



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

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The Committee Secretary
Standing Committee on Legal and
Constitutional Affairs

By Email: legcon.sen@aph.gov.au

Dear Madam

Inquiry into the Human Rights (Parliamentary Scrutiny) Bill 2010

Thank you for your invitation to make a submission to this inquiry.

The Council thanks you for your indulgence in extending the time for the making of this submission.

About the Council

The Council was established in 1967. It has as its objective the implementation of the Universal Declaration of Human Rights in Queensland and Australia.

To that end it has for a long time lobbied for measures to increase the protection of human rights in this country. The Council wishes to repeat its disappointment at the failure of the government to adopt the recommendation of the Brennan Committee to introduce a Human Rights Act. Having said that, the Council supports the proposal for the establishment of a Joint Parliamentary Committee on Human Rights to be comprised of five members of the House of Representatives, five Senators with two primary functions:

1. To examine Bills, legislative instruments and existing Acts for compatibility with human rights and to report both Houses of Parliament on those issues; and
2. To enquire into any matter relating to human rights referred to it by the Attorney-General and to report to both Houses of Parliament on that matter.

Comments and Recommendations

The Council notes with interest the submission of the highly regarded former Senator Barney Cooney to the Committee. Like Senator Cooney, the Council considers that the Bill is a cautious start but is in need of significant improvement. The Council adopts the position of former Senator Cooney that the Scrutiny of Bills Committee should be the model for this committee. But like the former Senator, the Council would not like to see that committee abolished or its functions reduced in any way.

Our specific concerns are as follows:

1. Definition of Human Rights - The human rights to which the committee can have regard should be extended to include all of the human rights and freedoms found in all of the core international treaties to which Australia is a party.
2. The committee should be empowered to have regard to established international jurisprudence on these rights.
3. The committee should be empowered to communicate directly with members of the Executive.
4. The committee should be empowered to call witnesses, engage outside assistance and hold hearings.
5. The powers of the Committee should be enshrined in legislation.
6. The Committee should be empowered to conduct inquiries into any matters referred to it by either or both House of Parliament or by its own initiative.
7. In order to ensure that the Committee functions in a truly bipartisan fashion, the legislation should provide that the Chair of the Committee should always be a non-government member.
8. Finally of course, if this Committee is to have any chance of fulfilling its many functions, it will need to be adequately resourced.

We trust this is of assistance to you in your deliberations.

Yours faithfully

Michael Cope
President
For and on behalf the
Queensland Council for Civil Liberties
13 July 2010