Response to the Discussion Paper for the

Strategic Review of the Queensland Human Rights Commission

Submission to the Department of Justice

Submitted to ghrc.strategic.review@justice.qld.gov.au

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1. About AMPARO Advocacy

AMPARO Advocacy is a Queensland Peak and Representative body for people from culturally and linguistically diverse backgrounds with disability, which advocates for the human rights, opportunities, voices, lived experiences and concerns of people with disabilities and their families to bring about positive and sustainable changes to legislation, policy and practice in Queensland and Australia. As a non-profit community-based organisation guided by the UN Convention on the Rights of Persons with Disabilities (CRPD), we provide independent and vigorous individual advocacy, systemic advocacy, and capacity building supports with and on behalf of the diverse people and families we serve.

Our vision is that people from a culturally and linguistically diverse background with disability are respected, valued and included in family, community and broader society, with equitable access to information, services and supports - and on their terms.

With offices in Brisbane, Logan, Ipswich and Toowoomba, AMPARO Advocacy is governed by a voluntary management committee, the majority of whom are people from a culturally and linguistically diverse background with disability. AMPARO's Inclusive Leadership Network (ILN), comprised of Queensland leaders from culturally and linguistically diverse backgrounds with disability, strengthens our ability to engage in important conversations and systemic advocacy guided by the principle of "nothing is about us without us" and led by people with disability.

AMPARO Advocacy is funded by the Queensland State Government's Department of Families, Seniors, Disability Services and Child Safety and the Australian Government Department of Health, Disability and Ageing, as well as through projects funded by the Queensland Disability Network (QDN) and Speaking Up For You (SUFY).

Note on terminology used in this submission

In this submission the term culturally and linguistically diverse (CALD) communities is used because it remains the operating term across the data, funding and policy systems this submission needs to connect with at Federal and State levels.

CALD is a majority-lens term.[1] It groups together people with vastly different histories, languages, faiths and migration pathways – from a person born overseas now working in Australia as a skilled migrant to a family who arrived as refugees a generation ago – as though they were one population with one set of needs. Many people who fall within this definition do not use the term "CALD" to describe themselves or their own communities, and some find it alienating. Researchers and practitioners are increasingly calling for the term to be retired altogether.[2]

AMPARO Advocacy uses the CALD acronym within this document as a practical bridge to existing policy and data settings. In practice, engagement should always follow the language a person or community uses for themselves, their culture and their identity – CALD is a category for planning and reporting, not a label to apply to people in the room. AMPARO Advocacy expects to revisit this terminology, in conversation with the communities it serves as a Peak and Representative body in Queensland.

[1] Pooja Sawrikar and Ilan Katz, 'How Useful Is the Term "Culturally and Linguistically Diverse" (CALD) in Australian Research, Practice, and Policy Discourse?' (Conference Paper, Australian Social Policy Conference, 2009).
[2] Davoud Pourmarzi. et al, 'Why Public Health Practitioners and Researchers Must Stop Using the Term "Culturally and Linguistically Diverse (CALD)"' (2025) 35 Public Health Research and Practice PU25003.

2. AMPARO Advocacy's Recommendations

AMPARO Advocacy's central recommendation is to improve the accessibility of discrimination and human rights complaints processes through culturally responsive, disability-inclusive and multilingual approaches, and to strengthen available remedies to promote both individual redress and systemic change. Many experiences of discrimination affecting people from culturally and linguistically diverse (CALD) backgrounds with disability arise from structural and intersectional barriers rather than isolated incidents. The specific recommendations below give effect to this. Question numbers in brackets refer to the Discussion Paper.

Recommendation 1: That the QHRC's complaints processes be accessible by design, in line with Articles 9 and 13 of the CRPD, including access to accredited interpreters at every stage; Easy English, translated and culturally appropriate information; multiple complaint channels (oral, online and assisted); intake processes that allow discrimination on more than one ground to be described in a person's own words; engagement with trusted community organisations and culturally specific disability organisations; and targeted outreach to communities that are underrepresented in complaints data. **(Questions A4, A16–A17, A20)**

Recommendation 2: That future consultation include translated and accessible information, interpreter-supported, oral and in-language participation, partnerships with trusted community organisations, co-design approaches led by affected communities, and adequate consultation periods; and that the Human Rights Act be reviewed again within five years, specifically evaluating outcomes for people from CALD backgrounds with disability. **(Questions A16–A17, B20)**

Recommendation 3: That the Queensland Government complete the whole-of-Act reform of the *Anti-Discrimination Act 1991* recommended in *Building Belonging*, rather than continuing with piecemeal amendment, and that the objects of a revised Act expressly refer to the progressive realisation of substantive equality and be consistent with the CRPD. **(Questions A18–A19, C1)**

Recommendation 4: That the *Anti-Discrimination Act 1991* and the *Human Rights Act 2019* expressly recognise a person's right to be accompanied and supported by an independent advocate from first contact through conciliation, without requiring the Commissioner's permission, consistent with Article 13 of the CRPD. **(Questions A18–A19, A31)**

Recommendation 5: That a two-year time limit apply to discrimination and human rights complaints, with discretion to accept later complaints where there is good reason and it is in the interests of justice; that time not run while a person awaits a public entity's response; that time run for children from the age of 18; and that the complainant's consent remain a prerequisite to any referral to another body. **(Questions A18-A19, A21, A25, A29–A30)**

Recommendation 6: That the *Human Rights Act 2019* allow organisations to bring representative human rights complaints on behalf of a group or class, with appropriate safeguards. **(Questions A23)**

Recommendation 7: That the *Human Rights Act 2019* be amended to allow the QHRC to waive the requirement for a complaint to be first made to a public entity where a person fears reprisal, depends on the service or agency complained about, faces communication or interpreter barriers, is experiencing urgent harm, or where requiring the preliminary step would otherwise be unreasonable. **(Questions A24–A25)**

Recommendation 8: That no prescribed complaint form be introduced, and that the QHRC be able to accept oral complaints wherever language, literacy or disability makes writing a barrier, not only in exceptional circumstances. **(Questions A26–A27)**

Recommendation 9: That the QHRC be required to take all reasonable steps to ensure conciliation does not disadvantage a party, and to consider disability, health, trauma, communication barriers, interpreter access and fear of reprisal before dismissing a complaint or awarding costs for non-attendance. **(Questions A31)**

