

Fact sheet: Human rights complaints

Helping Queensland Government talk about human rights

Dealing with human rights complaints

Human rights protect the dignity and worth of all people. A human rights approach means that the Queensland Government must put human rights first when making decisions and providing services. Sometimes our actions protect or promote human rights; sometimes they restrict or limit human rights. If someone feels that a restriction of their rights is unreasonable, they can talk to the department that made the decision.

If a person thinks that a government department or agency has breached their human rights, they can make a complaint directly to that department. The department has 45 business days to respond. After this time, the person can complain to the Queensland Human Rights Commission (QHRC) if their complaint is unresolved (for example, if they do not receive a response or think the response is inadequate). However, in exceptional circumstances the QHRC may accept a complaint before the 45-day period has ended.

The role of the Queensland Human Rights Commission

The *Human Rights Act 2019* (the Act) set up a new Queensland Human Rights Commission (QHRC). The QHRC has an important job: to support the regulatory model that underpins the act. Their work includes:

- promoting understanding and acceptance of human rights in Queensland
- providing education about human rights
- dealing with human rights complaints
- reporting annually to Parliament about the Act.

They will also keep doing work under the *Anti-Discrimination Act 1991*, including dealing with discrimination complaints.

The QHRC will work with other administrative law agencies such as the Queensland Ombudsman, the Health Ombudsman, and the Crime and Corruption Commission. These organisations improve public administration and decision making.

One of the most important parts of the QHRC's role is to deal with human rights complaints.



Resolving human rights complaints

The QHRC will decide whether or not to accept a complaint; they must refuse to deal with a complaint if it is frivolous, vexatious, or lacks substance. They will assess the complaint and decide how they are going to resolve it.

One option is conciliation: a dispute resolution process that is accessible, independent, and designed to reach a meaningful resolution. Conciliation is informal and flexible, and allows people to talk about the complaint outside of a court process. Everyone involved in the complaint is expected to participate (including the person who makes the complaint and the government department). The QHRC can direct people to participate in a conciliation conference.

The QHRC may allow people to bring a lawyer to a conciliation conference. This helps people who are vulnerable to have an equal voice in the process. People can get help from an interpreter or someone with cultural or social knowledge during a conciliation.

Decisions made in a conciliation conference are not legally enforceable. However, people can choose to make binding agreements in a settlement.

Conciliation conferences are private. A person who has a conciliation conference can also use any other legal options they have to deal with a breach of their human rights.

What happens after conciliation?

If the QHRC can't resolve the complaint through a conciliation conference, they have to write a report that explains the complaint and actions taken to try and resolve it. The QHRC can include actions it thinks the government department should take to resolve the complaint. The QHRC can publish information about the complaint and include details in their annual report to Parliament. After the conciliation conference is finished, there is nowhere else for a person to complain to. They can get legal advice about other options (e.g. if they can go to court). You can read more about the QHRC and their complaints process at www.ghrc.qld.gov.au.

You can find more information about human rights in Queensland at www.forgov.qld.gov.au/humanrights