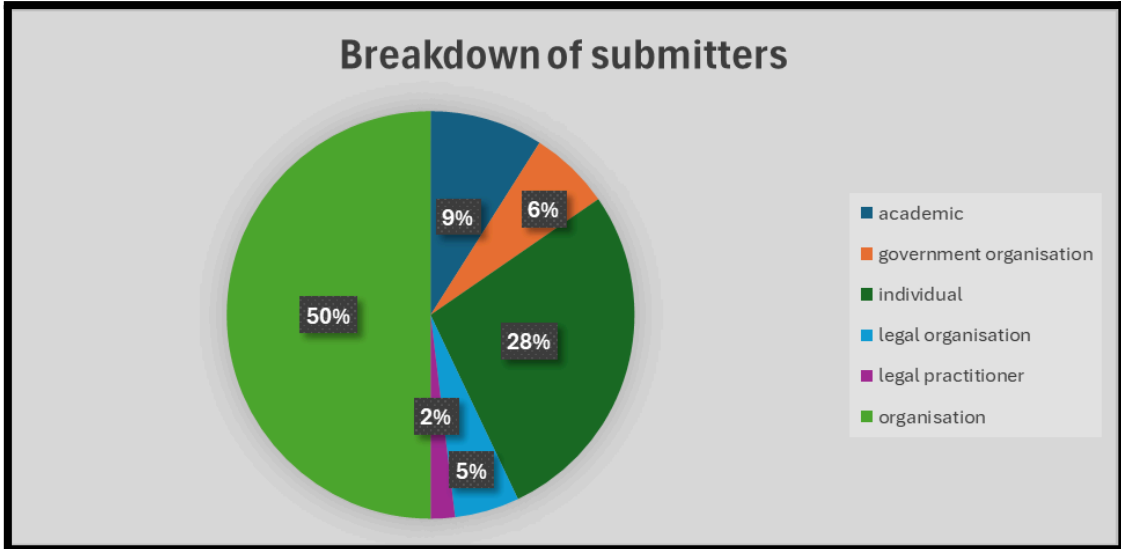




Analytics from Submissions to the SDC

147 written submissions, 12 oral hearings



An overwhelming number of submission makers (88%) expressed support for the enactment of a Human Rights Act in South Australia. This is consistent with (indeed slightly higher than) the levels of support reported in the 2009 Brennan report at 87.4% and the 2023 AHRC Free and Equal report at 83%.

- 45% mentioned the International Covenant on Civil and Political Rights (ICCPR)
- 37% mentioned the International Covenant on Economic, Social and Cultural Rights (ICESCR),
- 17% mentioned the Convention on the Rights of the Child (UNCRC)
- 14% mentioned the Convention on the Rights of Persons with Disabilities (CRPD)
- 10% mentioned the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).

Category of Right	Percentage of overall submissions
Rights of Aboriginal peoples	38%
Equality before the law	36%
Right to safe and adequate housing	30%
Right to free expression of religion	23%
Right to a healthy environment	15.75%
Freedom of speech, expression, association	15%
Right to privacy	8%

Quotes from the Submissions to the SDC

SNAICC (National Voice for Aboriginal and Torres Strait Islander children) submitted that:

“... the existence of a South Australian Human Rights Act will create a culture of valuing and prioritising human rights in public policy. These requirements and cultural changes will help prevent breaches of Aboriginal and Torres Strait Islander children’s rights.”

Saint Vincent De Paul:

“Access to adequate housing can be a precondition for the enjoyment of several human rights, including the rights to work, health, social security, vote, privacy, or education.”

“A fundamental purpose of South Australia’s human rights legislation should be to integrate a culture of rights awareness and observance across the broader community, and among key government service providers and decision makers.”

Natalie Wade:

“People with disabilities face disproportionate levels of violence, abuse, neglect and exploitation, have significant barriers to access justice and continue to be forced into segregated settings at school, work and in housing. This a nationwide issue and South Australia is no exception. This is an unacceptable approach and must be changed. A Human Rights Act would see a proactive approach to creating better outcomes for people with disabilities.”

LELAN said that a Human Rights Act would:

“[r]ecognise and protect the rights of individuals, including people with lived experience of mental distress and psychosocial disability, to legal representation in relation to any limit to human rights that can be applied by law, government or other agencies including decision-making capacity hearings, guardianship and involuntary treatment orders.”

Submission 56 highlights the submitter’s experience navigating the aged care system, and how a human rights act could contribute towards positive change in this sector.

“My Dad recently passed away last August after suffering from complications related to advanced Parkinson’s and Alzheimer’s diseases in an aged care facility. ... We had to witness the decline in the quality and quantity of food provided, the little extras like afternoon tea disappear, the numbers of carers and nursing staff to patient ratio decline to dangerous levels. ... The Aged Care Charter had no legal teeth. It was pure rhetoric for us to defend Dad’s rights, and the rights of the other residents. It offered no recourse for a cause of action, resolution or remedy. However, as part of a Human Rights Act (SA), there would be the capacity for those who have had their rights removed, ignored, silenced, or violated, to stand up and have their voice heard in court where the benefit would be widespread and restore dignity, at the very least, to those who were once voiceless and invisible.”

The Uniting Church also stated that ‘several of our congregations run Emergency Relief Centres and provide food and support weekly. Demand has increased throughout 2023 and supply of food is getting harder to source. The UC submission says that a Human Rights Act would help to:

“build a fairer society, [where] all South Australians should have their human rights clearly and unambiguously enunciated, promoted, and enshrined in law.”

The Aboriginal Legal Rights Movement identified a lack of Aboriginal interpreters (particularly in the context of legal matters and health settings) as a priority human rights concern, that negatively impacted a range of internationally protected rights including freedom from arbitrary deprivation of liberty, minimum guarantees in criminal proceedings’ and cultural rights.

The Conservation Council of South Australia submitted that a Human Rights Act should include a right to a clean and healthy environment and Doctors for the Environment noted that:

“[r]educing environmental injustice is particularly important for people who are already experiencing disadvantage, marginalisation or disempowerment, as they are more susceptible to the risks of climate change”.

The Public Law and Policy Institute at the University of Adelaide said a Human Rights Act would:

“generate a more robust rights culture within the parliament by requiring legislators to assess all bills at the time of drafting and enactment for their rights implications. In other words, it asks politicians to wear ‘rights tinted glasses’ when undertaking their legislative duties. Within such an arrangement, rights are injected into the very heart of the operations of parliament.”

The Aboriginal Health Council discussed the benefits of a Human Rights Act as prompting governments to consult communities early in the lawmaking process:

“The challenges currently faced highlight the inadequacy of current systems, exposing the ongoing discourse and need for change and reform. Shifting the policy focus from crisis response to a proactive human rights approach is important for all South Australians especially the most marginalised in our community.”

Submission 52 highlighted that:

“[r]ights-enhancing laws and policies that have been subject to meaningful community and expert consultation save resources because they are more likely to achieve their stated policy aims, and less likely to have unintended consequences or disproportionate impacts on certain groups within our community. When laws and policies are made in the absence of these key features, or when causes of injustice or inequality go unattended in our community, the economic costs can be significant.”