

**Government's Final Response to the
Legal, Constitutional and Administrative Review Committee's
Report No. 12 – *The preservation and enhancement of individuals' rights and
freedoms in Queensland: Should Queensland adopt a bill of rights?***

The Committee's Recommendation concerning a bill of rights

The Committee recommends that the Queensland Government *not* adopt a bill of rights as proposed by the former Electoral and Administrative Review Commission in its 1993 '*Report on the preservation and enhancement of individuals' rights and freedoms*' or in any other form.

The Government supports the Committee's recommendation.

The Government endorses the values of human dignity, life, liberty, security of the person, democratic participation, and equality, but does not consider that a bill of rights would be an appropriate or effective means to enshrine these values.

There are compelling reasons against adopting a bill of rights for Queensland, including the likelihood of a significant and inappropriate transfer of power from the Parliament to an unelected judiciary; increased public costs; and the prospect of increased litigation and challenges to legislation.

Issues also arise with regard to determining which specific rights should be incorporated into a bill of rights, how they would be defined, and how they would be enforced.

The ultimate objective of a bill of rights should be to provide individuals with an effective basis upon which they can challenge legislative or governmental action which infringes their rights. The Government agrees with the Committee's conclusion that a bill of rights for Queensland would not achieve this aim.

The existing system of rights protection in Queensland, including constitutional rights, legislation, the common law, and the system of parliamentary democracy, provides effective protection for individuals' rights and freedoms.