



LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

ISSUES PAPER NO. 3

SEPTEMBER 1997

THE PRESERVATION AND ENHANCEMENT OF INDIVIDUALS' RIGHTS AND FREEDOMS: SHOULD QUEENSLAND ADOPT A BILL OF RIGHTS?

This is an issues paper, not a report and the committee has formed no firm conclusions on any matters raised within this paper.

The committee has released the issues paper to assist in its consideration of this inquiry and facilitate public submissions to the committee by:

- providing the community with information on the scope of the committee's inquiry;
- stimulating public discussion; and
- identifying the issues which submissions to the committee may address.

All submissions should be forwarded to:

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The closing date for submissions is 14 November 1997.

Submissions may be tabled in the Legislative Assembly or otherwise be publicly released. Therefore, all requests for confidentiality should be clearly marked.

All submissions to the committee become the property of the committee and cannot be released without the committee's authorisation.

1. THE COMMITTEE'S RESPONSIBILITY AND THE BACKGROUND TO THE COMMITTEE'S INQUIRY

Section 9 of the *Parliamentary Committees Act 1995* (Qld) states that the areas of responsibility of the Legal, Constitutional and Administrative Review Committee ("the committee" or "LCARC") include constitutional, administrative and legal reform.

The *Electoral and Administrative Review Act 1989* provided that the Electoral and Administrative Review Commission ("EARC") was to investigate and report in relation to matters specified in the schedule to EARC's Act. Item 1 of that schedule related to the preservation and enhancement of individuals' rights and freedoms.

The EARC review process involved: the release of an issues paper (June 1992); a call for public submissions (265 submissions were received by EARC); a public seminar which was held on 20 and 21 July 1992; public hearings; and consultation with a number of interest groups.

EARC's report, *Report on Review of the Preservation and Enhancement of Individuals' Rights and Freedoms*, was handed down in August 1993. The report was not reviewed by EARC's parliamentary committee, the former Parliamentary Committee for Electoral and Administrative Review (PCEAR). The report remains as the only EARC report which has not to date been considered by a parliamentary committee.

EARC's report: analysed the adequacy of existing protections of human rights in Queensland; reviewed the potential benefits and short-comings of introducing a bill of rights; reviewed various features which might be appropriate for a Queensland bill of rights; and studied which particular rights should be included in any such bill.

After considering the relevant issues, EARC recommended that Queensland introduce a bill of rights. EARC attached a draft bill of rights to its report.

The LCARC has resolved to undertake a comprehensive review the issues canvassed in EARC's report and its proposed bill of rights, and report to Parliament.

2. HUMAN RIGHTS

While there is no universally-recognised definition of *human rights* as such, perhaps the best way to understand what human rights are is to look at the specific human rights which have been pronounced by the international community.

The most authoritative statements on human rights are contained in the Universal Declaration of Human Rights (UDHR), and in the two treaties which were developed from the UDHR - the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These three instruments together are known as the International Bill of Rights.

The UDHR was unanimously adopted by the General Assembly of the United Nations in 1948. The ICCPR and the ICESCR were both approved by the UN in 1966. Australia ratified the ICCPR in 1980 and the ICESCR in 1975.

Different types of human rights are enshrined in the international covenants. Civil and political rights ("first generation rights") are reflected in the ICCPR. Civil rights (such as the right to life, liberty, a fair trial, and equality before the law) relate to the protection of the individual from oppression and state interference. Political rights (such as freedom of speech, peaceful assembly, association, thought and religion) relate to the individual's participation in society. Civil and political rights are also called "negative rights" because they seek to restrain the state from infringing individuals' liberties.

Economic, social and cultural rights ("second generation rights") are embodied in the ICESCR. They include such rights as the rights to; work; an adequate standard of living; education; own property; and participate freely

in the cultural life of the community. Socio-economic rights are "positive rights" because they require the state to intervene to provide them. Some people suggest that socio-economic rights are merely aspirational in nature, and more difficult to enforce than civil and political rights because their fulfilment depends on adequate government resources.

A "third generation" of rights of a collective nature are also said to exist. These include rights to development, peace, solidarity and a clean environment.

3. EXISTING PROTECTION OF RIGHTS AND FREEDOMS IN QUEENSLAND

In Queensland, existing measures which protect human rights include the common law, constitutional provisions, specific legislation and pre-legislative processes.

