




Speech By
Lachlan Millar

MEMBER FOR GREGORY

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HUMAN RIGHTS BILL

 **Mr MILLAR** (Gregory—LNP) (12.05 pm): I rise to strongly oppose this bill. In doing so I am grateful to be given an opportunity to explain why. Many might ask, “how can you oppose human rights? Aren’t human rights an undeniably good thing? Aren’t there people all over the world suffering because they are being denied their basic human rights; and if we do not have human rights aren’t Queenslanders at risk too?” Even posing these questions sounds foolish and that is my first point: opposing this bill does not mean I oppose human rights, it means I oppose the way this bill conceives human rights. By the very drafting of this bill it is clear that the Labor Party does not think of human rights as being inalienable. I think they are inalienable. You are endowed with human rights because you are human. They are not granted to you by a government—any government. Sadly though, they can be taken away by a government, which is why we must defend our democratic government. Not all governments are equal in their concerns. Democracies like Queensland and Australia must be very wary of governments that want to legislate around human rights and then hedge that legislation with the inevitable ranks of bureaucrats and lawyers.

My first suspicions arise because I fail to see any urgent crisis of human rights abuse in Queensland that needs to be addressed by this legislation. Part of my job as the member for Gregory is assisting my constituents to navigate their way through Queensland departments, laws and regulations. Because of where we live, Gregory constituents have had contact with virtually every state government department at one time or another. I have great admiration for the many Central Queensland public servants my staff and I deal with. They are well educated, well resourced and highly professional in what they do. I find that most issues can be sorted locally on the ground and communicating person to person and that is the first line of defence for Queenslanders. However, if for some reason that is not so, I know my constituents have clear rights to appeal already embedded in the law. The Queensland Civil and Administrative Tribunal is an outstanding judiciary that fulfils a key role of protecting the rights of Queenslanders against maladministration. The protection of other human rights is a central concern of many other pieces of Queensland and Commonwealth legislation. These rights are already protected. Then there is our inherent common law protections. Someone once said this system of law assumes freedoms and rights unless a government actively passes a law to restrict or remove that freedom or right.

The common law protections of freedom of association, expression and belief and so on have proven over centuries to be robustly protected under common law. Furthermore, common law has inbuilt strengths to grow over time and to be hard to overthrow and we all should be grateful for this inheritance. Under our system of government we have seen the protection of human rights grow more sophisticated and unassailable year by year. A very good example to think about is the protection of the rights of children. It has developed enormously over the last 50 years. The combination of a representative parliament and an independent judiciary operating through case law does not need a perfect vision of the future because it is a robust system that can adapt.

Finally, we already enjoy constitutional rights like religious freedom. I ask again: where is the urgent and demonstrated need for this legislation? That is important because, like medication, legislation always comes with side effects and unintended consequences. We all know that that is why as legislators we like to see the effects of a bill reviewed on a regular basis, say every 10 or 20 years.

One of the things that concerns me most about this bill is that it seems to ignore the balancing and separation of powers between the different arms of government, which is fundamental to our democracy. That would absolutely have unintended consequences. Essentially, the bill asks this parliament to let judges assume power over parliament. That is so inherently wrong that I can only describe it as undemocratic. Judges are appointed for very good reasons, not the least of which is that they need an extensive knowledge of the law. Legislators are elected because they represent the sovereign power of the people. We tamper with that at great cost.

Even the Queensland Law Society has expressed their concerns about the way in which the bill changes the function of the courts. Essentially, the courts will be telling the parliament what they can legislate. Even worse, administrators will try to anticipate the views of the court when deciding how this Human Rights Bill interacts with existing legislation that they have to administer. The complications will be enormous for public servants such as teachers, police, transport inspectors, mines inspectors, land officers, public housing officers and the list goes on and on.

The LNP recognises the fundamental need to preserve the sovereignty of the parliament and we will not support a bill that will give the judiciary the ability to ignore the clear intent of the parliament. We will always support the protection of vulnerable members of our society and we will always be supportive of correcting those protections if they are proving wanting. However, we cannot support a bill that fundamentally attacks the basis of Queensland democracy for the spurious reason of protecting rights that are already robustly defended. I oppose this bill.