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**THE
AUSTRALIAN
FAMILY
ASSOCIATION**

Human Rights Inquiry

Submission No. 411

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Emailed to: lacsc@parliament.qld.gov.au

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

Re: Human Rights Inquiry

I refer to the Terms of Reference for the Human Rights Inquiry directed by the Legislative Assembly to the Legal Affairs and Community Safety Committee on 03 December 2015.

I had not been aware of this inquiry until recently and will provide only a brief response against the terms of reference.

TOR 1 Legislating for a Humans Rights Act in Queensland

It is not appropriate nor is it desirable to legislate for such an Act. In other jurisdictions such Acts have been used for false claims of human rights.

Human rights are “commonly understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being”.

The International Bill of Human rights consists of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights.

- Articles 1-2, are the foundation blocks, with their principles of dignity, liberty, equality and brotherhood
- Articles 3-11, constitutes rights of the individual, such as the right to life and prohibition of slavery
- Articles 12-17, constitutes the rights of the individual in civil and political society
- Articles 18-21, is concerned with spiritual, public and political freedoms such as freedom of religion and freedom of association
- Articles 22-27 sets out social, economic and cultural rights
- Articles 28-30 bind the structure together

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The International Covenant on Economic, Social and Cultural Rights addresses the following core provisions:

- Principle of progressive realisation
- Labour rights
- The right to social security
- The right to family life
- The right to an adequate standard of living
- The right to health
- The right to free education
- The right to participation in cultural life

The International Covenant on Civil and Political Rights addresses the following core provisions:

- Rights to physical integrity
- Liberty and security of person
- Procedural fairness and rights of the accused
- Individual liberties
- Political rights

I understand Australia is a signatory to the International Bill of Human Rights and our democratic process including elected political representatives and the State have a duty to support and realise the rights identified above. Our democratic process is well placed to deliver these Human Rights assuming proper leadership and wisdom is applied.

Modern society has confusion over human rights which stems from a fundamental confusion about freedom. Pope John Paul II emphasised this point in *Evangelium vitae*:

... the prevailing concept of democratic freedom is radically individualistic, "exalt[ing] the isolated individual in an absolute way," giving "no place to solidarity, to openness to others and service of them. Coupled with this idea of freedom as absolute autonomy is the fading of the notion of universal moral principles and the decline of binding moral truths. "Freedom negates and destroys itself, and becomes a factor leading to the destruction of others, when it no longer recognises and respects its essential link with the truth. If each individual becomes "the sole and indisputable point of reference for his own choices, [not] the truth about good and evil, but only his subjective and changeable opinion," interest, or whim, "social life ventures on the shifting sands of complete relativism (i.e. belief in changeable standards – the belief that concepts such as right and wrong, goodness and badness, or truth and falsehood are not absolute but change from culture to culture and situation to situation." As agreement on foundational moral principles is taken to be impossible, majority votes and the decisions of judges determine contentious issues absolutely. This is not a sufficient basis on which to safeguard the long-term public legitimacy of the law.

Queensland does not need a Human Rights Act. I believe such an Act would be used for so called modern rights which are very often not human rights. The modern rights are typically not claims based on the truth about human good and common good. Rather, they are products of convention or fashion, based on no more than an exaggerated claim for autonomy and the chosen life-style-values of minorities.

TOR 2

Queensland needs to refocus attention on the International Bill of Human Rights with our current democratic processes on Human Rights which are relevant to Queensland under the constitution.

The operation and effectiveness of Human Rights legislation in other jurisdictions such as Victoria has been a failure. The legislation has been used to push ideology agendas which are not founded on Human Rights.

Such legislation is an unnecessary cost to the taxpayer and generally does not benefit the common good of our society.

The Commonwealth undertook inquiries for a possible Federal Human Rights Act and Discrimination Bill I think, in 2009 – 2012, including extensive consultation. Neither proposals were adopted.

TOR 3

For the reasons outlined above the committee should decide it is not appropriate and desirable to legislate for a Human Rights Act in Queensland.

TOR 4

It is requested that the committee explain the inquiry and research basis the human rights inquiry has undertaken including consultation with community and key stakeholders and how any decisions would be determined. Important aspects include demonstrating competence to conduct a thorough, and ethical research study, evidence of methodological competence, and recognition of social and cultural context driving such human rights acts (i.e. devices for the delivery of soft-left sectarian agendas etc.).

Thank you for considering this submission. I may be contacted by email (mord@family.org.au) or by my mobile [REDACTED] to discuss any details.

Sincerely,

[REDACTED]

Michael Ord

mord@family.org.au

Queensland President

On behalf of the Queensland Branch of the Australian Family Association

<https://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/current-inquiries/14-HumanRights>