



Putting human rights at the heart of the COVID-19 crisis
response and beyond

Submission to the Senate Select Committee into COVID-19

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Freedom. Respect. Equality. Dignity. **Action.**

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Human Rights Law Centre

The Human Rights Law Centre acknowledges and pays our deep respects to the traditional custodians of the lands and waters across Australia and we acknowledge that those lands and waters were never ceded. We recognise the ongoing, unrelenting work of Aboriginal and Torres Strait Islander peoples, communities and organisations to demand equality, justice and self-determination and we commit to standing with them in this work

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

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1. Introduction and recommendations

1. The Human Rights Law Centre (**HRLC**) made a previous submission to this Committee on 4 May 2020 to raise issues requiring urgent attention with respect to people in immigration detention. This further submission focusses on a broader range of pressing human rights concerns connected to the Australian Government's response to the COVID-19 pandemic.
2. So far, Australia has navigated the COVID-19 crisis well with respect to community health. Australia has also seen extensive action from all levels of Government to try to alleviate the effects of the crisis on areas like employment, health care, and education.
3. However, this crisis has also brought into sharp focus deep injustices and inequalities requiring urgent attention. While this crisis has affected us all, Aboriginal and Torres Strait Islander people, women, older people, people in detention, people with a disability and people in insecure work or on temporary visas continue to be at heightened risk and are being left to disproportionately shoulder the burden. Human rights must be at the heart of the Federal Government's response, both now and into the future, to stop these inequalities widening.
4. This submission is focused on those most at risk, with a view to ensuring all people are safe and supported during the COVID-19 pandemic and that our community is better after the crisis than it was before it.

Recommendations

1. Put human rights at the heart of the Government's response to the COVID-19 crisis

Ensure that human rights are at the centre of all prevention, containment, treatment and rebuilding efforts in order to protect public health and support groups and communities most at risk from both the health and economic consequences of the pandemic.

2. Safeguarding our democracy

- a. Review and, in the absence of extenuating circumstances making them strictly necessary, repeal, all extraordinary discretionary powers conferred on Ministers to respond to COVID-19.
- b. Reform the National COVID-19 Coordination Commission to diversify its membership, increase transparency, make it accountable, and pass enabling legislation.
- c. Create a Federal integrity commission as soon as possible, and ensure the commission has the powers it needs to investigate and make public allegations of corruption.

3. Upholding rights to and at work

- d. Expand the JobKeeper scheme to include casual workers and migrant workers on temporary visas.
- e. Ensure that labour and employment laws, including those relating to wages, occupational health and safety, discrimination and the right to organise and bargain collectively are upheld, enforced and, where necessary, strengthened.

- f. Guarantee access to paid pandemic leave for workers who contract the virus or need to self-isolate.

4. Promoting responsible conduct by business

- g. Ensure corporate bailouts are sustainable and people-centered, and are conditional on companies upholding human rights standards and protecting workers' entitlements.
- h. Ensure both the Government and companies take active steps to identify and address human rights risks posed by the crisis across their supply chains.

5. A fairer social safety net

- i. Extend Jobseeker and Special Benefit to temporary visa holders, and make Special Benefit payments available to all people seeking asylum and refugees without impacting on their visa status or future visa applications.
- j. Ensure that all people seeking protection in Australia are eligible for Medicare and the NDIS, regardless of visa status.
- k. Permanently raise income support payments to a rate that ensures that every person is able to realise the right to an adequate standard of living regardless of their circumstances or where they live. Until this is done, the Coronavirus Supplement should remain in place.
- l. Work with experts and civil society to develop a national definition of poverty and an adequate standard of living, against which COVID-19 recovery measures can be assessed to avoid deepening inequality.
- m. Reform and replace employment support programs, such as the Community Development Program (**CDP**), Parentsnext, Jobactive and Disability Employment Services, so that they meet the needs of those struggling to secure decent work. In the meantime, compliance frameworks, compulsory income management and cashless debit card provisions in the *Social Security (Administration) Act 1999* should be repealed.
- n. Respect the right to self-determination and work with Aboriginal and Torres Strait Islander peoples on community-driven solutions to the health, housing and economic inequalities faced by their communities as part of the national recovery from COVID-19.
- o. Partner with Aboriginal and Torres Strait Islander communities and organisations to replace the CDP with community-led proposals for job creation and employment support as part of the COVID-19 economic recovery in remote communities. CDP should remain voluntary until that time.
- p. Review and raise the Remote Area Allowance to reflect the realities and expense of living remotely in the aftermath of COVID-19.

6. Protect groups at risk in places of detention

- q. Reduce the number of people held in immigration detention centres, prisons and youth justice centres by responsibly releasing people who are at higher risk of significant harm should they contract COVID-19, including Aboriginal and Torres Strait Islander people, refugees and people seeking asylum, elderly people, people with chronic health conditions, people living with disability, people with mental health conditions, children, young people, pregnant women and primary caregivers for young children.

- r. Establish independent oversight and monitoring of all places of detention to protect public health and ensure compliance with human rights standards.
- s. Transfer refugees and people seeking asylum still held in Nauru and Papua New Guinea to safety in Australia.

7. Family reunion for refugee families

- t. Urgently reform pathways to family reunion for refugees in Australia, and ensure that any shortfall in humanitarian intake is made up as soon as possible.

8. An Australian Charter of Human Rights and Freedoms

- u. Enact an Australian Charter of Human Rights and Freedoms.

2. A human rights-focused response to the crisis

“The COVID-19 pandemic is a public health emergency. But it is far more. It is an economic crisis. A social crisis and a human crisis that is fast becoming a human rights crisis”.

