




Speech By
Patrick Weir

MEMBER FOR CONDAMINE

Record of Proceedings, 27 February 2019

HUMAN RIGHTS BILL

 **Mr WEIR** (Condamine—LNP) (3.08 pm): I rise to make a brief contribution to the Human Rights Bill 2018. The committee report indicates that the committee accepted 149 written submissions, as well as 135 form submissions. As documented in the explanatory notes, a range of stakeholders was consulted on the bill prior to finalisation. The explanatory notes state that overall stakeholders were supportive of the bill being based on the Victorian model, with the addition of social and economic rights.

This is a bill that will excite lawyers, social advocates and ideologists and go largely unnoticed in the general population. I must say, I am somewhat underwhelmed by this legislation. From what I can see, virtually all the issues raised in the bill are already covered by various other acts. Indeed this bill would seem to be another overreach by this government that will result in unintended consequences and a boom time for the legal profession.

It would appear that I am not alone in these thoughts. There were some submitters who raised concerns relating to how human rights under the bill will be managed when a conflict arises. The Queensland Teachers' Union expressed concerns that the rights, as stated in the bill, are too broad, which will result in the courts being required to interpret their intent, including where a conflict arises. They stated—

There are numerous inconsistencies in the Bill which arise from the extremely broad nature in which the rights are expressed. For example, the right to freedom of expression may conflict with the right to privacy or reputation.

It is the submission of the Queensland Teachers' Union that the Parliament should not pass laws that will require a Supreme Court determination in order to understand.

As I have already stated, sections of this bill would seem to me to be previously covered by our current laws. These include the following. Subclause 15(1) provides that every person has a right to recognition as a person before the law. Subclause 15(2) provides that every person has a right to enjoy their human rights without discrimination. Subclause 15(3) provides the right for legal protection: every person is equal before the law and is entitled to the equal protection of the law without discrimination. Subclause 15(4) provides the right to equality: every person has a right to equal and effective protection against discrimination. Clause 16 states that every person has the right to life and the right not to be arbitrarily deprived of life.

Various submitters stated and reflected views on the Termination of Pregnancy Act 2018 saying that the bill's proposed saving provisions were inconsistent with the bill's proposed right to life. Expressing an alternative view, Professor Heather Douglas offered support for clause 106, stating—

It is particularly pleasing to note that clause 106 protects the reproductive rights of women ensuring that nothing in the (proposed) Human Rights Act affects any law relating to termination of pregnancy or the killing of an unborn child.

In response to submissions, the department stated—

Under Queensland law, a child becomes a person capable of being killed when it has completely proceeded in a living state from the body of the mother.

There are many who would dispute that view. It would seem that this bill of rights does not extend to the unborn.

Clause 18 provides for the right to freedom from forced work. According to the explanatory notes subclause 18(1) provides that a person must not be held in slavery or servitude. Subclause 18(2) provides that a person must not be made to performed forced or compulsory labour. I could have used that one against my father a few times when he sent me out fencing and burr cutting and so forth.

Clause 19 provides for the right to freedom of movement, specifically that every person lawfully within Queensland has the right to move freely within Queensland, enter or leave Queensland or choose where they live. Do we not have that now unless one is under a court order?

Clause 20 provides for the right to freedom of thought, conscience, religion and belief. Clause 20 is modelled on article 13 and refers to the right of everyone to develop autonomous thoughts and conscience, to think and believe what they want and to have or adopt a religion free from external influence. I do not understand how that works. Does an external influence include religious education in our schools?

Clause 21 provides for the right to freedom of expression. Subclause 21(1) provides that every person has a right to hold an opinion without interference. There are some opposite who do not seem to agree with that from what I have heard today. Subclause 21(2) upholds the right to seek, receive and impart information and ideas orally, in writing, in print, by way of art or another medium within or outside of Queensland.

The Queensland Teachers' Union expressed concern that this right may be used to justify cyberbullying of state government employees, particularly teachers, and cyberbullying between students. They stated—

A bully may assert their cyberbullying conduct is an expression of their opinion and an exercise of their right to "seek out and receive" the opinions of others.

This is exactly the kind of interpretation that worries me. I support the rights of the individual, particularly the most underprivileged. I oppose this bill because I believe that it is open to misinterpretation and has the potential to be abused.

I know the member for Toohey is very passionate about this legislation. I recall that the member spoke of the need for such a human rights bill in his first speech. I believe that his conviction is sincere. I am not sure that that is 100 per cent correct for the Deputy Premier.

When I heard this bill was being introduced into the House I thought bingo, here comes the old switcheroo. We all know the Deputy Premier has been eyeing off the seat of Toohey, with her future in the electorate of South Brisbane becoming quite precarious. With the passage of this bill, the member for Toohey can put his hands up and say, 'My work here is done,' opening the way for the Deputy Premier to move to Toohey. We will see if this is the case. I oppose this bill because I think it will cause more problems than it will cure.