

2024 Human Rights Symposium



Monday 25 November 2024

9.30am - 5.30pm

**University of Newcastle, Sydney
Campus**



THE UNIVERSITY OF
NEWCASTLE
AUSTRALIA

**CENTRE FOR LAW
AND SOCIAL JUSTICE**

9:30am – 9.45am

Registration

9.45am – 10.00am (ELI 115)

Acknowledgment of Country & Introduction – Amy Maguire

Session One (Plenary): 10.00am – 10.45 (ELI 115)

Human Rights Systems (Amy Maguire to chair)

Arif Hussein, Human Rights Law Centre, *A Once in a Decade Opportunity to Achieve a Federal Human Rights Act*

Danielle Moon, Macquarie University, *Addressing Human Rights Problems through Human-Centered Legal Design*

Sam Jenkins, University of Newcastle, *Turning Rights into Realities: Reforming Australia's Human Rights Performance through a National Human Rights Indicator Index*

10.45am – 11.15am (ELI 115)

Morning Tea

Session Two (Concurrent): 11.15 – 12.00pm

Panel 1 (ELI 115)

What is a wrongful conviction worth? The impact of exonerees of Australia's reservation to Article 14(6) of the ICCPR (Justin Ellis to chair)

- Michael O'Keeffe, Criminal Lawyer
- Robyn Blewer, Griffith University

Panel 2 (ELI 122)

Human Rights and Vulnerabilities (Amy Maguire to chair)

Ryan Vowles, University of Newcastle, *Queering a Human Rights-Based Approach to Climate Change in Australia*

Georgia Meredith, NSW Environment Protection Authority (EPA) and Joseph Wenta, University of Newcastle, *Can a Human Rights Approach Transform Climate Adaptation in NSW, Australia?*

Chelsea Wallis, University of Oxford, *An Enriched Capabilities Approach to Domestic Abuse: Centering the Acutely Vulnerable Victim-Survivor*

Session Three (Plenary): 12.00pm – 1.00pm (ELI 115)

Effectiveness of Anti-Discrimination Laws for LGBTQIA+ people – Protect, Prevent, Repeal, Prohibit, and Safeguard (Beth Butchers to chair)

- Nicholas Stewart, Australian Lawyers for Human Rights
- Alastair Lawrie, Justice and Equity Centre
- Aileen Kennedy, UTS and Australian Lawyers for Human Rights
- Beth Butchers, Pride in Law and University of Newcastle
- Lauren Devine, Pride in Law
- Justin Ellis, University of Newcastle
- Katie Green, CEO, Inner City Legal Centre

1.00pm - 1.45pm (ELI 122)

Lunch

Session Four (Concurrent): 1.45pm – 2.30pm

Panel 1 (ELI 115)

Human Rights and Justice Systems (Kcasey McLoughlin to chair)

Andreea Lachs, University of Technology Sydney, *Seizing the Opportunity to Define Torture in Domestic Human Rights Legislation*

Barbora Jedličková, University of Queensland, *Medical Negligence Litigation and Freedom of Speech: We are Being Silenced in Australia*

Maya Argüello Gómez, Swinburne University of Technology, *Leveraging AI and Open-Source Intelligence for Human Rights and Criminal Justice: Opportunities and Ethical Challenges*

Panel 2 (ELI 122)

Who cares? Addressing the Failures to support People with Disability in Caring Roles

(Amy Maguire to chair)

- Mitchell Skipsey, Justice and Equity Centre
- Sophie Cusworth, Women with Disability

Session Five (Plenary): 2.30pm – 3.15pm (ELI 115)

Changing the Narrative: Banning LGBTQ+ Conversion Practices in NSW (Kcasey McLoughlin to chair)

- James Bennett, University of Auckland
- Jackie Lyne, Manager, Governance and Advice, Anti-Discrimination NSW
- Lucian Tan, Policy Manager, Law Enforcement and Crime, Department of Communities and Justice

3.15pm – 3.45pm (ELI 115)

Afternoon Tea

Session Six (Plenary): 3.45pm – 4.30pm (ELI 115)

Protecting Reproductive Rights in Australia

Chair: Kerry Weste, Australian Lawyers for Human Rights

- Leanne Smith, CEO, Australian Human Rights Commission
- Tania Penovic, Australian Lawyers for Human Rights & Deakin University
- Barbara Baird, South Australian Abortion Action Coalition & Flinders University
- Prudence Flowers, South Australian Abortion Action Coalition & Flinders University
- Sophie Cusworth, Women with Disabilities Australia

