

Women with Disabilities WA Inc.



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

Women With Disabilities WA Inc would like to submit the following as our support for a WA Human Rights Act.

1. Should WA have a Human Rights Act?

Women With Disabilities WA strongly supports a WA Human Rights Act. It is disappointing that Australia has signed many International Covenants and treaties and has only implemented a few of their provisions in Australian law. We regard the current protection of human rights as insufficient and urge the WA Government to support a Human Rights Act.

2. What rights should be protected in a WA Human Rights Act?

Women With Disabilities WA supports the protection of a broad range of civil and political rights in a WA Human Rights Act. Human rights are inalienable, indivisible and interconnected. As well as protecting civil and political rights the Human Rights Act should also protect social economic and cultural rights, such as the right to self-determination, housing, health and education, pay equity and the right to a clean environment. It should also make provisions for rights of particularly disadvantaged minority groups, such as Aboriginal people, people with disabilities and children.

3. What form should a WA Human Rights Act take?

The Human Rights Act should be harder to change than an ordinary statute. Any changes should require an absolute majority of both Houses of Parliament.

4. How should a WA Human Rights Act protect human rights?

The executive, judiciary and also Parliament should be bound to protect human rights. Human rights need to be taken into account when making laws and when implementing laws. The courts should interpret laws in compliance with human rights and make an incompatibility statement for Parliament to address as soon as practicable.

5. Who should be required to comply with the human rights recognised in a WA Human Rights Act?

All government departments should be required to comply with the Act. It should also apply to any private for profit or not for profit body or contractor that receives public funding. Parliament's capacity to authorise human rights breaches should be strictly limited in accordance with international law, eg Article 4 of the International Covenant on

Civil and Political Rights.

6. What should happen if a person's human rights are breached?

WA should not foster litigation based solely on the breach of a human right, but a person whose rights have been breached must have an opportunity to present her or his allegation to an independent body free of charge. Such body could be the Equal Opportunity Commissioner who should have the duty and the capacity to investigate alleged human rights breaches. Compensation for breaches of human rights should be limited to specific circumstances, such as deliberate breaches.

7. If WA introduced a Human Rights Act what wider changes would be needed?

Human rights can only be protected successfully if they are considered at all levels of government, business and the community and at all times. This needs a change of culture in the public service and in the community. Such a change of culture can only be achieved through raising awareness. Change needs to be fostered through mandating compliance in all public offices and creating incentives for other bodies. Human rights compliance and achievements should be a mandated component of all government agencies' annual reports

8. What else can the Government and the community do to encourage a culture of respect for human rights in WA?

A public education campaign should receive a similar level of funding as other high profile campaigns such as the anti-smoking or road safety campaigns. Community agencies should work hand in hand with government bodies in the delivery of community education and professional development for public servants working in all agencies, including schools and local government. Human rights education should become part of the core school curriculum and adult community education.

Yours sincerely,

Rayna Lamb
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