
South Australia needs Victorian-style human rights Act

Thursday, April 29, 2010

Human rights need to be better protected in South Australia with the introduction of a state-based human rights Act, similar to that working effectively in Victoria, the Australian Lawyers Alliance said today.

“Without such a move, everyone on South Australian soil stands to have their civil rights tinkered with by a government more interested in ‘tough on crime’ political posturing than on promoting and maintaining a strong democracy through effective civil rights protection,” Alliance South Australian president, Tony Kerin, said.

“We live in an era of profuse, political spin and hasty government decision making. You only have to look at the botched insulation scheme, canned emissions trading scheme and most recently the cigarette packaging legislation, to see that,” Mr Kerin said.

“This is particularly true of the South Australian government’s determination to curb civil freedoms with anti-association legislation,” he said.

Mr Kerin said parts of the anti-association legislation were struck down by the SA Supreme Court, last September, on the grounds of unconstitutionality, but the government was now appealing the decision in the High Court.

“These laws are not just about bikies. They hand the government the power to decide who can and who cannot associate with one another at whim, even if no crime has been committed,” Mr Kerin said.

“The only real protection we can give ourselves against such incongruence, in our so-called democracy, is with a statutory human rights document that highlights poorly thought out legislation, when human rights are threatened.”

Mr Kerin said it was regrettable that the federal government lacked the political courage to introduce a federal, statutory charter of rights, at this time, and this made it even more imperative for South Australians to shore up rights on home soil, now.

“The Rudd Government is afraid of powerful naysayers in the media because it is about to go in to bat at election. It should be correcting a situation that makes Australia the only democratic country in the world without a protective federal human rights document,” Mr Kerin said.

South Australia has a large number of disadvantaged people – mentally ill, homeless, et cetera – who need protection from discrimination and unnecessary bureaucracy and without such a document they cannot be adequately protected.”

Mr Kerin said the major winners from the Victorian Act were disadvantaged groups who, as a result, could access adequate housing and care facilities, ensure their families remained together, and be secure knowing that they would continue to be treated with dignity and respect, regardless of their physical circumstances.

The *Victorian Charter of Human Rights and Responsibilities Act 2006* was a simple but important document that set out the rights, responsibilities and freedoms of everyone within that state. It enshrined basic civil and political rights in law and ensured public authorities and government employees acted compatibly when making decisions and delivering services to constituents.

“South Australians’ rights, and the rights of everyone in South Australia, need to be better protected and that needs to happen without delay,” Mr Kerin said.

For more details contact: Australian Lawyers Alliance, public affairs manager, Mandy Wyer on 0418 270 656 or Alliance South Australian president, Tony Kerin, 0417 809 579.