

Submission Re: Proposed Queensland Human Rights Bill 2018

Submission by: 

The purpose of the proposed *Human Rights Bill 2018* (HR Bill) is to provide all Queenslanders access to equal protection, recourse and remedy against human rights abuses.

1. The legislative provisions should have the definitive aim, including preventative measures in place to stop human rights abuses of all forms.
2. Can we trust that the proposed *Human Rights Bill 2018* will; -
 - a) implement provisions for real accessibility to justice;
 - b) provide access to proper and unbiased legal process for all;
 - c) allow for a fair and independent appeal;
 - d) curtail and discourage further discrimination; and
 - e) gain well respected acceptance and effectiveness on a practical level in protecting human rights ?
3. On observation the *Human Rights Bill 2018* purports to responsibly conform with various Australian legislations and Australian legal principles as a member state of the United Nations to fully observe and implement international law, however in practice it seems, that it deliberately and intentionally avoids compliance with both of the above.
4. It appears obvious from Acts such as the *Public Service Act 2008*, *Local Government Act 2009*, *QCAT Act 2009*, *Anti-Discrimination Act 1991* and *Guardianship and Administration Act 2000*, that legislation ostensibly created to regulate the actions of each of the three arms of government while intentionally omitting provisions for recourse.
5. *The Human Rights Bill 2018* also follows in the same footsteps by demonstrating total lack of recourse for breaches of its provisions.
6. A major percentage of human rights abuse in Queensland is attributed to matters of the Office of Public Guardian (OPG) and the Office of the Public Trustee (OPT).
7. The issues involve collusion between the non-constitutionally legitimate Queensland Civil and Administrative Tribunal, (QCAT) OPG and OPT.
8. I also note that, the doctrine of separation of powers has also been deliberately ignored by the Queensland government in the *Guardianship and Administration Act 2000* provision joining the OPG & PTQ (bureaucratic entities) to QCAT (quasi-judicial entity) in all guardianship matters.

9. The operatives of QCAT, OPG and OPT toward their victims currently result in destruction of families and their support networks.
10. The denial of all legal and human rights of victims, the plundering of victims estates and the infliction of severe psychological injury on both victims and their supporters have grave consequences .
11. Neither QCAT, the OPG nor the OPT are accountable to any power in Queensland or indeed any power within Australia.
12. All these entities are laws unto themselves and they are all demonstrably immune from observance of any existing legislation.
13. Their internal complaints review facilities (required by the *Public Service Act*) are manifestly inadequate.
14. The fact that QCAT members have been endowed with the same immunity as supreme court judges it follows that breaches of the *Human Rights Act* would also have no consequence for QCAT members.
15. As the OPG and OPT are legislatively joined to QCAT in all guardianship matters, the protection enjoyed by QCAT members also extends to OPG and PTQ staff.
16. It is submitted that, if the proposed legislation to have any weight, meaningful effect and public acceptance it is imperative that;-
 - a. all persons and organisations including the government are subject to and accountable to the law;
 - b. the law is clear, known, and enforced;
 - c. the Court system (including Appeals) is independent and resolves disputes in a fair and public manner;
 - d. all persons are treated fairly, free from bias and presumed innocent until proven otherwise by a Court;
 - e. Court decisions are only made by competent, appropriately and legally qualified officers of the Court; and
 - f. no person shall be arbitrarily arrested, imprisoned, or deprived of their property and/ or their legal rights to independent representation.

17. In addition to all of the above it is vital that there are checks and balances in place on the use of government power, the independence of the judiciary, the presumption of innocence, access to justice, and the right to a fair hearing.
18. In conclusion, it is my opinion that the creation of the *Human Rights Bill 2018* will only achieve its intended purposes if it upholds the Rule of Law.
19. It is critical that justice is available to all, justice is done and it is also seen to be done. Therefore all human rights principles and relevant provisions of the Bill must apply to all and be observed by all, including OPT,OPG and QCAT.

Signed:



Dated :



