, the Australian Government finally listened to Aboriginal and Torres Strait Islander people and agreed to end the CDP and co-design a new program to start in 2023. It will be critical that the Government respect the autonomy, leadership and expertise of Aboriginal and Torres Strait Islander people throughout the co-design process.

Aboriginal and Torres Strait Islander people are also targeted by the Government's compulsory income control programs, which deny people the freedom to make decisions about where to buy food and clothes, and the option of buying cheaper or second-hand goods with cash.

## Our Impact

## Six steps to end Black deaths in custody

In 2019 and 2020, the Australian Government attempted to introduce the cashless debit card across the entire Northern Territory, and to convert the experimental trial program into a permanent, compulsory measure. The decision to further expand and entrench income control in the Northern Territory will impact every remote Aboriginal community, yet none were included in the decision-making process.

We supported the tireless work of Aboriginal organisations opposing the expansion of income control and calling for voluntary approaches to income management instead. Guided by their leadership, we worked in a dynamic coalition that influenced key politicians and ensured that the new cashless debit card laws gave people in the Northern Territory a choice, rather than coercing them to participate. The Government was blocked from turning the trial program into a permanent measure.

In April 1991, the Royal Commission into Aboriginal Deaths in Custody made over 300 recommendations to stop deaths in custody. The Commission recognised that more Aboriginal and Torres Strait Islander people die in prison because governments and courts lock up Aboriginal and Torres Strait Islander people in severely disproportionate numbers compared to non-Indigenous people.

Over 470 Aboriginal and Torres Strait Islander people have died in custody in the past 30 years.

In collaboration with Aboriginal and Torres Strait Islander organisations and the Change the Record Coalition, we developed a six-point plan to address this ongoing injustice.

Since that report, due to discriminatory government decision making and systemic racism in the legal system, the rate at which Aboriginal and Torres Strait Islander people are being imprisoned is getting worse.

1

End the mass imprisonment of Aboriginal and Torres Strait Islander people by repealing punitive bail laws; mandatory sentencing laws; and prison sentences for minor offending.

2

Stop imprisoning Aboriginal and Torres Strait Islander children and #RaiseTheAge of criminal responsibility from ten to at least 14 years.

3

End racist policing and require police accountability by ending the practice of police investigating police wrongdoing and legislating for independent investigations of deaths in custody.

4

Demand Aboriginal-led oversight over implementing, monitoring and assessing all the recommendations of the Royal Commission into Aboriginal Deaths in Custody.

5

Invest in family violence prevention and legal services to stop Aboriginal and Torres Strait Islander women who have survived family violence being forced into the criminal legal system.

6

End the abuse, torture and solitary confinement of Aboriginal and Torres Strait Islander people in police and prison cells through legislative safeguards and by urgently establishing independent bodies in accordance with the Optional Protocol to the Convention Against Torture.



“Thirty years ago, the Royal Commission into Aboriginal Deaths in Custody found that the primary driver of Aboriginal deaths in custody was the mass incarceration of our people. That remains the case today. We are amongst the most incarcerated peoples on earth and have been waiting on real government action for too long.

“If governments believe that the lives of First Nations people matter, then they would take urgent steps to remove unjust laws and policies that contribute to this crisis of over-imprisonment. This starts with raising the age of criminal responsibility to keep young children out of prison, abolishing discriminatory and punitive mandatory sentencing and bail laws and implementing the recommendations of the 1991 Royal Commission into Aboriginal Deaths in Custody that are 30 years overdue. Nothing is stopping state, territory and the Federal Government taking action today.”

– Meena Singh, Senior Advisor, Human Rights Law Centre



● “Prisons do not rehabilitate or remedy disadvantage, they compound and exacerbate it. We need to stop building more prisons and invest in services and programs that divert people away from the legal system and address the underlying causes of people’s offending.”

— Monique Hurley, Senior Lawyer

The Day family  
Image credit: Charendev Singh

## Advocating to end mass imprisonment

Successive Victorian Governments have introduced punitive policies that have resulted in the prison population skyrocketing by almost 60 per cent over a ten-year period. These policies perpetuate and exacerbate systemic racism, leading to the number of Aboriginal and Torres Strait Islander people behind bars nearly tripling in the same timeframe. Evidence shows that prisons are a blunt, harmful and ineffective response to crime - they exacerbate disadvantage and compound inequality. That’s why we advocate for governments to stop pipelining more and more people into prisons.

Unjust bail laws are a significant driver of growing imprisonment rates in Victoria. Between 2017 and 2019, the Victorian Government changed the bail laws in response to men committing serious violent crimes, but these laws have disproportionately impacted Aboriginal and Torres Strait Islander women and women experiencing disadvantage.

This has resulted in more women being denied bail and locked up before they have been found guilty. Throughout 2021, approximately half the women in Victorian prisons are awaiting a trial or sentence. This has devastating consequences. A short period of time in prison can have lifelong impacts. Time in prison can result in women losing their children, homes, jobs, and their connection to the community.

Together with partners, the Human Rights Law Centre is pushing to reform bail laws. In August, we made a submission and gave evidence to a parliamentary inquiry into Victoria’s criminal justice system. Our recommendations included stopping the expansion of the Dame Phyllis Frost women’s prison, fixing bail laws and raising the age of criminal responsibility to at least 14 years.

## Repealing harmful public drunkenness laws in Victoria to prevent deaths in custody

In February, together with the Day family and the Aboriginal community, we helped secure an important reform that finally realised the Royal Commission into Aboriginal Deaths in Custody recommendation to repeal harmful public drunkenness laws. When the law comes into effect in November 2022, it will result in fewer people being needlessly locked up in police cells, cutting the risk of deaths in custody.

This reform was driven by the advocacy of the Day family who continue to fight for systemic change after the death in police custody of their mother, Yorta Yorta woman Tanya Day. Tanya was woken up on a train, arrested and locked up for being drunk in a public place in December 2017. Tanya died after falling and hitting her head in a cell at the Castlemaine police station in December 2017. We continue to work with the Day family, Aboriginal organisations, and the Victorian Government to implement an Aboriginal-led public health response to replace these damaging laws.

## Ensuring fair access to the Age Pension so Aboriginal people have equal rights to retire with dignity

The Age Pension was designed to ensure that every person can retire and age with dignity. Yet, the system isn't working as fairly as it should. Because of the gap in life expectancy, Aboriginal and Torres Strait Islander people are being denied equal access to support in later life.

The ongoing impacts of colonisation and systemic racism, and the failure of governments to meet Closing the Gap targets, have resulted in Aboriginal and Torres Strait Islander people having a lower life expectancy than non-Indigenous people. Aboriginal and Torres Strait Islander men have an average life expectancy 8.6 years lower than non-Indigenous men, while for women the gap is 7.8 years. As a result, Aboriginal and Torres Strait Islander people do not get the same opportunity to retire and receive support through the Age Pension as other people. National statistics show that less than 1 per cent of people accessing the pension are Aboriginal or Torres Strait Islander.

To address this inequality, proud Wakka Wakka man, Uncle Dennis, supported by the Victorian Aboriginal Legal Service, the Human Rights Law Centre and DLA Piper, launched a legal challenge in September 2021 in the Federal Court. The case seeks a ruling that allows Aboriginal and Torres Strait Islander people to access the Age Pension at an earlier age, until the gap in life expectancy is closed.

This case marks an important step toward accountability. For the first time, the Australian Government will have to face court and answer for its failure to close the gap in life expectancy between Aboriginal and Torres Strait Islander people and non-Indigenous people in Australia.



