

# eastern community legal centre

# **National Human Rights Consultation**

**May 2009**

Eastern Community Legal Centre is delighted that the Rudd Government has announced a National Human Rights Consultation, led by a skilled committee.

The Consultation Committee consists of Father Frank Brennan (Chairperson), Mary Kostakidis, Mick Palmer and Tammy Williams.

This fact sheet provides some background to the consultation and considers the ways to get involved and have your opinion heard.

## **Why a human rights consultation?**

Announced by Commonwealth Attorney- General on 10 December 2008, on the 60<sup>th</sup> Anniversary of Universal Declaration of Human Rights, the National Human Rights consultation will look at three key questions:

- Which human rights and responsibilities should be protected and promoted?
- Are these human rights currently sufficiently protected and promoted?
- How could Australia better protect and promote human rights?

Submissions can be made by anyone and are due mid-June and the Committee will then report to Government by 31 August 2009.

### **Why participate?**

Australia has very limited constitutional and legislative protection of human rights. Many people are surprised to hear that Australia does not have a Bill of rights or equivalent statement of our rights.

- Community service organisations have extremely relevant expertise and experience working with human rights
- Human rights can empower individuals and improve public services
- A National Charter of Human Rights would complement and enhance the operation of the existing Victorian Charter of Human Rights.

### **But don't we already have a Victorian Charter of Human Rights?**

The Victorian Charter of Human Rights and Responsibilities is an act of Parliament that came into effect in 2008. It clearly states our rights and freedoms, and the responsibilities that go with them.

The Charter focuses on civil and political rights, and includes well known democratic rights such as the right to vote and freedom of expression.

The Charter does not cover the category of economic, social and cultural rights including the right to education, health and housing. Future legislation must be developed with regard to the rights set out in the Charter.

New laws require a statement of compatibility to advise Parliament on whether they meet the Charter's standards.

Courts are able to refer legislation back to Parliament for review if they find it is inconsistent with the Charter, but they do not have the power to strike down legislation. The Parliament has the final say.

While there has been debate and mixed feelings about the Victorian Charter, it might provide an opportunity for Victorians to contribute to the National Consultations by sharing their experiences of the Victorian events and how a national charter might improve on the Victorian process.

## **What can we do?**

There are a number of options for those seeking to contribute to the national consultations:

- Contribute to ECLC's submission
- Write a submission on behalf of your organisation
- Write a submission yourself!
- Encourage other organisations or individuals to make a submission
- Help others make a submission (eg. Clients of your service)
- Attend one of the National Roundtable seminars. See [www.humanrightsconsultation.gov.au](http://www.humanrightsconsultation.gov.au)
- There are also opportunities to contribute online, by SMS and on Facebook!

A submission could be large or small (1 page will do!).

You could also copy and modify another submission to suit your organisation. See links below for examples.

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## **What should we consider in our human rights submission?**

You might consider the following questions:

- 1. Have you had any success stories at your organisation using human rights to advocate for your clients?**
- 2. Have you had any situations of 'unfair' treatment where you think better human rights protection might have been useful?**

You might also look further at:

- Which human rights should be protected?
- Whether particular vulnerable groups or people in the community should be specifically recognised?
- What the role of Parliament, Government Departments and agencies and Courts might be in protecting human rights?
- What avenues for complaint, remedies, assistance or advice should be available to people whose rights are breached?

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### **Useful Contacts**

#### **Eastern Community Legal Centre**

Suite 3, Town Hall Hub  
27 Bank Street  
Box Hill VIC 3128  
Ph: 9285 4822

[www.eclc.org.au](http://www.eclc.org.au)

For more information about the National Human Rights Consultation visit:  
[www.humanrightsconsultation.gov.au](http://www.humanrightsconsultation.gov.au)

Suite B, 6 Floriston Road  
Boronia, VIC 3155  
Ph: 9762 6235  
1300 797 088

#### **Other useful sites:**

- Human Rights Law Resource Centre  
[www.hrlrc.org.au](http://www.hrlrc.org.au)
- Victorian Equal Opportunity and Human Rights Commission  
[www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au)
- Australian Human Rights Commission  
[www.hreoc.gov.au](http://www.hreoc.gov.au)
- Amnesty International Australia  
[www.amnesty.org.au](http://www.amnesty.org.au)
- Human Rights Act TV  
[www.humanrightsact.tv](http://www.humanrightsact.tv)



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