



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

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12 March 2021

The Hon. Scott Morrison MP
Prime Minister of Australia
Parliament House
CANBERRA ACT 2600

Dear Prime Minister,

Concern about allegations of sexual assault against the Attorney-General and a former ministerial staffer at Parliament House

Australian Lawyers for Human Rights (**ALHR**) writes to express its concern over the recent allegations of sexual assault that are said to have occurred inside Parliament House as well as those made against Attorney-General, Christian Porter MP.

ALHR is deeply troubled by the serious violations of human rights alleged to have taken place against women by your Government's Cabinet Minister and ministerial staff.

Pursuant to the *United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)*¹, Australia is required to take all necessary action to ensure equality between men and women before the law and the elimination of discrimination against women, in all its forms. The *Sex Discrimination Act 1984 (the Act)* is the legal framework by which Australia implements its international obligations under CEDAW. The United Nations Committee on the Elimination of All Forms of Discrimination Against Women has recognised that the prohibition of gender-based

¹ UN General Assembly, Convention on the Elimination of All Forms of Discrimination Against Women, 18 December 1979, United Nations, Treaty Series, vol. 1249, p. 13

violence against women has evolved into a principle of customary international law, binding all States.²

[Independent Review Into Commonwealth Parliamentary Workplaces](#)

ALHR welcomes the Government's recent announcement to establish an independent review into Commonwealth Parliamentary workplaces, led by the Sex Discrimination Commissioner, Kate Jenkins. Given the mandate of the Commissioner is to advance gender equality through monitoring the effective implementation of the Act, ALHR considers the Commissioner the most appropriate person to undertake such a review and hopes that the process underway will lead to a stronger and positive culture of respect for all Australians, especially women.

[Independent Inquiry into allegations against Attorney-General, Christian Porter MP](#)

With regard to the allegations of sexual assault against the Attorney-General, ALHR is discouraged to hear that legal advice has not, and will not, be sought in relation to the appropriateness of an independent inquiry on this matter.

Given the question of whether the Attorney-General is fit and proper to remain in his current post is a largely legal matter, ALHR implores you to reconsider this position and immediately seek the advice of the Solicitor-General. Should such advice indicate that an independent inquiry is appropriate in the circumstances, ALHR strongly urges you to act on the advice and establish an inquiry without delay.

With regard to concerns expressed that the establishment of an independent inquiry would be inconsistent with the principle of the rule of law, ALHR notes royal commissions and non-legal independent inquiries are frequently conducted fairly in accordance with the principles of natural justice or procedural fairness and do not undermine the rule of law or the presumption of innocence.

Australia has a long record of defending and advocating for the advancement of women's rights, particularly through its diplomacy and international development activities. ALHR is proud that Australia is a strong proponent of gender equality internationally. We call on the Government to act with the same rigour and level of concern for the rights of women here in Australia.

² United Nations Committee on the Elimination of All Forms of Discrimination Against Women General recommendation No. 35 on gender-based violence against women, updating general recommendation No. 19 26 July 2017 CEDAW/C/GC/35

We would be happy to discuss these matters further with you or a member of your staff and look forward to receipt of your reply.

Yours faithfully,



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About ALHR

ALHR was established in 1993 and is a national association of more than 800 Australian solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and Specialist National Thematic committees. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.