

McGinty urged to push charter

KATE CAMPBELL

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Proponents say WA should go ahead with Human Rights Bill tailored to States needs rather than adopt national code

Proponents say McGinty should push on with charter tailored to States circumstances rather than adopt national code

Pressure is mounting on Attorney-General Jim McGinty to press ahead with WAs own Human Rights Act rather than wait for the Federal Government to devise a national charter, amid concerns that a Federal Bill would not protect peoples rights as well as a State-based law.

After a six-month consultation period costing \$500,000, Mr McGinty last week put a WA Human Rights Bill on hold while the Federal Government decided on a national law.

Mr McGintys consultation committee recommended economic, cultural and social rights, such as the right to adequate housing and education, be included in a WA Act in addition to political and civil rights.

University of NSW constitutional law expert George Williams, who helped write the committees report, believed Mr McGinty was making a mistake in shelving a WA-based charter, saying it could leave some sectors of the community vulnerable. He said the reach of national human rights charters was limited and usually covered civil and political rights.

Professor Williams said areas under State jurisdiction such as police, education and health may not be adequately covered by national laws.

"Its very hard to see a national charter by itself could do the job. Thats the experience in other like-nations," he said..

"Even if there is a Federal charter you still need a State instrument to ensure you have a State law that deals with State agencies like police and other bodies because the reach of a Federal charter for constitutional reasons will not go far enough."

Federal Attorney-General Robert McClellands office has suggested it could take three years to introduce a draft national Human Rights Bill.

WA Council of Social Service social policy director Irina Cattalini urged Mr McGinty to change his mind.

"I just think there are no guarantees that it (a Federal charter) would do as good a job and therefore we should move ahead with what weve invested in," she said.

"It would be great to have a national charter but it doesnt preclude the need for a State one, theyre not mutually exclusive."

Ms Cattalini said the last thing WA needed was to wait up to 18 months for Federal consultation.

Ms Cattalini said the important economic, cultural and social rights that were strongly called for during public consultation would be at risk of omission in a national charter, which would be a huge shame.

"It would be of great disappointment if we pressed pause on this whole pressure. I don't think the wait and see approach is really justified in this case," she said.

WACOSS executive director Lisa Baker was one of four members of the consultation committee. She declined to criticise Mr McGinty's decision.

The committee was headed by former Federal minister and Reconciliation Australia director Fred Chaney, who said a national charter could bind the States if the Constitution was amended or the Commonwealth used its external affairs powers like it did with the Racial Discrimination Act.

"Clearly the advantage of State legislation is that it is subjective to the States needs and circumstances. The advantage of national legislation is national uniformity. You can't have it both ways," he said. Mr Chaney said many in WA would be disappointed with Mr McGinty's decision.