- António Guterres, Secretary-General United Nations

5. Australian governments have taken extraordinary measures to stop the spread of the COVID-19 virus and to ameliorate the impact of those decisions on the services we all rely on. A number of decisions were made to reduce the congregation of crowds and move face to face interactions and transactions online. In education, resources have been devoted to ensure schools can educate remotely, and a number of state governments have provided laptops and other devices to allow students to participate. Pre-school early childhood education has been made free for working parents, and some post-school technical education courses have been provided online for free to boost training. Our health system has bulk-billing for tele-health consultations with doctors and some specialists, and the Federal Government stepped in when some private hospitals closed and stood down their nursing staff. Our social safety net was boosted through the Coronavirus Supplement and Economic Support payments, and crisis accommodation was expanded in some cities to try to ensure every homeless person has somewhere safe to sleep. The JobKeeper wage subsidy was introduced to reduce unemployment.
6. These decisions, based on expert advice and advocacy by civil society groups, are welcome. It was also heartening to see the Federal Government partner with, and respect the advice of, Aboriginal and Torres Strait Islander leaders through the Aboriginal and Torres Strait Islander COVID-19 Advisory Group. But there are still some significant gaps in these responses, such as access to wage subsidy or income support for migrant workers and people seeking asylum. In addition, these improvements were announced as being for a limited period of time when some of these changes need to be permanent.
7. There has also been a failure in some areas to provide a proper response based on expert advice and international experience. This includes reducing the risk of COVID-19 spreading amongst people in detention, both in prisons and immigration detention, and ensuring proper safeguards and human rights measures are built into the support provided to corporations.
8. The crisis required decisions to be made quickly and may continue to do so. Nevertheless, there are serious concerns about the process through which some decisions were made, the level of transparency and accountability over their implementation, and the composition and powers of some of the advisory or decision-making bodies which have been created.
9. These issues require thorough examination to ensure that the Australian Government's response to the COVID-19 pandemic promotes, rather than undermines, human rights and democracy now and for years to come.
10. We **recommend** that human rights are placed at the centre of all prevention, containment, treatment and rebuilding efforts by the Government in order to protect public health and

support groups and communities most at risk from both the health and economic consequences of the pandemic.

3. Safeguarding our democracy

Limiting Executive Power

11. The Federal Government is making decisions which will shape the nation that emerges from this crisis. The path we take now will determine who benefits and who is left shouldering the burden for generations to come. Yet many of these decisions are being made by Ministers with extraordinarily broad new delegated powers and little scrutiny.
12. Greater decision-making powers in the hands of Ministers personally rather than Parliament collectively means more opaque processes of deliberation and less public accountability. It means less public debate and media coverage of decisions and less scope for input from anyone other than those with close political connections. Ultimately, it means poorer decisions and an increased risk of corruption.
13. For instance, the eye-watering \$40 billion discretionary fund provided to Finance Minister Mathias Cormann to spend on “unforeseen urgent matters”¹ should be repealed. A case could be made that the decision to confer power to spend such an extraordinary amount may have been prudent given the unpredictability of the pandemic in March, particularly as Parliament was not meeting regularly to respond to the crisis. The Auditor-General’s announcement that he will provide regular assurance reviews of Minister Cormann’s discretionary spending will also lend some much needed accountability. However, circumstances have changed significantly since March. Parliament is sitting again and the crisis, while far from over, is currently much more in hand. That this power is no longer necessary is further supported by the fact that, at the time of writing and eight weeks from the most crucial and uncertain period of the pandemic, Minister Cormann had spent only 4.2% of the fund.
14. Similarly, the broad powers conferred on the Minister for Families and Social Services, Anne Ruston, to extend the existing Cashless Debit Card (CDC) trials for six months,² and to change any social security law relating to the qualification for, or rate of, payments,³ should be repealed.
15. The Minister’s decision to use these broad executive powers to extend the Cashless Debit Card trials from 30 June 2020 to 31 December 2020 is concerning. Ordinarily, legislation would need to be tabled, debated and passed by Parliament to extend the trials. The Minister used these powers despite Parliament returning to sit from May 2020 and in the face of a government-commissioned evaluation being published that identified ongoing concerns with the trials.⁴

¹ *Appropriation Act (No 5) 2019-2020 (Cth) and the Appropriation Act (No 6) 2019-2020 (Cth)*.

² *Coronavirus Economic Response Package Omnibus Act 2020 (Cth)*, Sch 16.

³ *Coronavirus Economic Response Package Omnibus Act 2020 sch 11*.

⁴ K Mavromaras et al, *Cashless Debit Card Baseline Data Collection in the Bundaberg and Hervey Bay Region: Qualitative Findings* (University of Adelaide, 2019) .

16. We **recommend** that all extraordinary discretionary powers conferred on Ministers to allow them to respond to COVID-19 should be reviewed and, in the absence of extenuating circumstances making them strictly necessary, repealed.

National COVID-19 Commission

17. As Australia moves into the economic rebuilding phase of this crisis there are questions as to which industries will receive public money and how those decisions will be made. The response to COVID-19 has led to significant influence being vested in the informal National COVID-19 Coordination Commission (**NCCC**).
18. The lack of accountability of the NCCC, given its prominence in advising the Prime Minister on “all non-health aspects of the pandemic response”, is concerning. There is no governing legislation for the NCCC, and during hearings before this Committee, NCCC CEO Peter Harris himself conceded that the process of how it advises the Federal Government is “opaque”. Secretary of the Prime Minister’s Department, Phil Gaetjens, suggested the NCCC’s advice to the Government may be deemed cabinet-in-confidence, and therefore kept secret from the public.
19. Significant concerns have been voiced regarding the membership of the NCCC. Commissioners were handpicked by the Prime Minister personally, a number - including Chairman Neville Power - with strong links to the mining and resources industry. A leaked draft report by the Manufacturing Taskforce to the NCCC recommended taxpayers underwrite gas prices and subsidise a massive expansion of the gas industry. According to reports, the leaked report did not consider alternatives to gas or mention climate change.
20. There are also concerns regarding the lack of public disclosure of conflicts of interest by Commissioners and advisers. Mr Power only recently stepped aside from his position as deputy chairman of gas company Strike Energy after the NCCC was asked by journalists how he is managing this perceived conflict of interest.
21. Finally, the informal way in which the NCCC operates is deeply concerning. The Commissioners call on their personal business contacts to inform their advice to the Federal Government. There is no public consultation and no transparency regarding who is consulted.
22. Given the number of issues fundamental to its credibility, there is serious doubt as to whether the NCCC should continue. At a minimum, we **recommend** that the following requirements be met:

(i) Diversify the NCCC’s membership: the NCCC lacks representation from groups most impacted and at risk from the health and economic crises, including Aboriginal and Torres Strait Islander peoples and workers. The NCCC should also include human rights experts.

(ii) Increase transparency: greater transparency regarding the operations of the NCCC is vital. It should publish its process for soliciting and reviewing proposals, lobbying meetings it conducts, the advice it provides to the Federal Government, and its budget and spending.

