

Government of Western Australia
Media Statement



Jim McGinty MLA

Attorney General; Minister for Health; Electoral Affairs

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Human Rights report completed

20/12/07

The State Government has welcomed the findings of a report into how Western Australia could develop laws to protect the human rights of its people.

WA Attorney General Jim McGinty congratulated the committee which produced the report on its exhaustive public consultation on the issue.

“The work done by the committee is a model example of how governments should gather the opinion of the public on important issues,” Mr McGinty said.

“The committee ran an extensive program of community consultation and the report found that there was strong support for a Human Rights Act.

“I would like to thank the members of the committee for their comprehensive report and the thorough way in which they have gone about their task.”

Former Federal Minister Fred Chaney AO, a director of Reconciliation Australia, chaired the committee. The other members were the head of the WA Council of Social Service, Lisa Baker; former Anglican Primate the Most Reverend Dr Peter Carnley; and child health researcher Associate Professor Colleen Hayward.

The committee held more than 40 public hearings and received nearly 400 submissions from the public, community organisations and Government agencies.

Consultative Committee chairman Fred Chaney said there was clear majority support for a WA Human Rights Act - both from submissions the committee received and the findings of an independently run public opinion poll commissioned in August.

Of the 401 people surveyed, 89 per cent believed WA should have a law to protect human rights.

The committee found that human rights legislation should:

- maintain Parliamentary sovereignty. Democratically elected politicians instead of judges should retain the responsibility for determining how rights should be balanced and when rights should be limited for the common good of the community;
- encourage a human rights culture in Government departments and agencies;
- discourage litigation as a way to resolve human rights issues. The emphasis should be placed on conciliation to settle disputes; and
- protect civil and political rights as well as social, economic and cultural rights.

The consultation revealed that many people believed their rights, or the rights of others, were not given sufficient respect and needed greater protection.

Mr McGinty said any successful charter of human rights would need to be simple, relatively straightforward in implementation and not lead to an overly litigious society.

“Ideally human rights should be shared by all Australians and not be subject to change when you cross State borders,” he said.

“Human rights protection is an objective best pursued at a national level.

“The WA State Government welcomes the recent comments from new Federal Attorney General Robert McClelland that he intends to consult the community about the introduction of a national charter.

“We are keen to contribute to a national discussion about the possible introduction of a Commonwealth human rights charter.

“The new Federal Labor Government’s position on human rights is in stark contrast to the hostile position adopted by the former Howard Government.

“It seems sensible that further consideration of a State-based charter await the outcome of Mr McClelland’s federal consultation.

“Our Government strongly supports the protection of human rights and will be looking to make a positive contribution to any national discussion.”

The Attorney General said the report by the committee would help inform any debate at the national level.

The consultation committee's report had, however, raised major issues that would need careful consideration.

“For example, the recommendations that recognition and implementation of economic, social and cultural rights be included in the proposed act could lead to unintended consequences,” he said.

“Also, the committee's proposal to vest certain human rights functions with the Equal Opportunity Commissioner requires further thought.”

The committee's report is available online at: <http://www.humanrights.wa.gov.au>

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