

Committee Secretary
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia
legcon.sen@aph.gov.au

Submission re: Human Rights (Parliamentary Scrutiny) Bill 2010

<http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;query=Id%3A%22legislation%2Fbillhome%2Fr4420%22>

http://www.aph.gov.au/Senate/committee/legcon_ctte/human_rights_bills_43/index.htm

Dear senators

This is going to be too easy. There are 5 problems with this bill:

1. Under the ICCPR you are all already required to give precedence to human rights in formulating legislation and in the business of government and parliamentary practices;
2. In the section (3) “Definitions” subsection (2) it states that human rights mentioned are “as they apply to Australia”. Neither the Labor party in government nor the previous Coalition government have or had any respect for the 1st Optional Protocol to The ICCPR or the decisions of the UN Human Rights Committee;
3. In Part 3 “Statements of compatibility” section (8) subsections (4) and (5) , and section (9) subsections (3) and (4) , you have simply made clear in writing, to the entire world what we all know , that you all don’t care whether laws and regulations or government action is incompatible with human rights and no court can say anything about it;
4. It doesn’t apply to government action and practices;
5. The bill wrongly implies that Australian Labor and Coalition politicians can be trusted with human rights.

In informing the senate of how I have come to my conclusions about this bill, I incorporate by reference, my personal experiences in relation to attempting to having my own right to freedom of expression under Article 19 of the ICCPR upheld in Townsville. This can be found on my website in 2 articles specifically, Article “Oi Kev”

(<http://www.cynicismcentral.org/node/19> Mon, 09/06/2008 - 14:20 — Pat Coleman) and

Article Rudd refusal to uphold United Nations Human Rights Committee Decision

(<http://www.cynicismcentral.org/node/38> Thu, 28/08/2008 - 18:56 — Pat Coleman). I also incorporate by reference other cases and articles on my website as they relate to freedom of expression and matters concerning human rights protection and battles with the Queensland cops over freedom of expression.

All the relevant documents relating to my case are linked in those articles in PDF.

I read out the Universal Declaration of Human Rights without a permit, got charged, convicted, gaoled and bankrupted . I have lost thousands of dollars. I spent nearly a decade using all the peaceful processes I was supposed to use, after losing in the High Court I used the 1st optional Protocol to The ICCPR and won in the UNHRC (Coleman v Australia communication 1157/2003). The UNHRC said that all fines be repaid, costs returned and that I be compensated.

The Howard Government refused to uphold the decision in my favour. When Labor won government I wrote to AG McLelland who wouldn't uphold it and who told me to feel free to do a submission to the "human rights consultation". I wrote to Rudd and he had one of his minions write back to me saying no go either. Thus, I know personally that there is bi-partisan support for the idea ,that in fact and in practice the ICCPR is not allowed to apply to Australia.

I can and could see that like Howard wasting 180 mil \$ on a republic referendum process he knew would fall down because the ARM sabotaged it by thwarting any democratic and human rights gains in the process, that there was already a bi-partisan NO to a bill or charter of rights before the multi million dollar human rights consultation .

I did a submission to this consultation and said that I was boycotting the Townsville roundtable because the outcome was already decided. This was published in the Townsville Bulletin.

If human rights were actually enforceable and they applied to government actions and practices then government actions (complicity in human rights violations) in relation to Iraq and the Afghanistan war would be able to be declared incompatible, but again there are no sanctions available and the parliamentary privileges act and the bill being not binding on courts thwarts this.

It is thoroughly criminal that you polities keep wasting millions trying to spin your way out of things. Any other citizens who use public money they way you do would be gaoled quick smart. You will get people to waffle about human rights in this declaration of incompatibility process and ignore it anyway.

If I had my way, I would have all you labor and coalition politicians frogmarched to, and handed over to the Queensland cops for re-education on human rights matters.

In short, its my belief that this bill and whole process is a crock, and you (labor and coalition politicians) are up there with the best bullshit artists on the planet. And if the rest of the world doesn't know it they will soon figure it out.

A citizen can spend a decade of their life trying in vain hope the international processes signed up to by Australia will be honoured. I am right out of faith and I can tell you all that when asked about whether the greens should preference labor in elections especially in the last federal election in Herbert , that my personal experiences informed my decision (in part) to say no .

Yours

Pat Coleman