



Householders' Options to Protect the Environment (HOPE) Inc.

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MEDIA RELEASE

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Re: The Enduring Debate: Why Australia Said 'No' to a Bill of Rights

Australia stands as a rare exception among liberal democracies, conspicuously lacking a comprehensive Bill of Rights enshrined in its Constitution or national legislation. This absence is not an oversight but a deliberate historical stance, significantly solidified by the resounding defeat of the "People's Charter" in the 1988 referendum. The outcome of this pivotal moment continues to shape the discourse around human rights protection Down Under, reflecting a deep-seated belief in the existing constitutional framework.

The concept of a Bill of Rights, which explicitly lists individual freedoms and protections, has been a recurring subject of debate in Australia for over a century. Proponents argue it would clarify rights, empower citizens, and ensure consistent protection across all levels of government. However, a powerful counter-narrative, deeply rooted in Australia's Westminster system, has consistently prevailed.

At the heart of the "Say No" campaign in 1988, and indeed much of the historical opposition, lay a fundamental trust in parliamentary sovereignty and the common law. Unlike countries with entrenched Bills of Rights, where courts can strike down legislation inconsistent with those rights, Australia's system relies on the idea that the Parliament, as the direct representative of the people, is the ultimate guardian of freedoms. Opponents argued that introducing a Bill of Rights would inevitably transfer significant power from elected representatives to unelected judges, potentially politicizing the judiciary and leading to unintended interpretations of rights.

The 1988 "People's Charter," a modest proposal that aimed to extend a few existing constitutional rights, suffered the largest defeat of any referendum in Australia's history, receiving only 31 percent approval. This decisive rejection underscored a prevailing sentiment that such an instrument was unnecessary in a democratic nation where sovereignty resides with the people, and where a robust system of common law, judicial review, and parliamentary accountability was deemed sufficient.

While international human rights treaties, which Australia has largely ratified, provide a framework, their direct domestic enforceability often requires specific legislation. This "patchwork" approach, as some describe it, continues to be a point of contention. Nevertheless, the historical rejection, particularly highlighted by the 1988 referendum, firmly

established a unique Australian approach to rights protection – one that prioritizes parliamentary supremacy and the common law over a codified Bill of Rights.

Frank Ondrus, Office Manager for Householders' Options to Protect the Environment (HOPE) Inc., emphasizes the ongoing importance of this discussion: "It is vitally important that we keep the conversation going about establishing a Bill of Rights for Australians. Protecting fundamental human rights and environmental rights should always be at the forefront of our national discourse."

Beyond Australia's national debate, the concept of a "People's Charter" has also taken on a global dimension, particularly in the context of sustainable development. The International Association of Schools of Social Work (IASSW) convened "The People's Global Summit" in 2022, leading to "The People's Charter for an Eco-Social World." This global charter aligns closely with the United Nations Sustainable Development Goals (SDGs), a set of 17 global goals adopted by all UN member states in 2015 to achieve a better and more sustainable future for all.

These goals address critical global challenges such as poverty, hunger, inequality, climate action, and peace and justice. HOPE Inc. has actively supported and promoted the UN Sustainable Development Goals since 2015, recognizing their crucial role in guiding efforts towards a healthier planet and society. The connection between the global "People's Charter" and the UN SDGs highlights a shared vision for a world where human rights and environmental well-being are intrinsically linked.

The debate may resurface, but the legacy of "The People's Charter – Say No to Australian Bill of Rights" remains a potent reminder of the nation's distinctive constitutional philosophy. This national discussion, alongside global initiatives like The People's Global Summit and the UN SDGs, underscores the continuous human endeavour to define and secure rights for both people and the planet.



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(Written by Meet Karan Rana - HOPE media officer NSW)

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