

# The grassroots campaign for a Human Rights Act in Queensland: A case study of modern Australian law reform

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**Abstract**

The *Human Rights Act 2019* (Qld) is the first dedicated human rights statute enacted in Queensland and only the third law of this type in Australia. Its passage was the culmination of a sustained, grassroots campaign spanning five years. The success of this campaign can be explained through an understanding of the existing socio-political climate and resulting opportunities, and the strength of community activism, engagement and systemic advocacy.

**Keywords**

*Human Rights Act 2019* (Qld), access to the law, bill of rights, human rights, human rights law, law reform, advocacy, campaigning

The passing of the *Human Rights Act 2019* (Qld) was partly in response to a community campaign, co-ordinated by the Rights for Queenslanders Alliance (Alliance). The campaign began work shortly after the shock Labor Party 2015 state election win, and

eventually attracted support from 43 community organisations and thousands of Queenslanders.<sup>1</sup>

This article provides an account of the work of the Alliance, with which we worked, contextualised within a broader discussion of law reform strategies. In this

<sup>1</sup>The 43 community organisations were: Aboriginal and Torres Strait Islander Legal Service, Amnesty International Australia, AMPARO Advocacy, Australian Earth Laws Alliance, Australian Lawyers Alliance, Australian Lawyers for Human Rights, Bespoke Lifestyles, Cairns Community Legal Centre, Caxton Legal Centre, Centacare Cairns, Children with Disability Australia, Community Legal Centres Queensland, Disability Advocacy Network Australia, Disability Law Queensland, Endeavour Foundation, Environmental Defenders Office Queensland, Ethnic Communities Council of Queensland, FSG Incorporated, Human Rights Law Centre, Inclusion Plus, Indigenous Lawyers Association of Queensland Limited, LawRight, Mamre Association Incorporated, Micah Projects Incorporated, National Congress of Australia's First Peoples, PeakCare Queensland Incorporated, Queensland Advocacy Incorporated, Queensland Council of Civil Liberties, Queensland Council of Social Service, Queensland Positive People, People with Disability Australia, Rights in Action, Sisters Inside, Spinal Life Australia, Tardiss Disability Support, Together Union / Working for Queenslanders, Townsville Community Legal Centre Incorporated, Volunteering Queensland, Whitsunday Residents Against Dumping, Women's International League for Peace and Justice – Australian Section, Women's Legal Service North Queensland, Youth Advocacy Centre, and Youth Affairs Network.

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article, we speak for the Alliance, having worked intimately with it as, respectively, co-ordinator and member of the steering committee of the Alliance.<sup>2</sup>

It is beyond the scope of this article to outline all campaign activities and strategies, nor do we analyse the determinative factors. Rather, this work sketches out how the campaign operated and offers some analysis on why it was successful. Clearly, this is one part of the story of how Queensland achieved a Human Rights Act. Fundamental work was done by others including by those within and external to government, as well as by inter-state supporters.

There has been scant academic writing on human rights law reform in Australia.<sup>3</sup> This account of the campaign for a Human Rights Act for Queensland can be considered as a 'case study' or example of contemporary law reform in action.

## Human rights legislation in Australia

In 2004, the ACT government introduced the first Human Rights Act in Australia.<sup>4</sup> In 2006, the Victorian government introduced the *Charter of Human Rights and Responsibilities Act*.<sup>5</sup> Both Acts are described as a 'dialogue' model of human rights legislation, which involves each arm of government taking responsibility for protecting, respecting and fulfilling human rights. Parliament is required to consider human rights in the development of new laws, courts are required to interpret legislation consistently with human rights, and the executive (defined to include non-government actors performing public functions) must make decisions and act consistently with human rights. Both the ACT Human Rights Act and the Victorian Charter were reforms that followed community consultations initiated by government.<sup>6</sup>

Undoubtedly, the most promising attempt at a Commonwealth Human Rights Act was commenced in November 2008, with the Rudd government establishing

a National Human Rights Consultation, chaired by Father Frank Brennan (the Brennan Inquiry), to gain insight into the support in Australia for human rights protection. A broad public consultation was conducted.<sup>7</sup> The Consultation report recommended that Australia adopt a federal Human Rights Act, along the lines of legislation already introduced in the ACT and Victoria, a recommendation which was not adopted.

