

Background:

A number of organisations and individuals¹ wrote to the Premier and the Attorney-General encouraging the Queensland Government 'to consider conducting a community consultation about the introduction of a charter of rights in Queensland.'²

The Queensland Labor Party has neither supported nor opposed the adoption of a Bill Rights/Charter of Rights but stated that it is 'a matter for the parliamentary party to consider following the election'.³ However, prior to the state election the position of the Queensland Labor Party was that it opposed further public consultation on the matter.

Since the state election and pursuant to the Letters of Exchange re Government on Confidence Motions (**Letters of Exchange**) between Hon Peter Wellington MP and Premier Palaszczuk dated 5 February 2015,⁴ the Queensland Labor Party has committed to seeking advice from the Department of Justice and Attorney-General which will be published to allow for 'public discussion' on the matter.

The process for initiating broad community engagement on the issue of a Queensland Bill of Rights/Charter of Rights does not require individuals to finalise their views on the possible legislation and models which might be finally considered, adopted and implemented by the Queensland Parliament. The signatory organisations listed below (**Annexure A**) support the adoption of Bill of Rights/Charter of Rights in Queensland and seek a six month broad public consultation process to be concluded by the end of 2015 with a view to having a bill for before the Legislative Assembly by early 2016.

As we outlined in our correspondence to the Premier of 25 March 2015, we support:

'A comprehensive community consultation process led by a suitably prominent and expert person or persons of standing in the community, [that] will give Queenslanders the opportunity to provide their views about how their rights should be protected. We believe that this process should be completed this year.'

¹ See Annexure A.

² Letter from Rights for Queenslanders Alliance to Hon Anastasia Palaszczuk MP, Premier of Queensland and Minister of the Arts (cc Hon Yvette D'Ath MP, Attorney General of Queensland, Minister for Justice and Minister for Training and Skills and Hon Peter Wellington MP, Speaker of the Legislative Assembly) dated 25 March 2015.

³ Letter from Hon Tim Mulherin MP (Deputy Leader of the Opposition) to Mr Michael Cope, President, Queensland Council for Civil Liberties dated 21 January 2015.

⁴ Letter from Hon Anastasia Palaszczuk MP to Hon Peter Wellington MP dated 5 February 2015.

POSITION OF THE QLD LABOR PARTY

The Qld Labor Party's pre-election commitment on the adoption of a Qld Bill of Rights/ Charter of Rights was stated as follows:⁵

Questions:

'7. Do you support the establishment of the consultation in Queensland along the lines of the Brennan National Consultation on Human Rights to determine rights and civil liberties and in particular whether Queensland needs a Human Rights Act?

8. Do you support the introduction in Queensland of a Human Rights Act similar to that presently the law in the Australian Capital Territory?'

ALP response to both questions:

'The question of whether Queensland adopts a Bill of Rights is a vexed question. There are strong views on either side of the argument from both sides of the political spectrum. Many Constitutional lawyers and academics come down on the side of adoption of such a bill, and many come down on the opposition side.

The Federal government undertook the Brennan National Consultation on Human Rights, and the results of that consultation have been published, widely considered and discussed on a national, state and local level. The Labor Opposition is not convinced that at this stage any further consultation is required.

During the last parliamentary term, the Labor Opposition did not consider the question of the adoption or otherwise of a Bill of Rights in Queensland. It is a matter for the parliamentary party to consider following the election.'

The ALP position after the state election as articulated in the Letters of Exchange:

"Rights of Queenslanders

During the 54th Parliament, Labor did not consider the question of the possible adoption of a Bill of Rights in Queensland. This was a matter for the Labor MPs to consider during the 55th Parliament. Labor will seek advice from the Department of Justice and Attorney-General regarding the issues relating to a possible Bill of Rights in Queensland. This advice will be published to allow public discussion on the matter."

⁵ Letter from Hon Tim Mulherin MP (Deputy Leader of the Opposition) to Mr Michael Cope, President, Queensland Council for Civil Liberties dated 21 January 2015.

25 March 2015

The Hon Anastacia Palaszczuk MP
Premier of Queensland and Minister for Arts
PO Box 15185
City East Q 4002
By email and post: thepremier@premiers.qld.gov.au

Dear Premier

A Proposed Process for the Introduction of a Charter of Rights in Queensland

We write on behalf of the undersigned organisations to ask you to consider conducting a community consultation about the introduction of a charter of rights in Queensland.

Recent events in Queensland have highlighted our unique exposure to the misuse of executive power that is argued by many to be the result of our unicameral system of parliament. It is our view that a charter of rights would improve the system of government accountability in Queensland.

The Australian Capital Territory and Victoria have had charters of rights since 2004 and 2006 respectively. Neither jurisdiction has experienced the loss of parliamentary sovereignty, floods of litigation or excessive costs that critics had been concerned about. Instead, a review of the Victorian charter reported that some of the benefits of the charter include improved government accountability, more responsive public services and better practical outcomes for vulnerable citizens including people with disability, people with mental illness and those experiencing homelessness.

Creating an enhanced culture of human rights awareness throughout Queensland will promote social harmony, cohesion and unity, which is the foundation of economic prosperity.

A comprehensive community consultation process led by a suitably prominent and expert person or persons of standing in the community, will give Queenslanders the opportunity to provide their views about how their rights should be protected. We believe that this process should be completed this year.

We would welcome an opportunity to discuss our proposal with you and/or the Attorney General. To arrange a meeting please contact Cristy Dieckmann from the Queensland Association of Independent Legal Services on 0421 852 515.

We look forward to hearing from you shortly.

Yours faithfully



Cristy Dieckmann

c.c. The Hon Yvette D'Ath MP
Attorney General and
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The Hon Peter Wellington MP
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