

A Bill of Rights for Queensland

The Australian State of Queensland is the second largest and third most populous state in Australia. This sub-national entity comprising the entirety of Australia's North Eastern landmass has a population of over 4.7 million people. Queensland has been a self-governing colony since 1859, and further achieved statehood in 1901 (The State of Queensland, 2015). The *Australia Act*, which was passed by the Commonwealth Government in 1986, removed all remaining possibilities for the United Kingdom to legislate with any effect in Australia nor be involved in any further Australian Government matter. Now, no longer having the UK as a means of safe guard for human rights protection within Australia, the nation's legislators have had an even tougher job of making sure all the State and Territory laws and regulations have and continue to prevent any human rights abuses. Australia's historical approach to human rights has been subject to the inheritance of its Colonial past – thus notions of the rights and processes established by the Magna Carta and the Bill of Rights 1689 were brought to Australia by British colonists. Individual Australian States and Territories in recent years have begun to enact specific legislation to protect the rights of their citizens (Library Council of New South Wales, 2013). Queensland in particular, has not yet enacted such legislation, however an inquiry into the possibility is underway. A specific human rights act for Queensland is paramount to securing fair, equal rights and treatment for all Queensland residents before the law and is something which should certainly be introduced as soon as possible.

A guarantee of basic human rights for all is the cornerstone of a free, fair and open society. These rights recognise the inherent value of each individual, regardless of where they live, their background, what they look like, what they think and any of their beliefs (Australian Human Rights Commission, 2016). The Universal Declaration of Human Rights, which was adopted by the United Nations in 1948, is a document which aims to set out the basic rights and freedoms which apply to all people. As with most United Nations agreements, their substance is not legally enforceable within a nation unless domestic legislation is written based upon such resolutions (Australian Human Rights Commission, 2016). Australia is the only western democratic nation on earth which does not have a federally encompassing bill of rights, nor a constitutional guarantee to basic rights and freedoms for all citizens before the law. Internationally, nations such as the United States have human rights entrenched into their constitution through the first ten *amendments*, as well as Germany's post World War Two *Basic Law* and France's *Declaration of the Rights of Man and of the Citizen*. Only two of Australia's sub national entities have taken it upon themselves in recent years to enact a charter of human rights and responsibilities, namely the Australian Capital Territory (2004) and Victoria (2006) which specifically protect and enforce the rights of individuals living there (Australian Human Rights Commission, 2016).

Since assent of this law, the Government of Victoria has noticed vast improvements in the development process of new laws and policy. The law ensures that Parliament takes into account human rights when passing new legislation as well as improved decision making by public authorities. During trials in Victoria, the law has directed courts to interpret the legislation to comply with human rights and their violations as well as provided remedies for individuals if they feel they have previously had their human rights breached. Perhaps the most important feature which came after the introduction in Victoria was the greater awareness of human rights by members of the general public (McVeigh, 2015). The human rights legislation that exists in Victoria and the ACT protects the rule of law by putting constraints on the exercise of power.

In the first step to Queensland gaining its own human rights charter, the Queensland Parliamentary Human Rights Inquiry is currently underway (The State of Queensland, 2015). Although this is a

lengthy and drawn out process allowing for public submissions from stakeholders and the general public, as well as the high costs involved with the implementation of a Human Rights Act for Queensland, the end result will be worth it for all taxpayers. Citizens right across the state will be able to live in a fairer and freer society when the law is finally introduced. If a cost-benefit analysis were to be performed, the average Queenslanders would agree that there is no physical sum of money that is worth more than the removal of restrictions of the inherent rights of any individual. Further, they would agree that the effective introduction of an encompassing law to safe guard basic human rights is well worth this burden on public funds.

A striking reason which also sets Queensland apart in comparison to the rest of Australia in needing rights protected is the fact that Queensland is the only state in Australia with a one-house parliament. This means that there is a higher risk of rights breaches which can be caused by the government as there are no checks and balances performed by a state upper house (A Human Rights Act for Queensland, 2015). A Human Rights Bill should be enacted in Queensland which states the core values and aspirations of citizens in a very general context, so as to preserve the basic rights of all inhabitants in a legally binding act of law. Queensland could use the already well established laws of Victoria, or the Australian Capital Territory as a template when considering the specific working of the legislation.

A flaw within the Queensland legal system currently stands by the way of a lack of adequate and appropriate statutory mechanisms in protecting the human rights of specific individuals and from abuses of such rights from others as well as the state itself (The State of Queensland, 2015). I believe that a human rights bill should legally bind all people, including members of parliament from the enacting of laws that are abusive or that contravene the rights of everyday individuals. This law would make sure governing bodies give proper considerations to human rights as well as monitoring their actions, policies and services to make sure they are compatible with the legislation. Local laws could also be interpreted and be applied more consistently in regards to respecting rights which will then be legally prescribed into law.

Australians have become far too complacent about the question of human rights and it is time that Australia accepts the fact that there is no doubt an imperative necessity for democratic nations all around the world to enforce a bill of rights which can neither be revoked nor suspended by any party. The most official and appropriate way to ultimately protect human rights within the state, in areas where they have until now been inadequately protected under existing legal mechanisms, is to enact an official human rights act in Queensland.

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