




Speech By
Hon. Shannon Fentiman

MEMBER FOR WATERFORD

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HUMAN RIGHTS BILL

 **Hon. SM FENTIMAN** (Waterford—ALP) (Minister for Employment and Small Business and Minister for Training and Skills Development) (2.21 pm): I rise to speak in support of this important piece of legislation. As has been said many times today in this House, today is an historic day for Queensland. The rights that are clearly articulated within this bill provide a lens which will underpin the interactions between government and Queenslanders and through which legislation and policy must be considered.

There are still many people in our community who fall through the gaps and for whom the acknowledgement and understanding of human rights remain fundamental to ensuring they are afforded substantial equality. While formal processes have existed relating to discrimination in Queensland for some time, true and substantive equality has not followed. Indeed, the hope is that, by leading by example through policy, legislative and operational acknowledgement of human rights, broader substantive equality will follow.

The honourable Justice Atkinson, who recently retired from the Supreme Court and for whom I had the honour and privilege of working, has been a tremendous advocate for human rights in Queensland. She put the case in an article titled 'Women and Justice—Is There Justice for Women?' in the Queensland University of Technology *Law & Justice Journal* way back in 2003. She said—

To ensure equal justice for all of our citizens, there may be great value in having a yardstick against which issues of equality can be measured as they are in other common law countries. The real advantage of the legislative or constitutional protection of human rights may well be that it would enhance the prospects not only of justice for women but justice for all members of our society.

This bill promotes a dialogue between the three arms of government—the legislature, the executive and the judiciary—while giving parliament the final say. The bill ensures that respect for human rights is reflected across our Public Service and requires our public entities to ensure their compatibility with human rights. Legislation will require statements of compatibility, providing even greater accountability in our unicameral parliamentary system.

The claim by those opposite that this somehow offends the separation of powers, I have to say, is ludicrous. As Professor Williams AO and Dr Boughey from the faculty of law at the University of New South Wales submitted, this legislation—

... follows the same general model as the human rights legislation in the United Kingdom, New Zealand, the ACT and Victoria. It does not seek to fundamentally alter the roles of, or relationships between, the three branches of government. Rather, it aims to encourage dialogue about human rights protection between the branches, and foster a human rights culture within government.

This Bill builds on the experience of the human rights legislation in those jurisdictions, and the ACT and Victoria in particular. It is the best drafted and most effective shield of people's rights yet seen in Australia.

A statement of incompatibility by a court does not render legislation void. When a public entity has breached an individual's rights, the commission will also perform a dispute resolution process, and breaches of human rights will be able to piggyback with other breaches of legislation through legal action. The conciliation process was included in the bill following community feedback. I strongly support its inclusion. It is an important distinction between our model and the model established in Victoria.

Enshrined in this bill is the protection of 23 basic human rights. They are fundamental rights that all Queenslanders should be entitled to. I acknowledge that the bill also explicitly recognises the special importance of human rights to the Aboriginal and Torres Strait Islander peoples of Queensland as Australia's first people and their relationship with the land and their right to self-determination.

As I stated earlier, this is an important day for Queensland. I acknowledge the work of the parliamentary committee, especially the committee chair, my good friend the member for Toohey, who had the difficult task of collating a large and often diverse volume of submissions. I first met Peter 15 years ago, when we joined the Labor Party's justice and governance policy committee. We started discussions about this way back then, so it is incredibly special to be here in the parliament debating this very important bill. Thank you for your advocacy in this space, Peter.

I would also like to thank the Attorney-General for her continued work and commitment to human rights and for her work in guiding the passage of this legislation. I would also like to thank not only Aimee McVeigh and the Human Rights Act for Queensland team for their continued advocacy and work in this space but also many members of the legal professional and many non-government organisations that joined a campaign for change. This is a very special day.

A framework for human rights will assist to promote a society that is inclusive, respectful and committed to equality. As a parliamentarian, this is what I strive to do every day. It is what drives the work that I do. I am honoured to stand here in this parliament to see these ideas enshrined in law. Today we are ensuring that human rights are at the core of government and moving towards a more tolerant and respectful society. I hope, as Justice Atkinson suggested, that by giving legislative protection of human rights we are in fact increasing the chances of justice for Queenslanders. I commend the bill to the House.