

# **Experiences and Learnings from other Human Rights Act Campaigns**

Dr. Emma Phillips  
Co-Chair  
ALHR Human Rights Act Committee

I'm speaking tonight of my perspective on the Queensland campaign, gained through my involvement as a member of the steering committee of the Rights 4 Queenslanders Alliance, which drove the campaign for a HRA in Qld.

As many of you would know, on 27 February this year, the *Human Rights Act 2019* was passed by the Queensland Government. This was partly in response to a grassroots community campaign, co-ordinated by the Rights for Queenslanders Alliance, that began work shortly after the shock Labor Party 2015 state election win and which was eventually supported by over 40 community organisations and thousands of Queenslanders.

I'll run you through some of our key tactics and give you an overview of the timeline the campaign followed, before speaking briefly about campaigns currently on foot in NSW and at a federal level. It goes without saying that this is only one part of the story of how Queensland achieved a Human Rights Act. Fundamental work was done by others including those within and outside government, as well as by inter-state supporters, whose stories would add to mine and create a fuller picture.

# Rights for QLD Alliance

The notion of legislative protection for human rights in Queensland is not new. Discussions about introducing human rights legislation in Queensland have been ongoing for many decades, with the first human rights bill tabled in 1959 by the Country Party headed by Premier Frank Nicklin. The issue came on and off the legislative reform agenda, including a Parliamentary Committee inquiry spanning six years in the 1990s that did not ultimately result in passage of human rights legislation.

On this occasion, timing was key. Some have speculated that the Labor Party 2015 election win was, at least in part, a rejection of the LNP Government's unbridled use of power and disregard for fundamental human rights. During the Newman Government, while anti-association 'bikie laws' were being rushed through parliament, independent MP Peter Wellington attempted to draw attention to the lack of human rights protections in our unicameral system, saying:

*Queensland has no upper house...and the current committee system is not able to properly provide the necessary checks and balances on the excesses of... government...I believe it is time for an act of parliament that enshrines the rights and liberties we value as important.*

# Rights for QLD Alliance



## 2015

- Initial stakeholder meeting (steering committee formed)
- First meeting with AG & Premier
- Campaign is publicly launched
- Community engagement
- Media/social media engagement (website, FB, Twitter)

## 2016:

- Parliamentary inquiry concludes (split views)
- Campaign focus changes to a *meaningful* HRA

# Rights for QLD Alliance

On 31 January 2015, the LNP was voted out after only one term in government. Labor formed a minority government with the support of Peter Wellington. Among other promises, in the 5 February letters of exchange, Premier Annastacia Palaszczuk gave an assurance that Labor would seek from the Department of Justice and Attorney General advice about a possible Bill of Rights for Queensland.

Timing was right not just because of the change in government but because Queenslanders had been reminded of the fragility of our human rights protections. As a community, we were motivated and ready to act.

# Rights for QLD Alliance

The commitment contained in the letters of exchange prompted a meeting of representatives from community organisations and community legal centres in March 2015.

We quickly decided to form an alliance, which would become the campaign for a Human Rights Act for Queensland. Our ultimate objective was the passage of a Human Rights Act for Queensland modelled on the legislation that already exists in the ACT and Victoria. We also decided early to focus on the form of the legislation and not take a position on which rights should be included, leaving organisations the space to take their own positions on which rights should be protected.

Drawing on experiences from the ACT and Victoria, as well as lessons from the Brennan Inquiry, we agreed that the campaign should be coordinated, decentralised, include a diverse range of community organisations and individuals, be government and community facing and that we should seek a community consultation as the first ask.

# Rights for QLD Alliance

We wanted to ensure we had a transparent governance structure. Accordingly, the campaign for a Human Rights Act for Queensland was established and auspiced as a sub-committee of a Brisbane-based disability advocacy organisation and community legal centre, Queensland Advocacy Incorporated (which is where I work).

