

Annual Report of the Mallesons

Human Rights Law Group: 2010



Human Rights Law Group

2010 was a landmark year for the Human Rights Law Group (HRLG) at Mallesons. We acted for two young plaintiffs who challenged amendments made to the *Commonwealth Electoral Act 1918 (Cth)*, and won. We sent secondees to Christmas Island to assist people seeking asylum. We established strong committees in our Perth, Canberra and Brisbane offices. And we won the ALB CSR Firm of the Year award – for the second time in a row.

We are proud to lead the dynamic, innovative and enthusiastic HRLG. We are supported by a large number of passionate lawyers who have extensive expertise in human rights law, and are particularly grateful for the steering committees that drive and maintain the substantial and diverse program of the HRLG.

The HRLG continues to advocate effectively for society's most vulnerable. In 2010, we represented the family of a prisoner with a long history of mental illness who committed suicide at Port Phillip Prison. The HRLG also acted for an asylum seeker who made an application for judicial review in the Federal Magistrates Court. One of our most notable successes was our representation of a community health centre that made a successful complaint under Victorian equal opportunity legislation.

The HRLG has successfully raised awareness of human rights law and issues amongst our staff. We have hosted numerous seminars, including a lunch with Louise Arbour (President of the International Crisis Group) and held informal tutorials on topical issues, such as the intersection between counter terrorism and human rights. The HRLG also regularly delivers insightful email updates on human rights issues to all staff.

The HRLG has strong partnerships with the Refugee Advice and Casework Service, the Disability Discrimination Legal Centre and the Human Rights Law Resource Centre. We look forward to further developing these links. We also embrace the opportunity to develop new relationships with suitable organisations.

It is a privilege to lead the HRLG. We are proud of the accomplishments of the group, but will not rest on our laurels. We look forward to the challenges ahead.

Robert Cooper
Partner
Melbourne

Kate Mills
Partner
Sydney



*Amy Munro, Ben Kiely and Olaf Ciolek of the Mallesons HRLG outside the High Court in Canberra following the Court's decision in *Rowe v Electoral Commissioner*, August 2010.*

Role of the HRLG

The principal purpose of the HRLG is to establish and maintain Mallesons' expertise in the field of human rights law, and to ensure that we can advise our clients when human rights issues arise. The HRLG also aims to promote and raise general awareness of human rights law and issues, as well as provide Mallesons staff with the opportunity to be actively involved in human rights law case work and research.

The introduction of the *Human Rights Act 2004 (ACT)* and the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* has caused human rights law to become increasingly relevant to Mallesons' clients, both corporate and pro bono. The HRLG has expertise in relation to this legislation in particular, and human rights law more generally.

Significant achievements

Victory in the High Court

The HRLG acted for two young plaintiffs, Shannen Rowe and Doug Thompson, who challenged the constitutional validity of amendments made to the *Commonwealth Electoral Act 1918 (Cth)*.

The Electoral Act was amended in 2006 to require new enrollees to enrol on the day the writs for a general election are issued, and to require electorate transferees to update their details within three days of the issue of the writs. The plaintiffs alleged that the amendments were contrary to the sections of the *Australian Constitution* that require the Parliament to be “directly chosen by the people”.

The plaintiffs successfully persuaded a majority of the High Court that the 2006 reforms effectively disenfranchised a significant number of citizens, many of whom were in vulnerable minorities, and that this disenfranchisement was disproportionate to the purposes said to be achieved by the reforms. On 6 August 2010, the High Court ordered that the relevant provisions of the *Electoral Act* were constitutionally invalid. As a result of the High Court’s decision, an additional 98,138 Australians were able to vote at the 2010 Federal Election.

The Mallesons team comprised HRLG lawyers from the Sydney, Melbourne and Canberra offices, who worked tirelessly on what was the fastest constitutional litigation proceeding in Australian history, taking just twelve days from the commencement of proceedings to the pronouncement of orders. The High Court subsequently published its reasons on 15 December 2010 (*Rowe v Electoral Commissioner* [2010] HCA 46).

