

Submission to the Human Rights Consultation From the Australian Christian Values Institute

We understand submissions are invited from Australian citizens concerning a proposal for an Australian charter or bill of rights.

The Australian Christian Values Institute does not believe such a charter would protect or enhance human rights in Australia. Such a proposal may have had some appeal following the Second World War when the United Nations was established, but experience since then around the world has shown that charters or bills of rights are no substitute for good democratic governance.

Since its federation, Australia's record on protecting and enhancing the rights of its citizens, in comparison with governance around the world, is outstanding. We have a robust right to vote in free and fair elections, freedom of speech (anti-vilification laws notwithstanding), freedom of religion, and even members of the judiciary or parliament can face justice in the courts, not for political crimes, but for breaking the law. This has been achieved without a charter or bill of rights. In contrast, there are many brutal regimes that trample upon the rights of their citizens who live under eloquent charters of rights. This happens in nations despite their membership of the United Nations, the UN Declaration of Human Rights, and the well-resourced UN Human Rights committees and Commission (of which they can be members).

Human rights in Australia have been well served by the Australian system of parliamentary democracy, with its checks and balances, where periodically-elected representatives of the people decide what laws shall be made and policies followed. Any charter or bill of rights would by necessity be generalised, and it would be left to unelected judiciary and officials to decide the details, or to adjudicate when rights conflicted. Important issues of human rights should be determined by elected parliaments, and not a small elite of unelected judiciary or bureaucrats. Transferring such power to the judiciary would further politicise it, ultimately weakening its authority.

One reason why charters or bills of rights fail to protect rights is that they are disconnected from responsibilities. Rights and responsibilities are the two sides of the one coin. If an individual does not understand and accept their own responsibilities to others, then there will be a tendency for them to demand their own rights but to dismiss the rights of others. An excellent statement of responsibilities is the Ten Commandments which, if more widely promoted and followed, would do more for the observance of human rights than any charter or bill of rights.

An Australian citizen's rights are embedded in Australia's biblically-based common law history, which comes from God. This is acknowledged in Australia's Constitution where it states that the nation humbly relies on the blessings of Almighty God. This has proven to be an effective safeguard of Australian rights, and a charter or bill of rights would undermine and jeopardise the existing system.

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