



Balancing the Act

Issue 38 Summer 2015-2016

Human Rights Act for Queensland

Australia is one of the few liberal democracies without a national Human Rights Act or Bill of Rights, meaning that there is no clear framework for incorporating human rights in our society. This year, Queenslanders will have the opportunity to tell Parliament their views on whether Queensland should have a Human Rights Act.

In December 2015, Queensland Attorney-General, Yvette D'Ath, announced that the Legal Affairs and Community Safety Committee of State Parliament would hold an inquiry to determine whether a Human Rights Act is the best way to protect human rights into the future. The Committee is due to report back to the Legislative Assembly by 30 June 2016.

Both the Australian Capital Territory and Victoria have provided additional human rights protection by enacting the *Human Rights Act 2004 (ACT)* and the *Charter of Human Rights and Responsibilities Act 2006 (Vic)*. In Queensland, the *Anti-Discrimination Act 1991* provides protection against discrimination, sexual harassment, vilification, victimisation, and other objectionable conduct. However, this protection is limited to individuals and groups with particular attributes, and only in certain areas of public life. A Queensland Human Rights Act could provide broader protection and important social, economic, and cultural benefits to all Queenslanders.

The ADCQ, in partnership with A Human Rights Act for Queensland campaign, will be running a series of information sessions in February and March to help Queenslanders understand what a Human Rights Act could mean in practice. All sessions are free of charge and can be booked online at www.adcq.qld.gov.au.

Human Rights Act public information sessions

Date	Session
22 February	Sunshine Coast
23 February	Gold Coast
24 February	Ipswich
25 February	Logan
26 February	Toowoomba
29 February	Brisbane
16 March	Rockhampton
17 March	Cairns
22 March	Townsville

The Legal Affairs and Community Safety Committee has invited written submissions to the Inquiry. All submissions must address the terms of reference and be received at Parliament House by 4pm on Monday 18 April 2016. Information about the terms of reference and how to make a submission is also available on the ADCQ website.



Commissioner's Foreword



Anti-Discrimination Commissioner,
Kevin Cocks AM

The Universal Declaration of Human Rights, developed in 1948 after the atrocities of World War II were fully revealed to the world, marked a crucial turning point in human history. It was the first international agreement setting out freedoms, rights, and entitlements for all humanity to claim. It affirmed that the force of shared ideas and a common vision of respectful and peaceful coexistence can prevail over brutality, hatred, and destruction.

I believe we have progressed since the *United Nations Declaration of Human Rights* was developed. However, for far too many Queenslanders the recognition that they have inherent human rights — the right to live life with dignity, the right to go about their daily activities without fear of discrimination because of their gender, race, sexuality, religious beliefs or disability — is not realised nor fulfilled.

While Australia has ratified a number of human rights treaties, unless the treaties have been specifically incorporated into law through legislation, they do not form part of Australian or Queensland laws. The Queensland *Anti-Discrimination Act 1991* provides protection against discrimination, sexual harassment, vilification, victimisation, and other objectionable conduct. However, this protection is limited to individuals with certain characteristics, or attributes, and only in certain areas of public life. If the Queensland Parliament passed a Human Rights Act, the fulfilling of obligations as set out in the treaties would be significantly enhanced.

A Queensland Human Rights Act, if passed, would not be the panacea for all of the failings of our society to be inclusive and fair to all its citizens. But, a Human Rights Act would be a demonstration by the Queensland Parliament of its strong commitment to working with the people of Queensland to ensure that human rights breaches could be challenged and remedied appropriately.

Victoria and ACT both have a charter of human rights passed by legislation. Those charters have clearly improved both governments' accountability to its citizens. Their introduction has not stopped those governments from pursuing policy objectives, or introducing laws that might contravene the charters. However, it has meant they have had to engage in a robust conversation within Parliament, and with the community to explain why they were introducing such laws.

It has also meant that the ordinary citizen, who believes their human rights have not been afforded to them because of a departmental decision, can challenge that decision. Often, if those decisions have been inconsistent with the Charter, they have been overturned.

