



Free and Equal: An Australian Conversation on Human Rights Submission

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Introduction

Independent Advocacy in the Tropics Inc (IATI) is an accredited independent disability advocacy organization holding accreditation under the National Standards for Disability Services for both Individual and Systemic Advocacy. IATI receives re-current funding from the Commonwealth Department of Social Services, Queensland's Department of Communities, Child Safety and Disability Service and Queensland Health.

IATI was formed in 1989 and incorporated in 1991 and it conducts business under its duly registered Business Names, Independent Advocacy Townsville and Independent Advocacy NQ.

IATI advocates on behalf of and supports clients of any age, gender or cultural identity who have a disability, on any matter.

On 14 December 2018, the Australian Human Rights Commission [AHRC] announced a major project: *'Free and Equal: An Australian conversation on human rights' (the National Conversation)*¹ The purpose of the National Conversation is to:

- Promote awareness of the importance of human rights to 21st century Australia
- Identify current limitations and barriers to better human rights protections
- Identify what key principles should underpin the reform of human rights in Australia
- Build agreement across the Parliament, government and the community about what we can do collectively to better promote, protect and fulfil human rights.

By mid-2020 the AHRC intends to:

- recommend an agenda for federal law reform to protect human rights and freedoms fully;
- recommend priorities for reforming federal discrimination law to make it more effective, comprehensive and fairer in its protection, and simpler to understand;
- articulate key actions that all governments must take to adequately protect the human rights and freedoms of all Australians;
- identify how we can build community understanding and partnerships to realise human rights and freedoms; and
- identify options to invest in and build community capacity to realise human rights and freedoms.”²

This submission responds to each of the discussion questions contained in the AHRC Issues Paper *Free and Equal Rights: An Australian Conversation on Human Rights*, released in April 2019.

¹ <https://www.humanrights.gov.au/free-and-equal>

² FREE AND EQUAL An Australian Conversation on Human Rights Introduction, by Professor Rosland Croucher AM President Australian Human Rights Commission Page 3

1. What human rights matter to you?

All rights equally matter. But it is no use having rights if people cannot access a complaint pathway to see enforcement of their rights and seek redress. This submission will illustrate this point using the issues arising from the introduction of the National Disability Insurance Scheme (NDIS), particularly in relation to transport funding.

It will further explain why and how people with a disability used IANQ services not only to be supported through the complaint pathway, but how people with a disability used their civil and political rights, to inform the government of their discontent with the lack of transport funding.

Background

The International Bill of Rights consists of the:

- Universal Declaration of Human Rights (UDHR);
- International Covenant on Economic, Social and Cultural Rights (ICESCR); and the
- International Covenant on Civil and Political Rights (ICCPR).

Australia is a signatory to each of the above international conventions.

The National Disability Insurance Agency (NDIA) is a Commonwealth Government agency that is responsible for administering the NDIS. The powers of the NDIA are established by the *National Disability Insurance Scheme Act 2013* (NDIS Act).

One of the stated objects of the *NDIS Act* is to “in conjunction with other laws, give effect to Australia’s obligations under the International Convention on the Rights of Persons with Disabilities (ICRPD)”³. The ICRPD⁴ is based on the guiding principles stated in the UDHR.⁵ The general principles guiding actions under the *NDIS Act*⁶ reflect the majority of rights under the UDHR, ICESCR and ICCPR.

NDIA Act and Transport

State governments were in the process of scrapping their Transport Subsidy Schemes (TSS) after the signing of Intergovernmental Agreements relating to the roll out of the NDIS, this caused some concern⁷. It was believed that the State TSS would no longer be required as participant transport would be funded by the NDIS in those areas where the NDIS was rolling out.

Why the concern about Transport?

Funding for transport is a vital component of an individual participant’s plan for many participants as it can impact on all aspects of the NDIS participant’s economic and social participation in the community. For example, without adequate transport funding many NDIA participant have real difficulty accessing government services such as social security, physical and mental health care services and education.

³ NDIS Act s3(1)(a) The objects of this Act are to:

(a) in conjunction with other laws, give effect to Australia’s obligations under the Convention on the Rights of Persons with Disabilities done at New York on 13 December 2006 ([2008] ATS 12)...

