



26 November 2018

Committee Secretary
Legal Affairs and Community Safety Parliamentary Committee
Parliament House
George Street
BRISBANE QLD 4000

Email: lacsc@parliament.qld.gov.au.

Dear Committee Secretary

Thank you for the opportunity to provide feedback on the proposed *Human Rights Bill 2018* (the Bill).

QCOSS is the peak body for the community services sector and a voice for people experiencing, or at risk of experiencing poverty and disadvantage. For nearly 60 years, QCOSS has been a leading force for social change to build social and economic wellbeing for all. With members throughout Queensland, QCOSS undertakes informed advocacy and supports a strong community service sector and strong communities.

QCOSS has been calling for the introduction of a Human Rights Act for some time and we are very pleased to see the Bill introduced into Parliament. We absolutely support this Bill and urge the Parliamentary Committee to recommend its passage and implementation.

The implementation of a Human Rights Bill has the potential to encourage the building of a strong culture of rights within government bodies, community service organisations, and the wider community. This creates a foundation of strength across Queensland.

The significance of a Human Rights Act for Queensland lies not only in the protection of rights, but in the potential to foster a widespread culture of rights, and respect for the dignity of, all people within government, community service organisations, and the wider community. In this manner, the Bill acts as a powerful tool for embedding core human rights values - participation, inclusion, respect, dignity, fairness, equality, non-discrimination, and social justice - throughout the Queensland community.

We have been engaging across the sector and with our fellow peak bodies on this issue and understand that there will be a number of submissions analysing the details of the Bill. As such, our submission will focus on a couple of key points only.

Enforcement

QCOSS acknowledges that while this Bill is modeled on the Victorian approach and goes further in a number of important ways including enforcement. This includes the ability to make a complaint to the Human Rights Commission and the availability of conciliation; and the power of the Commissioner in seeking information and reporting on outcomes.

However, it is disappointing that there is no stand-alone capacity to enforce rights in a court or tribunal if a complaint is unable to be resolved by the Commission. There is also no ability to seek remedy for proven abuses of human rights. These inclusions would strengthen the protection of human rights for Queenslanders.

Cultural rights - Aboriginal and Torres Strait Islander peoples

QCOSS is particularly pleased to see the inclusion of the distinct cultural rights of Aboriginal and Torres Strait Islander peoples as Australia's First Peoples in the Bill. We have also noted the inclusion of a right to self determination in the preamble of the Bill and support the intent of this inclusion. However, we note that self determination is not listed as a right to be protected by the Bill and as such is not enforceable. We would encourage the Committee to consider the advice of Aboriginal and Torres Strait Islander peoples in this regard and consider a right to self determination as an enforceable right in the final Bill.

Community education

Fostering a culture of rights and a respect for human dignity throughout the community - a core objective of any human rights act - requires, significant investment in education, training, planning, and reporting.

Increased understanding and awareness of human rights and of the implications of the legislation is central to its meaningful implementation. It is of vital importance to the potential success of a human rights act, that the general public is informed and educated in their rights and the enforcement mechanisms available.

Through 2018, QCOSS has been engaging with communities across Queensland through our *Changing Lives, Changing Communities* events. These events aim to support communities to come together to consider how to create a community in which everyone 'contributes, matters and belongs'. This work is a partnership between QCOSS, Queenslanders with a Disability Network (QDN) and the Anti-Discrimination Commission of Queensland (ADCQ). We have also hosted a number of forums specifically on the Human Rights Act. What we have clearly heard, is that to be effective, implementation of the Bill must be accompanied by extensive community education including:

- the impact of a Human Rights Bill on Queenslanders
- the rights that are protected by the Bill
- what an infringement of human rights might look like
- how to use the Bill to support individual rights, and
- the complaints process including 'piggy back' remedy.

The regulatory model for the Bill is one that favours discussion, awareness raising and education about human rights. This is important and must be supported and resourced effectively. For many people, the idea of human rights is an esoteric one with infringement being considered only as torture and/or captivity. To truly embed a framework of rights across Queensland, community education will be vital.

Important to this, resources and training should be devoted specifically to ensuring people experiencing vulnerability understand their rights and the mechanisms available to ensure those rights are protected.

Community sector organisations

QCOSS supports the inclusion of community sector organisations delivering public services as functional public entities under the Bill. The provision of public services is now undertaken by a broad range of organisations, including the private and not-for-profit sectors. Failure to include these in the Bill would undermine the intent to create a foundation of human rights across Queensland.

The community sector also plays a vital role in their communities and in supporting individuals who may be experiencing vulnerability. As such this sector can also be an important piece in the community education work outlined above. However, as with the general community, many in the community sector will have only a rudimentary understanding of human rights generally, and the requirements of the Bill in particular.

Implementation of a human rights act will require embedding awareness of the legislation and its implications throughout the community service sector in Queensland. Community sector organisations must be clear on their obligations under the legislation, and staff must receive targeted training to enable an embedding of human rights principles in organisational planning and practice. This will require adequate funding and support for these organisations from planning right through to implementation.

Community organisations would expect to receive resources and training on a consistent basis (and not just as a one-off) so that knowledge of human rights can be disseminated throughout the sector and so organisations can successfully embed associated values and practices throughout their planning and operations.

Conclusion

In conclusion, QCOSS strongly supports the Human Rights Bill 2018. It will have a significant positive impact on the lives and life opportunities of people in Queensland. It will be vital that implementation is sufficiently resourced if the benefits are to be realised. This includes resources and funding for community education, to support implementation across all public entities and for complaints management including conciliation.

We look forward to working with the Queensland Government and the Human Rights Commission to progress this important reform. If you require any further information to support our submission please contact me on [REDACTED] or phone, [REDACTED].

Yours sincerely



Mark Henley
Chief Executive Officer