Recommendation 10: That unresolved human rights complaints be able to proceed to QCAT, with remedies including decision remaking, apologies, reasonable accommodation, interpreter provision, translated information, policy or practice change, staff training, human rights action plans with ongoing monitoring, declarations, injunctions and compensation; and that, at a minimum, public entities be required to respond publicly to the QHRC's recommendations. **(Questions A32, B13)**

Recommendation 11: That the *Human Rights Act 2019* recognise a right to access government information and services in accessible formats and in a person's own language, in line with Article 9 (Accessibility) and Article 21 (Freedom of expression and opinion, and access to information) of the CRPD; or if a new right is not recommended, that Queensland legislate enforceable language access obligations. **(Question B2)**

Recommendation 12: That sections 17(c) and 37 of the *Human Rights Act 2019* be strengthened and supported by guidance co-designed with people from CALD backgrounds with disability, so that informed consent and non-discriminatory health care require qualified interpreters, accessible communication and culturally responsive care, consistent with Article 25 of the CRPD. **(Questions B2, B21)**

Recommendation 13: That the *Human Rights Act 2019* recognise the right to adequate housing and the right of people with disability to live independently and be included in the community, consistent with Article 19 of the CRPD. **(Questions B2, C8)**

Recommendation 14: That section 58(1)(b) of the *Human Rights Act 2019* be retained and remain enforceable, supported by guidance on proportionate consideration of human rights. **(Questions B12)**

Recommendation 15: That "impairment" be replaced with "disability" throughout the *Anti-Discrimination Act 1991*, including the vilification provisions, with a definition that reflects the

recognition in Article 1 of the CRPD that disability arises from the interaction between a person's impairments and the barriers they face; and that the definition of discrimination in the *Human Rights Act 2019* not be made exhaustive. **(Questions B16, C6, C20)**

Recommendation 16: That courts and tribunals remain public entities when acting administratively, and that the *Human Rights Act 2019* make clear that non-government organisations delivering public services, including disability service providers, can be functional public entities. **(Questions B17–B18)**

Recommendation 17: That the *Anti-Discrimination Act 1991* include a standalone duty to make reasonable accommodations across all areas of public life, as recommended in *Building Belonging* (Recommendation 5.1), recognising that denial of reasonable accommodation is discrimination under Articles 2 and 5(3) of the CRPD. **(Question C1)**

Recommendation 18: That the uncommenced protections in the *Respect at Work and Other Matters Amendment Act 2024* be retained and commenced, including the combined-grounds attribute alongside proposed section 8(2), the new definitions of direct and indirect discrimination, a shifting burden of proof, the attributes of irrelevant medical record, homelessness and family, carer or kinship responsibilities (without restrictive definitions), and protection from vilification on the ground of disability. **(Questions C6–C11, C20)**

Recommendation 19: That "immigration or migration status" be added to the non-exhaustive definition of race in the *Anti-Discrimination Act 1991*, as recommended in *Building Belonging* (Recommendation 25). **(Question C9)**

Recommendation 20: That the positive duty to prevent discrimination be commenced through staged implementation, with clear guidance, structural separation of the QHRC's complaint and regulatory functions, and dedicated funding that does not reduce existing complaint resolution, education or engagement capacity. **(Questions C12–C14)**

Recommendation 21: That the QHRC be empowered to investigate systemic discrimination on its own motion without Ministerial approval, publish findings, obtain enforceable outcomes and monitor implementation; that its independent public policy voice be preserved; that it be supported to provide early advice to government; that it collect and report appropriately disaggregated data on disability, language, interpreter use and combined attributes to identify communities missing from the complaints system; and that it strengthen specialist capability and ongoing engagement mechanisms with underrepresented communities, including people from CALD backgrounds with disability, through culturally responsive outreach, co-design and community partnerships. **(Questions A12–A17, C15–C17)**

Recommendation 22: That the QHRC strengthen its education, engagement and outreach functions through ongoing co-design with people from CALD backgrounds with disability; culturally responsive and disability-inclusive education resources; partnerships with trusted community organisations; and structured engagement mechanisms to ensure communities

that are underrepresented in complaints, consultation and policy processes are able to participate meaningfully in the Commission's work. (Questions A12–A17)

3. Executive Summary

AMPARO Advocacy welcomes the opportunity to respond to the Strategic Review of the Queensland Human Rights Commission, the further review of the *Human Rights Act 2019* (Qld), and the review of the uncommenced provisions of the *Respect at Work and Other Matters Amendment Act 2024* (Qld). AMPARO Advocacy acknowledges the close connection of the three reviews.

AMPARO Advocacy supports a strong and effective human rights framework in Queensland, which is particularly critical for people from culturally and linguistically diverse (CALD) backgrounds with disability to give effect at the domestic level to their human rights protections under the CRPD and other key international human rights instruments such as (but not limited to) the International Convention on the Elimination of All Forms of Racial Discrimination (1965), Convention on the Elimination of All Forms of Discrimination against Women (1979), and the Convention on the Rights of the Child (1989).

AMPARO Advocacy commends Queensland for being the third Australian state/territory to have implemented human rights legislation or a similar document. However, legal protections alone are insufficient unless people can understand their rights, access information in a language and format they understand, participate in decision-making, and are both able and willing to seek timely redress when their human rights have been breached. Whether legal protections work in practice depends on the strength and accessibility of the law, the way public entities make decisions, the remedies in place, and whether the Queensland Human Rights Commission (QHRC) can prevent, identify and respond to systemic discrimination.

In this submission, AMPARO Advocacy has focused on issues of particular significance to people from CALD backgrounds with disability, including the operation of the *Human Rights Act 2019*, the proposed anti-discrimination reforms and the interaction between disability, language, culture and social exclusion.

While Queensland's human rights and anti-discrimination framework has created important protections, people from CALD backgrounds with disability continue to experience barriers that may not be fully recognised within existing legal and policy settings. These barriers often arise through the interaction of disability, language, culture, migration experiences, housing insecurity, embedded power imbalances, and difficulties accessing information and services. For many of the people AMPARO Advocacy works alongside, the practical exercise of human rights depends on whether systems are accessible, culturally responsive and capable of recognising multiple and intersecting forms of disadvantage, and on whether decision makers recognise the indivisibility and interdependency of human rights in their application of human rights frameworks.

The central concern of this submission is that people from CALD backgrounds with disability are among those most likely to experience rights breaches and discrimination, yet among those least likely to be able to use a formal complaints process. Language and literacy barriers, inaccessible information, dependence on the service or agency complained about, fear of reprisal, unfamiliarity with complex Australian legal systems, the cost of using those systems, disability-related communication barriers and the absence of advocacy support can all prevent a complaint from being made or pursued.