⁴ <https://www.un.org/disabilities/documents/convention/convoptprot-e.pdf>

⁵ https://www.un.org/en/udhrbook/pdf/udhr_booklet_en_web.pdf

⁶ NDIS Act s4

⁷ <https://www.disabilitysupportguide.com.au/talking-disability/queensland-government-to-scrap-taxi-subsidy-for-ndis-participants>

Lack of transport funding also affects the ability of some people with a disability to find and keep employment, participate in their community's cultural life⁸ and leisure activities. This can negatively affect all social and economic rights contained in the ICESCR and ICRPD.

Individual Advocacy

Aggrieved NDIS participants used the internal appeal pathway to seek redress. But the NDIA appeals pathway could be very complex and some clients felt daunted by challenging the decision of a government agency. Some participants sought support from disability advocacy services such as IANQ. Below is table that describes the demand of support that IANQ provided to clients concerning issues related to the NDIA. While the statistics do not particularly describe all the issues that were litigated, transport funding was a common issue throughout all matters litigated.

In the 2018/19 financial year, IANQ advocacy work in relation to the NDIS issues comprised 83% of our advocacy work with the following statistics:

NDIS Appeals	12%
NDIS Internal Reviews	37%
NDIS Issues	34%

NDIS Issues are further broken down to record the following issue categories:

NDIA Complaint	3%
Service Complaints	6%
Assistive Technology	7%
Home Modifications	7%
Inadequate Funding	11%
Funding Reduction	26%
Planning/Services	40%

Interestingly for the 2017/18 financial year, NDIS work represented 52% of advocacy issues.

Many of the people that IANQ support are from low income households or are in receipt of the Disability Support Pension (DSP) and cannot afford to engage a paid representative to assist them to prepare their arguments for internal review. Most of these people were time poor as they had to attend regular medical and allied health appointments aimed at maintaining their mobility and independence.

The External Review Process

The external review process requires the filing of an application form in the Administrative Review Tribunal (AAT), attending case conferences and conciliations, and may eventually involve a full hearing if the matter is not resolved. The NDIA is represented by lawyers in all AAT matters. Some clients find it daunting to be confronted to be talking to the NDIA lawyer. IANQ and other advocacy services support clients at conciliations and case conferences and supported clients to obtain the

⁸ NDIS Act s 4(11):

Reasonable and necessary supports for people with disability should:

- (a) support people with disability to pursue their goals and maximise their independence; and
- (b) support people with disability to live independently and to be included in the community as fully participating citizens; and
- (c) develop and support the capacity of people with disability to undertake activities that enable them to participate in the community and in employment.

evidence necessary to support the client's case. The additional evidence provided can sometimes change the NDIA's position on the participant's funding needs, and sometimes the NDIA would concede matters or was more willing to negotiate an increase in additional funding based on the additional evidence provided.

IANQ also supports clients to seek free legal advice from Legal Aid Queensland (LAQ) who can provide advice on the both quality of the participant's existing evidence, and on what further evidence the participant needs to obtain to support their claim.

Matters concerning transport funding are regularly examined by the AAT in its decisions, and the Transport Operational Guideline has also been considered and rejected by the Federal Court. Despite these decisions, the NDIA has been unwilling to change its Operational Guideline to reflect the AAT decisions.⁹

Peak body Advocacy and Submissions

NDIS Participants used their civil rights to contact peak bodies to lobby government, for change and adequate funding for transport¹⁰.

Advocacy services provided submissions to government agencies detailing issues that they had encountered. Legal Aid Commissions also provided government with submissions about issues they had confronted. Clients contacted their local members of Parliament complaining about the NDIS.

Has the issue about transport been resolved?

The Issue of Transport has not been fully resolved, but at least the government is trying to resolve this matter among others, the Minister for the National Disability Insurance Scheme and Government Services, the Honourable Stuart Robert MP, has indicated that there needs to be a "An approach to improve transport supports provided under the NDIS. More ongoing work by the NDIA, Commonwealth and state and territory officials will be done to support this change, including interim measures to increase transport funding for NDIS participants who are significant users of state and territory Taxi Subsidy Schemes." ¹¹

Conclusion

A clear appeals pathway provides some guidance as to how clients can seek redress of their NDIA issues. Many of the clients that seek advocacy support have financial constraints that mean that they cannot pay for legal advice or support through the process.

Using advocacy services and Legal Aid Commissions, participants are given free legal advice that enable them to present the necessary evidence to substantiate their requests for further funding. The NDIA then receives more information from the participant, and sometimes this is enough for the NDIA to reconsider its position. In cases where the matter remains in dispute, the further information can be used as evidence for the AAT hearing.

