




Speech By
Hon. Mark Bailey

MEMBER FOR MILLER

Record of Proceedings, 27 February 2019

HUMAN RIGHTS BILL

 **Hon. MC BAILEY** (Miller—ALP) (Minister for Transport and Main Roads) (2.45 pm): I rise to speak in support of the Human Rights Bill 2018. I am proud to be a member of the Palaszczuk Labor government that is actively reforming Queensland to strengthen human rights. This bill will deliver another commitment that this government took to the people of Queensland during the last state election. We promised that we would introduce human rights legislation based on the Victorian model. I am proud to be part of a government that keeps its promises to the people of Queensland.

For a long time there have been calls in our community to enshrine in law the human rights of Queenslanders. I would like to place on record my thanks and appreciation to the Attorney-General, the Premier, the Deputy Premier, the minister for employment and training and the member for Toohey for their strong leadership on this important reform. I would also like to extend my appreciation to the former Attorney-General of Queensland and member for Yeerongpilly, Matt Foley, who is in the gallery today and members of the Yeronga branch of the Labor Party, Norm Bullen and Ken Boyne, who have been fierce and determined advocates for this bill over many years.

As human beings, we all have fundamental rights. It is important that our legal framework reflects that explicitly to protect those human rights. This bill seeks to protect 23 human rights. They are primarily civil and political rights drawn from the International Covenant on Civil and Political Rights and one right dealing with property drawn from the Universal Declaration of Human Rights. This bill also protects two rights drawn from the International Covenant on Economic, Social and Cultural Rights, being the right to education and the right to health services. Under the provisions of this bill, all Queenslanders will be ensured the right to enjoy their particular culture, to declare and practise their religious beliefs and to use their language without discrimination. In our modern multicultural society, it is vitally important that we recognise, embrace and celebrate all of the varied backgrounds and experiences that Queenslanders bring to our community.

This bill will ensure that every child has the right to access primary and secondary education. As with many other members on this side of the House, I value the important role that education can play in levelling the playing field for all children regardless of their personal circumstances. Every person has the right to peaceful assembly. It is a fundamental tenet of our democratic society that every person has the right to freedom of association with others, particularly whether that is joining a political party, a trade union, a community organisation, or a religious group.

Of particular importance is the fact that the bill will also explicitly recognise cultural rights and, in particular, the distinct cultural rights of our First Australians and their distinctive and diverse spiritual, material and economic relationship with their lands, territories, waters and coastal seas. The bill also recognises the particular significance of the right to self-determination of Aboriginal and Torres Strait Islander peoples.

It is vitally important that matters dealt with by the Queensland public sector and the public functions of government are exercised in a principled way that is compatible with the human rights of Queenslanders. It is important to note that the human rights in the bill are not absolute and may be

balanced against the rights of others and public policy issues of significant importance. The general limitations provision in this bill recognises that human rights may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Factors that determine whether a limit on a human right is reasonable and justified are set out in the provision and are intended to incorporate the common law principle of proportionality—a test applied by courts in many other jurisdictions to determine whether a limit on a human right is reasonable and justified. This is a reasonable and measured approach to ensuring that the human rights of Queenslanders are protected. It adds another layer of scrutiny to the actions of the government of the day.

From time to time, governments of varying approaches are elected. Not all governments are as respectful of Queenslanders and their human rights as the current Palaszczuk government. This legislation will help protect Queenslanders against autocratic and dictatorial behaviour by an errant government, agencies or officials who disrespect the human rights of Queenslanders.

I became politically active because of the trampling of human rights in the 1980s by the Bjelke-Petersen government. It is not surprising to hear today that the LNP continue to oppose this bill 35 years later. Nothing has changed. The old Liberal Party that split from the coalition for six years may have had some kind of prospect of backing a human rights bill, but we all know that the Liberal Party has disappeared, has been swallowed up and dominated by the National Party, which is reflective of their position here today. There are no Liberals left. We need this bill largely because of the excesses of the executive governments of both the Bjelke-Petersen and the Newman governments under which Queensland suffered terribly

Mr Lister: You had 20 years in power and you didn't do anything then.

Mr BAILEY: You had three years and you really messed it up, didn't you?

Mr DEPUTY SPEAKER (Mr Stevens): Order! Minister, you will direct your comments through the chair and not across the chamber and you will not use the word 'you'.

Mr BAILEY: People's rights were trampled on and removed by both the Bjelke-Petersen and Newman governments necessitating, in terms of the Bjelke-Petersen era, the Fitzgerald inquiry. Those excesses lead to corruption in government, in the private sector and even in the police force of the time. Since then there have been many important reforms, including the CCC, our robust parliamentary committee system and independent agencies to scrutinise government, but what we lack is a human rights act and that is why we are here today.

It is no surprise that the LNP, with its rampant record of trampling on people's rights, is opposing this bill. It interferes with its intention to continue to do so at some time in the future. Its members say they support women, but they vote against their right to choose; they say they support the environment, but they vote against renewables and tree clearing laws; they say they support human rights, but they will vote against this bill that seeks to strengthen them for Queenslanders. I see a clear pattern here. Their words are not sincere. They do not support human rights. This is their opportunity to support human rights, and here they are with disingenuous language pretending they do when we know they do not. One only has to look at how they behave when they are in power. We saw the excesses of the Newman and the Bjelke-Petersen governments. We know what the values of the conservatives are. They do not believe in human rights. They believe in pushing people around. They believe in pushing Queenslanders around. This bill is a safeguard in the future against excessive government. What most offends the opposition in this place is that these laws—being voted on democratically, not by some unelected leader but by all of the people who are elected to this chamber today or tomorrow—will be a democratic strengthening of our legal system.

Unlike the member for Caloundra, I believe that we should legislate against discrimination and set the standard in our community to prevent powerful people and powerful governments from oppressing others unreasonably. That is at the heart of this bill. I am proud to be a member of a government that walks the walk and does not perform verbal contortions to distract from its refusal to back Queenslanders. Shame on the LNP for once again letting down Queenslanders. I know this legislation will be welcomed by Queenslanders and I commend the bill to the House.