It has been a great privilege and a most challenging and rewarding opportunity to serve on the National Human Rights Consultation Committee, chaired by the unstoppable Frank Brennan.

I anticipated it would be a big job. But it wasn’t. It was gargantuan. The travel, the community Roundtables, the meetings with stakeholders, experts of one kind or another and interest groups, the submissions! – the number of submissions and the amount of material to absorb & contemplate in so many of them that came in quite late (but that was always going to be the case), the complexity of the legal issues, the ethical and moral questions, the contested & vexed areas. I thought I had stamina... but then I met Frank Brennan.

The Consultation was launched by the Attorney General on 10 December last year – the 60th anniversary of the Universal Declaration of Human Rights. A day of particular significance for Australia, given the leading role we played in drafting that document and in building consensus during its development.

Following the atrocities of WW2, it set out what were considered to be universal human rights, principles that should underpin the actions of government and our behaviour towards each other. The document was an acknowledgement by the global community that we had a responsibility to look out for each other.

60 years later, Australia is asking itself, do we look out for each other adequately?

In our land of the “fair go”, are we in fact falling short in our protection of human rights? Who is falling through the cracks? Can we improve on the delivery of social justice in our great democracy and how might we go about this?

Our terms of reference were as follows:

We were to consult the Australian community on:

- Which human rights and responsibilities should be protected and promoted?
- Are they sufficiently protected and promoted?
• How could Australia better protect and promote them?

(Constitutional entrenchment of rights was specifically excluded from out TOR – only options that preserved parliamentary sovereignty would be considered).

I will share with you that I was a little ambivalent about the questions & wondered whether a direct question ought to have been asked about a Charter, as that seemed to be the central question for many and the most controversial. However, in retrospect I realise the Terms of Reference were ideal because they allowed many areas of consensus to emerge.

The Committee received over 35,000 written submissions – the largest response ever to a national consultation in Australia. Analysis of this number of submissions proved to be one of the greatest challenges the committee faced.

There were many submissions from organisations and from individuals that were substantial & comprehensive. Others raised a single issue, were brief, and sometimes arrived by post.

GetUp, Amnesty and the Australian Christian Lobby ran very successful campaigns generating thousands of submissions. ... although it would not be possible to gauge overall the number of submissions that were part of a campaign. For example, does a call from a public figure to write to the committee & object to a bill of Rights constitute a campaign, and how would we know how many came in response to that call? Might a series of hand written letters, all stating “We don’t need a Bill of Rights - S116 of the Constitution is all we need” be part of a campaign, and does it matter? We have to accept that in response to a general call for submissions from the community, a substantial number of people responded. Campaigns in my view are an expression of active citizenship - citizen engagement - and I think we should welcome them.

All submissions that gave permission to publish are on the Consultation website.

Around 6,000 people registered to attend 66 community roundtables held in 52 locations around the country from Busselton to Thursday Island, from Hobart to Wadeye & beyond to Xmas Island.

Members of the public were informed about the Roundtables in several ways:
the information was posted on our website, an advertisement was placed in the local press as well as community service announcements on local radio, and our chairman sent a letter to the local member. Generally ABC local radio & at times other media ran a report on an upcoming Roundtable or following a Roundtable, and various interested lobby groups and stakeholders made efforts to ensure that their constituents were informed.

The one complaint we heard repeatedly about the consultation from those who attended was that not enough people knew it was happening. That was regrettable, but we got as big a bang for our buck as we could.

Discussions at community roundtables were focused on our Terms of Reference.

Participants spoke about human rights issues on both a personal level and in principle, and engaged in debate around some of the most fundamental human rights questions in Australia, often around the question of balancing conflicting rights or the need to limit individual rights for the public good. In such circumstances, what should the considerations be? And who should decide – parliament or the courts?

One issue raised that had very strong support was the need for more knowledge about human rights – what they mean in a sophisticated democracy such as ours, and what are the mechanisms that exist currently for their protection.

