

National Human Rights Consultation Secretariat  
Attorney-General's Department  
Central Office  
Robert Garran Offices  
National Circuit  
BARTON ACT 2600

14<sup>th</sup> June 2009

Dear Members of the National Human Rights Consultation Committee,

GetUp would like to thank the Consultation Committee for the opportunity to make a submission on human rights protection in Australia. We enclose our submission.

Many Australians have participated in the consultation process through GetUp's facilitation. They have expressed to us a profound appreciation in being able to contribute their views to this important national conversation, and are looking forward to the Committee's response.

GetUp exists to facilitate the effective expression of the views of 330,000 Australians on issues that concern them. This submission is not intended to represent or summarise the individual views of our members.

Rather, we hope this submission will provide a useful tool to aid in the consultation process, and demonstrate that, through the varied means GetUp offered its members to participate in that process, the Australian community has a clear affection for and demonstrated belief in human rights protection.

We understand that the Consultation Committee will be holding formal hearings in Canberra in early July. We would like to attend this hearing to provide the Consultation Committee with further information on the protection of human rights in Australia.

Yours sincerely,



Ed Coper  
Campaigns Director  
GetUp! Action for Australia

## GETUP SUBMISSION TO THE NATIONAL HUMAN RIGHTS CONSULTATION

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## 1. About GetUp

GetUp is an independent, grass-roots community advocacy organisation giving everyday Australians opportunities to get involved in important political issues.

GetUp does not back any particular political party, but aims to build a transparent, accountable and progressive political system – a system that operates upon core principles of economic fairness, social justice and environmental sustainability.

GetUp is a not-for-profit organisation and receives no money from any political party or government. We rely solely on funds and in-kind donations from the Australian public.

GetUp is not a 'special interest group', and membership with GetUp does not imply a subscription to every campaign. Rather, the GetUp community is a diverse group of individuals who have different concerns and priorities. These individuals become involved in political issues that are important to them on a case-by-case basis.

The diversity within the GetUp community can be seen in the range of submissions gathered from our members for this human rights consultation. Our members are young and elderly. They are Indigenous Australians, refugees, immigrants and Australians whose families have lived here for generations. They are heterosexual, gay, lesbian and transgender. They are disabled; parents of disabled children; tenants; carers; ordinary people from all walks of life. All members who made submissions to the consultation share a common concern for their fellow Australians, and a desire to see our laws reflect that concern.

GetUp members have campaigned together to protect human rights in the past, and recognise that making a contribution to this consultation could be the most important acts we can make to protect the human rights of future generations.

## **2. GetUp and the National Human Rights Consultation**

GetUp has campaigned on over thirty different issues in its history; all of which could fall under the protective umbrella of human rights protection. In the process of that campaigning, many GetUp members have realised that many of the rights and freedoms they thought existed, and protections that would operate without our insistence, simply do not exist.

Despite a clear affection for and demonstrated belief in many rights and freedoms that are commonly found in human rights instruments around the world – Australia is the only developed country in the world that does not have some form of a bill or charter of rights.

Some take this as evidence that Australia doesn't need a charter of rights: we live in a free and fair society without one. For many GetUp members, this argument has been whittled away slightly with each campaign, each hard luck story, each example of bureaucratic unfairness, each case of discrimination writ large or small that reaches our inbox.

The last decade of Australian history has especially shown us that, in fact, many of the core rights and freedoms that many of us presumed to exist don't really exist at all – or at least not in any meaningful way that would stop a government, law or state official from infringing them.

It is no surprise, therefore, that the response from GetUp members to each call to action surrounding the opportunity to advocate for human rights protection has been met with such an overwhelming reaction.

### **2.1 A Summary of GetUp's Involvement in the Consultation Process**

On 10 December 2008, the Government announced the commencement of a national public consultation process on the issue of human rights protection in Australia. On the same day, GetUp sent out a call to its members inviting submissions in support of legislative protection of human rights in Australia.

Over the coming months we sent emails to our members living within the geographic areas visited by the Committee, encouraging them to attend the Community Roundtable sessions and share their views with the Committee.

On 11 June 2009, thousands of GetUp members participated in hundreds of simultaneous grassroots meetings around the country – called 'Our Rights GetTogethers' – to share stories and discuss options for protecting human rights in Australia, with a view to forming their own group's submission to the Committee.