(iii) Make the NCCC accountable: a public conflict of interest disclosure register should be maintained by all members of the Commission, working groups and advisory bodies

associated with it. Members with conflicts or perceptions of conflicts should recuse themselves from all relevant discussions and work.

(iv) Pass enabling legislation for the NCCC: legislation that provides integrity and transparency safeguards as with other commissions should be in place. Legislation should include a process of inquiry where the public are invited to contribute submissions, the commission reports on findings and makes recommendations which are then considered by the Government.

23. Finally, the billions being spent and the lack of good process makes the case for a Federal integrity commission more pressing than ever. We **recommend** that the Federal Government reprioritise its commitment to establish a Federal integrity commission as soon as possible, and ensure the commission has the powers it needs to investigate and make public allegations of corruption.

4. Upholding rights to and at work

24. Both globally and here in Australia, the world of work is also being profoundly impacted by the pandemic, with lockdowns already impacting 2.7 billion workers worldwide⁵ and the long-term livelihoods and wellbeing of millions threatened. The International Labor Organization predicts that global working hours in the second quarter of 2020 will be 10.5 per cent lower than in 2019 – equivalent to the loss of 305 million full-time jobs.⁶ Here in Australia, the labour under-utilisation rate also stands at a record 19.9 per cent, with approximately 1 in 5 people who were employed in March having either lost their jobs or had their hours reduced.⁷ At the same time, unpaid care work has increased dramatically, with an estimated 87 per cent of children at home globally due to school closures, heightened care needs for older persons and overwhelmed health services.⁸
25. In the midst of this unprecedented health and economic crisis, it is vital that the Government and businesses uphold human rights standards and take proactive steps to protect workers' jobs, rights and safety.

Expanding JobKeeper to ensure no worker is left behind

26. The JobKeeper scheme has been a crucial lifeline to many workers and small businesses alike during this period of unprecedented economic uncertainty, and we commend the

⁵ ILO, 'ILO Monitor: COVID-19 and the world of work. Third edition. Updated estimates and analysis.' (ILO, 29 April 2020)

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_743146.pdf

⁶ ILO, 'ILO Monitor: COVID-19 and the world of work. Third edition. Updated estimates and analysis.' (ILO, 29 April 2020)

https://www.ilo.org/wcmsp5/groups/public/---dgreports/---dcomm/documents/briefingnote/wcms_743146.pdf

⁷ ABS, 'Labour Force, Australia – April Key Figures' (14 May 2020)

<https://www.abs.gov.au/ausstats/abs@.nsf/mf/6202.0>

⁸ United Nations, 'Policy Brief: The Impact of COVID-19 on Women' (United Nations, 9 April 2020)

<https://reliefweb.int/sites/reliefweb.int/files/resources/policy-brief-the-impact-of-covid-19-on-women-en.pdf>

Government's decision to introduce this program to protect jobs and mitigate some of the worst economic impacts of the pandemic.

27. However as it is currently formulated, the scheme is currently overlooking some of those most vulnerable to the social and economic impacts of the crisis. In particular, the scheme is not available to the 1.1 million temporary visa workers in Australia. Many of these workers (including international students, working holiday makers and temporary skilled workers and those on bridging visas) were already some of the most vulnerable workers in the Australian economy, facing high rates of exploitation, wage theft and poor working conditions.
28. As flagged above, refugees on temporary protection visas and people seeking asylum on bridging visas are among the most vulnerable categories of these workers. They are not eligible for JobKeeper and, noted above, those on bridging visa holders are also not eligible for social security support if they do become unemployed, meaning they risk being forced into destitution, or into highly exploitative situations by unscrupulous employers. For many refugees with temporary protection, maintaining their employment is also directly linked to their future visa pathways.
29. JobKeeper also currently excludes casual workers with less than 12 months tenure with their employer. These gaps in the scheme risk compounding existing inequalities within the Australian labour market due to the fact that so many Australian workers are reliant on casual, labour-hire or gig work.⁹ Casual workers also tend to be concentrated in many of the industries hit hardest by the crisis, including retail, hospitality and the arts, which has made workers in these industries even more vulnerable to the economic impacts of the crisis.
30. The Australian Government has an obligation to ensure that workers, especially those who are most at-risk, are supported to guarantee basic economic, social and health rights. Attributes such as visa or employment status must not stand as a barrier to Government benefits, and so to decent housing and food, and access to healthcare.
31. Programs like JobKeeper should be aiming to support the most vulnerable categories of workers within our society, who are absorbing much of the economic consequences of the crisis, as a first priority.
32. We **recommend** that the JobKeeper scheme be immediately expanded to include casual workers and migrant workers on temporary visas.

Protecting workers' rights and safety

33. The pandemic also raises heightened risks of exploitation, unsafe work practices and discrimination in workplaces. As lockdown measures are relaxed, the Government must ensure that companies are protecting employees from exposure risk as they continue/return to work. As recent outbreaks in workplaces (such as the Cedar Meats cluster in Victoria) show, there are significant dangers and risks for frontline workers working in industries more susceptible to outbreaks and with lower safety nets and protections.

⁹ Australia has the third worst rate of non-standard work in the OECD, which can be defined as casual, contract, labour hire, gig workers and part time workers seeking more hours
<https://www.actu.org.au/media/1449112/rebuilding-jobs-and-our-economy-post-covid-19.pdf>

34. We **recommend** that both the Federal and state governments take proactive steps to ensure that existing labour and employment laws, including those related to wages, occupational health and safety, discrimination and the right to organise and bargain collectively are upheld, enforced and, where necessary, strengthened. To this end, governments should also ensure that sufficient resources are allocated to all commonwealth and state and territory bodies tasked with monitoring and enforcement, and that companies that violate labour laws and put workers' safety at risk are held accountable.
35. We also **endorse** calls by the Australian Council of Trade Unions for the Government to guarantee access to two weeks paid pandemic leave for any worker who believes they may have contracted COVID-19.¹⁰ This would allow workers who believe they may have the virus to get tested and, where necessary, take time off to recover. Currently 1 in 3 workers in Australia have no access to paid sick leave. If people are not supported financially to take time off when they are unwell, they are far more likely to attend work even if they have symptoms of illness, creating further risks for their fellow workers and public health. As social distancing rules are relaxed and people start to return to workplaces, access to paid pandemic leave will be an important tool in reducing the risk of community transmission.

