



# **United Voice, Industrial Union of Employees, Queensland**

## **Submission to the Legal Affairs and Community Safety Committee**

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### **Human Rights Inquiry**

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**April 2016**

## **Introduction**

United Voice, Industrial Union of Employees, Queensland (United Voice) provides the following submission to the Queensland Parliamentary Human Rights Inquiry.

## **Overview of United Voice**

United Voice represents almost 30,000 workers in Queensland across the private and public sectors who are engaged in a diverse range of industries and occupations.

United Voice represents thousands of school cleaners, teacher aides, ambulance officers, health professionals and operational staff, early childhood education and care workers, aged care workers, workers in contracting industries such as cleaning, security and hospitality, private prisons and immigration detention.

## **A Human Rights Act for Queensland**

United Voice is broadly supportive of the proposal for the introduction of a Human Rights Act in Queensland. United Voice submits that a Human Rights Act is beneficial for the following reasons:

- Queensland's unique status of having a unicameral Parliament;
- Deficiencies in the Committee structure.

## **Unicameral Parliament**

Of the six Australian states, Queensland holds a unique status as the only one with a single house of Parliament. Inherently, this limits oversight in the creation of laws.

Queensland legislative oversight relies upon the Parliamentary Committee system, the deficiencies of which are discussed later in this submission.

In addition to the Parliamentary Committee system, when legislation is drafted, it is assessed by the Office of the Parliamentary Counsel (OQPC) against the fundamental legislative principles ("the principles"). The principles are applied to measure whether legislation reflects a parliamentary democracy based on the rule of law. Principles include requiring legislation to have sufficient regard to rights and liberties of individuals and the institution of parliament. However, the application of the principles is essentially a bureaucratic exercise performed by the OQPC and not a parliamentary exercise.

In a unicameral parliament, the principles do not play a significant role in ensuring the protection of individual rights and liberties in the face of a contrary majority government policy imperative.

The introduction of a Human Rights Act would bolster the significant role of the principles, and ensure that individual rights and liberties are protected despite contrary policy imperatives.

## **Parliamentary Committee system**

The intent of the parliamentary committee system is to ensure greater accountability and oversight of the government of the day. However, there are some deficiencies in the committee system which undermines its effectiveness in ensuring transparency and accountability in parliamentary democracy.

Notably, there is ability for the relevant Minister to by-pass the committee system by declaring a Bill is to be urgent. Such a declaration of urgency is not subject to any scrutiny or threshold test – it is solely for the Minister to declare whether a particular Bill is urgent.

In other instances, the Government is able to impose unreasonably short timeframes for reporting by the relevant Committee.

Truncated timeframes limit the ability for the parliamentary committees to genuinely consult with the public and relevant stakeholders about the proposed legislation.

## **UN Universal Declaration of Human Rights**

United Voice suggests that consideration be given to examining the contemporary Queensland perspective of the Universal Declaration of Human Rights, adopted by the UN General Assembly.

United Voice suggests that parliament consider whether Articles 23 and 24 of the “Universal Declaration of Human Rights” ought to be incorporated within the context of a Charter of Human Rights guiding the state parliament.

### **Article 23**

*(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*

*(2) Everyone, without any discrimination, has the right to equal pay for equal work.*

*(3) Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*

*(4) Everyone has the right to form and to join trade unions for the protection of his interests.*

### **Article 24**

*Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.*

## **International Labour Organisation (ILO) conventions**

UVQ suggests that consideration be given to incorporating fundamental ILO conventions into a Bill of Rights. For example:

- Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)

- Right to Organise and Collective Bargaining Convention, 1949 (No. 98)
- Equal Remuneration Convention, 1951 (No. 100)
- Discrimination (Employment and Occupation) Convention, 1958 (No. 111)
- Labour Inspection Convention, 1947 (No. 81)

## **Conclusion**

The introduction of a Human Rights Act and associated Charter of Human Rights is supported by United Voice.

The formal introduction of fundamental principles enshrined in a Bill of Rights would bolster our parliamentary democracy, especially as we have a unicameral parliament.

United Voice suggests that further consideration and public consultation should occur in order to establish a draft Charter of Human Rights prior to implementation.