



AUSTRALIAN
LAWYERS
FOR
HUMAN RIGHTS

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Alert and Alarmed; Lawyers Back President Triggs on Federal Bill of Rights: Judges and Lawyers Must Lead

Australian Lawyers for Human Rights (ALHR) applauds AHRC President Gillian Triggs' recent call to reignite the dialogue about a federal Bill of Rights for Australia. Australia remains alone among western liberal democracies and common law legal systems as bereft of a national bill of rights. ALHR President Benedict Coyne said, "The Parliament of Australia is failing in its duty to protect the human rights of the Australian people. ALHR strongly backs President Triggs' statement that we should all be alarmed at the failure of our legal system and lawyers to protect fundamental rights. These rights have evolved over millennia as the very foundations of democracy.

"The Australian people need to step up and address the ongoing and escalating erosion of fundamental human rights protections. We must recognise and should be angered by the fact that in recent years increasingly autocratic, disproportionate government measures and excessive executive powers have become the "norm". This is not democracy" said Mr Coyne, "When you step back and look at the big picture these are truly frightening times for our civil liberties."

"Continuing incremental incursions on our civil liberties since 9/11 have meant that Australia has had more counter-terrorism and national security legislation passed than America and the United Kingdom combined. Whilst ALHR recognises that governments must act to protect national security, Australians must also ask whether the parliament's responses have been proportionate to the threat. Many more people have been, and continue to be, killed in family violence than in terror attacks.

"The government seems to have tossed aside any regard for fundamental rights and freedoms in too many policy areas. As the only western democracy without a bill of rights we have no legal protection. We cannot rely solely on the separation of powers. The High Court has been extremely weak on protecting fundamental rights and freedoms in recent times. This is particularly clear through its case law establishing that indefinite detention of asylum seekers is permissible under Australian law, despite those people having committed no crime under international or Australian law."

"ALHR agrees with President Triggs' recently expressed concerns that Australian lawyers seem to have lost their focus as protectors of the most vulnerable. Furthermore, the legal profession is failing in its remit to educate the population about the law and individual's human rights. An international poll conducted last year for the Magna Carta's 800th anniversary found that more than a third of Australian's were not aware we had a Constitution. In a 1994 poll, 62% of Australian's thought we have a bill of rights. These misconceptions are alarming.

"ALHR calls on the four pillars of our democracy – the parliament, the executive, the judiciary and the Australian people to end this embarrassing era of Australian exceptionalism.

"Essentially, this is an exercise of giving power back to the Australian people and ensuring that their rights are protected from unreasonable, unfair and unwarranted incursions by the Executive. This is about good governance. The people of Australia deserve nothing less. After all, it is something which

is enjoyed by the citizens of every other comparable democracy. And importantly, comparable countries with human rights protections have not descended into chaos as a result of entrenching protection for basic human rights in law.”

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Australian Lawyers for Human Rights (ALHR) is a national association of legal professionals established in 1993 that is active in practising and promoting awareness of international human rights standards in Australia. ALHR has a national membership of Australian lawyers, barristers, judicial officers, legal academics and law students, with active National, State and Territory committees. ALHR seeks to utilise its extensive experience and expertise in the principles and practice of international law and human rights law in Australia in order to: (i) Promote and support lawyers practice of human rights law in Australia; (ii) Promote Federal and State laws across Australia that comply with the principles of international human rights law; (iii) Assist victims of human rights violations in Australia. Through the provision of training, education, publications, CLE courses, conferences, seminars, mentoring and internships, ALHR assists members to continue to develop their knowledge of human rights law and incorporate human rights principles into their areas of legal practice in Australia.