## Dennis' story

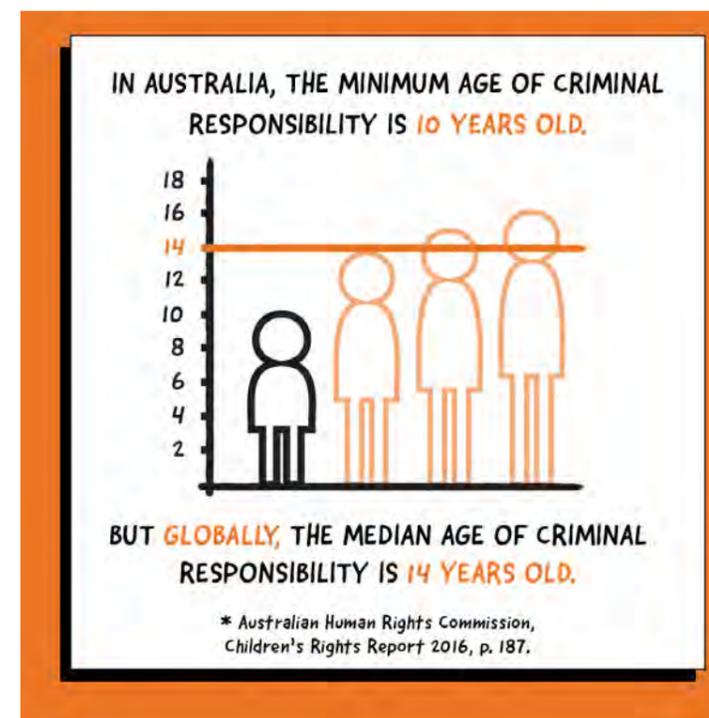
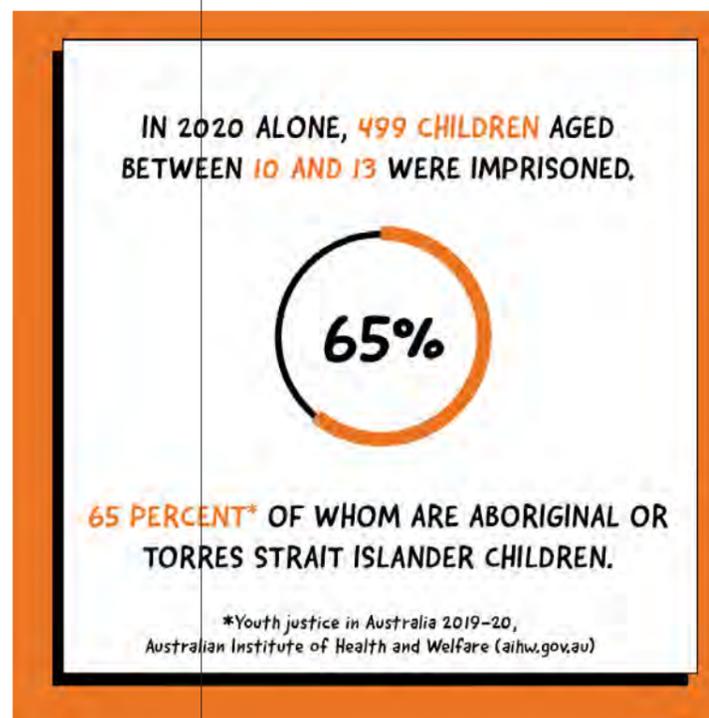
Uncle Dennis is a proud Wakka Wakka man who grew up and worked on a mission in Queensland. There, his wages were stolen by the QLD Government. Dennis has worked hard his whole life, but the system is stacked against him. Like many people, he doesn't have the assets and wealth now required to meet the costs of life in retirement and he may soon need the support of the Age Pension.

● “As an Aboriginal man, I've seen too many of my people dying at a very early age. We are lucky to get to 50 years old. White people are living longer because they haven't lost what we have lost. So many things that Aboriginal people are suffering from today, are because of how we have been treated since colonisation.

It's only fair for the pension age to be lowered. The pension is an important part of caring for and looking after our people when they can't work anymore.

But this isn't just about money. Things will never get better unless we acknowledge something is wrong. Truth and accountability are important. This case is about telling the truth, and asking the Government to work together with us, to give our people the same chance in life as everyone else.”

— Uncle Dennis



## Raising the age of criminal responsibility to stop governments locking up children in prison

Children do best when they are supported, nurtured and loved. Yet in Australia, children as young as ten can be charged with a criminal offence, hauled before the courts and sent to prison. Criminalising young children is damaging and wrong - that's why every state and territory in Australia must raise the age of criminal responsibility from ten to at least 14 years.

Australia's low age of criminal responsibility disproportionately affects Aboriginal and Torres Strait Islander children, who account for almost 65 per cent of ten to 13-year-old children locked behind bars. This over-representation is driven by discriminatory laws and policies and racist policing. Together with Aboriginal and Torres Strait Islander organisations, legal, human rights and medical experts, the Human Rights Law Centre established the national campaign to raise the age of criminal responsibility across Australia from ten to at least 14.

Launched in 2020, the campaign now has the support of over 100 organisations from every state and territory. Over 110,000 people have signed the campaign petition.

The campaign secured a big win when the ACT Government committed to raising the minimum age of criminal responsibility to 14. We prepared a submission to help guide the ACT Government's new approach that includes providing alternatives to locking children up and calls for community-led prevention and diversionary programs. We are now working to ensure the ACT Government's commitment becomes legislation in February 2022 and to replicate this reform in all Australian jurisdictions.

In January 2021, we played a key role in ensuring that a major UN review of Australia's human rights track record highlighted Australia's low age of criminal responsibility. In the review, 30 nations recommended that Australia raise the age and we generated national media coverage to raise awareness of the issue.

We also highlighted the inaction from the Council of Attorneys-General which was tasked in 2019 with reviewing Australia's low age of criminal responsibility. We coordinated 48 organisations to publicly release the submissions they made to

the Council's review. We mobilised 76 organisations to sign on to an open letter calling for urgent action. We also rallied supporters to get behind the cause. Since then, in addition to the ACT Government's commitment, the Queensland Labor Party and Western Australian Labor Party have passed motions to raise the age to 14 years.

In November, state and territory Attorneys General met and after three years of complete inaction, announced a vague commitment to "develop a proposal" to only raise the age to 12. This is not good enough. We will not stop until we have done away with the discriminatory laws and policies that lead to early criminalisation and imprisonment of young children. Every single Australian government must raise the age of criminal responsibility to a minimum of 14.

### Join the campaign

● "It beggars belief that the chief law officers in the country could be so complacent when it comes to raising the minimum age of criminal responsibility in Australia, which is totally out of step with international human rights law and international standards."

"The evidence is crystal clear - jailing children under 14 does not make the community any safer, while it greatly increases the risk of that child going on to have contact with the adult legal system in the future. In one year almost 500 children have been jailed unnecessarily, setting many on a path to future offending."

- Meena Singh, Senior Advisor, Human Rights Law Centre

# Democratic Freedoms



Image credit:  
Alex Ellinghausen/  
The Sydney Morning  
Herald

## Our Vision

An Australian democracy in which civil society is strong and vibrant; public debate is informed, fair and diverse; government is open and accountable; and the wellbeing of people and the planet are at the heart of every government decision.

## How We Work

We convene diverse and expert coalitions to design the policy solutions needed to strengthen our democracy. We build collaborative campaigns to win positive reforms and prevent regress. We take strategic legal action to uphold democratic freedoms and ensure government accountability.



“People who tell the truth about wrongdoing must be protected, not punished. Because while there is so much that we do know thanks to the courage of individual whistleblowers – from potential war crimes in Afghanistan to the culture of sexism and misogyny in our national parliament – we need to be concerned about what we don’t know, and what we may never know, because people are too afraid and unsupported in speaking up.”

— Kieran Pender, Senior Lawyer, Human Rights Law Centre

## Our Impact

### Focus of Our Work

- Supporting and empowering Australia’s whistleblowers**

People who blow the whistle on wrongdoing are crucial to our democracy. But right now, whistleblowers in Australia are actively discouraged from speaking out. To address this, we are working to establish Australia’s first dedicated Whistleblowers’ Legal Service and to secure stronger legal protections for people who speak out in the public interest.
- Defending charity advocacy**

Whether running a homeless shelter, tackling family violence, or protecting the environment, charities and community groups have enormous expertise to contribute to public debates. We work with the charities sector to resist attacks on our ability to advocate and to promote positive reform.
- Ensuring integrity in Australia’s political system**

Our politicians should serve the people they represent and work for the common good. We advocate for the key political integrity reforms needed to restore balance in our democracy and stop powerful industries from securing political outcomes that put their interests ahead of everyone else’s.
- Strengthening protest rights**

Our ability to come together and protest is crucial to achieving positive social change. Yet in recent years we have seen a worrying proliferation of anti-protest laws which often expressly target or disproportionately impact environmental defenders and people advocating for action on climate change. We use legal action and advocacy to fight back against undemocratic anti-protest laws and excessive police responses.

### Building Australia’s first dedicated Whistleblowers’ Legal Service

People who blow the whistle on wrongdoing are crucial to our democracy. From the horrors of offshore detention on Manus and Nauru to potential war crimes in Afghanistan, so much has been revealed thanks to the courage of whistleblowers. Time and time again we have seen that one brave individual speaking up can be the catalyst for systemic human rights change.

But right now, whistleblowers in Australia are actively discouraged from speaking out. 80 per cent of whistleblowers suffer some form of personal reprisal, largely because of ineffective legal protections and insufficient support. Not a single successful claim has been brought under our federal whistleblower protection laws since they were introduced eight years ago. In addition to this, the high-profile prosecutions of whistleblowers like Bernard Collaery and Witness K, and police raids on public interest journalists, have created a climate of fear that pressures people to stay silent.

In 2021, the Human Rights Law Centre announced plans to establish Australia’s first dedicated legal service to provide expert advice and support to whistleblowers. The service will aim to support whistleblowers to safely reveal wrongdoing under the protection of law; ensure the wrongdoing they disclose

is dealt with promptly and fairly; and protect them against any reprisal. We will also conduct strategic legal action and policy advocacy to expand whistleblower protections and rein in undemocratic secrecy and surveillance laws which impede whistleblowing and public interest journalism in Australia.

Throughout the year we also undertook extensive advocacy in response to the prosecutions of several public interest whistleblowers, calling for the charges to be dropped and using the injustice of their prosecutions to highlight the need for stronger legal protections for whistleblowers. We are working with leading experts to design a blueprint for the key legal changes needed and preparing an advocacy campaign to have these changes enacted.

