

Law Reform

Teacher Information Sheet

Queensland Parliament is responsible for statutory law-making in Queensland. The Queensland Constitution (Constitution of Queensland, 2001) gives Parliament the power to make laws for the peace, welfare and good governance of the state. This legislative power is exercised through passing bills through the Legislative Assembly.

The majority of bills are introduced by the government.

Ministers are responsible for introducing bills into the parliament. The ideas for bills can come from various sources including party policy, announcements during election campaigns, public opinion, ideas from interest groups, individual Members of Parliament or government departments.

Case Study

Human Rights legislation in Queensland

The Human Rights Act 2019 commenced in entirety on 1 January 2020. This was the end to the parliamentary process of law reform that started in 2015. This legislation can be used to show students both the parliamentary legislative process, and the role of Parliamentary Inquiries in establishing need for change.

Inquiry into possible Human Rights legislation in QLD

On 3 December 2015, the Legislative Assembly directed the Legal Affairs and Community Safety Committee (LACSC) to inquire into whether it was appropriate and desirable to legislate for a Human Rights Act in Queensland.

Inquiry homepage

[LACSC Human Rights Inquiry](#)

The Terms of Reference are outlined the inquiry homepage. These explain the inquiry's focus on possible Human Rights legislation for Queensland, with consideration to:

- the effectiveness of laws and mechanisms currently in place for protecting Human Rights in Queensland, and
- the operation of human rights legislation in other jurisdictions such as Victoria and the Australian Capital Territory.

Committee Report

[LACSC Report No. 30, 55th Parliament, February 2019](#)

The report identifies key issues raised during committee consideration, and summaries features of Human Rights legislation in other jurisdictions.

- Pages xi-xii provide an overview of arguments presented for and against the legislation
- Pages xiii-xl outline Government and Non-Government Members' views on the matter.

The report was debated in the House on 13 October 2016.

[Record of Proceedings 13 October 2016](#) – Debate transcript pg. 31-37



DURATION

1 to 3 lessons

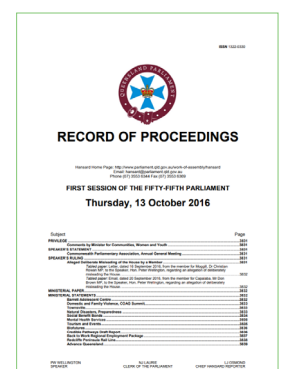
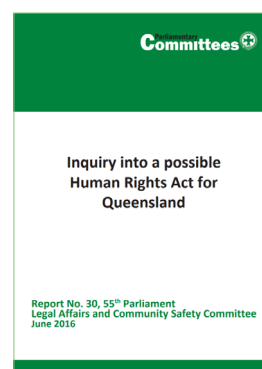


LEVEL

Years 5 to 12

The typical stages of statutory law-making in Queensland are as follows:

- Introduction and First Reading,
- Committee Consideration,
- Committee Report,
- Second Reading (including debate),
- Consideration-in-Detail,
- Third Reading,
- Royal Assent.



The Legislative Process of the Human Rights Bill 2018

When a Bill is introduced to the Parliament as the result of recommendations from a Committee report, the bill must still pass through the usual legislative process.

This process is detailed below in relation to the Human Rights Bill 2018.

First Reading

First reading speeches explain why the law needs to be reformed, that is, new laws or changes to existing laws. Sometimes if there is a court case involving the legislation at any stage, a judge can use the content of this speech (along with the explanatory notes etc) to determine the intent of the Act.

On 31 October 2018, the Hon. Yvette D'Ath MP, Attorney-General and Minister for Justice, introduced the Human Rights Bill 2018.

[The introduction of the bill follows from the first recommendation of the LACSC Report in 2016.](#)

[First Reading transcript of the Human Rights Bill 2018](#)



EXPLANATORY NOTES

Explanatory notes outline the purpose and details of bills. They are written in plain English and can be used as a more accessible way for students to examine the intention of legislation.

[Human Rights Bill 2018 Explanatory Notes](#)

Committee Investigation

The [Committee consideration stage](#)

is when the bill is closely examined to ensure it is in the best interest of Queenslanders. The relevant portfolio committee will gather information about the bill, through research, submissions and hearings.

[LACSC investigation into the Human Rights Bill 2018](#) included:

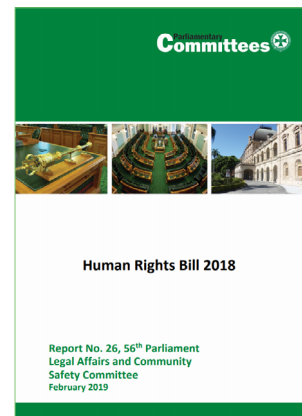
- accepting 149 written [submissions](#);
- receiving a [public briefing](#) from the Department of Justice and Attorney-General and Queensland Corrective Services on 12 November 2018; and
- holding a [public hearing](#) on 4 December 2018.

