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POLITICS QUEENSLAND HUMAN RIGHTS

## Human rights set to be enshrined in a Queensland act

By Felicity Caldwell  
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Freedom of expression and a right to privacy will soon be specifically guaranteed in Queensland under a human rights act.

Australia does not have a national Bill of Rights like the US, but the Palaszczuk government has confirmed it will keep its commitment to introduce a human rights act.



The Palaszczuk government will introduce a human rights act for Queensland.  
Photo: Louie Douvis

"The government is currently working through its legislative agenda for the coming term," a spokeswoman for Attorney-General Yvette D'Ath told Fairfax Media.

"The Attorney-General will be working with key stakeholders and across government to finalise the development of a proposed bill to deliver on this commitment."

The Queensland act will be modelled on the Victorian Charter of Human Rights and Responsibilities Act, introduced in 2006.

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That includes a right to life, protection from torture and cruel, inhuman or degrading treatment, freedom from forced work, freedom of movement, privacy and reputation, freedom of expression and peaceful assembly and freedom of association.

During a 2016 inquiry into a possible human rights act, the Queensland Law Society submitted both "for" and "against" arguments, to reflect its members' views.

The "against" argument said a human rights act was unnecessary, including because many of the rights - such as not to be tortured or enslaved, and property rights - were protected by existing criminal and common law.

An act could also impose extra layers of regulations, more costs and some rights contradicted each other, the submission argued.

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"One person's right to free speech is an infringement of another person's right to privacy or reputation," it said.

## Parliamentary inquiry in to Human Rights Act for Queensland

Queensland Law Society president Ken Taylor said the issue had been hotly debated.

"The introduction of such an act should encourage the community to be aware and more respectful of human rights ... There's opposing views of whether or not such an act would lead to more litigation," he said.

Community Legal Centres Queensland director James Farrell said there was no reason to delay the "sensible and important reform" now Labor held government in its own right.

Mr Farrell said previous experiences, particularly Victoria and the ACT, demonstrated human rights law could have a profound impact, including on the delivery of government services.

"Victoria and the ACT have had human rights laws for years, and we've seen stronger protection for people with disability, families threatened with homelessness, women and children experiencing family violence, and many other groups in the community," he said.

"When governments have to take into account human rights, then the laws they make, the services they deliver and the way the courts operate are improved."

Mr Farrell said the laws would have to be supported by training and support for service providers and authorities.

A Human Rights Act for Queensland campaign co-ordinator Aimee McVeigh said it could take 18 months to introduce a human rights act, including a transition period to reform the way government services were delivered.

"The Queensland government has made a commitment to introducing a human rights act this term and we're looking forward to the legislative process starting as soon as possible," she said.

Similarly, Queensland Council for Civil Liberties president Michael Cope said the government should "get on with" introducing the bill.

"So far as we can tell, Victoria has not fallen into hell or another such bad place because it has such an act," he said.

"Disabled people, homeless people have had their rights improved - that is the evidence very strongly.

"I think the Victorian experience is it will make a difference to the daily lives of the most disadvantaged people in the state."

Mr Cope said an example included someone being able to argue a nursing home should not open their mail, because of their right to privacy.

### The path to a human rights act in Queensland

It has been a long road for Queensland.

The Legal, Constitutional and Administrative committee considered the issue in Queensland in 1998.

Former independent MP Peter Wellington called for a human rights act during the Newman government years in the wake of anti-association laws, and investigating a bill of rights was [one of the things](#) the Palaszczuk government agreed to with Mr Wellington in 2015 in exchange for his support on confidence motions.

At the 2015 Labor state conference, [members voted unanimously](#) to seek a parliamentary inquiry into a Queensland bill of rights.

In mid-2016, the [parliamentary inquiry](#) received almost 500 submissions, and was unable to agree on whether human rights legislation should be introduced.

Government members of the committee were in favour, while non-government members were of the opposite view, arguing society's issues could be better addressed by targeted legislation or policies.

At the 2016 Labor state conference, Premier Anastacia Palaszczuk revealed cabinet had agreed to introduce a human rights act for Queensland, modelled on the Victorian charter.



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