

Submission regarding the Human Rights Bill 2018

The Human Rights Bill 2018 is in my opinion nothing but a carefully crafted con. Superficially it purports to conform with the legal principle that Australian legislation does not conflict with international law, and with Australia's responsibility as a member state of the United Nations to fully observe and implement international law, but in fact the Human Rights Bill 2018 deliberately and intentionally avoids compliance with both of the above.

What I see as the main problem with the Human Rights Bill 2018 is the deliberately conceived total lack of recourse for breaches by official entities. It is blatantly obvious from several Acts including the Public Service Act 2008, Local Government Act 2009, QCAT Act 2009, Anti-Discrimination Act 1991, Guardianship and Administration Act 2000 and numerous others, that legislation ostensibly created to regulate the actions of each of the three arms of government intentionally omits any provision for recourse. Exactly the same criticism applies to the Human Rights Bill 2018.

A major percentage of human rights abuse in Queensland is attributed to the guardianship racket. The guardianship racket involves collusion between the non-constitutionally legitimate QCAT, the Office of the Public Guardian and the Office of the Public Trustee. Note also 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 (a quasi-judicial entity) in all guardianship matters. Despite lip service recognition in the Guardianship and Administration Act 2000 of the rights of victims, the demonstrated brutality of QCAT, OPG and PTQ operatives toward their victims destroys families and support networks, denies all rights due to the victim, enables plundering of the victims estates by the Office of the Public Trustee, and inflicts severe psychological injury on both victims and their supporters.

Neither QCAT, the OPG nor the PTQ are genuinely accountable to any power in Queensland, or indeed any power within Australia. Any suggestion that review or appeal processes are functional is disingenuous. All these entities are laws unto themselves and they are all demonstrably immune from observance of any existing legislation. Their internal complaints review facilities (required by the Public Service Act) are totally shambolic, and both the Ombudsman and the Crime Cover-up Commission are completely farcical, being more concerned about covering up official malpractice than addressing it. I challenge the Legal Affairs and Community Safety Committee to identify even one instance where either the Ombudsman or the Crime Cover-up Commission has addressed malpractice by a member of the legislature, bureaucracy or judiciary. The Legal Services Commission refuses to accept complaints from members of the public against PTQ lawyers and the Commonwealth Human Rights Commission isn't interested in any complaint concerning QCAT, the OPG, PTQ or for that matter any state government politician, bureaucrat, judicial or quasi-judicial officer, department or quango.

The fact that QCAT members have been endowed with the same immunity as supreme court judges means that they can and do thumb their noses with impunity at all non-criminal legislation. Given that there is no facility for breaches of human rights legislation to be a criminal action, it follows that breaches of the Human Rights Act would also have absolutely no consequence for QCAT members. I have personally witnessed on several occasions the total ignorance of human rights principles by QCAT members on several occasions, including an instance where my partner was rendered effectively catatonic by a member who admitted he had no knowledge of medical or allied health matters (allegedly a breach of QCAT Act provisions) but who chose to ignore professional medical advice. Furthermore, since the OPG and PTQ are legislatively joined to QCAT in all guardianship matters, this incestuous relationship extends the protection enjoyed by QCAT members to OPG and PTQ staff.

Another provision in the Human Rights Bill that is unlikely to be observed is the issue of periodic review. In particular, the QCAT Act 2009 requirement for review has been ignored after receipt of scathing submissions and the disastrous to QCAT 'quality of decision-making in QCAT is deplorable' finding by the Court of Appeal in

Mahe QC11-225. Even after having been found biased by the Court of Appeal, the senior member responsible continued in the same position for another six years before being demoted. It is evident that a review is only considered acceptable if it does not reveal anything unpalatable, as was demonstrably the case with reviews of the QCAT Act. I suggest that the same is likely to apply with reviews of the Human Rights Act in that any submissions and or Court of Appeal findings which expose issues embarrassing to the state government are certain to result in the reviews being discontinued indefinitely.

I note that several submissions suggest appointing QCAT to deal with breaches of the Human Rights Act, although I seriously doubt that the contributors have had any personal dealings with QCAT. To add insult to injury, I believe that the state government intends giving QCAT native jurisdiction to hear matters arising from the Human Rights Act, even though mention of this has been omitted from the Bill. If indeed this is the case, it will confirm my suspicions that the Bill was confirmed as a shambolic presentation that the state government has no intention of making human rights meaningful. At least one submission implies that the Human Rights Bill was the work of the Attorney General, however I believe it was crafted by the Justice Department and has probably not even been read by the Attorney General. Members of a previous LACSC questioned regarding another Bill admitted it was prepared by the department rather than by a minister and confirmed 'we don't read that crap'.

The Human Rights Bill 2018 involves renaming the Anti-Discrimination Commission to the Human Rights Commission. Historically the Anti-Discrimination has proven to be a complete farce. Among other issues, I am unaware of any occasion when it has addressed discrimination complaints involving any legislator, bureaucrat or member of the judiciary. In particular, I have attempted to file complaints regarding deliberate discrimination by QCAT members / OPG / PTQ staff and have been advised that the Anti-Discrimination Commission does not accept complaints against QCAT members / OPG / PTQ staff. There is no reason to believe this policy will change with the renaming from Anti Discrimination Commission to Human Rights Commission.

It is an undisputable matter of record that Australia has an absolutely shocking record of human rights abuse. This has been acknowledged by the United Nations Human Rights Council on multiple occasions, and also by a number of Australian and international human rights organizations. All Australian watchdogs including the Commonwealth Human Rights Commission are farcical and serve only to cover up official malpractice. What is even more concerning is that rather than address this issue, Australian governments resort to ever more deceptive and duplicitous measures to avoid honoring their responsibility to citizens. Whilst legislation occasionally mentions international instruments, no legislation to date has made any genuine attempt to comply with human rights principles. With this in mind, it is hardly surprising that Tony Fitzgerald noted in 2014 that government in Queensland is government by obfuscation, and in the context of demonizing whistleblowers / concealing malpractice, UN Special Rapporteur Michel Forst stated in 2016 'Australia is the most corrupt country in the world'.

In conclusion, it is my opinion that all members of the Legal Affairs and Community Safety Committee, all members of parliament, and all bureaucrats involved in creation of the Human Rights Bill 2018 should hang their heads in shame for their participation in this sham which will do absolutely nothing to compel abusive bureaucracies like the OPG and PTQ, the quasi-judicial QCAT kangaroo tribunal, or the judiciary generally to observe any semblance of human rights principles. What could have been a fair dinkum move to ensure observance of human rights has been turned into a hoax.

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FORM D Submitters

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