A framework that relies primarily on individuals complaining *after* harm has occurred will therefore systematically miss many of the people who most need its protection.

AMPARO Advocacy has contributed to this reform agenda before. AMPARO Advocacy was consulted for the QHRC's review of the *Anti-Discrimination Act 1991* in September 2021.

Building Belonging records concerns we raised during that review, including that many people from refugee backgrounds have experienced –

- significant trauma and oppression by their own government, and
- fear punishment or other repercussions if they speak up or complain, including losing relationships with government services and employers that have been difficult to build
- that people from refugee or migrant backgrounds with disability face serious challenges navigating systems that are not designed for them, and
- that discrimination is experienced across multiple, overlapping grounds, including immigration status.

Those barriers highlighted by AMPARO Advocacy in 2021 remain.

This submission builds on that evidence and asks the Review led by the Honourable Peter Flanagan KC to complete the reforms AMPARO has already informed.[3]

AMPARO Advocacy supports reforms that make complaints simpler, safer and more effective. However, accessible complaints are only one part of the answer. Queensland also needs strong preventive duties, enforceable obligations on public entities to consider human rights before decisions are made, an independent and adequately resourced Commission with power to investigate systemic discrimination, and substantive remedies when rights have been breached.

AMPARO Advocacy's submission is guided by the CRPD, which the Review's Terms of Reference expressly require it to consider, by AMPARO Advocacy's person-led approach, and by the principle that human rights are universal, indivisible, interdependent and interrelated. A person-led approach starts from what the person wants and needs, in their own language and on their own terms, rather than from what a system is designed to provide. Rights do not operate separately in people's lives.

For people from CALD backgrounds with disability, equality may depend on accessible information; informed consent may depend on an interpreter; access to justice may depend on an advocate; and community participation may depend on housing, health services and disability supports.[4]

AMPARO Advocacy also notes that the Review's own consultation arrangements illustrate the barriers discussed in this submission. The Discussion Paper was released on 30 September 2026, submissions close on 30 October 2026, and people seeking an interpreter are directed to contact 13 QGOV.[5]

[3] Queensland Human Rights Commission, *Building Belonging: Review of Queensland's Anti-Discrimination Act 1991* (Report, July 2022) 68, 105, 298, 300, citing AMPARO Advocacy Inc consultation, 8 September 2021.
[4] Convention on the Rights of Persons with Disabilities, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) ('CRPD'), preamble para (c).
[5] Queensland Government, Strategic Review of the Queensland Human Rights Commission: Discussion Paper (30 September 2026) i, 3 [13]-[18].

4. Responses to Discussion Paper

PART A – Strategic Review of the QHRC

An accessible complaints system that leads to change

The limits of a complaints-led model

The Discussion Paper appropriately gives substantial attention to complaints and recognises increasing complaint numbers, delays and a backlog. In 2025–26 the QHRC received 2,439 complaints; the average period before allocation was approximately 142 days and accepted complaints took approximately 353 days to finalise. These pressures matter, but efficiency should not be pursued by creating additional hurdles for complainants.

The people least able to navigate a complex process, especially people from CALD backgrounds with disability, are also those most likely to disappear from the data.[6]

For AMPARO Advocacy's communities, under-reporting is not evidence that discrimination or rights breaches are uncommon. It may instead reflect inaccessible information, limited English proficiency, disability-related communication requirements, distrust of institutions, fear of losing an essential service, uncertainty about which system is responsible, or a lack of independent advocacy. The complaints framework should therefore be assessed not only by how quickly accepted complaints are processed, but by whether people facing the greatest barriers can enter the system, remain engaged and obtain a practical outcome.

Individual Story: Discrimination that goes unaddressed

AMPARO Advocacy supported a man from a refugee background with disability who sought advocacy assistance after experiencing ongoing harassment and exclusion within supported accommodation. He reported repeated incidents that he perceived as racially motivated, concerns about privacy breaches, and actions by other residents that affected his ability to safely access and enjoy his home.

The person attempted to raise these concerns through available channels but felt his complaints were not adequately addressed. He reported feeling isolated, unsafe and unsupported. As a result, his confidence in the complaints process diminished and he became increasingly reluctant to raise further concerns.

This example illustrates a broader issue for some people from CALD backgrounds with disability. Human rights protections and anti-discrimination protections only have practical value when people can safely report concerns, trust that they will be taken seriously, and access processes that are responsive to their circumstances. When complaints are difficult to pursue, poorly understood, or perceived as ineffective, discrimination and exclusion may remain hidden despite causing significant harm.

The example also demonstrates the importance of accessible complaints mechanisms, advocacy support, procedural fairness and effective remedies. For people who already experience language barriers, disability-related barriers, social isolation or fear of reprisal, the burden of repeatedly reporting discrimination can itself become a barrier to accessing justice.

For people from CALD backgrounds with disability, the interaction of disability, language barriers, migration experiences, cultural factors and reliance on service providers can make it especially difficult to challenge discrimination through formal complaints mechanisms.

[6] Ibid 6 [35]-[36].

Importantly, the absence of a complaint should not be interpreted as the absence of discrimination. When people lose confidence that complaints will be understood, acted upon or resolved effectively, they may disengage from the system altogether. In those circumstances, discrimination and rights breaches become less visible, not because they have stopped occurring, but because the people affected no longer believe there is a realistic pathway to redress.

Accessible by design

Complaint systems are often designed, implicitly, for people who speak and read English fluently, understand legal and government processes, can complete written forms, feel confident engaging with authorities and can advocate for themselves. For many people from CALD backgrounds with disability, these assumptions create barriers before a complaint is even lodged.

Complaint and human rights processes should be accessible by design. Individual adjustments provided on request remain important, but they place the onus on the person to know that an adjustment is available, to ask for it and to explain why it is needed. Processes at the QHRC and within public entities should therefore include: qualified interpreters at every stage; Easy English, translated and culturally appropriate information about how to make a complaint and what happens next; multiple ways to make a complaint, including oral, online and assisted complaints; accessible information for people with intellectual or cognitive disability and people with low literacy; and processes that are flexible, trauma-informed and culturally responsive.

