

National Human Rights Consultation Submission

AGWW-7S84NQ

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Submission Text:	

I am a mature-aged post-graduate student studying for my Masters Degree in Journalism at the University of Technology, Sydney.

I have just spent the past four weeks researching the topic of the Human Rights Consultation in Australia, including a look at the three key questions being addressed: Which human rights and responsibilities should be protected and promoted? Are these human rights currently sufficiently protected and promoted? And, how could Australia better protect and promote human rights?

After an extensive review of the literature including an array of relevant articles in law journals and other journals of public policy; a comprehensive survey of the discussion of this topic in the media; a look at the material provided by this website and that of other such as the Gilbert & Tobin Public Law site, as well as key documents including the ACT and Victorian acts and the UK's HRA along with material relating to the human rights legislation in other countries such as NZ, the USA and Canada, I have come to the conclusion that, if we can overcome some of the problems the UK has been having with its HRA (leading to criticisms regarding a need to balance rights with responsibilities) and if we can draft the legislation to address the concerns of critics that there are Constitutional legal difficulties in introducing such an instrument, then we should adopt a statutory charter of human rights in Australia.

I would like to draw the committee's attention to the submission prepared by The Law Council of Australia to the Consultation (dated 6 May 2009 and available from the Council's website) which, in my opinion, offers the most meticulous and comprehensive overview of the issues, as well as very carefully addressing all the arguments for and against the proposal for a charter, and which offers a way forward for Australia which will provide us with the protection - and promotion - of the human rights we currently take for granted (but don't actually have) in this country. I cannot recommend this submission highly enough as a source of information, interest and balanced discussion and I endorse it whole-heartedly.

All I would add to that submission is a note about the need for a better promotion of a true national discussion of this issue. Much of the current debate in the media plays on ignorance and is, frankly, scare-mongering (on both sides).

Perhaps we could start with considering the exhortation in the preamble to the UN declaration of Human Rights which states, "THE GENERAL ASSEMBLY proclaims THIS UNIVERSAL DECLARATION OF HUMAN RIGHTS as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction." (at <http://www.un.org/Overview/rights.html>).

I am sure that if Australia had, since 1948, truly strived by teaching and education to promote respect for these rights and freedoms, the work of your committee would be much easier.

There is a strong case for better promotion of internationally declared human rights and freedoms in Australia.

Thank you.

[P.S. I note with some irony the limitations on our right to privacy in Australia that come to mind when I read your Privacy Statement related to my submission!]