

**FACT SHEET:**

## The role of Parliament under the *Human Rights Act 2019*

The Human Rights Act requires the parliament, the courts and the executive to act compatibly with the Act.

In order to act compatibly with the Human Rights Act, the parliament must scrutinise all proposed laws for compatibility with human rights. This includes through accompanying all new bills introduced into Parliament with a statement of compatibility and requiring portfolio committees to examine bills and report to the legislative assembly about any incompatibility with human rights.

The parliament's obligation is to consider the impact of new laws on human rights. It continues to be able to pass laws that are not consistent with human rights.

### The 'dialogue model'

A dialogue model is aimed at prevention rather than litigation, and retains the sovereignty of Parliament. It means that human rights are considered across the three arms of government – when the Parliament makes laws, when government applies laws, and when courts and tribunals interpret laws. There is a mechanism for the court to inform the government if legislation is inconsistent with human rights, but it doesn't affect the validity of the legislation and Parliament has the final say.

The dialogue model encourages people to talk to public entities if they feel their human rights have been unreasonably limited or not considered at all.



## Statements of compatibility

All legislation introduced into parliament must be accompanied by a statement of compatibility. The statement has to be written by the Member of Parliament introducing the bill. It has to state clearly whether or not, in the Member's opinion, the bill is compatible with human rights and the nature and extent of any incompatibility.

The parliament can still choose to pass a law even if it is accompanied by a statement that says it is incompatible with human rights.

## Portfolio committees

Committees play an important role in Queensland's parliament. Unlike every other state and the federal parliament, Queensland does not have an upper house. Parliamentary committees take on some of the work an upper house would usually do. This includes monitoring or investigating particular issues and scrutinising proposed laws.

There are seven portfolio committees in Queensland Parliament. They are made up of members of parliament and it is their job enquire into proposed laws before they are debated by parliament. You can find information about the committees and their functions on the parliament website.

Under the Human Rights Act, a committee examining a piece of proposed legislation will need to report to the parliament about any incompatibility with human rights.

## Override declarations

In exceptional circumstances the Human Rights Act allows parliament to make an 'override declaration' about a law, or part of a law. If an override declaration is made, the Human Rights Act does not apply to the law or part of a law the declaration has been made about. It is only for use in exceptional circumstances.