3.1 The common law

It is often argued that Australia does not need a bill of rights because the common law provides adequate protection. The common law, or judge-made law, is seen to embody the principles that an individual may do as he or she wills unless prohibited by law, and that government and its officials are restrained by convention from doing certain things except by authority of legislation. Judges are often regarded as protectors of the individual's interests. Judges have developed procedural safeguards for defendants in criminal trials. They have also developed principles of natural justice in administrative law for individuals adversely affected by bureaucratic decisions. However, the common law does not provide complete, or systematic, protection of fundamental rights. For example, there are no common law rights to vote, to privacy or to religious expression.

3.2 Constitutional guarantees

Australian federation did not follow a period of social upheaval, as (for example) in the United States, which resulted in several fundamental freedoms being included in the original amendments to the US Constitution. Instead, the drafters of the Australian Constitution decided upon a pragmatic document which set out the machinery of government. Therefore, only a limited number of provisions in the *Commonwealth Constitution* guarantee individuals' rights and freedoms.

The "rights" provisions in the *Commonwealth Constitution* are: s.116 - freedom of religion; s.80 - trial by jury; s.51(xxxi) - acquisition of property on just terms; and s.24 - representatives to be directly chosen by the

people. These provisions do not apply to the states.

Two “federal” provisions which do apply to the states and indirectly affect individuals’ rights are s.92 - free trade, commerce and intercourse among the states, and s.117 - prohibition against discrimination towards interstate residents.

The applicability and effectiveness of most express rights clauses in the *Commonwealth Constitution* have been traditionally limited by very narrow construction by the High Court. However, in two cases in 1992 the High Court discovered in the Constitution an implied right of freedom of communication on matters relating to political affairs. The High Court found that such an implied right arose from a constitution founded on principles of representative government. Commonwealth and, as discovered in a later case, state legislation which contravened those principles would be invalid.

The extent to which further implied constitutional rights may be developed by the High Court remains to be seen.

Queensland’s *Constitution Act 1867* does not contain any provisions directed towards guaranteeing individuals’ rights and freedoms.

3.3 International protections

As stated above, Australia is a party to the ICCPR. Article 2.2 of the ICCPR obliges Australia to take necessary steps ... to adopt such legislative or other methods that may be necessary to give effect to the rights it contains. However, when Australia assumes obligations under international agreements, the terms of those agreements do not automatically become independent “rights” in Australia which are enforceable by individuals under domestic law. For an international treaty to have this type of effect, its provisions have to be introduced into Australian legislation. Nevertheless, the terms of international treaties as well as international customary law, may filter into and shape domestic law. Judges can apply international law to fill gaps or clarify ambiguities in the common law, construe legislation to avoid breaches of an international obligation, or to otherwise develop the common law. But international law does not provide judges with a broad mandate to enforce international obligations.

3.4 Legislation

Over the past two decades Australia, and Queensland, has seen an increasing amount of legislation protecting individuals’ rights. Such legislation, at the Commonwealth level, includes the:

- *Human Rights and Equal Opportunity Commission Act 1986*;
- *Racial Discrimination Act 1975*;
- *Sex Discrimination Act 1984*;
- *Disability Discrimination Act 1992*; and
- *Privacy Act 1988*.

Queensland legislation which deals with individuals’ rights issues includes the:

- *Invasion of Privacy Act 1971*;
- *Parliamentary Commissioner Act 1974*;
- *Anti-Discrimination Act 1991*;
- *Judicial Review Act 1992*;
- *Freedom of Information 1992*; and
- *Peaceful Assembly Act 1992*.

3.5 Pre-legislative measures

Queensland, and the Commonwealth, also protects individuals’ rights and liberties through statutory requirements that legislation - when it is developed - be drafted so that it does not unnecessarily infringe certain individual rights. In Queensland, this occurs via the *Legislative Standards Act 1992* which enshrines the so-called fundamental legislative principles (FLPs).

The *Legislative Standards Act* requires the Office of Parliamentary Counsel (OPC), to advise government on the application of the FLPs and on alternative ways of achieving policy objectives.

FLPs are expressed to be the principles relating to legislation that underlie a parliamentary democracy based on the rule of law. The Act takes a very open-ended approach to defining FLPs. FLPs require that legislation has sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The Act provides a number of examples of matters that should be considered. These matters include, amongst others, whether the legislation:

- is consistent with principles of natural justice;
- does not reverse the onus of proof in criminal proceedings without adequate justification;
- provides appropriate protection against self-incrimination; and
- has sufficient regard to Aboriginal tradition and Island custom.

