

Making a Human Rights Complaint

On 1 January 2020 Queensland's Human Rights legislation commenced. The main objects of the Human Rights Act are to:

- protect and promote human rights
- help build a culture in the Queensland public sector that respects and promotes human rights
- help promote a dialogue about the nature, meaning and scope of human rights.

Protected human rights

The Act protects fundamental human rights drawn from international human rights law:

- Recognition and equality before the law
- Right to life
- Protection from torture and cruel, inhuman or degrading treatment
- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Peaceful assembly and freedom of association
- Taking part in public life
- Property rights
- Privacy and reputation
- Protection of families and children
- Cultural rights - generally
- Cultural rights - Aboriginal peoples and Torres Strait Islander peoples
- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Fair hearing
- Rights in criminal proceedings
- Children in the criminal process
- Right not to be tried or punished more than once
- Retrospective criminal laws
- Right to education
- Right to health services.

The Act requires government to consider human rights in all decision-making and action, and only limit human rights in certain circumstances and after careful consideration.

The human rights protected under the Act are not absolute. This means that the rights must be balanced against the rights of others and public policy issues of significance.

How to Complain?

Putting your concerns in writing, with a clear indication of what you want to happen to resolve them, is a good first step. However if you need help making a complaint about Human Rights, please let us know and we can assist.

What you say in the complaint is important. It determines whether the complaint will be accepted into the complaint process, and may affect your rights and the outcome of the complaint.

The Human Rights Commission recommends that people seek legal advice before making a complaint. You can do this through Legal Aid Queensland or a Community Legal Centre, or find a private solicitor through the Queensland Law Society. You might also be able to get help from a disability advocacy service.

You can also contact our complaints team for information about how to make a complaint on 1800 491 467 or email feedback@communities.qld.gov.au

Who can complain?

Human rights protect everyone in Queensland. You don't have to be a resident, or have a particular citizenship or visa status.

You can appoint an advocate, friend or family member to complain on your behalf.

If someone is unable to make a complaint or appoint a person to help them, for example a person with an intellectual disability, a parent or guardian can make a complaint on their behalf.

What can I complain about?

Your complaint could be covered by a combination of laws, including the Human Rights Act. You don't need to know if it's a human rights complaint in order to lodge it – we will contact you to discuss it. You can also talk to us before you lodge it if you're unsure or need any more information.

Human Rights

Complaints about human rights breaches can only be made about acts and decisions made by Queensland public entities. Public entities are Queensland government departments, local councils, and organisations providing public services on behalf of the state, which includes the Department.

Public servants are considered public entities, so you can lodge a complaint about employees of the Department if you feel their actions or decisions unfairly limited your human rights. No rights are absolute, so the limitation has to be unfair for you to be able to make a complaint.

The actions or decisions you're able to complain about are only those made on or after 1 January 2020.

You need to complain to the Department first. You can then complain to the Human Rights Commission if we do not respond to your complaint within 45 business days (approximately 9 weeks), or if our response is not satisfactory for you.

Reprisal because of a Public Interest Disclosure

Complaints about reprisals for Public Interest Disclosures can be made about an individual, a group of people, or an organisation or business, or a combination of these.

What do I include in my complaint?

Complaints should be in writing, but we know this may not be possible for everyone so please let us know if you need help. A letter or email, or filling out a complaint form online are all fine.

If you can't write your own complaint, we'll try and find someone to help you do it. In some cases we might be able to help you ourselves.

Your complaint can be in any language, as we can use translators where needed.

A complaint should be made within one year of the situation you are complaining about. We may accept a complaint made more than one year from the situation you are complaining about if there is good reason for the delay.

Please include the following information:

- your name, phone number and address for service of mail or email where you can access mail quickly;
- full details of your complaint - who treated you unfairly, where and when, and what happened. Include what you did and how others in a similar situation were treated - better or worse;
- why you think you were singled out or why you were treated unfairly;
- date the complaint and sign it if you can;
- the name, address, and phone number of everyone you are complaining about, if you have these details. If they were at work at the time, also tell us the name of their employer;

What will the Department do with my complaint?

We will assess your complaint and contact you quickly to discuss our initial thoughts and planned approach.

What else?

There are no fees for the services of the Department's Complaints and Investigation team.

If you need legal or other advice about your complaint, we can suggest where to go for help. We cannot give you legal advice.

We may investigate the complaint and we will not take sides.

Contact Details

For more information about how the department manages complaints, you can contact the department's Complaints and Investigations team by:

- Email: feedback@communities.qld.gov.au
- Phone: 1800 491 467
- Post: Complaints and Investigations Unit, Department of Communities, Disability Services and Seniors, GPO Box 806, Brisbane Q 4001

