

# National Human Rights Consultation Submission

AGWW-7S9TAK

**Organisation:** Wayfarers Network

**Submission Text:**

I am very happy that there is a public consultation process regarding the safeguarding of human rights in Australia. However I am concerned at the prospect of the creation of a Charter or Bill of Rights.

I believe that our democracy is rightly built on the principle that we elect those who make our laws. It is my view that human rights are best protected when political power and decision-making are kept transparent and accountable. In view of the US Patriot Act, and some of Australia's own "Sedition" was, I believe that people are more anxious than ever about the implications of creating powers that are beyond the scrutiny of democratic and accountable processes. (As a Minister of Religion I note that I Samuel Chapter 8 in the Bible warns in detail about the effect on social welfare and human of creating unaccountable or "kingly" powers in a society.)

My concern regarding a Charter of Rights is that rather than keeping power in parliament we create a new layer of law more authoritative than our current laws - and hand the execution of them to judges. I am concerned because in principle this creates a system where unelected judges can tell parliament what it can and cannot do. In effect the judiciary can ring fence the power of already existing laws and do so on the basis of an instrument that can only be blunter, less sophisticated, and less nuanced than our current body of legislation.

I believe in the merits of the current system whereby parliament is accountable on the basis of law to the High Court. However it is of course impossible for any charter or bill of rights to match for length, depth, breadth and sophistication the great body of laws which currently touch upon issues of human rights. That being so, placing this charter (and the judges who administer it )over and above all other laws not enshrined within that charter can only be a diminution of what we already have enshrined in law and a diminution of parliamentary power.

I believe that a great many people are already disengaged from national politics because it is clear that a great many important decisions are no longer in the purview of the parliamentary process. A Charter of Rights would in my opinion be another step in that unhappy direction.