Assisting ordinary humans with extraordinary stories

The Sydney HRLG provides multi-faceted support to the Refugee Advice and Casework Service (RACS). The HRLG has recently provided RACS with two full-time secondees, who have assisted asylum seekers at every stage of the protection visa process. The secondees have also travelled with the team tasked with assisting those asylum seekers detained on Christmas Island.

The provision of our secondees has ensured that many asylum seekers are granted visas, and that many more are given the opportunity to tell their extraordinary stories about why they cannot return to their homeland.

CSR Firm of the Year

In 2010 Mallesons was again awarded Corporate Social Responsibility Firm of the Year at the ALB Australasian Law Awards.

The judges identified the fact that Mallesons has a dedicated Human Rights Law Group as a key reason for Mallesons winning the award. The judges also commended Mallesons on its comprehensive submission to the Federal Government’s National Human Rights Consultation.

Hosting human rights leaders

Mallesons has also been privileged to host a number of leaders in the international human rights field. In May 2010, Mallesons supported Ms Louise Arbour’s visit to Australia. Ms Arbour was the United Nations (UN) High Commissioner for Human Rights from 2004 to 2008. She is currently serving as the President of the International Crisis Group. The HRLG has also hosted seminars featuring human rights leaders such as Ms Erika Feller, the Assistant High Commissioner for Protection in the Office of the UN High Commissioner for Refugees, and Professor Gareth Evans AO QC, the President Emeritus of the International Crisis Group and former Australian Foreign Minister.



Louise Arbour (President, International Crisis Group), former Prime Minister Malcolm Fraser, Joanne Cameron (Partner, Mallesons) and Phil Lynch (Executive Director, HRLRC) following a VIP lunch at Mallesons in Melbourne, May 2010.

Protecting human rights through case work

The Mallesons HRLG is actively engaged in protecting the human rights of individuals through case work and litigation in a variety of Courts and other forums. In addition to the successful High Court proceedings described above, the HRLG has represented clients in forums as varied as VCAT, the Coroner's Court and the UN Human Rights Committee.

Complaint of unlawful discrimination

The Melbourne HRLG successfully acted for Cobaw Community Health Services (Cobaw) in *Cobaw v Community Health Services v Christian Youth Camps Ltd* [2010] VCAT 1613.

Cobaw operates a program called WayOut, which is a youth suicide prevention initiative aimed at supporting young gay and lesbian people in rural communities. In 2008, it complained to the Victorian Equal Opportunity and Human Rights Commission that a group called Christian Youth Camps Limited (CYC) had discriminated against the young people and workers involved in WayOut on the basis of their sexual orientation.

The complaint was referred to the Victorian Civil and Administrative Tribunal (VCAT) and Mallesons represented Cobaw at the three week hearing of the matter.

In October 2010, Judge Hampel handed down her decision. Her Honour found that CYC had discriminated against the participants and workers involved in WayOut on the basis of their sexual orientation. Her Honour further found that CYC could not rely upon any of the religious exemptions in the *Equal Opportunity Act 1995* (Vic). Her Honour thus made a declaration that CYC had contravened the relevant provisions of the Act. Her Honour also ordered that CYC pay Cobaw compensation in the amount of \$5,000 for the hurt and distress caused by the discrimination.

The decision is notable for Judge Hampel's detailed analysis of the effect of the *Charter of Human Rights and Responsibilities Act 2006* (Vic) (Victorian Charter) on the proper interpretation of the *Equal Opportunity Act 1995* (Vic).

Condie inquest

The Melbourne HRLG represented the family of Matthew Condie at the coronial inquest into his death. Mr Condie, who had a long history of mental illness, committed suicide while in custody at Port Phillip Prison. He had previously attempted suicide by the very same method with which he ultimately took his life. His case raised important issues regarding the standard of care provided to mentally ill prisoners, and the restrictions on information sharing between prison services and the prisoner's family under privacy laws.

Education discrimination complaints

The Sydney HRLG established a pilot project under which the New South Wales Disability Discrimination Law Centre (DDLC) refers matters involving education discrimination complaints to Mallesons for pro bono assistance. This assistance may include:

- advice on making a complaint, including selection of jurisdiction;
- drafting of complaints in accordance with Anti-Discrimination Board or Human Rights Commission procedures; and
- preparation for and representation at conciliation.