⁹ See [McGarrigle v National Disability Insurance Agency \[2017\] FCA 308](#) see also [McPherson and National Disability Insurance Agency \[2018\] AATA 4303](#), see also [Milburn and National Disability Insurance Agency \[2018\] AATA](#)

¹⁰ <https://probonoaustralia.com.au/news/2017/03/disability-groups-unite-mobility-allowance-cuts/>

¹¹ Minister for National Disability Insurance Scheme and Government Services, The Honourable Stuart Robert Media Release 9/10/2019 Mins <https://ministers.dss.gov.au/media-releases/5196>

Advocacy and free legal services helped clients who felt unable to navigate the internal and/or external review process alone. It is only through Commonwealth Government funding of advocacy services that these clients can be supported through the review processes and evidence can be provided to substantiate the participant's claims. Advocacy services provide a crucial service supporting clients to access legal advice, providing submissions to government agencies detailing what issues occurred and their possible causes. The internal and external review process is a mechanism of enforcing NDIA participants economic and social rights, but it only provided one avenue of highlighting issues that were not working with the NDIA.

2. How should human rights be protected in Australia?

Australia is party to seven core international human rights treaties¹². Some of these international conventions form the basis of state and federal laws¹³

IANQ considers that Human Rights can only be truly protected where there is a clear complaint pathway and a greater use of services that can support the client to seek redress. We argue that greater use of current existing legal and non-legal non-government organisations, (such as Advocacy services, Legal Aid Commissions and Community Legal Services) can be used by clients to seek redress on issues, preserving client human rights and bringing government agencies to account.

Use of Legislative Instruments

Currently the Australian Government uses legislation to implement its obligations under international conventions. The benefits of using commonwealth legislation to implement Australia's obligations under international conventions is that legislation provides clear definitions and consistent terms and applies to all Australian citizens. Federal and State government bodies have complaint pathways, that people can use to protect their rights.

Problems with the current system

Problems with the current approach include, legislative instruments can be misinterpreted by government officials or there can be a lack of transparency on what rules or guidelines are used to make decisions. Sometimes when a matter is litigated through an external process, ordinary people are expected to learn jargon, navigate a complex problem and then negotiate with a lawyer representing the government agency.

Despite the complaint pathways being clear, some people may have other obstacles to overcome. Other obstacles that people may face include being time poor due to family, work commitments as well as attending medical or allied health appointments, or being isolated due to living in a rural or remote community or having financial constraints. Many people with a disability may require further support as they find dealing with government departments daunting, confusing, and complicated, or come from a traditionally disadvantaged group, such as people with a disability, women, Aboriginal and Torres Strait Islander People and people from a culturally and linguistically diverse cultures.

¹² <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/International-Human-Rights-System.aspx>

¹³ <https://www.ag.gov.au/RightsAndProtections/HumanRights/Pages/Human-Rights-Protections.aspx> for example Right to Freedom of information provided the basis for the enactment of the *Freedom of Information Act 1982*. Other federal acts that are based in part on international conventions include *Age Discrimination Act 2004*, *Disability Discrimination Act 1992*, *Racial Discrimination Act 1975* and *Sex Discrimination Act 1984*.

Greater co-ordination of resources

With the external appeals system, as an example, there was a greater correlation of resources, and systems can work well when they are adequately funded. IANQ advocates have supported NDIA applicants to correlate information to make application to become a participant of the NDIS, or any other matter concerning the NDIS. IANQ receives National Disability Advocacy Program (NDAP) funding to support clients with the NDIA issues. Legal Aid Queensland (LAQ) receives funding to give clients advice concerning their NDIA funding issues, and also, specific funding for representation of some clients matters in the Administrative Appeals Tribunal from Commonwealth Department of Social Services. On all these issues LAQ worked closely with other Queensland based advocacy services at government funded conferences, workshops, and NDIS advocates appeals conferences, to identify issues and lobby NDIA to acknowledge and rectify the problems that were encountered.

Suggested Solution

A simple resolution to overcoming these barriers is that government complaints pathways should also include information referring people to contact existing funded commonwealth and state bodies (such as Legal Aid Commissions and Community Legal Centres), as well as accredited advocacy services. For example, the Commonwealth Ombudsman provides a link on its website to advocacy services¹⁴.

