

# Rosalind Croucher: Pro bono assistance at the Australian Human Rights Commission



Be it pro bono legal work or corporate social responsibility – it's all 'for the public good'.

In my role as President of the Australian Human Rights Commission, I have often reflected on the generosity and expertise of the legal community's pro bono legal work, and the value it has added to protecting and promoting human rights in Australia.

As our national human rights institution, the Australian Human Rights Commission has a clear but broad statutory mandate to protect and promote human rights.

The Commission's activities and responsibilities include, but are not limited to: conciliating discrimination complaints, holding public inquiries on key human rights issues in Australia, developing educational resources, making submissions to courts and governments, initiating research into human rights issues and reporting on the Australian Government's human rights performance on the international stage.

While the Commission has its own rich team of human rights legal experts, from time to time we seek pro bono assistance—in the form of legal research or other types of support from those whose work intersects with the Commission's remit. The reasons for relying on this support vary; sometimes we are already working at capacity, other times it is to utilise legal expertise outside of our jurisdiction or specialty.

These partnerships have proven beneficial not just to the Commission, but to the advancement of human rights in Australia. Our pro bono partners have been invaluable throughout the Commission's almost 40-year history in assisting the Commission to live out its mission of leading the promotion and protection of human rights in Australia.

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Whether it be traditional pro bono legal assistance—or support offered in other ways—it has all contributed to the Commission’s being able to maximise the impact of our work.

The Commission has engaged pro bono partnerships to assist with a range of activities, from federal inquiries to publications and significant ongoing projects.

In recent times, we have taken a more strategic approach to partnerships. Where possible, we actively seek to align our areas of work with the priorities of a partner firm’s pro bono practice. This crossover provides a unique depth of knowledge to the Commission’s work.

We have made a conscious effort to match our requests for assistance strategically to suit the relevant firm’s preferred form of engagement. For example, some firms prefer formal partnerships, with our common goals articulated in memoranda of understanding. Other arrangements are coordinated less formally and sometimes at short notice. Temporary or part-time secondments from law firms to the Commission are also beneficial in supporting our corporate governance work, or to lend legal research expertise on policy projects. Many of our pro bono partners readily offer their facilities and resources to host events in locations where we don’t have offices (anywhere outside of Sydney) or when our headquarters are not appropriate for the event.

Taking this flexible approach to working with our pro bono partners has, in my view, enhanced our partnerships and created mutually beneficial relationships. The following examples of the Commission’s projects that have benefited from pro bono assistance attest to this.

Earlier this year, the Commission released *Respect@Work: Sexual Harassment National Inquiry* report, led by Sex Discrimination Commissioner Kate Jenkins. This inquiry investigated the

prevalence, nature and reporting of sexual harassment in workplaces. Since it was announced in 2018, extensive consultations were held around the country with business groups, academics, government agencies, community bodies and those who had experienced sexual harassment. These activities, and the development of the report, were enriched with the generous contribution from pro bono partnerships. This body of work continues to influence debate on the subject and provides the most recent and comprehensive assessment of sexual harassment in Australian workplaces.

Gender equality in sport has seen a range of guidelines developed by the Commission with a little help from pro bono support.

In 2019, we published guidelines for the equal opportunity of women and girls to play golf to address inequality based on gender. Over recent decades, participation rates amongst

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Rosalind with Michelle Bachelet at The 'Free and Equal' Conference

women and girls have decreased — opportunities to participate were not equivalent to those enjoyed by men and boys. Pro bono support was a valuable asset in the development of this resource.

*Guidelines for the inclusion of transgender and gender diverse people in sport* (2019), produced in collaboration with Sport Australia and the Coalition of Major Professional and Participation Sports (COMPPS), is another recent example of our work where we leveraged pro bono support. This guidance provides sporting codes and organisations with a clear understanding of the impact of excluding transgender and gender diverse people from participation and ways to remedy this issue in legal and practical ways.

The impact of technology on human rights in Australia is an ongoing major project, exploring the relationship between the two in our ever-evolving digital world. We are continuing to experience exponential advances in technology and in 2020, the COVID-19 pandemic has seen technologies used in new ways to monitor and control the spread of the virus. The Commission is relying on firms with pro bono priorities in technology, data collection and artificial intelligence to work with us to monitor and assess the impacts on our human rights.

The age of criminal responsibility remains a concern and priority for me and my colleagues at the Commission. We have advocated for this age to be raised to 14 years and to be consistent across all jurisdictions. Currently in Australia, children as young as 12 years of age may face the full force of criminal law. With the assistance of pro bono partnerships, we will continue to champion for change.

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2020 has been a significant challenge in so many ways and what better time to express gratitude, than now. I'd like to take this opportunity to say thank you to our colleagues in the legal profession for your support in the work of the Commission. This goes to the very essence of the meaning of 'pro bono' and such work has, without doubt, had a meaningful, lasting and positive impact on human rights, which are for everyone, everywhere, everyday. ■



*Emeritus Professor Rosalind Croucher AM is President of the Australian Human Rights Commission. Rosalind commenced her seven-year term as Commission President on 30 July 2017.*

*Prior to joining the Commission, Rosalind was President of the Australian Law Reform Commission (2009–2017), and Commissioner (2007–2009).*

*Rosalind had a distinguished career in legal education prior to 2007, with 25 years in university teaching and management. She was Dean of law at Macquarie University (1999–2007) and Sydney University (1997–1998) and lectured and published extensively, principally in the fields of equity, trusts, property, inheritance and legal history. She became a Foundation Fellow of the Australian Academy of Law in 2007 and was appointed a Member of the Order of Australia in 2015 for significant service to the law as an academic, to legal reform and education, to professional development and the arts.*

*In 2019, Women Lawyers' Association of NSW awarded Rosalind the Lifetime Achievement Award.*