The Uniting Church in Australia
QUEENSLAND SYNOD

30 October 2026

The Hon. Peter Flanagan KC
Secretariat Support
Strategic Review of the Queensland Human Rights Commission
c/- Office of the Deputy Director-General, Corporate Services
GPO Box 149
BRISBANE QLD 4001
qhrc.strategic.review@justice.qld.gov.au

Dear Mr Flanagan,

Strategic Review of Review of Queensland's human rights and anti-discrimination framework

The Uniting Church in Australia Queensland Synod (Queensland Synod) welcomes the opportunity to provide a submission to the Review of Queensland's human rights and anti-discrimination framework. The Queensland Synod is committed to promoting and protecting the human rights of all Queenslanders.

Our attached submission provides several recommendations in response to relevant questions in the discussion paper, to strengthen the Human Rights Act 2019 and associated human rights framework in Queensland. These include improvements to the parliamentary scrutiny process of new legislation, repealing the override declaration provisions, and repealing the relevant sections of the Corrective Services Act 2006 and the Youth Justice Act 1992.

The Queensland Synod would welcome future opportunities to discuss this submission further. Should you require any more information, I can be contacted on 07 3377 9705.

Yours sincerely,



Rev. Bruce Moore
Moderator, Uniting Church in Australia Queensland Synod

Submission

Executive Summary

The Uniting Church in Australia (the Uniting Church) is committed to involvement in the making of just public policy which prioritises the needs of the most vulnerable and disadvantaged in our society. [1] The Uniting Church's support for human rights and the upholding of the dignity of all people was fully articulated in its statement on human rights, *Dignity in Humanity: Recognising Christ in Every Person*, adopted by the Assembly of the Uniting Church in Australia in 2006. [2] This statement expresses the Uniting Church's support for 'the human rights standards recognised by the United Nations' and urged the Australian government to fulfil its responsibilities under the international human rights treaties that Australia a signatory to or has officially announced support for. [3]

The Uniting Church is a member of the campaign alliance led by the Human Rights Law Centre for a national human rights Act. [4] The campaign has compiled 101 cases on their website to highlight the benefits that the existing state and territory human rights Acts and Charters have achieved. [5] Additional examples from the campaign, specific to Queensland, are attached to this submission. Given the lack of national human rights legislation, the Queensland Synod believes that Queensland should use this opportunity to lead the way in protecting the human rights of all Queenslanders.

1. The Queensland Synod recommends that Section 8 and 13 of the Human Rights Act 2019 should be amended to clarify that absolute rights must not be subject to limitation, as is consistent with the international human rights framework.
2. The Queensland Synod recommends that the Human Rights Act 2019 recognise all rights included in the international human rights treaties that Australia a signatory to or has officially announced support for, to incorporate these human rights into domestic law.
3. The Queensland Synod recommends that the relevant recommendations from the independent review of the Human Rights Act 2019 in relation to the scrutiny of new legislation be implemented.
4. The Queensland Synod recommends that the override provisions in the Human Rights Act 2019 should be repealed, in line with the Review's preliminary view.
5. The Queensland Synod recommends repealing section 5A of the Corrective Services Act 2006 and sections 263(7)–(8) of the Youth Justice Act 1992.
6. The Queensland Synod recommends that further review of the Human Rights Act 2019 is necessary.
7. The Queensland Synod recommends that human rights units should be established in each government department**.**

[1] Uniting Church in Australia Assembly (2009). *Submission to the national human rights consultation*. Available at: https://www.hrlc.org.au/app/uploads/2025/04/Uniting-Church-in-Australia.pdf
[2] Uniting Church in Australia Assembly (2006). *Dignity in humanity : recognising Christ in every person*. Available at: https://ucaassembly.recollect.net.au/nodes/view/42
[3] Uniting Church in Australia Assembly (2006). *Dignity in humanity : recognising Christ in every person*. Available at: https://ucaassembly.recollect.net.au/nodes/view/42
[4] See: https://www.humanrightsact.org.au/human-rights-act
[5] See: https://www.humanrightsact.org.au/101-cases

Answers to relevant consultation questions

B1 Should any human rights be expressed as absolute and not subject to any limitation?