5. Promoting responsible conduct by business

Corporate bailouts

36. As the Covid-19 crisis evolves, Australian companies will continue to look to the Government for a financial lifeline. The Government should ensure that any corporate bailouts come with requirements for companies to uphold human rights standards and protect workers' jobs and entitlements.
37. Corporate bailouts provided by the federal Government to date have come with no strings attached. In April, the Government announced it would underwrite Virgin and Qantas domestic flights, committing to an initial \$165 million in an effort to sustain the airlines.¹¹ Qantas had already stood down 20,000 employees without pay or pandemic leave,¹² Virgin was weeks away from announcing it was going into voluntary administration. Despite the fact that Qantas and Virgin workers were being asked to work on the frontline of the crisis and risk their health and safety, these bailouts came without any conditions to try to protect their position.

¹⁰ Josh Taylor, "ACTU calls for paid pandemic leave for workers forced to take time off due to coronavirus", *Guardian Australia* (online, 11 March 2020) <https://www.theguardian.com/world/2020/mar/11/actu-calls-for-two-weeks-paid-leave-for-workers-forced-to-take-time-off-due-to-coronavirus><https://www.actu.org.au/actu-media/media-releases/2020/pandemic-leave-whs-reforms-needed-before-workers-can-return>

¹¹ Darren England, 'Virgin Australia, Qantas receive Government backing for domestic flights as coronavirus continues to hit aviation sector' (ABC, 17 April 2020) <https://www.abc.net.au/news/2020-04-16/virgin-australia-to-resume-flights-after-coronavirus-suspension/12155466>

¹² Ben Butler, 'Outrageous: Qantas criticised for standing down 20,000 workers without pay' (The Guardian, 19 March 2020) <https://www.theguardian.com/business/2020/mar/19/coronavirus-qantas-and-jetstar-to-suspend-international-flights-and-stand-down-20000-workers>

38. In contrast, the US Government agreed to bailout the US airline industry and provide support for payroll only on the condition that they must not make major staffing, furloughs or pay cuts through to September.¹³ The New Zealand Government's NZD\$900 million loan to Air New Zealand came with a suite of conditions including prohibitions on payment by Air New Zealand of any dividends or other distribution to shareholders.¹⁴ The Canadian Government has put in place a set of guiding principles for any bridge financing to companies which incorporates requirements on the distribution of dividends, share buy-backs and executive pay, as well as requiring companies to publish annual climate-related disclosure reports.¹⁵
39. We urge the Australian Government to likewise ensure that workers' rights and a sustainable future are prioritized in any further financial assistance to companies as the economic crisis deepens.
40. We **recommend** that any corporate bailouts come with clear, transparent and enforceable conditions to protect human rights standards. These should include at a minimum, commitments in relation to the protection of workers' jobs and entitlements, restrictions on share buy-backs and dividend payments and ceilings on executive compensation. We recommend, however, that the Government also impose conditions requiring corporate human rights due diligence and commitments to emissions reductions and related environmental targets to secure a more sustainable future for all Australians. For large corporate bailouts, the Government should consider purchasing equity to allow it to realise a financial gain to reinvest in public services once the economy recovers.

Addressing human right risks in supply chains

41. Globally, the pandemic risks pushing half a billion people into severe poverty,¹⁶ with the Asia-Pacific being one of the worst hit regions. Across Asia, factories are already closing or at risk of closure due to raw material shortages, public health concerns or reduced orders. Sectors which are being hit particularly hard include manufacturing, hospitality, retail and food services. In Bangladesh, for instance, cancelled orders by clothing brands, including those in Australia, have already cost the garment sector \$3.17 billion, risking the jobs and livelihoods of some 2.2 million workers and their families.¹⁷

¹³ Jessica Puckett, 'Airlines are getting bailout money – but there are a lot of strings attached' (Conde Nest Traveller, 2 April 2020)

<https://www.cntraveler.com/story/airlines-are-getting-bailout-money-but-there-are-a-lot-of-strings-attached>

¹⁴ Nikhil Kurian Nainan, 'Air New Zealand gets \$NZ900m loan from Government' (Sydney Morning Herald, 20 March 2020)

<https://www.smh.com.au/business/companies/air-new-zealand-gets-nz900m-loan-from-government-20200320-p54c1u.html>

¹⁵ Prime Minister announces additional support for business to help save Caadian Jobs (Justin Trudeau Prime Minister of Canada, News Release, 11 May 2020)

<https://pm.gc.ca/en/news/news-releases/2020/05/11/prime-minister-announces-additional-support-businesses-help-save>

¹⁶ United Nations University, *Working Paper: Impacts of COVID-19 on Global Poverty* (April 2020)

<https://www.wider.unu.edu/publication/estimates-impact-covid-19-global-poverty>; Oxfam International, *Dignity not Destitution* (April 2020) <https://www.oxfam.org/en/research/dignity-not-destitution>

¹⁷ Rubana Huq, 'Global brands must not abandon Bangladesh's factory workers in the coronavirus crisis' (The Washington Post, (19 April 2020)

<https://www.washingtonpost.com/opinions/2020/04/18/global-brands-must-not-abandon-bangladeshs-factory-workers-coronavirus-crisis/>.

42. Workers in the informal economy, migrant labourers and those working lower down in supply chains are particularly vulnerable to the worst impacts of the crisis. Many of these workers – predominantly women – already face poverty wages and dangerous and unsafe working conditions. Job losses and worsening conditions will both push them further into poverty and heighten the risks of forced labour, as working conditions deteriorate or workers are driven through desperation into exploitative situations. In the few sectors in which production has increased, such as the manufacture of facemasks and medical gloves,¹⁸ as well as in international call centres,¹⁹ there have also been allegations of exploitation and unsafe working conditions as employers scramble to meet global demand.
43. Both the Australian Government and Australian companies have an obligation to consider the human rights risks and impacts their response to the crisis is having for those in their own domestic and international supply chains and take steps to ensure that their business and sourcing practices are not further contributing the severe human rights impacts being created by the global economic turmoil. This should include ensuring that existing contracts with suppliers are honoured, working to avoid upstream worker layoffs and supplier closure, ensuring that suppliers are putting in place adequate safety measures to protect workers against COVID-19 risks and that workers have access to paid medical and family leave. For companies increasing production to meet global demand, they should ensure that this expedited production does not cause or contribute to worker abuses such as unpaid or forced overtime.
44. We **recommend** that the federal Government takes proactive steps to ensure Australian companies immediately integrate effective human rights due diligence into their operations to identify and mitigate risks and potential negative impacts of their responses to the COVID-19 crisis across their operations and supply chains. The Government should lead by example and implement the same approach within its own procurement practices.

