

26/02/2010

The Hon. Robert McClelland
Attorney-General
PO Box 861
Hurstville, NSW 2220

The Women's Legal Centre (ACT and Region) supports a Commonwealth Human Rights Act that protects economic, social and cultural rights (such as the rights to adequate housing, health and an adequate standard of living). A Human Rights Act would make a positive difference to the lives of women in Australia by improving the policies, procedures and services encountered daily by all citizens.

If Australia had a Human Rights Act, it could:

- make the federal Parliament consider how laws impact on human rights– for example, any debate on changes to workplace relations, taxation or social security laws would need to take into account the different needs of women.
- make the federal government respect human rights when developing policy – for example, when considering appropriate support for working mothers
- make public servants respect human rights when making decisions and delivering services – for example, when providing housing to women and children at risk of homelessness
- provide a range of enforceable remedies if a government authority breaches human rights.

The Women's Legal Centre submits that:

- The Brennan report records overwhelming community support for a human rights act. 87% of submissions were in favour, and the polling reveals 57% in support and only 13% against. Other research, especially that conducted by Amnesty International, affirms that most Australians want their basic rights protected in law.
- Brennan's proposal for an act covering civil and political rights would apply to the Commonwealth and its agencies. It would not apply to NGOs, churches or other organisations outside the Commonwealth.
- If the Parliament wished a law to override the Human Rights Act, that decision would need to be made explicit. The High Court could otherwise find that an action of the Commonwealth was inconsistent with the Human Rights Act. Parliament would then reconsider the matter but the court could not change or strike down inconsistent laws.

- The AHRG supports the Brennan approach because it would change for the better the way the bureaucracy deals with vulnerable people. It would require greater and more consistent focus by the Parliament on human rights.
- Opponents claim that the Brennan proposal would interfere with church employment practices. As churches are not to be covered by the act, this claim is wrong.
- Many church bodies support an act and made public submissions to that effect: the Uniting Church, the National Anglican Synod, the St Vincent de Paul Society, and the Sisters of Mercy among others. Cardinal Pell's opposition to an act was not the position taken by the Australian Bishops Conference (which was neutral on the matter).

The ACT was the first jurisdiction in Australia to enact a Human Rights Act, which provides an explicit statutory basis for respecting, protecting and promoting civil and political rights. Our Centre assists a great number of women who seek help when their rights under the Human Rights Act in the ACT have been threatened. It is essential to our development as an inclusive democracy that such rights be strengthened at the Federal level.

We ask that you support a Human Rights Act and build on the support for this legislation already indicated by the community consultation process.

Yours sincerely



Carol Benda
Coordinator