

Queenslanders' Basic Rights

Rights of the People

Self-determination is not necessarily the only right of the people of a nation as a whole. Australian law increasingly recognises that the Australian people are the ultimate source of authority under the Australian Constitution. Similarly, Australian law increasingly recognises between governments and the people as a relationship, which has political (and sometimes legal) obligations of:

- **TRUST**
- **CONFIDENCE**
- **RESPONSIBILITY** *and*
- **ACCOUNTABILITY**

Moreover, all governments in Australia hold and exercise their power on TRUST for the benefit of the people. This creates political obligations, if not legal obligations. In matters of public policy, various notions of 'the public interest', guide government action. All of these things can have a direct or indirect impact upon rights in legislation, policy-making and government administration.

Everyone in Queensland should be aware of the basic importance of the people and their rights in the political system. Former Chief Justice of the High Court, Sir Anthony Mason, said in 1992 that:

- Our democracy means 'government by the people through their representatives'
- Because of the Australian Constitution, 'elected representatives exercise sovereign power on behalf of the Australian people' and 'exercise their legislative and executive powers as representatives of the people'; and
- 'In the exercise of those powers the representatives of necessity are accountable to the people for what they do and have a responsibility to take account of the views of the people on whose behalf they act'.

This is a powerful statement about the Australian people and their legal status. It has wide-ranging implications. The primary place of the people in Australia's and Queensland's systems of government also generates political and possibly legal obligations of responsibility and accountability in the exercise of government power.

Those obligations are owed by governments to the people as a whole.

Source:

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