A Human Rights Act for Queensland could provide a fundamental framework for societal cultural change. It could lead to long-overdue cultural change, particularly when it comes to issues such as domestic violence, and the structural discrimination experienced by Aboriginal and Torres Strait Islander persons, people with disability, and older people. It could create a space for individuals, neighbours, communities, government, and private sector agencies to engage in robust conversation about what sort of Queensland society we want to create.

I encourage you all to participate in this conversation by making submissions (an email or letter) to the Parliamentary Legal Affairs and Community Safety Committee which is conducting the Human Rights Inquiry.

A Human Rights Act for Queensland

The team behind A Human Rights Act for Queensland campaign have developed a range of resources to help Queenslanders understand what a Human Rights Act is and how it might operate. The resources include:

- A comprehensive background paper explaining the features of a Human Rights Act and their key benefits of having human rights protections.
- A range of fact sheets outlining the benefits of a Human Rights Act for particular groups including Aboriginal and Torres Strait Islander people, children, people with disability, older people, women experiencing domestic violence, people who are homeless, members of

lesbian, gay, bisexual, transgender and intersex (LGBTI) communities, people living in rural, regional and remote areas and people from culturally and linguistically diverse backgrounds.

For people wanting to make a submission to the Human Rights Inquiry, there are also guides on making submissions for individuals and community organisations as well as an online submission form.

All resources can be accessed online at www.humanrights4qld.com.au. Copies will also be available at the public information sessions.

Fair and inclusive Central Queensland

Beach Day Out

2015 was another very successful year for Beach Day Out in Central Queensland, which attracted a crowd of hundreds to the new location at Emu Park. The event has been running for four years as part of Disability Action Week. It aims to promote inclusiveness, break down stereotypes, and provide a fun community event in which everyone can participate.

Jacqui's Beach Day Out

Jacqui loves the beach, but due to impairment she has been unable to access the beach for the past three years. She has missed out on the simple experiences of walking on the sand and swimming in the ocean. So, when Jacqui found out about Beach Day Out 2015, she was overjoyed to have the opportunity to return to the beach with access to the personal attention and equipment to make it possible. Jacqui had thought that a visit to the beach was something she would have to let go of forever, but Beach Day Out made an activity that she loves, once again possible.



Jacqui enjoying Beach Day Out

It is stories such as Jacqui's that demonstrate the tremendous value of inclusive community events. They not only serve to educate the broader community about access and inclusion, but they give people with impairment the opportunity to engage in activities that others take for granted.

Inclusive Community Champions

In recognition of his work with organising Beach Day Out, ADCQ's Central Queensland Regional Manager, Ben Cooke, received the award for 'Outstanding Individual' in the 2015 Spinal Life Australia Inclusive Community Champions Awards. The awards acknowledge the outstanding achievements of individuals and business in encouraging inclusive communities. Ben and his team have worked tirelessly over the past four years to build Beach Day Out into the flourishing event that it is today. It is fantastic to see Ben's efforts formally acknowledged by this award. Beach Day Out also won the award for Excellence in tourism, entertainment or recreation.



Ben Cooke (second from right) with other award recipients

Harmony cricket

On a warm summer's day in December, things were heating up on the pitch at the Central Queensland University cricket ground for the Harmony Cricket Match. The event was organised by the Islamic Society Central Queensland, in partnership with the Anti-Discrimination Commission Queensland, Multicultural Development Association, Queensland Police Service, and Rockhampton Regional Council. Designed to build on the principals of Harmony Day —such as inclusiveness, respect, and belonging — the event reflected true harmony in the way it was played, allowing everyone to participate with a two over bowling and batting limit for all players. The game was topped off with a free community barbecue for players and supporters.



The Harmony Cricket Match players

Human Rights Month 2015

In November 2015, the ADCQ launched the Human Rights Month campaign to get Queensland workplaces involved in learning, talking, sharing, planning, and undertaking activities about diversity and inclusion. The theme of the one-month campaign was 'Fair and Inclusive Workplaces'. We asked organisations to pledge their commitment to creating fair and inclusive workplaces by nominating workplace champions and identifying specific actions they would undertake throughout the month to create inclusive workplaces.

