

The Research Director
Legal Affairs and Community Safety Committee
Parliament House

16th April 2016

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Submission for the Human Rights Enquiry

Dear Research Director,

Thank you for the opportunity to contribute to the Human Rights Enquiry as covered by the Terms Of Reference copied below. We are writing as members of the Safe Communities Australia organisation.

While it is beyond our resources, both financially and in manpower to provide a detailed submission in the time remaining, we would like to raise what we believe to be salient points of debate for consideration by the committee, and have provided commentary, adding to the body of the Terms of reference below.

I would state from the outset that as an organisation we fully support the spirit and intent of the various Human Rights Models we have become familiar with, and believe that on a daily basis as average citizens we are not exposed to HR violations. This doesn't mean however that it doesn't have the opportunity to occur, and some would be exposed to it, both from within minority and majority groups, and at an individual level.

1. The full terms of reference are: (Taken from the Website)

That the Legal Affairs and Community Safety Committee inquire into whether it is appropriate and desirable to legislate for a Human Rights Act (HR Act) in Queensland, other than through a constitutionally entrenched model. (We interpret this a Federal Law)

R,T,G Comment

We would ask the question, what has been the driver for the Qld Govt to decide to provide resources to consider a separate State Act for Qld.? It appears that in Australia we have one state and one territory act ie Victoria, known as the Charter of Human Rights and responsibilities Act 2006, and the A.C.T. legislation known as the Human Rights Act 2004, and Federally we have the Australian Human Rights Commission Act 1986. Clearly if each state or territory continues to create separate HR acts we have a recipe for confusion, and an array of interpretations for an already challenged judiciary system. We would therefore suggest or urge something as far reaching and fundamental as Human Rights in our democratic society, should be legislated at a Federal level, and if modifications or updates are required then it should serve all citizens of Australia equally and free of political bias.

2. That, in undertaking the inquiry, the committee consider:
 - a) the effectiveness of current laws and mechanisms for protecting human rights in Queensland and possible improvements to these mechanisms;
 - b) the operation and effectiveness of human rights legislation in Victoria, the Australian Capital Territory and by ordinary statute internationally;
 - c) the costs and benefits of adopting a HR Act (including financial, legal, social and otherwise); and
 - d) previous and current reviews and inquiries (in Australia and internationally) on the issue of human rights legislation.

R,T,G Comment.

It is our belief that Australia when compared to most nations making up this world we share has an excellent Human Rights record, has very good laws and rights that is due to a continuous improvement approach to legislation/ law making and enforcement at a Federal Level.

We would like to suggest however that in reviewing precedents in other jurisdictions, including NZ, (who have made submissions) Canada in particular, the USA and Britain, that the issue of rights gained for the individual is also compared to the experience of created victims.

We use anecdotal evidence from Canada, which leads the world in LGBT rights, but reportedly makes speaking/debating against any gay issue a crime. le Quote CNSnews.com June 2015

" In Canada, freedoms of speech, press, religion, and association have suffered greatly due to government pressure. The debate over same-sex marriage that is taking place in the United States could not legally exist in Canada today. Because of legal restrictions on speech, if you say or write anything considered "homophobic" (including, by definition, anything questioning same-sex marriage), you could face discipline, termination of employment, or prosecution by the government.

Hate-crime-like policies using the terms "sexual orientation" and "gender identity" create unequal protections in law, whereby protected groups receive more legal protection than other groups".

There is a well-known case in the US where a bakery declined to bake for a gay wedding on religious grounds. Activists got involved, and not only were the business shut down but the US govt seized the life savings of the Christian family business, after prosecuting them under anti- discrimination law.

Further there appears to be a hypocritical standard, biased against Christians and Jews where an Islamic Bakery, business or individual for example is not held to the same standards of behavior.

ie They are able to use their Sharia Law doctrine as a defense for some truly offensive outbursts, and attacks on not only individuals or businesses, but the very liberties we provide for women and children in Western civilization

It is a travesty of justice we do not want to see duplicated in the guise of HR law in Australia and urge the committee to take this into consideration in their deliberations

3. That, if the committee decides it would be appropriate and desirable to legislate for a HR Act in Queensland, the committee consider:
- a) the objectives of the legislation and rights to be protected;
 - b) how the legislation would apply to: the making of laws, courts and tribunals, public authorities and other entities;
 - c) the implications of laws and decisions not being consistent with the legislation;
 - d) the implications of the legislation for existing statutory complaints processes; and
 - e) the functions and responsibilities under the legislation.

R,T,G Comment

It is a generally held opinion in the community that perpetrators of crime are better treated by our legal system than many would wish and often perceived to be better than victims and their families.

At the very least the punishment is often considered lenient. (As they say perception becomes reality) As an example if Campbell Newman's Govt is remembered for nothing else it will be the effort that went into improving policing of organised crime and the effective measures taken to remove OMCG from the streets of not only the Gold Coast, but many towns and cities in Qld.

The effect on drug trafficking and other crime was reported to be visceral, and significant. It was however quite obvious that many in the judiciary and Govt. opposition spent more time speaking of the loss of gang member rights, and little time on the impact of these criminal activities on our society in general and children in particular, as the OMCG drug networks expanded their tentacles.

We believe it will be important to ensure (should it be pursued)that any HR act does not dilute the effectiveness of the police and judiciary in the pursuit and prosecution of all law breakers, but particularly those that represent a significant, clear and present danger in the community.

We would include the ability for law enforcement to police radical Islamic elements in our society. It is well known that groups like Hizb ut-Tahrir and many Imams preach hate against all non-muslims. It is evident though that they are not subject to the same hate speech laws, as someone who is protesting against their radical incitement and anti-Australia activities.

We would like the committee to consider this as they ponder strengthening the HR laws and the ability to effectively police, deter and prevent infringement of the Human Rights of the majority of our population

Section 4 and signature on next page.

4. That the committee invite public submissions, consult with the community and key stakeholders and report to the Legislative Assembly by 30 June 2016.

R.T.G Comment *As a concerned citizens group, and believing in the democratic principle of government of the people for the people, by the people, we would respectively urge the government, once the committee has generated the report to provide the document for public review/ scrutiny/ debate..*

Yours sincerely

Robin Smith

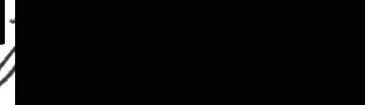
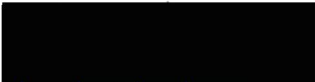
Terry Foreman

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