The HRLG has since received its first referral from the DDLC under the pilot project. The matter referred to the HRLG involved an applicant who is profoundly deaf, and who is experiencing difficulties following her classes at a public school in western Sydney. The applicant's situation gives rise to possible breaches by the New South Wales Department of Education and Training of the *Disability Discrimination Act 1992* (Cth), the *Anti-Discrimination Act 1977* (NSW), the *Disability Standards for Education 2005* (Cth) and the UN Convention on the Rights of Persons with Disabilities. Since receiving the referral, Mallesons has met with the Department in an attempt to have the applicant's concerns addressed in a constructive manner.

Campbell inquest

The Melbourne HRLG assisted the Human Rights Law Resource Centre (HRLRC) in obtaining leave to appear as an interested party at the coronial inquest into the death of Veronica Campbell. Mrs Campbell died of complications following a ruptured ectopic pregnancy, a condition no longer considered life-threatening in Australia. A series of delays meant that she did not receive timely medical care. The HRLRC filed submissions about the obligations of the public authorities involved in the treatment of Mrs Campbell under the Victorian Charter. The inquest took place at the Coroner's Court at Shepparton in April 2010, and the Coroner handed down her findings in November 2010.

Assisting DDLC to protect its clients' rights

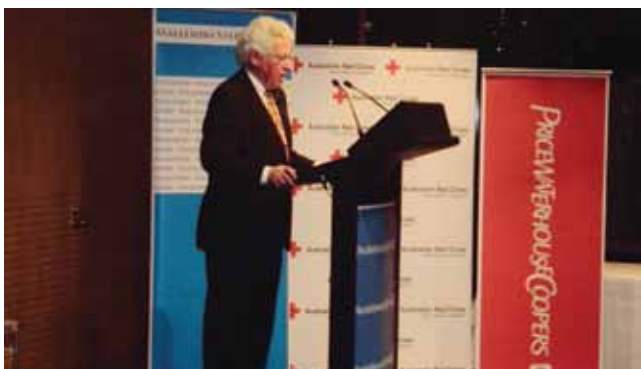
The Sydney HRLG is regularly requested to provide legal advice to the DDLC on a variety of legal issues. In 2010, we provided advice to the DDLC on the operation of key provisions in the *Fair Work Act 2009* (Cth), including the unfair dismissal, unlawful termination, Fair Work Ombudsman and general protection provisions.

We also advised the DDLC on the application of defamation laws to individuals who lodge disability discrimination complaints with the Anti-Discrimination Board or the Human Rights Commission or who speak out publicly about the discrimination they have suffered. The advice provided by the HRLG will inform the DDLC as to its clients' potential vulnerability to defamation proceedings. It will also assist the DDLC in advising its own clients about the extent to which they can publicly disclose the details of their own experiences.

Communications under the ICCPR

The HRLG drafted an Individual Communication under the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) on behalf of a former foreign national against that person's home country. The complaint raises important issues regarding the retrospective operation of the ICCPR, the burden and standard of proof for Covenant claims, and the requirement of exhaustion of domestic remedies.

The HRLG also recently provided substantial advice to the HRLRC on the prospects of success of an individual communication to the UN Human Rights Committee regarding same sex marriage. The advice considered whether the *Marriage Act 1961* (Cth) breaches the ICCPR.



Sir Kenneth Keith (Judge, International Court of Justice), speaking at the Mallesons / Red Cross International Humanitarian Law Perspectives seminar in Sydney, September 2010.

RACS secondments

Natalie Zerial

As a lawyer and migration agent at RACS, I spent six months working with dozens of people seeking protection in Australia. Every person that I helped was an ordinary human being, but almost all of them have had extraordinary stories, having survived not only horrendous persecution in their home countries, but also terrifying and isolating journeys to safety. Working with such clients presented real challenges – including language and cultural barriers, as well as serious mental health issues arising from that history of torture and trauma. However, it was a genuine privilege to work with these people, who were so grateful for the assistance RACS gives them in negotiating a terribly complex visa process.

