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I would like to make the following points regarding legal protection for human rights in Australia.

1. This should be done by constitutional amendment, not by legislation.

It may seem odd for me to focus immediately on the "how" rather than the "what" but if this is worth doing at all then it is worth making it enduring and making it a reflection of the people's will.

Legislation can be quietly tinkered with over the years. Amending the constitution is much harder to get done in the first place but it is therefore also much harder to water down or override later on.

Doing it by legislation also allows the government to decide which rights to include and which rights to exclude - coloured by its own agenda or ideology - and then present it to the people as "take it or leave it" / "all or none".

2. Each individual proposed human right should be the subject of a separate question put to the Australian people. I say this because there is going to be huge debate over whether particular proposed rights are or are not appropriate. It should be left to the people to decide independently on each right. Any right that has a majority of support and in a majority of states deserves to be there.

3. Regardless of how human rights are given legal protection, it needs to be done with a great deal of care and thought because the last thing we want to do is create a lawyer's paradise. There are many great things about Australia and I wouldn't want it to become "litigation crazy".

4. Here are some proposed rights that I would like to have put before the Australian people.

- \* freedom of expression

- \* equality before the law

- \* a presumption of innocence

- \* a fair and just trial

- \* privacy

- \* freedom of association

- \* freedom of thought, belief and religion

- \* protection from torture

- \* protection from inhuman or degrading punishment, but not so as to exclude the death penalty, provided that it is done humanely

- \* voting in periodic elections held in accordance with universal and equal suffrage

- \* freedom of movement where lawfully in Australia

- \* a right to strike where an employee has a legitimate grievance with his/her employer

\* a right to die

5. Obviously even though we are talking about \*human\* rights, we would need to be clear how these rights apply depending on the status of the human e.g. Australian citizen, permanent resident but not citizen, any other human. The right to vote is limited i.e. only applies to Australian citizens. The right to freedom of movement is qualified as noted above. I think everything else is without qualification.

6. I am specifically excluding any discrimination issues. They either are or should be adequately covered by existing anti-discrimination legislation. Having said that, by granting rights to all humans in Australia, that is itself profoundly non-discriminatory i.e. whatever rights are granted, apply without regard to the usual things.

7. I am specifically excluding any government services e.g. education, health, housing. It is one thing to say that a person has a right to e.g. education and quite another to specify that someone else has an obligation to provide it. The rights that I list above either don't impose an obligation on someone else or where they do (e.g. a fair and just trial or e.g. voting) most people would I hope accept that obligation.