Session Seven (Plenary): 4.30pm – 5.15pm (ELI 115)

***Current Issues in Human Rights* (Kcasey McLoughlin)**

Dominique Allen, Monash University and Tamara Walsh, University of Queensland, *Behind Closed Doors: Experiences of Conciliation in Human Rights Matters*

Allan McCay, University of Sydney, *Neurotechnology, and Human Rights in Domestic Law: The Case of Australia*

Jacob Switzer, University of Newcastle, *What is my Duty? A Comparative Examination of the Positive Duty to Eliminate Unlawful Discrimination in Australia*

5.15pm – 5.30pm (ELI 115)

Closing – Kcasey McLoughlin

Please join us for drinks at Verandah Bar, 55-65 Elizabeth St, Sydney

Arif Hussein, Human Rights Law Centre, *A Once in a Decade Opportunity to Achieve a Federal Human Rights Act*

Abstract: On 30 May 2024, the Parliamentary Joint Committee on Human Rights (PJCHR) published its final report following its inquiry into Australia's human rights framework. Key among the 17 recommendations made by the PJCHR was a that the Australian government legislate a federal Human Rights Act (HRA). The PJCHR report also included an illustrative HRA to start the discussion on a federal HRA. This is a once in a decade opportunity for Australia.

The purpose of this presentation is to highlight that although Australia is the only western democracy without a national HRA, there are currently human rights laws in operation in the ACT, Victoria and Queensland which are making concrete improvements to people's lives, such as preventing homelessness and promoting health and education. The presentation will do this by highlighting key elements of existing human rights laws, and cases from the Human Rights Law Centre's [101 Cases report](#) that demonstrate how people living in the ACT, Victoria and Queensland have been empowered by the human rights laws in these jurisdictions. This presentation will also highlight the educative element of legislated human rights laws currently in operation to achieve awareness of human rights in the community and in the public sector.

Biography: Arif Hussein joined the Human Rights Law Centre in 2023 as a Senior Lawyer working to strengthen Australia's human rights framework. Arif has over 8 years' experience working with refugees and people seeking asylum both in Australia, and with people the Australia government subjected to its offshore processing regime. This included working on Manus Island to assist people detained by the Australia government, through the refugee status determination. Prior to re-joining the Centre, Arif worked at the Refugee Advice and Casework Service (RACS) as a Supervising Senior Solicitor in the organisation's Senior Leadership Team. At RACS, Arif led the Centre's judicial review program, law reform, policy and community engagement work. Arif has been awarded a Winston Churchill Trust Fellowship to investigate barriers experienced by refugees and people seeking asylum in understanding and accessing their legal rights and the impact of these barriers on accessibility to justice and procedural fairness in the Australian refugee determination process.

Danielle Moon, Macquarie University, *Addressing Human Rights Problems through Human-Centered Legal Design*

Abstract: There is limited ability to enforce human rights through the courts in Australia. This workshop therefore explores how we can give effect to human rights in practice, through human-centred legal design. It draws on a legal design project between Macquarie law school and the National Justice project, where students have designed and coded chatbots to make the discrimination complaint process more user-friendly. This helps vulnerable people navigate complex legal systems and translate their experience into formal discrimination complaints.

The second part of the session will outline the key principles and methods of Legal Design, as pioneered by the Stanford Legal Design Lab, so that in the final part of the session audience members can participate in a 'mini design challenge'. Following the legal design method, we will break into groups to identify and brainstorm how practical solutions could give effect to the right to education for neurodiverse students. The group will then vote to decide which of the proposed solutions should progress to the 'prototype' phase. Through this process, it is hoped that participants will be inspired to consider how they can promote human rights in practice, while we wait for legal reform.

Biography: Dr Danielle Moon is Lecturer at Macquarie Law School, having transitioned to research from a career as a government lawyer and legal policy maker. She believes in a collaborative approach to solving legal problems and is exploring how people-centred legal design can improve government decision-making and access to human rights.

Abstract: In its 2023 'Free and Equal Report', the Australian Human Rights Commission identified a significant gap in understanding of how Australia upholds its human rights standards due to a lack of quantifiable measurement. To address this gap, the AHRC recommended that the Australian Government implement a National Human Rights Indicator Index. This paper investigates existing human rights indicator literature and offers a case study of the 'Is Britain Fairer?' model. The paper concludes that a National Human Rights Indicator Index would significantly improve Australia's ability to translate its human rights obligations into quantifiable and operational goals, thereby promoting governmental accountability in measuring, evaluating, and tracking Australia's human rights performance over time. This reform could support improvements in Australia's human rights practice, not only in areas where Australia attracts consistent criticism – for example, in relation to the rights of Indigenous peoples and displaced peoples – but across all human rights standards. A National Human Rights Index would not only improve Australia's human rights performance on an international scale but would also enable Australia to show global leadership by demonstrating the benefits of engaging with human rights measurement.