Most of my work was in Sydney, where I assisted asylum seekers at every stage of their protection visa process – initial applications, hearings with the Department, appeals to the Refugee Review Tribunal, and requests to the Minister for intervention in exceptional cases. I also went to Christmas Island twice, helping two dozen individuals detained there with applications for refugee status assessment. Christmas Island is an intense experience: in two weeks we saw two clients a day, working through approximately a dozen forms for each client as well as trying to accurately tell our clients' complicated and emotional stories about why they cannot return to their home countries. The detention environment takes its toll on lawyers as well as detainees, and Christmas Island is a highly stressful place. Yet, on my last task force, I had the privilege to get on the same plane home as one of my clients from a previous task force. My delight matched his: after years of persecution, and seven months of detention, he and I were both going "home" to mainland Australia.

A protection visa has the potential to change the direction of a person's life, and the emotions associated with the visa process range from delight to despair. My time at RACS inevitably involved both highs and lows. However, it was also one of the most genuinely rewarding experiences I have ever had, and I am grateful for the opportunity to have worked with RACS.

Advancing human rights through law reform

We are proud of the submissions the HRLG made to the Federal Government's National Human Rights Consultation in 2009, and previously to the Victorian Government's Human Rights Consultative Committee in 2005.

Following those important contributions to the national debate regarding legislative protection of human rights, the HRLG made two submissions during 2010 to the Senate Legal and Constitutional Affairs Committee on proposed human rights legislation. The HRLG also supported other organisations in making submissions on human rights matters.

Parliamentary human rights scrutiny

The Senate Legal and Constitutional Affairs Committee sought comments on two bills which would implement important mechanisms for improving human rights outcomes at the national level, and in so doing satisfy two of the key commitments made by the Federal Government in response to the Report of the National Human Rights Consultation.

The proposed legislation would set up a Joint Committee on Human Rights, and require the preparation of statements of compatibility to address the human rights implication of any bills introduced into the Federal Parliament (similar to the equivalent requirements under the Victorian Charter and ACT Human Rights Act).

The HRLG submission supported the introduction of such mechanisms, but proposed amendments which would strengthen the extent to which they would promote and protect human rights in Australia. In particular the submission referred to recommendations made in the Mallesons HRLG submission to the National Human Rights Consultation, and drew upon the Victorian experience in relation to the preparation of statements of compatibility under the Victorian Charter.

Introducing a Federal Children's Commissioner

The Senate Legal and Constitutional Affairs Committee separately sought comments on legislation to establish an independent statutory office of Commonwealth Commissioner for Children and Young People, to act as an advocate at the federal level for the needs, rights and views of children and young people.

The establishment of a Children's Commissioner would bring Australia into conformity with other jurisdictions, and would fill a gap arising from the fact that all states and territories have such an office but there is no corresponding oversight of areas subject to federal regulation (eg immigration, social security).

The HRLG submission supported the introduction of a Children's Commissioner, and proposed a number of amendments which would improve the effectiveness with which the office is able to protect the rights of children.

Providing invaluable assistance to other organisations

The HRLG also assists pro bono clients to prepare submissions to parliamentary committees and other bodies. In 2010, the HRLG assisted with various submissions, including:

- a submission made by the HRLRC and Amnesty International to the Attorney-General's Department on the human rights implications of proposed national security and counter-terrorism legislation;
- a submission made by the HRLRC to the Department of Foreign Affairs and Trade on the implementation of the Concluding Observations on Australia's compliance with the International Covenant on Economic Social and Cultural Rights;
- a submission made by the HRLRC to the House of Representatives Standing Committee on Family, Community, Housing and Youth in response to an inquiry into proposed homelessness legislation for Australia;
- a submission made by the Aboriginal Legal Service in Western Australia to the Senate Scrutiny of Bills Committee, which is currently conducting an inquiry into its future direction and role; and
- a submissions made by the HRLRC to the Senate Legal and Constitutional Affairs Committee in respect of the legislation seeking to establish a Commonwealth Commissioner for Children and Young People.