After a bill has been introduced into Parliament, the Scrutiny of Legislation Committee of the Queensland Parliament is

required by the *Parliamentary Committees Act 1995* to consider the application of fundamental legislative principles to particular bills and particular subordinate legislation.

The committee thereby alerts Members of Parliament to provisions of bills which it considers potentially infringe the FLPs.

Because the FLPs have a role in formulating legislation in a manner which recognise the rights and liberties of the citizen, they might be seen as an alternative to introducing a bill of rights.

However, whilst FLPs direct attention to the consideration of rights when legislation is drafted (and ideally, by extension at the earlier stage when policy is formulated) they do not provide all the protections and functions of a bill of rights. FLPs do not provide grounds for individuals to challenge legislation after it is enacted nor do they provide grounds to challenge executive *action* (as opposed to law). In this respect, FLPs have regard for parliamentary sovereignty. They provide guidelines for the creation of statute law, not grounds for challenge once the law is enacted.

It is also noted that FLPs do not address community, social, economic rights. Their main thrust is directed to protecting aspects of the democratic process and civil and political rights. There may well be a need for a similar process in respect of the effect of legislative and government initiatives *vis a vis* economic, social and community rights.

4. BILLS OF RIGHTS

One measure to preserve and enhance human rights is to introduce a bill of rights.

A bill of rights is a concise statement of human rights, particularly civil and political rights, which seeks to protect an individual's personal and private matters from government interference.

People usually have the US Bill of Rights in mind when they think of a bill of rights; that is, a list of fundamental rights which is part of the constitution and stands above the laws and practices of government, and is enforced by the courts. But a bill of rights does not have to be secured in a constitution to have effect and bodies other than the courts can investigate or adjudicate on infringements of provisions of a bill, if infringements are to be actionable at all.

4.1 International models

Canada inserted a bill of rights, the *Canadian Charter of Rights and Freedoms*, into its constitution in 1982. New Zealand has passed

a bill of rights as an ordinary Act of Parliament, the *New Zealand Bill of Rights Act 1990*.

The features of these two bills of rights are outlined in **Table 1**, which lists the basic features of the Queensland bill of rights suggested by EARC and compares them with some international and proposed Australian bill of rights models. (These proposed Australian bills are discussed in paragraph 4.2 below).

The Canadian and New Zealand experiences with bills of rights are particularly instructive when considering a Queensland bill of rights. Those countries have legal and political traditions similar to that of Australia. Certain features of the Canadian and New Zealand instruments are replicated in EARC's bill.

Also of interest is the recent (interim) *Constitution of the Republic of South Africa* which came into effect in February 1997. A bill of rights is contained in Chapter 2 of the Constitution and expressed to be *the cornerstone of democracy in South Africa as it enshrines the rights of all people in our country and affirms the democratic values of human dignity, equality and freedom*. It provides a comprehensive range of rights. The rights are expressed as supreme law of the Republic, but nevertheless subject to reasonable and justifiable limitations.

Bills of rights need not be national. Most American states and Canadian provinces have bills of rights. The Canadian province of Saskatchewan introduced a Bill of Rights Act as far back as 1947, preceding any national attempts at a bill of rights.

4.2 Australian proposals for a bill of rights

4.2.1 Commonwealth

In 1973 and 1984, Attorneys-General Lionel Murphy and Gareth Evans attempted to introduce into the Commonwealth Parliament bills of rights which attempted to implement the ICCPR. Neither of these bills were passed.

In 1985, Attorney-General Lionel Bowen introduced (along with the Human Rights and Equal Opportunities Bill) the Australian Bill of Rights Bill 1985. Its features are outlined in **Table 1** and **Table 2**.

The bill passed through the House of Representatives but the government withdrew the bill from the Senate in November 1985 following substantial opposition to some of the bill's specific rights and concerns about states' rights.

Before the Australian Bill of Rights Bill 1985 was introduced, the Senate referred the issue of a bill of rights to its Standing Committee on Constitutional and Legal Affairs. The committee's report *A Bill of Rights for Australia? An exposure report for the consideration of Senators* (November 1985) expressed the view that there was *no prospect in the foreseeable future*

that a constitutionally entrenched bill of rights would pass a referendum. Further, the committee stated that even if there was such a prospect, its preferred option was ordinary federal legislation to implement the ICCPR.