Biography: Samuel (He/Him) holds a Bachelor of Social Science and is currently completing his fourth year of his Bachelor of Laws (Honours)/Diploma of Legal Practice. Samuel is passionate about utilising his studies to pursue a career in human rights law, with particular interest in working with LGBTQIA+ and First Nations communities.

Michael O'Keeffe and Robyn Blewer, *What is a wrongful conviction worth? The impact of exonerees of Australia's reservation to Article 14(6) of the ICCPR*

Abstract: Terry Irving, a First Nations man from North Queensland, was wrongly convicted in 1993 of robbing a Cairns bank. After five years in prison, the High Court quashed his conviction in 1997. In 2024 Mr Irving continues to seek compensation from the Queensland government for this miscarriage of justice. Drawing on Mr Irving's experience as a case study, this paper explores a less understood consequence of wrongful convictions: the post-exoneration pathway to re-entry support and compensation. The United Nations found in 2002 that Mr Irving had suffered 'manifest injustice' and should be entitled to compensation. The authors discuss Australia's refusal to recognise the human rights of Australian exonerees by maintaining a reservation to Article 14(6) of the International Covenant on Civil and Political Rights (ICCPR), despite UN requests for this reservation to be withdrawn. The collateral consequences of this reservation include poorly informed and poorly administered policy that relies on ambiguous ex-gratia payment schemes. Ongoing refusals of States to acknowledge, apologise and make reparations for the wrongful conviction; as well as the heavy resource imbalance for exonerees seeking compensation and re-entry support will be discussed in the context of the human rights (and possible breaches thereof) of exonerees.

Biographies: Michael O'Keeffe is a retired criminal lawyer, who has been legally assisting Terry Irving for over 30 years in his quest for justice through Australia's highest courts and in the United Nations. He is an advocate for reform of Queensland and Australian laws and policies towards exonerees.

Robyn Blewer is the Director of the Griffith University Innocence Project where she works with law students and volunteer lawyers to examine claims of wrongful conviction in Australia. In addition to conducting research on wrongful convictions, her broader research interests are in vulnerability of witnesses in adversarial courtrooms.

Abstract: Climate change, and its root causes of colonialism, patriarchy, capitalism, anthropocentrism, and ableism, is already impacting the human rights of people in Australia. The use of a human rights-based framework will therefore be useful when addressing these impacts, but work must be done to ensure that this framework doesn't reproduce the same ideologies which have caused the climate crisis in the first place. For a human rights-based approach to produce meaningful results in the fight against climate change, it must be shaped by diverse ways of thinking and being. This paper will explore a human rights approach to climate change through the lens of queerness, to demonstrate how an expanded understanding of what it means to be human can promote radical, fluid, and effective efforts to achieve climate justice in Australia.

Biography: Ryan (they/them) is a student researcher at the University of Newcastle, with a background in human geography and law.

Georgia Meredith, NSW Environment Protection Authority (EPA) and Joseph Wenta, University of Newcastle, *Can a Human Rights Approach Transform Climate Adaptation in NSW, Australia?*

Abstract: Climate change is already impacting Australia, and effective adaptation is a priority for individuals, communities and governments. Just adaptation to climate impacts requires recognition of the challenges that climate change presents for the exercise of basic human rights. While environmental and climate rights discourses are emerging at the international level, there has been relatively little analysis of the role of subnational governments in implementing and advancing human rights in climate adaptation. This paper therefore argues that a human rights approach has the potential to transform climate adaptation action and planning in NSW, Australia. We use the response to, and recovery from, the 2022 Lismore floods as a case study to illustrate the potential for human rights law reform to stimulate just adaptation to climate impacts. Drawing on close analysis of submissions to the 2022 NSW Floods Inquiry, we show that individuals and communities are increasingly using the language of human rights to articulate their needs and priorities in adapting to climate change. We argue that "adaptation rights" must be recognized to advance responses to climate change, and to promote climate justice for those people and communities most vulnerable to climate impacts.

