

## **Businesses balk at new human rights law**

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The private sector has spurned changes to the ACT's human rights laws which would hold it more accountable for rights breaches. The amendment gives individuals the opportunity to take government agencies, or private groups who volunteered, to task in the Supreme Court over human rights abuses. No private groups have agreed to be bound by the amendment, which came into effect on January 1. Last week, the ACT Human Rights Commission's Rebecca Minty said at a public forum that organisations might sign on out of a sense of "corporate social responsibility". ANU human rights expert Professor Hilary Charlesworth said signing on would be a "good and valuable thing to do", but was not surprised at the lack of enthusiasm. "I think you'd have to be a fairly far-sighted and public-spirited group to willingly assume those obligations," Professor Charlesworth said. "If you just saw your benefits in terms of a bottom economic line, then you may not want to.

"But I think if you took a longer- term view this could attract good employees because you were committed to these human rights practices." Professor Charlesworth said the ACT Government should consider forcing groups to opt in if they wanted to secure government contracts. ACT Chamber of Commerce and Industry chief executive Chris Peters said opting in would be "all downside" for business. "There are significant administrative costs in businesses opting in with no perceived benefit," he said. The opt-in clause is a unique provision of the ACT Human Rights Act.

The law is similar to counterparts in Victoria and Britain, but neither includes an opt-in clause. Individuals can bring a direct action against a public authority, or a private group who agree to be bound, if they feel their human rights have been breached. An organisation can opt in by writing to Attorney-General Simon Corbell's office. A spokesman for MrCorbell said he had received no such letters since the law came into effect. Groups can withdraw at any time. If a right has been breached, the Supreme Court can order a defendant to reverse a decision or force an injunction, but not award damages. Ms Minty said organisations and risk-averse lawyers "might be thinking why the hell would you want to sign up to legally binding obligations?" "One of the motivations for including this clause in the ACT act ... is that idea of corporate social responsibility," she said. Mr Peters, however, said businesses would be unlikely to submit to "increased red tape issues" even though they could not be forced to pay damages. "The only ones I suspect might [opt in] in the future are ones that are substantially owned by government, or a small number of large companies who might have the infrastructure to handle the increased costs," he said. The chamber would not consider signing on to the obligations.