7/10

Australians want more legal protections for whistleblowers and say that whistleblowers make Australia a better place

71%

of Australians agree that whistleblower protections for public servants should be strengthened



“Every increase in state surveillance has a democratic cost. Time and time again we see new surveillance powers being used to overpolice marginalised communities, to target activists, and to silence whistleblowers and public interest journalists. We can’t keep marching towards increased government surveillance without comprehensive safeguards in place to protect our democracy and our human rights”

— Daniel Webb, Legal Director, Human Rights Law Centre

## Demanding greater safeguards against mass surveillance

In recent years, we have witnessed an alarming proliferation of laws and technologies that give governments and various agencies the power to spy on everyday Australians. We know from experience in Australia and throughout the world that mass surveillance is dangerous to democracy. New surveillance technologies are being used in a discriminatory way to overpolice some communities and have been weaponised against journalists and whistleblowers who expose the truth.

In 2020, the Human Rights Law Centre provided expert advice to the federal parliament’s intelligence and security committee on the Morrison Government’s bill to extend surveillance powers. We warned that the bill would give Federal Police invasive new powers to takeover people’s online accounts and monitor

online activity. The committee agreed with our concerns and made bi-partisan recommendations to fix the bill.

While the Government proceeded with the bill without heeding some of the committee’s warnings, our advocacy helped achieve crucial safeguards to prevent the improper use of these new powers against whistleblowers and public interest journalists.

## Strengthening political integrity

From healthcare and education, to protecting the environment for future generations, the health of our democracy impacts many issues that affect our daily lives. While we can be proud of many aspects of our democracy, we can’t be complacent. We must end the power that harmful industries have to skew democratic processes to gain political outcomes that put their profits ahead of our wellbeing.

In Australia, weak lobbying and political donation rules, and the lack of a Federal anti-corruption watchdog, enable powerful industries to wield disproportionate influence in our democracy. Research shows that Australians are concerned about the distorting impact of money in politics but that they don’t know how to fix it.

Over the last 12 months, the Human Rights Law Centre, the Australian Conservation Foundation, and the Australian Democracy Network worked with experts and civil society organisations to design the Framework for a Fair Democracy, which contains 11 clear, common-sense reforms needed to make our democracy work for all of us. Together we launched the #OurDemocracy campaign, a long-term national campaign to enact the reforms in the Framework and raise the standards of political integrity in Australia.

**Find out more**  
[#OurDemocracyCampaign](#)

Protesters block entry to Whitehaven's Maules Creek coal mine development in January 2014.

Image credit: Abram Powell / Greenpeace



“For those without money or political access, protest is a critical way to advocate on the issues they care about. Yet we are seeing an alarming trend in which climate defenders are increasingly being restricted, intimidated and attacked by those wedded to fossil fuels. At a time when the stakes could not be higher, and dire warnings about the Earth’s warming could not be clearer, this is nothing short of reprehensible. It’s time for Australian governments to take action on climate change instead of attacking those protesting their inaction.”

— Yusur Al-Azzawi, Senior Lawyer,  
Human Rights Law Centre

## Defending climate activism

The climate crisis is the greatest challenge of our time. Advocacy and protest are vital to ensuring that the best interests of people, the planet and future generations guide the responses of Australian governments, not the vested interests of a few powerful industries. But in recent years, the ability of communities and organisations to advocate for stronger climate action has come under sustained attack.

In November 2021, the Human Rights Law Centre, Greenpeace Australia Pacific, and the Environmental Defenders Office released a new report *Global Warning: The threats to climate defenders in Australia*. The report maps the systematic repression of communities and organisations advocating for climate justice in response to government inaction.

To reverse this undemocratic slide our report recommends actions to address the distorting influence of the fossil fuel industry in Australia’s democracy and to enact stronger protections for advocacy and protest rights under Australian domestic law.

[Read the report](#)



A student-led flotilla send a message to oil companies that they are not welcome to drill in the Great Australian Bight

Image credit: Sarah Pannell / Greenpeace

## Strengthening human rights and democracy safeguards in Victoria's new pandemic law

The pandemic has required governments around the world to make difficult and high stakes decisions, balancing the need to protect our right to life and health against other rights and freedoms such as our rights to education, work, to see loved ones, to protest, worship and more. Every state and territory in the country continues to rely on public health and emergency legislation to support their COVID-19 response. But many of these laws were designed for short-term crises, not long-term pandemics, and they lack the sorts of checks and balances and oversight mechanisms needed when responding to a long-term threat like COVID-19.

With Victoria's current state of emergency expiring on 15 December 2021 and unable to be extended under the existing legislation, the Victorian Government recently introduced a proposed new pandemic law to support the ongoing management of COVID-19 and any future pandemics.

The bill was a significant improvement on the existing legislation in Victoria but required further changes to ensure a best-practice approach and to fully incorporate all of the lessons of the last two years. The Human Rights Law Centre worked closely with key decision makers on the human rights and democracy safeguards which needed to be included in the new law. Our advocacy helped secure important improvements to the law including:

- Stricter criteria for when the Premier can declare a pandemic, ensuring a pandemic can only be declared on “reasonable grounds”
- Increased transparency around the health advice and human rights justification for key decisions, which will support stronger independent scrutiny of the pandemic response
- Improved oversight and review processes, including a new expert advisory committee and a parliamentary committee to review restrictions, and a power for Parliament to disallow restrictions which get the balance wrong
- Much stronger privacy safeguards, which will ensure QR code and contact tracing data can only be used for public health purposes or in other very limited circumstances
- A new, fairer approach to fines, which will allow people to seek significantly reduced penalties based on hardship and vulnerability criteria
- A new clear, accessible right of appeal for anyone who is detained under a pandemic restriction.

● “Whether it’s women’s rights, racial justice, the environment or gambling harm, our ability to come together and speak out on the things we care about is fundamental to our democracy. The Tasmanian Government must stop these repeated attempts to silence advocacy once and for all.”

— Yusr Al-Azzawi, Senior Lawyer, Human Rights Law Centre



## Ensuring our right to protest

Our ability to come together and speak out on the issues we care about is fundamental to our democracy. Tireless, sustained protest was vital to Aboriginal and Torres Strait Islander people gaining the right to vote, LGBTIQ+ people achieving marriage equality, and unions securing the eight-hour workday. People power has played an invaluable role in protecting the Franklin River, the Daintree Rainforest and so many other vital natural areas.

During 2021, the Human Rights Law Centre worked closely with Tasmanian civil society partners to stop the passage of an undemocratic new anti-protest law in Tasmania. This proposed law was so broad and disproportionate it could have criminalised people for handing out fliers on a footpath or gathering petition signatures in a park. In September, the Tasmanian Government introduced a revised version of this bill to parliament. The bill still threatens people with severe prison sentences for a range of protest-related actions and would harm democracy in Tasmania. We will continue to work with partners to stop the bill from being passed.

## Protecting and supporting charity advocacy

Charities and community groups play a vital role in our society, whether its preventing family violence, protecting the environment or helping communities through crises like the pandemic and catastrophic bushfires. The work charities do gives them enormous expertise to contribute to public debates around how to address social and environmental problems. They should be free to speak up and advocate for positive social change. Yet too often governments seek to suppress advocacy by civil society instead of enabling it as a vital foundation of a healthy democracy. In recent years, we have seen a deluge of politically motivated attacks on charities designed to restrict their ability to advocate for the people, communities and issues they exist to support. Working with an alliance of civil society partners, the Human Rights Law Centre has been leading the response to these attacks.

This year, the Morrison Government introduced new rules which could have shut charities down for speaking out. The proposed new regulations would have handed the Charities Commissioner far-reaching powers to deregister charities for the most minor of offences – such as blocking a footpath at a vigil. The new rules would have also given the charities regulator extraordinary powers to preemptively shut down or punish a charity if the Commissioner believed it was likely that a minor offence may occur in the future.

Together with our partners in the #HandsOffOurCharities coalition, we led advocacy to have these proposed new rules scrapped. We prepared submission guides and an easy-to-follow explainer to help organisations understand the potential impact of the new rules and to advocate against them. In July, we joined with First Nations, religious and human rights groups to write to three UN Special Rapporteurs seeking their urgent intervention to stop the new rules going ahead. We advised that the regulations could prevent charities from supporting peaceful assemblies, in breach of the rights to freedom of expression and assembly which are protected under international human rights law.

In September, the Parliamentary committee reviewing the proposed rules, listened to expert advice, and recommended that they be withdrawn. In November our advocacy succeeded. The proposed regulations were defeated after Senator Rex Patrick introduced a disallowance motion in the Senate.

The Human Rights Law Centre also works to proactively support Australia's charities to speak out on the issues they work on. In October, we launched a new digital tool to assist non-profits to comply with Australia's complex electoral laws, which make it more difficult for charities to be involved in public advocacy in the lead up to elections. Hosted on our website, the tool provides critical legal information to help charities navigate these laws so they can safely contribute their insights and expertise to public debate.