Biographies: Georgia Meredith (BA (Communications), LLB) is currently a Project Officer at NSW Environment Protection Authority (EPA). Georgia is an experienced legal officer who brings experience from previous roles in both government and private legal practice, and has a dedicated history of working in non-profit and volunteer legal roles.

Dr Joseph Wenta is a Lecturer at the University of Newcastle, School of Law and Justice. Dr Wenta's research on aspects of international climate governance and Australian constitutional and administrative law has been published in highly regarded national and international journals.

Abstract: The epidemic of domestic abuse across Australia persists, endangering women and children on an unprecedented scale. This paper advances a novel human-rights based framework for conceptualising and responding to domestic abuse by bringing together three core strands of feminist jurisprudence: Nussbaum's capabilities approach, relationality, and intersectionality. The resulting Enriched Capabilities model positions the victim-survivor at the very centre of law and policy considerations, attending carefully to the affective experience of navigating abuse, and the social services and justice systems which attend it. This compound framework is designed to foreground women's own narrated accounts of their lived experiences of coercive control by capturing the capability deprivation to which they are subject, before expanding outwards to their relational environment and social positionality. In doing so, a more nuanced picture emerges of the diverse ways in which domestic abuse targets human rights, dignity and self-perception, and how these forces interact with pathological vulnerability and structural inequality. Specifically, I apply the framework to the case studies of First Nations women and Disabled women to demonstrate its value in foregrounding the acutely marginalised victim-survivor's voice across distinct social contexts: weaving together three complementary strands of feminist theory produces a powerful portrait of abuse, complex trauma, and healing. The enriched capabilities analysis demonstrates that it is by understanding an individual's lived experience, capabilities, and relationships – alongside those of the community in which they are embedded – that we can compel meaningful, culturally-responsive law and policy reform, alongside enduring cultural change.

Biography: Chelsea Wallis is a doctoral candidate in Law and the University of Oxford, researching the role of human rights and feminist jurisprudence in addressing domestic abuse in Australia. Alongside her role as Managing Editor of the Oxford Human Rights Hub, she served as a Research Assistant to Professor Sandra Fredman for *Exponential Inequalities* (2023).

Australian Lawyers for Human Rights & Pride In Law, *Effectiveness of Anti-Discrimination Laws for LGBTIQIA+ people – Protect, Prevent, Repeal, Prohibit, and Safeguard*

Abstract: Australia is legally required to safeguard the human rights of all LGBTIQIA+ adults and children under international human rights law, yet violence against people in the LGBTIQIA+ community remains all too common and discrimination continues to be deeply embedded within political discourse and legal frameworks. The panel consisting of practitioners, researchers and members of community organisations involves Australian Lawyers for Human Rights, the Justice and Equity Centre, Pride in Law NSW, the Inner City Legal Centre (ICLC), the University of Newcastle School of Law and Justice, and University of Technology Sydney (UTS). The expert panel will discuss key issues such as:

- Concerns with the *Anti-Discrimination Act 1977* (NSW)
- Rights of people born with innate variations of sex characteristic in Australia
- Ongoing legal discrimination against LGBTQ+ children and teachers in Australian schools
- Consequences of divisive rhetoric
- Intersections with policing including the historic relationship between policing practices and the LGBTIQIA+ community
- What we can learn about safeguarding LGBTIQIA+ people from violence on the path toward truth and justice for historic hate crimes.
- Opportunities for reform
- Ultimately, the session will highlight the current state of the law, amendments that have occurred over time, and changes that are required to better protect the rights of LGBTIQIA+ people in accordance with international human rights obligations.

Ultimately, the session will highlight the current state of the law, amendments that have occurred over time, and changes that are required to better protect the rights of LGBTIQIA+ people in accordance with international human rights obligations.

Biographies: Nicholas Stewart, is President of Australian Lawyers for Human Rights (ALHR), and Co-Chair of its LGBTIQ+ Rights Committee. He is a partner at prominent LGBTIQ+ law firm, Dowson Turco Lawyers. Nicholas led the campaign for two parliamentary inquiries, and the special commission of inquiry into historic gay and transgender hate crimes in NSW, receiving the 2023 NSW Law Society's President's Medal and ACON NSW President's Award.

Alastair Lawrie (he/him) is the Director of Policy and Advocacy at the Justice and Equity Centre. A long-standing advocate for LGBTIQ+ rights, he sits on the boards of LGBTIQ+ Health Australia and Twenty10, and was previously Policy Working Group chair of the Victorian and NSW Gay & Lesbian Rights Lobbies.

