

National Human Rights Consultation Submission

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Submission Text:

This submission responds to the three questions in the National Human Rights Consultation Paper below and in related explanatory attachments:

Q. 1: Which human rights (including corresponding responsibilities) should be protected and promoted.

A. All United Nations (UN) Conventions and related agreements which have been signed by Australia and its trading partners should be promoted. I have no idea what 'protected' means. If 'protected' means the law or standard cannot be changed as a result of debate, experience, scientific inquiry or cultural context, there should be no protection.

Promotion of UN agreements are appropriately prioritized and implemented in the light of the cultural community and related economic context within which any standard is ideally to be applied. Because of its broad development importance and its strong focus on improving the plight of the poor, who are also those who are usually most otherwise disadvantaged, the Declaration of Alma-Ata from the World Health Organization (WHO) International Conference on Primary Health Care in 1978 needs to be promoted urgently. This implementation must be designed to reach the widest possible community. Otherwise the greatest benefits of any expenditure will be expropriated by those professional occupational groups which have vested interests in defining the supposedly disadvantaged in need of their protection and silencing all who challenge them. This problem of professional capture of expenditure, which privileges the wealthy and may ignore the situation and views of the poor, is a great burden for the poor to have to bear and may be a major cause of future conflict (e.g. as in the case of Iran under the Shah.)

Q. 2: Are human rights currently sufficiently protected and promoted?

A. Human rights are not promoted or implemented effectively.

Q. 3: How could Australia better protect and promote human rights?

A. The appropriate forward direction is discussed in the response to the National Health and Hospitals Reform Commission (NHHRC) report entitled 'A healthier future for all Australians', which is outlined below. The recommended route is also necessary for freer international markets and attaining Millennium Development goals. Many poor women have little or no choice whether they carry a child or not. That choice is largely up to men and they too, may have no contraception. Uncontrolled population growth is therefore a major problem for all those seeking to end poverty and to improve health and sustainable development by freer choice. War and the use of nuclear power remains a key safety concern for every nation, particularly in Iran. The record on Iranian women and children's health, family planning and related education are all comparatively good for a developing nation. Ideally, Australians should try to collaborate further with Iranians or other willing communities to improve child and community health, through environment protection.

The discussion paper on the protection of human genetic information by the Australian Law Reform Commission and the National Health and Medical Research Council (2003) concluded ethical inquiry is consistent with scientific inquiry, in that it is centrally concerned with the kind of procedures or discussions that allow all relevant sources of information and viewpoints on a disputed matter to be taken into account in coming to a decision. Ethical judgment, like scientific inquiry, is ideally an ongoing

activity for all, since community life is continually developing, along with knowledge and related conceptions of truth. This inclusive approach to ethical judgment requires much greater recognition of the need for informed participation of communities in all service provision. It also requires educational approaches which recognize the subjectivity of all, including of researchers who prefer to think of themselves as above the fray gripping those below.

The related and attached response to the Productivity Commission (PC 2009) paper entitled 'Regulation of Director and Executive Remuneration in Australia' refers to the Australian Treasury paper entitled 'Improving the Integrity of Prescribed Private Funds (PPFs)'. This suggests clear non-profit investment models which may satisfy all types of investors and be highly competitive if open. A PPF is a trust (which is a pool or stock of assets, as distinct from an institution) to which businesses, families and individuals can make tax deductible donations for the purposes of disbursing funds to a range of deductible gift recipients. A PPF cannot distribute to another PPF or to a public ancillary fund (PAF). The PAF is also a common structure for community and fundraising foundations. Both funds deserve much greater consideration by superannuation fund managers, governments and many others because they appear designed to achieve the economic, social and environmental objectives of the key stakeholders and related stockholders better than the norm.

This argument is further supported in the attached submission to the Victorian Competition and Efficiency Commission Inquiry into a Sustainable Future for Australia.

This suggests more regionally and organizationally balanced and scientific methods of operation and assessment to meet regional industry and community goals which are economic, social and environmental. This approach contrasts with many more one-dimensional, narrowly regulation driven, prescriptive and therefore unrealistic modes of operation that laws may require and inspectors scrutinize occasionally. Such practices may occur to the detriment of all those who must suffer them, while the principle secret financial business tries to carry on as usual.

The attached submissions on how to treat the Trade Practices Act and on taxation are also highly relevant to the direction recommended. A scientific, joined-up government understanding and implementation of human rights is vital. The lawyer necessarily hates this approach as it challenges the self-interested, feudal notion central to the application of laws and legal training that secretive compartmentalisation of concerns which are legally defined and driven is necessary for justice. Justice is naturally also defined by the lawyer. Lawyers hate the common dictionary more than vampires hate the light. They are social menaces who feudally manipulate normal discourse and experience until it is unrecognizable by almost anybody other than another lawyer. Journalists are better because they seek to interest and inform as many people as possible about vitally important concerns. The journalist may seek to be scientific, but the lawyer naturally follows stupid feudal rules. Any view that a lawyer does not act like one is no comfort.

Thank you for the opportunity to provide this submission and related attachments.

Yours truly
Carol O'Donnell,