Image Credit:  
AEC images

● “It is vital that charities be able to speak on behalf of the communities they support and represent. It is not enough to say that charities should be handing out blankets to homeless people. They should also be able to challenge why those people are experiencing homelessness.”

— Alice Drury, Senior Lawyer, Human Rights Law Centre

# Charter of Human Rights



Emeritus Professor Gillian Triggs, former President of the Australian Human Rights Commission and Teela Reid, lawyer and Wiradjuri/Wailwan woman at a Charter of Human Rights event.

## Our Vision

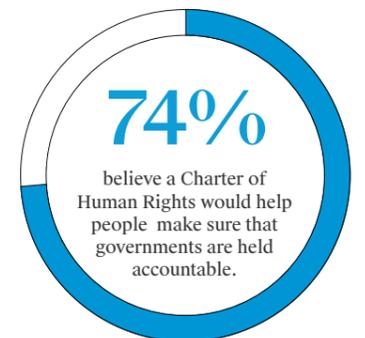
An Australia where everyone, no matter who they are or where they are, understands their rights, has them properly protected in our laws and has the power to take action to ensure they are upheld.

## How We Work

The Human Rights Law Centre steers the national campaign to create an Australian Charter of Rights & Freedoms to ensure human rights are properly protected in law at the national level. We work with communities, a growing coalition of over 60 civil society organisations covering diverse areas and constituencies, and legal and human rights experts to build support and momentum for a national Charter. Our campaign harnesses the expertise, reach and voice of community partners; brings communities together with a positive vision for a Charter; drives legal policy research and development; uses the media for positive social change; and builds political support for a Charter.



An opinion poll of over 1,000 people from across Australia found that:



## Our Impact

### Focus of Our Work

- Growing support for a national Charter**

We increase public understanding of human rights and grow support for protecting our rights in law. We develop and use campaigning and communications tools and advocacy to achieve this goal.
- Supporting local campaigns for state and territory Charters**

We support local efforts to strengthen existing Charters in Victoria, Queensland and the ACT and to secure Charters in states and territories that don't yet have them.

### Building community support for an Australian Charter of Human Rights

No matter who we are or where we are, our lives are better when we all treat each other with fairness and respect and when we can enjoy our rights and freedoms. But powerful corporations and politicians don't always respect the rights of people or communities. We need to create an Australian Charter of Human Rights and Freedoms to help level the playing field. Creating an Australian Charter of Human Rights and Freedoms will benefit the whole community.

A Charter will ensure the decisions and actions of our governments are guided by shared values of freedom, equality, compassion and dignity. It will help everyone, from school children to people

who decide to call Australia home, to understand the rights and freedoms that we all share and it will foster respect for human rights. A Charter will help to prevent human rights violations and it will provide an important tool for people and communities to take action and challenge injustice if their rights are violated.

Building awareness and community support for a Charter of Human Rights is critical to its establishment. In September 2021, we conducted a survey which revealed that support for an Australian Charter of Human Rights has grown significantly throughout the course of the pandemic.

The opinion poll of over 1,000 people from across Australia found significant increases in support for a Charter of Human Rights across all demographics, with young people recording the strongest growth in support compared with our 2019 poll. 83 per cent of people now believe there should be a document that sets out, in clear language, the rights and responsibilities that everyone has here in Australia. This has grown from 66 per cent of respondents in 2019. Two thirds of respondents agreed that a Charter of Human Rights would help people and communities to make sure the government does the right thing, compared to 56 per cent two years earlier.

75 per cent of people agreed that a Charter of Human Rights sounded like an idea they would support. These results show that our campaign is gaining momentum and that public support for stronger human rights protections is growing.

We will continue to develop communications strategies and campaign tactics to take advantage of the growing public interest in human rights. This year, we launched a new digital tool which uses a short interactive quiz to deepen public understanding of the tangible benefits of human rights legal reforms.



● “These survey results show that there is strong and increasing support for a Charter in Australia. We’ve seen a big rise in support, particularly from younger people, as well as increased recognition of the benefits that a Charter would bring.

“A Charter will help to ensure that everyone can access quality health care, regardless of where they live; that every child can get a good education; that people in aged care homes are treated with dignity, and so much more. A Charter will be an essential pillar of our democracy.”

— Hugh de Kretser, Executive Director, Human Rights Law Centre

## Hosting digital events to expand support for human rights

Digital events have proven to be an effective way to spark important conversations in the community on how a Charter of Human Rights could make a tangible impact to peoples’ lives. Over 2021, we convened three major online forums with expert speakers. In March, we hosted Workers Rights and Human Rights with the UTS Centre for Social Justice and Inclusion on ways a Charter will help to protect workers’ rights. In May, our Charting a Better Recovery with

the Castan Centre for Human Rights Law, discussed what our COVID-19 recovery should look like and the lessons that can be learned to reshape our society with a human rights focus. In September, we hosted Making the Right to Health a Reality with UNSW’s Australian Human Rights Institute, which explored ways a Charter could improve people’s health, and particularly Aboriginal and Torres Strait Islander peoples and people with disabilities.

Making the Right to Health a Reality: Professor Justine Nolan, Director of the Australian Human Rights Institute at UNSW; Donnella Mills, Chair, National Aboriginal Community Controlled Health Organisations; Hugh de Kretser, Executive Director, Human Rights Law Centre; and Rosemary Kayess, Senior Lecturer & Chair of UN Committee on the Rights of Persons with Disabilities



## Highlighting the need for a Charter at the UN, in Canberra and in the media

We promoted the need for a Charter through our engagement with the major UN Universal Periodic Review of Australia’s human rights record which occurred in 2021. During the review, a number of UN member states highlighted the need for stronger human rights protections in law in Australia including through a Charter. We met with and wrote

to Federal politicians over the year to highlight the need for a Charter. We also highlighted the need for a Charter in our media advocacy, particularly in the context of COVID-19 which underscored the need for stronger human rights protections to help ensure governments make the right decisions when responding to the pandemic.

## Engaging young people in the need for a Charter of Rights

In May 2021, the Human Rights Law Centre and Melbourne High School hosted a pilot Australian Charter of Human Rights and Freedoms School Writing Competition. Supported by the Lord Mayor’s Charitable Foundation, the competition sought entries from Melbourne High School students for a preamble to an Australian Charter of Human Rights and Freedoms.

Year 10 student, Ryan, won the competition with his excellent entry that clearly articulated the necessity of why human rights must be protected in law. With the pilot competition providing valuable lessons for fine tuning, and with additional support from the Lord Mayor’s Charitable Foundation, an expanded competition across Victorian high schools will be run in 2022.

# Rights of Refugees & People Seeking Asylum

## Our Vision

Australia's cruel deterrence regime is replaced with a fair and humane response to people who are forced to leave their homes, which focuses on safe passage and treats people seeking safety with dignity, compassion and respect.



Image credit:  
iStock.com - Rawpixel

## How We Work

We use a strategic combination of legal action, policy solutions and advocacy to address the harm being caused by the Australian Government's refugee policies and to change those policies. We work in close partnership with the communities we represent and with other organisations working in the refugee rights and services sector.





## Focus of Our Work

- Bringing families back together**

Families belong together. Yet the Australian Government is deliberately separating thousands of refugees and people seeking asylum in Australia from their families overseas. Working closely in consultation with people directly impacted, we are addressing this injustice using a combination of strategic legal action, public campaigning, advocacy, and policy reform work.
- Ending offshore detention**

Australia's inhumane offshore detention regime has destroyed thousands of lives and caused unthinkable suffering. Over 200 people remain warehoused in Nauru and Papua New Guinea. We continue to fight to end this harmful policy and we will not stop until every single person can rebuild their lives in freedom and safety.
- Ensuring accountability for harm**

Ending offshore detention is only the first step towards repairing the years of harm caused by this cruel policy. We use legal action and advocacy to ensure there is accountability for the damage done, and to develop public recognition that it must never happen again.
- Evolving Australia's approach to immigration**

Over the last 20 years, Australia's approach to migration has become increasingly punitive and has led to countless human rights abuses. We are working with partners to devise strategies to shift Australia's migration policies to an approach that treats people with dignity, compassion and respect.

“Together in Safety tells the stories of mothers who have partners and children in refugee camps overseas, but cannot bring them to safety in Australia. Fathers who have missed their baby's first steps and first words, because the Australian Government refused to allow them to leave offshore detention. There are thousands of people across Australia who are separated indefinitely from their loved ones, because the Australian Government has made a deliberate choice to use family separation to try to prevent people from exercising their right to seek safety.”

— Josephine Langbien, Senior Lawyer, Human Rights Law Centre

## Our Impact

### Reuniting families split apart by Australia's migration policies

People should not be forced to make an unthinkable choice between their safety, their health and being with the ones they love. Yet for years, the Australian Government has deliberately and systematically separated families of refugees and people seeking asylum. The Government has used the love that binds a husband and wife, a parent and child, a brother and sister, as a key part of its deterrence regime. So far, this aspect of our country's refugee policy has largely escaped scrutiny.