The human rights laws that exist in the ACT and Victoria provide evidence of the value of such legislation. The ACT's Human Rights Act has been said to have led to 'better policy processes and legislative outcomes'.<sup>8</sup> The Victorian Charter's success in achieving 'greater government accountability, more responsive public services, and a better deal for some of Victoria's most vulnerable groups' is well documented in the Human Rights Law Centre's 'Victoria's Charter of Human Rights and Responsibilities in Action'.<sup>9</sup>

## A Human Rights Act for Queensland

The notion of legislative protection for human rights in Queensland is not new. Indeed, 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.<sup>10</sup> The issue has subsequently been on and off the legislative reform agenda, including a six-year Parliamentary Committee inquiry in the 1990s that did not ultimately result in the passage of human rights legislation.<sup>11</sup>

The recent resurgence of the push for a Human Rights Act for Queensland was the result of a political climate where Queenslanders had been reminded of the fragility of human rights protections in Australia's only unicameral state. Commentators have speculated that the Labor Party's 2015 election win was at least in part a rejection of the Liberal National Party (LNP) government's unbridled use of power and disregard for fundamental human rights.<sup>12</sup>

<sup>2</sup>The authors gratefully acknowledge the invaluable advice the Alliance received from, among others, Professor George Williams and Mr Rob Hulls.  
<sup>3</sup>See, eg: George Williams, 'The Victorian *Charter of Human Rights and Responsibilities: Origins and Scope*' (2006) 30(3) *Melbourne University Law Review* 880.

<sup>4</sup>*Human Rights Act 2004* (ACT).

<sup>5</sup>*Charter of Human Rights and Responsibilities 2006* (Vic).

<sup>6</sup>In 2002 the ACT Government appointed the ACT Bill of Rights Consultative Committee to inquire into whether the ACT should adopt a human rights Act. In 2003 the Committee recommended that a bill of rights be adopted in the ACT. In 2005 the Victorian Government appointed a Human Rights Consultation Committee. The Committee delivered its report in the same year, providing with it a draft Charter of Human Rights and Responsibilities.

<sup>7</sup>Australian Human Rights Commission, *National Human Rights Consultation* (14 December 2012) <https://www.humanrights.gov.au/our-work/legal/national-human-rights-consultation>.

<sup>8</sup>The ACT government's submission is referenced in: Attorney-General's Department (Australia), *National Human Rights Consultation Report*, 8 October 2009 <https://apo.org.au/node/19288>.

<sup>9</sup>Human Rights Law Centre, 'Victoria's Charter of Human Rights and Responsibilities in Action: Case studies from the first five years of operation' (March 2012).

<sup>10</sup>In August 1959, Sir Henry Abel Smith announced the Nicklin government would enact a Bill of Rights for Queensland in the third session of the Parliament, before the upcoming state election. The Constitution (Declaration of Rights) Bill (drafted with the assistance of a consultant, Dr Frank Louat, QC) was introduced to the first reading stage, at which point the Premier announced that the government intended 'leaving the Bill before the people for their consideration': *Queensland Parliamentary Debates* (2007) 225.

<sup>11</sup>The Legal, Constitutional and Administrative Review Committee's consideration of this issue commenced in the 48th Parliament and continued into the 49th: Committees – Queensland Parliament (4 December 2019) <https://www.parliament.qld.gov.au/work-of-committees/former-committees/LJSC/inquiries/past-inquiries/bill-of-rights>.