Committee Report

After the Committee has spoken to stakeholders, completed its research and considered the Bill, it prepares a report. These reports make a recommendation if the bill should progress to the next stage of the legislative process, and can also include recommendations for amendments to the bill.

[LACSC Report No. 26, 56th Parliament, February 2019](#)

The Committee recommended that the Human Rights Bill be passed. The report contains a summary of proposed law, issues raised in submissions and departmental responses for each Human Right.



Second Reading

During this state, debate in Parliament is conceptual. Members present arguments for or against the bill in general terms. The Minister responsible will typically respond to the committee report, and might foreshadow amendments that the government will make and/or explain why the government will not be making the changes recommended by the committee.

The Second Reading Debate of the Human Rights Bill 2018 took place over two days.

[Record of Proceedings 26 February 2019](#) – Debate pg. 353 & pg. 376-391

[Record of Proceedings 27 February 2019](#) – Debate pg 439 – 475

SUGGESTED ACTIVITIES

1. Ask students to explain the purpose of this stage in the legislative process, outlining why a Second Reading debate and Consideration-in-Details are required.
2. Role play a Second Reading debate with your class using the Legislation Role Play material available on the [QLD Parliament website](#)

Consideration-In-Detail

At this stage, the bill is examined clause by clause and amendments are made. Members have the opportunity to debate specific clause amendments. The Minister can be questioned throughout the process and can seek advice from public servants who sit in the 'hot seats'.

No amendments to the Human Rights Bill 2018 were passed during Consideration-In-Detail.

[Record of Proceedings 27 February 2019](#) – Pg.475-477

Third Reading

The Third Reading and agreement to the Long Title are the final parliamentary stages of the bill. After this stage, the bill has been considered it is passed by the Legislative Assembly.

The Long Title of the Human Rights Bill 2018 was agreed to on Wednesday 27 February 2019.

[Record of Proceedings 27 February 2019](#) – Pg.477

Royal Assent

Once the Bill has been checked and three parchment copies prepared, the Clerk makes an appointment with the Governor of Queensland. With the signature of His/Her Excellency, the Bill is given Royal Assent and thus becomes an Act of Parliament. Acts can come into force on a specified date/s; or upon proclamation.

On Thursday 2 March 2019 the Human Rights Bill 2018 was signed by the Governor and became the Human Rights Act 2019.

Government House Queensland: [News & Publications – March 2019](#)

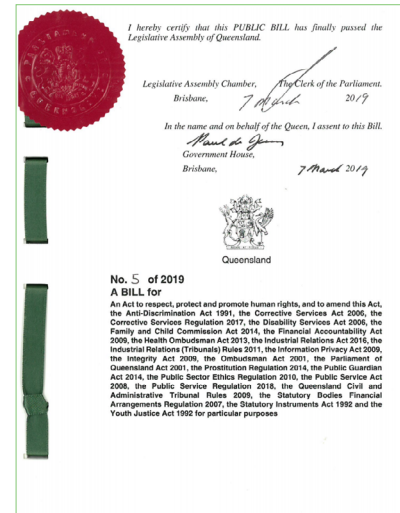
The Human Right Act 2019 commenced in its entirety on 1 January 2020.

The first review of the operation of the Human Rights Act 2019 will occur as soon as practicable after July 1, 2023 and will include consideration of whether additional human rights should be included.

For more information on Human Rights in Queensland visit the [Queensland Human Rights Commission website](#).

SUGGESTED ACTIVITY

1. Contrast the passage of the Human Rights Bill 2018 with the equivalent in other jurisdictions such as VIC or ACT. Demonstrate the implications of having a unicameral parliament in Queensland.
2. Describe the interactions between the Parliament (Legislature) and the Executive (Government) during the passage of this Bill.



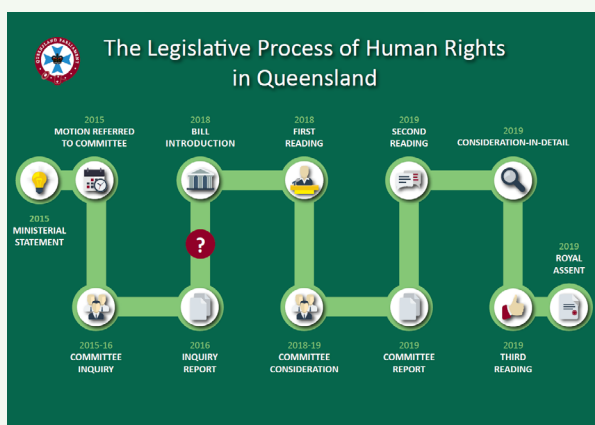
Governor of Queensland
@QldGovernor

The Governor has this afternoon granted Assent to four Bills at Government House. Learn more here:
tinyurl.com/y6ffgqjz



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RELATED STUDENT RESOURCE



Syllabus links

Unit 1: Beyond reasonable doubt
Topic 1: Legal foundations

Unit 3: Law governance and change
Topic 1: Law reform within a dynamic society

Unit 4: Human Rights in legal contexts
Topic 3: Human rights in Australian contexts