

National Human Rights Consultation Submission

AGWW-7PB7RR

Name: Rory Lynch

Submission Text:

Dear Sir or Madam,

I am writing to express my concerns about a potential "charter" or "bill of rights". I think that having such a document has the potential to blur the separation of powers and puts more power into the hands of unelected people (ie the judiciary).

If such a bill was enacted I can only assume that it would one day be interpreted in a court of law. Therefore decisions on government policy could be made in a de facto way by the judiciary.

Please note that I don't have any issue with the judicial system as it currently stands. Instead I believe that elected officials, who are accountable to the voting public, should be in charge of making public policy.

As no document is perfect, I also believe that a bill of rights has the potential to create unintended and undesirable effects on our society. I note the former British home secretary's opinion on how the U.K.'s Human Rights Act had unintended consequences and had been interpreted by the english judiciary in ways not contemplated by the British parliament.

Another prime example of how legislation of this kind can be used and abused in unintended ways is the "right to bear arms" as enshrined in the United States of America's constitution. There has been lots of debate about what this means but I'm fairly certain that the founding fathers didn't envisage semi-automatic and automatic weapons being owned by all and sundry. (Please also note that I don't think for a second that "the right to bear arms" will appear in an Australian bill of rights).

In conclusion I don' believe Australia should enact a "ill of rights" of any kind as I belive it will compromise Australian democracy. I also belive that it is impossible to predict what impacts such a bill or charter would have on Australian society.

Kind regards,

Rory Lynch