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11 November 2009

The Hon Tony Abbott MP
PO Box 2600
House of Representatives
Parliament House
Canberra ACT 2600

Dear Mr Abbott

A Human Rights Act for Australia

The National Human Rights Consultation Committee has released its report (the ***Human Rights Report***) which recommends that the Australian Government adopt a Human Rights Act. This letter is to urge you to support the recommendations in the Human Rights Report and the adoption of a Human Rights Act for Australia.

The Human Rights Report was released following the biggest public consultation in Australian history. The independent Consultation Committee, chaired by Jesuit priest and law professor Father Frank Brennan, received over **35,000 written submissions**. Additionally, over 5,000 people attended 66 roundtables in locations throughout metropolitan, regional and rural Australia. 87.4% of submissions to the Committee which considered the issue supported the enactment of a Human Rights Act.

Report Outcomes – We Need Better Human Rights Protection in Australia

The Human Rights Report made some important findings about the state of human rights in Australia:

- Human rights matter deeply to Australians. They resonate with Australian democratic values, the rule of law and our sense of a fair go.
- Although Australia has strong democratic and legal institutions, they do not provide comprehensive or even adequate protection of human rights. The patchwork quilt of human rights protection is missing pieces and this is felt most keenly by marginalised and vulnerable people.
- There is strong support for the promotion and protection of *all* human rights. The Human Rights Report confirms that the rights that matter most to Australians reflect the issues of concern at election time – the rights to education, housing and to the highest attainable standard of health.
- Human rights are not enjoyed fully or equally by all Australians, including the homeless, people with mental illness, Aboriginal Australians, asylum seekers and people with disability. There is a strong view that 'we could do better in guaranteeing fairness for all within Australia and in protecting the dignity of people who miss out'.

A Human Rights Act for Australia

The Human Rights Report recommends that Australia adopt a Human Rights Act. The benefits of a Human Rights Act are:

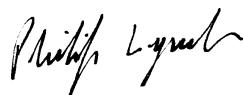
- It is the best way to enshrine Australian values and to protect and promote the human rights of *all* people in Australia, including marginalised and disadvantaged members of our community.
- It would create a culture of respect for human rights in Australia. This would reduce the risk of repeating some of the most notorious human rights violations of the last 15 years, such as the detention of Cornelia Rau and the deportation of Vivien Alvarez Solon.
- It would improve law-making and government policy – whilst not going so far as *preventing* government from acting contrary to human rights, it would require human rights to be *considered*.
- It would improve public service delivery, as has been demonstrated in evidence from comparable jurisdictions, including Canada, New Zealand, the UK and Victoria.
- It could deliver economic benefits. The Allen Consulting Group cost-benefit analysis, commissioned by the Consultation Committee, found that a Human Rights Act would provide high benefits to stakeholders at moderate risk. Although there would be implementation costs, the analysis noted that there are ongoing detrimental costs associated with maintaining current human rights arrangements.
- It would implement Australia's international obligations and promote our reputation as a good international citizen and a regional and global human rights leader.

The arguments against a Human Rights Act have been largely debunked in the Human Rights Report. The Solicitor-General's advice is that the Human Rights Act proposed will be constitutionally sound. The report states that the model will retain parliamentary sovereignty, without a flood of litigation.

Some (but by no means all or even a majority) religious groups have concerns about a Human Rights Act. With respect, these concerns are based on a misunderstanding of the content and operation of such an Act. The right to freedom of religion is a fundamental human right that would be protected by a Human Rights Act. Also, in the first three years of operation of the Victorian Charter of Human Rights, there has not been a single instance in which the Charter has limited religious freedom.

We would be happy to provide you with further information on a Human Rights Act for Australia upon your request.

Yours faithfully



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