<sup>12</sup>Mark Bahnisch, 'Queensland rejected hubris and unrestrained power when it rejected Campbell Newman', *The Guardian* (online, 2 February 2015) <https://www.theguardian.com/commentisfree/2015/feb/02/queensland-rejected-hubris-and-unrestrained-power-when-it-rejected-campbell-newman>.

During the Newman government, while anti-association ‘bikie laws’<sup>13</sup> were being rushed through parliament, independent MP Peter Wellington attempted to draw attention to the lack of human rights protections in Queensland’s 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.<sup>14</sup>

On 31 January 2015, the LNP’s record majority was lost 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 Anastacia Palaszczuk gave an assurance that Labor would seek advice from the Department of Justice and Attorney-General about a possible Bill of Rights for Queensland.<sup>15</sup>

When the government changed, the community was motivated; a civil society coalition was ready to act and we knew that we could use the well-established ACT and Victorian human rights legislation to demonstrate the impact of these types of laws.

## The birth of the Rights for Queenslanders Alliance

The commitment contained in the Letters of Exchange prompted a meeting of representatives from community organisations and community legal centres in March 2015. An alliance was quickly formed; this would become informally referred to as ‘the Alliance’ and was publicly named the Campaign for a Human Rights Act for Queensland. Our ultimate objective was the passing of a Human Rights Act for Queensland modelled on the ACT and Victorian human rights laws.<sup>16</sup> We decided early to focus on the form of the legislation and to not take a position on which rights should be included, leaving organisations the opportunity to form their own positions on the rights to be protected.<sup>17</sup>

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, and include a diverse range of community organisations and individuals. We decided that messaging should be

directed at engaging and persuading both government and community, and that we should first seek a community consultation.

To ensure that the Alliance had a transparent governance structure, we registered our business name and auspiced the Alliance as a sub-committee of a Brisbane-based disability advocacy organisation and community legal centre, Queensland Advocacy Incorporated. This gave formal structure to the Alliance, established decision-making protocols, and enabled us to receive and account for campaign donations.

A campaign steering committee was formed to coordinate campaign activities, comprised of representatives from Queensland Advocacy Incorporated (Emma Philips), Caxton Legal Centre (Scott McDougall and Dan Rogers), the Queensland Council for Civil Liberties (Michael Cope), Australian Lawyers for Human Rights (Benedict Coyne), Endeavour Foundation (Kerrily Boulton), the Aboriginal and Torres Strait Islander Legal Service (Shane Duffy and Graham White), the Human Rights Law Centre (Tom Clarke, Emily Howie and others), Community Legal Centres Queensland (James Farrell), and Together Union/Working for Queenslanders (Alex Scott). Membership of the steering committee was self-selecting, comprising representatives with the interest and commitment to drive the campaign forward. Aimee McVeigh, who at the time was establishing Disability Law Queensland for a local disability service, Mamre Association, coordinated the steering committee in her spare time, primarily on a pro bono basis.

## Law reform strategies

The Hon Michael Kirby has noted that law reform campaigns can be rendered ineffective by political parties keen to avoid controversy, by the associated costs (which can preclude smaller lobby groups from participating in large-scale reforms) and by the powerful opposition that can be generated against activist groups.<sup>18</sup>

Conscious of this, the Alliance considered a range of strategies, previous case studies and literature in developing and refining our campaign strategy. Research has shown that ‘elite’ strategies of advocacy, such as direct lobbying, participating in government controlled committees and preparing submissions, are only moderately successful in changing policy, with the most effective advocacy strategies described as ‘campaigns’, which

<sup>13</sup>Including the *Vicious Lawless Association Disestablishment Act 2013* (Qld), the *Tattoo Parlours Act 2013* (Qld) and the Criminal Law (Criminal Organisations Disruption) Amendment Bill 2013 (Qld).

<sup>14</sup>Parliamentary Hansard (29 October 2014) [www.parliament.qld.gov.au/documents/hansard/2014/2014\\_10\\_29\\_WEEKLY.pdf](http://www.parliament.qld.gov.au/documents/hansard/2014/2014_10_29_WEEKLY.pdf).