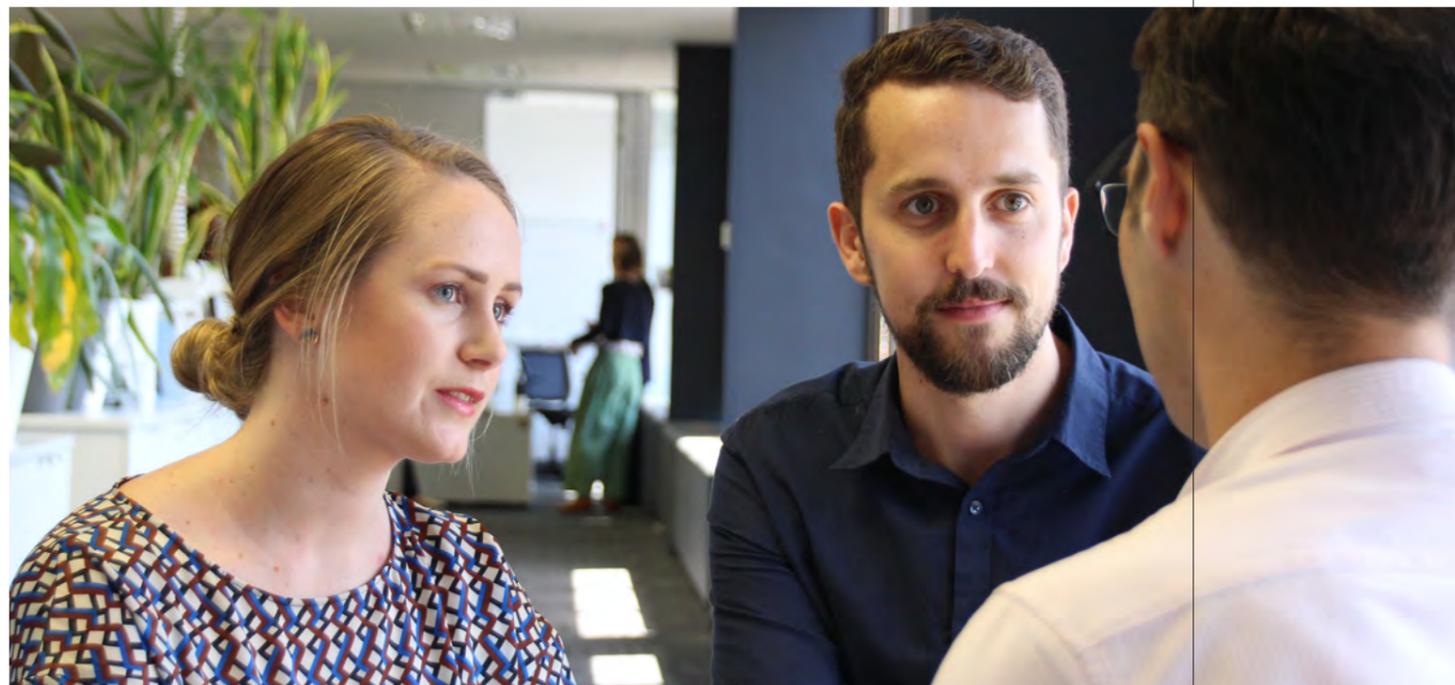
In April this year, we launched *Together in Safety* – a landmark report that exposed the use of family separation as a tactic to deter refugees. This multi-disciplinary report included contributions from leading medical experts, international law barristers and international legal organisations. Families who have been kept apart shared their story and reveal the impact of not being with their loved ones.

We combined the publication of this report with the launch of the #FamiliesBelongTogether campaign, which aims to achieve legal and policy changes to reunite families. The campaign began with media coverage of our report and the story of families who have been deliberately separated by the Federal

Government. More than 20,000 people have signed a petition calling for the Minister of Home Affairs to end the separation of refugee families, which will be delivered to Parliament. In addition to this, we continued to work with partners to identify opportunities to challenge the Australian Government's unfair policies in the courts.

[Find out more about the campaign](#)

[Download a copy of the report](#)



## Opposing new laws that could trap refugees in detention for life

Not only did the Federal Government refuse to release people from immigration detention during the pandemic, it actively sought greater powers to detain more people and for longer periods through several dangerous reforms. The first reform granted the Home Affairs Minister the power to lock up refugees and people seeking asylum indefinitely, potentially for life. We opposed these laws in Parliament, briefed key decision makers, and highlighted to the public the devastating impact these amendments could make to the lives of people in detention. Unfortunately, the Federal Government was able to rush through the legislation without real debate. These dangerous laws come up for review in the middle of 2023. We will continue to oppose the laws and challenge the concept that it is ever permissible to lock up someone for life in immigration detention.

The second reform sought to extend the Home Affairs Minister's already overly broad powers to cancel people's visas on vague 'character' grounds. This would have threatened people with refugee status, and many other people who have lived in Australia for most of their lives,

with being locked up in immigration detention and sent back to countries that were never their home. We worked with partners to highlight to key decision makers the serious and extraordinary implications of these laws. In a huge win for the thousands of people who would have been imprisoned and deported unnecessarily, the Senate defeated these laws in October.

● “The Government should not have the power to lock people up for life without any safeguards. This forces refugees into an unthinkable choice between spending potentially decades in immigration detention or agreeing to go back to a country where the Federal government recognises, they will be persecuted. These new laws allow the Morrison government to warehouse people in detention who have nowhere else to go.”

— David Burke, Legal Director, Human Rights Law Centre

## Supporting the men, women and children who face the threat of offshore detention

July 2021 marked eight years since the policy of offshore detention was first announced. Yet over 200 people remain in offshore detention in Nauru and Papua New Guinea. The Human Rights Law Centre continued to fight to end this dark chapter in Australia's history. Working with pro bono barristers, we supported the men held in Papua New Guinea to access vaccines as they faced a widespread COVID-19 outbreak. We also assembled a legal team should one of these men fall ill without access to appropriate medical treatment.

Over one thousand women, children and men have been brought to Australia from offshore detention. The Human Rights Law Centre leads legal action to prevent the Government from returning these people to harm. Our 200 High Court cases for more than 500 people remain in place. In 2021, the Government repeatedly tested this protection. We intervened multiple times to ensure that people were not involuntarily deported back to Nauru.

These men, women and children need a permanent, safe home where they can rebuild their lives. Instead, the Government

keeps them in constant limbo; they are either put into community detention, given six-month “final departure” visas with very limited rights, or locked up in secure immigration detention. 100 men are still locked up for no reason at all. Working with people impacted by this cruel limbo and key sector partners, we are campaigning for the permanent resettlement of everyone impacted by offshore detention.

We continue to coordinate a major pro bono effort involving 13 law firms to run more than 30 Federal Court cases against the Government on behalf of children, women and men who suffered serious injuries because of the Government's neglect and mistreatment in offshore detention. Initially, these cases successfully secured urgent transfers of people to Australia for medical treatment. Now they offer the possibility of compensation for our clients and a finding that the Government is legally responsible for the harm they suffered. These cases are heading towards a hearing. If successful, they will secure compensation for people harmed, create an important legal precedent, and impose an important barrier to anyone ever suffering the same treatment again.



● “These people have already endured almost nine years of limbo in detention. Now, the Morrison Government’s failure to safely release people has placed their lives at risk. After 18 months of experts sounding the alarm, it’s time the Government listened and urgently let people out of these high-risk facilities to isolate in safety.”

— Scott Cosgriff, Senior Lawyer, Human Rights Law Centre

## Seeking justice for Omid Masoumali’s death on Nauru

Omid Masoumali and his partner Pari\* came to Australia seeking safety. Instead, the Australian Government sent them to offshore detention in Nauru. Throughout the hard times there, Omid would remind Pari of all the things they had to look forward to in life together - children, friends and freedom. But after three years languishing in Nauru, this future was taken from them both. After Omid was told they had no chance of resettlement, his mental health declined. Omid sought help but his requests were not treated seriously enough, and in April 2016, he self-immolated.

Pari was represented in the inquest investigating her partner’s death by Maurice Blackburn with support from the Human Rights Law Centre. In October 2021, the Queensland State Coroner found that Omid’s actions were driven by uncertainty, powerlessness, and a loss of hope. The Coroner called for the Australian Government to urgently provide certainty and fast resettlement to the people who remain in Nauru.

The Australian Government’s choice to send Omid to Nauru when he first sought safety in Australia placed him thousands of kilometres away from proper medical care. The coronial inquest exposed that the Australian Government knew the risk of detaining people in Nauru. The Government was told long before Omid’s death that the medical facilities there could not treat someone with severe injuries. Omid could have survived his injuries if he had not been in Nauru.

Omid’s death is a devastating reminder of how the Australian Government’s policy of offshore detention is designed to break people. People are still suffering from the same hopelessness, the same uncertainty that Omid and Pari suffered. This cruel regime must end.

\*Not her real name

## Calling for people in immigration detention to be protected during the pandemic

No one should be put in harm’s way during a pandemic. The Morrison Government has been warned repeatedly by medical experts that it should release refugees and people held in detention to prevent illness, death, and community transmission from COVID-19.

