

22 April 2016

Private and confidential

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
Brisbane QLD 4000

By post and by email: lacsc@parliament.qld.gov.au

To the Honourable Members of the Legal Affairs and Community Safety Committee

Parliamentary Legal Affairs and Community Safety Committee Human Rights Inquiry

Queensland Law Society (the Society) is delighted to present you with its submissions concerning this seminal and historic issue for not only all Queenslanders, but also, this country.

This being the third Australian jurisdiction potentially to adopt a human rights Act, it is incumbent on this State to lead the field in its careful consideration of both the benefits and the potential pitfalls of enacting for fundamental rights and freedoms which enshrine our entitlement, as human beings, to be treated with dignity, respect and value.

In addition, and more particularly, the Society is charged with the higher duty of providing input and recommendations to this Inquiry which achieve two inextricably linked ends: firstly, submit comment which reflects the opinion of its full membership; and secondly, assume the role of an independent, *all-partisan* representative body upon which our government can rely to provide it with fulsome advice which aligns only with the promotion of good, evidence-based law and policy, and pursues no other agenda.

The Society has examined the complicating factors and uncertainties germane to human rights legislation enacted in other jurisdictions in order to inform Queensland's government of the necessary cautions to be applied if and when it elects to follow suit.

Background

The Society applauds the Attorney General and the Queensland Government for initiating this Inquiry with the aim of promoting and protecting human rights in Queensland. It is an historic opportunity for the State of Queensland to show modern democratic leadership within Australia and internationally.

The Society

The Society is the peak professional body for the State's legal practitioners, over 9,000 of whom we represent, educate and support, and whom we hold to the high standards set for the profession in Queensland.

Advocacy and representation have been a function of the Society since its inception. Our Advocacy and Governance team coordinates some 26 Policy Committees, and multiple Working Groups. In carrying out its central ethos of advocating for good law and good lawyers, the Society ensures that these committees comprise members with a range of professional backgrounds and expertise. The Society proffers views which are truly representative of the legal profession on key issues affecting Queensland practitioners.

The Society is known to government as a thoughtful, independent stakeholder delivering balanced, evidence-based comment on matters impacting our members and the broader Queensland community. This is evidenced through its output of submission work, the successes achieved annually and the number of requests for the Society's consultation on key policy issues.

Call to Parties

The Society used Queensland's 2015 election platform to issue its *Call to Parties*, inviting Queensland's major political parties to commit to certain reforms identified by the Society's members as key areas for reform. The *Call to Parties* solicited (*inter alia*) a commitment to remove 17 year old offenders from Queensland's adult correctional facilities and place these young people within the jurisdiction of the *Youth Justice Act 1992*.

On 1 December 2015, the Attorney introduced the *Youth Justice and Other Legislation Amendment Bill 2015* which addresses multiple concerns on which the Society has long advocated. The Society commends the government for this Bill's introduction. The Society was listed as the first key external stakeholder in the Explanatory Memorandum and Attorney-General's first reading speech. The Government has also advised, by media release, of the intention to phase out 17.5 year olds in adult prisons in 2016. This is an example of the importance of the Society's law reform initiatives.

Reform which the Society has achieved and continues to achieve on behalf of its members and in cooperation with Queensland government provides a concrete and credible basis upon which the Society sees its role in working with government to grow its human rights advocacy work for the benefit of all Queenslanders.

The Honourable Chief Justice Holmes mentioned the import of the Society's work in this capacity and in particular in relation to the *Call to Parties* document at Her Honour's Opening Address to the Society's *Symposium* on 18 April 2016.

The Society **encloses** its response to the Inquiry's terms of reference.

It welcomes further engagement with the Committee in relation to this seminal Inquiry. Please contact Julia Connelly, Policy Solicitor, on (07) 3842 5884 or J.Connelly@qls.com.au should you wish to discuss any aspect or seek further assistance.

Yours faithfully



Bill Potts
President