<sup>15</sup>Letters of Exchange re Government on Confidence Motions (Letters of Exchange) between Peter Wellington MP and Premier Palaszczuk dated 5 February 2015.

<sup>16</sup>*Human Rights Act 2004* (ACT) and *Charter of Human Rights and Responsibilities Act 2006* (Vic).

<sup>17</sup>See submissions dated 18 April 2016: Committees – Queensland Parliament (28 November 2019) [www.parliament.qld.gov.au/documents/committees/LACSC/2015/14-HumanRights/submissions/470.pdf](http://www.parliament.qld.gov.au/documents/committees/LACSC/2015/14-HumanRights/submissions/470.pdf) and 24 November 2018: Committees – Queensland Parliament (28 November 2019) [www.parliament.qld.gov.au/documents/committees/LACSC/2018/HumanRights2018/submissions/044.pdf](http://www.parliament.qld.gov.au/documents/committees/LACSC/2018/HumanRights2018/submissions/044.pdf).

<sup>18</sup>Michael Kirby at the Conference on Law Reform in Hong Kong 2011 [https://www.alrc.gov.au/news-media/2011/reforming-law-reform-summing#\\_ftn1](https://www.alrc.gov.au/news-media/2011/reforming-law-reform-summing#_ftn1).

rely heavily on interest group participation and visibility to the wider public.<sup>19</sup> Van Laer and Van Aeslt state that campaigns work best when they support and facilitate traditional collective behaviour.<sup>20</sup>

Social networking sites are now instrumental for grassroots campaigns, to broadcast their vision and reach a large group of people quickly and with relative ease.<sup>21</sup> At the same time, petition signing has been a form of political participation and activism for a long time,<sup>22</sup> providing a direct link between Parliament and citizen that can inform policy development and executive scrutiny, and effect policy change.<sup>23</sup> The inaugural chair of the Petitions Committee in the Australian Parliament noted that petitions 'provide a measure of a community's strength of feeling on an issue, which in turn is communicated to members of parliament'.<sup>24</sup> Palmieri similarly explains that petitions can 'foster a sense of unity and purpose within a community which is then publicly demonstrated when the petition is presented to the House'.<sup>25</sup>

Petitioning is not only important as a democratic process, but can also achieve significant law, policy, and practice reform.<sup>26</sup> Jill Stark has showcased the power of petitions to effect social change,<sup>27</sup> achieving significant, wide-spread positive reform in areas including victims of crime compensation, immigration detention, domestic violence prevention, disability funding, and emergency services training.

We know that Members of Parliament value petitions as an important source of information, providing a mechanism to gauge the depth of feeling on an issue in their electorate and that, in turn, petitions sometimes influence their decision-making.<sup>28</sup> With the introduction of e-petitions, more people are engaged, and remain engaged, with the relevant issue.<sup>29</sup> In 2014, 3.4 million Australians signed or started an online petition on [www.change.org](http://www.change.org).<sup>30</sup> Change.org founder Nathan Elvery has noted that some

of the petitions that attracted the greatest number of signatures garnered widespread media attention and led to major policy changes at a national level.<sup>31</sup>

Yet run in isolation, petitions are unlikely to affect substantive change. Meikle notes that decision-makers are likely to be 'unimpressed by a haphazard list of names that arrives piecemeal, with repeated signatures or pseudonyms from people well outside their jurisdiction'.<sup>32</sup> A lesson from this is the need to have both an online campaign and traditional 'offline' collective action, critically important in demonstrating public support and gaining attention from government decision-makers.

