



Quaker Peace & Legislation Committee

WATCHING BRIEF 24-7 Australian Human Rights Inquiry

As Quakers we seek a world without war. We seek a sustainable and just community. We have a vision of an Australia that upholds human rights and builds peace internationally, with particular focus on our region. In our approach to government, we will promote the importance of dialogue, of listening and of seeking that of God in every person. We aim to work for justice and to take away the occasion for war.

June 2024

Summary

In March 2023, the federal Joint Parliamentary Committee on Human Rights commenced an inquiry into Australia's Human Rights Framework, the committee's Final Report and Recommendations was released in May 2024. The effectiveness of Australia's 2010 Human Rights Framework and 2012 National Human Rights Action Plan are also reviewed in the Inquiry Report. The committee received 335 public submissions, and held six public hearings during the inquiry. It also received 4135 form or campaign letters. The report includes 17 recommendations, including: introduction of legislation to establish a national rights-based Human Rights Act based on the Australia Human Rights Commission model and the re-establishment and expansion of Australia's Human Rights Framework.

The report also recommends that government should consult with Aboriginal and Torres Strait Island people, people with disability, children's groups, civil society and other experts on how proposed 'participation' and 'equal access to justice' should operate. Significant and sustained funding to implement the legislation is also recommended.

https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Human_Rights/HumanRightsFramework/Report

The report's recommendations for an Australian Human Rights Act and National Human Rights Framework include:

- Assessment of current and future Australian legislation/laws to ensure that human rights are incorporated – something which does not currently occur in some areas of legislation. One example raised by the Human Rights Law Centre is the trend toward criminalizing peaceful protest.
- Provide community, schools-based, corporate and public service education about human rights to ensure that all work undertaken by these sectors is human rights based.
- Ensure adequate and consistent resourcing (financial and human) for a revised and expanded National Human Rights Framework and Australian Human Rights Commission.
- Ensure that the Act and Framework includes substantive and procedural elements of a right to a healthy environment.



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The Australian Human Rights Commission model (AHRC)

The AHRC model for a national Human Rights Act was provided to the committee. It incorporates human rights as derived from the key international treaties to which Australia is party including: the International Covenant of Civil and Political Rights and International Covenant of Economic, Social and Cultural Rights; as well as the UN Declaration on the Rights of Indigenous Peoples (endorsed by Australia in 2009). The joint committee supports this model, which would include the following rights:

- Right to equality and non-discrimination
- Right to life
- Protection from torture and cruel, inhuman or degrading treatment
- Rights of the child
- Right to protection of the family
- right to privacy
- rights to freedom of movement; thought, conscience, religion and belief; assembly; association; and expression
- right to take part in public life
- right to liberty and security of person
- right to humane treatment when deprived of liberty
- criminal process rights, including as relates to children
- right to a fair hearing; right to compensation for wrongful conviction; right not to be tried or punished more than once
- prohibition against retrospective criminal laws
- freedom from slavery and forced work
- cultural rights, both generally and as they relate to First Nations peoples
- right to education
- right to health
- right to an adequate standard of living
- right to a healthy environment
- rights to work
- just and favourable conditions of work
- right to social security

Initial comments

Australian Human Rights Commission

The parliamentary report recommending a National Human Rights Act brings Australia closer to establishing the basic legal protections that Australians need. 'It would give people access to justice if their rights are violated and make government more accountable for protecting human rights – no matter which party is in power.'

Commission President Emeritus Professor Rosalind Croucher AM. The Commission outlined a model for a National Human Rights Act, which was supported by the Joint Committee. *Free & Equal: A National Conversation on Human Rights*

<https://humanrights.gov.au/Revitalising-Australia%E2%80%99s-commitment-to-human-rights>



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Human Rights Watch

‘Existing laws in Australia protect against discrimination and other human rights violations, but many rights protections are inadequate...leads to people and groups – particularly society’s most marginalized – slipping through the cracks...Australia is lagging behind other democracies by not having a national human rights act or charter’. ‘An Australian Human Rights Act would reinforce commitments that Australia has already made under international law and serve as an enforceable standard to enable individuals to seek redress for rights violations.’

<https://www.hrw.org/news/2024/06/02/australia-needs-human-rights-act>

The Conversation

‘Australia...[has] some specific laws that aim to prevent discrimination based on particular attributes, such as sex, race, disability and age...but these laws only prohibit discrimination. They don’t set out the basic human rights we all have...’ ‘A federal Human Rights Act in Australia would go a long way to fixing our current unequal and lopsided approach to protecting human rights.’ ‘The proposed Human Rights Act will force parliament to be more transparent about the justifications for limiting rights, and this contributes to the democratic accountability of parliament.’

<https://www.hrw.org/news/2024/06/02/australia-needs-human-rights-act>

Law Council of Australia

‘The report...reflects that all persons – Australian citizens, non-citizens, ordinary and marginalized people – are equal before the law and are afforded human rights.’

<https://lawcouncil.au/media/media-releases/a-federal-human-rights-act-is-just-right>

Human Rights Law Centre

‘Albanese Government must take opportunity and adopt Human Rights Act after inquiry recommendation...There is widespread support in the Australian community for a Human Rights Act. Recent polling shows around three in four Australians support a Human Rights Act, compared to only 3% opposed.’ This page includes quotes from similar organisations. <https://www.hrlc.org.au/news/2024/05/30/human-rights-act>

Amnesty International Australia

‘With a Human Rights Act, we can create a fairer future for all of us. Today, we’re one step closer to having our rights protected in laws.’ <https://www.amnesty.org.au/good-news-human-rights-act-is-one-step-closer/>

Actions Friends may wish to consider

Friends may wish to write messages of appreciation and support to their local Parliamentarians, similar to the QPLC email (attached) which was sent on 12 June to all federal Parliamentarians expressing appreciation for the report and recommendations, including: a national Human Rights Act based on the Australian Human Rights Commission model, a revised and expanded National Human Rights Framework to support implementation of the Act and consultation with civil society.



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11 June 2024

Support for Human Rights Framework

Dear Parliamentarians,

We write to express our strong support for the recommendations in the recent report of the Parliamentary Joint Committee on Human Rights about Australia's Human Rights Framework.

The Quaker Peace & Legislation Committee particularly encourages you to:

- Work with colleagues to ensure that Parliament passes legislation to establish a rights-based federal Human Rights Act, based on the Australian Human Rights Commission model (as supported by the Joint Committee);
- Ensure a more coordinated and consistent approach through the re-establishment of a revised and expanded National Human Rights Framework, including a focus on community and school-based education.
- Consult closely with relevant stakeholders, including civil society, allowing organisations such as ours to participate in such opportunities.

We anticipate that an Australian Human Rights Act, coupled with a well-resourced and expanded National Human Rights Framework, will help alleviate human rights concerns in areas such as counter-terrorism, national security, Aboriginal and Torres Strait Islanders' issues, refugees and asylum seekers.

An Australian Human Rights Act will no doubt benefit all Australians and strengthen our country's social cohesion and stability – critical assets to respond to current and future challenges. Your support of Parliamentary processes in this work will be important and appreciated.

Yours sincerely

[Harold's signature was here]

Harold Wilkinson
Convener
Quakers Australia
[Peace and Legislation Committee](https://www.quakersaustralia.info/qplc)