

Human Rights Report

"A Roadmap to a Fairer Australia"

**The Public Interest Law Clearing House (PILCH), Melbourne, Victoria
Media Release, Thursday, 8 October 2009**

The Public Interest Law Clearing House (PILCH) has welcomed the report of the National Human Rights Consultation and says it provides the Rudd Government with a roadmap to a fairer, more tolerant and more humane Australia.

Lucy McKernan, Co-Manager of PILCH's Public Interest Law Scheme, said that the Committee's report highlights a number of key areas where Australia's laws, policies and culture have failed to adequately protect and promote the human rights of vulnerable people.

Clients routinely walk through our door with stories of violations of their basic human rights: people experiencing homelessness, asylum seekers, people with a disability and racial and religious minorities are just some of the clients that our present laws fail to adequately protect, said Ms McKernan.

For these reasons, the Committee has rightly concluded that the protection and promotion of human rights is a matter of national importance and recommended that the Government take a number of important steps to better protect and promote human rights.

PILCH is thrilled that many of the substantive recommendations made in its submission to the Consultation have been adopted, including: enacting a federal Human Rights Act; prioritising human rights education for the Australian community; embedding a culture of human rights accountability in government and improving access to justice for everyday Australians, said Ms McKernan.

Simone Cusack, Public Interest Lawyer and the principal author of PILCH's submission, said that in recommending the enactment of a Human Rights Act, the Committee has heeded the words of around 29,000 Australians and has challenged the Rudd Government to do likewise.

The Australian people have told the Government loudly and clearly that their basic rights deserve better protection and the Rudd Government should be commended on facilitating such a robust and democratic process throughout the Consultation, said Ms Cusack.

Given the gravity of many human rights violations that are allowed to occur in Australia, the challenge now for the Government is to act quickly and decisively in implementing the Committees recommendations, said Ms Cusack.

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PILCH is an independent, not-for-profit organisation which is committed to furthering the public interest, improving access to justice and protecting human rights. PILCH does this by facilitating *pro bono* legal services to Victorian individuals and organisations in need, and by undertaking law reform, policy work and legal education.

LISA Comment: There is an information bonanza on what should be, but a severe draught on what is! People with a disability and their families see human rights as little more than smoke and mirrors.....

Human Rights is great on paper, but try getting some! Bureaucracy can find so many reasons to show your case is outside the guidelines, is frivolous, is vexatious or is lacking in substance.

- When community visitors visit a group home where the residents have no meaningful communications and/or are unable by reason of their disability to make reasonable judgements in respect of all or any matters concerning their personal circumstances and/or estate, they are not obligated to, and do not contact the residents' families immediately following a visit to see if the families have any concerns about the quality of care their family member is receiving.

In these circumstances, which is most common, the opinion community visitors get, is just from service provider staff. That the residents are not represented, is a shocking infringement of reasonable human rights! Yet the bureaucrats are more concerned with protecting themselves from the scrutiny of families, than in consumers having reasonable human rights.

- Major internal structural changes were made by the DHS to a group home without consulting with the residents or their families. Lack of consultation not only means the home is effectively a hostel, but it reflects that the residents have no human right of reasonable determination in their long term home.
- Those of us, the minority, who actively scrutinise the DHS, public service, captive market, bureaucrats, are in great danger of intimidation and retribution for daring to question big brother bureaucracy.

Big brother, through a six page ministerial approved directive, has electronically restricted our email and correspondence to and from the department. This was done with no consultation with us what-so-ever, and is reviewed with no consultation with us. Not only is this a major infringement of reasonable human rights, but is third world country dictatorship by a major government department

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