



**April 2016**

**Vision Australia Submission to the Legal Affairs and Community Safety Committee's inquiry into whether it is appropriate and desirable to legislate for a Human Rights Act (HR Act) in Queensland.**

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**Submission to:** **The Research Director  
Legal Affairs and Community Safety Committee  
Parliament House  
Brisbane QLD 4000**

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## **Introduction**

Vision Australia would like to thank the Legal Affairs and Community Safety Committee for the opportunity to contribute to the Inquiry, and to highlight the need to legislate for a Human Rights Act (HR Act) in Queensland.

## **Submission**

Vision Australia calls on Queensland government to legislate for an effective Human Rights Act (HR Act) to provide essential protection for people who are blind or have low vision, to prevent them from being exposed to discrimination, and to ensure their full participation in everyday life.

People with severe vision loss have the right to be self-reliant, to have economic security and to have their needs considered when laws and public policies are developed. A HR Act must provide for the rights of people with impairments to participate fully, equally and independently in society.

The adoption of legislation which enforces human rights would provide protection for Queenslanders who are vulnerable to discrimination. Implementing a strong HR Act will provide a clear and robust framework for the making of laws, and to ensure that the decisions of courts and tribunals, public authorities and other entities will consider and protect the rights of people with disabilities.

Across Australia, the Disability Discrimination Act 1992 (the DDA) is effective as an avenue of complaint and redress, after someone has been discriminated against. The advantage of a HR Act is that it can provide safeguards against discrimination before it occurs. It has the additional benefit of addressing systematic and structural discrimination, as well as preventing individual instances of discrimination.

For example, if someone with a disability has been discriminated against in the workplace, a DDA complaint is likely to lead to a breakdown in the employer and employee relationship. An effective HR Act has the potential to provide a framework which would prevent the conditions in which the discrimination arises from occurring in the first place and consequently preventing the need for a lengthy and stressful complaints process.

A robust HR Act should function as a benchmark and overarching framework for the creation of specific legislation and regulations that protect people's rights. For instance, a HR Act must include clear provisions that people with disability should enjoy equality of access and the opportunity for full participation in society.

A HR Act would ensure that the rights of people with disability are considered in the light of a human rights 'test' that would inform decision-making principles, prior to instigation, which could avoid access barriers later. The longer term effects of a HR Act would be to cultivate a human rights culture, where the rights of people with a disability are prioritised, and create a shift to

thinking beyond mere compliance with guidelines. It would promote government and community understanding of disability issues and awareness of the potential barriers for the blind and low vision community.

## **International Human Rights Conventions**

We fully endorse the United Nations Convention on the Rights of Persons with Disabilities, and believe that this Convention contains the clearest and most authoritative expression of the human rights of people with disability.

We believe that the United Nations Convention on the Rights of Persons with Disabilities should act as a guiding framework for the development of a HR Act in Queensland.

Vision Australia is a major participant and partner in the international blindness community and we have advocated for our community on the international stage, at the United Nations.

We follow the Convention by recognising that loss of human rights for those with a disability results from the attitudinal and environmental barriers that prevent or limit the ability of people with impairments to participate fully, equally and independently in society. We assert strongly that the human rights of people with disability can be fully achieved only when these discriminatory barriers are eliminated.

More generally, Vision Australia supports the principles of the Universal Declaration of Human Rights. In particular:

- We affirm the inherent equality, dignity and worth of all people, regardless of ethnicity, religion, gender, capacity or ability. We recognise that each human being is entitled to basic, fundamental rights that no authority, institution or action can remove.
- We acknowledge that human rights apply equally in the civil, political, economic, social and cultural spheres of life, and we agree that no one group of rights is less important than another.
- We strive to respect, uphold, and promote the principles of human rights through every aspect of our organisation, including our vision and values, our corporate life, our interactions with clients, and our dealings with the community.
- We are mindful that, as an organisation and as individuals, we have a responsibility not to infringe the human rights of others, and to take positive actions to promote human rights both within our workplace and in the community.

A prominent issue for the blindness and low vision community is equal access to information, we have supported the signing of the Marrakesh Treaty, which will enhance the availability of alternative format books around the world.

### **The blind and low vision community**

There is pronounced disadvantage among people who are blind or have low vision. Our research shows that the blindness and low vision community have an unemployment rate of 58%, which is four times higher than the general population. We believe this high rate of unemployment partially stems from employer discrimination. Systemic discrimination against people with a disability in employment has been acknowledged and recognised by the Australian Human Rights Commission in the national Willing to Work Inquiry, into Employment Discrimination against Older Australians and Australians with Disability.

