

From: [REDACTED]
To: [Legal Affairs and Community Safety Committee](#)
Subject: Submission to the Human Rights Inquiry
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The Research Director
Legal Affairs and Community Safety Committee
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Dear Research Director,

Thank you for your public invitation to make a submission to the Human Rights Inquiry.

Terms of Reference

1. That the Legal Affairs and Community Safety Committee inquire into whether it is appropriate and desirable to legislate for a Human Rights Act (HR Act) in Queensland, other than through a constitutionally entrenched model.

Response

This submission opposes any Human Rights Act and deems such an Act to be inappropriate and undesirable for the following reasons:-

- It is the role of Parliament to enact legislation. Any Human Rights Act, however constituted, would undermine the supremacy of Parliament and the primacy of the democratic processes;
- Societies and communities are not static in culture, mores, custom nor social functions, whereas any Human Rights Act would be an undesirable static brake upon further development of society because no enacted legislation is dynamic, and nor would it be flexible to foresee or anticipate whatever the future holds ... whereas Parliamentary consideration is always current and contemporary. Parliamentary actions will always be more up to date than any static legislation which will quickly date and act as a drag on development in Queensland;
- It is an unbalanced proposition to consider 'Human Rights' in the absence of any consideration or list of 'Human Responsibilities' which should be given equal weight in any circumstances. Ours is an interdependent society which requires cohesion, co-operation and harmony to function. Hence there should be no consideration of Human Rights without balancing 'Responsibilities' to such 'Rights'. Our society requires that many contribute so that all should benefit, and any focus should be on the means and

manner of contributions and indeed on the Responsibility for citizens to so. Neglect the responsibility of every citizen to contribute what they can as best they can, and instead focus only on individuals' notions of what they think society owes them as "rights" ... and we all suffer, our society diminishes and it will eventually decay. There are many such examples in history. In contrast, all the great and enlightened societies have been built upon the efforts and responsibilities of its members prioritised ahead of their "rights". Responsibilities encourage selflessness – rights encourage selfishness, and society in our state cannot afford excesses of the latter;

- The State of Queensland would benefit from fewer laws and fewer intrusions of government meddling in the ordinary affairs of citizens. People in general have deep insight into what is right or not, what is just or unjust; and it is plainly unnecessary to add to legislation, add to bureaucracy and add to already extraordinarily high costs of running government;
- The taxpayer is already struggling to pay taxes which our governments are presently spending to excess. The Queensland Government has already gone deeply into debt, has squandered its credit rating which has been downgraded, and is doing too little to restrain spending. In this financial context, it is ridiculous for government to be considering additional roles and functions with additional costs which will lead to even greater debt;
- Any legislation such as that proposed would not only allow, but indeed would encourage deeper and more disruptive intrusion of the various arms, instruments and agencies of government into the ordinary conduct of society, and this is unnecessary, in appropriate and completely undesirable.

For all these reasons it is both inappropriate as well as undesirable to consider an Act such is proposed.

Terms of Reference

2. That, in undertaking the inquiry, the committee consider:
 - a. the effectiveness of current laws and mechanisms for protecting human rights in Queensland and possible improvements to these mechanisms;
 - b. the operation and effectiveness of human rights legislation in Victoria, the Australian Capital Territory and by ordinary statute internationally;
 - c. the costs and benefits of adopting a HR Act (including financial, legal, social and otherwise); and
 - d. previous and current reviews and inquiries (in Australia and internationally) on the issue of human rights legislation.

Response

This submission opposes any Human Rights Act in Queensland and asserts that in all other jurisdictions such legislation has failed to achieve its aims and has not been useful in any meaningful way ; also that no one's rights have been improved in practice, but that the legislation is generally a burden to fair and just governance of society, is unbalanced because responsibilities are not considered alongside rights (as they should be), costs and complexity of simple situations get out of hand resulting in a "lawyers picnic feast of fees" and are a major burden on taxpayers. Even worse, democracy with representative government is diminished.

Notwithstanding, it is proposed that the 'Human Rights Inquiry' should act upon the Hippocratic principle summarised into four words – first, do no harm.

This submission proposes that considerable harm could be done by enactment of any Human Rights legislation. Therefore it behoves the Committee to proceed cautiously, and the following

is proposed. That if any party or indeed if this Inquiry is of the mind that some benefit may flow from such legislation as that proposed, that a comprehensive study be implemented, and the case for legislation be documented in detail, and published for public debate over a reasonable period of time which would at least exceed one full term of Queensland Parliament. During this period extensive debate be encouraged so that the public can form its own minds rather than be 'lead by the nose' by those who are pushing this agenda.

This submission is against enacting HR legislation; but if it is considered, proposes that full consideration must be openly, transparently and actively debated over a time period longer than a Parliamentary term before any legislation is enacted.

Terms of Reference

3. That, if the committee decides it would be appropriate and desirable to legislate for a HR Act in Queensland, the committee consider:
 - a. the objectives of the legislation and rights to be protected;
 - b. how the legislation would apply to: the making of laws, courts and tribunals, public authorities and other entities;
 - c. the implications of laws and decisions not being consistent with the legislation;
 - d. the implications of the legislation for existing statutory complaints processes; and
 - e. the functions and responsibilities under the legislation.

Response

This submission notes that there is not even an objective to enquire into for this Inquiry. 3.a. sets out the aim to establish an objective. It seems no one has found any problem which needs solving. Indeed this whole Inquiry is nothing more than a "fishing expedition".

Or that is what it seems. The alternative is too sinister and too dastardly to attribute to any government. The alternative being that the Queensland Government really knows exactly what it is going to propose, but has deliberately withheld that objective from public scrutiny. Surely this cannot be right?

Public submissions for the period between 03 December 2015 to 18 April 2016 is a ridiculously short time frame for comment or scrutiny, and is undemocratic in itself. That there are only 15 submissions two days prior to the deadline indicates how little public scrutiny this Inquiry has received, because it seems to have been hidden from public view, and has only been sought out by the alert and the zealous.

There are 4 million people in Queensland who appear so far have not been properly consulted, and most of the submissions appear to be from narrow interests. 15 submissions out of 4 million people is woefully inadequate debate or public consultation.

This submission proposes that due to absolute lack of public debate and complete lack of demonstrated interest from the public at large, that the Inquiry should inform the Queensland Government that there is so little interest or recognised public perception of any need for HR legislation, that there is no imperative to proceed any further from this point, and the whole idea should be dropped and the Inquiry closed through lack of public interest.

Yours Sincerely,

Richard Davies