6. A Fairer Social Safety Net

The right to health care and an adequate standard of living

45. Millions of people in Australia will experience unemployment or under-employment, and many for prolonged periods, as Australia's economy plunges into a COVID-19 induced recession.²⁰ Pre-existing inequalities will be compounded unless the Federal Government centres human rights to social security and an adequate standard of living in its economic response. First

¹⁸ Andy Hall, 'Don't forget the people behind the PPE – migrant workers meeting the surge in demand for medical gloves' (The Telegraph, 17 April 2020) <https://www.telegraph.co.uk/global-health/science-and-disease/dont-forget-people-behind-ppe-migrant-workers-meeting-surge/>.

¹⁹ Michael Atkin and Laura Kewley, 'Call centre staff in the Philippines have been sleeping at work during the coronavirus lockdowns to help Australian customers', *ABC News* (28 April 2020) <https://www.abc.net.au/news/2020-04-28/call-centre-workers-in-philippines-sleeping-in-offices/12154842>

²⁰ Australian Bureau of Statistics, 'Employment falls 594,300 in April to 12.4 million' (Media Release, 14 May 2020): "around 2.7 million people (about 1 in 5 people employed in March) either left employment or had their hours reduced between March and April".

Nations peoples, migrants, refugees, asylum seekers, people living with a disability, women, family violence survivors, people in low-paid and insecure jobs will be among the hardest hit.

46. Adequate social security payments to all those who need them will be crucial to mitigating the worst impacts of the economic downturn on many communities.
47. It was heartening therefore to see the Federal Government's response to the COVID-19 economic crisis include two \$750 Economic Support payments, the six-month \$550 per fortnight Coronavirus Supplement, a relaxation of some eligibility rules and the suspension of programs of mutual obligation requirements and compliance in urban and remote areas. We also commend the commitment of state governments to ensuring that all COVID-19 hospital treatment is provided free of charge, including to asylum seekers excluded from Medicare. However, the short-term nature of these measures and the exclusion of vulnerable groups from the social safety net is of serious concern and must be addressed urgently as recommended in below in this submission.

Expanding access to Jobseeker and Special Benefit

48. The exclusion of over 1 million temporary visa holders from social security and Medicare during the COVID-19 pandemic is harsh and short-sighted, both as a health and economic response. People on skilled work visas, student visas, working holiday visas and bridging visas are all currently excluded, despite the fact that many are long-term Australian residents, who were contributing significantly to Australian society and the national economy before the COVID-19 crisis. Many cannot simply 'return home' because of travel restrictions, a lack of financial resources or because they face persecution or do not have a home to return to.
49. Many people seeking asylum in Australia have spent years living precariously on bridging visas while waiting for protection visa applications to be processed. Often, bridging visas do not include the right to work or receive Jobseeker, leaving people with no way to support themselves or their families. Over the past two years, the Australian Government has drastically reduced the only income support available to people seeking asylum – the Status Resolution Support Service. Changes to eligibility criteria have resulted in thousands of people losing this small lifeline altogether, causing a crisis of homelessness and destitution prior to the COVID-19 health and economic crises. Now, these individuals and families have also been excluded from the Coronavirus Supplement and Economic Support payments.
50. Some refugees with temporary protection status in Australia face unique consequences if they lose work and need to rely on social security during this crisis. People who hold temporary protection visas or safe haven enterprise visas (SHEV) are eligible for Special Benefit payments in lieu of Jobseeker, and are eligible for the Coronavirus Supplement and Economic Support payments. However if they are studying full-time, they cannot claim any of these supports. In addition, the 'pathway requirements' that SHEV-holders must meet in order to apply for subsequent visas include a requirement to work or study in a regional area for at least 3.5 years without accessing the Special Benefit. As such, accessing social security during the COVID-19 economic crisis may directly impact eligibility for future visas. This punitive requirement forces people who are refugees to choose between struggling to survive now, or losing a pathway to permanent safety in the future.
51. COVID-19 is a threat to everyone in the community. The exclusion of people from vital support measures on the basis of visa status leaves Australia exposed to new waves of COVID-19, as was demonstrated by the recent outbreak of a second wave in migrant worker camps in

Singapore. Australia should follow the example of nations like Portugal²¹ and ensure that nobody is left behind.

52. We **recommend** that Jobseeker and Special Benefit be extended to temporary visa holders, and that Special Benefits payments are available to all refugees and people seeking asylum without impacting on their visa status or future visa applications.

Expanding access to Medicare

53. Many people seeking asylum who are living in the community also do not have access to Medicare. When combined with the severe restrictions on Government financial support, this creates a dangerous situation which compromises the health of individuals, families and children.
54. While State Governments have ensured that hospital treatment relating to COVID-19 will now be provided free of charge to everyone, this does not address the broader health needs of people who are ineligible for Medicare, and the people on temporary protection visas living with disabilities who are ineligible for the National Disability Insurance Scheme (NDIS). A key measure in preventing further outbreaks of COVID-19 and protecting the entire community is to ensure that every person is able to take steps to look after their own health, such as going to the GP or filling a prescription at a pharmacy.
55. As a country that believes in fair and equal access to healthcare, we must ensure that all people seeking protection in Australia are eligible for Medicare and the NDIS. While the current pandemic makes this action particularly urgent, the change must be permanent.
56. We **recommend** that the Australian Government ensure that all people seeking protection in Australia are eligible for Medicare and the NDIS, regardless of visa status.

The need for a permanent raise in income support payments

57. Prior to the introduction of the Coronavirus Supplement, key income support payments, particularly for single people, were sitting below the poverty line.²² As a result, a majority of households in Australia receiving Youth Allowance, Jobseeker or the Parenting Payment are living in poverty.²³ The Government cannot go back to payment rates that forced people to forgo meals and medication in order to keep a roof over their head.
58. The \$550 Supplement has been life changing for many who were scraping to survive. People have spoken about being able to buy fresh food and not having to skip meals or forgo medicines.²⁴ It has been critical to promoting housing security. For example, for a single

²¹ SBS, 'Portugal gives migrants, asylum seekers residency rights during coronavirus crisis' (SBS, 2 April 2020) <https://www.sbs.com.au/news/portugal-gives-migrants-asylum-seekers-residency-rights-during-coronavirus-crisis>

²² Peter Davidson et al, *Poverty in Australia 2020: Part 1, Overview* (ACOSS/UNSW Poverty and Inequality Partnership Report No 3, 2020).