Around the country citizens generally expressed appreciation for the opportunity to contribute, often stressing the importance & value of what they called “participatory democracy”. Some indicated they had “learnt a lot”, a few that they had changed their minds.

The Committee engaged the services of a social research company to canvass the views of Australians who would otherwise not participate in the process, in 2 research projects:

The first was a series of focus group discussions, followed by a national telephone survey to ascertain attitudes towards human rights and their protection among a random sample of 1200 Australians.
The second was in depth focus group research to better understand the experiences and opinions of marginalised and vulnerable groups who are difficult to access, such as the homeless, prisoners, and people living with mental illness.

We also commissioned a consulting group with the appropriate credentials to provide a cost benefit analysis of major options raised by those who participated in the consultation to better protect and promote human rights in Australia.

Throughout the Consultation, the Committee - and the Chair in particular - met with a broad range of individuals and organisations, including parliamentarians, senior public servants, police commissioners, judges and former judges around the country, anti-discrimination commissioners and Non-Government Organisations.

As a HR Act was a central issue in the consultation, the Committee also held discussions around the operation of the Victorian & ACT Charters with some of those who developed them & some of the senior people charged with their implementation.

Looking at experience overseas, we met with prominent visitors from the UK including their Attorney General Baroness Scotland and the legal advisor to the UK Parliamentary Scrutiny Committee Murray Hunt. The Chair also met with a South African delegation of judges and travelled to NZ & held meetings with politicians, bureaucrats & judges there.

And in early July, as you know we held three days of public hearings in the Great Hall of Parliament House in Canberra. Over 60 speakers took part in panel discussions and debates, taking questions not only from the Committee but also from members of the public. Each provided a perspective on how to achieve respect & dignity for all; how we fail those who miss out & what we might do better; some advocated views on particular controversial issues and the need to develop better policy & legislative solutions. Present were also many of those who have been advocating strongly & publicly for & against a Bill of Rights: we heard opposing views from former politicians, from legislators, from those charged with enforcing the law, from members of the judiciary. And we heard the case for protections other than a bill: parliamentary scrutiny, instilling a greater respect for & knowledge of human rights in the public service and in the community at large, and addressing some of the practical issues for those who fall through the cracks. In addition, several key individuals provided a
perspective on the experience in the United Kingdom via video. The hearings have now been webcast and will be accessible via the Consultation website for months to come.

Finally, the Committee sought advice from the Solicitor General on any constitutional implications that might arise with respect to a federal charter, and that advice will be published with the report.

The consultation has been an extraordinary experience, not least because so many people around the country entrusted us with their stories - & many were harrowing. The question in the back of your mind was always – what would make a difference for this person, for people in that situation?

Essentially we were a Committee of 4 people of very different backgrounds, but all determined to examine the issues with an open heart and mind. I was the only non lawyer on the team so I had the most to learn and therefore I think the most to gain. The integrity of the process was of prime importance and many a robust discussion was to be had over the 9 month period and particularly in the last couple of months in our deliberations over recommendations.

It has been a pleasure to work with Tammy Williams, Mick Palmer and alternate member Philip Flood, who all brought the benefit of different experiences & skills to the Committee. It could not have had a better chair than Father Frank Brennan. A dedicated human rights advocate, a distinguished thinker in the area of social justice and its interface with the law. I know of no-one in the country as broadly respected, nor as well connected. He has the patience of a saint, is democratic to a fault and his capacity to manage multiple interest groups and conflicting agendas is nothing short of miraculous. In my next life I’m coming back as a Jesuit. (I can only hope by then they accept women).

So, in total, around 42,000 people made their views known to the committee.

What did they have to say?

Whilst I will not be divulging our recommendations today, or the results of our research as that information has not yet been made public, I’ll summarise the major themes that emerged in my view at roundtables & in submissions.
If you’ve been reading submissions closely on line and attending community consultations, or following local media that covered consultations around the country, these themes shouldn’t come as a surprise.