The magnitude of the response to this consultation process from our membership was unexpected and overwhelming. It is an issue that has hit a nerve with the community, and many thousands of individuals have shown themselves to be willing to invest their time in

writing submissions, forwarding information about the consultation to their colleagues, friends and family, attend the community roundtable sessions run by the Consultation Committee, and even hosting or attending gatherings with strangers in their local communities to discuss human rights with those who share a concern and a postcode.

When announcing the National Human Rights Consultation, the Attorney-General expressed the hope that 'as many people as possible will share their views on human rights'. It is possible that this kind of scale is not what he had in mind – this is without doubt one of the largest government consultation processes that has ever been conducted in Australia's history, with staggering numbers of submissions flowing in, and with community roundtable sessions having to turn away would-be participants.

GetUp sees this as clear evidence of the importance everyday Australians place on human rights protection, and the perceived need for that protection in Australia today. Clearly, for many Australians, human rights are not some abstract concept – they are about real people's everyday concerns. This should leave the Government in no doubt as to the logical course forward in meeting the community's expectations of human rights protection.

## **2.2 The Status of GetUp Members' Submissions**

A huge proportion of the submissions made by GetUp members commenced or concluded with sentiments of gratitude at being given an opportunity to be heard with respect to this important issue.

*It's a pleasure and a humbling experience to be able to contribute to the development of an Australian Human Rights Act. (Jacqueline, 3000)*

It is vitally important that the submissions of those Australians who chose to channel their involvement in this process through GetUp are given proper consideration. Each submission, no matter how simply expressed, should be taken to represent the view of a single Australian – no more or less important than any other.

*I'm real and my story is real and true, and would like justice not only for me but for all victims. (Michael, 2284)*

The realities of modern life dictate that people are increasingly time-poor. Thanks to the development of online tools like those employed by GetUp, we are witnessing the reengagement and repoliticisation of those Australians who would otherwise not be participating in the democratic processes that govern their lives.

Individuals who do not have the time to run for Parliament, hand out leaflets on street corners or research and write detailed submissions are still able to express their views and have an impact upon issues of importance. The views of the time-poor, the disabled who have limited

options for democratic engagement, and the technology-savvy, are no less valid than the views of any other Australians.

The submissions of some GetUp members, for example, have adopted language from background materials provided to them – effectively registering their support for human rights protection in the simplest and quickest way possible. This is a valid means of expressing a view on this issue, and one that should be respected in a democratic consultation that seeks to elicit the views of as wide a range of people as possible.

Accordingly, we warmly welcome the Committee's acknowledgment that all submissions received from GetUp members will be treated as individual submissions and awarded equal weight as every other submission received.

### **2.3 Written Submissions to the National Human Rights Consultation**

GetUp invited its members to make a written submission to the Committee on the very same day that the Attorney-General announced the consultation. This in itself, and the ensuing response to that call to action, demonstrate that Australians were eagerly awaiting the opportunity to put their views on human rights protection forward to their government.

*A modern democracy shouldn't have to rely on community outrage to ensure laws and decisions are right and fair. We need to find a way to make sure that human rights are taken into account when decisions are made, so that nobody falls through the cracks.*

*- GetUp email to members, 10<sup>th</sup> December 2008*

**Australians made 10,424 individual submissions to the Human Rights Consultation Committee through the GetUp website.** This response far exceeded our expectations.

This represents more submissions than is usually gathered when GetUp invites its members to make a submission to a government inquiry. In fact, it is the second highest number of submissions ever gathered on a single GetUp campaign – the other being a simple pro-forma action on another issue; a significantly lower barrier-to-entry for members to participate.

*It is sixty years today that the UN passed a Charter of Human Rights. Australia was at the fore but six decades later we are the only country which has not enshrined those principles in legislation. (Antony, 2605)*

*For years I've seen the community fight again and again to protect individual cases to protect our rights. There are only so many fights our legal-aid lawyers, community groups and local representatives can sustain. Please introduce a Human Rights Act for Australia to give us something solid to protect our rights forever. (Sam, 2010)*

The content and nature of these submissions varied greatly, as does the general community's views on these issues, and the general synthesis of the common ideals informs the latter part

of this submission. All submissions shared an appreciation for being asked our opinions, and an optimism that this meant the government was genuinely considering rights protection.

