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 LEGAL, CONSTITUTIONAL AND
 ADMINISTRATIVE REVIEW
 COMMITTEE

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Submission

**The Preservation and Enhancement of Individuals'
 Rights and Freedoms:**

Should Queensland Adopt a Bill of Rights?



Introduction

It is clear, in examining history, that the protection of the rights of the individual is a paramount concern of government. It is also clear that government has failed in this regard and ignored or manipulated any documents that have upheld such rights in the past.

Whilst the Bill of Rights of 1688 set out clearly the rights of the people, either by default or by design, this particular set of rights has been legislated out of common law. In fact, for all practical purposes, Australian citizens have no rights.

This situation is clearly untenable.

The Bill of Rights of 1688 was written by an oppressed people, to ensure the protection of particular rights that should have been and should still be, an integral part of society. The oppression they suffered was from their own ruler and the Bill of Rights was written to protect them from their own government.

History teaches that most often, people require protection, not from an outside force, but from their own rulers. Indeed, it is government that is responsible for war and the wholesale destruction it entails.

Whilst it would seem a far cry from Britain in 1688 to Australia in 1997, closer scrutiny indicates that the basic rights and freedoms that were so hard won back then have been eroded substantially. Because government ignores those earlier rights, it now seems wise to revisit them.

The danger in such a proposal lies in the fact that this particular proposal for a Queensland Bill of Rights is being organised by a government authority. It is imperative therefore, that any proposed Queensland Bill of Rights be examined closely to ensure that it contains the individual rights and freedoms that cost dearly in terms of human life in past centuries.

The current call for a Republic is a classic example of why the a Bill of Rights is a necessity. In looking at republics worldwide, we see a couple of successes and many disasters – most of the African nations, which quickly degenerated into military or other dictatorships. The USA, probably the most successful of the Republics, has a Constitution that was WRITTEN BY THE PEOPLE: by a people who had just escaped the yoke of the same oppression that had been the catalyst for the original Bill of Rights. The Constitution was written by people who knew that government could and would, sooner or later, turn on its own people, unless the individual rights and freedoms of the people were protected and enshrined and inviolable in that protection.

Will an Australian Republican Constitution be written by such far-sighted people, who have seen what a government with no controls can do to its own? Or has it already been written by self seeking and self serving politicians and public servants?

Any proposal for a Queensland Bill of Rights must include ALL of the provisions of the original, and probably a few more that have since become relevant in the technological age in which we live.

The keystone on which all human rights rests is the freedom to own firearms. Without this right, all others cannot be maintained. History has sadly proven this to be true. The classic example of this lies with the Nazi persecution of the Jewish people, but also is evidenced in other countries: Uganda, China, Russia.

Rights and Freedoms

1. The right to **LIFE** is the basic of all. Without life there is nothing and without the right to life there is no hope. The right to life also embodies the right to self defence. This right is an imperative and **MUST** be included in any *Bill of Rights*. All people must be allowed to defend themselves as best they are able in the circumstances in which they find themselves. Whilst the right to self defence is assumed in many instances and upheld by many courts, the recent erosion on the rights of the individual to retain firearms means that this right must be one of the first to be included.
2. The right to **LIBERTY** will only be retained if individuals retain the right to legally own and use firearms. Without arms to protect, there will be no liberty. It is the cause of most wars and the vast majority of deaths. Liberty can only be bought and retained by the use of force if necessary. The deterrent value of the individuals right to own and use firearms cannot be underestimated.
3. The right to **EQUALITY** before the law is one which is steadily being eroded in our so-called multicultural society. Never before to this extent has government pushed the tenet that special consideration should be given to one racial group over another. All men (and women) are equal before the law. There can be no differential in law from one to another individual or religious or racial group.
4. The right to **PEACEFUL ASSEMBLY** is an essential of a free society. Mankind has a basic emotional need to meet and live and work in concert with others. History has shown that government has often in the past, removed this right. It must therefore be enshrined in any proposed *Queensland Bill of Rights*.
5. The right to **FREEDOM OF RELIGIOUS EXPRESSION** is another such as that of peaceful assembly. Persecution of religious groups is not a thing of the past and therefore must also form a part of any expression of freedom.
6. The right to **FREEDOM OF SPEECH** is one which is being eroded, not by might, but by stealth. It is "unAustralian" or "racist" or "hysterical" to express opinions which are not acceptable or "politically correct". Such is the skill of manipulation of government and media that this right is eroded for all but the powerful few. This right is another basic that must be included.
7. The right to **LEGALLY OWN AND USE FIREARMS** is the one of all of the basic rights that is now under the real threat of extinction. It is the one right that if removed, all others will follow. It is the linchpin, the hinge, the cornerstone, on which all others rest. Without it, we will degenerate into chaos; a chaos driven by government and the hysterical anti-gun minority, who do not consider the lessons of the past, but live in a fairyland of their own design, where the lamb and the lion lay down together, where criminals will willingly apologise for their wrongs and tread the

path of righteousness, where animals will never die but remain cute and cuddly for eternity and where disease, famine and pestilence will never again cause mankind or any other form of life to die in anguish.

Responsibilities:

With all rights, however, there are responsibilities, and the two cannot be separated. With the right to life comes the responsibility to care for those lives with which we are entrusted, not for them off to an old peoples' home or childcare institutions. With the right to liberty comes the responsibility to preserve the liberty of ourselves and others and to release those whose liberty has been taken from them; to seek the freedom of those who do not have the rights that we hold dear.

With the right to equality comes the responsibility to ensure that special needs are met, whether they be special needs because of racial, religious or other reasons. Our responsibility is to recognise special needs and react compassionately to them.

With the right to peaceful assembly and freedom of religious expression comes the responsibility to tolerate differences and respect opinions that conflict with our own. With the right to freedom of speech comes the responsibility to ensure that the speech we use and hear is factual, distortion and bias free and fair.

With the freedom to legally own and use firearms comes the responsibility to use them responsibly and to ensure that those who are not familiar with them are trained in their use; to ensure that those who should not have firearms do not have access to them, to protect children from the potential danger that exists for the unwary, untrained and unfamiliar.

Conclusion:

Yes, it is essential that Queensland has its own Bill of Rights. We cannot rely on our Federal Government to protect our rights. It is at the forefront of the erosion of our rights, our freedoms and our standard of living. If the Federal Government had its way, there would be no State Governments, no rights and no future.

Our society rests on some basic tenets. These need to be enshrined in legislation, but beware the integrity of the legislators.

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