




Speech By
Michael Crandon

MEMBER FOR COOMERA

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LEGAL AFFAIRS AND COMMUNITY SAFETY COMMITTEE

Report, Motion to take Note

 **Mr CRANDON** (Coomera—LNP) (12.02 pm): I rise to make a contribution to the committee report on the inquiry into a possible human rights act for Queensland. I thank all those involved in the inquiry, in particular the member for Lockyer who substituted for me for the trip to North Queensland where I understand he caused a ruckus.

The legal affairs committee conducted an inquiry into a possible human rights act for Queensland. In his submission to the committee, James Allen stated—

The core problem with any bill of rights is how it enervates democracy. That, in fact, is the very point of these instruments. If you buy a bill of rights you are, in some form or other, simply buying the views of a coterie of unelected judges or committees of ex-lawyers.

Non-government members agree with this view. Furthermore, the evidence does not point to a need for a human rights act at all. For example, many witnesses put views forward that were not borne out by the facts. It was what people believed.

During our hearings I challenged witnesses. For example, a witness brought up the issue of Aboriginal and Torres Strait Islanders being overrepresented in our prison system in Queensland. I brought to the attention of the committee and the witness the fact that in New Zealand, which has a bill of rights act—and has had one since the early 1990s—15 per cent of the broader population identify as Maori and yet 51 per cent of the prison population in New Zealand identifies as Maori. There was no answer to my question of the witness because there is no answer. New Zealand has a bill of rights. Maori people are overrepresented in the New Zealand prison system.

Let us look at Victoria which has a charter of human rights and responsibilities. Aboriginal and Torres Strait Islanders are represented in the Victorian prison population as eight per cent of that population. That sounds very good compared to Queensland where it is around 25 per cent except that in 2009 the Aboriginal and Torres Strait Islander population in prisons in Victoria was 5.8 per cent. That is a 38 per cent increase since 2009 in the Aboriginal and Torres Strait Islander population in the Victorian prison system under a charter of human rights.

In support of this, Nicholas Aroney provided his experience of the operation of the charter in Victoria in terms of the protection of rights. He said in a recent study of the relationship between rights and the balancing of rights under the Victorian charter that, Professor Paul Babie, Dr Joel Harrison and he found that religious freedom, for example, which is what they were asked to study, was better protected before the charter than under it. More generally—and this is the most important point he was making—they found that, at best, the charter did not make a difference in cases and at worst it supported decisions in which one right was given priority over another.

The human rights legislation in Victoria and the ACT provide explicit protection of a select group of human rights drawn from international human rights treaties. The Victorian charter specifies 20 rights drawn from the International Covenant on Civil and Political Rights. The charter states—

- (2) Aboriginal persons hold distinct cultural rights and must not be denied the right, with other members of their community—
 - a) to enjoy their identity and culture
 - b) to maintain and use their language
 - c) to maintain their kinship ties ...

None of these are protections solely under a civil rights act. Non-government members acknowledge the evidence provided to the committee concerning discrimination on race and other grounds and inadequacies of government service provision, especially in regard to disability services. Those gaps can be addressed either by specific legislative amendment or by new government-led policy, enhanced government services or increased government spending in targeted areas.

In conclusion, the European Union Committee of the House of Lords recently completed an inquiry into the potential impact of repealing the UK HRA in regard to the European Union law. In February 2016 the secretary of state for justice gave evidence to the committee. He stated—

Human rights have become associated with unmeritorious individuals pursuing through the courts claims that do not command public support or sympathy. More troublingly, human rights are seen as something that are done to British courts and the British people as a result of foreign intervention, rather than something that we originally championed and created and seek to uphold.

He questions whether or not they should have a bill of rights. Those comments are from the home of our Westminster system.