*Our freedom is not under threat from terrorism but from our apathy as citizens to demand equal rights for all people. It is simply about enacting the basic human rights we should all give and expect and it is certainly about time. (Nicole, 6150)*

*I want Australia's values to be bold and bright, clear for the future - freedom, dignity, respect and equality for all of those who live in this country. I want Australia to be a democratic nation, we are the only country who does not have a Human Rights Act (embarrassed). We need to be mindful of our fellow human being, let's look after each other and the laws there to help protect us. (Annalisa, 5000)*

More examples of GetUp members' submissions regarding their personal experiences of human rights issues are found below in section 4.3.

## **2.4 GetUp Members and the Community Roundtable Sessions**

GetUp was proud to have facilitated so many Australians' engagement with the consultation process through the Community Roundtable Sessions as they travelled the nation.

GetUp is well-placed to do this, given its vast membership in every corner of the country – remote, rural, regional and metro – and its technological capabilities in reaching them quickly and comprehensively.

We found that our members greatly appreciated the opportunity to meet face-to-face with the Committee, and see their willingness to do so (sometimes having travelled for over an hour or taken time off work or school) as further demonstration of their commitment to human rights protection.

In the period from February to June 2009, GetUp progressively sent emails to geographically determined sections of the membership, in areas the Committee was soon to visit. The country was divided into over 40 different geographical areas depending on the numbers of GetUp members in those areas and the proximity to a consultation location, and these areas were all contacted accordingly.

## **3,979 Australians informed GetUp they were attending a Community Roundtable Sessions as a result of our communication with them.**

This is a staggering number – and far exceeded our expectations. There were a number of limiting factors that could have prevented members from attending a Session, including the timing of the Session during conventional work hours, and the distance of the Session location from the member's home. It is also a dramatically high barrier-to-entry call to action, to ask someone to front a public gathering and express their opinions in person. We know



from our internal research that many Australians do not feel adequately equipped to speak authoritatively on human rights issues – even though they may have had direct experience of a human rights complaint themselves.

With this in mind, GetUp was both proud and surprised by the number of Australians that attended a Community Roundtable Session through GetUp. Over 90% of all GetUp members surveyed after attending a session thought “the Consultations will be useful to the Committee in determining what Australians think about human rights”. A similar number felt they “got their say” at the Consultation.

GetUp believes the number of Australians attending the Community Roundtable Sessions could have been much higher. Most members surveyed thought that, had the events been more widely advertised, more Australians would have attended.

*Apparently the evening consultation was cancelled due to lack of interest at Penrith Panthers - this might have been just the time for the commission to be there to hear from people who might not of heard (I had only heard about it because of Get Up!) or who felt that they could say something - in general it needs to engage a broader group of people. In the first instance, it must be advertised more widely. (Anonymous feedback from an attendee)*

*Advertising in local papers etc. I didn't speak to anyone who found out about it through such sources. It seemed to be only through their organisations, notably GetUp, that people seemed to hear about it. So, lots of people wouldn't. (Anonymous feedback from an attendee)*

*Everyone at my table (no one knew each other) was there due to GetUp! Good work! The consultation didn't do a good job of advertising themselves, but I think that the people running it were very well organised and did a very good job! (Anonymous feedback from an attendee)*

**At least 5,000 GetUp members would have attended a Community Roundtable Session had there been the capacity for them to do so.**

While it was the least enjoyable aspect of our efforts to encourage Australians to be a part of this consultation process, the fact that **we had to inform over 1,000 Australians that they couldn't attend events that had reached capacity** also gives heart to the assertion that the Government currently underestimates the importance the community places in this issue.

If there is a perception that Australians do not care about human rights protection; it is false. The simple fact that many more Australians wanted to give up their spare time to express their concern for human rights protection than were expected to, speaks volumes.

**When the Government announced a consultation on human rights, the response so far exceeded their expectations that Australians by their hundreds were turned away from a consultation process that was not expecting, nor equipped to deal with, such a response.**



Even among those Australians turned away, this was seen as a positive sign.