## Building a strong support base for a Human Rights Act for Queensland

In April 2015, Working for Queenslanders launched an online petition which collected over 28,000 signatures. It called on the Premier and her government to lead a conversation about how to protect our rights, and to support a bill of rights.<sup>33</sup>

The Alliance sent a letter to the Queensland Premier and Attorney-General, widely endorsed by CLCs and other community organisations, asking the Premier to consider conducting a community consultation about the introduction of a charter of rights in Queensland, and requesting an initial meeting. We met with the Attorney-General and the independent MP Peter Wellington, and began the process of meeting with MPs across party lines to discuss the need for a Human Rights Act for Queensland. As a result of these meetings, sustained for the duration of the campaign, we identified numerous supporters (and ultimately drivers) within the government for the introduction of a Human Rights Act for Queensland. Peter Wellington was a known supporter of the reform, and Peter Russo MP emerged as another champion. Russo was in his first

<sup>19</sup>Jenny Onyx et al, 'Advocacy with Gloves On: The "manners" of strategy used by some third sector organizations undertaking advocacy in NSW and Queensland' (2010) 21(1) *VOLUNTAS: International Journal of Voluntary and Nonprofit Organizations* 41 <https://doi-org.ezp01.library.qut.edu.au/10.1007/s11266-009-9106-z>.

<sup>20</sup>Jeroen Van Laer and Peter Van Aeslt, 'Internet and Social Movement Action Repertoires' (2010) 13(8) *Information, Communication and Society* 1146, 1147 <https://doi.org/10.1080/13691181003628307>.

<sup>21</sup>Srdja Popovic and Marcella Alvarez, 'New media and advocacy' in Maia Carter Hallward and Julie Norman (eds), *Understanding Nonviolence* (Polity Press, 2015) 97.

<sup>22</sup>The inclusion of the right to petition in the English Bill of Rights 1689 is testament to the perception of its importance: George Williams and Daniel Reynolds, 'Petitioning the Australian Parliament: Reviving a Dying Democratic Tradition' (2016) 31(1) *Australasian Parliamentary Review* 60, 61.

<sup>23</sup>Richard Hough, 'Do Legislative Petitions Systems Enhance the Relationship between Parliament and Citizen?' (2012) 18(3-4) *The Journal of Legislative Studies* 479, DOI: 10.1080/13572334.2012.706057.

<sup>24</sup>Parliament of Australia, *About the House*, June 2008 [https://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/About\\_the\\_House\\_Magazine](https://www.aph.gov.au/About_Parliament/House_of_Representatives/About_the_House_Magazine).

<sup>25</sup>Sonia Palmieri, 'Petition Effectiveness: Improving Citizens' Direct Access to Parliament' (2008) 23(1) *Australasian Parliamentary Review* 121.

<sup>26</sup>The Parliament's Powers, Practice and Procedure Infosheet provides examples of significant petitions that have been presented to the House: [https://www.aph.gov.au/About\\_Parliament/House\\_of\\_Representatives/Powers\\_practice\\_and\\_procedure/00\\_-\\_Infosheets/Infosheet\\_11\\_-\\_Petitions](https://www.aph.gov.au/About_Parliament/House_of_Representatives/Powers_practice_and_procedure/00_-_Infosheets/Infosheet_11_-_Petitions)

<sup>27</sup>Jill Stark, 'People power: 10 online petitions that changed Australia in 2015', *Sydney Morning Herald* (online, 25 December 2015) <https://www.smh.com.au/national/people-power-14-online-petitions-that-changed-australia-in-2015-20151222-gltgyb.html>.

<sup>28</sup>Niamh Corbett, 'Parliamentary Petitions: An Information Studies Perspective' (2010) 60(4) *Libri* 281, DOI:10.1515/libr.2010.024.

<sup>29</sup>Palmieri (n 25).

<sup>30</sup>Stark (n 27).

<sup>31</sup>Ibid.

<sup>32</sup>Graham Meikle, *Future Active: Media Activism and the Internet* (Routledge, 2002), 25.