The Discussion Paper notes that complainants are increasingly using generative AI tools. For people with limited English or disability-related communication needs, AI can be an accessibility tool, and any response to AI-assisted complaints should not make the process harder for them. AI also carries particular risks for these complainants: a machine-drafted or machine-translated complaint may misstate what happened, and the complaint may then be refused as misconceived. Human help to put a complaint in writing, with an interpreter where needed, remains essential. If the QHRC uses AI in its own complaint handling, its approach should be assessed under the Queensland Government's Artificial Intelligence Governance Policy and against the QHRC's own obligations under the HRA, noting that the policy does not expressly address human rights.[7]

Independent policy voice, engagement and data (A12–A17)

The QHRC should be able to provide early advice to government on proposed laws and policies while retaining the ability to comment publicly. Early engagement and public independence are complementary. Advice before a Bill is introduced may prevent rights-incompatible provisions; public submissions remain important where concerns have not been resolved.

Community engagement should be co-designed and delivered through trusted organisations, in community languages and accessible formats.[8]

[7] Queensland Government, Discussion Paper (n 5) 7 [39]; Queensland Government, *Artificial Intelligence Governance Policy* (September 2024).
[8] This is wholly consistent with the *Queensland Disability Stakeholder Engagement and Co-Design Strategy (SEC Strategy)*, which guides the way in which Queensland Government is implementing disability reform in partnership with people with disability, their families and sector stakeholders.

AMPARO Advocacy's *Inclusive Engagement Framework*[9] demonstrates how governments, public entities and community organisations can engage effectively with people from CALD backgrounds with disability. The Framework was developed in recognition that standard consultation approaches often fail to reach people who experience language barriers, disability-related barriers and other forms of exclusion. It provides practical guidance on co-design, accessibility, communication, cultural responsiveness and meaningful participation. AMPARO Advocacy recommends that the QHRC consider these principles in its education, engagement and consultation activities.

AMPARO Advocacy supports an inclusive engagement model informed by the QHRC's Yirmba First Nations Unit, while recognising that CALD disability communities require their own expertise and partnerships. AMPARO Advocacy notes the valuable role of the Unit in providing specialised engagement and expertise. While the experiences of First Nations peoples are distinct and arise from unique historical, cultural and legal circumstances, the existence of a specialist function recognises that some communities face barriers that cannot be adequately addressed through generic engagement approaches.

People from CALD backgrounds with disability face their own distinct barriers, including language barriers, migration experiences, culturally specific understandings of disability, and chronic underrepresentation in complaints and consultation processes. The Commission should strengthen its specialist CALD capability and establish more structured and ongoing engagement mechanisms with people from CALD backgrounds with disability to inform its education, engagement, complaints and policy functions.

AMPARO Advocacy's experience working with the Queensland Human Rights Commission's education and engagement activities illustrates the importance of co-design with people from CALD backgrounds with disability. In preparation for human rights training delivered to people from CALD backgrounds with disability and family members in 2024, AMPARO Advocacy worked with the Commission to review training materials and individual story examples. While the sessions were well received, there were limited examples within the existing materials that reflected the lived experiences of people from CALD backgrounds with disability. This highlighted a broader challenge: if CALD disability perspectives are not embedded in training, education and engagement resources, people from CALD backgrounds with disability risk remaining invisible within human rights education, policy development and community engagement activities.

Following the training, the Commission approached AMPARO Advocacy about bringing together people from CALD backgrounds with disability and family members to help inform the development of future education materials. AMPARO Advocacy welcomed this initiative as an opportunity for genuine co-design. However, the consultation was subsequently put on hold due to competing priorities and workload pressures within the Commission.

This experience demonstrates both the value and the challenge of meaningful engagement. The issue is not a lack of goodwill or recognition of the need for improvement. Rather, it highlights the importance of ensuring the Commission is sufficiently resourced and equipped to undertake sustained engagement with communities that are often underrepresented in complaints, consultation and policy processes. It also demonstrates that meaningful inclusion requires more than consultation opportunities alone. Without ongoing investment in cultural capability, disability inclusion and co-design, people from CALD backgrounds with disability may continue to be overlooked in education materials, engagement activities and broader human rights discussions.

[9] AMPARO Advocacy Inclusive Engagement Framework - https://www.amparo.org.au/inclusive-engagement-framework/

The absence of CALD disability perspectives in consultation, education and complaints processes should not be interpreted as evidence that barriers do not exist. More often, it reflects barriers to participation, engagement and access.

Complaint data should be capable of showing not only who complains, but who is absent. The QHRC should collect and report appropriately disaggregated data on disability, language, interpreter use and combined attributes, with privacy safeguards. Low complaint numbers from a community should prompt investigation of access barriers and targeted outreach with trusted community organisations, not an assumption that discrimination is uncommon.

First complaints to public entities (A24–A25)

AMPARO Advocacy supports retaining the general expectation that a person first raises a human rights complaint with the relevant public entity. Early resolution can be valuable and gives an agency the opportunity to correct a decision. However, there must be a meaningful discretion for the QHRC to waive this step. The Discussion Paper itself recognises that a complainant may fear recrimination or reprisal.[10]

Waiver should be available where a person depends on the relevant agency for an essential service, fears a reduction or withdrawal of support, cannot communicate effectively with the agency, has been unable to access an interpreter or accessible complaint pathway, faces urgent harm, or where it would otherwise be unreasonable to insist on the preliminary step. Public entities' complaints systems should be required to accept complaints orally, provide interpreters and accessible information, and identify human rights issues even where a person does not use legal language.

On the 45-business day timeframe (A25), AMPARO Advocacy considers the period is reasonable as a maximum, provided the QHRC retains its discretion to accept a complaint earlier where waiting would cause harm, and that where a complaint engages more than one complaints framework the processes are coordinated so the person does not face consecutive waiting periods.

How a complaint is made (A26–A27)

AMPARO Advocacy opposes a prescribed mandatory form. A rigid form may help administration, but it can prevent people from reaching the merits of their complaint. AMPARO Advocacy supports *Building Belonging* Recommendations 7.1 and 7.3: the QHRC should provide reasonable help to put a complaint in writing, and a staff member who helps formulate the complaint should not later conduct the conciliation. However, AMPARO Advocacy would go further than Recommendation 7.2, which would permit oral complaints only in exceptional circumstances. Oral complaints should be accepted where language, literacy or disability makes writing a barrier.[11]

Reasonable help must include access to an accredited interpreter and communication support. A verbal complaint should not be confined to "exceptional circumstances". If written English is the barrier, requiring a person to prove exceptionality before receiving an accessible process simply recreates the barrier.

Intake processes should also allow a person to describe discrimination involving more than one attribute in their own words, rather than requiring them to select a single ground, and

[10] Queensland Government, Discussion Paper (n 5) 20–21 [135]-[137].
[11] Building Belonging (n3) recommendation 7.

complaints involving multiple attributes should be assessed as a whole. Assistance for self-represented complainants should extend beyond lodgement to understanding the process, gathering evidence and preparing for conciliation, recognising that difficulty obtaining evidence is a common reason people do not pursue a complaint.

