

## MEDIA RELEASE

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FamilyVoice Australia

### **SA Attorney-General says NO to a charter of rights**

“If it ain’t broke, don’t fix it,” SA Attorney-General Hon Michael Atkinson said today.

He was delivering the keynote address on “A bill of rights for Australia?” at the FamilyVoice Australia Annual Review in the Fullarton Park Centre, Adelaide, at 4 pm Sunday 31 August.

He said proposals for a bill or charter of rights are on the national radar, and received some prominence from “elites” at the 2020 Summit in April – but he doesn’t think there is great enthusiasm for the idea among Labor MPs generally.

It certainly isn’t on the agenda for the SA government. “We are busy doing other things,” Mr Atkinson said.

“For example, in 2002 we supported Independent MP Bob Such’s anti-hoon bill,” he said. “This allowed police to impound or wheel-clamp for 48 hours the vehicles of drivers who had been annoying the neighbourhood by “hoon” driving – drag racing on public roads, doing burnouts, driving around with the doof-doof sound turned up to ear-splitting levels, and so on.

“The law has been widely welcomed by the South Australian public. It has been applied over 1000 times, with no complaints that police have abused their power. But the Greens have strongly opposed it, saying it is a fundamental breach of human rights because it allows police to restrict the hoon before the matter goes to trial.

“If SA had a charter of rights, this would be one of the first laws to be abolished.”

Mr Atkinson said he gets many calls from constituents. They are concerned about low levels of water in the River Murray, and about outlaw motorcycle gangs who are congregating in his electorate. But no one has asked him for a charter of rights.

“The people who benefit most from charters of rights tend to be criminals, and those with money to pay lawyers,” Mr Atkinson said. Victoria has a charter of rights which came into effect in January this year. Tony Mokbel’s lawyer is using the charter to argue that Tony should not face trial because it would contravene his rights.

Mr Atkinson said the biggest problem with a charter or bill of rights is that it would allow unelected judges to decide what rights mean, what rights are more important than other rights, and what the law, in the judges’ opinion, ought to say.

“If people don’t like my decisions, they tell me,” Mr Atkinson said. “They lobby me, or they vote against me at the ballot box. But you cannot lobby judges and you cannot vote them out at the next election. How can you tell judges you don’t like their decisions?”

Mr Atkinson said that if Australia adopted a charter of rights, judges would make political decisions and their appointments would become far more political and controversial than they are now.

“Some judges realise this danger,” he said. “They do not want a charter of rights because they realise that if judges become political, the public will lose confidence in the judicial system.”

Mr Atkinson said we already have a good democracy in Australia. “As a society, we favour the underdog. We have a welfare system. We have separation of powers, with a democratically elected state and federal parliaments and an independent judiciary. We have a free press.

“We already have the right, in the Constitution, that if the government wants our property it must pay a fair market price for it.”

“If it ain’t broke, don’t fix it!” he said.

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