Those clients that don't require legal advice but just need extra support can be referred to an advocacy service. The client could then receive support, for example, in correlating information and lodging it with the appropriate government department.

The benefits of making such referrals include:

- People who require extra support and or free legal advice, are better equipped to contest issues with government departments and enforce their rights.
- The government department may request the further correlation of evidence, that could be submitted to the government department/agency to reconsider it's position.
- The cost of government departments could be negligible, for example, the cost maybe altering government pathway information to include links to Legal Aid Commissions, Community Legal Centres or Advocacy services websites
- Greater use of existing resources (Legal Aid Commissions, Community Legal Services and Advocacy Services) that are currently funded by State and Federal Governments
- Legal Aid Commissions and Community Legal Services have already established specialised sections that can provide advice to the client concerning government obligations and their rights to appeals and other legal avenues
- Established accredited advocacy legal services can support the client to access legal advice and can support the client in the correlation of evidence to support the client's argument.

¹⁴ <https://www.ombudsman.gov.au/what-we-do/working-with-people-with-disability>

But it should be noted that every link needs to be updated when there has been a change in the web pages content.

Referrals to Advocacy Services by Legal Aid Commissions and Community Legal Centres by Government Departments

It is recommended that government departments should, as a part of their appeal pathway, refer people to organisations such as Legal Aid Commissions, Community Legal Centres where they can get legal advice. It is further argued that government departments and agencies should also consider putting links on their websites to contact details of Advocacy services Legal Aid Commissions, Community Legal Centres that can provide the client with free legal advice, and Advocacy Services can provide the client with greater support at legal meetings and correlating evidence.

Greater access to free legal services and greater support, through advocacy services, is a simple way to enforce human rights by people seeking redress.

3. What are the barriers to the protection of human rights in Australia?

Among the barriers to the protection of human rights in Australia are:

- Lack of awareness free advice services from Legal Aid Commissions, Community Legal Centres
- Lack of awareness of Accredited Advocacy support services
- Lack of time and resources with which to dispute issues with government agencies
- Reluctance of people to complain/appeal against government agencies due to fear of retribution

Lack of awareness of free advice services

A greater focus on the services that Legal Aid Commissions, Community Legal Centres could offer to help people seek redress.

Lack of awareness of accredited advocacy support services

Accredited independent advocacy services are normally cash strapped non-government organisations that operate on a shoestring budget. They do not have a great advertising budget and rely on their websites to inform the public about what services their organisation provides. While networking in a local community will provide some exposure of their services in the geographical area in which they operate, there is still not a lot of funding to raise general community awareness of these organisations to provide adequate face to face services, especially to those clients who reside in rural and remote areas of Australia.

It is therefore left up to people to find these organisations, generally using web services. This presumes that everyone has access to a computer or to a library, and the education to use a computer and complete a web search. By assuming that a person can use a computer, you are presuming that that person can read and speak English fluently.

Not everyone in Australia has a home computer, not everyone is fluent in English. These presumptions normally mean that people who are at most disadvantage, and probably of the greater need, don't know how to access these services for themselves or for members of their family.

Lack of time and resources in which to dispute issues with government agencies

Many people who are in dispute with some government agencies like Centrelink, NDIA, Department of Veteran Affairs, are either requesting that the government provide them with government subsidised services or a government pension. Most of the times these people do not have the financial resources to litigate matters through the courts and employ a lawyer to pursue their matter.

Those people with a disability have mental or physical health issues that will take priority in their lives over continuing dispute with a government department. It is these people who need additional support to fight for their rights.

Fear of Retribution and other barriers

In the community there is still a great fear of retribution, whether you are dealing with a government agency that is deciding on a person's pension application, or a complaint about an educational departmental policy.

Some examples are given below to illustrate the above points:

- A client who lived in a rural area would not complain against a health professional, for fear of that health professional withdrawing services, or worse, other health professionals also withdrawing their services
- A client (child with a disability exhibiting behavioural issues in line with their disability) was expelled from school and the school refused to allow the child return to the school during exam time.
- A client applied to a Commonwealth Agency for a service package and was given a code for goods and services, the code was not honoured. The Client expressed concern that the department will not provide them with the financial support package that they are entitled to and will in fact delay the provision of this financial package because the client made the complaint.
- A client who was a tetraplegic had complicated medical issues requiring constant medical attention and therapy treatments that left him exhausted. He did not have the time, or expertise to contest with an issue with the NDIA concerning his NDIA plan funding.

