



Moderator
Rev David Baker

26 November 2018

Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000

Via email: lasc@parliament.qld.gov.au

Dear Committee Secretary,

On behalf of the Uniting Church in Australia, Queensland Synod, I have attached a submission to the Human Rights Bill 2018.

Given the church's long-standing commitment to the God given dignity of all people, the Uniting Church in Queensland is generally supportive of this Bill. However, we are concerned that there may be unintended consequences as public institutions learn how to balance competing rights.

The church is grateful for the opportunity to take part in the consultation on this Bill. Should you require any further information, please do not hesitate to contact me via email at

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Kind regards,

Rev David Baker
Moderator
Uniting Church in Australia, Queensland Synod



Submission from the Uniting Church in Australia, Queensland Synod, to the Legal Affairs and Community Safety Committee's consideration of the Human Rights Bill 2018

Thank you for the opportunity to take part in the consultation on Queensland's Human Rights Bill 2018.

The Uniting Church in Queensland believes that a commitment to upholding the human rights of people in this state is worthy of support.

It is from a position of extensive informal and formal experience in supporting and working with people who are vulnerable, and with our commitment to a society that is free and fair, that the Uniting Church speaks about this issue.

Uniting Church agencies – UnitingCare Queensland and Wesley Mission Queensland - provide support and services to many vulnerable people: aged people, people with disability, people in prison, Aboriginal and Torres Strait islander peoples, children and young people, families in crisis, people experiencing homelessness, women experiencing or escaping domestic and family violence, and people experiencing mental health issues, among others.

There are over 200 Uniting Church congregations and communities spread right across this state. Congregations include and encounter many people who are vulnerable to having their human rights ignored or not respected by public entities.

Historical support for human rights by the Uniting Church

At the time of its formation in 1977, the Uniting Church in Australia issued a *Statement to the Nation*. "We affirm our eagerness to uphold basic Christian values and principles, such as the importance of every human being, the need for integrity in public life, the proclamation of truth and justice, the rights for each citizen to participate in decision-making in the community, religious liberty and personal dignity, and a concern for the welfare of the whole human race... We affirm the rights of all people to equal educational opportunities, adequate health care, freedom of speech, employment or dignity in unemployment if work is not available. We will oppose all forms of discrimination which infringe basic rights and freedoms."¹

The Uniting Church's commitment to human rights is most fully expressed in the 2006 Uniting Church in Australia statement on human rights *Dignity in Humanity: Recognising Christ in Every Person*².

The Uniting Church believes that every person is precious and entitled to live with dignity because they are God's children, and that each person's life and rights need to be protected or the human community (and its reflection of God) and all people are diminished.

We affirm the inherent and inalienable right of all people to live free of persecution and violence, with access to all that is necessary for a decent life.

¹ Uniting Church in Australia, 1977, *Statement to the Nation*, <https://www.unitingjustice.org.au/uniting-church-statements/key-assembly-statements/item/511-statement-to-the-nation>

² Uniting Church in Australia, 2006, *Dignity in Humanity: Recognising Christ in Every Person*, <https://www.unitingjustice.org.au/human-rights/uca-statements/item/484-dignity-in-humanity-a-uniting-church-statement-on-human-rights>

We condemn the abuse of human rights and the failure to uphold and promote human rights as contrary to the gospel of God's love in Christ for all human beings and the earth.

We encourage all members, groups, congregations and agencies of the Uniting Church to model respect for human rights in their daily lives and to advocate for policies consistent with human rights standards and against violations of human rights in all forms, both within Australia and internationally.

We encourage the councils of the Uniting Church to model respect for human rights in their work and mission, including working towards an end to manifestations of greed, corruption, violence, persecution and exclusion.

The Uniting Church in Australia is committed to work for and promote increased awareness and understanding of human rights through our education, justice and mission programs.

Discussion

Given the Church's long-standing commitment to the recognition and protection of human rights, the Uniting Church in Queensland is generally supportive of the Human Rights Bill 2018.

