



## ***Gippsland Trades and Labour Council***

*Supporting workers and their Communities*

# ***SUBMISSION***

# ***HUMAN RIGHTS IN VICTORIA***

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**Gippsland Trades and Labour Council**  
**Submission to the Human Rights Consultation Committee July 2005**  
**Human Rights in Victoria**

The Gippsland Trades and Labour Council adopted the following policy in September 2004:

*“The Gippsland Trades and Labour Council will campaign for the introduction of a Bill of Rights within the Australian Constitution.*

*The Bill of Rights will ensure that all persons (whether permanent or temporary) that are within the territory of Australia be ensured that their basic economic, social and legal rights are maintained on a basis of equity and fairness to all.”*

While there are many sources of human rights in Australia’s laws, neither the Victorian Constitution, the Australian Federal Constitution, State law or Federal law define or protect the rights of all persons in this state or country, nor do they protect the rights of persons against the actions of government.

By introducing a Bill of Rights into both the State and Federal Constitution a set of rules is laid down, which the government must adhere to. Standards thus set will become the minimum that all organisations and institutions meet.

While the Victorian State Government’s attempt to promote discussion on this matter is to be commended, any Bill of Human Rights adopted can only succeed if two fundamental issues are addressed. Firstly, a Bill of Rights needs to be adopted by the Federal Constitution because of the division of powers between State and Federal Parliament and secondly, a Bill of Rights cannot offer protection whilst the Victorian Constitution can be changed by Parliament. The Constitution of Victoria should be changed only at the will of the people by referendum.

Other proposed options, for example, the introduction of special laws to protect human rights, do not, we believe offer protection of human rights against the government. Governments can change laws and governments can override common law.

Mediating bodies to promote and protect rights are again at the mercy of government and government policy that can be changed to suit any purpose or circumstance.

Human Rights are generally categorised as Civil and Political Rights and Social/Cultural and Economic Rights. From the information provided by Human Rights Consultation Committee, it is the former that are on the agenda. The Gippsland Trades and Labour Council believes however that Civil, Political,

Social, Cultural and Economic rights are indivisible. A homeless person for example, needs basic social and economic rights like shelter, food and education before they are free to exercise their political right to vote.

The following are what we believe to be basic human rights:

Adequate standard of living (housing, food, clothing etc)  
Freedom from arbitrary arrest and detention  
Freedom of assembly  
Freedom of association  
Freedom from discrimination  
Clean, healthy environment, protected for future generations  
Cultural and intellectual property rights  
Disability rights  
Equal access to services  
Education  
Equal access to natural, cultural and economic resources  
Equality before the law  
Right of ethnic, religious or linguistic minorities to belong to and enjoy their own cultures  
Fair trial  
Health and access to medical care  
Independent judiciary  
Liberty and security of the person  
Right to life  
Natural justice and procedural fairness  
Right to work  
Equal pay for equal work and equal opportunity for all workers regardless of gender  
Safe working conditions  
Right to form unions, right to collective bargaining  
Right to participate in the cultural, economic and social development of the community  
Presumption of innocence  
Privacy  
Indigenous land rights  
Right to self determination  
Freedom of movement  
Right to vote  
Freedom from torture and cruel, inhuman or degrading treatment or punishment  
Freedom from violence or threats of violence  
Freedom of thought, conscience and religion  
Right to silence  
Freedom of speech  
Freedom from slavery

## Right to seek asylum

Australia's international human rights record is abysmal. There are sections of the community that we believe deserve particular attention; the homeless, particularly the young, indigenous Australians and refugees. The homeless have no rights, they are a forgotten underclass. Land rights and the protection of cultural heritage have for 200 years been abused. A refugee in Australia on a bridging visa, for example, cannot work, has no access to medical care, education or Centrelink payments – they are stripped of all rights and dignity. Children are incarcerated.

If basic human rights are enshrined in the constitution it is then the responsibility of all institutions to meet these standards. All legislation enacted by government would also be required to meet these standards. The government would also be required to put in place mechanisms to monitor non government organisations.

Full access to the law must be given to people who feel their rights have been breached.

With rights come responsibilities. Education about rights and responsibilities would be an integral part of any introduction of a Bill of Rights. Government organisations must take a leading role in this. Training of all public servants is paramount, with all possible steps taken to raise awareness in the general community. The general culture of the developed world is toward individualisation of citizens. An attitudinal shift towards understanding of the responsibilities towards our fellow citizens that come with human rights would have a positive impact on our society.