*Truly, it would have been very inconvenient to attend any of the sessions, but I felt something THAT important was well worth the effort to get there. So, I'm not totally disappointed..... and am very happy so many others WILL be there. (Kerrie, 4059)*

*That is such good news. I'll make a submission instead. (Lyn, 2038)*

*That's good news, not bad news! Thanks for letting me know. (Luke, 3184)*

*Glad so many people responded to Getup's call for community participation in the Human Rights Consultations next Tuesday. (Anne, 2009)*

The overwhelming response from those that missed out was a positive affirmation that the intention of their attendance – an expression of their desire to see human rights protected – would in some way be met by the significance of such an overwhelming response.

When we ask our membership to attend an event in person, especially one they may have to travel a significant distance to, the response rate has traditionally been very low. The response rate when asking those to attend a Community Roundtable Session far surpassed the rate expected. This was also the case when we asked Australians to hold their own events.

## **2.4 Community Submissions – GetUp's 'Our Rights GetTogethers'**

On Thursday, June 11th 2009, thousands of everyday Australians met simultaneously in over 200 'Our Rights' GetTogethers. Strangers who share a postcode and a concern for human rights gathered in lounge rooms, cafes and halls (or in some cases on beaches and around campfires) to discuss how the Australian Government should best protect their human rights.

Among them were Australians from all walks of life. From retirees to schoolchildren, from farmers to QCs and former Prime Ministers, all had their say. Their discussions formed the basis for hundreds of truly community-based submissions - an unprecedented exercise of democracy in action.

*Our group gathered together because of a shared concern for human rights and consisted of community members from a broad range of age groups from 25yrs to 65yrs & over and who had witnessed many years of change within society & successive governments. (Neville, 2518)*

Many GetTogether hosts said they stepped up to hold a meeting because they had been disappointed by, or turned away from, the Committee's Human Rights Consultations.

*I found it appalling – I mean I truly was shocked – because when I went along to participate at the Townsville consultation they just said “sorry we don’t have room”. That’s why I’m hosting one of these [GetTogethers]. (Mary, 6004)*

These hundreds of GetTogethers make it clear that Australians care so much about protecting human rights that many will open the doors of their houses to strangers, and facilitate their own community consultations.

Those thousands of Australians who attended each shared a personal story about how human rights had touched their lives. Human rights are no academic concern, no abstract legal principle – these people have passionate personal examples of how human rights protection will improve their lives and those of their friends and families.

*The depth of the discussion on the night surpassed all expectations and the conclusion reached was unanimous. We all agree that Australia needs a new national law to protect and promote human rights. (Dawn, 2560)*

The response to these GetTogethers was far beyond expectations: over 200 events on the same day across the nation, with thousands in attendance. **Over 80% of the hosts and attendees had never attended a GetUp event in the past** – a remarkable demonstration of how passionate Australians are about this issue.

In fact over a dozen of the events were hosted by individuals who even hadn’t heard of GetUp prior to the event. From unions, schools and reading groups to law firms and bodies corporate, dozens of community groups stepped up to host their own consultation.

It was the largest simultaneous conversation on human rights ever held in the nation. The strength of community interest in these GetTogethers shows that we have not even scratched the surface of the community’s passion for human rights protection.

### **3. Which Human Rights (and Corresponding Responsibilities) Should be Protected and Promoted?**

The short answer to this question is that *all* human rights should be protected and promoted. The overwhelming response from GetUp members when asked about human rights is not a ruthless exercise in prioritisation between competing rights, but an expression of the need to protect rights *overall*.

The range of rights set forward as important to the GetUp community, and as worthy of protection and promotion, is extensive. There was an extremely high level of support for not only civil and political rights, but also economic, social and cultural rights, as shown by the snapshot of submissions below.

*It is important to me that indigenous and non-indigenous Australians have support systems for a meaningful education, freedom from discrimination and adequate living standards and access to health services. Health services need to be addressed for the indigenous community, in CONSULTATION with and Indigenous committee that can help the success of such a program be tailored to specific tribes and/or cultural sensitivities. (Fiona, 4558)*

*I am very concerned that the key cornerstones of democracy such as freedom of speech, freedom to assemble and protest and the freedom to write critical letters are protected. (Jennifer, 2203)*

*People should have their rights at work protected and should not be exploited as is now going to happen more with the downturn in the economy. (Michele, 2450)*

*Australia's human rights act should ensure ... the right for an individual to choose their desired family life (be it homosexual, heterosexual or single parent). (Clancy, 3068)*