4. How should the government address the situation where there is a conflict between different people's rights?

IANQ does not believe that there is any correct answer to this question. An open dialogue should be encouraged from both parties, and where possible, concessions should be reached. The government needs to evaluate the various competing rights and try to reach a balance.

5. What should happen if someone's human rights are not respected?

If a person's human rights are not respected, that person should have recourse through existing mechanisms (State and Federal legislation) for remedial action. There should be a greater co-operation between existing services to identify systemic issues and lobby governments for change. Below is an example of a coordinated approach with a non-coordinated approach of existing advocacy and legal services to resolve issues.

Greater co-ordination of resources

Systems can work well when they are adequately funded. This point can be proven by using the NDIA external appeals system as an example where resources are utilised in a co-ordinated way. IANQ advocates have supported clients to collect sufficient evidence to make application to become a participant in the NDIS, or to challenge the level of funding in their NDIS Plan, because IANQ receives NDIS Appeals Advocacy funding.

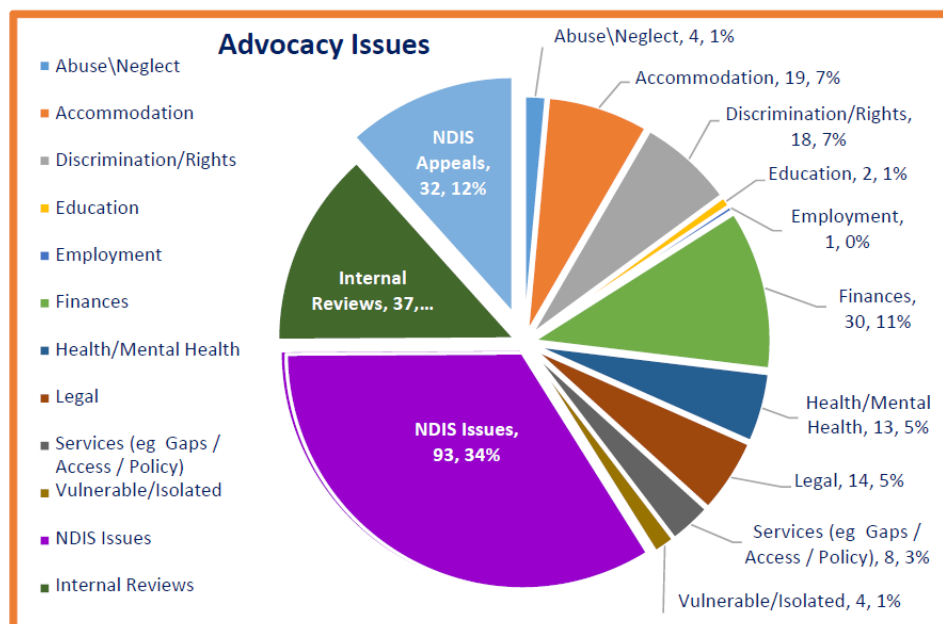
Legal Aid Queensland (LAQ) also receives funding to give clients advice concerning their evidence concerning their internal or external NDIA review. LAQ also represent clients in the AAT from the Commonwealth Department of Social Services. LAQ has worked closely with other Queensland based advocacy services both on individual cases and at government funded conferences,

workshops, and NDIS advocates appeals conferences, to identify issues and lobby NDIA to acknowledge and rectify the problems that were encountered.

The non-co-ordination of resources

Using the other 48% of issues that IANQ undertook in the last financial year as an example, we can demonstrate what effect a coordinated approach can be in protecting people's rights.

For example: 48 % of IANQ's work concerned non NDIA related issues, (see below table).



In these instances advocates find information for the clients on complaint pathways, support the client to make a decision (if they wish to proceed along the complaint pathway), and then support them to correlate information and submit the appropriate documentation to the government department or agency seeking redress. Where the client wishes to seek legal advice on a particular issue, they are supported to get legal advice through mainstream services such as Legal Aid Queensland or Community Legal Centres.

IANQ has found that where there was non-co-ordinated approach that it is harder:

- to identify issues that are affecting more than one client;
- for an advocacy organisation to lobby for the government department/government agency to rectify the issue through a change in policy or procedure;
- to gain support of other organisations to lobby for the government department/government agency to rectify the issue; and
- clients may not be aware of what free legal advice services that exist that can be used to support them and are unable to link in with advocacy services that could support them to seek redress.

