

FACULTY OF LAW

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We welcome the opportunity to make a submission to the Queensland Parliament Legal Affairs and Community Safety Committee on the Human Rights Bill 2018.

This submission is intended to be made public. We make this submission as academics in the Faculty of Law at Bond University. Lindsey is a Senior Teaching Fellow at Bond University and a resident of Queensland. She teaches Human Rights Law, Constitutional Law and Clinical Legal Placement. All of these subjects explore the interactions between human rights law and our state and federal judicial systems. Narelle is an Assistant Professor who teaches Administrative Law, which covers the review of government decisions affecting individuals by courts and tribunals, and so has human rights implications.

First, we would like to commend the Queensland Government in introducing legislation that furthers the human rights of Queenslanders. This is an important development in the law as well as human rights culture. In particular, we commend the inclusion in the Bill of a complaints mechanism, the Queensland Human Rights Commission, and provision of *free* access to this mechanism.

However, we encourage the government to go further and provide Queenslanders with further protection of their human rights by enabling a complainant to have access to the court or tribunal system if their matter is not able to be resolved through conciliation before the Queensland Human Rights Commission. A simple and effective option would be for complainants to be provided recourse to QCAT in a similar manner to that which is available for discrimination cases. The Act would need to include a standalone cause of action for people to enforce their rights in the courts of tribunals, similar to the one provided in the ACT's *Human Rights Act*.

It is submitted that QCAT would be a preferable review mechanism compared to a court, as it is more accessible to those most vulnerable members of our society.

We believe that, in order for human rights to be accessible in Queensland, the Human Rights Bill 2018 should be amended **to provide a standalone cause of action to allow people to make a human rights complaint to a tribunal free of charge.**

Sincerely,
Lindsey Stevenson-Graf
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