

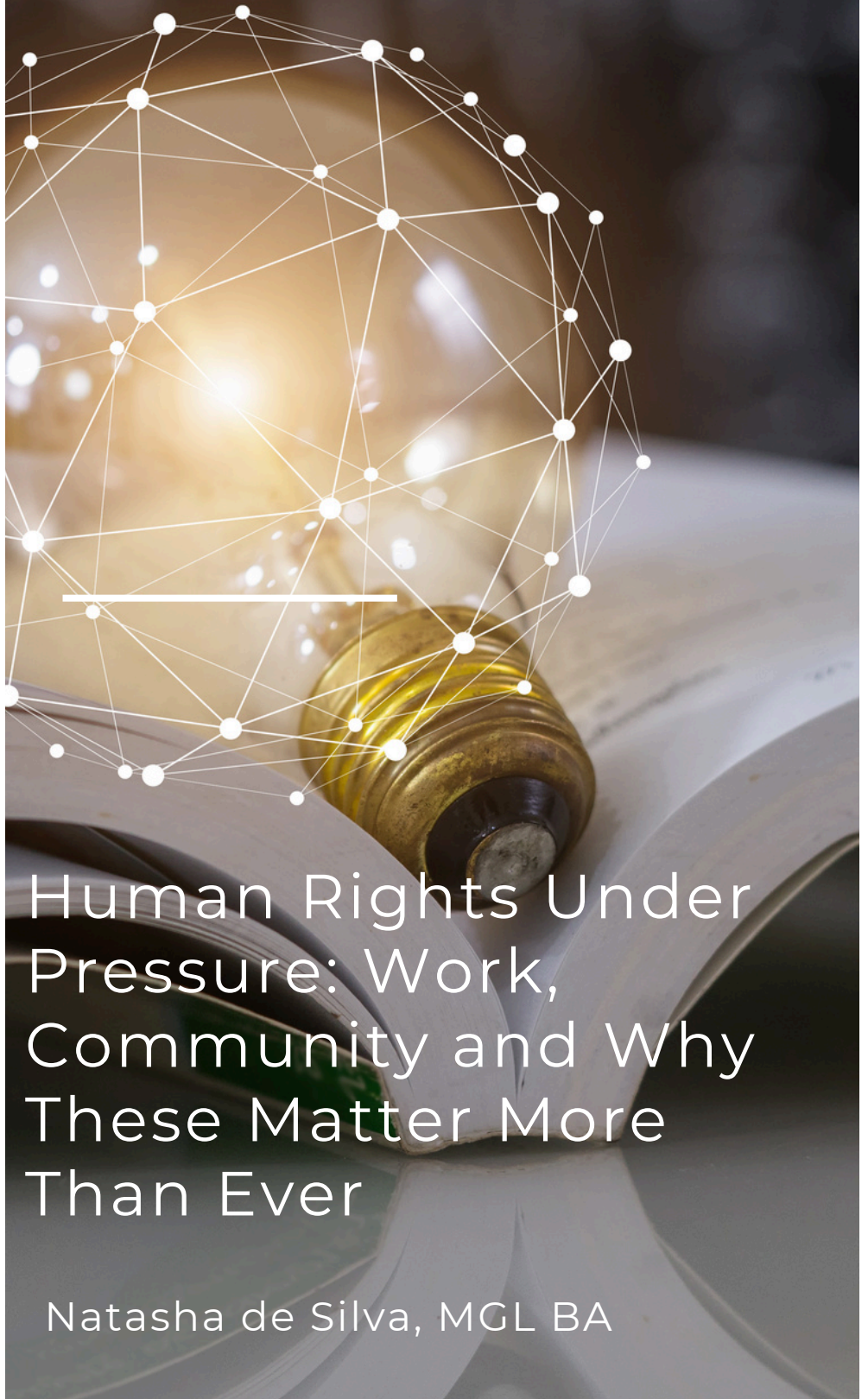


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Human Rights Under  
Pressure: Work,  
Community and Why  
These Matter More  
Than Ever

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# FOREWORD

Welcome to the second edition of the WEA Sydney Quarterly Journal 2026.

Since 1913, WEA Sydney has been a place where ideas are explored, tested, and shared in the spirit of lifelong learning. This journal continues that tradition, providing a space for reflection on the issues, challenges, and ideas that shape our society.

