

GENERAL

Rights Bill ?could hit CCC powers?

ROBERT TAYLOR

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Political analyst Greg Craven warned yesterday that a human rights Bill proposed by Attorney-General Jim McGinty would hamstring recommendations from a parliamentary committee to give the Corruption and Crime Commission wider powers to fight organised crime.

Professor Cravens comments come as a Westpoll revealed that an overwhelming majority of West Australians surveyed want the question of a human rights Bill put to a referendum.

On Friday, a parliamentary committee recommended the CCC be given the power to investigate serious and organised crime independent of police.

Professor Craven said that some of the rights in a human rights Bill would inevitably relate to criminal process rights.

"The thing about organised crime is that theres always an argument in favour of winding back the privilege against self-incrimination because organised crime is by definition organised, therefore its harder to deal with," he said.

"Invariably when youre mucking around with that privilege its going to be in the context of organised crime but if youre going to have a human rights Bill its really going to call into question whether or not you can deal with organised crime in that way."

Professor Craven believes a human rights Bill could be used to challenge key laws and social policies.

He has been backed by lawyer and Labor backbencher Ben Wyatt, who says it could gain elevated status above ordinary legislation.

But Mr Wyatt said yesterday he believed the committees recommendations could lead to a consolidation of powers traditionally separated under the Westminster system of Government which, in turn, could cast a human rights Bill in a new light.

"What theyve proposed is a consolidation of powers that currently reside in a number of organisations including WA Police, the Director of Public Prosecutions, the CCC and I guess, to a certain extent, the Ombudsman in terms of investigative powers and such consolidation makes me wary," Mr Wyatt said.

"It would certainly create a stronger argument for one (a Bill of rights).

"The whole Westminster system is based on a diffusion of powers, checks and balances and thats why Westminster systems traditionally havent had human rights Acts because of the diffusion of powers not just in respect of the executive and legislative and judiciary but also with policing powers."

Mr Wyatt said with the CCC only three years old he would like to see it work harder on its existing powers.

"I'd need to be convinced that the current powers that the CCC has can't be used more efficiently before we consider radically altering the power base of the CCC, which is certainly what the CCC is arguing," Mr Wyatt said.

Around 77 per cent of those surveyed in the Westpoll said they would like the idea of a human rights Bill put to a referendum but Mr Wyatt said while the referendum idea had merit, it was impractical.

"Because of the constitutional implications there is a very strong argument for a referendum," he said.

"However, the phrasing of a referendum question for a human rights Act would be very difficult."

"It would be an argument very hard to run by way of a referendum."