²³ ACOSS and UNSW, 'Rate of poverty by income support payment', available at <http://povertyandinequality.acoss.org.au/poverty/rate-of-poverty-by-income-support-received-by-household-reference-person/>; Senate Community Affairs References Committee, Parliament of Australia, *Inquiry into Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia* (2020) [2.44].

²⁴ See e.g. Royce Kurlmelovs, 'Spending the coronavirus bonus: 'I haven't bought my daughter a birthday present since 2012'' (The Guardian, 27 April 2020), available at

person on Jobkeeper, 1,040 out of nearly 70,000 rentals became affordable *with* the Supplement, up from only nine affordable rentals *without* the Supplement.²⁵

59. In remote Aboriginal and Torres Strait Islander communities, it has been reported that people are now able to buy fresh fruit and vegetables, essential whitegoods and warm items for winter. There are reports of a short term alleviation of poverty and drops in requests for emergency relief purchase orders. We have also been informed that the increase in incomes is supporting the development of local service and supply economies, which in turn creates opportunities for community-led development measures moving forward.
60. In introducing the Supplement, the Federal Government implicitly acknowledged the inadequacy of existing income support payments. Payments must now be raised permanently. Not only is this necessary from a human rights perspective, but it is also critical to Australia's economic recovery.²⁶ It would be senseless and cruel for the Government to step back now.
61. In addition, as the recent Senate inquiry into the adequacy of Newstart identified, Australia needs to develop a national measure of poverty, against which the right to an adequate standard of living and income support payments can be set.²⁷ This is critical in light of the unprecedented economic crisis facing the nation and the need for objective human rights-centred policies to address poverty and inequality as part of the economic recovery.
62. We **recommend** that the Australian Government permanently raise income support payments to a rate that ensures that every person is able to realise the right to an adequate standard of living, regardless of their circumstances or where they live. Until this is done, the Coronavirus Supplement should remain in place.
63. We **recommend** that the Australian Government work with experts and civil society to develop a national definition of poverty and an adequate standard of living, against which COVID-19 recovery measures can be assessed to avoid deepening inequality.

A fair social safety net that meets the needs of those locked out of work, particularly in remote Aboriginal and Torres Strait Islander communities

64. The suspension of mutual obligation requirements and compliance action under the remote Community Development Program (CDP), as well as the Parentsnext, Jobactive and Disability Employment Service (DES) programs, was a welcome step in the face of COVID-19.²⁸ So too was the Government's halting of a planned roll-out of the Cashless Debit Card in the Northern Territory (see section 3 'Safeguarding our democracy' for concerns about executive powers being used to extend existing trial sites).

<https://www.theguardian.com/australia-news/2020/apr/27/spending-the-coronavirus-bonus-i-havent-bought-my-daughter-a-birthday-present-since-2012>

²⁵ Anglicare Australia, Rental Affordability Snapshot: National Report (April 2020).

²⁶ See e.g. Deloitte Access Economics, *Analysis of the impact of raising benefit rates* (report commissioned by Australian Council of Social Service, 2018).

²⁷ Senate Community Affairs References Committee, Parliament of Australia, *Inquiry into Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia* (2020), recommendation 1. The failure of the Australian Government to adopt a national poverty definition has been noted by the UN Committee on Economic, Social and Cultural Rights: see e.g. *Concluding Observations of the Committee on Economic, Social and Cultural Rights: Australia* (E/C/12/AUS/CO/4, 22 May 2009) [24]

²⁸ We note however, reports of government-contracted providers pushing unemployed people into doing tasks that they cannot be compelled to undertake at this time: Cait Kelly and Christiane Barro, 'Newly unemployed Australians 'harassed and threatened' by job agencies' (*The New Daily*, 8 May 2020)

<https://thenewdaily.com.au/news/national/2020/05/08/jobkeeper-dole-threats-coronavirus/>

65. There is a desperate need for Australia’s social security system to move away from its growing focus on compliance, punishment and control towards a system centred on understanding the needs, and respecting the humanity, of people requiring support.
66. Mutual obligation, compliance and compulsory income quarantining laws have caused the system to become increasingly complex, punitive, invasive and dehumanising, causing financial and emotional distress for individuals and families. Aboriginal and Torres Strait Islander peoples have been unfairly impacted by financial penalties and targeted by compulsory income quarantining schemes²⁹, especially in remote communities.
67. A Senate Committee recently concluded that mutual obligation requirements were not working and needed to be reviewed.³⁰ In 2019, a government-commissioned review identified stakeholder reports of increased hunger, mental illness, sleep deprivation and survival crime in remote communities because of financial penalties under CDP.³¹ Serious concerns and recommendations for reform were made about Parentsnext (a stream of which targets Aboriginal and Torres Strait Islander parents) and Jobactive in 2019.³² There also continues to be a lack of evidence to justify the restriction of human rights under the Government’s compulsory income management and cashless debit card schemes.
68. The suspension of mutual obligations is in place until 8 June 2020 in non-remote areas and Minister Cash has announced a three-staged return. In remote areas, the return to mandatory mutual obligations under CDP has been linked to the lifting of biosecurity zones, however reform of CDP has also been flagged.³³
69. Rather than ‘snapping back’ to these old systems, even in a staged manner, the Federal Government should first work with affected people, civil society and experts to reform employment programs so that they actually meet the needs of those struggling to find work. In the meantime, it should get rid of harmful compliance and compulsory income quarantining laws.
70. We **recommend** that the Federal Government reform and replace employment support programs, such as CDP, Parentsnext, Jobactive and DES, so that they meet the needs of those struggling to secure decent work. In the meantime, compliance frameworks, compulsory income management and cashless debit card provisions in the *Social Security (Administration) Act 1999* should be repealed.

²⁹ Income quarantining refers both to Income Management schemes and the Cashless Debit Card trials.

