

Australian Council of Human Rights Authorities – Positive Duty Working Group Communique – November 2024

The Australian Council of Human Rights Agencies (ACHRA) Positive Duty Working Group (the Working Group) met for the first time on 14 November 2024. ACHRA established the Working Group to facilitate collaboration between human rights agencies at the federal and state and territory level regarding positive duty obligations.

The Commissioners of each human rights agency listed at the bottom of this document endorse the following statements:

Consistency for duty holders

The Working Group acknowledges the benefits to achieving, wherever possible, consistency and alignment between jurisdictions about the steps duty holders should take to meet their obligations under new positive obligations in discrimination laws.

The Working Group recognises the costs of regulatory burden and will look to ensure our approach is focused on encouraging meaningful steps to eliminate discrimination and other forms of relevant unlawful conduct before it occurs.

Resourcing of compliance and enforcement functions

The Working Group acknowledges that functions and capacities concerning positive duty obligations are at different phases of implementation in member agencies, reflecting legal frameworks and priorities in each jurisdiction.

The Working Group emphasises the importance of resourcing core functions and capacities to implement positive duty obligations and ensure that duty holders are supported to take steps needed to comply. Recognising that some states and territories have recently established new positive duty obligations and others may follow, the Working Group agrees to seek strategic opportunities to collaborate and share resources to promote efficiency.

Terms of reference

The Working Group Terms of Reference have been endorsed by ACHRA. The Working Group reaffirms its collective commitment to identifying common challenges, strategic opportunities, sharing insights, and promoting consistency and alignment with respect to positive duty obligations.

More information

For further information, contact the media teams at each respective Commission.

Hugh de Kretser
President, Commonwealth Human Rights Commission

Ro Allan
Victorian Equal Opportunity and Human Rights Commissioner

Scott McDougall
Queensland Human Rights Commissioner

Jeswynn Yogaratnam
Northern Territory Anti-Discrimination Commissioner

Dr Penelope Mathew
Australian Capital Territory Human Rights Commissioner