We are honoured to showcase the Dame Marie Bashir Memorial Lecture, delivered by Natasha de Silva, MGL, BA, in this edition. This lecture pays tribute to Dame Marie Bashir's enduring legacy of compassion, public service, and advocacy for those most vulnerable in our community.

The published lecture has been edited to remove personal stories shared in the original presentation by Dame Marie Bashir's family. These stories were included in the live lecture with permission but have been omitted here to protect the privacy of individuals connected to them. Their absence does not diminish the significance of the themes they helped to illuminate.

At its heart, this lecture examines human rights under pressure and the gap between legal protections and lived experience. It situates Australia's framework within global instability and highlights both its relative strength and its remaining gaps, including the absence of a national Human Rights Act and persistent inequalities affecting First Nations peoples and other marginalised communities.

It is also a reflection on the values that sustain a fair society: dignity, inclusion, and compassion, closely aligned with Dame Marie Bashir's lifelong commitment to children and young people, First Nations communities, and mental health.

WEA Sydney exists to foster this kind of public reflection. The strength of a learning community does not lie in agreement, but in its capacity to engage thoughtfully with complexity, to hold space for difficult ideas, and to remain open to perspectives that challenge our own assumptions.

We invite readers to engage with this lecture with curiosity and care, and to consider not only the structures that protect human rights, but the shared responsibility we all hold in sustaining them.

We thank you for being part of the WEA Sydney community and for contributing to a tradition that values learning, dialogue, and the ongoing pursuit of a more just and compassionate society.

Tiffany Roos  
Executive Director  
WEA Sydney

# Human Rights Under Pressure: Work, Community and Why These Matter More Than Ever

## by Natasha de Silva

It is truly an honour and privilege to be asked, and to stand before you today, to deliver the inaugural WEA Marie Bashir Memorial Lecture. An honour and privilege because Dame Marie Bashir is one of NSW and Australia's most loved, admired and celebrated women. Her passing in January this year at the age of 95 brought about an extraordinary outpouring of acknowledgements of her tireless work, her genuine care for humanity, her deep respect for First Nations Australians, her compassion for young people, and the dignity and grace with which she conducted every interaction. The way that she could make people feel seen and heard. Upon her appointment as Governor of NSW, then NSW Premier Bob Carr described Dame Marie Bashir as, "the most compassionate person I think I've ever met". The thousands of tributes that flowed to the family and on social media after her passing certainly evidenced that sentiment. It is this theme of compassion and dignity that I want to explore in this lecture today.

I want to begin this lecture by sharing one such story about Dame Marie Bashir. Marie graduated from the University of Sydney in 1956 and practised as a GP for a number of years, including at Pendle Hill in Western Sydney where Marie, her husband Nicholas and her young children lived in the 1960s. Alex (Marie's youngest daughter) has told me about even her surprise at the number of

people who reached out to the family after Marie's passing to tell them about the many ways in which Marie had helped them or their families decades ago.

*[Personal story removed for privacy reasons].*

Marie Bashir, led with compassion. Leading with compassion is something that is increasingly more difficult to observe in our world at the present time with no shortage of examples including conflict at the global level as is currently occurring in the Middle East, at the national level with the prosecution of so-called culture wars where migrants and gender diverse individuals are the present targets, and at the local level where women and girls continue to suffer harm and death from gendered violence.

Indeed, many commentators speak of this current era as perhaps the most unstable world order since the end of World War II 81 years ago. A terrifying prospect on so many levels. The horrors of World War II spurred the world leaders to engage in dialogue and negotiation to create a global architecture that would promote peace and stability for future generations. The establishment of the United Nations and the Universal Declaration for Human Rights in 1948 and the inherent

recognition of “all humans as equal in dignity and rights” has been core to the peace, security and humanity that many, though not all, of us enjoy and have at times no doubt taken for granted.

Having worked in human rights and discrimination for over 25 years, my observation of our protections here in Australia are that firstly, they are largely effective. There is of course always room for improvement, and I will speak more on that later.

But on the whole, successive Australian Governments have adopted international human rights conventions or treaties – essentially laws – as negotiated at the United Nations, and in doing so, have translated these into domestic national law as is required when a country ratifies a Convention. By way of example, in 1980 Australia adopted the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, referred to as CEDAW for short. Following that, in order to give effect to that Convention domestically, the federal parliament passed the Sex Discrimination Act passed in 1984, making discrimination on the basis of sex, and sexual harassment, unlawful.