*Freedom of association and peaceful assembly and right to form and join trade unions. (Michael, 7155)*

*Quality education and health care, to live in adequate and safe housing and be able to eat healthy and nutritional food. (Diane, 2515)*

*Maintain and develop indigenous cultures, languages and identities. (Rowan, 5069)*

*As an Aboriginal Australian I believe it is appalling that Australia does not have a Human Rights Act and feel it is long overdue. A Human Rights Act would help to protect the rights of Aboriginal people in Australia and hopefully prevent the government from introducing discriminatory interventions such as is occurring in the Northern Territory. (Michelle, 2450)*

*It is the right of refugees to seek asylum in a country that respects the dignity of the human person. If refugees put their life at risk to seek asylum in Australia we need to respect their dignity while we screen and process their applications for living here. Media and politicians stir up racism and fear. We must witness our Aussie fair go in standing up for these disadvantaged asylum seekers. (Elizabeth, 2284)*

By and large, the submissions made by the GetUp community have made no distinction between civil and political rights, on the one hand, and economic, social and cultural rights on the other. This is unsurprising, as this distinction is an arbitrary invention of leaders seeking to avoid onerous responsibilities to their peoples. It has little to do with the needs and aspirations of ordinary people.

As the submissions demonstrate, it is often economic, social and cultural rights that would have the most direct and profound impact upon the circumstances of individuals living within our civil society. Further, it can be seen that the enjoyment of one set of rights can be contingent upon, and contribute to, the enjoyment of other rights.

## **4. Are These Human Rights Currently Sufficiently Protected and Promoted?**

### **4.1 What Protections Currently Exist?**

Australia has very limited protection of human rights. The Australian Constitution protects a few rights, some federal and state laws prohibit discrimination on particular grounds and scattered common law principles foster the limited protection of some rights.

To complement these few protected rights we have parliamentary elections, an independent judiciary and a free press. But this patchwork leaves huge gaps, where rights that we would consider to be fundamental go entirely unprotected.

While these laws and institutions protect most of us most of the time, we know that there are plenty of people (particularly the most vulnerable among us) who fall through the cracks and suffer human rights abuses in Australia.

*In the absence of a stated code of rights, it is usually the poor, the old or the minority groups who are most disadvantaged because they don't have the resources or knowledge to stand up to their unjust treatment. (Jeremy, 4213)*

### **4.2 Does The Community Believe that the Status Quo is Acceptable?**

We don't need to look far to see that violations of human rights are occurring in Australia. Children have been held in detention centres, asylum seekers have been detained for indefinite periods and terrorism laws have stripped back fundamental freedoms. And these are just some of the human rights violations that hit the headlines. The vast majority of human rights violations occur quietly – inflicted upon vulnerable and marginalised people in aged care and the mental health care system, and upon indigenous people who have been left without adequate housing, health and education services.

Our system fails all of these people.

As a community we have come out in great numbers to show that ordinary Australians do not believe that the current state of Australian human rights protection and promotion is sufficient. We believe that, in a modern democracy, we need to find a way to make sure that human rights are taken into account when decisions are made, so that nobody falls through the cracks.

Many GetUp members commented that they were shocked to learn that Australia is without a comprehensive human rights instrument. Many of them had assumed that a western democracy like our own, which regularly concerns itself with the human rights record of other nations, would take measures to ensure that human rights are respected in all cases. The submissions demonstrate considerable discomfort with the notion that Australia is the only democracy to be without formal human rights protection.

### 4.3 Some personal stories related by the community

Every member of our community has suffered the effects of human rights abuses – whether it be through direct experience as a victim of human rights contraventions, through working with people who have suffered contraventions of their human rights, or as responsible members of society who have borne witness to outrageous abuses occurring in our own country. And each of these perspectives is important to a determination of whether we have sufficient protection and promotion of human rights in Australia. Each of them constitutes a deeply personal response to an important issue.

By relating the experiences some within the GetUp community we hope to demonstrate that Australia needs better protection of human rights. There were far too many personal accounts of human rights abuses among the submissions to reproduce here, and this submission is not intended to be any kind of summary of the views of the GetUp members who have made submissions to the Committee. It may be useful, however, to provide some flavour of the stories that we have shared by including a selection of brief extracts.

