




Speech By  
**Linus Power**

**MEMBER FOR LOGAN**

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### **HUMAN RIGHTS BILL**

 **Mr POWER** (Logan—ALP) (3.01 pm): So far in this debate, all speakers from both sides of the House have stood in this place and said that they support human rights as a concept. While some make platitudes about the concept, they say they reject any further expression of it in the parliament and in our laws. Some in this place make all the right platitudes and we have heard that from the members for Toowoomba North and Toowoomba South. They say that we already have protections, such as the Magna Carta, which is a document that was abolished soon after it was created and explicitly restricted the rights of certain citizens. They cite the common law. We know we have the ability to make laws to override the common law, unlike a constitution. They refer to 1,000 years of the Westminster system, our courts, democracy and sceptical media. Obviously, all of those are important. However, we know that neither 1,000 years of the Westminster system nor the common law prevent egregious breaches of human rights.

I come from the Irish Catholic community. The penal laws drawn up by the British government meant that for 200 years people who had my ethnicity and faith could not participate equally in the United Kingdom. They could not join the army, be a judge or even vote. That was explicitly defined in the same system that gives us protections. We know that that fed into Australia, as Irish Catholics could not practice their religion for some 30 or 40 years after the settlement of this country. They could not speak their language.

That system also fed into laws made in this parliament such as the Aboriginal 'protection' act. I say 'protection', because that law did much to control, diminish and ruin the human rights of people. The act was passed in 1897 and further built upon, without impediment, in 1899, 1901, 1928 and further. Why did the Magna Carta, the common law or 1,000 years of Westminster democracy not protect Aboriginal Australians whose human rights were so badly trampled upon?

We know that there can be legitimate concerns with bills such as this, but we have not heard about those from the opposition. We know that it is difficult to be universal in human rights. We know that the United States would have entrenched slavery if they had had the choice and thought it through. We know that in 1600, if the English had put forward a bill of rights, they would have made it an anti-Catholic act. We know that, if white-dominated Australia had developed a full bill of rights in 1901, it probably would have been a racist one. Indeed, our attempt at codifying human rights at this point is just that: a product of this time, this place and our views. But I ask a legitimate question: can we not in this parliament aspire to help define what Queenslanders see as our collective human rights? Everyone in this parliament has stood in this place and said that they believe in human rights; that they want to strengthen human rights. Can we not say what we think human rights are?

I note that in this parliament we have boldly said that there are what are called positive rights, such as the right to education and health services. Our proud declaration of those positive rights will contribute to a better Queensland, as Queenslanders bring forward better ways to provide those basic services, which are now defined as rights.

It is as if the LNP is debating a different bill. They quote Bob Carr, who talked about a completely different structure. I know that the member opposite will not quote Bob Carr, because he would know that Bob Carr was talking about a differently structured bill of rights.

I find it curious that it is a challenge for anyone in the LNP to mention clause 43, the 'Override by Parliament' provisions. That clause makes it absolutely clear that this parliament can declare that it is overriding an act. That gives absolute primacy to parliament. I say to the member for Toowoomba North: there are no overlords. There is nothing like that in this bill. He talked about a separate bill, almost to the point of irrelevancy. It is important that we look at clause 43 and clause 54. Any LNP member who does not make reference to that in a future speech will know that they are attempting to mislead this House.

It is vitally important that we know what this bill is, as opposed to other structures of human rights charters. In this place we are just 93 people. Do we always know the exact consequence of all laws for all Queenslanders, in all circumstances and for all time? Is it not right that, where our laws undermine the human rights of our citizens, we are asked to look again at the intent of those laws and make a determination as to whether or not that was what we wanted to construct for our state? The alternative it is to suggest that we know everything that will happen into the future and how laws will impact on every Queenslander. It is extremely arrogant of the LNP to suggest that they could know that.

I again stress that clauses 43 and 54 allow for override by parliament provisions, which can declare that there are exceptional circumstances in a law that is being put forward. However, no LNP member ever mentions that. When they speak to their community groups, again they will ignore those clauses and mislead people. In saying that I do not refer to the member for Ninderry, as I am sure he will speak directly to the issue. The LNP refuses to mention clause 43. They want to set up a straw-man policy and argue something other than what we are actually debating today.

I stress to all members of this parliament that this is an important reminder to us of the impact that our laws have on Queenslanders. We know that we can override them and that parliament will still have primacy. We also know that Queenslanders have a voice and they will tell us when their human rights are undermined. I commend the bill to the House.