


Aimee McVeighHuman Rights Act for Queensland


24 November 2018

Legal Affairs and Community Safety CommitteeParliament House
BRISBANE QLD 4000

Dear Committee,

Thank you for providing us with the opportunity to provide feedback on the Human Rights Bill 2018 ('the Bill').

The campaign for a Human Rights Act for Queensland

The campaign for a Human Rights Act for Queensland is a coalition of over 40 community organisations, supported by thousands of Queenslanders, working together towards the goal of an enforceable Human Rights Act for Queensland.

Our submission aims to reinforce the community's support for the Bill.

Many of the people and organisations that are part of the campaign for a Human Rights Act for Queensland will make their own submissions to the Committee, informed by their expertise, experience and views. These submissions will provide the Committee with important information about how the Bill will assist particular groups of people, how the Bill will work and how it could be improved.

The Bill is welcome and its passage is supported

We welcome the Bill and support it being passed by the Queensland Parliament as soon as possible.

We believe the Bill will make a real difference to the way people are treated when they are vulnerable and that it will make Queensland fairer and more equal.

The Bill:

- Is an improvement on the Victorian *Charter of Human Rights and Responsibilities Act 2006*, which the Bill is modelled on. Improvements include protecting rights to health and education and the introduction of a complaints mechanism, allowing people to complain about human rights issues to Queensland's Human Rights Commission
- gives the Human Rights Commissioner broad powers to examine and report on human rights issues – penalising public entities if they fail to comply with the Commissioner's request for information and giving the Commission a central role in holding the government to account for human rights.

An enforceable Human Rights Act

Queenslanders want rights that can be enforced.

The incorporation of a complaints mechanism in the Bill, allowing people to complain to Queensland's Human Rights Commission ('the Commission'), makes the Bill the most powerful human rights legislation in Australia.

We are pleased about:

- the provision for a group of people or an individual to make a complaint
- the wide powers of the Commissioner to obtain relevant information from public entities
- the availability of conciliation and
- the requirement that the Commission prepare a report or notice about the outcome of each human rights complaint.

However, to be truly enforceable the Bill should:

- **be amended so that if a person's complaint to the Commission is unresolved, they are able to start proceedings in a court or tribunal**

The Human Rights Act needs a standalone cause of action so people can enforce their rights in a tribunal or a court, similar to the ACT's Human Rights Act. This will ensure that Queenslanders can take action when they've been treated unfairly.



As it stands, the Bill only allows claims to be raised in legal proceedings if there is another ground on which to challenge the decision or action. A recent independent review of the Victorian Charter recommended introducing a standalone cause of action to address this failing.

- **provide a full range of remedies for breaches of human rights**

Queensland's Human Rights Act should ensure that people whose rights are violated have an 'effective remedy'. These remedies should be determined by a court or tribunal to ensure they can be enforced, and are aimed at effectively preventing, stopping or providing redress for rights abuses.

An effective remedy might include putting a stop to a proposed law or action which would breach human rights, requiring a decision-maker to consider a person's human rights properly and make their decision again, or providing compensation for a person who has been treated unfairly.

Resourcing the Bill

The Bill will only have real impact if each arm of government and the community understands how it applies to them. The Queensland Government must allocate sufficient resources to ensure that each government department reviews their laws, policies and practices to ensure their compliance with human rights and for community education.

Conclusion

We welcome and support the passage the Bill. This is an historic and important reform that will lead to a fairer and more equal Queensland.

Sincerely,



Aimee McVeigh