The United Nations CEDAW Committee meets regularly each year to assess how countries who have adopted the Convention are tracking against the obligations contained within it. Each signatory government is reviewed by the Committee every 4 years.

Because Australia has signed up to all 7 key human rights treaties, there are 7 Committees that the Government is required to report to at 4-yearly intervals. That is not an insignificant undertaking and commitment.

These practices have been followed by successive governments from both sides of politics, and I have had the privilege of attending a couple of the reviews – which take not only evidence from the government under review, but also from the NGO sector and some Committees permit the national human rights institution, where they exist, to also provide evidence. The Committee actively interrogates the evidence provided by the Government under review, and provides a report back to the government with the Committees views on priority areas for action to further advance the objectives of, and compliance with, the Convention. It is a rigorous, transparent and accountable process and a key feature of our human rights framework.

Australia has played a key role in our region, and globally, in encouraging other nation states to adopt and ratify the international human rights treaties. During my time at the Australian Human Rights Commission, I led the international engagement portfolio.



In this role, I participated in the only two bilateral human rights dialogues conducted between Australia and Iran, as part of the Australian Government delegation. The first was held in Canberra, the second in Tehran, and I am sure I would now not recognise the city that we visited in 2018.

I also managed Human Rights Technical Cooperation Programs funded by the Australian Government, in the People's Republic of China, the Socialist Republic of Vietnam and the Lao People's Democratic Republic. In these programs we worked to build the capacity of key government officials, law-makers, judicial officers and others to adopt human rights approaches as set out in the international conventions, even when some of these had not been adopted by these countries.

It was very much focussed on practical learning through shared experience but also offered the opportunity to push boundaries and encourage responsible global citizenship whilst also benefiting local communities. The China program ran for 21 years, conducted hundreds of workshops and activities involving thousands of professionals, before it was suspended by the PRC Government in 2020 when the bilateral relationship broke down. An example of the fragility of international relations and how this can impact society's experience of human rights on the ground.

Marie Bashir, you may be interested to know, had throughout her life, a strong

interest in, and connection to the region, particularly Cambodia, Vietnam and Thailand. Marie undertook postgraduate studies in psychiatry and her work focus shifted to mental health. This included the establishment the Rivendell School in Concord West in the 1970s to provide comprehensive wrap-around specialist care for young people experiencing emotional and psychiatric issues.

*[Personal story removed for privacy reasons].*

Marie's commitment to the region remained strong. In the 80s she developed collaborative teaching programs between psychiatrist colleagues in Vietnam and Australia, and also with medical and nursing colleagues in Thailand. These programs focussed on building the capacity of medical professionals to support future generations in the region. While Marie's commitment to advancing rights, inclusion and wellbeing in NSW is well known, her engagement internationally perhaps less so.

I mentioned that ratification of an international human rights treaty requires the country adopting the convention to pass national legislation that gives effect to the treaty. So now I'd like to walk us through the human rights framework at the national level here in Australia.

Accordingly, the first of three elements that make up our national human rights framework is discrimination laws. We have the Sex Discrimination Act, the Racial Discrimination Act, the Disability Discrimination Act, the Age Discrimination Act and the Australian Human Rights Commission Act. This last Act establishes Australia's national human rights institution, the Australian Human Rights Commission, which was originally named the Human Rights and Equal Opportunity Commission when it was established in 1986. The name change occurring in 2007. The Commission administers all of the Discrimination Acts which make discrimination unlawful in public areas of life such as education, the provision of goods and services, accommodation and employment.

The United Nations Paris Principles set out the responsibilities, composition and framework of national human rights institutions. Key to this is that they be independent of government but also funded appropriately to deliver on its functions in order to operate efficiently and effectively, and to be credible.

The Commission's role is two-fold. The first is the ability to accept and conciliate complaints under the discrimination laws – a free service to anyone in the community. The second is to undertake policy work to promote human rights awareness and advocate for increased protections where gaps or areas for strengthening are identified.

Our national human rights institution, the Australian Human Rights Commission is an important part of our human rights infrastructure at the national level, however it remains under constant pressure to deliver successfully on its mandate with structural and budgetary constraints.

In addition to discrimination law, the second element of the national human rights framework is our federal Constitution. It provides explicitly for a few rights these include, the freedom of religion (that is the right to practice faith, it does not contain any discrimination provisions), the right to vote, the right to just terms for acquisition of property and the right to trial by jury, as well as an implied freedom of political communication.