*Nursing homes - I lie awake every night thinking of my future fate in one of these dreadful facilities. I have spent yrs in these places visiting family & friends & as a volunteer. It would be my worse nightmare to be in one. I once saw a poor old lady with severe arthritis, she could do nothing, let alone eat. They dropped her meal on the tray on the end of the bed & an hour later, took it away. In the end she died of starvation!! (Wendy, 4877)*

*A bill of rights or Act, had it been in place 20 years ago, might have prevented the appalling way Australia treated asylum seekers during the shameful Howard years. Keeping people who had committed no crime in detention indefinitely made me ashamed. It might also have made it more difficult for Parliament to have passed so called anti-terror legislation that undermined what up to that point had been regarded as fundamental to the free society in which we so proudly live - eg. short limits to detention without a charge being laid, access to legal representation etc. (Virginia, 2600)*

*Australians enjoy a certain level of privacy but technological changes are making it easier for invasion of privacy to occur. There should be some kind of watchdog to ensure that the average citizen's privacy is not sacrificed with technological progress. (Maria, 2350)*

*After a car accident my husband was kept for investigation at the police station for a whole day the following day despite of broken ribs and shock because they could not work their computer. They did not even offer him a cup of tea all day. ( Dorte, 2550)*

*For too long, my husband and I have had to rely on a complaints mechanism to have the right to move around our city freely, to have non-restrictive holidays and to travel on public transport, because my husband has a severe physical disability ... I believe that human rights*



*legislation could make life so much easier for us, and comparable to the lives of our friends and neighbours. (Margaret, 2153)*

*As the son of an indigenous Australian, I have a very real understanding of the lack on Human Rights in Australia and have long sought the opportunity to participate in a move to establish such.*

*Consider this a vote for action now in the enshrining of fundamental Human Rights in our constitution for the benefit of all Australians. (Tony, 2031)*

*In my own case I see the need for better standards of protection for tenants against the ability of landlords to arbitrarily terminate a tenancy; under Australian law a landlord can terminate a tenancy with no reason being given. This has led to abuse as in my case where the landlord has terminated my tenancy because he wrongly tried to charge me for lost water where it was clearly his fault, and because of his displeasure has decided to throw me out. (Barrie, 2780)*

*I am particularly interested in the discrimination that I receive as a disabled pensioner from the government and the privacy that I do not have because the government seems to run my life (Josephine, 6019)*

*As a lesbian in a committed long term relationship I do not have the same rights as my heterosexual siblings. I can not choose to marry or not marry my partner. My partner, who played an equal role to me in the decision making and planning involved in creating our two daughters, does not have any legal presumption of parenting rights on a federal level. (Sacha, 3058)*

*As someone who grew up in detention centres and treated appalling I would like to see Australia have an act that protects it's own and values ALL. It's not good enough that the government offers money to me 30 years later. (Donna, 4355)*

*The Rights for the Deaf to have proper access to affordable technology such as hearing aids or cochlear implants over 21 years of age as at the moment, the Government stops all access then. They have had this right since babyhood. Private providers costs are too high for many deaf people. The Government has signed the UN Convention for the Rights of Persons with Disabilities and this should flow on to those who need help with affordable hearing devices to continue to live and work in the hearing world. (Margaret, 2069)*

*I worked at the Human Rights & Equal Opportunity Commission as a Complaints Information Officer. The current HREOC Act is not enforceable and not widely known about. The HREOC model does not deliver equitable outcomes for disadvantaged groups - especially traditionally-oriented indigenous Australians who find it culturally impossible to go through the process of personally naming and facing an individual or organization which has discriminated against them because of their race. Australia needs an Act with the power to enforce its citizens' human rights - anything less would be window dressing. (Jo, 2040)*

*I have the privilege of working with some of the most disadvantaged and vulnerable members of our community, people with intellectual disability. Despite their extreme vulnerability many of the people that I see are at risk of being incarcerated in the mainstream prison system or of being assaulted and robbed while they sleep on the street. They have no rights to the support services that they require and have inadequate accommodation, employment and training services. In a country such as Australia it is time that these people have their human rights protected. (Amanda, 6073)*

