

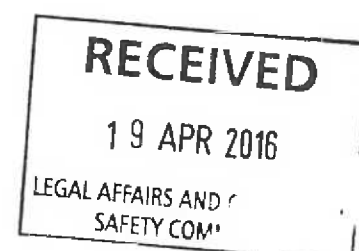


Queensland Ombudsman
ABN 257 657 579 00
Level 17, 53 Albert Street
Brisbane Q. 4000
GPO Box 3314
Brisbane Q. 4001
P 07 3005 7000
1800 068 908
(outside Brisbane)
F 07 3005 7067
E ombudsman@ombudsman.qld.gov.au
W ombudsman.qld.gov.au

[REDACTED]

18 April 2016

The Research Director
Legal Affairs and Community Safety Committee
Parliament House
BRISBANE QLD 4000
By email: lacsc@parliament.qld.gov.au



Dear Research Director

Human Rights Inquiry

Thank you for the opportunity to make a submission about the Legal Affairs and Community Safety Committee's (Committee's) inquiry into whether it is appropriate and desirable to legislate for a Human Rights Act (HR Act) in Queensland.

I write in support of the enactment of a HR Act. I am in favour of HR legislation in that I believe it will lead to improvements in the quality of public policy formulation and public decision-making, particularly about the delivery of services to vulnerable Queenslanders.

I have confined my response to section 3 of the Inquiry's Terms of Reference to matters which may have the potential to significantly affect the work of this Office or which have not been mentioned by other submitters.

3(a) The objectives of the legislation

I agree with the Anti-Discrimination Commission Queensland's submission that the legislation should cover key human rights obligations, including civil, political, economic, social and cultural rights and particularly the recommendations contained therein.

3(b) How the legislation would apply to: the making of laws, courts and tribunals, public authorities and other entities

To ensure it achieves its greatest effect, the HR Act should apply to all public authorities and government entities. Its coverage should extend to the provision of services by Government Owned Corporations under the *Government Owned Corporations Act 1993*, beneficial enterprises under the *Local Government Act 2009* and to all similar entities.

Importantly, as governments move to outsource and contract an increasing variety of services, the HR Act should also apply to the outsourced delivery of government services, whether under contract or grant.

3(c) The implications of laws and decisions not being consistent with the legislation

I agree with Professor George Williams' submission that a Queensland HR Act should provide for a direct right of action, noting that it may not necessarily be to this Office.

3(d) The implications of the legislation for existing statutory complaints processes

You are no doubt aware that this Office currently investigates elements of alleged breaches of human rights, when caused through the actions or decisions of agencies within its jurisdiction. I am therefore keen for this Office's broad jurisdiction to be maintained. Even if a stand-alone HR complaints body is created, there will still be circumstances where it is more appropriate for HR related complaints to be investigated by this Office.

I support the ADCQ being allocated a complaint handling and conciliation function to deal with complaints about alleged breaches of human rights. I also agree that the ADCQ should be able to refer complaints to other integrity agencies where appropriate for consideration by those agencies. I would not however support the ADCQ possessing the power to give directions to this Office about how a matter must be dealt with.

This Office assists agencies to design, implement and review complaints management systems. It also trains public sector employees in complaints management and undertakes audits of complaints management systems. A human rights complaints framework should be integrated with agencies' current complaints management systems. My officers would be available to provide advice to agencies about how to incorporate human rights obligations into existing complaints management systems.

I am pleased to offer my assistance to this Inquiry. [REDACTED]

Yours sincerely

[REDACTED]
Phil Clarke
Queensland Ombudsman