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The Commission's proposed 'participation duty' is very limited and prioritises a model that creates a dialogue between the arms of and considered community input important but not central to proceedings. How could proper meaningful engagement be incorporated into a federal framework to ensure people and communities have a true say and are able to equally act as a check and balance on power?

We support the AHRC's position that there should be an overarching participation duty included in the Charter. As outlined in the Human Rights Law Centre submission (Submission 232 - page 16), what qualifies as compliant, meaningful participation should be detailed in the Charter to give sufficient guidance to public authorities. What is considered 'proper and meaningful' engagement will depend on the question being asked. However, the Charter should include a set of objective standards to determine the timing and quality of consultations required. Drawing on the Aarhus principles and Gunning Principles, at minimum we would expect this to include sentiments to the following effect:

1. Consultation should be genuine.
2. Consultation should take place at a formative/ early stage in the proposal or when options are still open on key decisions.
3. Sufficient information/reasons for the proposal and a reasonable timeframe should be given to allow for meaningful consultation.
4. The results of the consultation must be taken into account by decision makers when developing the final approach.
5. Consultation must be conducted with procedural fairness.
6. Accessibility considerations must be made.

We also support the inclusion of more specific participation duties for specified groups that align with Australia's international obligations.