

National Human Rights Consultation Submission

AGWW-7MK37J

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Submission Text:

I wish to register my opposition to the proposal that the Australian Government introduce either a bill or charter of human rights. Regardless of protestations to the contrary the proposal represents a major shift in the balance of power shared by the three arms of government. It unduly subordinates the powers of the legislative arm of government to those of the judiciary. The Legislature is already much weakened by the usurpation of power by the Executive. It is the role, not of the judiciary, but of the Senate to review legislation.

There are a number of other arguments against the proposal such as:

- the unaccountability of judges
- the likelihood of increased litigiousness and associated costs
- the lack of substantial evidence that the rights of the average Australian are not already as well protected as those of citizens anywhere else in the world
- the lack of any real groundswell of opinion calling for such a change.

The experience in other countries, particularly USA, Canada, and Britain provides many examples of judges' interpretations of human rights bills/charters which resulted in findings which were neither intended or welcomed by those who drafted the enabling charter. Examples are too numerous to mention.