A campaign steering committee was formed to coordinate campaign activities, comprised of a representative from each of the following organisations: Queensland Advocacy Incorporated, Caxton Legal Centre, Queensland Council for Civil Liberties, Australian Lawyers for Human Rights, the Aboriginal and Torres Strait Islander Legal Service, the Human Rights Law Centre and Community Legal Centres Queensland. Aimee McVeigh, who was then establishing and running Disability Law Queensland, coordinated the committee.

We launched a petition in April 2015, which eventually collected over 28,000 signatures, calling on the Premier and her government to lead a conversation about how to protect our rights and to support a Human Rights Act.

# Rights for QLD Alliance

We also wrote a letter to the Premier and Attorney-General, widely endorsed by CLCs and other community organisations, seeking the Premier to consider conducting a community consultation about the introduction of a charter of rights in Queensland and seeking an initial meeting. We met with the Attorney-General and Peter Wellington and began the process of meeting with MPs across party lines to discuss the need for a Human Rights Act for Queensland. These meetings were sustained for the duration of the campaign. As a result of these meetings we identified numerous supporters (and ultimately drivers) of the introduction of a Human Rights Act for Queensland.

Clearly, Peter Wellington MP was a known supporter and Peter Russo MP emerged as another champion.



# Rights for QLD Alliance

In August at the 2015 State Labor Conference, Russo moved a motion calling on the Government to hold a parliamentary inquiry about the introduction of a Human Rights Act. At the conference, the party's policy platform was also endorsed to include the commitment: *'Labor will introduce a charter of human rights and responsibilities in Queensland'*.

On 14 September 2015 the campaign for a Human Rights Act for Queensland was officially launched at Parliament House. The event was sponsored by Peter Russo and included an introduction by the Attorney General and concluding remarks by the Deputy Premier. The event was well attended by senior public servants, ministers and other members of parliament, including Peter Wellington. In her opening remarks, the Attorney General responded to the campaign's lobbying, announcing that Palaszczuk Government would be asking a parliamentary committee to consider a Human Rights Act for Queensland.

# Rights for QLD Alliance

Coinciding with the launch the campaign for a Human Rights Act for Queensland's website and social media channels went live. The campaign had also begun collecting and publishing pictures of members of the public holding a board reading 'ACT NOW #HUMANRIGHTS4QLD'.

The board was photographed and reproduced many times and became a consistent image that was used throughout the campaign to illustrate the broad community support.

On 3 December 2015, the first Parliamentary Committee inquiry was held, on whether it was appropriate and desirable to legislate for a Human Rights Act in Queensland.

Although we had scarce resources we wanted to ensure that as many people as possible were engaged in the inquiry. We prepared a resource to assist the community to make submissions and we partnered with the Anti-Discrimination Commission (headed by a key ally, then Commissioner Kevin Cocks OAM) to run community consultations around the state.

# Rights for QLD Alliance

Students were fundamental to campaign success and were supervised to collect and collate submissions, arrange meetings with MPs, undertake research, develop spreadsheets of relevant organisations and stakeholders, assist in the production of campaign resources and update the website and social media.

The Committee held public hearings and received almost 500 submissions, many of which were collected by the campaign. The Committee tabled its report on 30 June 2016. Ultimately, the report was split down party lines, government members of the committee found that it was 'appropriate and desirable to have a human rights act in Queensland' and non-government members formed the opposite view.

After considering the Committee's report we were concerned because the government members support for the introduction of the Act included the caveat, *'that the judiciary have no part in any complaint process where a person is perceived to have suffered a human rights matter'*

# Rights for QLD Alliance

The Alliance changed the focus of the campaign to call for an enforceable act, modelled on the *Charter of Human Rights and Responsibilities 2006* (Vic), but with a complaints mechanism, a direct cause of action and a full range of remedies. Our meetings with members of parliament now had this focus.

In October 2016, at the Labor state conference the Premier announced that cabinet had agreed to introduce a Human Rights Act for Queensland, modelled on the Victorian Charter.

# Rights for QLD Alliance



## 2017

- Political lobbying; seeking government commitment to introduce HRA if re-elected
- Government re-elected

## 2018

- Draft Bill introduced

## 2019

- Bill passed

# Rights for QLD Alliance

Then, in November 2017 an election was called, and Peter Wellington announced that he would not stand for re-election. After years of lobbying and working together cohesively, the fate of Queensland's Human Rights Act was very uncertain.