<sup>33</sup>Change.org (4 December 2019) <https://www.change.org/p/annastacia-palaszczuk-support-bill-of-rights>.

term as an MP and prior to that had been a criminal lawyer; he was named *The Australian* newspaper's Australian of the Year in 2007 for his work, including his representation of Dr Mohamed Haneef.

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 introduction of '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 primary call, announcing that the Palaszczuk government would direct a parliamentary committee to consider a Human Rights Act for Queensland.

Coinciding with the launch, the Campaign for a Human Rights Act for Queensland went live with its website and social media channels. The campaign had 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.

### The first Parliamentary Committee inquiry

On 3 December 2015, the Legislative Assembly directed the Legal Affairs and Community Safety Committee (the Legal Affairs Committee) to inquire into whether it was appropriate and desirable to legislate for a Human Rights Act in Queensland.<sup>34</sup>

Although the Alliance 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 then Commissioner Kevin Cocks OAM) to conduct community consultations around the state. We also recruited students from Griffith University, the University of Queensland, and the Queensland University of Technology to assist the Alliance to collect, collate and lodge submissions from individuals.

Students remained fundamentally important to the success of the campaign. They were given working space at the Mamre Association and at Queensland Advocacy Incorporated, enabling us to direct and supervise them as they collected and made submissions, arranged meetings with MPs, undertook research, developed spreadsheets of relevant organisations and stakeholders, assisted in the production of campaign resources, and updated the website and social media.

The Legal Affairs Committee held public hearings and received almost 500 submissions, many of which were collected, collated, and lodged by the campaign, many using a pro forma developed by the Alliance. The Committee's report, tabled on 30 June 2016, was split down party lines, with government members of the Committee finding that it was 'appropriate and desirable to have a human rights act in Queensland', and non-government members adopting the contrary view.<sup>35</sup>

### The next phase of the campaign – Calling for an enforceable Act

After considering the Legal Affairs Committee's report, we became concerned that 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'.<sup>36</sup>

As a result, the Alliance changed the focus of the campaign to call for an enforceable statute, modelled on the Victorian Charter, although strengthened by incorporating recommendations made by Michael Brett Young in his review of the Victorian Charter.<sup>37</sup> We began meeting with Members of Parliament to discuss the need for an enforceable human rights law.

Relying on recommendations made by Brett Young, the campaign was clear in calling on the Queensland government to introduce a Human Rights Act modelled on the Victorian Charter, and to include a complaints mechanism through a re-branded Anti-Discrimination Commission, a direct cause of action, and a full range of remedies including damages.

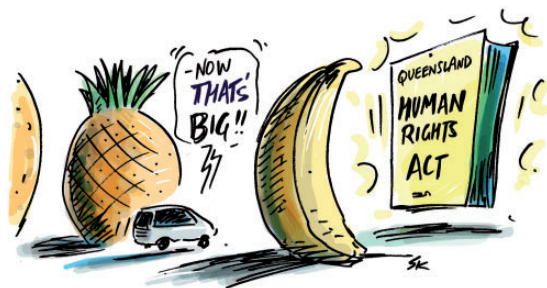
Just four months after the Legal Affairs Committee's report, in October 2016 at the Labor state conference, the Premier announced that Cabinet had agreed to introduce a Human Rights Act for Queensland, modelled on the Victorian Charter. The Alliance continued with the campaign, lobbying government Members of Parliament, and engaging and raising awareness within the community in support of a Human Rights Act.

<sup>34</sup>Committees – Queensland Parliament (4 December 2019) <https://www.parliament.qld.gov.au/work-of-committees/committees/LACSC/inquiries/past-inquiries/14-HumanRights>.

<sup>35</sup>Queensland Parliament (4 December 2019) <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T1030.pdf>.

<sup>36</sup>See government recommendation 4: Queensland Parliament (4 December 2019) <https://www.parliament.qld.gov.au/documents/tableOffice/TabledPapers/2016/5516T1030.pdf>.