Throughout 2021, we joined with medical experts, and human rights and refugee organisations to demand that the Morrison Government uphold its duty of care and reduce the number of people in detention to manage the threats posed by COVID-19. The Government did not listen and as a result, multiple outbreaks occurred in both onshore and offshore detention. We will continue to advocate for people held in immigration detention to be safely released into community housing.

# Reproductive Rights



Tania Penovic - Castan Centre for Human Rights Law, Adrienne Walters - Human Rights Law Centre, Jennifer Kanis - Maurice Blackburn Centre

## Our Vision

Australian laws and policies promote reproductive freedom and ensure every person has the power to decide what's right for their body.

## How We Work

We work with civil society partners, doctors, nurses, community health services and lawyers to advance reproductive freedoms and defend hard-won rights.





● “This is a historic day for reproductive rights across Australia. The intimidation and harassment of people seeking abortion care outside of health clinics is now banned around the nation.

No one should have to run a gauntlet of abuse just to see their doctor. These laws will ensure that no one is harassed or filmed by strangers as they walk to their doctor’s door for essential reproductive healthcare.”

— Adrienne Walters, Acting Legal Director, Human Rights Law Centre

## Our Impact

### Focus of Our Work

- **Removing legal barriers to abortion services**  
 Everyone has the right to decide what is right for their lives and what happens to their body. Through collaborative campaigning and skilled political advocacy, we are working to ensure that abortion is decriminalised and that abortion laws support best-practice medicine in every state and territory.
- **Ensuring people can access reproductive healthcare safely**  
 No one should be intimidated and abused by strangers on the way to see their doctor. We work with partners across legal, community and health sectors to secure and defend safe access zone laws to protect people from being harassed outside reproductive health clinics.

### Establishing safe access zone laws in every state and territory

In August 2021, we achieved a huge win for reproductive rights in Australia, with Western Australia becoming the final state to introduce safe access zones around abortion services. Safe access zone laws ensure that people are not harassed, obstructed or filmed by strangers as they walk to their doctor’s door for reproductive healthcare. These laws also send an important message – people have a right to decide what’s right for their lives and their bodies, and to access healthcare with dignity and in privacy.

Securing safe access zones across Australia is a huge achievement for reproductive freedom that wouldn’t have been possible without the people

who bravely shared their stories and the fierce commitment of health workers and community advocates over many years. Our advocacy with partners has now helped establish safe access zones in every jurisdiction around Australia. We have also protected these laws from people seeking to wind back reproductive rights – in 2019, anti-abortionists challenged safe access zones in the High Court and, we helped defend these laws with our partners and won.



● “This is a massive win for reproductive rights.. Access to a safe, legal abortion is a critical healthcare right. We are grateful to the countless people who have been fighting for this long overdue reform, which will see abortion finally treated as the healthcare matter it is. We pay particular tribute to the South Australian Abortion Action Coalition for their tireless advocacy efforts.”

— Monique Hurley, Senior Lawyer, Human Rights Law Centre

## Decriminalising abortion in South Australia

Every person should have the power to decide what’s right for their body and be able to access the best quality reproductive healthcare available without facing outdated and discriminatory legal hurdles. That’s why the Human Rights Law Centre is committed to fighting for reproductive freedom for all people through modernised abortion laws in every state and territory.

In February, the South Australian Parliament finally voted to decriminalise abortion. This followed historic decriminalisation reforms in the Northern Territory (2017), Queensland (2018)

and New South Wales (2019). Using the momentum generated by reform in one jurisdiction to drive our strategies in the next has been central to our goal of securing laws that promote reproductive freedom and equality.

We have worked closely with grassroots advocates across Australia, helped to drive game-changing coalitions, and provided strategic legal and policy guidance to decision makers. We are now just one step away from achieving our goal of decriminalising abortion in every state and territory, with WA the last state yet to remove harmful criminal laws.

# Business and Human Rights



Theonila Roka Matbob - traditional landowner from Makosi village looking out over

## Our Vision

There is no business in abuse. Australian companies respect human rights wherever they operate and are held accountable if they fail to do so.

## How We Work

We work side by side with impacted communities, civil society partners, unions, and academics to hold Australian businesses to account for human rights violations. We work with partners to reform laws and policies that allow Australian companies to put profit ahead of people and the planet.





● “This is such an important day for communities on Bougainville. For so many years, the Panguna mine has poisoned our rivers with copper. Our kids get sick from the pollution. Some people have to walk two hours a day just to get clean drinking water. Communities’ farms and sacred sites are being flooded and destroyed. These problems need to be urgently investigated so solutions can be developed.”

— Theonila Roka Matbob, who has been leading the communities’ advocacy.

## Our Impact

### Focus of Our Work

- **Strengthening regulatory mechanisms to hold companies to account**  
We work with partners and decision makers to improve Australia’s mechanisms for ensuring businesses comply with international human rights standards, wherever they operate.
- **Improving pathways to justice**  
We support communities and individuals harmed by Australian corporate activities overseas to obtain justice and remedy by assisting them to take legal action in Australia.
- **Ending modern slavery in the supply chains of Australian businesses**  
We advocate for legal reforms to prevent Australian companies from profiting from forced labour in their supply chains and ensure they uphold workers’ rights.

### Holding Rio Tinto to account for the devastation left by the Panguna mine

For the past two years, the Human Rights Law Centre has been working with communities on Bougainville to hold Rio Tinto accountable for the massive pollution left by its Panguna mine. For many years, the billion tonnes of waste left by the mine has been poisoning local rivers and flooding farms, villages and forests downstream with mine waste, impacting the health and livelihoods of thousands of people.

In 2020, we worked with 156 community members to bring a human rights complaint with the Australian Government calling on Rio Tinto to fix this environmental devastation and provide redress to local people. In July 2021, in response to this action, Rio Tinto committed to funding an independent environmental and human rights

assessment of the mine to determine what actions need to be taken to repair the damage. The assessment will be overseen by a committee involving representatives from the Bougainville and Papua New Guinea governments, as well as landowner and community representatives. This is a huge breakthrough for the communities, who have been demanding action for years.

While this is a major step forward, the communities’ fight is far from over. So far, Rio Tinto has only committed to funding the assessment of the mine, not the major clean-up that is urgently needed. We will continue to work side by side with the affected communities to ensure the assessment is followed up by swift action by Rio Tinto to address its disastrous legacy.



● “Reza was our only son. He was an ethical and good person who cared about his family deeply. Our family is heartbroken. We won’t recover from our loss. I do not want the human rights of my child to be ignored by the world. I want the international community to protect the rights of my son. I want justice for my son. I don’t want his death to be insignificant.”

— Reza Berati’s father, Torab Berati

## Stopping Australian businesses profiting from forced labour

From t-shirts to mobile phones, many Australians would be shocked to know that products we buy every day may have been made by people subjected to modern slavery. Eradicating forced labour and stopping Australian businesses from profiting from human rights abuse are core goals of the Human Rights Law Centre. In recent years, we have made significant progress.

In 2018, we successfully advocated for the introduction of Australia’s modern slavery laws. In August 2021, we secured another big step forward. Working with a broad civil society coalition, our

● “No business should profit from slavery. This Bill aims to ensure that this principle can be enforced in practice. We want to see a robust imports regime introduced that places the onus back onto importers to show their goods are slavery-free. We urge senators to back the Bill.”

— Freya Dinshaw, Senior Lawyer, Human Rights Law Centre

sustained advocacy helped to secure strong cross-party support for a bill, introduced by Senator Rex Patrick, to ban the importation of any goods made with forced labour into Australia. We briefed the Senate Inquiry into the bill on the appalling and sometimes hidden plight of more than 25 million people trapped in forced labour and argued Australia must do more to tackle this huge global problem. Our advocacy worked and the Senate voted to pass the bill. We are now working with civil society partners to help ensure the ban is passed by the House of Representatives.

## Seeking justice for Reza Berati’s family

Reza Berati came to our country seeking safety after fleeing persecution in Iran. Instead, the Australian Government sent him to Manus Island, Papua New Guinea, where he was detained indefinitely by the Government and its private security contractor G4S Australia. In 2014 he was brutally beaten to death by G4S security guards and local contractors during a violent rampage that left 77 other asylum seekers injured. He was just 23 years old.

The Berati family have been pursuing justice ever since. Despite a Senate inquiry finding that the Australian Government failed to protect Reza from harm and that compensation should be provided to his family, seven years later, the family have not received any compensation or acknowledgment of their loss. The Human Rights Law Centre and Maurice Blackburn are helping the family seek justice, representing them in legal action to hold the Australian Government and G4S to account.

For Reza Berati’s mother and father, Farideh Baralak and Torab Berati, no amount of compensation will ever heal the damage caused by their son’s murder, but the legal action is an important step in ensuring his memory is not forgotten.

The case commenced in the Federal Court in July and seeks to hold to account those responsible for the systemic failures of Australia’s offshore detention regime that led to Reza’s death. We will continue demanding that humanity be restored to the Australian Government’s migration policies.

# Dignity for People in Prison



## Our Vision

An Australia where governments are working towards closing, rather than opening, prisons; where all people behind bars are treated with dignity; and where governments and private operators are held accountable for human rights abuses in prisons.