Major Themes
A substantial number of those who attended community roundtable discussions & made submissions had a sophisticated understanding of the role of human rights in daily life – the ways in which they relate to concrete, everyday experiences, and a notion that we the majority had a responsibility to look out for our more vulnerable groups in society. Many believe that in this land of the fair go, too many people fall through the cracks and we could do better. The majority of people wanted to see greater protection and promotion of human rights and responsibilities.

Many expressed concern over what they considered to be serious human rights breaches in recent years: the mandatory & lengthy detention of asylum seekers including children; the national security laws put in place after September 11; and the suspension of the Racial Discrimination Act to roll put the NT Intervention; many believed these laws & policies did not strike the appropriate balance between individual liberty and the public interest.

The Asylum seeker issue has been one of the most divisive in Australia’s recent history as we saw in the political and media reactions to the Tampa controversy, the SIEV-X tragedy and the Children Overboard affair. The focus among those who participated in the Consultation was on the mandatory, potentially indefinite detention of asylum seekers, the conditions in detention, and the detention of children. Some spoke of what they saw as a lack of compassion & inability to identify with traumatised people, and of the denial of assistance in some cases where children were at risk of harming themselves, with tragic consequences.

Following the events of September 11, there was bipartisan support for stringent national security legislation. There’s been an outcry though from citizens concerned about the threat to civil liberties of mechanisms such as adverse security findings, control orders, closed courts, secret evidence, and detention without charge. In the words of one academic in counterterrorism studies,

“an enabling factor in political violence is a perceived lack of access to mechanisms of justice ... From this it follows that strong mechanisms to address "injustice" and
particularly procedural justice are vital. Human rights mechanisms have a place in diverting individuals from violence”. (C Knight)

Many were disturbed at the case of Mohammed Haneef, where after the courts found authorities had made erroneous assumptions about him, the Immigration Minister cancelled his visa and he was forced to leave the country; and David Hicks was invoked as an Australian whose right to a fair trial was not defended by his government.

There were strong objections & widespread unease at the suspension of the Racial Discrimination Act & the subsequent imposition of restrictions, rules, and limitations on everyone in the communities and I’ll say more about this specific issue in a moment.

There was particular concern around the country about the dire situation of our indigenous people. In Indigenous communities themselves there was often hopelessness & despair, not only about the lack of housing, failure of health and education, but also over the loss of family, of language and cultural heritage – of identity.

It is disappointing we have largely failed to make progress, and it is no small task to understand the complexity of factors involved. What is clear to me is that we will continue to fail to get traction unless indigenous people are involved in the formulation of policy that affects them and in the delivery of services.

In a remote community in the NT, I asked the Business Manager who in this case was Indigenous, why programs are failing and how we should be going about things. He said, “how much time do you have”? He said people fly in for half a day with fancy ideas developed down south, they don’t understand the importance of developing trust; they don’t understand a program is inappropriate; there is no co-ordination; and most programs in fact never materialise. Often there is no co-operation from the community when they do. He said ‘talk to people, go slowly, develop relationships, explain things, monitor development”. Another Indigenous person said, “think about it, it’s only been 74 years” – that’s it, for some - that’s the span of time since first contact with the white community.

This advice was echoed by the all- indigenous team at The Fred Hollows Foundation in the NT. (I should declare that I’m on the Hollows Board and if it’s possible to think even more highly of the
organisation, after spending time with the team in the NT, I do).

A participant in Mt Isa offered the following reflection: “How do we empower Aboriginal men to be good fathers, good husbands, when they’ve never had a father figure and therefore no model to learn from? A whole way of life that’s been missing from people’s lives”.

There was widespread recognition by many elders in the communities of the enabling force of education and concern indigenous children were missing out.

One elder in Charleville said: ‘it’s a very bad history but some of us can get out of it ... education is the key’. Others in Mt Isa said: ‘White folk are educated, they have other options’, ‘Does everything hang on literacy? It really does.’