Response to the inaugural campaign was overwhelming, with 91 champions from 55 organisations taking an active role in the campaign. Participants got involved by circulating key messages throughout their workplaces, displaying posters, hosting morning teas to celebrate diversity, holding workplace conversations about inclusion and diversity, and posting pledges on social media.

Such enthusiasm was displayed by the workplace champions that an ongoing network is being maintained to share ideas, stories, and strategies for continuing to create and maintain fair and inclusive workplaces.



**HUMAN RIGHTS MONTH
ROOFTOP
EXPO
AND MORNING TEA**

Fair and inclusive workplaces matter!

Come and celebrate Human Rights Month at our inaugural rooftop expo and morning tea. Find out more about what HPW is doing to create a fair and inclusive workplace and how you can make your own positive contribution.

Join us for hummingbird cupcakes, fruit, yoghurt and juices, and visit a range of information and activity stalls.

This is an informal and **free event** for all staff to attend.

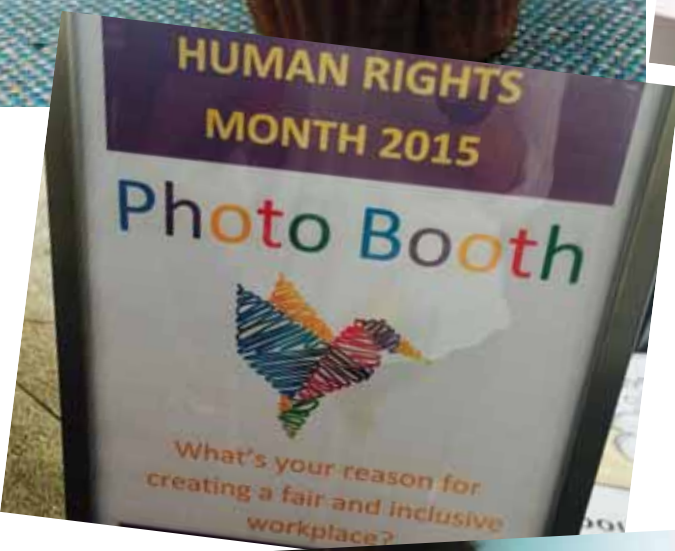
When:
Thursday 10 December

Time:
10:00-11:00am

Where:
Rooftop,
80 George Street

Department of Housing and Public Works | Queensland Government





Serious racial vilification results in imprisonment

The first case of a prosecution for an offence of serious vilification was dealt with in Brisbane Magistrates Court on 14 September 2015, resulting in a sentence of imprisonment for the offender.

Under the *Anti-Discrimination Act 1991*, it is unlawful to incite hatred towards, serious contempt for, or severe ridicule of a person because of their race, religion, sexuality, or gender identity, by a public act. This is vilification. If the vilification includes a threat of harm to a person or their property, it becomes serious vilification, which is a criminal offence.

This was the case in October 2014 when Abdel-Kader Boumzar racially abused a railway security officer, and threatened him with physical harm. The incident was filmed and uploaded to YouTube.

The offender pleaded guilty in the Brisbane Magistrates Court to the racial vilification offence and other charges, some arising out of the same incident, and others unrelated.

The magistrate described the conduct against the security officer as un-Australian, disgusting and cowardly, saying the defendant picked an easy target and was so proud of what he did it was filmed, and he then boasted about it by uploading the video to YouTube. The magistrate had no sympathy for the defendant who complained to his solicitor and a health consultant about the consequences of his conduct — he had received threats through social media and had been too frightened to leave his grand-parents' house.

The magistrate said imprisonment was the only appropriate penalty, and sentenced the defendant to 2 months in prison. Taking into account that the defendant had already been imprisoned for 68 days, as well as the defendant's age, his pleas of guilty, the steps he is now taking, and his family support, the sentence was wholly suspended for 12 months

New range of posters released

Coinciding with Human Rights Month 2015, the ADCQ released a range of new posters containing key messages about discrimination, sexual harassment and diversity. They are ideal for brightening up the workplace walls and prompting discussion about these important topics.