Advocates, representatives and group complaints (A18-A19, A23, A31)

Queensland law should clearly recognise a person's right to be accompanied and supported by an independent social advocate from the first contact through conciliation. An advocate may help a person understand options, organise evidence, prepare for meetings, ensure an interpreter is present, and communicate the person's own views. This is distinct from legal representation and from substituted decision-making by a guardian. Requiring the Commissioner's permission, as the Draft Anti-Discrimination Bill 2024 would continue to do for representation at conciliation conferences, creates unnecessary uncertainty for people who cannot participate effectively without support and no-cost social advocacy supports provided by one of Queensland's independent social disability advocacy organisations.[12]

AMPARO Advocacy supports representative human rights complaints by organisations on behalf of a group or class. Systemic conduct often affects many people in the same way, but an individual may carry unacceptable personal and service-related risk by being identified as the complainant. Representative complaints can reduce duplication, expose patterns (including institutional racism and discrimination) and enable structural remedies while preserving safeguards for affected people.

Time limits, referrals and conciliation (A21, A29–A31)

AMPARO Advocacy supports a two-year period for both discrimination and human rights complaints, with discretion to accept later complaints where there is good reason and it is in the interests of justice. Time should not run while a person is waiting for the mandatory response from a public entity, and for children it should commence when they turn 18 years of age. Trauma, illness (including poor mental health), disability, periods of impaired decision-making capacity, language barriers, migration circumstances, social isolation and marginalisation (for example, where a person living in a Supported Independent Living (SIL) arrangement has little contact with anyone outside their service), and difficulty obtaining advocacy are relevant reasons for delay.

The Review's preliminary view is that requiring the complainant's consent to a referral may be overly burdensome, because the QHRC is best placed to determine the appropriate pathway. AMPARO Advocacy respectfully disagrees. The QHRC's expertise is best used to explain the options and recommend a pathway, but the decision should rest with the person who will live with its consequences.[13]

Complainant consent should remain necessary before the QHRC sends a complaint to another body, including the NDIS Quality and Safeguards Commission. Different systems offer different processes and remedies, and a referral may involve sensitive (including culturally sensitive) information. The QHRC should explain the options in an accessible way, coordinate with relevant bodies and avoid sending people from one "wrong door" to another, but the person should retain agency over the pathway selected.

AMPARO Advocacy supports a statutory duty to ensure conciliation does not disadvantage a participant. The proposed power to dismiss a complaint or award costs for non-attendance

[12] Queensland Government, Discussion Paper (n 5) 18 [119].
[13] Queensland Government, Discussion Paper (n 5) 22 [144].

should not operate where disability, ill health (including poor mental health), impaired decision-making capacity, interpreter availability, trauma, fear, communication failure or social isolation (for example, for a person living in a SIL arrangement) affected attendance. The QHRC should first make reasonable efforts to identify and address the reason, including rescheduling, arranging an interpreter, using separate sessions, or enabling remote participation or connecting the person with an independent advocate.

AMPARO Advocacy supports aligning the ADA complaints framework with the Draft Anti-Discrimination Bill 2024, including the duty to give reasonable help to put a complaint in writing, a two-year period to make a complaint, more flexible forms of dispute resolution than conciliation alone, and a target of finishing complaints within 12 months. Two further changes are needed. First, out-of-time complaints should be accepted where there is good reason and it is in the interests of justice, not only in exceptional circumstances. Second, the 12-month target should not be met by automatically dismissing complaints from people who need more time, an interpreter, and/or a social advocate in order to participate.[14] This is frequently the experience of people from CALD backgrounds with disability. Where complaints are automatically dismissed for this cohort, there is a real risk that natural justice and procedural fairness cannot and will not be applied.

Outcomes and remedies (A32, B13)

An unresolved human rights complaint currently ends with a QHRC report that may recommend action, but the respondent is not required to respond or act. AMPARO Advocacy supports the Discussion Paper's proposal for public entities to respond to recommendations and report what action they have taken at minimum. However, transparency and words on paper alone are not a substitute for a remedy.[15]

Unresolved human rights complaints should be capable of referral to QCAT, as discrimination complaints can be. QCAT is generally more accessible and less formal than Supreme Court litigation and can arrange interpreters. Available remedies should respond to the harm and prevent repetition. They should include decision reviews, provision of interpreters or reasonable accommodation, changes to policies or practices, declarations, injunctions and compensation. Without remedies with real, hard and practical consequences, people may undertake a demanding complaints process without any change to the decision or system that affected them. Ultimately, lack of a compelling remedy undermines the application of human rights law and the commitment to embedding and growing a human rights culture among public entities in Queensland.

For many people from CALD backgrounds with disability, the most important outcome is not compensation alone, but meaningful change. Remedies, whether agreed at conciliation, recommended by the QHRC or ordered by QCAT, should address the underlying causes of discrimination as well as the individual harm. Depending on the circumstances, effective remedies may include apologies, changes to policies and communication practices, accessibility improvements, provision of translated information, staff training, implementation of human rights action plans, and ongoing monitoring and reporting. Where complaints reveal a broader pattern of discrimination, decision-makers should have greater capacity to recommend or require systemic change (see Systemic investigations below). Agreed outcomes also need to be followed through. At present, enforcing a conciliation agreement that is not honoured largely depends on the complainant taking further action. The QHRC

[14] Queensland Government, Discussion Paper (n 5) 17–18 [110]–[121].
[15] Queensland Government, Discussion Paper (n 5) 24-25 [149]-[152].

should be able to monitor agreed actions and act on non-compliance, so that the burden does not fall back on the person who complained.

PART B – Further Review of the *Human Rights Act 2019*

Indivisible and interdependent rights (B16)

The CRPD reaffirms that all human rights are universal, indivisible, interdependent and interrelated. In practice, access to health services may depend on communication; participation may depend on accessible information and support; equality may depend on freedom from discrimination; and access to justice may depend on language access, advocacy and procedural fairness.

This principle should shape both legislation and implementation. Public entities should identify all relevant rights and consider their combined effect. The *Human Rights Act 2019* definition of discrimination should not be made exhaustive in a way that locks outdated or narrower *Anti-Discrimination Act 1991* concepts into the human rights framework. Because the *Human Rights Act 2019* defines discrimination by reference to the *Anti-Discrimination Act 1991's* protected attributes, an exhaustive definition would carry the term "impairment", and the medical model of disability it reflects, directly into the *Human Rights Act 2019*. The legislation should remain capable of responding to discrimination as understood under international human rights law and the CRPD.