The campaign sought, and was provided with, an election promise by the Labor Government that, if returned to office, they would introduce a Human Rights Act.

The election was held on 25 November 2017 and the Labor Party was returned to government, this time with a majority.

# Rights for QLD Alliance

The campaign team re-grouped, crowd-funded and launched a new website that had better campaigning capabilities, including the capacity to assist individuals to join the campaign, email their local MP and attend events. The campaign also re-branded and developed a much stronger social media presence – signalling new energy and capability. Hundreds of Queenslanders emailed their MP to let them know that they wanted a Human Rights Act for Queensland.

On 31 October 2018, the Attorney-General introduced the Human Rights Bill 2018. The Bill was referred to the Legal Affairs and Community Safety Committee for detailed consideration. Prior to the introduction of the Bill many of the organisations that had been involved in the campaign were consulted on the draft bill. During this consultation period improvements were made to the Bill and organisations worked collaboratively, enjoying the trust and collegiality that had been developed during the 4 years of campaigning together.

# Rights for QLD Alliance

By now the Committee was headed by Peter Russo MP. The Committee conducted an inquiry, collected submissions and held hearings. Again, the campaign assisted hundreds of individuals and organisations to prepare submissions. We produced resources briefing the community on how the bill could be improved and also on how to make a submission.

The Committee reported on 4 February 2019. Government members recommended the bill be passed. On 27 February 2019, the Bill was finally passed into law.



# Key lessons and learnings from QLD



- building a campaign consisting of a large and diverse group of people and organisations committed to a clear and shared goal
- demonstrating community support
- parliamentary champion
- strength of the community consultation
- use of individual stories to demonstrate the value of human rights legislation
- positive approach adopted/no negative messaging

# Key lessons and learnings from QLD



The Alliance used a number of law reform and systems advocacy strategies to advance its agenda. In particular, we directed our efforts along two main channels:

- Directly lobbying the Queensland Government
- Building a strong support base to assist with this lobbying
- Grassroots approach to building community engagement
- Held many events aimed at increasing awareness within different sectors of the community to generate grassroots support.

# Key lessons and learnings from QLD



- Engaged with the media wherever possible.
- Highlighting the need for the legislation, through the stories of people from the community, was critical to the campaign's success. The careful selection and framing of the stories of Queenslanders who would greatly benefit from legislative human rights protection helped to make a strong case for why the Act was needed.
- The use of social media was instrumental in broadcasting our vision and reaching a large group of people quickly and with relative ease, supplementing our “offline” activity.
- Ultimately, the success of any law reform campaign is dependent upon persuading members of a sitting Parliament that the law reform is necessary and politically viable.

# Key lessons and learnings from QLD



- Positive approach to campaign, predominantly focusing on the benefits of a Human Rights Act would have for Queenslanders and Queensland culture
- Avoided giving air time to defeating common myths and misconceptions
- Obtained and acted on strategy and messaging advice about the power of positive messaging.
- Sought to neutralise and downplay anti-rights groups and to carefully sideline issues that may be too polarizing, such as abortion.

*Many of the myths of human rights legislation – which have been substantively debunked by the ACT and Victorian experiences – have focussed on concerns about the transfer of power from Parliament to the unelected judiciary, which would result in controversial and politicised judicial decision-making; the potential that it might open the floodgates of litigation, much of which would be for the benefit of those least in need due to the legal costs associated with litigation; and the coverage resulting from a diminishing ‘public’ sector and an increasingly powerful private sector. Rather than giving air time to defeating common myths and misconceptions about the impact of human rights legislation, we obtained and acted on strategy and messaging advice about the power of positive messaging. We sought to neutralise and downplay anti-rights groups and to carefully sideline issues that may be too polarizing, such as abortion.*



# CHARTER OF RIGHTS

I'll now mention the other campaigns currently on foot briefly. Part of the motive of national organisations involved in the campaign such as Australian Lawyers for Human Rights in focusing on Queensland as the next Australian jurisdiction to obtain human rights legislation was optimism of the ripple effect of this reform. If we could succeed in having human rights legislation enacted in such a large, traditionally conservative state, surely this would pave an easier path for future campaigns in other Australian jurisdictions?



