

24 November 2018

Committee Secretary  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
Brisbane Qld 4000

Dear Committee Members

Re – Submission on the Human Rights Bill 2018

I write in basic support of the implementation of Human Rights legislation for the State of Queensland but with reservations about the current Bill as presented and seek your support to recommend revisions to better represent the purpose of this proposed legislation.

With neither the State nor Federal Constitutions offering any reasonable human rights protection content it is imperative that the proposed legislation provides a proper protection from all sources of possible abuse of the fundamental requirements of human rights.

These rights must be protected from abuse by all possible sources be they individuals, corporations or Government, and as this current Bill had its genesis from recent political events and legislation that were roundly condemned as substantially offending accepted human rights principles, it is imperative that Government actions must be a major consideration in this matter.

The statements in **Part 2 - Human Rights In Queensland** of the current Bill are impressive and if were guaranteed to be applicable to all entities without exemption would make the legislation instrument a extremely worthwhile document and law, however, this is not the case.

Upon reading **Part 3 – Application of Human Rights in Queensland** it is abundantly clear that the Bill seeks to substantially make the Government exempt from the requirements of Part 2 by providing an easy way of avoiding the need to adhere to the principles outlined. By providing the ability by what

appears to be a far too easily formed and applied **override declaration** the bill insults the very reasoning for it being proposed.

Government actions that go contra to the requirements of Part 2 are the very essence of why this Bill was proposed, and hence it cannot be acceptable that any part of the proposed legislation provides a way of easily avoiding its main intent.

The current **Queensland Legislation Handbook** was put in place following the Fitzgerald Enquiry to provide guidance, in part, on how legislation should be written to protect individuals' human rights, but by the inclusion of the ability to easily ignore them the document becomes folly as is clearly evidenced by the ever increasing inclusion in legislation for the reversal of the presumption of innocence and by the desire for governments to override or ignore the judiciary checks and balances in the implementation of legislation. These actions make a mockery of any others that purport to apply the principles of human rights.

The enactment of human rights legislation is an extremely worthwhile course of action, however, to degrade the value of such legislation by including a process that easily and wilfully seeks to avoid its effect on government is far from a desirable outcome.

I urge the committee to make recommendation that **Part 3 – Application of Human Rights in Queensland** be revised to far lessen the ability of government to override the principles and application of the legislation's intent as without this revision the outcome will not represent the desired or stated goal.

Yours sincerely

Christopher Mearns

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