

A SUBMISSION TO:

Chairman  
Consultation Committee for the Proposed Human Rights Act  
C/- Public Affairs Branch  
Department of the Attorney General  
GPO Box F317  
PERTH WA 6841

At meetings of our members there has been overwhelming opposition to the proposed Human Rights Act for Western Australia. On behalf of these members of CNI and the Western Australian Committee **CNI strongly opposes the adoption of a Human Rights Act for Western Australia.**

#### Preamble

CNI is concerned at the misleading and biased full page Advertisement, no doubt at the tax payers expense, in the West Australian 24/07/07. It is not "a once-in-a-lifetime chance to speak up for your rights" as the advertisement claims. All citizens have the right every day in a variety of ways to "speak up" for their rights. They can use the media, email, telephone, written or personal representation to bureaucrats and failing that to politicians and then the Courts and administrative bodies and then resort to the ultimate sanction, the ballot box.

The eight "questions to get you started" clearly reflect the bias in favour of a Human Rights Act and are designed to evoke from respondents support for the proposal. It is difficult not to conclude that the "consultation process" is simply a charade.

"Meet the Consultation Committee" reminds us of the dishonest campaign carried out by the Bracks Labor Government in Victoria preparing for the Charter of Rights and Responsibilities Bill 2006. The Government purported to seek the views of Victorians through what it repeatedly described as an "Independent Committee". Far from being "independent", the Chairman of the Committee was Professor George Williams author or co-author of four books in favour of a Bill of Rights plus scores of formal articles and opinion pieces in the press since 1994 in favour of a Bill of Rights.

A glance at the membership of the "Consultation Committee" and their public record leaves little doubt about where they stand. Obviously they have been chosen to support the Human Rights Act.

### Reasons for Opposition to the Proposed Human Rights Act.

- There is no evidence of a need for a Human Rights Act.
- There is no evidence that the existing mechanisms fail to fully protect all major rights. Should any deficiencies in the human rights become apparent these should be addressed and rectified by the existing procedures of the parliament.
- Once enshrined in the Act the “so called” human rights become entrenched and are therefore difficult to change in line with changing community attitudes.
- The Human Rights Act would lead to a litigious culture e.g. USA. Creative jurisprudence by the Courts has already taken Australia too far down the path towards a “litigious society”. Personal responsibility is what needs to be encouraged to protect human rights. The Human Rights Act cannot replace personal responsibility.
- Should the Human Rights Act become law in Western Australia it will have profound implications for statutory interpretation, administrative law and the common law. Clearly social issues will become legal issues and require legal solutions. This will lead to a transformation whereby lawyers and judges will interpret legislation in the light of the Human Rights Act. It will provide a platform for every interested group and social activist to ignore the elected representatives of the people, the Parliament, and pursue their own interests through unelected lawyers and unelected judges sympathetic to their causes. Clearly the role of the Parliament thus will be subverted and democracy will be weakened.
- Why make it any more difficult for politicians and the Parliament to properly discharge their responsibilities as elected representatives of the people by giving up power over social policy issues to unelected judges and unelected lawyers with their own agendas.
- Surely if a Human Rights Act is important for Western Australians then they should be given a chance to say so in a referendum. Don't they have a 'right' to say yes or no to this profound change to the status quo.

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