Dr Aileen Kennedy, is a leading expert on laws relating to sex and gender, with a specific focus on intersex human rights law. As Chair of Intersex Human Rights Australia, a member of the LGBTIQ+ Committee of ALHR, and a national director of Pride in Law, Kennedy is at the forefront of developing and shaping policy and knowledge about social justice and human rights for people with intersex variations.

Lauren Devine is a penultimate year law student and works in family law. She is an advocacy officer on the executive committee of Pride in Law NSW. In this role, Lauren co-authored Pride in Law's submissions to the NSW Law Reform Commission for their review of the Anti-Discrimination Act 1977 (NSW).

Justin Ellis is a lecturer in criminology at the University of Newcastle. His research covers digiqueer criminology, looking at the relationships between digital technologies, institutional accountability and responsible government and LGBTIQ+ people. This includes research into the relationship between LGBTIQ+ identity-based rights claims, police accountability, and the regulation of digital platforms.

Katie Green is passionate about supporting and protecting the rights of the LGBTIQ+ community. As CEO of the ICLC, Katie provides free legal services in family law, employment rights and domestic violence support. The ICLC is the only LGBTIQ+ specific Domestic Violence legal service in NSW.

Beth Butchers will moderate this roundtable session. Beth is an associate lecturer at the University of Newcastle and an advocacy officer on the executive committee of the NSW chapter of Pride in Law.

Andreea Lachs, University of Technology Sydney, *Seizing the Opportunity to Define Torture in Domestic Human Rights Legislation*

Abstract: Australia has ratified the *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT) and its Optional Protocol (OPCAT). Under the CAT, Australia has obligations to prevent and criminalise torture, and to provide redress to victims of torture. Under the OPCAT, Australia has obligations to prevent torture and ill-treatment by establishing and facilitating a system of regular visits undertaken by independent international and national bodies to places of deprivation of liberty. The international body is the UN Subcommittee on Prevention of Torture. In Australia, the domestic body (the National Preventive Mechanism/NPM) is an as-yet not fully constituted multibody NPM across Federal, State and Territory jurisdictions. The CAT was the first (and only) international human rights instrument to include a definition of torture, although its prohibition had already been included in other instruments, such as the *International Covenant on Civil and Political Rights* (ICCPR). As Australia makes progress towards a national human rights act, this is an opportunity to include in it the CAT definition, to bring clarity and certainty regarding Australia's obligations to prevent and provide accountability for torture, to provide torture victims redress, and to assist the NPM to successfully exercise its torture prevention mandate.

Biography: Andreea is a Quentin Bryce Law Doctoral Scholar at UTS researching 'torture or cruel, inhuman or degrading treatment or punishment from Aboriginal and Torres Strait Islander perspectives'. She has completed a Churchill Fellowship on culturally appropriate implementation of the *Optional Protocol to the Convention Against Torture* for Aboriginal people.

Abstract: The law of medical negligence is pivotal from the perspective of the most fundamental human right, the right to life, and an economic, social and cultural human right, the right to health. However, many medical negligence litigations in Australia occur in secrecy, where patients and their family members are forced to sign confidentiality clauses as part of their Settlement Agreements. This practice reflects, among other issues, the asymmetry of bargaining power in medical negligence settlements, leading to a lack of protection of patients' rights. In particular, a patient's right to freedom of speech is fundamentally disturbed by this practice and not recognised as essential to patients and their families. Instead, patients and their families are silenced for the remainder of their lives. This is restricting the freedom of patients to speak about their very personal experiences which impacted their rights to life or health. Furthermore, this practice encompasses a very low consideration, if any, of the public interest for the transparency of information that could lead to improvements in the quality of medical care. In this presentation, I will build on my expertise in bargaining power and explore the medical negligence litigation from a lived experience and the human rights angle.

Biography: Dr Barbora Jedličková is a Senior Lecturer from The University of Queensland's Law School and an internationally recognised scholar, with the lived experience of pursuing justice for her child, who suffered from a severe lack of oxygen at birth. Her research interests and publications include bargaining power.

