SUBMISSION TO SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

Author: William P. Lewis

Date: June, 2011

INTRODUCTION and TERMS OF REFERENCE

I am an Australian citizen resident in the State of Victoria, a retired professional engineer 79 years old, and have lived most of my life here. In recent years I have become increasingly concerned at the way governments treat various groups of disadvantaged people in our community. As a retiree I have the time to consider these matters more deeply and have formed the views set out below. This is my submission to the Scrutiny of Acts and Regulations Committee of the Victorian Parliament.

The Terms of Reference of the inquiry include “Options for reform or improvement of the regime for protecting and upholding rights and responsibilities in Victoria”. In so far as one option, admittedly an extreme one, would be to repeal the 2006 Act of parliament which set up the charter, I am making this submission arguing for retention of the Act, essentially in its present form.

1. **HUMAN RIGHTS - THE MORAL IMPERATIVE**

Each of us has a duty of care to our fellow human beings. This duty has been articulated in the Universal Declaration of Human Rights (December, 1948) to which Australia is a signatory. The moral imperative has been famously expressed by John Donne in one of his Devotions, “No man is an island entire of itself, every man is a piece of the Continent, a part of the main . . .”

2. **ABUSES OF HUMAN RIGHTS**

In recent years there have been many grave abuses of human rights in Australia. Some have been documented in the following books.

“Human Rights Overboard: Seeking Asylum in Australia”
by Linda Briskman, Susie Latham and Chris Goddard,

“The Bitter Shore”, by Jacquie Everitt,
Other shameful cases have been recorded in reports by the Commonwealth Ombudsman, notably those dealing with the detention of 247 people who were lawfully residing in Australia at the time they were taken into Immigration Detention (a person identified by the Ombudsman as Mr. FF, although legally resident in Australia, was deported).

3. IMPERFECTIONS OF THE POLITICAL PROCESS

3.1 The Nature of the Process

In his book "The Audacity of Hope" Barack Obama has written as follows with respect to the political process (p.64 of the paperback edition published by Text Publishing, Melbourne, 2008).

"Then there's the fact that the practice of modern politics seems to be value-free. Politics (and political commentary) not only allows for but often rewards behavior that we would normally think of as scandalous: fabricating stories, distorting the obvious meaning of what other people say, insulting [them] or generally questioning their motives, poking through their personal affairs in search of damaging information."

I would submit that we cannot rely on the participants in such a value-free process, no matter how well-intentioned, either to recognise abuses of human rights when they occur nor to formulate means of redress for the victims of such abuse.

3.2 Time as a Constraint on Political Action

Politics imposes heavy demands on members of parliament: necessarily, the time they can devote to any particular issue is limited. Letters to my local MHR regarding human rights issues have elicited replies varying from the anodyne to the dismissive. In one case key information provided by the relevant government department was later found to be factually incorrect.

4. CONCLUSION - LEGISLATING FOR A CHARTER OF HUMAN RIGHTS

In view of:

1. the statement in the preamble to the Universal Declaration of Human Rights that "... human rights should be protected by the rule of law",
2. the fact that every comparable Western democracy in Europe and North America has either a charter of human rights or a bill of rights,
3. the fact that grave and shameful abuses of human rights have been perpetrated in Australia without remedy or redress,
4. the imperfect nature of the political process,

I strongly support the retention of the existing legislation establishing a Charter of Human Rights and Responsibilities for the State of Victoria.

William P. Hemat
Jun 7, 2011