Greater awareness of where people can get support and free legal advice

There should be more dispersal of information of where people can get support advocacy support and free legal advice. For example, the AAT, sends information to Applicants on NDIS matters, referring people to Legal Aid Queensland and to Advocacy services for further support. Legal Aid Queensland has referred clients to advocacy services for additional help with their external review matters.

The NDIA only refers people to the Department of Social Services' website in the second last paragraph of the review letter. The information to find an advocacy service on the Department of Social Services' website is not easy either. The person must either find the Disability Advocacy Fact Sheet that has a link to the Disability finder or search the Department of Social Services website with Advocacy finder in order to find the National Disability Advocacy Program website application to find an advocacy service. Why, is the information referring people to an advocacy service or legal aid commission is not prominent in the NDIA rejection letter? Why is hard to find a disability advocacy service on the Department of Social Services website?

As mentioned previously the Commonwealth Ombudsman also provided a web link to advocacy services¹⁵. It should be a standard practice that all complaint bodies should have prominent links to web sites that provide contact details to Accredited Advocacy Services for support and Legal Aid Commissions, Community Legal Centres for free legal advice.

6. What can the community do to protect human rights? How should the government support this?

The word "Community" means:

- "1. a group of people living in the same place or having a particular characteristic in common.*
- 2. the condition of sharing or having certain attitudes and interests in common" ¹⁶*

We will therefore look at this question in the context of National Communities, Geographical Action Communities and Specific Interests Communities. In each section there are suggestions as to what the federal and state governments can do.

National Action

There should be links from governmental websites to Legal Aid Commissions web sites, Community legal centres and Advocacy Services that can support clients through the complaint pathway.

For those clients that do not have access to information over the internet, leaflets with the contact details of Legal Aid Commissions, Community Legal Services and Advocacy Services should be handed to clients who have issues with government departments and have visited a governmental office.

There should be greater funding of advocacy services to increase networking, to increase public awareness of services offered.

Community Legal Centres, Legal Aid Commissions and Advocacy services should be encouraged to refer clients to each other for support where appropriate.

¹⁵ <https://www.ombudsman.gov.au/what-we-do/working-with-people-with-disability>

Sadly, the Commonwealth webpage that links to the DANA web page has not been updated and does not display advocacy services address – as at the time of writing of this submission (25-11-2019)

¹⁶ https://www.google.com/search?rlz=1C1CHBF_en-GBAU842AU842&ei=Y0DTXZ-OKpOHYAOHzbKwDQ&q=community+definition&oq=community+&gs_l=psy-ab.1.8.0i273l2j0i67l2j0j0i131l3j0i0i131.4344231.7429322..7431746...5.3..2.336.3772.0j8j9j1.....0....1..gws-wiz.....0..0i71j0i131i67j0i10i67j0i10j0i131i273.h8qcDLhBOfc

Geographical Action

There should be greater publicity and networking in geographical areas by Legal Aid Commissions, Community Legal Centres and Accredited Advocacy Services so that there is greater awareness of what services exist and how they can support people.

Problems occur in offering services to rural and remote communities where advocacy services and legal aid commissions do not have the resources (or funds) to fund permanent staff to live in rural and remote areas and establish outreach offices. Here greater pooling of resources between Legal Aid Commissions, Community Legal Centres and Accredited Advocacy services could result in pooling of resources to minimise costs.

“Getting the word out” in rural and remote communities.

The commonwealth and state governments could consider funding more networking opportunities for, Community Legal Centres and Accredited Advocacy services especially in rural and remote areas, to ensure that all people have access to free legal advice and support to correlate information and support clients through complaint pathways.

Government departments, government agencies and Tribunals, can provide complainants with information about what services are in the community that will either provide them with free legal advice or advocacy services that can support the client seek redress.

Special Interest Groups

Using the NDIA transport issue as an example, sector peak bodies are crucial in lobbying governments for change. But like most organisations they operate on a shoestring budget and are sometimes staffed by volunteers. More funding should be made available to special interest groups so they can support members of vulnerable sectors of society and can be more active to protect their members human rights.

7. How should individuals, businesses, community organisations and other be encouraged and supported to meet their responsibility to respect human rights?

