

Part E:
Human rights analysis

The Terms of Reference ask us to consider whether the Anti-Discrimination Act is compatible with the *Human Rights Act 2019*.

The Human Rights Act strengthens Queensland's anti-discrimination legislative framework, and like all legislation, the Anti-Discrimination Act must be interpreted compatibly with human rights. Any amendments made arising from this review must also be considered for human rights compatibility.

Notably, reviews of anti-discrimination legislation were conducted in the Australian Capital Territory and Victoria after commencement of the human rights legislation in those jurisdictions.

Human rights compatibility is a complex question that requires detailed consideration. However, the Commission has at this early stage identified the key provisions that affect human rights - see Appendix D. The Review notes that mere engagement of a human right does not mean a section is *incompatible* with human rights. Human rights can be subject to reasonable limits that can be justified in a free and democratic society.³⁶⁵

Discussion question 56:

- Are any provisions in the Anti-Discrimination Act incompatible with human rights? Are there any restrictions on rights that cannot be justified because they are unreasonable, unnecessary or disproportionate?
- Where rights are being limited to meet a legitimate purpose, are there any less restrictive and reasonably available ways to achieve that purpose?

³⁶⁵ *Human Rights Act 2019* (Qld) s 13 (1).