<sup>37</sup>Michael Brett Young, *From Commitment to Culture. The 2015 Review of the Charter of Human Rights and Responsibilities Act 2006*, September 2015. [https://www.justice.vic.gov.au/sites/default/files/embridge\\_cache/emshare/original/public/2018/08/0b/e9a8d9ca9/report\\_final\\_charter\\_review\\_2015.pdf](https://www.justice.vic.gov.au/sites/default/files/embridge_cache/emshare/original/public/2018/08/0b/e9a8d9ca9/report_final_charter_review_2015.pdf).



In November 2017, an election was called and the independent MP and Human Rights Act supporter, Peter Wellington, announced that he would not stand for re-election, leaving the fate of Queensland's Human Rights Act 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.

The Alliance considered that a more forceful campaign strategy was needed to maintain momentum. The campaign team re-grouped, obtained and acted on strategy and communications advice, and 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 developed a logo and a much stronger social media presence – signalling new energy and capability. Hundreds of Queenslanders emailed their MPs to let them know that they wanted a Human Rights Act for Queensland.

## The second Parliamentary Committee inquiry

On 31 October 2018, the Attorney-General introduced the Human Rights Bill 2018, which 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, and improvements were made.

The Legal Affairs Committee, chaired by Peter Russo MP, 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 and on 27 February 2019, the Bill was finally passed into law, to take effect on 1 January 2020.

## Lessons from the Queensland experience

Reflecting on the success of this campaign, in the context of previous attempts to generate this reform, we can identify some key components of the Alliance's success. We built a campaign consisting of a large, diverse group of people and organisations committed to a clear and shared goal. The organisations worked collaboratively, enjoying trust and collegiality that had been developed during the four years of campaigning together.<sup>38</sup> We were able to demonstrate community support both online and offline, and to identify parliamentary champions. Community consultation was essential, as was the use of individual stories to demonstrate the value of human rights legislation.

The Alliance adopted a grassroots approach to building community engagement, awareness and support for a Human Rights Act. We held many events aimed at increasing awareness within different sectors of the community, and engaged with the news and social media wherever possible. Ultimately, like any legislative reform campaign, success was dependent on persuading members of a sitting Parliament that the law reform was necessary and politically viable.

Many of the Alliance members were community organisations working directly with clients who were regularly experiencing human rights issues. 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.<sup>39</sup>

Finally, we took a positive approach to this campaign, predominantly focussing on the benefits a Human Rights Act would have for Queenslanders and Queensland culture. 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 an unelected judiciary, resulting in controversial and politicised judicial decision-making. The concerns are that there would be controversial and politicised judicial decision-making, and that 'floodgates of litigation' would benefit those least in need due to the associated legal costs. Rather than giving air time to defeating common myths and misconceptions about the impact of human rights legislation, we drew on the power of positive messaging.

## Conclusion

On 1 January 2020, Queensland's Human Rights Act, in its entirety, came into force. Professor Megan Davis recently described law reform as being about

<sup>38</sup>The Explanatory Notes to the Human Rights Bill 2018 state which organisations were consulted on the draft Bill: Queensland Parliament (4 December 2019), 11 [www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2018-076](http://www.legislation.qld.gov.au/view/pdf/bill.first.exp/bill-2018-076).

<sup>39</sup>See, eg, Aimee McVeigh, 'Rosie is the reason we need a Human Rights Act', *Brisbane Times* (online, 10 September 2015) <https://www.brisbanetimes.com.au/national/queensland/rosie-is-the-reason-we-need-a-human-rights-act-20150910-gjjbl.html>.

imagination, saying that 'you must be able to imagine . . . that the world can be a better place'.<sup>40</sup> This article describes how Queensland's Human Rights Act was achieved in this way. People understood that human rights could be better protected in Queensland. It was this shared conviction that carried us through and helped us to work together when the time was right.


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<sup>40</sup>Megan Davis, 'A First Nations Voice in the Constitution', *Politics with Michelle Grattan, The Conversation* (16 July 2019).