The principles inherent in this Bill are about a good thing – legally protecting human rights. Recognising and protecting their human rights will help support marginalised Queenslanders. This Bill might help regulate the scope of government's power over an individual. This Bill will assist in empowering the marginalised and people who are the most vulnerable in society, communities and groups to speak up and see change.

The Human Rights Bill 2018 will give organisations a framework to develop new policies and benchmarks, which we believe is very important. Uniting Church agencies have a strong focus on placing the person we serve at the centre of our work. "It's not about me without me" is the principle at the heart of the UnitingCare Queensland disability services. It is firmly in our mandate as Christian church to stand up for what is right and what is just.

We recognise that the Bill will promote dialogue about the nature, meaning and scope of human rights, particularly between the three arms of government: the judiciary, the legislature and the executive. The government will certainly be tested in relation to how they do business, how legislation protects the rights of individuals and groups right across the state. It will be important to maintain open dialogue, so that the government can be nimble and responsive when new challenges are brought to the Human Rights Commission.

Changing the role of the current Anti-Discrimination Commission Queensland to become the Queensland Human Rights Commission will be helpful in promoting an understanding and acceptance of human rights in the broader community. This will be essential as we believe that there is limited understanding of what human rights are, how they affect each of us and some vulnerable groups of people are particularly at risk of being overlooked, mistreated or exploited. In fact, we believe it is essential that the whole community works together to notice when people's human rights are not being respected and to make sure everyone's rights are protected.

We wish to highlight our particular interest in the human rights of the First Peoples in this state. The Uniting Church in Queensland has previously expressed concern about the over-representation of Aboriginal and Torres Strait Islander peoples in the criminal justice system, especially the rates of incarceration of young Indigenous people in the state's youth detention facilities. This is of particular concern when we consider the high proportion of young Indigenous people who are on remand and have not been found guilty of the

charges against them. We urge the government to work with the First Peoples in ensuring their human rights are respected.

One concern we have about the Bill is there may be unintended consequences as public institutions learn how to balance competing rights. For example:

- When a person attends hospital, they have a right to access health care, however they also have a right to their religious and cultural beliefs and practices. This may cause conflict when an individual's right to health care cannot be met as it is unable to be delivered in line with their cultural or religious rights. This can be challenging for institutions and individuals as they determine which rights should take precedence and where duty of care lies.
- When a person in public housing who is to be evicted makes a complaint to the Queensland Human Rights Commission, they may argue the human right to housing. If they are successful, there may be unseen, hidden consequences of that decision: others who have been waiting years on the waiting list for public housing will have to wait even longer, denying their human right to housing.
- When one person or group is granted to right to freedom of speech, the rights of others may be compromised, for example, will what is said cause harm, lead to violence etc?

How will the competing human rights of different individuals or groups be balanced? How will the potential hidden consequences be identified and mitigated against? In this context, building understanding of human rights should also include support for people to understand that individual rights are not always absolute and must be balanced against each other.

We note the regulatory model of the Bill favours discussion, awareness raising and education, and includes a dispute resolution process and a limited enforcement mechanism. We will be interested in the effectiveness and impacts of these measures as the Bill is implemented. We note that examining remedies is included as a consideration under the Act's legislated review and we support this inclusion.

Summary

As the Uniting Church in Queensland we believe we have a fundamental responsibility to ensure that the God-given dignity of all people is embedded in our culture, not only organisationally as a church, but also across this state.

The Uniting Church in Queensland believes the Human Rights Bill 2018 will deliver positive outcomes for the marginalised and vulnerable people of this state. Importantly, this Bill will assist in the development of a human rights culture across the state.

We urge the Legal Affairs and Community Safety Committee to consider how to safeguard against unintended consequences of the implementation of this Bill.

Rev David Baker
Moderator
Uniting Church in Australia, Queensland Synod

26 November 2018.