



Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane Qld 4000
lacsc@parliament.qld.gov.au

Human Rights Bill 2018

Paris, 21 November 2018

Dear Committee Secretary,

Thank you for the opportunity to make a submission to this review of the Human Rights Bill 2018.

The principal argument against a bill of rights is that it is undemocratic. It is interpreted by some as empowering judges (the judiciary) and disempowering politicians, the democratically elected representatives of the people.

This is a gross misunderstanding of the fundamental issues at stake and the important role a bill of rights plays in the democratic process. It does not transfer power from the parliament to the judiciary. It is a safeguard against the abuse of power of democratic government. It does not detract from democracy. It enhances it.

There is no perfect political system or form of government. All have their shortcomings and democracy is no exception. Power corrupts; absolute power corrupts absolutely and, as Lord Acton said in his famous speech on “The History of Freedom in Antiquity” in 1877 :

« The ancient writers saw very clearly that each principle of government standing alone, is carried to excess and provokes a reaction. Monarchy hardens into despotism. Aristocracy contracts into oligarchy. Democracy expands into the supremacy of numbers.

It is bad to be oppressed by a minority; but it is worse to be oppressed by a majority. For there is a reserve of latent power in the masses which, if it is called into play, the minority can seldom resist. But from the absolute will of an entire people there is no

appeal, no redemption, no refuge but treason. The humblest and most numerous class of the Athenians united the legislative, the judicial, and in part, the executive power. The philosophy that was then in the ascendant taught them that there is no law superior to that of the state, and that, in the state, the law-giver is above the law. »

He added :

« They [the Athenians] understood that for liberty, justice, and equal laws, it is as necessary that the Democracy should restrain itself as it had been that it should restrain the Oligarchy.

The most certain test by which we judge whether a country is really free is the amount of security enjoyed by minorities »

Allow me, for my part, to observe that a bill of rights is the collective conscience of a democratic majority exercising its invested power conscientiously and responsibly.

Yours sincerely,



Rodney Crisp

