

General

Concern at human rights charter

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A push to investigate a national human rights charter has raised concerns that key social policies and laws could be undermined.

Constitutional expert Greg Craven, part of the 2020 summit group on governance which discussed rights and responsibilities, said a majority of the delegates in the group supported a Bill of rights, but there was a strong minority with concerns about the proposal.

“What came out of it is it is not going to be a walkover,” Professor Craven said. “Within that group there was a strong fight about this. Nobody is opposed to looking at how you protect human rights, but there is a strong voice against a Bill or charter.”

Attorney-General Jim McGinty shelved plans for WA rights legislation last year, saying the State would wait for a decision on a national charter, despite a committee recommending a WA Human Rights Act.

The proposal for a human rights act divided community opinion in WA, with fierce opponents fearing the legislation could be used to overturn criminal laws and undermine key government policies. But others argued the proposed laws did not go far enough in recognising a sufficiently broad range of rights and failed to offer adequate protection through recourse to the courts and compensation.

The final model recommended by the State Government-appointed committee, which was headed by Reconciliation Australia director Fred Chaney, called for the recognition of economic, social and cultural rights, as well as civil and political rights.

Professor Craven – a strong opponent of a Bill during debate over the proposed WA Act last year – said identical concerns about handing too much power to the courts and undermining laws and social policies were relevant to the discussion over a national charter.

He doubted Kevin Rudd would pursue a Bill or charter as a priority as the issue was likely to detract from the more winnable push for a republic.

Federal Labor’s election platform promises a public inquiry into improving the protection of human rights, but says any proposal for legislative change must maintain parliamentary sovereignty and will not be based on a US Bill of Rights.