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26 November 2018

Mr Peter Russo MP  
Chair  
Legal Affairs and Community Safety Committee  
Parliament House  
George Street  
BRISBANE QLD 4000

**By email:** [lacsc@parliament.qld.gov.au](mailto:lacsc@parliament.qld.gov.au)

Dear Chair

**Legal Affairs and Community Safety Committee consideration of the  
*Human Rights Bill 2018 (Qld)***

I was pleased to see the introduction of the *Human Rights Bill 2018* to the Queensland Parliament on 31 October 2018. If passed into law, Queensland will become the second state in Australia after Victoria with specific human rights legislation.

I thought the Committee's deliberations might be assisted by the Victorian experience, where there is a clear distinction of roles between the Ombudsman and the Victorian Equal Opportunity and Human Rights Commission. The latter focus on education and training, and act as experts in the field, while complaints about breaches of the *Charter of Human Rights and Responsibilities Act 2006* are dealt with by the Ombudsman.

As an independent officer of the Victorian Parliament I have the principal function of enquiring into or investigating administrative actions taken by or in an authority, and the introduction of the Charter in 2006 amended the Ombudsman Act to provide me with the express function to enquire into or investigate whether an administrative action is incompatible with a human right set out in the Charter. The conferral of a specific human rights complaint-handling function utilises my office's independence, accessibility, royal commission style investigation powers and ability to make (and follow up on) remedial recommendations for administrative improvement.

In my experience, it is rare for members of the public to articulate their complaints in terms of human rights, and nor should they have to. Essentially, people complain about decisions and actions that they think are unfair. As an independent complaint handler, it's my role to consider whether the actions or

decisions being complained about are incompatible with human rights, and if they are, to recommend an appropriate remedy.

The complaint handling and investigative work of my office is complemented by the distinct role of the Victorian Equal Opportunity and Human Rights Commission, whose functions are much like those proposed under section 61(b)-(i) of the Bill, to provide training and review public entities' policies and practices for human rights compatibility.

While complaints about the Commission are within my jurisdiction to investigate, our agencies work collaboratively, and last year, co-produced a good practice guide for managing complaints about human rights with several other stakeholders. In my view, the Victorian experience demonstrates the benefits of the Ombudsman and Human Rights Commission operating effectively in their respective areas of expertise.

If you have any queries, please don't hesitate to contact my delegate, Andrew Adams, Senior Investigation Officer on [REDACTED] or [REDACTED]

Yours sincerely



Deborah Glass  
**Ombudsman**