The HRLG was also involved in the preparation of the HRLRC's report to the UN Committee on the Elimination of Racial Discrimination (CERD Committee). The report comments on Australia's compliance with the International Convention on the Elimination of all Forms of Racial Discrimination. This review took place in August 2010 in Geneva and the CERD Committee released its concluding observations shortly thereafter.

Promoting human rights through education

Charter training

In August 2010, the HRLG ran two training sessions for the Community Housing Federation of Victoria. The aim of the training sessions was to improve transitional housing bodies' understanding of the human rights protected under the Victorian Charter and to equip such bodies with the knowledge to ensure Charter compliance. The training sessions included a discussion of how human rights must be considered in the decision making processes of public authorities, assisting the attendees both to make decisions in compliance with the Charter and to advocate for their tenants' rights when dealing with government departments.

Human Rights Law News (e)alert

The HRLG circulates a monthly internal email publication, known as the (e)alert. The (e)alert is distributed across all Australian centres and provides updates on developments in human rights law, at both an Australian and international level. This year, the (e)alert has featured articles on the landmark Victorian cases of *R v Momcilovic* (2010) 265 ALR 751 and *Castles v Secretary of the Department of Justice* [2010] VSC 310, in which the interpretation and application of the Victorian Charter was considered, as well as a number of decisions from the United States, the European Union and other jurisdictions. The (e)alert also keeps readers informed of recent publications and developments in corporate social responsibility.

Charter monitoring work

The HRLG prepares articles each month assessing the compatibility of Bills introduced into the Victorian Parliament with the Victorian Charter. The articles include a critical analysis of the Statements of Compatibility for the Bills. Recent Bills analysed include the Equal Opportunity Amendment Bill 2010, the Child Employment Amendment Bill 2010 and the Crimes Legislation Amendment Bill 2009. The articles are published in the HRLRC's monthly bulletin, which is available online at www.hrlrc.org.au.

Special "Children's Rights" edition of the HRLRC bulletin

In April 2010, to coincide with the 2010 Children's Law Awards, Mallesons assisted the HRLRC to prepare a special edition of its monthly bulletin. This was the first time the HRLRC had produced a special bulletin. The content of the special bulletin focused on the legal issues facing children and young people.

Topics covered included the incorporation of Australia's obligations under the UN Convention on the Rights of the Child, the concept of therapeutic justice in dealing with the criminal activities of children, the age of criminal responsibility and the need to assist children who leave state care. The bulletin also analysed several recent cases that dealt with children's rights. The special bulletin provided an opportunity to fulfil the key objective of the 2010 Children's Law Awards: to raise awareness of issues currently affecting the legal rights of children and young people in Australia.

HR@Lunch seminars

The Sydney HRLG continues to hold regular Human Rights at Lunch seminars. These seminars are intended to promote an awareness of significant human rights issues. Members of the HRLG are encouraged to come up with topics and volunteer to lead these discussions. They are designed to be more than a one-way presentation and to give attendees an opportunity to engage in critical thinking and constructive debate. Recent topics for the seminars have included the conduct of free and fair elections; the implications of climate change for human rights; citizenship and statelessness; counter-terrorism and human rights; and the regulation of the private military and security industry. The seminars have canvassed complex human rights issues and sparked some lively discussions among HRLG members.

Publicising human rights through events

Human Rights Day Lectures

The Mallesons Human Rights Day Lecture is held on or around International Human Rights Day, which is observed every year on 10 December to mark the anniversary of the adoption by the UN General Assembly of the Universal Declaration of Human Rights in 1948.

The 2009 lecture was delivered by Justice Chris Maxwell, President of the Victorian Court of Appeal, and the 2010 lecture was delivered by Dr Helen Szoke, the Victorian Equal Opportunities and Human Rights Commissioner.

President Maxwell delivered an engaging lecture on the Court's experience of the Victorian Charter and discussed how, although rights under the Victorian Charter have been justiciable since January 2008, the flow of Victorian Charter litigation so far has been modest. Hearing his Honour's perspective on the Victorian experience was particularly relevant in light of the ongoing debate about national human rights protection in Australia.