Maya Argüello Gómez, Swinburne University of Technology, *Leveraging AI and Open-Source Intelligence for Human Rights and Criminal Justice: Opportunities and Ethical Challenges*

Abstract: This paper will explore the integration of open-source materials (OSINT) and artificial intelligence (AI) in the context of human rights and criminal justice. The rise of digital technologies and OSINT has an opportunity to revolutionise the way human rights violations and international crimes are investigated and prosecuted. It is suggested that due to AI systems enhancement of the efficiency of analysing large datasets, identifying patterns, and automating evidence gathering, this can be advantageous in war crimes investigations and human rights monitoring. However, these advancements present challenges, such as the need for robust legal frameworks to ensure the protection of fundamental rights as well as ensuring against AI's potential biases. By using AI, it is suggested that investigators may harness user-generated content, satellite imagery, and digital evidence from social media platforms to build cases and prosecute crimes more effectively. While this approach fosters accountability and transparency in global justice systems, it also raises ethical concerns about privacy, data accuracy, and the fair use of AI in criminal proceedings. The paper considers the careful adoption of AI and open-source methods to strike a balance between innovation and human rights protections in the legal domain.

Biography: Maya Argüello Gómez is a law and criminology lecturer at Swinburne Law School where she is also completing her PhD on AI use within the criminal justice system to predict recidivism. Maya is also a legal practitioner, with experience in providing advice on international law matters.

Mitchell Skipsey and Sophie Cusworth, *Who cares? Addressing the Failures to support People with Disability in Caring Roles*

Abstract: 48.8% of primary carers in Australia have a disability themselves; around one in 12 families have at least one parent with a disability. The NDIS is founded on Australia's obligations to implement the human rights framework set out in the Convention on the Rights of People with Disabilities, which affirms the rights to supports for people with disability to full social and economic participation – including in these caring and parental roles. Despite this, the NDIS and government programs at all levels have systematically neglected to support people with a disability to fulfil their caring responsibilities. This is not accidental, but a consequence of policy and legal decisions that erect barriers to people with disability obtaining these supports. Drawing upon lived experience of people with disability we can explore the serious consequences this neglect creates, by marginalising people with disability and exacerbating gender inequality and other intersectional disadvantage. These policies flow from policymakers' underlying view of people with disability as the objects, rather than providers, of care. There needs to be a public conversation as to how governments appropriately support caregivers with disability as both a public good, and a critical element of disability rights.

Biographies: Mitchell Skipsey is a Senior Solicitor at the Justice and Equity Centre (JEC), whose work includes strategic litigation for a fairer NDIS. Sophie Cusworth is the Chief Executive Officer of Women with Disabilities Australia, the national Disability Representative Organisation for women, girls, feminine-identifying and non-binary people with disabilities.

Anti-Discrimination NSW, *Changing the Narrative: Banning LGBTQ+ Conversion Practices in NSW*

Abstract: In recent years, growing awareness of the profound harm caused by LGBTQ+ conversion practices has galvanized calls for reform across Australia. This plenary panel explores the ongoing efforts to ban these practices in New South Wales, delving into the complexities of law reform processes and design. By examining the role of advocacy, lived experiences, and cultural narratives, the panel highlights the interplay between legislative change and broader societal shifts.

Drawing on insights from James Bennett's newly published edited collection, *Gay Conversion Practices in Memoir, Film and Fiction: Stories of Repentance and Defiance*, the discussion underscores the power of storytelling in exposing injustices and fostering empathy. Panellists include Jackie Lyne, Manager of Governance and Advice at Anti-Discrimination NSW, and Lucian Tan, Policy Manager for Law Enforcement and Crime at the Department of Communities and Justice, who will bring insights into the processes and policymaking considerations which led to the Conversion Practices Ban Act 2024 and which are informing its implementation.

Together, the panel will interrogate how narratives and lived experiences shape public and political discourse, influence reform agendas, and confront the persistent tensions between personal freedoms, religious practices, and LGBTQ+ rights. This session offers a critical examination of what it may take to shift entrenched narratives, achieve meaningful legislative progress, and promote lasting cultural transformation, with lessons that resonate well beyond NSW.

Biographies: Jackie Lyne is the Manager, Governance and Advice at Anti-Discrimination NSW – the NSW body committed to eliminating discrimination and promoting equality and equal treatment for everyone in New South Wales. Jackie was involved in stakeholder consultations for the development of the Conversion Practices Ban Act 2024 and is working on the implementation of the civil complaints scheme, ahead of the law coming into force on 4 April 2025. Prior to joining Anti-Discrimination NSW in 2006, Jackie worked as a solicitor in the UK, and in legal and dispute resolution roles in the private and government sectors in NSW. She is passionate about finding ways to genuinely improve inclusion and equal opportunity at work and more broadly in society.