AMPARO Advocacy emphasises that the content and language of the *Anti-Discrimination Act 1991* are outdated. It is a product of its time. The content and language of a revised *Anti-Discrimination Act* should and must be consistent and compatible with other Queensland law, as well as reflect Australia's broader commitments under international human rights law – much of which has been domesticated in Queensland through the *Human Rights Act 2019*, including the CRPD. From a disability rights perspective, the deficit language and framing of the "impairment" attribute in section 7(h) of the *Anti-Discrimination Act 1991* are improper. They are incompatible and inconsistent with the content of the CRPD, to which Australia is a party, as considered and highlighted in the Explanatory Note to the Queensland Human Rights Bill 2018.[16] The definition of the impairment attribute is grounded in the disempowering biomedical model of health and disability. In the years since the introduction of the *Anti-Discrimination Act 1991*, both health rights and disability rights scholarship and jurisprudence have markedly shifted away from this model and have indeed explicitly sought to redress its use. People with disability and disability rights advocates in Queensland and around the world have likewise sought to redress its use.[17]

Accessible government information and services (B2)

AMPARO Advocacy supports an additional right to access government information and services in accessible formats, including in a person's own language. The Review's Terms of Reference require it to consider whether rights under the CRPD should be included in the *Human Rights Act 2019*, and this right draws directly on CRPD articles 9 and 21.[18] The First Review recommended further investigation of this right, but Queensland has no comprehensive and explicit language-access legislation. The *Human Rights Act 2019*

[16] Human Rights Bill 2018 Explanatory Notes.
[17] CE Brolan et al (2011) The right to health of Australians with intellectual disability. *Australian Journal of Human Rights* 17(2):1-32; CE Brolan (2016) A Word of Caution: Human Rights, Disability, and Implementation of the Post-2015 Sustainable Development Goals. *Laws* 5:22.
[18] Queensland Government, Discussion Paper (n 5) 26 [154](a)(iii).

expressly guarantees a free interpreter in specified criminal proceedings but does not expressly establish a general right to language access when dealing with government.[19]

A right framed with reference to CRPD articles 9 and 21 would support accessible formats, community-language information, interpreters and communication assistance across public services. It would not mean every document must be translated into every language. It would require reasonable, proportionate steps so people can understand and use essential information and services on an equal basis.

AMPARO Advocacy notes that the Queensland Government did not accept the First Review's recommendation, and that the Review has suggested some concerns may be better addressed through specific legislation than through a broadly stated right. AMPARO Advocacy would support either approach, provided it creates enforceable obligations on public entities to provide qualified interpreters, translated and accessible information, and communication assistance. With Brisbane hosting the 2032 Olympic and Paralympic Games, enforceable language access obligations would also position Queensland's public entities to demonstrate best practice in serving a linguistically diverse population and the many international visitors the Games will bring. **What should not continue is the current position, in which language access in dealings with government rests on policy rather than law.**[20] The Queensland Language Services Policy sets clear expectations, including that qualified interpreters be provided and that family members not be used as interpreters except in urgent, life-threatening situations. Thus, when language protections are in policy form, they cannot be enforced by the people they are meant to protect.[21] Of course, it is wholly arguable that a Queenslander from a CALD background with disability (notably psychosocial disability), presenting with limited English, cannot provide "full, free and informed consent" when "subjected to medical or scientific experimentation or treatment" under section 17(c) of the *Human Rights Act 2019* without an interpreter.

Health services and informed consent (B2, B21)

AMPARO Advocacy supports the continued protection of section 37 but notes that the right to access health services without discrimination is narrower than the broader right to the highest attainable standard of health under article 12 of the International Covenant on Economic, Social and Cultural Rights and article 25 of the CRPD.[22]

For people from CALD backgrounds with disability, a service is not accessible merely because it exists. Without effective interpretation and accessible communication, a person may be unable to explain symptoms, understand a diagnosis or treatment, ask questions, manage medication or participate in follow-up care. Family members should not be used as substitutes for qualified interpreters where information is complex or sensitive or consent is required.

As highlighted above, section 17(c) of the *Human Rights Act 2019* protects people from medical treatment without full, free and informed consent. Consent is not informed where information is not communicated in a language and format the person can understand. This is also relevant where restrictive practices are proposed or authorised. The QHRC should issue practical guidance, co-designed with people from CALD backgrounds with disability and

[19] Human Rights Act 2019 (Qld) s 32(2)(f); Queensland Government, Discussion Paper (n 5) 28 [163]-[167].
[20] Queensland Government, Discussion Paper (n 5) 28 [164], [167].
[21] AMPARO Advocacy, Submission to the Department of Justice, *Accessible Queensland Courts and Tribunals Consultation Paper* (May 2026) 6–7.
[22] International Covenant on Economic, Social and Cultural Rights, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976) art 12; CRPD art 25.

specialist organisations, on interpreters, accessible information, supported communication, privacy, consent and culturally responsive care.

Prevention before complaint: retain the procedural limb (B12)

AMPARO Advocacy strongly supports retention of section 58(1)(b), which makes it unlawful for a public entity to fail to give proper consideration to a relevant human right when making a decision. For people who are unlikely to complain, this preventive obligation may be the part of the Human Rights Act that has the greatest practical effect. It asks decision-makers to consider culture, language, disability, family and communication needs before harm occurs.[23]

The distinction between the procedural and substantive limbs is important. A decision may ultimately be judged compatible with human rights while still having been made without the person's circumstances being properly understood. The process of identifying relevant rights can expose missing information and lead to a different, less restrictive or more accessible option before the decision is finalised.

The Review notes concerns about workload, but it also accepts that case law does not require exhaustive documentation and that the procedural limb has assisted in building a human rights culture within public entities. The appropriate response is clearer guidance on proportionate consideration, not repeal of the procedural limb altogether. Surely, the protection and promotion of Queenslanders' fundamental human dignity override 'workload'. Guidance can distinguish routine low-risk decisions from decisions with serious or irreversible consequences, while preserving a record of what was considered and one of the most useful accountability questions available to advocates: 'Have you considered my client's human rights?'[24]

Courts, tribunals and functional public entities (B17-B18)

Courts and tribunals should continue to be treated as public entities when acting administratively, including through registries, listing and scheduling processes, interpreter arrangements and accessibility adjustments. These functions directly affect whether a person can participate in proceedings. Removing human rights obligations from administrative functions would weaken the basis for accessible court and tribunal processes, proper process, natural justice and procedural fairness. Certainly, there is a further argument that such removal would weaken the Rule of Law as applied in Queensland.

