

Protecting rights – not politics

By Ian Brown

Regretfully, this is my last President's Page. The last 12 months have without a doubt been the most interesting and challenging of my career; and it has been a great honour to be the president of the Lawyers Alliance.

I have been involved with a number of very significant issues and campaigns, including the right of lawyers to speak publicly on behalf of their clients, the continued push to achieve reform of the unfair tort laws across the country, the threat of a national workers' compensation scheme, the treatment of Dr Mohamed Haneef, the draconian counter-terror laws and the growing support for a national charter of rights.

I have often been asked 'Why do we need a charter of rights?'

This year marks the 60th anniversary of the United Nations Universal Declaration of Human Rights. The UDHR was proclaimed barely three years after the cessation of hostilities in World War II. The horrors of the war and the genocide committed by the Nazi regime had profoundly shocked the civilised world. The 48 signatories of the UDHR agreed that the gross violation of basic human rights – committed largely by advanced nations with democratic systems of government – would no longer be tolerated.

In the absence of legislatively protected rights, citizens must rely upon governments to protect their freedoms and entitlements. As history has starkly proved, this reliance can be misplaced.

Freedoms of expression and movement, and from racial discrimination, are not expressly provided by Australian law. Consider

the latter, where the Australian Constitution provides:

'if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.'

So our own Constitution enshrines racism. Surely this in itself justifies a genuine national debate on the need to introduce a charter of rights?

Last year, the Alliance's Board of Directors decided that implementing a federal charter of rights was a key priority. We have since devoted considerable time and resources in pursuit of this goal.

On 2 June, I had the honour of representing the Alliance at a strategic round-table discussion co-hosted by HREOC and the Gilbert + Tobin Centre for Public Law. Chaired by Professor George Williams, the discussion was attended by such luminaries as Professor Frank Brennan, Phil Lynch of the Human Rights Law Resource Centre, Susan Ryan AO of the Human Rights Act campaign, Professor Spencer Zifcak of the Australian Catholic University and the Hon Fred Chaney AO.

The meeting addressed a wide range of issues, including the lack of co-ordination, the duplication of resources and failure to effectively engage the media by proponents of a charter. Combining the knowledge and experience of all the participants, strategies are being devised to overcome these shortcomings by focusing on public education, promoting the fact that human rights benefit everyone – not just



minority groups – and by pooling each organisation's or individual's strengths as one collective body while retaining a useful diversity of views and approaches.

A steering committee is being formed to oversee and co-ordinate the activities of a wider umbrella group of organisations lobbying for a charter. The Alliance will form part of that steering committee and will be central to the campaign.

I urge all members to assist the campaign in any way they can – by collecting case studies, volunteering to conduct information sessions on human rights for community groups, or writing letters to governments and politicians urging a full and comprehensive inquiry into the need for a charter of rights.

More information regarding how you can assist the campaign will feature in the weekly Australian Lawyers Alliance e-newsletter.

The recent change in government and public sentiment have given rise to an opportunity to implement formal human rights protection. If this opportunity is not seized, it may be another 15 to 20 years before another opportunity presents itself.

We cannot afford to be complacent. The protection of our individual rights is a matter of fundamental importance. ■

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