Lucian Tan is currently a Policy Manager in the Law Enforcement and Crime Team in the Department of Communities and Justice. Lucian was part of the team which led the development of the Conversion Practices Ban Act 2024, and currently works on legislative reform projects with a focus on criminal justice system responses to domestic, family and sexual violence. Lucian has also previously worked in the NSW Government on policy and reform related to organised crime, confiscation of criminal assets and counter terrorism. Prior to joining the NSW Government, Lucian worked for the Australian Human Rights Commission, working on projects relating to race discrimination, age discrimination and sexual orientation and gender identity issues.

Dr James Bennett is an historian and Honorary Academic at the University of Auckland, New Zealand. His research interests range widely from comparative and transnational histories to LGBT+ studies with particular emphasis on marriage equality, medicine and sexuality. Apart from being published widely in national and international history and interdisciplinary journals, he is the author of 'Rats and Revolutionaries' (Otago University Press, 2004), co-editor of several anthologies, including Making Film and Television Histories: Australia and New Zealand (IB Tauris, 2011) and Gay Conversion Practices in Memoir, Film and Fiction: Stories of Repentance and Defiance (Bloomsbury Academic, 2024). He is currently working on a co-authored book about marriage equality and resurgent prejudice in Australia.

Australian Lawyers for Human Rights, South Australian Abortion Action Coalition and Women with Disabilities Australia, *Protecting Reproductive Rights in Australia*

Abstract: Australia is legally required to safeguard the reproductive rights of all people under international human rights law and abortion has now been widely decriminalised across state and territory jurisdictions. However, people throughout Australia continue to face significant barriers in accessing abortion and other essential reproductive healthcare choices. Recent attempts to politicise healthcare and co-opt the language of human rights in order to wind back reproductive rights threaten to undermine healthcare access and generate inequity in healthcare provision. Australia must guard against such politicisation to ensure equitable access to evidence-based healthcare that protects people's internationally recognised human rights. This roundtable/panel of eminent experts will discuss:

- The international human rights framework applicable to reproductive healthcare;
- Barriers faced by people seeking to access safe, accessible, and affordable reproductive healthcare in Australia, including access in remote and regional areas; federal frameworks that impact access to reproductive healthcare and access to abortion services in public hospitals;
- The threat posed by the politicisation of essential healthcare services as evidenced in bills introduced over the last 12 months in South Australia and at the federal level;
- Forced contraception and sterilisation in Australia, particularly its impact on people with disabilities

Biographies: Dr Leanne Smith, CEO, Australian Human Rights Commission. Leanne is an international human rights lawyer, with a Masters in Public Policy from Princeton University. Before taking up her current role she was Executive Director of the Whitlam Institute within Western Sydney University and prior to that worked for over a decade she worked in various roles for the United Nations.

Associate Professor Tania Penovic, Australian Lawyers for Human Rights, Senior Co-Chair Women and Girls Rights. Dr Penovic is one of Australia's leading experts on reproductive rights and is a former director of the Castan centre for Human Rights Law. She is currently an Associate Professor at the Deakin Law School.

Associate Professor Barbara Baird is a co-Convenor of the South Australian Abortion Action Coalition. She completed a PhD about women's experiences of illegal abortion before 1970 at Flinders University and coordinated the Gender Studies program at the University of Tasmania in Hobart for seven years. Since 2006 she has taught in the discipline of Women's & Gender Studies at Flinders University.

Dr Prudence Flowers has qualifications in history, including a BA (Hons) (History) and a PhD (History) from the School of Historical and Philosophical Studies, University of Melbourne. She is a historian who focuses on social movement activism, modern conservatism, medicine and public health, and the politics of gender, sexuality, and the body. She is particularly interested in abortion and family planning, both as elements of health care and as triggers for polarizing social movement formation. Her main research project focuses upon the United States and the political education of the anti-abortion movement, exploring what happened after the 'social issue' of abortion was embraced by Reagan Republicans.

Sophie Cusworth is the Chief Executive Officer of Women With Disabilities Australia and a passionate advocate for the sexual and reproductive rights of people with disabilities. Her work is informed by her lived experience of disability and her background as a Safeguarding and Discrimination lawyer.