The federal government also established the Constitutional Commission in December 1985 to inquire into the constitution generally. While the Commission's associated Advisory Committee on Individual and Democratic Rights reported to the Commission recommending against an extensive bill of rights, the Commission's *Final Report* 1988 recommended a bill of rights, as a new chapter VIA of the *Commonwealth Constitution*. Features of the Commission's proposed bill of rights are included in **Table 1** and **Table 2**.

A referendum held in September 1988 to implement some specific "rights" recommendations of the Constitutional Commission's *First Report* failed.

4.2.2 The states

In 1972, 1973-74 and 1974-75, South Australian Private Member's Bills for bills of rights were introduced but not passed into law.

In 1987, the Legal and Constitutional Committee of the Victorian Parliament presented a comprehensive *Report on the desirability or otherwise of legislation defining and protecting human rights*. The committee concluded that *Parliament and the Courts were simply unable to adequately discharge their obligations as the protectors of human rights*.

The committee recommended that Victoria adopt a Charter of Rights and Freedoms, as a statement of directory principles but which could not be legally enforceable. The committee recommended the establishment of a parliamentary committee to scrutinise the consistency of proposed legislation with the Charter and, when so referred by the Parliament, to also investigate whether executive action or common law was consistent with the Charter.

The Constitution (Declaration of Rights and Freedoms) Bill 1988 was introduced into the Victorian Legislative Assembly as a response to the committee's report, but it did not implement all of the committee's recommendations. The rights of the proposed Charter are outlined in **Table 2**. The bill eventually lapsed with the 1992 election. (A Victorian Scrutiny of Acts and Regulations Committee currently scrutinises bills for possible infringement of rights and liberties but its role is not as wide as that proposed by the 1987 report.)

A recent inquiry by the Sessional Committee on Constitutional Development of the Northern Territory considered but did not recommend the insertion of a bill of rights into a draft new constitution for the Territory. Part 8 of its proposed Final Draft Constitution (August 1996) nevertheless includes some specific rights provisions in respect of language, social, cultural and religious matters.

4.2.3 Queensland

In December 1959, the then Premier of Queensland, Hon G F R Nicklin, introduced the Constitution (Declaration of Rights) Bill to entrench democratic rights, the independence of the judiciary and rights on arrest or detention. It also contained a proposal for acquisitions of property on just terms. The bill was eventually abandoned due to opposition.

5. EARC'S PRIMARY RECOMMENDATIONS - A BILL OF RIGHTS FOR QUEENSLAND

EARC recommended that a bill of rights be enacted in Queensland with a view to it being entrenched (made difficult to amend) by referendum after five years of operation, and that thereafter the bill of rights not be able to be overridden by the Parliament of Queensland unless special procedures were followed (including a referendum).

EARC recommended a wide array of civil, political, social, economic, community and cultural rights. EARC recommended that those rights be recognised not as absolute but rather as subject to reasonable limits *demonstrably justifiable in a free and democratic society*. This would enable the courts to uphold legislation which actually did infringe the civil and political rights contained in the bill as long as it was in such a way which was justifiable.

EARC recommended that the Part of its bill entitled "Civil and Political Rights" be enforceable in the Supreme Court and in any proceeding where the right is relevant to an issue in the proceeding. The rights in the other Parts of the bill (Social and Economic Rights) were to operate as guiding principles for the Queensland community and for government policies.

Attached to EARC's report was a draft bill of rights which encapsulated EARC's recommendations. The basic features of EARC's bill of rights (and a comparison with other models) is contained in **Table 1** and **Table 2** of this issues paper.

6. ARGUMENTS FOR AND AGAINST A BILL OF RIGHTS

Many arguments both for, and against, a bill of rights depend on the specific content and form of the bill being proposed, the rights included, how the rights are expressed, whether the rights are to be enforceable and whether the bill is entrenched.

6.1 Arguments for a bill of rights

Arguments which support introducing a bill of rights include the following.