Others appealed for their language to be preserved: Yalmay Yunupingu made an impassioned plea at a Darwin consultation to teach indigenous children the language spoken at home.

We’ve read very positive reports in the Australian newspaper this week of a program run by Noel Pearson’s Institute in Cape York where we are told school attendance has increased because it has been linked to income management. The difference though is that decisions are made on an individual basis and by a Commission made up of people of Indigenous background.

In the NT, some said the income management measures of the Intervention had improved the capacity of mothers to spend money on food for their families; others complained of the indignity of having their money managed when they had had no problem managing it themselves.

And in the Central Desert Community of Santa Teresa visited by our Chairman, an indigenous woman spoke of her humiliation at the sign at the entrance to the community referring to the prohibition of pornography, asking Frank, “How would you like it if the government put that up on your front door?”

There was concern that all the recommendations of the Royal Commission into Aboriginal Deaths in Custody and other enquiries into Indigenous dispossession and disadvantage have not been implemented.
And many expressed the view that our Indigenous people need to be acknowledged as the traditional owners of this land in our Constitution.

Homeless people are arguably the most invisible, dehumanised & stigmatised people in our community.

Homelessness is often linked with mental illness, addiction, unemployment, family breakdown & other major factors. Not having a fixed address can preclude a person from access to welfare support, or employment, and this in turn prevents the person from being able to access permanent accommodation.

At community roundtables people expressed disbelief that a country as prosperous as ours is not able to help its proportionally tiny homeless population. Shelters and agencies that work with the homeless complain of under resourcing & a lack of media interest, despite an increase in homelessness in the current economic crisis.

Homeless people of course are far more vulnerable to being attacked and are often the victims of violence. Jesuit Social Services highlighted the practice of *hot bedding*, where rooms in house – style accommodation are sublet by operators to several people who share the same bed but sleep in it at different times – a dangerous environment, particularly for the young.

We heard many stories from people living with disabilities and their advocates about the challenges of negotiating everyday needs, not least the financial struggle. There were pleas to reduce the ignorance around the cost of living with a disability, and the cost of living for many of our aged.

Many spoke of the importance of doing more to provide those with disabilities with the opportunity to participate more fully in life, saying that failure to protect the rights of Australians with a disability not only reduces their quality of life, it’s inconsistent with our perception of our society as one that is civilised & socially responsible.

There were anguished pleas to the Committee from people living with mental illness and from their families, referring to the closure of institutions that were considered to be inhumane, only to be left with nothing in their wake - inadequate support, resources and infrastructure in the community.
Others spoke of a lack of respect for their rights including interference with their bodily integrity, of not only being stripped of dignity but having to live with the long term effects of forced medication. Some pointed to a way forward: they wish to be consulted about their care and treatment when they are well, and when they are not, that respect for their dignity should be the driving force behind their care.

Writing to the Committee about young people who have a mental illness in conjunction with drug or alcohol problems, Jesuit Social Services say many of their “clients are excluded from services because their needs are too complex or their behaviours are too challenging... Sometimes they will end up in prison because there is nowhere else to go”.

For many, basic survival rights were of utmost importance: food, clean water, housing, health care, education. Social & Economic rights were very high on the list of concern for Australians. Services that relate to these rights are generally provided by the states, with the federal government to date having little input other than through the granting of funds.

In country towns & rural & remote areas around the nation, many described their poor access to services and the great variation that exists over state & territory borders. Eg (Wodonga)

“I suffered as a child from polio and living in Victoria I get a fine service looking after me. People I know that live across the border get nothing. I think it’s time this balance, not just in these two states but in the whole Commonwealth is sorted out, so we get a fair crack of the whip.”

Many complained of the overall lack of health care services in many towns, and the effect of having no crisis shelters in towns like Whyalla & Mt Gambier. Residents of Mt Isa – a mining town that has contributed significantly to the nation’s wealth don’t fail to see the irony, one saying we’re “resource rich, service poor”. This was echoed in Broken Hill “They don’t call it the Great Dividing Range for nothing: the GDR is dividing us from services”.