The third element of the national framework is the common law. This is where judges have recognised human rights over centuries through court decisions. Traditional rights and freedoms are protected by the common law principle that legislation should not infringe fundamental rights and freedoms.



These three elements taken together, anti-discrimination law, the Constitution and the common law, have largely afforded us as Australians a relatively solid framework of human rights protection at the national level.

In my observation, most members of our society do not recognise, nor are they necessarily aware of, their human rights until these rights are breached. Most people travel through daily life blissfully unaware, if we are lucky enough, of this relatively invisible forcefield of human rights surrounding us. This is an enormous privilege of course, and we know there are many others around the world who do not enjoy this privilege and the peace and security it brings. Most of us are able to engage in public areas of life, such as obtaining education, housing, goods and services, and engaging in employment without regular impediment to these activities.

This is a feature of a system that is largely working as it intended.

Whilst ever though rights may not live in our consciousness on a day-to-day basis, they remain ever fragile, challenged by events both in and out of control – the COVID-19 restrictions on our freedom of movement being an example of this. In my view our goal as a society should be to increase protections not to just maintain them as they exist. Or worse, let them be wound back as is currently occurring in the United States right now.

I mentioned earlier that there is always room for improvement, and this is absolutely the case in the Australian context. Despite the relatively

comprehensive framework I outlined, there are numerous gaps that remain in our protections at the national level – and strengthening of the framework to be done.

Key to this is the fact that Australia is the only liberal democracy in the world without a comprehensive Human Rights Act or Constitutional Bill of Rights at the national level. A mechanism that would provide much stronger protections for all Australians. Currently, there are two international human rights instruments of the 7 that Australia has adopted that have not been translated into domestic law. These are the International Covenant on Civil and Political Rights (also known as the ICCPR) and the International Covenant on Economic, Cultural and Social Rights (known as ICESCR).

This means that at law, citizens do not have explicit protection in a range of areas including in relation to the ICCPR, a specific Religious Discrimination Act offering protection across all religious beliefs, and freedom from religious discrimination in public areas of life such as employment and education, despite various commitments over years to introduce such legislation. This leaves large numbers of our community exposed.

Neither have we codified the traditional freedoms including ‘freedom of expression, freedom of association, and the right to peaceful assembly’ which together form our right to protest. These rights form part of our common law system and norms but they are not codified protections and we have seen many recent examples of governments attempting to limit these rights. Nor do

we have explicit protection for the right to free speech, nor freedom of opinion, nor freedom of information.

In relation to ICESCR (economic, social and cultural rights) we do not have an explicit right to health, education, housing and fair work – some of these are captured in part in various pieces of legislation such as the Fair Work Act or anti-discrimination law – but comprehensive and explicit coverage is not provided for.

The disparity across all indicators between our First Nations people and non-Indigenous population is another significant stain on our human rights record. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) is another instrument not yet fully realised in domestic law. The historic disadvantage experienced by our First Nations people manifests in numerous ways including the over-representation of First Nations in incarceration and the appalling persistence of First Nations deaths in custody speak to systems and structures with deeply embedded barriers to equality.

The propensity for State and Territory Governments to ignore our obligations under the UN Convention Against Torture and the Convention on the Rights of the Child by maintaining the age of criminal responsibility below 14 years is another human rights failing. The international recommended norm is 14 years. Currently across Australia, children aged between 10 and 13 years of age are regularly being charged with offenses and detained. A practice which again most negatively impacts our First

Nations children, furthering the harms already experienced.

A national Human Rights Act would increase human rights protections for all and sets a new increased norm for us all to live by. It would consolidate the current fragmented system of separate multiple discrimination acts and give effect to international obligations we have in principle signed up to but failed to make enforceable at the domestic level. The law itself cannot provide protection in isolation. It is one part of a broader culture of dignity, respect and inclusion that leaders should be fostering in our community. Ultimately, we all have a role to play in ensuring our mutual enjoyment of human rights. At this point in time, we are witnessing increased economic uncertainty and inequality, declining trust in institutions and public discourse that seeks to divide us, rather than unite us.

At my organisation, Intersection, we focus on respect, safety and inclusion in workplaces and in educational institutions. Places where many of us have, or do, spend so much of our time. These are also the places where human rights protections are the most advanced in the Australian context. The majority of my career has been spent seeking to advance rights in these spaces so I thought I would share an example of what this looks like in practice.