Under international human rights treaties that Australia has ratified, certain human rights are absolute, which means that limitations on those rights are never be justified. [6] For example, under the International Covenant on Civil and Political Rights (ICCPR), these include freedom from torture and other cruel, inhuman or degrading treatment or punishment (art 7), freedom from forced work (art 8(1) and (2)), freedom from imprisonment for inability to fulfil a contractual obligation (art 11), prohibition against the retrospective operation of criminal laws (art 15), right to recognition before the law (art 16), freedom to have or adopt a religion or belief (art 18(1) and (2)), and freedom of opinion (art 19(1)). [7]

The Queensland's Human Rights Act 2019 (the Act) allows human rights included in the Act to be limited, provided the limitation is reasonable and justifiable. This poses a threat to protection of fundamental human rights that Australia has committed to internationally.

The Queensland Synod **recommends** that Section 8 and 13 of the Act should be amended to clarify that absolute rights must not be subject to limitation, as is consistent with the international human rights framework.

B2 Should any additional human rights be recognised in the HRA?

The Queensland Synod does not support the notion mentioned in the discussion paper that enacting additional human rights would detract from the force of the existing 23 human rights already recognised under the Act. All rights included in the international human rights treaties that Australia is a signatory to or has officially announced support for In expanding the rights protected by the Act, appropriate recognition should continue to be given to freedom of thought, conscience, religionand belief, including the freedom of religious communities and institutions to manifest their beliefs collectively and maintain their religious identity, subject to the legitimate protection of the rights of others.

The Queensland Synod **recommends** that the Act recognise all rights included in the international human rights treaties that Australia is a signatory to or has officially announced support for, to incorporate these human rights into domestic law.

B5 How has the process of scrutinising new legislation under the HRA operated, and are any improvements required?

[6] Queensland Human Rights Commission (2024). *Strengthening the human rights Act key issues paper.* Available at: https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/hr-act-first-independent-review/2024.06-QHRC-Key-Issues-Paper.docx

[7] Queensland Human Rights Commission (2024). *Strengthening the human rights Act key issues paper.* Available at: https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/hr-act-first-independent-review/2024.06-QHRC-Key-Issues-Paper.docx

The Queensland Synod believes that improvements are required for the process of scrutinising new legislation under the Act. This should ensure that the process is undertaken by the Queensland Parliament, rather than the Queensland government.

The Queensland Synod **recommends** that the relevant recommendations from the independent review of the Act in relation to the scrutiny of new legislation be implemented. These include: [8]

- The Human Rights Unit in the Department of Justice and Attorney-General should be resourced to provide guidance material and good practice examples of statements of compatibility, briefings and certificates for the wider public sector.
- The Human Rights Unit in the Department of Justice and Attorney-General should clarify to instructing agencies that the compatibility statement and portfolio committee reports perform different functions under the Human Rights Act; Ministers should be encouraged to take any Committee's concerns back to their departments for reconsideration, rather than relying on the compatibility statement as proof of compatibility.
- Human rights certificate and statement of compatibility processes should be reviewed periodically by the Office of the Queensland Parliamentary Counsel to identify any issues for reform in the drafting templates.
- The Queensland Government should facilitate the identification of human rights impacts of legislative proposals and options for addressing them by consulting the Human Rights Unit in the Department of Justice and Attorney-General at an early stage of developing legislation and drafting statements of compatibility.
- The Human Rights At 2019 should be amended to require that Statements of Compatibility contain a description of the nature of any consultation undertaken on the bill (including by reference to the participation duty) and if no consultation took place, explain why.
- When drafts of Bills raising significant human rights issues are exposed for public comment, they should be accompanied by a draft statement of compatibility so that the community is able to consider and respond to these issues.
- Private Members' Bills dealing with significant human rights issues should include a draft statement of compatibility so that the community is able to consider and respond to these issues.
- Section 93 of the Parliament of Queensland Act 2001 should be amended to establish a new Human Rights and Scrutiny Committee, or alternatively such a committee could be established as a select committee for a specific period.
- The proposed Human Rights and Scrutiny Committee should be supported by its own Secretariat, appropriately staffed and resourced, including a dedicated Human Rights Adviser, similar to the Victorian model. If the current Human Rights Advisory Panel is maintained, their advice should be monitored and overseen by this committee.