One of the greatest disadvantages of living in the country was felt by people with mental illness. Mt Gambier epitomised the serious country / city divide and state by state disparity. A local lawyer whose daughter has been ‘sectioned’ many times made an impassioned plea to rethink the way resources are allocated, saying a person with mental illness who is picked up by police in Mt
Gambier is taken to a hospital in Adelaide and when discharged is left at the bus stop with no money and without notification to their family.

He voiced his dismay at the great difference in services for a town a few hundred kilometres away over the border, saying ‘Warrnambool has excellent services. Mt Gambier has nothing.’

And many participants said there was no commonsense approach to bureaucratic border issues such as filling prescriptions - a situation that poses a particular problem in emergencies.

Many wanted protections that ensured equality of service delivery across borders; others urged for a strong enforcement mechanism to guarantee this; & others for an abolition of the States, arguing they created great & unacceptable disparities within the one nation. And many were baffled as to what the reasoning would be behind some of the disparities in legislation between states & territories.

The inadequacy of services for the aged & our treatment of the aged in homes were also raised.

The plea was to those of us who aren’t yet in their place, not to forget their needs because they have lost their own voice.

The treatment of older Australians in nursing homes & aged care facilities is entirely dependent on facility staff and their carers, and there were calls for better monitoring of facilities by independent assessors. Senior Rights Victoria echoed a common fear that “older people have limited ability to protect themselves and assert their rights in an environment where efficiency is often the main priority of caregivers.’

There were also a number of controversial issues that were raised repeatedly in the consultation: calls for gay marriage; for the right to die with dignity; dismay at the disregard of the rights of the unborn child; and calls for the right to freedom of religion & conscience to be upheld, by religious groups who feel their rights have been curtailed.

Discussion sometimes turned to considering whether a HR Act would be a help or a hindrance for these controversial issues, and whether these matters should be determined by a judge interpreting laws, or by parliament making or changing laws.
Whilst some object to any marriage other than between a man & a woman on moral or religious grounds, gay people have argued that their marriage would not trespass on the rights of others. Submissions were received from gay people in long term committed relationships who argue that in a secular society, a civil marriage should be the right of all human beings, and that gay people were being discriminated against because they are being denied this right.

At the public hearings, Rodney Croome from Australian Marriage Equality referred to the decision to marry as the most important choice most of us are called on to make and the right to marry is a symbol that we are considered fully adult and fully human.

There were many mature age voices calling for reforms to laws that would allow them to be assisted to die if they were suffering intolerably with a terminal illness, pointing out that an assurance they will be able to die with dignity would prevent people ending their lives prematurely.

A medical practitioner affiliated with the Voluntary Euthanasia Society highlighted a phenomenon that gets little media attention:

“Because Australia lacks such humane and compassionate legislation based on this recognition of a human right, we have the current shameful situation of 3 suicides a week from Australians 75 years or older, by hanging, fire arms, carbon monoxide, drowning, suffocation, jumping from high places, electrocution and so on.”

At almost every community consultation the Committee was urged to consider the plight of those who face a traumatic end. The desire to die peacefully with dignity is increasingly being articulated as a right – a demand to maintain our self determination at the end of life.

This presents particular challenges to law makers and judges alike – how to ensure that any such law would not be misused? Some would argue that is not a reason not to have such a law.

In any discussion around a charter there are few issues more vexed than abortion. We all know the arguments on both sides.
Given the strong moral divide in the community on what is considered a fundamental issue, how should it be addressed? What should be the guiding principles in our thinking? And who should determine the limits of the law?

And then there were the concerns of people with church affiliations who are extremely worried by 3 specific issues they saw as arising from the Victorian Charter:

Firstly, the infringement of the right to freedom of religious speech, following the outcome of proceedings launched in fact under the Victorian Racial and Religious Tolerance Act 2001 (Vic) by the Islamic Council of Victoria against Catch the Fire Ministries, for their alleged religious vilification of Muslims. Should & would a charter in this case provide additional protection for freedom of religious expression?