**HUMAN  
RIGHTS  
NOW**

#HumanRights4NSW

*Through a strong alliance of community members working together, we can succeed in creating a better New South Wales where everyone must be treated fairly and equally.*



**Human Rights for NSW Alliance**

[www.humanrightsforNSW.org](http://www.humanrightsforNSW.org)

# Human Rights for NSW Alliance



The Human Rights for NSW Alliance was formed in the months preceding the last state election, and developed and pursued an intensive lobbying strategy in the lead-up to the March 2019 state election. The Alliance is co-convened by Australian Lawyers for Human Rights and the NSW Council for Civil Liberties who sit on the steering group together with other peak bodies like CLCNSW, ALS NSW/ACT, the HRLC and the Bar Association of NSW.

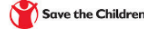
Currently 42 NSW community, legal, civil society and academic organisations have signed onto the Alliance as members.

**HUMAN RIGHTS NOW**

#HumanRights4NSW



Community Legal Centres NSW



THE LAW SOCIETY OF NEW SOUTH WALES  
youngLAWYERS

public interest  
ADVOCACY CENTRE



the  
HIJAB COLLECTIVE



Human for Rights All



Whitlam Institute  
WITHIN WESTERN SYDNEY UNIVERSITY



Australian Human Rights Institute



# Human Rights for NSW Alliance



Following election of the Liberal-National Coalition, a longer-term strategy and campaign goals were developed. The primary medium term goal of the campaign is to obtain a commitment from all New South Wales political parties and politicians to establish or support a comprehensive inquiry and community consultation into the introduction of a Human Rights Act in NSW. This campaign goal has been set in light of the political climate in NSW and in acknowledgement of the likely long-term nature of the campaign.

Representatives of the Alliance have met with the NSW AG, Shadow AG as well as other key politicians and will continue quiet and targeted background strategic political advocacy aimed at building long-term political capital.

# Human Rights for NSW Alliance



For the coming 12 months the primary strategic focus of the campaign will be on building community awareness of the ways in which a Human Rights Act can positively improve the lives of people in NSW, by engaging with a diverse range of groups about the specific issues that matter to them. To that end, the Alliance has established a Communications Working Group to develop resources reflecting current best practice and research in human rights comms, and a Community Advocacy Working Group who will continue to strategically build a diverse Alliance membership, and undertake education and events designed to build the long term momentum required for a sustainable campaign.

**The Alliance has also made a comprehensive joint [submission to the AHRC Free & Equal Conversation](#), highlighting the deficiencies in current human rights protections and calling for a NSW Human Rights Act.**

# CHARTER OF RIGHTS



*Our lives are better when we all treat each other with respect and compassion. That's why it's so important the values that everyone holds dear – like fairness and equality – are reflected in our laws.*

*We need an Australian Charter of Human Rights so everyone's rights are properly protected and people and communities have the power to hold governments to account.*



[www.charterofrights.org.au](http://www.charterofrights.org.au)

# Federal Campaign for a Charter of Human Rights and Responsibilities

At a federal level, a campaign for a federal Charter of Rights was re-invigorated in late 2017, with a campaign strategy launched in 2018. The Human Rights Law Centre has a dedicated funding stream that has supported a lawyer and campaign co-ordinator to work part-time on the campaign and ALHR has been involved on the advisory committee as well as in each of the working groups. Again, political will is so important and the campaign was gearing up in readiness to progress our agenda should there be a change of federal government at the last election.

This was on the basis that, while the ALP Government had not committed to a human rights inquiry or Charter, they were open to the issue and had consideration of human rights protection part of their policy platform. The current federal government has not got an equivalent position of openness or support. The federal campaign is therefore refining a longer-term strategy that involves building a basis of community awareness, understanding and support for a charter, followed by a focus on securing a political commitment to a Charter.