³⁰ Senate Community Affairs References Committee, Parliament of Australia *Inquiry into Adequacy of Newstart and related payments and alternative mechanisms to determine the level of income support payments in Australia* (2020), recommendation 13.

³¹ Commonwealth of Australia, *The many pathways of the Community Development Programme – Summary report of community voices and stakeholder perspectives from eight communities* (2018).

³² Senate Community Affairs References Committee, Parliament of Australia, *ParentsNext, including its trial and subsequent broader rollout* (2019) [4.1]; Senate Education and Employment References Committee, Parliament of Australia, *Jobactive: failing those it is intended to serve* (2019). DES was reformed in 2018, and has not since been formally reviewed, however the disability sector has raised serious concerns, see e.g. Disabled People’s Organisations Australia, ‘Disability Employment Reforms Won’t Solve Employment Gap for People with Disability’ (media release, 19 July 2018), available: <https://dpoa.org.au/des-reforms-employment-gap/>

³³ Evidence to Senate Select Committee on COVID-19, Parliament of Australia, Canberra, 13 May 2020, 27 (Ray Griggs).

Supporting Aboriginal and Torres Strait Islander community-led solutions to addressing inequality

71. As the Aboriginal Medical Services Alliance NT (AMSANT) has said in their submission, the COVID-19 pandemic “has highlighted deep inequities in housing, environmental health infrastructure, food security, employment and wealth distribution”. In remote communities in particular, poverty rates have been growing despite Australia’s pre-COVID economic growth.³⁴ With the current COVID-19 induced economic downturn, there is a significant risk that poverty will deepen.
72. We **recommend** that the Government commit to respecting the right to self-determination and work with Aboriginal and Torres Strait Islander peoples on community-driven solutions to the health and economic inequalities faced by their communities as part of the national recovery from COVID-19.
73. For example, Aboriginal and Torres Strait Islander peoples have developed positive models for job creation and economic development in remote communities to replace the exploitative CDP, such as the *Fair Work Strong Communities* proposal led by Aboriginal Peak Organisations NT.³⁵ We **recommend** that the Australian Government partner with Aboriginal and Torres Strait Islander communities and organisations to replace CDP with community-led proposals for job creation and employment support as part of the COVID-19 economic recovery. In the interim, CDP should remain voluntary.
74. In addition, we note that the lock-down of remote communities under the *Biosecurity Act* acutely exacerbated long-standing food security issues. For example, according to the NT Government’s 2017 survey, a healthy basket of food was up to \$319 more in a remote store than an urban supermarket.³⁶ However, the Remote Area Allowance is only \$9.10 per week. We therefore **recommend** that the Government review and raise the Remote Area Allowance to reflect the realities and expense of living remotely in the aftermath of COVID-19. With the lifting of biosecurity zones, it is critical that long-term food security solutions are developed and we refer the Committee to the recommendations in AMSANT’s submission.

7. Protect groups at risk in places of detention

Places of detention

75. While most people in the Australian community have been able to stay at home, practice physical distancing and take steps to keep themselves and their loved ones safe during this public health crisis, people in closed detention environments like immigration detention facilities³⁷, prisons and youth detention centres continue to be exposed to unacceptable health

³⁴ Francis Markham and Nicholas Biddle, *Income, poverty and inequality*, Census Paper No 2, Centre for Aboriginal Economic Policy Research (2018).

³⁵ Aboriginal Peak Organisations NT, *Fair Work and Strong Communities: Proposal for Remote Development and Employment Scheme* (May 2017)

³⁶ Northern Territory Department of Health, *Northern Territory Market Basket Survey Summary Report 2017* (Northern Territory Government, 2019).

³⁷ For further detail and recommendations specific to the immigration detention context, please see the Human Rights Law Centre’s previous submission to this inquiry, *Urgent action needed to protect people held in immigration detention*, 4 May 2020.

risks, without any ability to protect themselves. Many prisons and detention centres in Australia are operated by private companies contracted by governments, which increases the difficulty of ensuring proper monitoring and oversight of safety practices.

76. The advice from medical experts is clear - once COVID-19 enters a place of detention, it will spread like wildfire. Densely populated congregate settings, where social distancing is impossible and hygiene and living conditions are often poor, create a higher risk of the kind of rapid, widespread transmission of the virus as seen on cruise ships. This poses a serious risk of harm to people who are detained, staff who work in these facilities, and the broader community.

Specific risks to refugees and people seeking asylum

77. As noted in our original submission to the Senate Select Committee dated 4 May, the Human Rights Law Centre acts for people currently held in immigration detention within Australia who are terrified at the prospect of contracting COVID-19 and the fact that they cannot protect themselves. For many people, the threat is increased because they have underlying health conditions that put them at higher risk of serious illness or death in the case of infection. This includes refugees brought to Australia specifically for the purpose of receiving medical treatment, and who have remained in immigration detention since their arrival. The Federal Government has a clear responsibility for the safety and wellbeing of all those held in immigration detention.
78. The Government also has an ongoing responsibility towards the remaining approximately 430 refugees and people seeking asylum still held offshore in Nauru and Papua New Guinea, who are also now at heightened risk from the pandemic. As the Australian Government is well aware, Nauru and Papua New Guinea do not have adequate medical facilities to meet the complex health needs of the refugees and people seeking asylum who remain there. Before the outbreak of COVID-19 in Australia, we understand that a number of people were approved or in the process of being considered for transfer to Australia or other countries for medical treatment. The serious risks arising from COVID-19 in both countries mean that it is now more urgent than ever that the Australian Government move these people to safety.

Specific risks to Aboriginal and Torres Strait Islander peoples

79. Historic and ongoing discriminatory laws and policies have resulted in Aboriginal and Torres Strait Islander peoples being over-represented in children's, women's and men's prisons. If COVID-19 enters these facilities, it will likely be Aboriginal and Torres Strait Islander people who are hit hardest.
80. Change the Record, a national, Aboriginal-led justice coalition notes that “[a]s well as being at risk of the worst impacts of the virus itself, Aboriginal and Torres Strait Islander peoples are also disproportionately affected by some of the more punitive and restrictive COVID-19 policy responses at a state, territory and Commonwealth level”. Change the Record **recommends**, which we support, the release of Aboriginal and Torres Strait Islander prisoners who are low-risk, have chronic health conditions, are on remand, are elderly, children or are for whatever reason at increased risk of Covid-19; and the protection of the human rights of Aboriginal and Torres Strait Islander peoples in prison by ensuring access to oversight and monitoring agencies, family, legal services, mental health care, education and programs.

