




Speech By  
**Samuel O'Connor**

**MEMBER FOR BONNEY**

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Record of Proceedings, 27 February 2019

### HUMAN RIGHTS BILL

 **Mr O'CONNOR** (Bonney—LNP) (11.33 am): I rise to speak in opposition to the Human Rights Bill 2018. The main reason I am against this bill is that I do not think it is necessary. I do not think it protects anything that is not already protected. It is a bit of an odd thing to say that I am against a human rights bill, because I am certainly not against human rights, but I am against government overreach and grandstanding on a bill that serves absolutely no purpose. I do not think this bill will improve the lives of the people who live in my little patch of the Gold Coast or, indeed, across Queensland in any tangible way. This bill does not help any of them find a job; give them better access to education, to university or other studies; or help them to buy a house and stop renting. We are not getting any of the extra police we so desperately need to protect our community. This bill does not provide any of the infrastructure we need to improve our quality of life. We are certainly not getting the second M1 out of it. I note with disappointment that the member for Macalister said yesterday in the *Courier-Mail* that nothing will happen on that project in the short- to medium-term. I represent a lot of people doing it tough, and this bill will not change a single thing for them.

We have some of the most robust institutions and what I believe is the best democracy in the world. The issues this bill seeks to fix, particularly for our most vulnerable, are already covered by existing laws at the federal and state levels. Our nation's Constitution has a number of provisions regarding the rights and freedoms of individuals. To name some, that includes allowing representatives to be chosen democratically, the right to trial by jury and the right to freedom of religion, as well as implied protections such as the separation of powers and the freedom of political communication. There are also many other laws passed by this parliament and the federal parliament that reinforce our human rights such as the Anti-Discrimination Act, Youth Justice Act, Legislative Standards Act, Criminal Code Act, Peaceful Assembly Act, Judicial Review Act, Information Privacy Act, Ombudsman Act, Australian human rights commission act, Disability Discrimination Act, Racial Discrimination Act and Sex Discrimination Act. These acts already provide and protect practically all of the rights this bill mentions.

I have had only two people from my area contact me about this issue—only two. It is clearly not a priority for the people I represent. The two that I did receive were both in opposition to the bill. One is a young man named Jordan Engel, a student at Southport State High School. He asked me about this issue and agreed with my position, saying—

My personal perspective on a bill of rights is that it is fundamentally unnecessary. The things that make a free nation are not its rights. Its principles of democracy and an effective judiciary ensure that we are one of the most free countries in the world.

The other constituent who raised this with me was Stephen Reuther, who said—

It is an overreach and a socialist type of push on our freedoms. It will become a lawyer's picnic. I would much rather maintain our existing laws and support them. They largely cover all aspects and have been proven over centuries.

In terms of other examples, I want to know how a bill like this would have an impact practically. I read through a Human Rights Law Centre report on how Victoria's Charter of Human Rights and Responsibilities was performing after five years. It detailed 101 cases. I found most of the examples to be quite broad, with the positive outcomes not being the result of the human rights legislation. Although

they were lacking in detail, which I am sure was to make the outcome look more favourable, I will outline a few examples. One included the tax office taking a more flexible approach to allow tax debts to be paid over a longer period of time and in some cases at a reduced rate when someone had gone through hardship. We already have provisions in place to allow this. Another raised an investigation into level crossing deaths where it was found that with the right to life comes the responsibility of public authorities to protect life. I do not know if the Department of Transport and Main Roads has a policy of not protecting life when it builds its infrastructure, but I certainly hope it would think about that without a human rights bill being passed by this parliament. Another example was about the office of the health services commissioner. It was claimed that a human rights charter had a role in making sure complaints were handled with a view to putting the rights of patients first. I am happy to state that the values of our Queensland Health Ombudsman state that the health and safety of the public are paramount and that it acts independently, impartially and in the public interest, treating all people fairly and equitably.

We have seen an observation from New Zealand that, because of similar legislation, the courts are held up by vexatious arguments and claims. I have already seen this happen under the existing system, so I do not have faith in the spurious complaints protections. I wrote to the Anti-Discrimination Commissioner highlighting that the first part of the process favours the complainant and that it proceeds to the next step solely on the word of a complainant, who could be making a spurious accusation. It is at this stage, in my view, that the respondent's response should be taken into consideration—before the ADCQ accepts a complaint to determine if there is merit for the complaint. The advice my constituent's lawyer gave was to 'consider a commercial settlement'. They stated—

This is because in my experience it is far cheaper to pay some go-away money than engage in costly and time-consuming litigation. The factors you need to consider ... include time required in litigation, stress to your staff, cost, distraction to the business and effect on family. In my experience, such a trial could ... cost upwards of \$100,000 in legal fees ...

This is surely something we should try to avoid. The committee received numerous submissions on the lack of guidance this bill provides judges when there is a conflict of rights.

The evidence before us has shown no substantive benefit to this bill. I do not believe in passing bills just for the sake of it. It is merely a feel-good piece of legislation that has wasted time and taxpayers' money. It also dangerously shifts some power from the legislature to the judiciary. We must not undervalue one of our rights, and it is a right that exists without a Human Rights Bill: it is the democratic election of members to this parliament. The judiciary's job is to interpret laws before it. It should not be put in any position of power over this House. This bill does not preserve the separation of power, and that is fundamental to our system of government.

I want to protect the most vulnerable in our society. I want to ensure that all people have a fair and equal chance of freedom, education, employment and care for our government, but I believe we are already striving for this, or that we should be. We do not need a bill to spell out in different ways what we already do. We need to be spending our resources on representing those we stand for in this parliament. We do not need the Human Rights Bill and for that reason I oppose it.