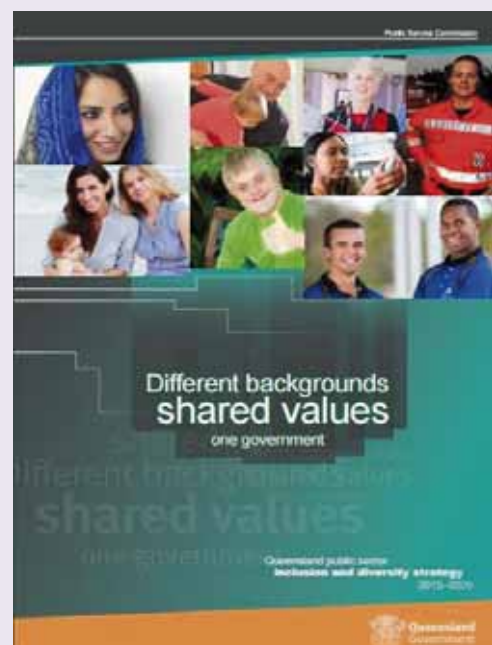
ADCQ posters are available for download from the ADCQ website in both A4 and A3 format.

Queensland Public Sector Inclusion and Diversity Strategy 2015-2020

Following extensive consultation across the public sector, the Public Service Commission has released the Queensland Public Sector Inclusion and Diversity Strategy 2015-2020 and related action plan.

The strategy recognises that an inclusive and diverse public sector leads to the delivery of better services to Queenslanders. It outlines how the public sector is building workforces and workplaces to better reflect the diverse community it serves.

The Inclusion and Diversity Strategy and Action Plan can be accessed from the Public Service Commission website at www.psc.qld.gov.au.



Work and Welcome

Diversity delivers different perspectives, capabilities, and innovation. The connection between diverse workforces and improved innovation is well documented, and there are many ways to increase workplace diversity. One program offering such an opportunity is the Work and Welcome program launched by Multicultural Development Association (MDA) in November 2015.

Work and Welcome is a 12-week job placement program that draws on the generosity of companies, their employees, community groups, and individuals to pool together money to fund placements for newly-arrived refugees. The initiative not only gives a 'foot in the door' to refugees who often struggle to find employment, but benefits employers by providing access to the unique skills and experiences refugees have to offer. With training and support, short-term job placements often lead to permanent work. In 2014–15, MDA successfully placed 240 refugees in employment.

Helping people find work is not only good for the individual and their families, but for the entire community. The more people in work, the better we all do. If you would like to know more about the Work and Welcome program visit www.mdaltd.org.au or contact MDA on 07 3198 2525.



Artwork provided by ADCQ volunteer, Valerie Foong

Emerging Voices

In 2015, Queensland Council of Social Service (QCOSS) established the Emerging Voices program to support young people in having a voice in key policy reforms, collective problem solving and generating community based ideas and action. The program was such a success that it will be running again in 2016.

The program, which runs over 12 months involves participants engaging in a variety of workshops to build capacity, develop skills in participatory practices and collaborate on key initiatives in social reform.

QCOSS is currently seeking expressions of interest from young people who are keen to join the 2016 program. For more information visit the QCOSS website at www.qcoss.org.au.

Cairns Inclusive Games Day

As part of Disability Action Week 2015, the ADCQ Cairns office once again hosted an Inclusive Games Day. The event continues to grow each year, with the 2015 event attracting a crowd of over 200 people.



Participants enjoying the inclusive games day

School groups travelled from north, south and west of Cairns to attend the inclusive event which was open to all ages and abilities. Activities included wheelchair basketball, boccia and goal ball with mentors on hand to help everyone get the best out of their participation.



