

A Human Rights Act for Queensland

How could a Human Rights Act assist people who are Lesbian, Gay, Bisexual, Transgender or Intersex (LGBTI)?

A Human Rights Act will help to create a fair, just and equal society for everyone. When human rights are protected by law they help to ensure that we are all treated fairly, and with dignity, equality and respect.

Protections offered by a Human Rights Act will also have relevance for particular groups of people – such as people who are LGBTI.

This factsheet provides examples of how human rights legislation in other places has improved the lives of people who are LGBTI.

Access to superannuation death benefits

Amendments to the law in Victoria allowed same sex couples to access superannuation death benefits from one another. Because the amendments operated prospectively, they discriminated against older people in same sex relationships. An older woman and her advocate wrote to the Human Rights Unit at the Department of Justice advocating for an amendment to the law based on the claim that the amendments should be consistent with the Charter of Human Rights and Responsibilities Act. As a result an amendment to the law was made so that same sex couples could access superannuation death benefits both retrospectively and prospectively.

Source: Public Interest Law Clearing House: Submission for Review of the Victorian Charter of Human Rights and Responsibilities Act 2006 <http://hrlc.org.au/files/VictorianCharter_in_Action_CASESTUDIES_march2012.pdf> (Case Study 6).

Non-discrimination

A gay man with physical disabilities living in the UK approached a disability service provider to ask if a support worker could accompany him to a gay pub. His request was denied even though the service regularly supported heterosexual people to attend pubs and clubs of their choice. The man and his advocate successfully used his right not to be discriminated against and the right to respect for his private life, rights protected in the UK's Human Rights Act, to challenge the service provider's decision.

Source: BIHR, The Human Rights Act – Changing Lives, <<https://www.bihr.org.uk/changing-lives>> (Case Study 7 p 9).

Which rights?

The case studies above show that the rights that protect everyone have been used to protect the rights of people who are LGBTI. Many of these rights originally come from the United Nations International Covenant on Civil and Political Rights. In order for the rights contained in International Covenant on Civil and Political Rights to be enforceable in Queensland they need to be protected in law – for example in a Human Rights Act for Queensland