Laws that prevent the breach of human rights have the potential to decrease the ability for employers to discriminate which would in turn increase work opportunities for people who are blind or have low vision. Employer discrimination is just one example of where the introduction of human rights legislation in Queensland could have a positive impact on people in our community.

### **Victorian Human Rights Charter – a point of reference for Queensland**

In Victoria there is a Human Rights Charter which aims to protect people from breaches of their human rights.

There are 20 human rights protected by the Charter. All of the 20 human rights have relevance to the blindness and low vision community and the below mentioned are examples of some that are most pertinent:

- The right to recognition and equality before the law.

Example: a government agency that required a driver's licence as identification for use of its services was found to be discriminatory against people with disabilities who hold no drivers license as they are unable to drive. The agency now accepts other forms of identification.

- The right to protection from torture and cruel, inhuman or degrading treatment.

People must not be subjected to cruelty, torture or medical treatment or experiments without their full and informed consent.

Example: hospitals should provide information in accessible formats to make sure that patients scheduled for treatment understand what the treatment involves and have agreed to the treatment.

- The right to privacy and reputation.

Example: a person who is blind or has low vision has the right to keep their eye condition confidential.

Example: people who are blind or have low vision may have difficulty accessing printed information and require others to read their personal mail and other correspondence. We believe people who are blind or have low vision have the right to privacy and to receive information in an accessible format.

- The right to protection of families and children.

Example: people who have severe vision loss may receive less favourable treatment by government departments, such as the Department of Child Safety, and could be found incapable of raising their child, based on their blindness or low vision.

- The right to take part in public life.

People who are blind or have low vision must be able to enjoy access to the same opportunities and services as the rest of the community.

Example: we believe that people who are blind or have low vision must be able to cast a secret and independent vote at every Australian election or referenda in all polling booths enabling voting equality for our community.

Example: we believe that free to air television in Australia should provide viewers with at least 14 hours per week prime time audio described television shows to ensure social inclusion and access to affordable entertainment.

### **Queensland Parliamentary System**

Queensland is unique in that it is the only state with a unicameral Parliamentary system. The Parliament consists of a lower house (legislative assembly) only. The upper house (Legislative Council) was abolished in Queensland on 26 March 1922. The lack of an upper house, or 'house of review', in Queensland increases the imperative in Queensland to enact legislation that requires the party in power to consider the human rights of Queenslanders.

### **Queensland's move to four year terms**

A recent Queensland referendum result will change the fixed three year term of Parliament to a fixed four year term. This increase in the length of time between elections, combined with the unicameral Parliamentary system, contributes further to the need for checks and balances on the government, and its agents, to respect human rights when developing policies, laws and making decisions.

## About Vision Australia

Vision Australia is the largest provider of services to people who are blind, deafblind, or have low vision in Australia. It was formed through the merger of several of Australia's most respected and experienced blindness and low vision agencies.

Our vision is that people who are blind, deafblind, or have low vision will increasingly be able to choose to participate fully in every facet of community life. To help realise this goal, we provide high-quality services to the community of people who are blind, have low vision, are deafblind or have a print disability, and their families. The service delivery areas include:

- early childhood
- orientation and mobility
- employment
- accessible information (including library services)
- recreation
- independent living
- Seeing Eye Dogs
- advocacy, and working collaboratively with Government, business and the community to eliminate the barriers our clients face in making life choices and fully exercising rights as Australian citizens.

Vision Australia has gained unrivalled knowledge and experience through constant interaction with our 27,500 clients and their families, and also through the involvement of people who are blind or have low vision at all levels of the Organisation. Vision Australia is therefore well placed to provide advice to governments, business and the community on the challenges faced by people who are blind or have low vision fully participating in community life.

We have a vibrant client consultative framework, with people who are blind or have low vision representing the voice and needs of clients of the Organisation to the Board and Management.

Vision Australia is also a significant employer of people who are blind or have low vision, with 13.9% of total staff having vision impairment.

Vision Australia also has a formal liaison arrangement with Blind Citizens Australia (BCA) through a Memorandum of Understanding for a number of purposes, including collaboration, so that Vision Australia's systemic advocacy and public policy positions are, wherever practicable, consistent with the programs and policies of Australia's peak body representing people who are blind or have low vision.