

A Federal Charter of Human Rights: Would it Make Any Difference?

Friday 12 May 2017

Introduction

Welcome everybody, it's great to see such a fantastic turnout to this event. Before I begin, of course, I want to acknowledge the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin Nations, and pay my respects to their elders, past and present and any who may be here today.

We're here today to further an important discussion. It's one that many have tried to conduct in Australia over multiple decades. It's one which, in the current political climate - and as our eminent guest speaker will confirm – seems more and more difficult to have.

Yet the current political climate is *exactly* the reason why we must not shy away from this discussion.

Human rights need not be that bridge too far, the taboo subject. After all, Victoria and the ACT broached this subject with confidence and collaboration and the sky didn't actually fall in.

In fact as yesterday's Supreme Court decision confirmed, Victoria's Charter has simply been the mechanism which has ensured that such logical and ordinary things as protecting the best interests of children, and protecting people from cruel, inhuman and degrading treatment and protecting the rights of detainees to humanity, respect and dignity, are upheld.

This case and the many similar examples which have preceded it remind us that human rights should not be the stuff of melodrama and minorities as some media outlets would have it. Nor do they belong to some and not to others.

Human rights are ordinary but important things that, when respected and promoted, can make an extraordinary difference. They belong to you, they belong to me...they belong to everyone. And yes..that includes kids in jail.

With the daily reminders of pushback against human rights and the subsequent and persistent vilification of those who try to defend them, none more so than Gillian Triggs, it is now time to look at a Federal Human Rights Charter.

Findings of the report

The report that we're launching today, however, is about *testing* that view, exploring what a federal charter of human rights would actually mean for Australia in application.

We'll be hearing the answer to that question in due course. I think it's important to explain, however, that this project was a perfect example of the way in which the CIJ conducts its work. Our mission is to engage students in the possibilities of reform, to push them to consider new questions and new trajectories. In doing so, we don't hole ourselves up in an ivory tower – we engage with advocates, with practitioners, with the people doing the work. It is in this way – *together* – that we achieve the best results.

Consequently, the report we're launching today came about through a series of discussions between the Centre for Innovative Justice and the Australian Human Rights Commission. We wanted to find a way for law students to engage with national debate about the recognition and protection of human rights in Australia.

The resulting project involved five RMIT Juris Doctor students – Helen Metzger, Frank Aloe, Brigette Rose, Luke Fowler and Veronica Snip – who worked together to apply a hypothetical Federal Charter of Human Rights and Responsibilities Act to a range of re Australian legislation and case law.

The findings of the report are relatively simple. It states that the introduction of a Charter would result in increased transparency, as well as debate in parliament.

A Charter would open new lines of communication about human rights between parliament, the community and the courts. As a result, it would reduce the frequency of legislation and decision-making which infringes the rights of ordinary members of the community.

Conclusion

Australia is one of the only Western democracies without consistent human rights protections – a reality which is bizarrely at odds with the quintessentially Australian characteristic of the fair go.

As much as this report is theoretical in foundation, therefore, in application it's about realising those rights on an ongoing basis for everyday people.

After all, that's what the Australian Human Rights Commission, under the leadership of Gillian Triggs for the past five years, has been working for – rights for everyone, everywhere, every day.

It's now my very great pleasure to invite the President of the Australian Human Rights Commission, Gillian Triggs, to formally launch the Human Rights Research Project Report.