*To Whom It May Concern,*

*I have worked for several years as a youth worker, and I fully support the need for a Human Rights Act, especially if it includes the rights of Children. I know that we have the Child Protection Act, but it would be, in my opinion, a move forward in terms of protecting and enhancing the wellbeing of all Australian and non-Australian Children if Australia adopted a Human Rights Act. (Steven, 5038)*

*I write as a senior ordained Christian minister with many years of experience working professionally amongst Aboriginal people and refugees ... The rights of Aboriginal people and refugees are by no means safeguarded by law in Australia, and this is to the public shame of our country. From my own experience I have frequently encountered such situations in which needy human beings are deprived of their inherent human dignity ... We must have a properly legislated Bill of Rights written into the federal and State/Territory legal systems, to which all existing and future laws will defer. I strongly add my support to this cause. (James, 3094)*

*I am a social worker and thus my job brings me into contact with some of the most vulnerable and marginalised people in society. I am also a member of the European Network for Indigenous Australian Rights (ENIAR) and have been campaigning for human rights for Australia's Indigenous people for a number of years. I am personally horrified at how the current Intervention in the Northern Territory has been undertaken by suspending the Racial Discrimination Act and without the protection of a Human Rights Act. (Gill, 2064)*

*I work as a youth worker and continually see children who have been abused and neglected. Children need to be protected. Unfortunately children in care often face further abuse. I have seen a child with an intellectual disability put into a residential care unit with other children who have major anger problems. They constantly bully this child with physical and emotional abuse. There is at present no Human Rights Act to protect this child. If there was he would be removed immediately and placed somewhere where he was safe from harm and the endless tormenting and bullying that he is currently suffering. Every person I have approached about putting a stop to this bullying has said there is nothing I can do and no further avenue where I can take this problem for it to be resolved. If there was a Human Rights Act something would be done! (Sue, 3216)*

*As a barrister who practises in the Family Law area I was particularly pained at the inhumane treatment of refugees and their children by the last government and the inability of our courts to do much about it. (Margaret, 5155)*

*A long time ago I was kidnapped and then held in a prison in Afghanistan. Throughout the period of my detention I felt sure that what was happening to me would never happen in Australia as we held human rights to be so important and that we were a fair society. Over the last decade or so I have been appalled to witness the way our entitlements has been whittled away. I don't want to be part of a society that doesn't care for everyone equally. Its unjust and unfair and I think those values are incredibly important. Bring on the Human Rights Act so as a society we can keep our dignity. (Jen, 3065)*

#### **4.4 We Want Australia to Have the Credibility to be a World Leader on Human Rights.**

A common theme in the submissions was a sense of deep shame that Australia is the only democratic nation to be without formal human rights protection. Common also was the view that recent well-publicised human rights abuses that have occurred in Australia have disgraced our national identity. We want to be proud of our national heritage, but our lack of human rights protection stands in our way.

*I am ashamed that our country does not have a formal Human Rights Act. Whilst there are many signs that we are a Democratic Nation, the absence of such an Act explains why we have witnessed shameful behaviours over recent years - behaviours which would not be possible in other Democratic countries. Notable are the conditions we have placed refugee children in - to the dismay of other democratic countries + the atrocious circumstances that our own indigenous people too often face. (Madeleine, 3741)*

We believe that Australia should not only meet world standards with respect to human rights, but should be a world leader. Our values should lead us to set an example to the world.

*Australia pays lip service to human rights.*

*We have a PM who criticizes China for censoring the Internet during the Olympics, while simultaneously cheerleading his own Minister's attempts to enact a similar policy in Australia. We criticize foreign regimes for keeping political prisoners, while simultaneously keeping Haneef under lock and key, then trying to have him deported, then calling a sham investigation with watered down subpoena powers.*

*We condemn torture, while never saying a word about the USA's torture camps in Guantanamo Bay and Eastern Europe, even while our own citizens are imprisoned within. We condemn other nations for censoring the press, while simultaneously imposing some of the worst whistleblower prosecution laws in the Western World upon our public servants ... A Bill of Rights is a legal recognition about responsibility: It codifies the fact that our legislating bodies have responsibilities to us as citizens ... A bill of rights makes them answerable to voters and to the courts. It's way past time. (Mark, 5000)*

## 5. How Could Australia Give Better Protection to Human Rights?

The overwhelmingly consistent expression of GetUp members' views is that **Australia should have legislative human rights protection**, in the form of an Act or Charter of Rights.

