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PRIME MINISTER

FOR MEDIA

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INAUGURATION OF THE HUMAN RIGHTS COMMISSION

of

It is fitting that the Human Rights Commission should be launched on Human Rights Day, because this day symbolises the commitment of Australia and many other nations to giving greater reality to human rights, and it also commemorates the struggles and the evolution through which the rights and privileges which we now enjoy have been achieved.

It is 33 years since the United Nations Declaration of Human Rights was proclaimed as "a common standard of achievement for all peoples and all nations". That declaration has had a major impact on attitudes to rights, and it has been the focus for a great deal of thinking about rights, although the traditions of rights from which it was distilled are obviously centuries old.

In Australia, many of our rights are established and protected by law, both common law and statute law. In our courts, and through our system of responsible government we have strong, vital and practical mechanisms for securing our rights, and quite obviously, nobody should imagine that the Human Rights Commission would be any substitute for them. Those who criticise these mechanisms as inadequate guarantors of rights underestimate their strength and effectiveness, as well as their adaptability and their capacity to take account of particular circumstances, because where questions of rights are concerned, the proof of the pudding is very decidedly in the eating, and in the overall sense human rights command great respect and protection in Australia. Any consideration of rights in Australia, or of problems which still need to be overcome, really does need to proceed against the background of this overall perspective.

There is a further dimension to this, because while the law has a vital role to play in the protection of rights, human rights, in the end, are a matter of attitudes and relationships between people. In the absence of respect for people, or a recognition of human dignity, in the absence of the attitude which believes in the opportunities for all and encourages the fullest use of human potential, in the absence of an understanding of the social factors, both existent and emerging, which impinge upon the enjoyment of rights, there is little which the law or any other mechanism can do.

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Indeed, when people resort to the law to protect their rights, they typically do so only because their rights have already been infringed. It is a trap to depend too much upon law for the enjoyment of rights, or to imagine that more laws, different kinds of laws, or a greater resort to law, can be a substitute for attitudes and relationships between people, and it is worth remembering Cicero's words, "the more law, the less justice". The Human Rights Commission forms part of a network of human rights initiatives which the Government has been taking.

Our concern for people's rights at the international level is obviously not new, and the record of the willingness of Australians to help other peoples to maintain their rights and freedom is carved in the honour rolls of every city and country town. This same essential concern about violations of human rights, wherever they occur, has been at work in the Government's recent activities in international forums.

Australia has been a member of the United Nations Commission on Human Rights for two successive terms, and I believe it is worth referring here to the section on human rights in the final communique of the Commonwealth Heads of Government Meeting in Melbourne, in which Australia, together with other Commonwealth countries, urged governments to accede to relevant global and regional instruments on human rights, endorsed the principle of a special unit in the Commonwealth Secretariat for the promotion of human rights within the Commonwealth, and took steps towards obtaining an agreed definition of human rights within the Commonwealth.

The Government's human rights initiatives within Australia since 1975 include the establishment of the Administrative Appeals Tribunal, the Administrative Decisions (Judicial Review) Act, the Administrative Review Council, and the Commonwealth Ombudsman, together with the Freedom of Information Legislation. These initiatives amount to an impressive package of administrative reform, which protects the rights of individuals against bureaucracy, and the Government has recently proposed a number of reforms in the area of criminal law.

The Human Rights Commission has been established in fulfilment of an election commitment. It represents a unique approach to issues of human rights, and it has the capacity to make an innovative contribution to the advancement of rights in Australia. In considering questions of rights, the Commission has for its points of reference a number of international statements of rights, including the International Covenant of Civil and Political Rights, the Declaration of the Rights of the Child, the Declaration of the Rights of Mentally Retarded Persons, and the Declaration of the Rights of Disabled Persons. And let me add that ratification by Australia of a future United Nations Convention of the Rights of the Child would not detract from the Commission's obligations under the 1959 Declaration of the Rights of the Child.

This adds up to an imaginative and broad-ranging charter, and it is plain that the framework within which the Commission's deliberations may take place is indeed relatively unconfined. I have no doubt that for Australia, the Human Rights Commission represents a commitment to human rights which is far more profound, relevant and effective than any alternative measure. For the functions and powers of the Commission are based four square upon the fundamental realities of the acceptance and development of human rights in civilised communities.

I would like to refer specifically to one particular function which the Commission will perform within its charter, namely "to inquire into any act or practice that may be inconsistent with or contrary to any human right", and then to endeavour to effect a settlement, or else report on the results of its inquiry. This represents a constructive and realistic approach to the promotion of human rights, especially in a society or with a Government which has a genuine concern for people's rights. And it is an approach which will surely be even more positive and constructive in conjunction with other functions of the Commission, especially those of promoting understanding and acceptance of human rights, and of undertaking research and educational progress.

It will obviously be a task for the Commission, not only to come to grips with existing problems, but also to identify issues of concern as they appear on the horizon, because it is important that our thinking and practice of rights be kept up to date in a changing world. The Commission is a unique blend of conciliatory machinery of research, educational and promotional capacity, and of advisory functions. Its essential powers are to inform, to recommend, and to persuade, and granted that human rights are ultimately a matter of attitudes and relationships between people, these powers of influence and persuasion are the decisive ones. They are also powers which present the Commission with a challenge and I am confident that the Commissioners will approach their task with a combination of dedication and ability which will enable the challenge to be met.

I would like to congratulate the Commissioners on their appointment. They are eight people, four men and four women, drawn widely from around Australia, representing a cross section of society which includes Aboriginal and ethnic communities. I am sure that we are all delighted that Justice Roma Mitchell of the Supreme Court of South Australia is heading this Commission, and I have great pleasure in wishing the Commissioners every success, on behalf of all Australians, in discharging your responsibilities as Commissioners.

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