



Australian Government

**THE PROTECTION AND PROMOTION OF
HUMAN RIGHTS IN AUSTRALIA**

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Attorney-General**

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The Australian Government welcomes the report of the National Human Rights Consultation Committee.

On 10 December 2008, to mark the 60th Anniversary of the Universal Declaration of Human Rights, the Attorney-General launched the National Human Rights Consultation to seek the community's views on human rights in Australia.

The Committee has conducted the most extensive consultation on human rights issues in Australia's history.

The Government thanks the Committee for its efforts in canvassing the views of the Australian community. The Government also appreciates the efforts of everyone who participated in the Consultation.

The Committee received more than 35,000 submissions and conducted over 65 community roundtables and public hearings in more than 50 urban, regional and remote locations across the country. The consultation has also generated considerable discussion and debate across Australia — with online blogs, community discussions and the publication of numerous articles, commentaries and opinion pieces.

The Committee has provided the Government and the community with a valuable document.

The report gives us important information about what we do well, identifying the areas where we can do better and assessing options for the protection and promotion of human rights in Australia.

Australia's human rights record

The Committee reports that most people who participated in the Consultation are convinced that Australia is one of the best countries in the world to live in.

Australians can be proud of our nation. We operate under the rule of law — the cornerstone of our democratic system.

We enjoy a strong parliamentary democracy, with universal suffrage underpinning our electoral system. We have a clear system of checks and balances through our strong and independent democratic institutions — a parliament that enacts laws, an executive responsible for formulating and implementing policy and a robust and independent judicial system, with constitutional protections that ensure our judiciary can operate free from fear or favour.

Our common law recognises a number of human rights principles such as the right to procedural fairness and the protection against self-incrimination. We also have anti-discrimination legislation to ensure that people are treated equitably irrespective of matters such as their sex, marital status, race, age or disability.

Human rights principles are also reflected in other laws including our criminal laws which provide for the right to a fair trial and our administrative law which provides for review of government action.

The community is well served by a robust non-government organisation sector which works to ensure Australians are aware of their human rights and human rights protections.

In addition, Australians may raise discrimination or breaches of human rights through the Australian Human Rights Commission and, in certain cases, before the courts.

Australia is also a party to a number of international human rights instruments which provide the capacity for human rights matters to be raised with the United Nations.

Australians enjoy a free and independent media. Australian culture and values are also underpinned by an ethos of a 'fair go'. All Australians are entitled to be treated with civility, dignity and respect.

The Rudd Government's commitment to human rights

Since 2007, the Rudd Government has taken a number of steps to address key areas of disadvantage that prevent Australians from fully participating in the life of our community and our economy.

These actions reflect an underlying commitment to and respect for fundamental human rights.

The Prime Minister has apologised on behalf of the nation to Indigenous Australians for past mistreatment. The apology was backed by over \$5.6 billion in investment by Australian governments in a national strategy to 'Close the Gap' on Indigenous disadvantage. The Government is re-designing measures in the Northern Territory Emergency Response, in consultation with affected communities, to ensure they are consistent with the Racial Discrimination Act 1975. The Government will introduce legislation to remove exemptions of the Racial Discrimination Act from the NTER legislation. The Government, in co-operation with the States and Territories,

has also committed to an Indigenous Justice Framework to make Indigenous communities safer and reduce the extent of incarceration of Indigenous Australians, particularly young Indigenous Australians.

The Government has also made significant investments to address homelessness and expand social housing and to deliver an education revolution to build the skills that Australia will need into the future. We have also finalised a new national health and hospital agreement with the States to drive improvements in the quality, accessibility and sustainability of health services.

The Government is firmly focussed on the development of a strong social inclusion agenda by reducing disadvantage, increasing social, civil and economic participation, providing the community with a greater voice and building on the strengths of individuals, families, communities and cultures.

An accessible justice system is an essential precondition to social inclusion, and a basic ingredient of the enjoyment of human rights. To pursue this, the Government has launched a *Strategic Framework for Access to Justice* to guide future policy and reforms for our federal civil justice system.

The Government has also implemented reforms to remove discrimination against same sex couples and their children under Commonwealth law in areas including taxation, superannuation, social security and child support.

In addition, disability discrimination legislation has been amended to better enable those with a disability to access services or facilities, undertake study or do their work. National standards providing for disability access to premises are being finalised.

As well, a National Disability Strategy is being finalised to provide a framework to address the performance of the disability service system and other mainstream systems for persons with a disability, their families and carers.

A National Plan to Reduce Violence Against Women and their Children is currently being developed with the States and Territories to provide integrated support for victims and reduce violence in the future.

The Government is also taking action on civil and political rights, with reforms such as those to Freedom of Information legislation and a commitment to electoral reform to enhance the integrity of our electoral system.

Internationally, the Government has ratified the Convention on the Rights of Persons with Disabilities and acceded to its Optional Protocol. Australia has also acceded to the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women, signed the Optional Protocol Against Torture and issued a statement of support for the United Nations Declaration on the Rights of Indigenous Peoples.

The way forward

Overwhelmingly, the report by the National Human Rights Consultation Committee shows that Australians support the protection of human rights.

They also believe more can be done.

The debate therefore is not about whether we protect human rights — it is about how we protect human rights.

The report shows that there are many views on how human rights and responsibilities should be protected, promoted and realised.

The Consultation has demonstrated that there are strong views on the merits of a Human Rights Act.

It has also shown that there are many other ways to protect and promote human rights including through enhanced education and improved parliamentary scrutiny.

The Government is committed to taking action to:

- foster an Australian culture where the fundamental human rights of all people are respected and protected, and
- ensure a range of mechanisms are available to promote and protect those rights.

The Government believes that:

- respect for human rights underpins Australian society and our future as a safe and inclusive democracy;
- more can be done to ensure fundamental human rights are considered by Government;
- any change to enhance the protection and promotion of human rights and responsibilities must preserve the sovereignty of Parliament; and
- access to information and education about human rights is critical.

The Government will carefully consider the Committee's report and outline its response in the coming months.

The report of the National Human Rights Consultation Committee is available at www.humanrightsconsultation.gov.au or www.ag.gov.au