AMPARO Advocacy's May 2026 submission to the Department of Justice on accessible courts and tribunals sets out what this means in practice for people from CALD backgrounds with disability: accredited interpreters as a core access support, translated and accessible information across the whole justice journey, and proactive identification of access needs rather than reliance on self-disclosure. Much of that work is administrative, and the *Human Rights Act 2019's* obligations are part of what underpins it.[25]

The *Human Rights Act 2019* should also make clear that non-government organisations delivering public services can be functional public entities. This includes disability service providers performing publicly funded functions. Whether a person's human rights are protected should not depend on whether government delivers a service directly or contracts another organisation to deliver it.

[23] Human Rights Act 2019 (Qld) s 58(1)(b).
[24] Queensland Government, Discussion Paper (n 5) 38 [230]-[233].
[25] AMPARO Advocacy, *Accessible Queensland Courts and Tribunals* (n 17) 4–10.

Further review of the Human Rights Act (B20)

AMPARO Advocacy agrees with the Review's preliminary view that a further review of the *Human Rights Act 2019* within five years is appropriate. That review should specifically evaluate whether the *Human Rights Act 2019* is working for people who face the greatest barriers to using it, including people from CALD backgrounds with disability, drawing on the disaggregated complaints data recommended above and on direct engagement with affected communities in their own languages.[26]

Align Queensland law with the CRPD

Disability language and definition (C6, C20)

AMPARO Advocacy strongly recommends replacing the protected attribute of "impairment" with "disability" but considers reform should go beyond changing the label. The current Anti-Discrimination Act 1991 definition uses deficit-based concepts including "malfunction", "malformation", "disfigurement" and "learning more slowly". This reflects a medical model focused on what is "wrong" with an individual, rather than the barriers they face. Under the medical model, a health condition or disability is treated as a medical 'problem' within the individual – a "state of disease" or bodily "malformation" or "malfunction", implicitly requiring segregation and medical intervention for so-called 'normalisation'. The continued use of this type of improper language about disability in Queensland anti-discrimination law in 2026 leads AMPARO Advocacy to query whether our state's dark history, lessons, learnings and recommendations with regard to people with disability, highlighted in the landmark Carter Report of 2006, have been cogently understood by contemporary Queensland decision makers.[27] This continued use is repugnant and wholly inconsistent with the CRPD.

The Review's preliminary view is that the gaps in protection identified by *Building Belonging* have been filled or, to the extent any remain, are not significant. AMPARO Advocacy respectfully considers this frames the issue too narrowly. The question is not only whether a person falls within the definition, but whether the law describes disability in a way that people can recognise themselves in, and that reflects the understanding of disability Australia has accepted under the CRPD.[28] Specific gaps identified by *Building Belonging* also remain. For example, reliance on assistance animals other than dogs is not covered, and coverage of people who experience addiction is unclear.[29]

The CRPD recognises that disability is an evolving concept arising from the interaction between people with impairments and attitudinal and environmental barriers that hinder full and effective participation on an equal basis with others. Queensland's definition should reflect that interaction. Aligning only with the federal Disability Discrimination Act, as recommended in *Building Belonging* (Recommendations 21.1 and 21.2), would modernise terminology but retain a definition centred largely on loss of bodily or mental function.[30]

This matters for people from CALD backgrounds. Disability may be understood differently across languages and cultures, and some disability terms carry stigma, shame or a sense of permanent deficit. Deficit-based legal language can reinforce stigma and discrimination and may make it harder for people to recognise themselves

[26] Queensland Government, Discussion Paper (n 5) 47 [293].
[27] Hon W.J. Carter Q.C. (July 2006) Report to Honourable Warrant Pitt M.P. Minister for Communities Disability Services and Seniors | Challenging Behaviour and Disability A Targeted Response.
[28] Queensland Government, Discussion Paper (n 54) 60 [375]–[376].
[29] *Building Belonging* (n 3) 266, recommendations 21.3–21.4.
[30] CRPD, preamble para (e) and art 1.

as rights-holders, which hinders their ability to come forward. Consistent language should be used throughout the *Anti-Discrimination Act 1991* and *Human Rights Act 2019*, including in vilification protections. Any amendment must preserve or expand, not narrow, the existing scope of protection.

PART C – Review of the Respect at Work Act

Complete anti-discrimination reform

AMPARO Advocacy urges the Queensland Government to complete the whole-of-Act reform recommended through *Building Belonging* rather than continue with piecemeal amendment. The current review should not reverse reforms that respond to documented barriers to justice simply because their operation will require guidance, resourcing or adjustment.

Substantive equality and reasonable accommodation (C1)

Treating everyone the same does not produce equality where people begin from different positions or require disability and language-related adjustments. If "equitable outcomes" is not retained, the objects of the *Anti-Discrimination Act 1991* should expressly refer to the progressive realisation of substantive equality, as recommended by *Building Belonging*.[31]

The *Anti-Discrimination Act 1991* should also include a clear standalone duty to make reasonable accommodations across all areas. *Building Belonging* recommended this duty (Recommendation 5.1), but the Discussion Paper does not address it. Under the CRPD, denial of reasonable accommodation is discrimination. The assessment should consider the consequences for the person if the accommodation is not provided, as well as cost, practicality and the circumstances of the duty holder. Interpreters, accessible information, adjusted communication and flexible processes are examples that may be essential to equal participation.[32]

Irrelevant medical record (C6)

AMPARO Advocacy does not share the Review's preliminary view that the attribute of irrelevant medical record should not proceed. The attribute may provide useful protection where historic or unrelated medical information is used to make assumptions about a person. It should be drafted clearly to preserve the ability to consider information genuinely relevant to the decision while preventing broad or speculative use of disability and health history.[33]

Combined grounds (C7)

AMPARO Advocacy strongly supports protection against discrimination arising from a combination of attributes. People do not experience race or ethnic origin, disability, language, migration status, gender, religion, or homelessness as neatly separable categories. The law should recognise the combined effect of two or more attributes and should not require a complainant to artificially divide one experience into separate claims.

