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Media release

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Leading Lawyers Commend Committee's Call for Queensland Human Rights Act

Australian Lawyers for Human Rights (ALHR) applauds the recommendation by the Parliament's Human Rights Inquiry that a Human Rights Act be legislated by the Queensland government but is concerned that the model recommended would not create any legally enforceable rights.

ALHR President, Benedict Coyne said, "The Report's chief recommendation to legislate a human rights act is a very positive step forward on the path to protecting basic rights of Queenslanders. A Human Rights Act introduced in Queensland will have many important and positive impacts on the lives of everyday Queenslanders, as had been seen by the experiences in Victoria and the ACT. In both cases, the evidence is clear; a Human Rights Act improves how government operates, it improves efficiency in bureaucratic decision-making, it injects humanity into the governance process and it will provide the people of Queensland with recourse when their rights are violated."

ALHR submitted a detailed and extensive submission to the Inquiry, referred to in the final report, supporting the introduction of a dialogue model human rights act in Queensland. However, ALHR is significantly concerned about one of the Report's recommendations that the "judiciary have no part in any complaint process where a person is perceived to have suffered a human rights matter."

Mr Coyne responded: "Rights are meaningless if they cannot be legally enforced. The whole purpose of legal protection is to give Queenslanders the ability to uphold their basic rights in court. Judges perform an important democratic duty every day of the week by enforcing community standards, there is no reason why human rights protections should have a weaker status than other laws."

"Merely creating another legislative scrutiny committee without enforceable rights, as recommended by the Committee, will do very little to meaningfully protect the rights and liberties of the people of Queensland. ALHR strongly urges the government to implement a dialogue model human rights act."

A dialogue model, as implemented in Victoria, ACT, New Zealand and the United Kingdom, would set out in legislation the various basic human rights Queenslanders think are in need of legal protection and require the courts to interpret laws in accordance with those rights. If that was not possible in a particular case, the court would make a declaration of inconsistency which would not affect the validity of the law. However, it would communicate to the Parliament that there was an issue with the particular law and the Parliament could choose how to respond.

"In essence, a human rights act is a democratic exercise of giving power back to the people of Queensland and ensuring that their rights are protected from unreasonable, unfair and unwarranted incursions by the government. This is about good governance and the people of Queensland deserve nothing less. It is crucial that the Queensland government implement a human rights act with legally enforceable rights otherwise this historic opportunity to make Queensland an ever greater State will be lost" said Mr Coyne. ALHR keenly awaits the Government's response to the report.

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ALHR was established in 1993 and is a national network of solicitors, barristers, academics, judicial officers and law students who practise and promote international human rights law in Australia. ALHR has active and engaged National, State and Territory committees and a secretariat at La Trobe University Law School in Melbourne. Through advocacy, media engagement, education, networking, research and training, ALHR promotes, practices and protects universally accepted standards of human rights throughout Australia and overseas.