



19 July 2023

Mr. Josh Burns MP (Chair) & Mr. Russell Broadbent MP (Deputy Chair)
Parliamentary Joint Committee on Human Rights
PO Box 6100
Parliament House
Canberra ACT 2600
c/o human.rights@aph.gov.au

Dear Chair and Deputy Chair,

RE: Inquiry into Australia's Human Rights Framework

The St Vincent de Paul Society National Council of Australia (the Society) welcomes the opportunity to make this submission to the Parliamentary Joint Committee.

The Society is a lay Catholic charitable organisation comprising over 45,000 members and volunteers and over 6,000 employees. The Society has operated in Australia since 1854 providing on the ground assistance in the form of emergency relief and accommodation, community housing and other support services to individuals and families irrespective of their background.

In any given year, the Society distributes around \$50 million to help people meet their basic needs such as food, utilities, accommodation, transport, medical and educational costs. This is in addition to the assistance provided through our vans, shops or emergency, transitional and community housing services. The Society operates in accordance with the principles of Frederic Ozanam (the founder) and Catholic justice doctrines.

The Society's purpose is to help the vulnerable by alleviating poverty in accordance with these principles. While a lay Catholic organisation, the Society helps anyone who requests our assistance and is in genuine need. The only limitation to the support provided are limits on available funding and/or available support services or items.

Australian Human Rights Framework

The purpose of the Australian Human Rights Framework (2010) and the National Human Rights Action Plan (2012) was to better integrate human rights principles into a more cohesive legislative framework. In 2023, it would be fair to conclude that the key objectives of this framework were not realised. The reasons for this failure are multifaceted. As other submissions will no doubt note, the Framework did not appear to be a major policy priority over the last decade and was only modestly funded. The various commitments made under the Framework also lacked any independent means of enforcement, or oversight.

The Society notes that since the lapsing of the 2010 Framework, the question of codifying various human rights at the national level continues to be discussed. One of the most practical options is to develop a comprehensive Human Rights Act.

Finding the Balance

The Society's operations are underpinned by principles outlined in The Rule and, in turn, these principles are informed by Catholic Social Teaching. These principles are not always shared by those we assist, or by the wider Australian community. If the Society were unable to operate according to these principles, the unique religious and cultural values underpinning its Catholic ethos would be erased. The Society therefore acknowledges that any new human rights related legislation needs to find the correct balance between individual and organisational rights.

This conclusion formed much of the basis for our 1 December 2021 submission to the Parliamentary Joint Committee on Human Rights about the proposed *Religious Discrimination Bill (2021)*. The Society held concerns that the wording of this Bill would prove problematic and to the detriment of

individuals and religious entities. We did not believe this was the best way to proceed. The scope for unintended legal and social consequences appeared too wide.

In 2021, the Society therefore called for a consultation process that would enable a comprehensive Human Rights Act to be developed. While the precise nature of the operational machinery needs further scrutiny and debate, in 2023, the Society continues to believe that a comprehensive Human Rights Act is a desirable long-term goal.

Human Rights Act

The Brennan Report (2009) showed there was public support for a charter of rights. Since this time, there have been growing concerns about whether existing human rights protections are adequate. There is a conspicuous absence of citizens' rights in our Constitution. Indeed, Australia is the only liberal democratic nation state without constitutional guarantees of rights and freedoms.

Our existing legal rights and freedoms are provided to us by common law, judicial interpretation of the national constitution, parliamentary legislation, parliamentary committees, treaties, and/or other legal precedents. However, in terms of the executive government, experts have highlighted that under existing parliamentary arrangements there is a lack of independent oversight, compliance, and accountability. In the recent past, executive government at both State and Federal levels, have exercised extraordinary legal powers over citizens.

There have been strong recent debates about rights and freedoms in Australia inspired by the COVID-19 lockdown era, and proposed changes to the status quo, such as the proposed *Religious Discrimination Bill* (2021) and (2022). As noted earlier in this submission, there were strong disagreements among stakeholders over the wording of the proposed Bill, and about its potential legal interpretations.

The Society therefore believes that the existing patchwork of Federal and State laws can be better codified through a consultative process leading to a Commonwealth Human Rights Act. However, any Human Rights Act must be a comprehensive legislative instrument. For example, social, economic, and cultural rights such as the right to health care, education and adequate social services etc. must be included. At present these rights are not specifically guaranteed in Australia. Therefore, among other related concerns, the right to housing, employment, and fairer access to economic and educational opportunities, will all need to be addressed.

Conclusions

The development of any Human Rights Act will require practical good faith discussions. For example, there is a degree of legal discrimination embedded in all membership or religious based organisations. Until recently, there was consensus about the right of organisations operating in good faith to uphold their core ideological principles. This is increasingly being challenged, particularly in relation to religious entities. However, all organisations (*secular, schools, political, sporting, and charities etc.*) and employers (*private and government*) have contractual or membership expectations that an individual could find objectionable. Yet, it has long been accepted that organisations have the right to operate in accordance with their core principles.

The right to freedom of expression, freedom of conscience, or freedom of religion under international law, are not relativist propositions. It applies across the board, and to everyone. Organisations are either able to freely operate guided by genuine core principles, or they are not. The Society believes that all Australians deserve to be treated with respect and dignity. It is therefore time for a comprehensive Commonwealth Human Rights Act to be developed by a federal government.

We thank you for considering this submission to the Committee. Please do not hesitate to contact me if you wish to discuss any aspect of our submission.

Yours sincerely

Mr Toby oConnor
Chief Executive Officer