- Democracy is not simply the rule of the majority through their representatives in Parliament but is also about effectively balancing the will of the majority with the rights of individuals and the interests of minorities. A bill of rights provides an appropriate legal framework for this.
- Existing protections of rights and freedoms are not adequate. Common law and legislative protection are not comprehensive and develop slowly and in a piecemeal manner. Both can be overridden by later inconsistent legislation, which could well arise from politically expedient reactions to particular issues that disregard rights.
- The ability of parliament to properly scrutinise legislation, administrative action by bureaucrats and the executive generally has diminished due to time constraints, the development of the party political system and the increasing complexity of government regulation. This is especially important in Queensland which has no Upper House to perform a review role.
- A bill of rights would improve government policy-making, and administrative decision-making.
- It is legitimate for courts to act as a forum for human rights issues. Parliament has avoided facing difficult or controversial rights issues in the past. However, the courts must face such issues brought before them, and the courts provide reasoned determinations. A broad statement of human rights would guide judges' development of the common law which is becoming increasingly "internationalised".
- A bill of rights provides a series of clear legal bases (pre-existing or otherwise) upon which citizens can assert claims to rights. In particular, a bill of rights empowers the socially disadvantaged and those most susceptible to rights abuses.

- A bill of rights would make Queensland law reflect international obligations which Australia has entered into.

6.2 Arguments against a bill of rights

Arguments advanced against adopting a bill of rights include the following.

- The political system itself is the best protection of rights. It has served us well so far and there is no reason to think that it will not continue to do so. The Australian people are tolerant and Australian democracy has appropriate checks and balances in place. If either of these two things changed no bill of rights would rectify the situation. To introduce the major changes and uncertainty which a bill of rights would mean is not justified in a system that operates well.
- A bill of rights is unnecessary in light of the protection given through our independent judges administering common law principles which safeguard individuals' rights and freedoms. The existing approach of developing, as the need arises, specific Acts which precisely define the operation of specific rights is preferable to laying down a grand scheme of incoherent rights.
- A society cannot effectively legislate with regard to human rights. To define human rights is to limit them. Further, the rights which remain unwritten could be diminished. Rights which are entrenched in a bill of rights can also become "fossilised". They might well be the values held by Queensland society today but they could become outdated in the future.
- Enabling judges to enforce the bill of rights or to strike down legislation which is inconsistent with an entrenched bill of rights undermines the doctrine of parliamentary sovereignty and is undemocratic. It transfers power from a representative legislature to an unelected and largely unaccountable judiciary. The ability of the majority to decide laws for the common good becomes subject to a broad discretion on behalf of a few judges, who may have backgrounds unrepresentative of the population. Judges are not as well-equipped as Parliament to make complex and far-reaching policy decisions. A bill of rights would also politicise the courts, diminishing respect for the judiciary.
- A bill of rights would frustrate government. Legislation dealing with pressing problems or introducing progressive social or economic programs could be challenged if it appeared to impair the rights of an individual. The administration of laws would become more

burdensome as the grounds for challenging administrative action broadened.

- The law, and certain practices by police and state agencies, would become uncertain because judicial pronouncements as to what certain rights meant would change over time.

Apart from the uncertainty which a bill of rights would introduce, a bill of rights would also result in inflexibility. "Wrong" judicial interpretations would become very difficult to override.

- A bill of rights would be very expensive. It would generate excessive litigation, in a court system already overworked and delayed. Lawyers would profit from public money which could have been better spent at the social welfare coalface in addressing the social inequities that give rise to rights issues in the first place.
- Regardless, Queensland should leave the issue to the Commonwealth.
- Experience in other jurisdictions has shown that criminals and the rich (who can afford litigation) who would profit most from a bill of rights.

Proponents of a bill of rights have to show that not only is the protection of rights currently inadequate but that the bill of rights would indeed make a worthwhile difference.

For a bill of rights to be worthwhile, it would have to make a tangible difference to preserving and enhancing rights and freedoms without substantial inappropriate social and economic costs

7. OTHER METHODS OF ENHANCING OR PROTECTING RIGHTS

A bill of rights need not be the preferred option should Queensland nevertheless wish to further the protection and enhancement of individuals' rights and freedoms.

Rights can be protected by other mechanisms and through other institutions, including those mentioned in section 3 above on existing protections. In Australian jurisdictions, these other measures have included:

- parliamentary committees to scrutinise legislation;
- other pre-legislative procedures to ensure the maintenance of high legislative standards;
- administrative law measures, including investigation of administrative decisions by Ombudsmen, merits review by tribunals and judicial review by the courts;
- judicial recognition of the internationally adopted human rights norms;
- specific legislation which deals with rights issues of concern, e.g. anti-discrimination and affirmative action legislation, legislation

governing legal rights in criminal investigation, detention and prosecution, etc;

- government agencies or commissions to promote and conciliate on human rights issues;
- welfare agencies; and
- public interest lobby groups.