Secondly, concerns about the parliamentary review of exemptions to the Victorian Equal Opportunity Act (1995), which included exemptions for religious schools. It could be argued this legislation needed to be re-evaluated as does any other, regardless of any charter. But the entitlement of religious organisations to positively discriminate in their employment of people of their faith is an issue of concern for many members of faith communities. The argument was put at the public hearings by Bishop Robert Forsyth, who said that the exercise of the right to freedom of religion, conscience and belief by faith communities conducting educational and social works, will inevitably involve being discriminating as to who is employed in such institutions and ministries, so as to maintain their character, ethos and integrity.

Thirdly, the Committee heard concern that the Victorian Charter’s usual scrutiny mechanisms, including a compatibility statement, were not applied to the Victorian Abortion Law Reform Act 2008 (Vic). The concern lies with the referral clause, which requires any medical practitioner with a conscientious objection to abortion to refer the patient to another medical practitioner who doesn’t have the same objection. Those who support the law argue that abortion was exempted from the Victorian Charter and a physician’s first obligation should be to his or her patient. Those who object to this law are often portrayed as religious zealots, but in their view, such a law needlessly violates the conscience of some medical practitioners.
These are contentious social, moral and ethical issues.

But one question that arises, is can a HR Act help parliaments and courts with the resolution of conflicting rights without — as Frank reminds us - claims it is being applied selectively or ideologically? This point warrants further discussion but now is not the time.

There were calls for greater protection of the environment in order to hand down a sustainable environment to future generations – people often making the point that without clean air, clean water, food, there is no point in having any other rights, as survival itself is at stake. (Whyalla) “Access to clean drinking water is a human right and a lot of the time we don’t get it here.. the Murray is a really big issue for South Australia and it’s going to get bigger”.

There was broad concern about access to justice – the factors were ignorance, cost & complexity. These factors, particularly affordability, have a major impact on the possibility of obtaining real equality before the law. Many community lawyers say their client groups are often people with disabilities, mental illness or a combination of vulnerability factors, or people on very low incomes.

Some consultation participants admitted they didn’t know what their rights were or where to go to find them. There were overwhelming calls for better civic education in order to empower citizens. Mt Isa wasn’t the only place someone owned up to not having a clue as to what’s in the Constitution. “Education- said someone in Sydney - is critical if we are to affect a cultural shift – for people to gain a real sense of sovereignty”.

There was widespread confusion about the meaning of terminology – at consultations, many wanted to know the difference between a charter, a bill, a statute, an act, legislation, and a constitutionally entrenched bill; Many were aware of the international covenants and the obligation they created. Others realised they were at a disadvantage because they lacked knowledge and were seeking information.

There were also calls at nearly every community consultation for greater acknowledgement of responsibilities – some putting their concern that we already downplay individual responsibility and risk under a charter of rights becoming an even more selfish society. In Ballarat we were told we need to cultivate a culture centred around “We, not I” – words echoed in other centres.
There was much support for increased parliamentary scrutiny of proposed legislation for its impact on human rights, many in the community concerned about legislation they consider excessive, passed in haste and driven by populism.

Support also for greater accountability and transparency of the mechanisms of government and public authorities. Concern that bureaucratic policies, procedures and behaviour do not necessarily comply with the law & there is inadequate monitoring of this with serious consequences - as was brought into stark relief in the case of Cornelia Rao. There was an appreciation that rights are not necessarily breached ntentionally or by malice, that miscarriages of justice are often due to bad process or a refusal to take individual circumstance into account. One instance where this was possibly the case, was the subject of recent media reports: a 15 year old who was evicted from public housing following the death of her father, photographed by one of the broadsheets sitting on her belongings on the street. Authorities quickly reconsidered. But how many of these cases receive no media attention?

