

# National Human Rights Consultation Submission

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**Submission Text:**

The notion of agreeing to some form of words around Human Rights is a noble one, however I submit that it is not an altogether sensible one.

First, human rights are only truly maintained in a cohesive society which subscribes to a belief in our the equality and value of each human being. If that belief is not in place, and strongly maintained by all the institutions of the society, then no amount of words will support human rights. If I am allowed to become so hardened and self-absorbed as to believe that others have less value than me, then Australian society is lost. Allowing me to focus on my rights does nothing to suggest that I should spend more time focussing on the inherent value of those around me.

Second, there is much talk today of 'rights' but little of 'responsibility'. I submit that it is our responsibilities in society that deliver rights, and it is these responsibilities which should be the focus of the debate. If I am disabled, for example, I can claim my rights all day long to no avail. My rights will continue to be trampled unless the society in which I live owns its responsibilities to each member of society (see also my first point). A bill or charter of rights simply fails to live up to the hype, although it may salve our collective conscience for a time.

Third, an emphasis on rights over responsibilities can lead members of society to use their 'rights' as a means to mount a kind of societal warfare. We do not need another tool for conflict in society - this would make a mockery of the process by trampling on the rights of others in the name of somebody else's rights. A functioning civil society requires give and take. A focus on rights promotes 'take' over 'give'.

Fourth, a bill or charter of rights is the wrong way to go about protecting such fragile and important matters. The US experience is a clear warning against this approach, where unelected officials exclusively determine the interpretation of an aspirational document. This is remarkably undemocratic. Laws encouraging responsibility to one another and protecting the marginalised should continue to be made in parliament by elected representatives. No doubt this process can be improved, but this is its rightful place if we want to remain a democratic society. Yes, these laws will be interpreted by unelected people, however they remain as a democratic extension of society, and can be amended as required to clarify the original purpose.

The rights I claim today as a proud citizen of Australia have really been won by the sacrifice of many before me. The sacrifice of volunteers in war, the sacrifice of those who began hospitals, churches, welfare agencies and so on, without reference to their rights, but with reference to their sense of responsibility.

I propose that we invest our energy as a society in two ways to maximise the rights enjoyed by all Australians. First, by maintaining and enhancing our existing legislative processes to ensure that areas where people's rights are damaged are fully debated and considered, and a response which reflects the rights of the whole society are enacted. Second, promoting and supporting societal responsibility, and those serving our society in a selfless way. We need to go well beyond the Honours List (although that is a start). The Australian Human Rights Commission could be renamed the Australian Human Rights and Responsibilities Commission, and should be the centrepiece of reminding Australians that only through working hard for the good of our neighbour do we ultimately see the best outcome for ourselves, with the best protection of our own rights.

Let's not follow other countries down a path of conflict, unrepresentative interest groups and further self-centredness. Let's engage with a spirit of mateship, selflessness and goodwill to make Australia stronger than ever before.