Measures which Queensland could adopt to further preserve and enhance individuals' rights and freedoms include:

- strengthening and enhancing the existing measures listed above;
- promoting observance of human rights by bureaucrats who make administrative decisions which affect individuals' interests;
- creating a generalist administrative appeals tribunal;
- legislative directives to judges to consider the impact of their decisions on individuals' rights and freedoms;
- legislative requirements for governments to *consider* the impact of their policies and proposed legislation on individuals' rights and freedoms (as opposed to mandating that they be *observed*);
- expanding the provisions of the *Legislative Standards Act* to specify a broad range of explicit human rights as Fundamental Legislative Principles;
- establishing a parliamentary committee to scrutinise expenditure of government departments which most impact on individuals' well-being, such as health and education; and
- establishing a commission or a parliamentary committee responsible for reporting on the Queensland community's (including government) observance of and furthering of social and economic rights.

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9. ISSUES FOR CONSIDERATION

The committee does not wish to limit submissions to it in any way. However, it is suggested that at least the following issues may be addressed by submissions:

1. Does Queensland need a bill of rights to protect individuals' human rights and freedoms in Queensland or does the common law and specific statute law provide adequate protection?
2. If a bill of rights is not introduced in Queensland, what other steps, if any, should be taken to enhance and preserve individuals' human rights and freedoms? (For example, see sections 3 and 8 of this issues paper.)
3. If a bill of rights is recommended for Queensland, what specific rights should or should not be included?
 - Should it contain all the rights contained in EARC's draft bill of rights?
 - Are there any rights not included in EARC's draft bill of rights which should be contained in a Queensland bill of rights?
4. Is it desirable that a bill of rights contain economic, social, cultural or community rights?
 - If economic, social, cultural and/or community rights are to be included, should they be enforceable rights?
 - Is it possible to make economic, social, cultural or community rights enforceable?
 - Does the inclusion of economic, social, cultural and community rights without making them enforceable actually give the impression of downgrading those rights?
5. To what degree, if at all, should the bill of rights be entrenched (be made difficult to amend)?
 - Should any Queensland bill of rights be supreme law unable to be overridden by legislation of the Queensland Parliament?
 - Would the absence of any "override provision" in a bill of rights transfer too much power into the hands of the judiciary in legal proceedings?
 - Should any Queensland bill of rights simply be another Act of Parliament such as the New Zealand model?
6. What remedies should be available for contravention of any bill of rights? For example, should any evidence obtained in breach of any Queensland bill of rights be automatically excluded or should the judiciary have a discretion as to its admission?

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EARC's Report is available from Goprint, the Government Printer.

EARC's Draft Bill of Rights is available, along with EARC's Explanatory Memorandum to its Bill on the internet via the parliament's home page at:

www.parliament.qld.gov.au

Printed under section 4(2) of the *Parliamentary Papers Act 1992* pursuant to the resolution of the committee made on 28 August 1997.

FACTS ABOUT THE LEGAL, CONSTITUTIONAL AND ADMINISTRATIVE REVIEW COMMITTEE

The Legal, Constitutional and Administrative Review Committee (LCARC) is a six member all-party committee of the Queensland Parliament with a broad range of law reform responsibilities.

Legislation

The committee is established under the *Parliamentary Committees Act 1995*.

Functions and Responsibilities of the Legal, Constitutional and Administrative Review Committee

The *Parliamentary Committees Act* provides for the establishment of six permanent statutory committees, one of which is LCARC. Sections 9 - 13 of that Act provide that the committee has the following areas of responsibility:

- Administrative review reform including considering legislation about access to information, review of administrative decisions, anti-discrimination and equal opportunity employment. (However, the Committee's jurisdiction does not extend to investigating particular conduct or reviewing a decision to investigate a particular complaint or decision.);
- Constitutional reform including any Bill expressly or impliedly repealing any law relevant to the State's Constitution;
- Electoral reform including monitoring generally the conduct of elections under the *Electoral Act 1992* and the capacity of the Electoral Commission to conduct elections; and
- Legal reform including recognition of Aboriginal tradition and Island custom under Queensland law and proposed national scheme legislation referred to the Committee by the Legislative Assembly. (National scheme legislation refers to a Bill for an Act that is intended to be substantially uniform with, or complementary to legislation of the Commonwealth or another State and whose operation may, under the Act, be changed by amendment of a law of the Commonwealth or another State.)