Abstract: Conciliation is now a formal option for human rights dispute resolution in three Australian jurisdictions: Queensland, the ACT and at Federal level. Little is known about how effective conciliation is in resolving human rights disputes because conciliation conferences occur behind closed doors and settlements are generally confidential. Whilst conciliation has long been used to resolve discrimination complaints, there are differences between human rights and discrimination matters which influence the effectiveness of conciliation. We interviewed lawyers and human rights commission staff in these three jurisdictions about their experiences of conciliation in human rights matters. In this presentation, we will outline the results of this empirical research project. Drawing on specific examples from each jurisdiction (in areas such as housing, education and immigration), we conclude that conciliation has a role to play in resolving human rights disputes, but for several reasons, it may be less effective in human rights matters than it is in discrimination. In particular, we found that the effectiveness of conciliation is influenced by factors including the type of matter, the characteristics of the respondent and the size of the jurisdiction. In human rights matters, litigation will often be the only way a complainant can achieve a positive outcome.

Biographies: Dominique Allen is an Associate Professor of Law in the Department of Business Law and Taxation at Monash University. Dominique's research focuses on anti-discrimination law, equality, sexual harassment, human rights institutions, and the role of ADR. She co-authors 'Australian Anti-Discrimination and Equal Opportunity Law' (with Neil Rees and Simon Rice).

Tamara Walsh is Professor of Law and Director (and founder) of the UQ Pro Bono Centre at the University of Queensland. Her interests lie in social welfare law and human rights. Her research examines the impact of laws on vulnerable people including children, people experiencing homelessness, people with disabilities, and prisoners.

Allan McCay, University of Sydney, *Neurotechnology, and Human Rights in Domestic Law: The Case of Australia*

Abstract: Whilst many commentators have focussed on the question how a wider uptake of neurotechnologies in society can be best addressed from a human rights perspective, and have considered the possible need for novel neurorights, or more conservatively, expanded interpretations of existing human rights, less has been said about how specific legal systems might present special challenges in responding to calls for a response to these emerging technologies. Whilst some countries, most notably Chile, have responded and/or are already responding, the absence of scholarship and other thinking in many countries is significant because it seems that for there to be an effective response to neurotechnology the response needs to take place at a domestic level as well as an international level. Given the pace of technological change it seems that such domestic action should be undertaken in parallel to the international one.

In this paper I will focus on Australia as a case study. Australia is an interesting country to consider in this respect as the Australian Human Rights Commission has prepared a background report on neurotechnology and thus it is a country that is beginning to think about these issues. Australia is also of interest as a case study in responding to the human rights concerns relating to neurotechnologies as there are some features of the Australian constitutional arrangements that might be thought of as challenging. In particular, Australia is a federation and not all of its component parts have a human rights acts. Whilst scholarship which focusses on neurotechnology and human rights in Australia is starting to emerge the issues have not yet been fully considered and the question of what Australia should do is complicated by the fact that, as yet, the academic debates overseas and those taking place in the international system are nowhere near a consensus on what needs to be done with respect to neurorights. Whilst other countries must address their own specifics, this paper will outline some challenges of responding to neurotechnology within a particular legal system with a view to stimulating a debate in other countries thereby hopefully adding impetus to the creation of a parallel domestic series of debates to the debates that are taking place at the international level.

Biography: Dr Allan McCay is Co-director of The Sydney Institute of Criminology and an Academic Fellow at the University of Sydney Law School. He is also President of the Institute of Neurotechnology and Law. His first coedited book *Free Will and the Law: New Perspectives* is published by Routledge and his second, *Neuro interventions and the Law: Regulating Human Mental Capacity* is published by Oxford University Press.

Abstract: Abstract: In September 2024, the Queensland government passed an amendment to its Anti-Discrimination Act 1991 (Qld) introducing a positive to duty to eliminate unlawful discrimination. This makes Queensland the fifth jurisdiction in Australia to introduce a positive duty to eliminate unlawful discrimination. The recent introduction of positive duties provides a new opportunity for scholars, practitioners, and the public to consider how each Australian jurisdiction seeks to address the problem of unlawful discrimination. This paper will compare how each jurisdiction has implemented their positive duty, how the duty is enforced, who the duty applies to, and what conduct the duty aims to eliminate. It will then consider the merits of each model, and whether a model of best practice can be developed from what has been enacted. This in turn will assist the remaining jurisdictions who have yet to introduce their own positive duty. This paper will then conclude with a brief consideration of the broader role and function of positive duties in anti-discrimination law. It will consider whether positive duties represent a shift in our understanding of discrimination law, and whether positive duties adequately address critiques that anti-discrimination law in its current form is ineffective.

Biography: Biography: Jacob Switzer is a Casual Academic and PhD student at the University of Newcastle in the School of Law and Justice. His PhD examines the recent introduction of the positive duty to eliminate unlawful discrimination in Australia, and whether it is fit for purpose in addressing discrimination in Australia.