Individuals

Government organisations should fund organisations that provide free legal advice, to provide information sessions at community forums, to community organisations and community groups. It is hoped by greater networking and sharing of information that there will be a greater awareness in communities, of how advocacy organisations, for example, can support individuals through complaint pathways to seek redress.

Business

Allens Linklaters wrote the *Stocktake on Business and Human Rights in Australia in 2017*¹⁷ which made some recommendations about the use of greater legislative instruments preserve human rights while also investigating and punishing Human Rights transgressions. IANQ does not wish to

¹⁷ <https://dfat.gov.au/international-relations/themes/human-rights/business/Documents/stocktake-on-business-and-human-rights-in-australia.pdf>

repeat what was addressed in this report but wishes to suggest practical ways in which businesses can be encouraged to take steps to preserve their consumers' rights.

Businesses that provide services to people should be required to have clear complaint pathways, for example, businesses that provide personal support services to people with a disability should have a clear complaint pathway and processes based on procedural fairness. To some extent this has already happened, National Disability Quality and Safeguards Commission requiring NDIS providers to have proper regard to procedural fairness in managing its complaints¹⁸ which backed by a legislative instrument detailing what steps need to be taken in handling complaints¹⁹

Requiring businesses to be more transparent in their dealings should be further encouraged and adopted through all sectors of the community. This can be either through, professional bodies insisting that business, a part of their registration process or accreditation process, have a clear complaints pathway, that should be sent to clients/members of the public that have issues with their services.

Community Organisations

Members of community organisations should actively support people who have a human rights grievance to complain about their human rights violation.

As stated previously, special interest organisations are underfunded, understaffed, but yet form a crucial voice for those who come from the most disadvantaged sectors of the community.

Community organisations need to be more active in educating their members on what are human rights, what complaint pathways there are, and what organisations they need to contact to investigate and properly investigate any grievance.

8. What should the Australian Human rights Commission and the government do to educate people about human rights?

The Australian Human Rights Commission office is based in Sydney. AHRC could be more visible in rural and remote and regional areas. For example; AHRC, could attend appropriate community events in areas such as Townsville, Cairns, Rockhampton to raise awareness of its role. This networking would also be of benefit to organisations that support disadvantaged people in the community, to be more aware of the role of the commission.

9. What actions are needed to ensure that the government meets its obligation to fulfil human rights – for example, in addressing longstanding inequalities in the community?

Actions that are needed by governments to fulfil its human rights obligations could include greater:

- awareness of the human rights and how they can impact on people's lives;
- education of people in sectors where there have traditionally been longstanding inequalities of their human rights and what services and support that they can access;
- access to supports to make complaints (i.e. use of established services such as Legal Aid Commissions, Community Legal Centres and Accredited Advocacy services);

¹⁸ <https://www.ndiscommission.gov.au/legislation-rules-policies>

¹⁹ National Disability Insurance Scheme (Procedural Fairness) Guidelines 2018 <https://www.legislation.gov.au/Details/F2018N00155>

- funding for established services but networking and awareness raising on what services they offer; and
- transparency of complaints process.

10. How should we measure progress in respecting protecting and fulfilling human rights?

Indicators that we could use to measure progress in respecting, protecting and fulfilling human rights could include:

- monitor and measure any reductions in reportable incidents, for example, hate crimes, by services and authorities; and
- greater collection of statistical information from established services (free State Legal Aid Commissions, Community Legal Centres and Accredited Advocacy Services) to ascertain complainant characteristics, type of complaints (for example human rights issues)

11. How should we hold government to account for its actions in protecting human rights?

Governments should provide more funding to Accredited Advocacy Services, so that they can support clients seeking redress. Governments should also provide more funding to Legal Aid Commissions and Community Legal Centres who provide free legal advice to clients seeking redress.

It is suggested that by these two measures, that governments will be made more accountable. As mentioned before, greater coordination of services between Advocacy Services and Legal Aid Commissions meant greater support of clients through the NDIA internal and external complaints pathway. Issues were documented by the Advocacy Services and Legal Aid Commissions that were used to formulate submissions, advising the government agency of this issues that NDIA participants were confronted with. The submissions with the peak body lobbying the government for change, has meant that NDIA issues are now being openly discussed, and hopefully the government is now in the process of resolving.

12. Are there any issues on which you wish to comment?

No.