## How We Work

We recognise the close connection between growing imprisonment rates and racial injustice and undertake this work in partnership with Aboriginal organisations, community legal centres and other community partners to call for an end to dehumanising practices in prisons.





● “Prisons are a tinderbox for COVID-19. Everybody deserves to be safe during this pandemic. That means supporting people through early release, not damaging them through solitary confinement.”

— Ruth Barson, Legal Director

## Our Impact

### Focus of Our Work

- **Ending degrading strip searching practices**  
Routine strip searches are invasive, dehumanising and unnecessary. We advocate for an end to routine strip searching in prisons, particularly for women and children.
- **Ending solitary confinement**  
Solitary confinement can inflict long-term and irreversible harm on people and can amount to torture. We advocate for an end to this dangerous and cruel practice in Australian prisons.
- **Ensuring oversight and transparency**  
People behind bars have a right to be treated with dignity. We call for greater oversight and transparency to prevent abuse occurring behind prison walls. This includes advocating for the United Nations anti-torture protocol - which requires independent monitoring and oversight of places of detention - to be implemented across Australia.

### Protecting people in prison during COVID-19

From the outset of the pandemic, together with Change the Record and Aboriginal and Torres Strait Islander legal services, the Human Rights Law Centre called for Australian governments to keep everyone safe by reducing the number of people in prisons.

People in prison are impacted by COVID-19 in multiple ways. They are at greater risk of contracting the virus and experiencing serious health complications when an outbreak occurs. They are also impacted by punitive responses such as 14-day quarantine and lockdowns that can amount to solitary confinement. Many people, including children, have been locked up alone in their cells for 23-24 hours a day during parts of the pandemic.

In 2021, we spoke out against the inappropriate and harmful use of solitary confinement in prisons across the country. We also advocated for governments to provide priority vaccination to people in prison and responsibly lower prison populations with a focus on children, Aboriginal and Torres Strait Islander people and people with chronic health needs.



## Calling for an end to routine strip searching across Australia

Strip searching is a dehumanising and traumatising practice which is still routinely used in prisons around Australia. Strip searches continue despite the availability of less-invasive, safe and effective options, such as scanning technology. While routine strip searches can be harmful and traumatising for any person, they can be especially harmful for women and children in prison who are overwhelmingly survivors of family violence and sexual abuse.

The Human Rights Law Centre pushed to reform dangerously broad laws that allow people to be routinely strip searched. This year, we shone a spotlight on this unacceptable practice

by collecting data via freedom of information laws, raising awareness through media, and collaborating with partners to influence key decision makers in governments to ban the practice. We played a vital role in securing reforms which have effectively ended the practice of regular strip searching of children in youth prisons in Victoria and Tasmania. The ACT has also made a commitment to reduce rates of strip searching of women and there are positive signs in other jurisdictions.

## Ensuring the effective implementation of the UN's anti-torture treaty

The need for independent oversight of prisons and police cells has never been more urgent. Australia has agreed to implement the UN's anti-torture treaty – the Optional Protocol to the Convention Against Torture. The treaty requires Australian governments to establish independent and effective inspection and monitoring systems to prevent

mistreatment in all places of detention. The deadline for Australia to establish these systems is January 2022. Working alongside Aboriginal and Torres Strait Islander organisations, the Human Rights Law Centre monitored implementation of the treaty and provided detailed policy advice on proper implementation to governments across the country.

# UN Engagement



## Our Vision

Australia upholds the international human rights laws it has promised to comply with and champions human rights on the world stage.

## How We Work

We work in coalition with civil society partners to document where Australia is not complying with international human rights law and recommend actions to ensure compliance. We use UN scrutiny, international pressure and national media coverage to prompt positive human rights change.





● “As a wealthy, stable democracy, Australia should be leading the world on human rights, yet too often Australian governments breach people’s rights in critical areas. The Australian Government needs to comprehensively protect human rights in an Australian Charter of Rights and Freedoms. Our lives are better and our communities are stronger and healthier when governments promote human rights.”

— Hugh de Kretser, Executive Director, Human Rights Law Centre

## Informing the Universal Periodic Review

In January, Australia’s human rights record was in the spotlight at the UN Human Rights Council in a major review known as the Universal Periodic Review. The four-yearly review involves other UN member countries identifying human rights problems and progress in the nation being reviewed and recommending improvements.

Civil society organisations play a critical role informing the review. The Human Rights Law Centre, working with Caxton Legal Centre and Kingford Legal Centre, coordinated Australian civil society engagement with the review. We formed a coalition of organisations, drafted a detailed report which was endorsed by over 200 NGOs and briefed UN member countries on Australia’s human rights performance. We engaged with UN member countries to suggest recommendations to make for Australia to improve its performance.

At Australia’s review in January, 122 countries made 344 recommendations and in July, Australia accepted 177 of the recommendations.

However, the Australian Government refused to accept key recommendations including to prohibit children being held in immigration detention and to end offshore processing of people seeking asylum. Raising the age of criminal responsibility was a standout issue highlighted in the review, however the Australian Government rejected recommendations from 30 countries to raise the age above 10. The need for stronger action by Australia on climate change and fairer treatment of Aboriginal and Torres Strait Islander people were also key issues identified in the review.

While Australia’s response to the review was disappointing, the review provided a critical opportunity to increase international pressure on Australian governments to bring our laws and policies in line with international human rights obligations. The review generated nationwide media coverage at key moments, and in particular on the need to raise the age of criminal responsibility.

## Collaborating with partners through the International Network of Civil Liberties Organisations

The Human Rights Law Centre is an active member of the International Network of Civil Liberties Organizations (INCLO), a network of independent, national human rights organisations from 15 different countries working together to promote rights and freedoms around the globe. Through INCLO, we share expertise and strategy with like-minded organisations working towards shared goals. INCLO currently has four priority areas: Protest Rights and Policing; Surveillance and Human Rights; Religious Freedom and Equal Treatment; and Protecting Civic Space. Collaborating on human rights issues arising from the pandemic has also been a key feature of INCLO’s work this year.

# Our Team

## Our Staff



**Hugh de Kretser**  
Executive Director



**Keren Adams**  
Legal Director



**Ruth Barson**  
Legal Director



**David Burke**  
Legal Director



**Meena Singh**  
Legal Director (to August 2021) & Senior Advisor (current)



**Adrienne Walters**  
Legal Director



**Daniel Webb**  
Legal Director



**Josephine Langbien**  
Senior Lawyer



**Amala Ramarathinam**  
Senior Lawyer



**Monique Hurley**  
Senior Lawyer



**Yusur Al-Azzawi**  
Senior Lawyer



**Scott Cosgriff**  
Senior Lawyer



**Freya Dinshaw**  
Senior Lawyer



**Alice Drury**  
Senior Lawyer



**Kieran Pender**  
Senior Lawyer



**Michelle Bennett**  
Engagement Director



**Rachel Richmond**  
Development Manager



**Evan Schuurman**  
Media and Comms Manager



**Angela Iaria**  
Content Producer



**Kate Steele**  
Philanthropy Officer



**Daney Faddoul**  
Campaign Manager



**Lauren Frost**  
Government Relations Manager



**Kate Frost**  
Director of Operations



**Anna Fordyce**  
Operations Coordinator



**Emma Costa**  
Administrative Assistant and Paralegal



**Saffron Zomer,**  
Network Director, Australian Democracy Network (to April 2021)



**Marta Zajac**  
Fundraising and Events Officer (to December 2020)

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Chair



**Catherine Branson**  
AC QC Chair (to March 2021)



**Tim Goodwin**  
Deputy Chair



**Andrew Carriline**  
Director



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Director



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(to October 2021)

**Darcy Todaro**  
Lander & Rogers  
(to October 2021)

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MinterEllison (to  
September 2021)

**Nikkie Xu**  
Ashurst (to July  
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**Cassandra Hamill**  
King & Wood  
Mallesons (to July  
2021)

**Ellie Arrowsmith**  
MinterEllison (to  
March 2021)

**Tracey Yeung**  
King & Wood  
Mallesons (to  
February 2021)

**Daniel Barnett**  
Ashurst (to January  
2021)

Waiwa  
Mudena  
cadets

**Jonathon  
Gobbo**  
King & Wood  
Mallesons (August  
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**Olivia Nibbs**  
King & Wood  
Mallesons (August  
2021)

**Lara Walker**  
King & Wood  
Mallesons  
(August-October  
2021)

# Financials

This is an extract of the HRLC's audited financial statements for the year ended 30 June 2021. For a full version visit [www.hrlc.org.au](http://www.hrlc.org.au)