Cairns Inclusive Games Day organising committee

Celebrating 25 years of the Anti-Discrimination Act 1991

2016 marks the 25th anniversary of the Queensland *Anti-Discrimination Act 1991*. To celebrate the anniversary, the ADCQ is putting together a collection of significant milestones from the legislation's 25 year history and we would love to hear from you. How has the Anti-Discrimination Act made a difference in your life? Have you lodged a complaint using the legislation? Perhaps you have used the legislation as an educational tool to prevent discrimination or sexual harassment from occurring. Whatever your interaction with the Act, we'd like to hear about your experiences. Email your stories to training@adcq.qld.gov.au

Note: authors will be contacted prior to publication of any stories.

Public education calendar February-June 2016

Date	Session	Time	Location
10 Feb	Introduction to the Anti-Discrimination Act for Community Organisations	9am-11am	Townsville
15 Feb	Contact Officer: Refresher	1pm-5pm	Emerald
16 Feb	Introduction to the Anti-Discrimination Act for Managers	8am-12pm	Emerald
24 Feb	Unconscious Bias	9am-1pm	Brisbane
1 Mar	Contact Officer	9am-4pm	Mackay
2 Mar	Introduction to the Anti-Discrimination Act	1:30pm-3:30pm	Mackay
2 Mar	Introduction to the Anti-Discrimination Act for Managers	8:30am-12:30pm	Mackay
3 Mar	Contact Officer	9am-4pm	Brisbane
8 Mar	Introduction to the Anti-Discrimination Act for Managers	9:30am-1:30pm	Bundaberg
10 Mar	Recruitment and Selection	9:30am-1:30pm	Rockhampton
13 Mar	Introduction to the Anti-Discrimination Act	10am-12pm	Rockhampton
14 Mar	Introduction to the Anti-Discrimination Act for Managers	9am-1pm	Mareeba
14 Mar	Introduction to the Anti-Discrimination Act for Community Organisations	2pm - 4pm	Mareeba
15 Mar	Contact Officer	9am-4pm	Townsville
15 Mar	Contact Officer	9:30am-4:30pm	Rockhampton
16 Mar	Introduction to the Anti-Discrimination Act	9:30am-11:30am	Brisbane
16 Mar	Introduction to the Anti-Discrimination Act	2pm-4pm	Townsville
17 Mar	Recruitment and Selection	9am-1pm	Townsville
5 Apr	Contact Officer: Refresher	9am-1pm	Brisbane
12 Apr	Introduction to the Anti-Discrimination Act for Community Organisations	10am-12pm	Mossman

13 Apr	Introduction to the Anti-Discrimination Act for Community Organisations	9am-11am	Townsville
14 Apr	Introduction to the Anti-Discrimination Act for Managers	9am-1pm	Brisbane
14 Apr	Introduction to the Anti-Discrimination Act for Community Organisations	2pm-4pm	Innisfail
14 Apr	Introduction to the Anti-Discrimination Act for Managers	9am-1pm	Innisfail
18 Apr	Introduction to the Anti-Discrimination Act for Managers	9am-1pm	Cairns
19 April	Introduction to the Anti-Discrimination Act	9am-11am	Cairns
20 April	Managing complaints	9am-4pm	Cairns
20 April	Introduction to the Anti-Discrimination Act for Managers	10am-2pm	Gladstone
21 Apr	Introduction to the Anti-Discrimination Act for Community Organisations	10am-12pm	Gladstone
21 Apr	Introduction to the Anti-Discrimination Act for Community Organisations	2pm-4pm	Atherton
21 Apr	Introduction to the Anti-Discrimination Act for Managers	9am-1pm	Atherton
26 Apr	Contact Officer	9am-4pm	Cairns
27 Apr	Recruitment and Selection	9am-1pm	Cairns
28 Apr	Contact Officer: Refresher	9am-1pm	Cairns
24 May	Contact Officer	9am-4pm	Bundaberg
25 May	Introduction to the Anti-Discrimination Act for Managers	8am-12pm	Bundaberg
8 Jun	Introduction to the Anti-Discrimination Act for Community Organisations	9am-11am	Townsville

Can't find a training date that suits you? Check out our online and customised training options at www.adcq.qld.gov.au/training

RACISM. IT STOPS WITH ME

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