Dr Szoke provided a unique insight into the Commission's view of how the Victorian Charter has worked in practice in Victorian society, including its effect on law-making and how it has helped everyday people articulate their own challenges in dealing with government. Dr Szoke's reflections were particularly enlightening given the upcoming review of the Victorian Charter in 2011.

Launching a thematic issue of the UNSW Law Journal

In June 2010, Mallesons was privileged to launch a thematic issue of the University of New South Wales Law Journal titled "The Future of Human Rights in Australia".

Commonwealth Solicitor-General, Stephen Gageler SC, gave the keynote address at the launch and provided some rebuttal to critics of his contribution to the National Human Rights Consultation. In the course of his address, Mr Gageler gave a valuable insight into the role that the Solicitor-General can play in an ongoing public debate, such as the National Human Rights Consultation.

As the HRLG had itself coordinated a comprehensive submission to the National Human Rights Consultation, it was particularly appropriate that Mallesons launch this thematic edition. The HRLG understands that there will be further dialogue as the government pursues its proposed Human Rights Framework. Accordingly, Robyn Chalmers, who was Mallesons' Master of Ceremonies at the launch, aptly noted that "we will continue to contribute to this debate and will continue to support endeavours such as the Journal, which provide valuable analysis and an array of perspectives from legal academics, practitioners, political scientists, and a human rights commissioner".

Mallesons / Castan Centre Annual Lecture

The 2010 Castan Centre Lecture was held on 17 August 2010 at the State Library of Victoria. This event, which is co-hosted by Mallesons, is a key aspect of the HRLG's ongoing relationship with Monash University's Castan Centre for Human Rights Law.

The Lecture was given by Andrew Demetriou, the Chief Executive Officer of the Australian Football League (AFL). Mr Demetriou spoke about leadership in the AFL both on the field and in the community. Mr Demetriou has been instrumental in expanding the AFL's indigenous and multicultural community programs, changing racial and religious vilification rules and developing a respect and responsibility program to build safe and inclusive environments for women, all of which make him well placed to speak on practical human rights issues.

A luncheon hosted by Mallesons at the State Library before the Lecture enabled a group of Mallesons commercial and pro bono clients to speak with Mr Demetriou in a more intimate setting.

Hosting inspirational human rights leaders

Mallesons has also had the opportunity to host a number of inspirational leaders in the human rights field. In May 2010, it supported Ms Louise Arbour's visit to Australia. Ms Arbour is the President of the International Crisis Group, and was previously the UN High Commissioner for Human Rights (2004-2008), a judge of the Supreme Court of Canada (1999-2004) and Senior Prosecutor of the International Criminal Tribunals for Yugoslavia and Rwanda. She gave the keynote speech at the HRLRC/PILCH 2010 Human Rights Dinner on 14 May 2010. In her speech, she discussed the introduction of human rights legislation in Canada and the general support for this legislation within the Canadian community. Ms Arbour also attended a VIP luncheon hosted by Mallesons, along with a number of other eminent guests, including Justice Chris Maxwell, President of the Victorian Court of Appeal, and former Prime Minister Malcolm Fraser.



Andrew Demetriou (CEO, AFL) speaking at the Mallesons / Castan Centre Annual Lecture in Melbourne, August 2010.

Seminar program

HRLG seminars play an important role in promoting and raising awareness of current human rights law issues. Malleasons was privileged to host a number of authoritative and engaging speakers as part of the 2010 HRLG seminar series. Speakers included:

- Professor Gareth Evans AO QC, on “Responding to Mass Atrocity Crimes: Implementing the Responsibility to Protect”;
- Erika Feller, Assistant High Commissioner for Protection, Office of the UN High Commissioner for Refugees, on “Refugee Protection in the Australasian Region and Beyond” (co-hosted with the HRLRC and the Refugee and Immigration Legal Centre);
- Phil Lynch, Executive Director and Principal Solicitor, HRLRC, on “*R v Momcilovic*: a new era for the Victorian Charter?”;
- Dr Ben Saul, Associate Professor of International Law, Faculty of Law, University of Sydney, on “The Kafka-esque Trial of Sheikh Mansour Leghaei: Innocent Imam or Iranian Spy? Taking Australia to the United Nations Human Rights Committee in Geneva”;
- Associate Professor Jane McAdam, Associate Professor, Faculty of Law, University of NSW, on “Climate Change, Displacement and Human Rights: Whose Rights, What Protection?”; and
- Emily Howie, Director of Advocacy and Strategic Litigation, HRLRC, on “The UN Human Rights Committee’s review of Australia’s compliance with the International Covenant on Civil and Political Rights (ICCPR)” and “Lawyers’ Responsibilities to the Community – Human Rights, Access to Justice, and Advocacy”.

MalleMUN

The Sydney HRLG regularly coordinates model UN conferences (MalleMUN). MalleMUN involves summer clerks and lawyers playing the roles of national delegates from a range of different countries and representing their country’s positions in negotiations with other delegates. It requires delegates to debate and consider an important issue in international law. The aim of the conference is to pass a resolution which has the support of the majority of delegates. The topic for the last MalleMUN was in the area of refugee law and concerned minimum detention standards for asylum seekers.

HRLRC secondment

Michael Dunstan

I was fortunate enough in 2010 to be given the opportunity to spend three months at the HRLRC as a secondee. It was great to work with extremely professional lawyers, whilst also making a real difference to our society and the lives of individual people. I was amazed by the breadth of work I took part in during such a short period of time: this small but dedicated group makes submissions, authors reports, provides commentary and analysis of the human rights impact of laws, engages and coordinates with the community sector and the legal profession generally, and undertakes individual case work. I will certainly not forget the law I learnt during my three months, but neither will I forget the invaluable experience of dealing with such a variety of people in different contexts nor the friendships I formed. I have come back to Malleasons with a greater confidence in my abilities as a lawyer, and a greater appreciation of the skills we learn working at the firm. I would like to thank Malleasons for giving me this opportunity and I would certainly recommend doing a HRLRC secondment to anyone with the opportunity to do so.

Secondments

HRLRC secondments

In 2010, the HRLG further strengthened its relationship with the HRLRC in Melbourne by providing two secondees. Two lawyers from Mallesons' Melbourne office, Michael Dunstan and Audrey Yeap, were each seconded to the HRLRC for a three-month period. During their secondments, both Michael and Audrey worked closely with the HRLRC legal team on substantial policy and case work.

The work done by the Mallesons secondees at the HRLRC included:

- assisting with research and drafting of the HRLRC's report to the UN Committee on the Elimination of Racial Discrimination;
- assisting in the research and preparation of a number of submissions;
- undertaking research into the positions of various NGOs ahead of the 2011 mandatory review of the UN Human Rights Council to be conducted by the UN General Assembly, and
- delivering presentations on human rights and women's rights to Years 10, 11 and 12 students at Our Lady of Sion College in Melbourne.

RACS secondments

In 2010, Mallesons' Sydney office provided their first full time secondee to RACS, one of the Sydney HRLG's key partners. The first secondee was Natalie Zerial, who was at RACS for six months. She was replaced by Elizabeth McGill for a further 6 months period.

The seconded lawyers provide assistance to RACS by:

- assisting asylum seekers at every stage of their protection visa process – initial applications, hearings with the Department, appeals to the Refugee Review Tribunal, and requests to the Minister for intervention in exceptional cases; and
- travelling to Christmas Island and Curtin Immigration Detention Centre to assist numerous detainees with applications for refugee status assessment.

HRLRC secondment

Audrey Yeap

My secondment to the HRLRC was an incredible experience. I was fortunate to experience a wide variety of work, including policy analysis and advocacy, case work, research and litigation. My time at the HRLRC was interesting and challenging. It was truly a privilege to work with such talented lawyers and to be involved in advocating for human rights – a powerful and developing body of law.

