

GENERAL

**Rights Bill covers ?easy options?**

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Government accused of failing to address social, economic rights as lawyers push for provision for compensation

Controversial State Government plans to enshrine human rights in law protect only basic civil and political rights and fail to address concerns about breaches in the more complicated area of social and economic rights, Aboriginal Legal Service chief executive Dennis Eggington says.

But he said the Bill would force the Government to consider potential consequences for minority groups, including Aboriginals, when it imposed tough laws such as the Northbridge curfew and move-on notices.

"It (the Bill) falls short of what most of us who are strong campaigners in the recognition of human rights would expect," he said. "It is really about the most easy options of rights."

Civil and political rights cover areas including arrest, detention and court processes, while broader social and economic rights could canvass affordable shelter, social security and general standards of living.

Public forums on the Bill have revealed support for the recognition of economic and social rights, which have not been included in laws in most other jurisdictions.

Mr Eggington's comments follow warnings by constitutional expert Greg Craven that the Bill could jeopardise laws which ensure tough jail terms for dangerous offenders and key planks of the Government's policies to curb anti-social behaviour.

But the WA Law Society has backed the legislation, which it says will improve the protection of human rights despite concerns that it could shift power from MPs and to the jurisdiction of a handful of judges.

The society is pushing for changes to the Bill, saying the laws should go further and expose public departments and agencies to potential damages claims for breaches of the enshrined rights.

The Government Bill expressly precludes damages and any other financial penalties for breaches of human rights. Attorney-General Jim McGinty said the Bill was intended to create a culture in the public bureaucracy that protected and recognised rights, not provide avenues for financial compensation.

"What we want to do here is to get into the courts, Parliament and bureaucracy a culture which is respectful of human rights," Mr McGinty said.

"At this stage what we want to do is have a rational debate. I think there is growing concern about the ability of government to take away human rights.

"We are not ruling anything in or out at this stage."

The Law Societys written submission, which is being investigated by a Government-appointed committee headed by Fred Chaney, says breaches of human rights by public authorities should open the door for any remedy which the court considers just.

The society says few awards of damages have been made under similar provisions in Britain and they have tended to be modest.

"Conduct infringing on a human rights act in WA may cause a victim to incur legal costs or other expenses, which should in all fairness be compensated," the submission states.

The human rights committee, which will hold a public meeting on the Bill at the WACA tonight from 7pm, will report to Mr McGinty in November.