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Committee Secretary
Legal Affairs and Community Safety Committee
Parliament House
George Street
Brisbane QLD 4000
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25 November, 2018

Dear Committee,

RE: Human Rights Bill

Micah Projects is a not for profit organisation committed to social justice. As part of our guiding principles in responding to individuals, families, groups, communities and institutions, we believe that every adult and child has the right to -

- A home, an income, healthcare, education, safety, dignity and connection with their community of choice;
- Access to broad range of personal, social, intellectual, economic and spiritual resources for personal and community wellbeing;
- Forums to facilitate their participation in decisions which impact their lives at an individual, social and structural level;
- Equity, acknowledging the impact of age, gender, economic status, disability, sexual orientation, culture and religious belief;
- Opportunities to process redress past and or present for experiences of neglect and abuse;
- Resources to enable restoration of relationships with self, family, community, social and religious institutions.

Micah Projects endorses the United Nations Declaration of Human Rights.

We acknowledge the Aboriginal and Torres Strait Islander peoples of Australia as the traditional owners of this land and support their right to self-determination, land and culture. We are committed to working in partnership to close the gap in health, housing,

Breaking Social Isolation – Building Community

Our hope is to create justice and respond to injustice at the personal, social and structural levels in society.

We seek to work collaboratively and respectfully with Indigenous communities and agencies. Micah Projects endorses the United Nations Universal Declaration of Human Rights.

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education and the reduction in the number of Indigenous children in out of home care, juvenile justice and adults within the criminal justice system.

In 2017/2018 Micah Projects worked with

- over 8,000 people including 493 children under 5 years of age, 18% First Nations people, 11% culturally and linguistically diverse across homelessness, disability, mental health.
- 1,680 adults who experienced child abuse including child sexual abuse as children in an institutional setting, and
- 7,680 including women including 571 children under 5, 128 male participants in Men's Domestic Violence Program or referral to Safer Lives.

These statistics provide the context for which Micah Projects welcomes the introduction of the Human Rights Bill by the Queensland Government to ensure the dignity and protection of Queenslanders.

The Human Rights Bill has the potential to improve access to resources, opportunity and services for Queenslanders. Micah Projects hopes that the introduction of the Human Rights Bill will contribute to improved policy, programs and services for the most disadvantaged Queenslanders, including women and children who are victims of domestic and sexual violence in family and institutional settings.

In order to achieve this aim, Micah Projects supports broadening the scope of the Bill to include the right for a judicial hearing and legal representation.

Micah Projects supports a stand-alone clause or action so that people can exercise their rights in a tribunal or a court (such as QCAT) with independent representation by appropriate qualified legal representation or advocates. We also support the right of people whose rights have been violated to have an effective remedy. These remedies should be determined by a court or tribunal to ensure that they can be enforced and are aimed effectively preventing, stopping or providing redress for when human rights have been violated. A cap could be placed on compensation and remedies and could include putting a stop to proposed laws or actions which are not compatible with human rights. Micah Projects does not see how *Every person is equal before the Law and is entitled to equal protection of the law without discrimination* if representation for breaches of human rights is not available - especially for the most vulnerable in our society.

Micah Projects advocates that amendments are made to strengthen the Bill and bring contemporary responses to victims of crime within an inclusive footing to Human Rights given that recent innovations in relation to the role of victims in the criminal justice system have been highlighted nationally and internationally.



We recommend that the Human Rights Act be inclusive of adherence to the Victims of Crime Charter and that the same process for disputes and complaints be applied to victims in relation to the Victims of Crime Charter as part of the Human Rights Bill. This will ensure that Victims' Rights are scrutinised alongside Human Rights.

The EU Directive states minimum standards on access to information, support, protection and procedural rights for victims in criminal proceedings, but also contains more specific and comprehensive rights for victims. For example:

- a right to have a decision not to prosecute reviewed
- a right to be heard during criminal proceedings and to provide evidence
- a right to have a decision made about compensation from the offender as part of criminal proceedings
- a right to be protected from secondary victimisation
- a right to an individual assessment of protection needs
- obligations on police to facilitate referrals to victim services
- obligations on state authorities to ensure safeguards against secondary victimisation, intimidation or retaliation in the context of restorative justice processes.

Additionally, the Recommendations of the Royal Commission into Institutional Responses to Child Sexual Abuse in institutional settings, the Royal Commission into Family Violence in Victoria and other reports and inquiries highlight the need for the protection of victims' rights for those who experience domestic and family violence.

Micah Projects also advocates, as recommended by the Women's Legal Service, that in relation to children

- S32(3) be amended to refer to any child charged with or a victim of criminal offence has the right to proceed, taking into account the child's age and the desirability of promoting the child's rehabilitation, both the children's accused and the child victim;
- S33 (2) be amended to "a child accused of and a child victimised by a criminal offence must have trial proceedings brought as quickly as possible; and
- S33(3) be amended to "a child who has been convicted of an offence and a child victimised by a criminal offence must be treated in a way that is appropriate for the child's age."

In relation to the definition of a public entity, we recommend that the Bill is amended to ensure that there is greater clarity about all NGO's working with people and schools (including non-government schools) being bound by the Act.



Finally, we recommend that adequate resources be allocated to ensure that the Act is implemented fully across government and the non-government sector.

Yours sincerely

A handwritten signature in black ink that reads "Karyn Walsh". The script is cursive and fluid.

Karyn Walsh AM Hon.DSocWk & Nurs Qld
CEO, Micah Projects