During my tenure at the Australian Human Rights Commission, I worked on a number of national projects but perhaps the most significant of my

career was leading the National Inquiry into Sexual Harassment in Australian Workplaces which came about following the re-emergence of the #MeToo movement in Australia in late 2017, as a result of the allegations of sexual assault and harassment by Harvey Weinstein in the US. That conversation quickly moved to Australia with an initial focus on the arts and entertainment sector, you may recall allegations about the behaviour of Don Burke and others in that sector at the time.

But experiences of sexual harassment quickly started to emerge from many other sectors. At the time, there were calls for a Royal Commission, however, the Commission has unique powers to undertake a National Inquiry which is a process that examines a systemic issue of discrimination.

With Kate Jenkins as Sex Discrimination Commissioner at the time, I recommended that we conduct a National Inquiry into the issue, a much cheaper and quicker alternative to a Royal Commission. The National Inquiry ran for 18 months, consulted over 1500 people around the country, received over 480 written submissions and surveyed over 10,000 people to understand that their experiences of workplace sexual harassment. It was a world first inquiry into the issue that examined the drivers and risks of sexual harassment.

Because although it had been unlawful for almost 35 years at that time, we knew that the numbers of people experiencing sexual harassment in the workplace had

not reduced over the 20 years that the Commission had been measuring prevalence.

In brief, what we found was that the core drivers of sexual harassment were gender inequality; power imbalances; intersecting discrimination and inclusion; and a lack of accountability. In addition to these drivers, there are specific risks that exist in every workplace – requiring both drivers and risks to be addressed to reduce the occurrence of sexual harassment.

In the final Respect@Work report, we made 55 recommendations to address the gaps in law, policy and practice that directly addressed the drivers and most common risk factors. In particular there is one recommendation that in my mind is the game changer in this regard. The system as it existed for 35 years – and this is across all areas of discrimination – has required the impacted individual to come forward for resolution and redress. This is a significant barrier when many people, particularly in the workplace, feel worried that doing so will negatively impact their career.

We recommended that the model be flipped, and that a positive duty on all employers to prevent sex discrimination and sexual harassment be introduced – much in the same way all employers are required to prevent physical accidents in the workplace under the work, health and safety framework.

This legislative change was introduced in 2023 and since that time, we have been working with workplaces across all different sectors, and in schools and universities to support prevention activities that directly address their specific risks.

As part of these changes the Australian Human Rights Commission now has an expanded role as regulator, with the ability to go into workplaces and assess compliance and issue notices and sanctions if they find non-compliance. This is human rights implementation in practice. But to achieve the everyday rights, we need comprehensive legal and policy infrastructure, community-wide education to increase understanding and awareness of those rights and compassionate leadership to advance them.

These gaps in our system that I outlined earlier fail to recognise at law, the inherent dignity of some of our most vulnerable people – our children and our First Nations Australians – these are two groups that Dame Marie Bashir cared deeply about and worked tirelessly to improve outcomes for. It is incumbent on us to protect the most vulnerable.

Marie's connection to country and love for our First Peoples as a girl from Narrandera stayed with her, her whole life. She worked at the intersection of children and young people, First Nations Australians and mental health for her entire career.

Her work was ground-breaking – she established the first Aboriginal Mental

Health Unit in Redfern in 1995, she was Senior Consulting Psychiatrist for the Aboriginal Medical Service, she was Clinical Professor of Psychiatry at Sydney University, Clinical Director of Mental Health Services for Central Sydney, she served on the Juvenile Justice Advisory Council, was a consulting psychiatrist to Juvenile Justice facilities in NSW, and as I mentioned in that second example of her impact, responsible for the establishment of Rivendell.

All of this before she held the position of Governor of NSW for 14 years – the first woman to hold the role as we know – during which period she was patron of over 800 organisations, consistently encouraging dialogue in our community to promote understanding, empathy and action for those most marginalised.

*[Personal story removed for privacy reasons].*

At Marie's state funeral, former Premier Bob Carr who you will recall was the one who appointed her as Governor of NSW, noted that "her deep compassion was her personal culture". He further remarked that "she represented the better qualities of Australia, who might well aspire to fulfil them". Indeed. May we all lead with compassion, seek to protect the vulnerable and in doing so, recognise the inherent dignity of all.

It has been an honour to deliver the inaugural Dame Marie Bashir Memorial Lecture this evening. Thank you.