

National Human Rights Consultation Submission

AGWW-7RWSKZ

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Submission Text:

I do not support the notion that Australia needs a Bill/Charter of Rights. In my mind it is the responsibility of democratically elected parliaments to develop just and equitable laws that protect the human rights of all Australians. If Australia does not meet these obligations the relevant State and Local governments are accountable at the next election. This is a valuable component of democracy in action.

If we establish a Bill of Rights then it will become the responsibility of the Courts to determine the INTERPRETATION of those rights. Judges are not democratically elected and are not accountable to the Australian people. Why then should they have the power to determine what freedoms (or restrictions) we should enjoy?

The experience of the Victorian legislation in regard to Religious Vilification is an important case in point. A law that was clearly designed to protect the religious freedom of some groups in society and protect them from vilification, led to a case where others were brought before the courts to defend their freedom of expression in regard to religious teaching. Whilst this is a simplification of a complex case (and I am not educated in law), I do not want to see freedom of religious expression determined by a judge's interpretation of a Bill of Rights.

I fear that by rigidly codifying our rights, the Victorian experience will be writ large in all jurisdictions.