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

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

Re: Human Rights Bill 2018

We are concerned the Human Rights Bill 2018 will not enhance human rights but will be a vehicle for an increasing corruption of genuine, inalienable human rights.

Queensland does not need a Human Rights Act. We believe such an Act would be used to introduce 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 lifestyle values of minorities. This has certainly been the case with recent claims for a right to marry by same-sex couples and transgender persons, given all discrimination against these couples was removed from the law nine years before marriage was redefined.

Queensland needs to refocus attention on the International Bill of Human Rights with our current democratic processes on human rights which are relevant under the state 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 ideologies 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. We assert the Queensland Human Rights Bill will result in unnecessary costs to Queensland taxpayers and would be used by minority groups to advance ideological ideologies,

The Commonwealth undertook inquiries for a possible Federal Human Rights Act and Discrimination Bill, we understand, in 2009 – 2012, including extensive consultation. Neither proposals were adopted. Queensland should do the same and not adopt a Human Rights Act.

In our submission to Human Rights Inquiry 2016 we requested that the committee explain the examination 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 legislation. We reiterate that request.

Patrons of the AFA
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Restoring Human Rights

Rita Joseph [1] highlights the need to “confront a corrupt adult world” in her paper “Restoring Human Rights Protection to Children”. Rita Joseph states:

Remember the parable of the seven evil spirits?

When an evil spirit comes out of a man, it goes through arid places seeking rest and does not find it. Then it says, “I will return to the house I left.” When it arrives, it finds the house swept clean and put in order. Then it goes and takes seven other spirits more wicked than itself, and they go in and live there. And the final condition of that man is worse than the first. (Luke 11:24-26)

Well, that’s what happened to the noble United Nations human rights initiative after Nazism was defeated. We swept our house clean and put it in order. And then the old human rights abuses returned with the evil spirits of a new ideology entrenching many more even worse abuses.

Cleaning house, putting it in order

After World War II, in a moment of grace, we did indeed sweep clean our house and establish order. The nations of the world came together and declared that “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”. Representing the chastened nations of the world, the drafters of the Universal Declaration of Human Rights saw the light of truth, that human rights are inherent and inalienable, that they are based on a small number of fundamental principles common to all societies, philosophies and faith systems that are recognized to be universal —m’permanent principles’ not subject to change with each new ideology or opinion poll or democratic vote. And so, the whole architecture of modern international human rights law was rebuilt on a deontological basis, on human rights principles discerned through natural law.

Several of the drafters were familiar with the natural law—they knew their Aquinas—and the Universal Declaration principles are remarkably consistent with the five fundamental self-evident principles of natural law identified by Thomas Aquinas as deeply and irrevocably embedded in our human nature:

1. To do good and avoid evil. (The do’s and don’ts, responsibilities and protection of rights are sorted pretty well in the Universal Declaration.)
2. To preserve life: *suum cuique*—protection for what is one’s own. [“Everyone has the right to life, liberty and security of person.” Universal Declaration 3]
3. To procreate through sexual reproduction, a good to be supported and favoured, and what threatens it to be avoided. [“The family is the natural...group unit of society and is entitled to protection by society and the State.” (Universal Declaration 16-3)]
4. To live in community. [“Everyone has duties to the community...” Universal Declaration 29-1]
5. To exercise our intellects to search for truth, to reject falsehood, to dispel ignorance. [Again, the drafters of the Universal Declaration did pretty well on this one.]

All of these are reflected the Universal Declaration principles and in the rules set out for their universal application — inclusion, inherency, equality, inalienability and indivisibility.

Rita Joseph highlights that drafters of the Universal Declaration rejected legal positivism that had emerged in the 20th century. That they saw clearly that legal positivism had proved hopelessly inadequate to protect vulnerable human beings from shifting laws, newly coined to advance popular new ideologies.

However, since the drafting of Universal Declaration Rita Joseph laments about the consequences of the “sexual revolution” which has succeeded in enshrining in law and in practice a near absolute sexual freedom for adults and adolescents. A sexualised culture, the proliferation of pornography, the idea of a

right to “recreational” sex without responsibility (*and hence demands by some men and women for abortion*), the development of artificial alternatives to natural procreation, and the absurd lie that marriage has nothing to do with children (*hence changing the definition of marriage*) – these are just some of its consequences.

It is the Australian Family Association’s grave concern that any Queensland Human Rights Act would be used to advance popular new ideologies. We have recently seen enacted positive laws justified by claims of “rights” including the Queensland Termination of Pregnancy Act 2018, which legalises abortion for essentially any reason under claims for autonomy of women’s reproductive rights, and at the federal level the redefinition of marriage to between any two people, meaning same-sex or transgender, based on claims of “equality”.

We emphasise that 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.

We would be willing to appear before the inquiry if invited.

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

Sincerely,



Michael Ord

[REDACTED]
Queensland President

On behalf of the Queensland Branch of the Australian Family Association

[1] Rita Joseph has represented family concerns at UN conferences, and writes and lectures on social issues especially concerning women and families <http://archive.wf-f.org/bd-rjoseph.html>