Income	2021 \$	2020 \$
Aboriginal & Torres Strait Islander Rights Program (Including: BB & A Miller Foundation; Corella Fund; Kimberley Foundation; Limb Family Foundation; Reichstein Foundation; Ross Trust; Shulu Foundation; Snow Foundation; Trawalla Foundation; Vicki Standish Family Foundation; Vincent Fairfax Family Foundation)	562,658	681,620
Asylum Seeker & Refugee Rights Program (Including: Australian Communities Foundation; BB & A Miller Foundation; Planet Wheeler Foundation)	493,736	420,364
Democratic Freedoms Program (Including: The Myer Foundation, Australian Communities Foundation, The Sunrise Project)	581,369	256,333
Charter of Human Rights Program (Including: BB & A Miller Foundation, Lord Mayor's Charitable Foundation, The Myer Foundation)	252,900	135,000
The Myer Foundation general grant	80,000	
The Sigrid Rausing Trust	170,303	184,407
Dropbox Foundation	257,370	162,917
The Fund for Global Human Rights	503	136,514
Oak Foundation	34,763	77,265
Australian Communities Foundation	80,000	72,432
Virgin Unite	59,997	50,000
Caledonia Foundation	50,000	50,000
Victorian Government Department of Justice and Community Safety	75,000	50,696
Australian Government Attorney-Generals Department		50,000
Other Grant Income	158,321	126,333
Individual Donations	498,794	525,549
Corporate Donations	204,077	96,334
Interest	15,697	32,962
Human Rights Dinners & Other Events	700	
Other Government Income	341,000	224,000
Other Income (including legal costs recovered)	1,065,283	27,880
<b>Total Income</b>	<b>4,982,472</b>	<b>3,360,606</b>

## Expenditure

Occupancy, Operational and Administration Expenses (including legal costs distributed to legal team)	1,492,034	814,048
Employee Benefits	2,694,798	2,163,136
<b>Total Expenditure</b>	<b>4,186,832</b>	<b>2,977,184</b>

<b>Total Comprehensive Income</b>	<b>795,640</b>	<b>383,422</b>
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## Current assets

Cash and cash equivalents	3,798,115	2,998,138
Trade and other receivables	264,000	187,329
<b>Total current assets</b>	<b>4,062,115</b>	<b>3,185,467</b>
Total non-current assets	115,227	118,144
<b>Total assets</b>	<b>4,177,342</b>	<b>3,303,611</b>

## Current liabilities

Trade and other payables	432,979	155,911
Provisions	265,049	268,775
Grants received in advance	1,264,897	1,489,049
<b>Total current liabilities</b>	<b>1,962,925</b>	<b>1,913,735</b>

## Non-current liabilities

Provisions	68,288	39,307
<b>Total non-current liabilities</b>	<b>68,288</b>	<b>39,307</b>

<b>Total liabilities</b>	<b>2,031,213</b>	<b>1,953,042</b>
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<b>Net Assets</b>	<b>2,146,129</b>	<b>1,350,569</b>
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## Equity

Retained earnings	2,146,129	1,350,569
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<b>Total Equity</b>	<b>2,146,129</b>	<b>1,350,569</b>
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# We couldn't do it without you

## Pro Bono Supporters

Pro bono support from leading law firms and barristers is crucial to the Human Rights Law Centre's model and impact. Law firms we worked with over the 2020/21 financial year provided over 11,000 hours of pro bono legal work to support our work, including undertaking legal action, research, writing human rights case summaries and seconding lawyers to us. The value of this work was over \$4.3 million. Many barristers across the country provided substantial additional pro bono support.

The volume and quality of pro bono work done in partnership with us is a testament to the extraordinary professional commitment of Australian lawyers to human rights, the rule of law and access to justice. We are incredibly grateful for this support and thank all the pro bono lawyers who worked alongside us

## Firms

Allen & Overy	Carroll & O'Dea Lawyers	Herbert Smith Freehills	McCabe Curwood	Russell Kennedy
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Adam Coote	Damien Atkinson QC	Fiona Knowles	Mark Irving QC	Raph Ajzensztat
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Christopher Horan QC	Fiona Batten	Kathleen Foley SC	Peter Morrisey SC	Tim Jeffrie
	Fiona Forsyth QC	Kylie Evans	Rachel Amamoo	Thomas Wood
Craig Lenehan SC		Maria Pilipasidis	Raelene Sharp	

## In-kind support

Thank you to the many other individuals and organisations who have provided in-kind support for our work over the year, from doctors writing medical reports for refugee clients, to administration and IT staff at law firms, to pro bono management coach Michaela Healey, costs lawyer Liz Harris, Dropbox volunteers and so many more people who have given their time and expertise. We are so grateful for all the support we receive that helps us to achieve our mission of advancing human rights in Australia.

## Our generous supporters who gave between 1 December 2020 and 30 November 2021

### \$50,000+

Anonymous donor	Dropbox Foundation	Lord Mayor's Charitable Foundation	The Corella Fund	Vincent Fairfax Family Foundation
Ahrens Fund	Fairness Fund (Australian Communities Foundation)	Oak Foundation	The Myer Foundation	Williams Fund (Australian Communities Foundation)
B B & A Miller Foundation	Harris Morrison Fund	Ross Trust	The Sunrise Project	
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### \$10,000- 49,000

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## Supporter story: Philip and Deanna

Philip and Deanna met at university while studying mathematics and soon realised that they shared a strong desire to make the world a better place. They both entered successful careers, Philip in computer programming, and Deanna as an automotive engineer, who has since moved to working in energy. While they both enjoy their work, their jobs don't offer the opportunity to make an impact on all the issues they care about.

Deanna and Philip's philanthropic journey began while living in France for 4 years, where the government supports charitable giving through a generous tax deduction initiative. They found the experience rewarding and a way to help bring about change they want to see in the world. When they moved back to Australia, they continued their tax time giving.

As an Australian born Chinese person who grew up during the rise of the One Nation party, and a woman who has spent her career working in traditionally male-dominated fields, Deanna has spent a lot of time thinking through and experiencing complex social issues such as inequality, intolerance, and prejudice.

"Over time we realised that many of the problems in today's society are driven by underlying structural and systemic issues. It's really important to support the people who are struggling in our society, but we feel it's critical to also identify and tackle these deeper issues - otherwise we're just paddling in circles" - Deanna

In 2020, Philip and Deanna began researching charities working to address systemic causes of racial and indigenous inequality in Australia. Philip found the Human Rights Law Centre through our work on the #RaiseTheAge campaign and they decided to give after seeing the organisation's impact on multiple issues they care about.

"Australia's history of colonisation and its ongoing effects on First Nations people is appalling. While I feel like legal reform is only part of the solution, I support any effort we can make to right historic and present injustice." - Philip

Deanna and Philip both have a strong sense of justice and a liberal attitude to what people should be allowed to do, think and be in our society. They are both guided by principles of decency, equality and treating others how you would like them to treat you. Over the years, they have supported many different causes, but they always ensure their support funds environmental protection, poverty alleviation and human rights.

From ending the detention of refugees, to ensuring safe access to abortion, to protecting whistleblowers and public-interest journalism - the Human Rights Law Centre works on many of the issues most important to Philip and Deanna.

"While there are many injustices in Australia, we feel like real progress is hampered by a self-interested body politic and their financial supporters. We need electoral funding reform to remove the influence of money in Australian politics. That's fundamental to freeing our government to move forward and achieve other reforms. We also need a strong check on corruption and self-interest, including both a federal anti-corruption body and strong legal protections for public interest journalism and whistleblowers." - Philip & Deanna

When choosing a charity to support, impact is critical for Deanna and Philip. The couple seek out organisations that have a strong track record of impact. The Human Rights Law Centre appeals to them because of our mission to address problems at their roots - in our laws, policies and institutions. Recent wins in reproductive rights and the announcement of plans for a new whistleblower legal service gave them confidence that the Human Rights Law Centre can deliver on our mission. They are also hopeful that a Charter of Human Rights could be used as a lever to drive change in many areas of injustice and disadvantage.

● "Everybody wants to be proud of their heritage, of where they come from. Unfortunately, in so many ways, Australia makes it hard to be proud of who we are as a nation. One day, I'd like to be able to say to people, look at all the great things Australia has done."

When asked to take part in this interview, Philip was hesitant, not being comfortable being in the public eye, but chose to take part to help inspire others to support human rights.

"I don't feel like I'm anything like the "usual" profile of a donor. The thing that convinced me was the cause. I can give money to the Human Rights Law Centre, which is great, but if I can help in another way, where the cost is only some time and discomfort, then I should!" - Philip

**To find out more about becoming a supporter, visit [hrlc.org.au](http://hrlc.org.au)**

# Join our movement for human rights progress

The Human Rights Law Centre is fiercely independent and supported by thousands of donors across Australia and beyond, standing up for a future where human rights are central to our society.

By joining our movement for human rights progress, you can lay the foundations for a fairer future. Your support will catalyse positive social change and end discrimination and oppression caused by harmful laws and policies.

Your support will power our legal action and advocacy pushing for a more just Australia. By giving today, you can advance human rights for people and communities for generations to come.

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[Click here for more information or contact Rachel Richmond, Development Manager on the details below.](#)

P 03 8636 4450  
E [rachel.richmond@hrlc.org.au](mailto:rachel.richmond@hrlc.org.au)  
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The Human Rights Law Centre is an Australian registered charity with Deductible Gift Recipient Status. All donations of \$2 or more are tax deductible. Join our movement for positive change by becoming a supporter today.