Many expressed concern at the failure of majoritarian rule to adequately protect the rights of minority groups or vulnerable individuals, citing cases such as Mohammed Haneef, Al Kateb, and David Hicks, and groups such as the homeless and those living with mental illness.

Many supported a Human Rights Act, believing it was central to a suite of other measures we should adopt to enhance the protection of rights. (Brisbane) “A right that can’t be enforced isn’t a right – it’s just a good idea”.

Others went further, calling for constitutionally entrenched rights, often to enthusiastic applause from the assembled. In Melbourne, Newcastle, Dubbo, and Cairns, participants echoed the calls in Coober Pedi, ...“If we don’t have constitutional protection of rights, the government giveth and the government taketh away”.

And there were many calls for increased powers for the HRC.

Others strongly opposed a charter, on the basis it would give more power to unelected judges; countries with Bills of Rights commit some of the worst atrocities; a bill of rights won’t protect the right to life for the unborn child; has failed to protect rights in Victoria; will lead to a lawyers picnic;
will get criminals off the hook (villain’s charter); will interfere with parliament’s right to make laws that restrict liberties to protect the public good. They believe our first class Democracy with its bicameral parliamentary system, the separation of powers, a free media and the people’s opportunity to remove a government at the ballot box delivers the best rights protection. (Melbourne) “It is possible to be pro human rights and anti charter”.

Few who participated though, believed there was no need for any action whatsoever. The couple of comments that were memorable for me were the person in Brisbane who referred to the assembled as the “human rights industry” and we all understand the spirit in which he meant the remark, and the businessman in Bendigo who stated: ‘I’m a businessman. In my line of work I’ve talked to thousands of people over the years. In all the years I’ve been dealing with the community no one has ever told me they have had their human rights breached.’

A substantial number of submissions addressed the various philosophical, ethical, historical and constitutional issues surrounding any Human Rights Act.

For example

- Which rights should be listed? (For some rights were indivisible, others urged only civil & political rights).
- Should responsibilities be included?
- Who should be protected?
- Who should comply?
- What limitations should apply?
- Are there rights which should be absolute and non derogable?
  One matter that particularly interested me is in relation to the right to a Fair Trial - The ICCPR does not list the right to a fair trial as absolute. Is this acceptable?
- What about override provisions?
- What type of interpretation clause?
- Should there be a free standing cause of action?
- Remedies?

And others said “don’t you dare”.

To conclude:
All concerns related to the central premise that we human beings place great importance on treating each other with dignity and recognise the great challenges posed by the need to consider those instances when in exercising our own rights, we infringe on the rights of others, or when individual rights need to be limited for the public good.

I think we certainly need more knowledge about how our democracy works and we need to understand better where our protections are to be found. Consider how many people – outside the legal profession – would understand what the common law is, where it comes from, how it’s developed, what it protects. Many would be surprised to know it is developed by judges, not by parliament.

The language of human rights is considered useful by some and alienating by others. I don’t know that the term “minorities” is at all helpful. It instantly conjures up people who are different, and who have special interests. Well, I don’t think they do. They want the same as all of us – dignity & respect, a decent standard of living, health care, education, a home, safety, a family (and there are many permutations of the notion of family today), privacy, the right to enjoy within the limits of the law our cultural heritage, to flourish and to contribute to society in whatever way we can etc In other words, to lead a fulfilling life, to be fully human. Calling groups minorities marginalises them, denies the complexity of human existence & denies the universality of aspirations. Their interests are pitted against ours.

Minor, yes. Life would be much diminished without the minor key in music, and who would not prefer a minor heart attack?

But minority? There isn’t much to recommend it.

This is without a doubt a great country. I was surprised that in our wonderful democracy, so many came forward to say we could and need to do better. They spoke of their own experiences or about their concerns for others – the most vulnerable in society. The testimonials sought to harness our collective imagination as a civilised nation, to imagine ourselves in their shoes, and to respond with the compassion and reason that are the ultimate measure of our humanity.

So, what is the way forward?
Read the report.....