### 5.1 Human Rights Protection in Legislation

Human rights protection is an essential part of a strong democracy. Every other western democracy has rights protection laws, and we believe that the Australians deserve the same protections.

We believe that the Federal Parliament should enact a Human Rights Act. A Human Rights Act would have a number of benefits:

1. A Human Rights Act will protect the rights of all Australians, including marginalised, disadvantaged and vulnerable minorities.
2. It will give Australians the chance to set down our values and our vision for our society, and make sure that the values that we hold dear - freedom, dignity, respect, equality and fairness - apply to every person in Australia.
3. It will encourage better law-making by requiring Parliament to scrutinise new laws to determine whether the law infringes human rights.
4. It will encourage better decision-making by requiring the executive to take human rights into account when drafting laws, developing policy and delivering services (before human rights violations occur).
5. It will encourage better judicial decision-making by requiring courts to interpret legislation (as far as possible) in accordance with human rights.
6. It will be an important practical tool for advocates of those facing discrimination, disadvantage or exclusion.
7. It will work to protect human rights regardless of who is in government, regardless of the politics of the day, and even in an environment of fear or upheaval.
8. It will ensure that Parliament can't overlook human rights considerations if it wants to pass controversial laws on areas like police powers, voting, sedition, workplace relations, privacy, freedom of speech, the rights of Indigenous people, counter-terrorism or internet censorship.
9. It will help Australia meet its obligations under the UN treaties we have promised to uphold, improve our reputation as a responsible international citizen and give us credibility when we talk about international human rights issues.
10. It will create a human rights 'culture' by giving us a standard to judge the way decisions are made in all areas, and by promoting a climate of mutual respect and understanding in Australia.
11. It will educate people about human rights in Australia.

12. It will remind all of us that in a strong democratic society, human rights also entail responsibilities: to respect the rights of others, to observe the law, and to live our lives mindful of our common humanity.

## 5.2 Other Measures

The introduction of an Act should be *accompanied* by

1. the commencement of a system by which all Australians can be educated about human rights, now and into the future;
2. a programme of training for decision makers, policy officers and service providers to ensure that the principles set out in the Act are easily integrated into the work of those responsible for its implementation; and
3. funding for the community organisations that will provide human rights advocacy on behalf of those whose rights are contravened.

These measures will ensure that a Human Rights Act is given the best possible chance of achieving its aims – instituting real change at the very foundations of our democracy to ensure greater respect for the human rights of all people.

## 6. Recommendations

1. The current protection of human rights in Australia is inadequate. Human rights protection should be enshrined in legislation under a federal Human Rights Act.
2. In determining which rights should be protected and promoted in Australia, the Committee should take into account the views of the community. In particular, the strong support for the protection of civil and political rights, as well as economic, social and cultural rights, should be recognised in law.
3. The introduction of an Act should be accompanied by
  - a. the commencement of a system by which all Australians can be educated about human rights, now and into the future;
  - b. a programme of training for decision makers, policy officers and service providers to ensure that the principles set out in the Act are easily integrated into the work of those responsible for its implementation; and
  - c. funding for the community organisations that will provide human rights advocacy on behalf of those whose rights are contravened.



## 7. Conclusion

This consultation is long-overdue and most welcome. GetUp is proud to have been able to play such an involved role in giving voice to everyday Australians' concerns on a whole range of issues that come under the protective umbrella of human rights protection, and we thank the Committee for their work towards the same aim.

When asked, it is clear that Australians care about and are willing to respond to the issue of human rights protection more than it would generally be expected.

When asked, it is clear that many Australians were simply waiting for the opportunity to be heard on matters that are of everyday importance to them.

'Human rights' are not some abstract legal strictures within which we wish to confine our legislatures; they are recognition of the inherent dignity with which we all expect to conduct our lives and the recognition that that depends on us working together to allow the other a fruitful and peaceful enjoyment of being.

Framed in such terms, a formal recognition of rights reflects and accommodates a society well-equipped to meet and overcome challenges together. It is obviously advisable to work towards such an Australia.

We eagerly await the Government's response to the Committee's recommendations, and have our army of concerned citizens mobilised to see their human rights concerns adequately reflected in legislative protection.

Thank you for your consideration,  
The GetUp team