

Features

'Make bill of rights debate open to all'

Nicola Berkovic

604 words

25 April 2008

[The Australian](#)

1 - All-round Country

31

English

Copyright 2008 News Ltd. All Rights Reserved

There is a fear that only special interest groups will apply to be heard in an inquiry

A FIGHT is brewing over the way the federal Government will conduct its promised public consultation into an Australian charter or bill of rights.

So far, federal Attorney-General Robert McClelland has refused to provide any details about the inquiry apart from confirming that he has ruled out a US-style bill of rights.

But a push has begun to emerge for the consultation process to include alternatives to a charter.

NSW Attorney-General John Hatzistergos outlined his concerns last month to the Sydney Institute.

``The consultation process must look at alternative models to the charter, including ones that recognise the principle of parliamentary sovereignty and seek to better inform it of potential human rights violations," he said.

University of Queensland's professor Jim Allan is worried that once the Government commits to a public inquiry, it is guaranteed to lead to an answer in favour of a rights charter.

He said the only people likely to make any submissions were legal academics, lawyers, former judges and special interest groups, all of whom had a vested interest in seeing a charter of rights enacted.

``My view is, once they go down this route we'll just end up with a charter of rights. The only way to get a sense of what people think, is to ask everyone, which they'll never do," he said.

He said ``regular plumbers, secretaries and teachers" would never be part of the debate, because they were unlikely to make a submission.

But he said the Government could make the process ``look better" by not putting someone clearly in favour of a bill of rights in the driving seat.

``What I'd like to see is Bob Carr on a panel with no one else -- and Janet Albrechtson. And you know what? You'll watch the pro-bill of rights people go berserk," he said.

A spokesman for Mr McClelland said yesterday: ``We want a wide-ranging, national, public inquiry and we're not presupposing any outcomes."

Gabrielle McKinnon, director of the ACT Human Rights Act research project at the Australian National University, yesterday defended the ACT inquiry that culminated in a Human Rights Act.

``I think in some ways that criticism might be a bit unfair when you look at the submissions that were received," Ms McKinnon said.

She said the committee consulted widely with the community, the majority of whom came out in favour of better protection for human rights.

But she recommended the federal Government include a broad spectrum of people on its consultation committee -- for example religious leaders, sportsmen and representatives from the Liberal side of politics.

``Having Andrew Gaze on the Victorian committee was very useful in making it more interesting and accessible to young people," she said.

Ms McKinnon said it was also important to involve bureaucrats in the process from the outset, to address anxieties about how any changes would impact on the public service.

George Williams, who chaired the Victorian inquiry, also rejected the notion that consultation on a charter of rights was guaranteed a specific outcome.

``None of those inquiries could have possibly come out with the result they did without the community support," Professor Williams said.

He said in Victoria, a wide range of submissions was received, 85 per cent of which were in favour of a charter of rights.

Professor Williams said the submissions were made publicly available, to make the process open and transparent.