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3 February 2016

The Research Director

Legal Affairs and Community Safety Committee
Parliament House
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Human Rights Inquiry - Submission

I have considered the terms of reference of the Committee in its inquiry into whether it is appropriate to legislate for a Human Rights Act.

First, in my view, there is no evidence that there are systematic or widespread human rights abuses which occur in Queensland, or evidence that there are breaches of purported human rights which are not covered by other legislation. In my submission, the fact that Queensland and Australia has gone without systematic human rights abuses so long without needing human rights in a legislative or constitutional, and the current lack of evidence regarding this, means that there is no sufficient reason to change the status quo.

Secondly, it is my submission that other state and federal legislation adequately protects fundamental human rights. For example, the freedom of political communication, the state and federal anti-discrimination acts, the right to information acts, the privacy acts, and other various acts. Moreover, the common law currently protects human rights by, for example, application of the principle of legality, which means that legislation cannot contradict common law rights without express words.

Third, the very act of legislating for a human rights act will encourage litigation by vexatious individuals whose current rights are legitimately protected, but who wish to gain compensation. In any case, the existence of such an act will encourage litigation under it even by reasonable people. In my submission, if a human rights act is legislated, then extra funding for the judicial organ (e.g. QCAT or the Courts) will be necessary in order to ensure that claims regarding alleged human rights abuses are dealt with quickly and efficiently, without detracting from the ordinary work of the Court.

Lastly, I consider that imposing upon future parliaments the requirement to legislate in accordance with a Human Rights Act, which will have been passed without knowing what future challenges lie ahead, would be an unnecessary burden.

In my submission, the passing of a human rights act would be a solution to a problem which does not exist, and would be an unnecessary expenditure of tax payer money.

Yours sincerely

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