During my secondment, I worked on a wide range of projects, including:

- assisting with researching and drafting an NGO submission to the United Nations Committee on Australia's compliance with the International Convention on the Elimination of All Forms of Racial Discrimination;
- conducting extensive research into the right to life in international jurisprudence for use in an HRLRC intervention in a coronial inquest into the fatal police shooting of a 16 year old boy;
- undertaking research and preparing a submission to the Office of Police Integrity regarding the adequacy and appropriateness of Victoria Police policies and procedures for investigating deaths associated with police contact. Specifically, the submission focused on the obligations imposed under the Victorian Charter to conduct independent and effective investigations; and
- assessing the merits of a complaint to the United Nations Human Rights Committee in relation to the torture and ill-treatment of a political dissident. In particular, I liaised directly with the client, conducted a detailed examination of the legal issues and prepared preliminary documents.

Key partners

Human Rights Law Resource Centre

The HRLRC is a specialist national community legal centre that promotes and protects human rights in Australia. It achieves this objective through advocacy, litigation, education and capacity-building. Mallesons has been involved with the HRLRC through the HRLG since the inception of the Centre in 2006.

In addition to the substantial financial support Mallesons provides to the HRLRC, Mallesons makes significant contributions to the Centre through the provision of advice, assistance with case work, advocacy and participation in international human rights reporting processes. Mallesons regularly provides secondee lawyers to the HRLRC, and makes monthly contributions to the HRLRC Bulletin.

Disability Discrimination Law Centre

The NSW Disability Discrimination Legal Centre (DDLC) an independent, non political, non profit and non government organisation which was formed in 1994. The DDLC promotes and protects the human and legal rights of people with disability and their supporters through legal advocacy. They provide free legal advice and represent people with disability discrimination cases.

Mallesons provides support to the DDLC as part of its community partnership in a number of ways:

- **Education case referral scheme** – DDLC receives a high volume of education complaints. Under this pilot program, DDLC referred an education complaint for Mallesons to take to the point of conciliation.
- **Administrative secondment** – each Wednesday afternoon, members of our support staff attend the DDLC to assist with secretarial and administrative tasks. The DDLC greatly appreciates this support.
- **Events** – Mallesons regularly hosts and supports the DDLC's AGM, Christmas party and planning day. There are plans going forward to also host a "Hot topics" guest panel event and Mallesons will also be supporting a table at DDLC's trivia evening.

Refugee Advice and Casework Service

RACS is a community legal centre, which specialises in providing advice to asylum seekers currently in the community or in immigration detention centres. In 2008, the Sydney HRLG formalised a partnership with RACS. Our partnership consists of:

- **Pro bono matters:** A team of Mallesons lawyers undertakes a preliminary "prospects review" of a Refugee Review Tribunal (RRT) decision and provides advice to RACS as to whether the particular applicant has administrative law grounds to challenge the decision of the RRT in the Federal Magistrates Court and the Federal Court. If a case is then deemed meritorious, the referral team may take on an application/appeal in the Federal Magistrates Court, Federal Court or High Court.
- **Secondments:** We have provided RACS with secondees for six month periods on a full time basis. The secondees provide assistance to asylum seekers at every stage of their protection visa process.
- **Volunteers:** Mallesons sponsors four pro bono migration agents. The migration agents act as volunteers at the Monday night casework clinic at the RACS office.

RACS volunteer

Christina Taylor

I have been registered as a migration agent for 6 months and love the variety which it brings to my practice. RACS has a diverse range of clients and its great to be able to help people tell their stories and effectively communicate their claims for protection as a refugee to the department. It is also rewarding to be able to help connect clients with other services that they may need access to, such as health care.

Looking forward

Australia-wide human rights capabilities

As part of our continuing goal to expand the capacity of the HRLG, this year we strengthened the collaboration between our centres. For example, the Melbourne, Sydney and Canberra centres worked together

(with just two weeks preparation) to take two young plaintiffs to victory in the High Court.

The HRLG now has a presence across Australia and internationally. With the formation of strong relationships across the centres, we are now able to take on work which requires extra capacity as well as to refer work across the centres.

Further information

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Further information about the HRLG can also be found on the Mallesons website at www.mallesons.com