Reducing the number of people held in detention facilities

81. Reducing the number of people held in detention facilities is the most effective way to avert a potential public health disaster. Across the world, the World Health Organisation, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the United Nations High Commissioner for Human Rights, health experts, infectious diseases specialists and human rights organisations have called for the release of people from places of detention as an essential element of COVID-19 containment strategies. Other nations have taken steps to implement this recommendation, including Canada, the United Kingdom, Spain and Belgium.
82. We **recommend** that immediate action be taken to reduce the number of people in places of detention in Australia, through the responsible release of people who are at higher risk of significant harm should they contract COVID-19. In addition to Aboriginal and Torres Strait Islander peoples and refugees and people seeking asylum, this should include elderly people, people with chronic health conditions, people living with disability, people with mental health conditions, children, young people, pregnant women and primary caregivers for young children.
83. We also **reiterate our call** from our submission to the Committee dated 4 May 2020 for the Australian Government to transfer the people held in regional processing countries in Nauru and Papua New Guinea to Australia before there is a widespread outbreak.³⁸ The Australian Government must also continue processes that allow these people to resettle permanently in safe third countries, given that the Government continues to disregard its international legal obligations by barring applications for Australian visas. We urge the Australian Government to take up the offer of the New Zealand Government to accept refugees for resettlement, particularly in the context of a trans-Tasman travel agreement.

Improving oversight and monitoring of detention facilities:

84. As set out in detail in the [joint submission](#) to this Senate Committee by the Human Rights Law Centre and other human rights organisations on places of detention and COVID-19, we **recommend** that Federal and State and Territory Governments urgently establish National Preventative Mechanisms and guarantee oversight and monitoring of places of detention in order to protect human rights and public health during the pandemic and beyond. People in places of detention have the right to life and health care. Governments bear a heightened duty of care to those whom it detains, given their lack of liberty and agency.

8. Family reunion for refugee families

Pathways to family reunion for refugees

85. Current restrictions on travel to Australia mean that no one other than citizens, residents and immediate family members (with existing visas) are permitted to enter Australia, except in

³⁸ For further detail and recommendations, please see the Human Rights Law Centre's previous submission to this inquiry, *Urgent action needed to protect people held in immigration detention*, 4 May 2020.

special circumstances. We understand that the granting of permanent visas, including family visas, to people currently outside Australia has largely been suspended. The Department of Home Affairs has reported that the granting of offshore humanitarian visas was suspended on 19 March 2020. This means that Australia will not fill its quota of 17,100 offshore humanitarian visas in FY2019-20.

86. For people who have sought protection in Australia and are establishing their lives in Australian communities, bringing their loved ones to safety is often of critical importance. Existing laws and policies already make family reunion extremely difficult for most refugees, particularly those who travelled to Australia by sea. The delays and barriers to offshore family visas and humanitarian visas mean that countless family members of refugees in Australia remain stranded overseas in dangerous situations, where they may face persecution as well as increased risk from COVID-19.
87. We **recommend** that the Australian Government urgently reform pathways to family reunion for refugees in Australia, and ensure that any shortfall in humanitarian intake is made up as soon as possible.

9. An Australian Charter of Human Rights and Freedoms

The need for a Charter of Human Rights and Freedoms

88. The COVID-19 pandemic reminds us that human rights are central, and should be placed at the heart of decision making. Recent events have shown that even in a crisis there is a need for important checks and balances to ensure proper oversight and accountability.
89. We're at our best when we ensure that everyone benefits from the services that make our communities flourish. As this crisis subsides, there should be a priority on ensuring that we can have better services and improved government policy making – all of the time. An Australian Charter of Human Rights and Freedoms can help ensure there is full access and resourcing for health, education, and other services that we all rely on.
90. An Australian Charter of Human Rights and Freedoms can help in better policy making when Governments are designing or improving the services that are being provided, or the laws that they are proposing to make. It also provides a clear assurance to the community of their rights, and a more straightforward means of ensuring those rights are being upheld.
91. A Charter of Human Rights and Freedoms could have provided an agreed framework for decision making during the crisis, which would have helped avoid some of the controversies and debates that unfolded by providing the prompt for services and laws to have human rights at their heart. For example, a number of Determinations made by the Federal Government in response to the crisis did not have a human rights compatibility statement provided, which

prompted the Joint Parliamentary Committee on Human Rights to recommend that it would be appropriate for all of them to have such a statement.³⁹

92. For these reasons, we **recommend** that a Charter of Human Rights and Freedoms be adopted based on the following principles:
1. The Australian Government should enact a statutory model.
 2. The Charter should protect all fundamental human rights and freedoms and, at a minimum, it should protect all rights contained in the ICCPR and ICESCR.
 3. The human rights protected under the Charter should be subject to reasonable limitations that are demonstrably justifiable in a free and democratic society, except those rights that are considered absolute in international law (e.g. the prohibition against torture, the right to freedom from slavery).
 4. Courts and tribunals should be empowered to interpret legislation to be compatible with human rights, but not to override or invalidate legislation (i.e. a legislative dialogue approach).
 5. Public authorities should have obligations to uphold human rights in their public functions.
 6. The Charter should have extra-territorial application to protect the human rights of all people in Australia, and all people outside Australia subject to Australia's jurisdiction or effective control.
 7. People who allege that their human rights have not been respected should have access to a prompt and effective remedy.
 8. The Charter should include an independent statutory cause of action against a federal public authority for a breach of its human rights obligations.
 9. The Australian Human Rights Commission should play a role in investigating and monitoring systemic human rights abuses, hearing complaints from people whose human rights have been abused, promoting human rights education and assisting public authorities to comply with their obligations.
 10. Corporations should have an option to voluntarily commit to the human rights obligations set out in the Charter.
93. A Charter of Human Rights and Freedoms will ensure the decisions and actions of our Governments are guided by the values of freedom, equality, compassion, and dignity. It will help everyone understand the rights and freedoms that we all share, and it will mean that if someone's rights are violated they can take action to get justice.

³⁹ Parliamentary Joint Committee on Human Rights, Report 5 of 2020: Human rights scrutiny of COVID-19 legislation, page 4