




Speech By
Daniel Purdie

MEMBER FOR NINDERRY

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HUMAN RIGHTS BILL

 **Mr PURDIE** (Ninderry—LNP) (3.24 pm): I rise to make a short contribution on the Human Rights Bill introduced by the Attorney-General on 31 October 2018. This bill will make amendments to over 20 pieces of existing effective human rights protections already in place in Queensland including the Anti-Discrimination Act, the Corrective Services Act, the Corrective Services Regulation, the Disability Services Act, the Family and Child Commission Act, the Financial Accountability Act, the Industrial Relations Act, the Industrial Relations (Tribunals) Rules, the Information Privacy Act, the Integrity Act, the Ombudsman Act, the Parliament of Queensland Act, the Public Guardian Act, the Public Sector Ethics Regulation, the Public Service Act, the Public Service Regulation, the Queensland Civil and Administrative Tribunal Rules, the Statutory Bodies Financial Arrangements Regulation, the Statutory Instruments Act and the Youth Justice Act.

This proposed Human Rights Bill is not a rebranding. It poses a significant change that goes beyond the identification of certain rights which already exist within the list of existing bills I just mentioned. This proposed bill as it stands now has the potential to create uncertainty in the division of powers. It creates an ambiguous shift in the relationship between the court, parliament and executive.

The declaration of incompatibility could impair the institutional integrity of the Supreme Court as it goes beyond the court's current ordinary duty to only make observations in their judgements. Decisions based on interpretations by judges could distort the separation of powers by empowering judges over elected representatives of Queenslanders. On what basis or need did the government feel it was necessary to make such drastic changes? History demonstrates that human rights are shaped, formed and enforced within existing legislation. There is always room to do better. However, is a separate human rights bill required?

My colleagues and I are questioning the relevancy of this bill not only in terms of need but also on what evidence based research is the government using to support this bill and the substantive shift in process change it will create. Queensland already has a system in place for protecting the vulnerable from substandard bureaucratic decision-making by providing adequate resources and engaging a professional Public Service. The Queensland Ombudsman, and in some circumstances the CCC, closely monitors the Public Service and intervenes to protect people from negligent and harmful decision-making that infringes on people's human rights.

While I acknowledge the support from some submitters advocating for more protection for our most vulnerable, I also acknowledge the concerns raised by the Queensland Law Society in which the powers granted may not fit within a judicial officer's role. In my former career as a Queensland police officer and in my current career as a member of parliament, I took an oath to serve and protect all Queenslanders. I will always support laws and policies that demonstrate improved outcomes for vulnerable Queenslanders. However, I do not feel that this bill will result in better protections for our most vulnerable.

Along with the support of my colleagues, I urge the government to consider the following: removal of the power the bill transfers to the court by making a declaration that a statutory provision cannot be interpreted in a way that is compatible with human rights; and that amendments uphold the role of the judiciary as it is now, where they speak to parliament through their judgments. We seek these amendments to ensure that our constituents continue to have control through a democratic process, through the channel of their elected representatives, to shape and enforce our human rights today and into the future.

It was former senator and New South Wales Labor premier Bob Carr, who I know the member for Logan spoke so highly of just before, who said in relation to human rights legislation—

Parliaments are elected to make laws. In doing so, they make judgements about how the rights and interests of the public should be balanced. Views will differ in any given case about whether the judgement is correct. If it is unacceptable the community can make its views known at elections. A bill of rights is an admission of the failure of parliaments, governments and the people to behave reasonably, responsibly and respectfully.

In closing, transferring power from parliament to the courts to shape future legislation could in itself be perceived as taking democratic rights away from the people. To express their voice through parliamentary representation is not a form of disempowerment to politicians but a shift in power away from the people we represent.