[8] Susan Harris Rimmer (2024). *Placing people at the heart of policy: First independent review of the Human Rights Act 2019 (Qld) final report*. Available at: https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/hr-act-first-independent-review/Harris-Rimmer-report.PDF

- All Bills should be scrutinised, at a threshold level, by this proposed Human Rights and Scrutiny Committee for significant human rights impacts before being referred to the relevant portfolio committee.
- The Human Rights Act 2019 should be amended to require all major amendment to Bills with potential human rights impacts to be referred to the relevant portfolio committee (or designated members of it) for scrutiny.
- All amendments introduced on the floor of the Legislative Assembly seeking to restrict human rights should be referred to the proposed Human Rights and Scrutiny Committee or relevant portfolio committee.
- The terms of reference for the proposed Human Rights and Scrutiny Committee should include clear powers to consider and report on provisions of Acts that it did not consider when a Bill was before Parliament (within a limited time). Members of Parliament are encouraged to provide a short statement on the human rights compatibility of their proposed amendments to Parliament.
- To support and enhance public engagement in the legislative process:
  (a) the Queensland Government should consider measures to ensure that the new proposed Human Rights and Scrutiny Committee has sufficient time to scrutinise Bills that raise significant human rights and Fundamental Legislative Principles issues; and
  (b) the Committee should reinstate an Alerts Digest and refer to the content of submissions made to it in its Alert Digests on Bills.

B6 Should the override declaration provisions of the HRA be repealed?

The Queensland Synod welcomes the Review's preliminary view that the override provisions in the Act should be repealed. The Queensland Human Rights Commission (QHRC) has stated that the override provisions in the Act undermine the effectiveness of the Act because: [9]

- It establishes a clear pathway for the government to remove human rights protections as a result of a public controversy – precisely when they are most needed.
- Override declarations can be, and have been made, that don't comply with the original intention that they be used only in exceptional circumstances (examples given in the Act include war, a state of emergency, an exceptional crisis situation constituting a threat to public safety, health, or order).
- Override declarations disrupt the dialogue with the courts by 'preventing courts from commenting on the scope of protected rights, the justifiability of any limitation on rights, the interpretation of the law compatibly with the rights in the [Act] and the need for a declaration on inconsistent interpretation'.

[9] Queensland Human Rights Commission (2024). *Strengthening the human rights Act key issues paper.* Available at: https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/hr-act-first-independent-review/2024.06-QHRC-Key-Issues-Paper.docx

The QHRC has also stated that the override provision is unnecessary because the Act does not allow courts to declare laws invalid if they are incompatible with human rights, and the override provision does not serve a purpose other than undermining the objects of the Act and should be repealed. [10]

The Queensland Synod **recommends** that the override provisions in the Act should be repealed, in line with the Review's preliminary view.

B19 Should section 5A of the Corrective Services Act 2006 and sections 263(7)–(8) of the Youth Justice Act 1992 be retained?

The Queensland Synod **recommends** repealing section 5A of the Corrective Services Act 2006 and sections 263(7)–(8) of the Youth Justice Act 1992.

B20 Is a further review of the HRA necessary and, if so, in what timeframe?

The Queensland Synod **recommends** that further review of the Act is necessary.

B21 Are there any other issues that you would like to raise about the operation of the HRA?

The Queensland Synod **recommends** that human rights units should be established in each government department. This would promote the spread of specialised knowledge on human rights and the obligations under international human rights treaties across the Queensland Government. [11]

C12 Are there any unintended consequences that may arise if the positive duty were implemented in Queensland?

The Queensland Synod supports preventative approaches to discrimination and harassment, including an appropriately framed positive duty. In applying any such duty to schools and other faith-based organisations, the legislation should recognise existing safeguarding, child protection, workplace health and safety and educational regulatory obligations and ensure that additional requirements are reasonable and proportionate.

The Queensland Synod supports strong and effective protection against unlawful discrimination. At the same time, Queensland's anti-discrimination framework should recognise that a faith-based school's mission is a whole-of-school endeavour. Religious identity is expressed not only through worship, religious education and designated religious leadership, but through the culture, relationships and practices of the school community. Staff across the school contribute in different ways to the school's ethos and mission, although the nature and extent of that contribution will appropriately differ between roles. The anti-discrimination framework should recognise this while

[10] Queensland Human Rights Commission (2024). *Strengthening the human rights Act key issues paper.* Available at: https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/hr-act-first-independent-review/2024.06-QHRC-Key-Issues-Paper.docx

[11] Queensland Human Rights Commission (2024). *Strengthening the human rights Act key issues paper.* Available at: https://www.qhrc.qld.gov.au/_media/documents/reports/major-reviews/hr-act-first-independent-review/2024.06-QHRC-Key-Issues-Paper.docx

ensuring that any religious requirements applying to particular roles are genuine, proportionate and appropriately connected to the school's ethos and mission.

C20 Are there any unintended consequences of prohibiting vilification on the additional grounds of sex, age, impairment and the updated definition of sexual orientation?

The Queensland Synod supports effective protection from vilification. Any expansion of the vilification framework should also provide sufficient clarity to distinguish vilification from respectful religious teaching, theological discussion and good-faith consideration of contested ethical and social questions in educational and religious settings.