

Research Director
Human Rights Inquiry
Legal Affairs and Community Safety Committee
Parliament House
BRISBANE QLD 4000

Submission:

Human Rights is many things to different people and the word “rights”, can either create an expectation or create a divide of those that fear they may have to change or give away some of their own rights and interests. Either way it can often be seen as divisive subject and history around Human Rights in Australia and internationally is testament to its complex nature.

Nelson Mandela once said- *Over coming poverty is not a gesture of charity, it is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life.*

The fact that in 2016 in Australia we are actually discussing a “possible”, human rights bill to meet a minimum standard of human rights is a very sad indictment on and reflective of our society, its views, and its limited actions to effect positive change. The discussion of Human Rights needs to be about drawing up some minimum standards we as a society can agree upon that encompasses matters like basic rules of decency, respect and the reflective views of basic freedoms, life from fears, the rights to education, health and access to primary health services for a happy and joyful way of life.

Often the negative side of the Human Rights debate falls into categories of greed, racism, hate, prejudices, wilful and deliberate ignorance and/or a combination. Those who become defensive about these categories have ignorance as a defence. Each of those categories have a place in each and every one of us, it's when it is used to suppress, deny, cause extreme conflict and or harm on human dignity for self interest becomes a violation, or evil if you will.

Although, I understand human rights has a broad application, my focus comes from an Aboriginal and Torres Strait Islander perspective and the lack of provision of services to Indigenous people outside of centres that provide critical and essential services most take for granted.

Invitation for comments:

Do you or not support the introduction of the Human Rights Act in Queensland?

Comment: YES. The advantages far outweigh the disadvantage. In fact the argument against a Human Right Act is clearly a deliberate and wilful intent to allow ignorance and negative biases to continue in the decision making process of government that continually sees the suppression of people.

Which human rights should any Act include?

Comment: The rights of people to be treated with respect and dignity. Minimum standards for essential services like primary health care.

What is your view on human rights in relation to government decisions and/or public services?

Comment: Governments will come and go and so to policies and legislation to meet the objectives of the government of the day, but what doesn't change too much is the public service. The Public

service is a representative sample of society and from experience the level of ignorance can be hit and miss depending on the Departments and their portfolios. From those portfolios is the direction given by government as an outcome. Where it often goes wrong is applying those directions as it is filtered through the public services. If, when assessing a policy, there were basic assessment guidelines to be assessed against like a minimum standards of human rights then we may have a foundation that entices and supports change.

Are the current human rights protection in law sufficient?

Comment: No. They are generic and general just how some like it. If they were adequate there wouldn't be a proposed inquiry and I, like many others, wouldn't be writing submissions. It fails in its applications, it fails in relation to burden, and it is an expensive and intimidating process to seek justice or recourse for effect on a person's human rights. The systems are set up in a way whereby they are a deterrent for an aggrieved person.

What this Act would have the potential to do, if structured for accountability, could help close the loop on all other similar legislation.

Should there be more scrutiny of laws, in regards to human rights, as they are being developed?

Comment: Yes. It about accountabilities that meets community expectations and the expectations we place on others around the world and as global citizens.

Should the courts be able to assess a law based on human rights listed in Human Rights Act?

Comment: YES. The court should play a role as, assessors, arbitrators and mediators. The court should have the power to not only grant relief to a claimant or claimants, but have the power to award damages to an individual and or a group.

What are the advantages or disadvantages of human rights legislation?

There are many advantages to Queensland having its own Human Rights legislation. It would help guide us as a society as to how we should act and interact with fellow Australians and fellow human beings that, for one reason or another have complicated issues and situations that give effect to their disadvantage. It is often said that change happens slowly; well no, change happens as fast or as slow as you want.

The disadvantage is to waste time and opportunities to do nothing and continue to rely on old legislation and old negative attitudes based of racial, political and or religious grounds. To continue the hidden and ugly underbelly on hate should not guide us as a society we want to be. To have deliberate and wilful actions that suppress people should not be accepted. We all have a responsibility in a modern and democratic country to show we are mature enough to embrace progressive change to assist our fellow Australians.

*** What we teach our children today will have an effect on what their futures hold and ultimately what that future will look like. (Timmulbar)*

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