



23 October 2019

Council ban on Extinction Rebellion may contravene anti-discrimination laws

The Queensland Human Rights Commission has expressed its concern about decision by the Brisbane City Council last week to ban Extinction Rebellion from booking council meeting facilities, and says the ban could contravene the state's Anti-Discrimination Act.

The urgency motion, put forward by Lord Mayor Adrian Schrinner and passed at last week's meeting, argues council facilities are not 'suitable meeting places for organisations that advocate or incite illegal activities'. It goes on to state that 'the Extinction Rebellion organisation falls into this category and disallows them from booking council meeting facilities in the future'.

The Queensland *Anti-Discrimination Act 1991* prohibits discrimination on the basis of political belief or activity in areas including the provision of goods and services.

Queensland Human Rights Commissioner Scott McDougall says the restriction on members of Extinction Rebellion may amount to unlawful discrimination.

"Denying access to Council services on the basis of someone's political belief or involvement in protest activity impedes several fundamental human rights that will be protected under the Human Rights Act from 1 January 2020," says Commissioner McDougall.

"However, existing discrimination laws already prohibit discrimination on the ground of political activity and, on the face of it, the ban would appear to be unlawful."

Similar cases which have come before tribunals, such as an hotel refusing to host a gathering by a political party whose views the manager disagreed with (see *Vuga v Persal & Co Trading Pty Ltd* [2017] QCAT 368), have been found to breach the Act.

The Commissioner spoke with the Lord Mayor last week, and the Lord Mayor is aware of the Commissioner's concerns.

No complaints have yet been lodged at the Commission.

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