The Review's preliminary view is that an undefined combined-grounds attribute may be problematic, and that proposed new section 8(2) may offer sufficient protection on its own. AMPARO Advocacy supports retaining both. The Explanatory Notes make clear that the attribute was intended to capture both intersectional discrimination, arising from a combination of attributes, and cumulative discrimination on two or more distinct grounds.[34] Section 8(2) is an important clarification, but a standalone attribute makes clear on the face of the Act that a combination of attributes is itself a protected ground. This matters for people who will never read the legislation but rely on what flows from it: complaint forms, guidance, and the questions an intake officer asks. Concerns about the scope of the attribute are better addressed through

[31] Building Belonging (n 3) recommendation 2.3.
[32] CRPD arts 2 and 5(3).
[33] Queensland Government, Discussion Paper (n 4) 60 [376](b).
[34] Explanatory Notes, Amendments during consideration in detail, *Respect at Work and Other Matters Amendment Bill 2024* (Qld) 7, 10–11.

QHRC guidelines than by removing it. If the Review does not support the attribute, section 8(2) should at a minimum be retained, and complaints processes should be designed so that experiences involving more than one attribute can be easily described and assessed.[35]

Housing and living independently in the community (B2, C8)

AMPARO Advocacy supports recognising a right to adequate housing and the right of people with disability to live independently and be included in the community, consistent with CRPD article 19. It also supports retaining homelessness as a protected attribute. Homelessness must not be interpreted as visible rooflessness only. People may live in overcrowded, unstable, informal or unsafe arrangements, including housing that is inaccessible or unsafe for their disability-related needs.

If the statutory definition of homelessness is removed, guidance should ensure the attribute is not narrowed. It should recognise culturally diverse household arrangements and intersections with disability, language barriers, migration experiences and social exclusion.

The individual story below demonstrates how rights relating to housing, health, equality and community participation frequently intersect in practice for people from CALD backgrounds with disability.

Individual Story: Falling between disability, health and community care systems

AMPARO Advocacy supported a woman from a refugee background with disability who lives with multiple chronic health conditions, mobility limitations, vision impairment, cognitive decline and significant support needs. She was the sole parent caring for dependent children and had no reliable informal support network available to assist her.

Her disabilities and health conditions substantially limited her ability to undertake everyday activities such as shopping, meal preparation and maintaining her home. These circumstances contributed to repeated hospital presentations, housing-related difficulties and an escalating risk of homelessness.

Despite her significant functional impairment, she was ineligible for the NDIS, not eligible for My Aged Care, and was assessed as requiring supports beyond the scope of Queensland's Community Support Scheme (QCSS).

The result was not that support was inadequate. The result was that no service system accepted responsibility for providing it.

This example demonstrates a broader systemic issue affecting some Queenslanders with disability and complex health conditions whose support needs fall between disability, health, housing and community care systems. While individual agencies may correctly apply their eligibility criteria, the cumulative effect can leave a person without access to the practical supports necessary to live safely and with dignity in the community.

For people from culturally and linguistically diverse backgrounds, these risks may be compounded by language barriers, limited access to advocacy, reduced informal support networks and the complexity of navigating multiple service systems.

The issue is not simply access to a particular program. It is whether Queensland's legal and policy frameworks adequately protect people whose circumstances sit across multiple systems.

This example also illustrates why preventative consideration of human rights remains important. Individual decisions may appear reasonable when assessed against the rules of a particular program. However, unless decision-makers consider the cumulative impact of those decisions

[35] Queensland Government, Discussion Paper (n 5) 61 [377] – [382].

across systems, people may be left without practical access to the supports necessary to live safely, independently and with dignity in the community.

This example illustrates how an individual can experience significant disadvantage, housing instability and exclusion from community participation despite interacting appropriately with multiple government and community services. It further demonstrates the indivisibility and interdependence of human rights in practice: access to housing, health, equality, family life, community participation and independent living cannot be considered in isolation.

This situation raises an important human rights question: What happens when every system identifies need, but no system accepts responsibility?

While individual decisions may comply with program requirements, the cumulative effect can leave a person without the practical supports necessary to exercise their human rights on an equal basis with others. In those circumstances, vulnerability is not created by a single decision but by the interaction of multiple systems, each operating within its own boundaries but collectively failing to protect the person's dignity, inclusion and ability to live independently in the community.

Other attributes and protections (C8–C9, C20)

AMPARO Advocacy supports retaining homelessness and undefined family, carer or kinship responsibilities (*Building Belonging* Recommendation 26.1) so the law can reflect extended and culturally diverse family arrangements. It supports protection from vilification on the ground of disability, using the modernised term “disability” rather than “impairment”.

AMPARO Advocacy also supports *Building Belonging* Recommendation 25, which would add ‘immigration or migration status’ to the non-exhaustive definition of race. Discrimination because a person is a migrant, refugee, temporary visa holder or has another immigration status is not always recognised as race discrimination unless the Act says so expressly. This is particularly important where immigration status intersects with disability and dependence on services.

Definitions of direct and indirect discrimination (C10)

AMPARO Advocacy supports the proposed definitions of direct and indirect discrimination, which remove technical comparator and proportionality barriers and focus attention on unfavourable treatment, disadvantage and reasonableness.

Burden of proof (C11)

It also supports a shifting burden of proof once a complainant establishes facts from which discrimination could be inferred. The respondent usually holds the evidence explaining why a decision was made. The initial threshold should remain meaningful, but it should not require the complainant to prove matters known only to the respondent.[36]

Positive duties and systemic enforcement

Commence the positive duty (C12–C14)

AMPARO Advocacy supports the positive duty requiring organisations to take reasonable and proportionate steps to prevent discrimination and other prohibited conduct before it occurs. This reform is particularly important for people who are unlikely to complain. The Discussion Paper describes the purpose of a positive duty as shifting responsibility from complainants to

[36] Queensland Government, Discussion Paper (n 5) 64-67 [402]-[421].

employers and organisations to prevent unlawful conduct. That is precisely why the duty should proceed.[37]

We submit that implementation should be staged and supported but not indefinitely delayed. The Review's preliminary view is that implementation should be further delayed. AMPARO Advocacy considers that staged commencement addresses the concerns raised without postponing protection for the people least likely to complain.[38] Guidance and education functions may commence first, followed by compliance powers. Requirements should be proportionate to the nature, size and resources of the duty holder. The QHRC's complaint resolution and regulatory functions should be structurally separated, with clear safeguards for impartiality. New responsibilities must receive dedicated, protected funding rather than being absorbed into existing complaints and education budgets.

Systemic investigations (C15–C17)

AMPARO Advocacy strongly supports an own-motion power for the QHRC to investigate systemic discrimination where conduct affects a group and is continuous or repetitive or forms a pattern. Ministerial approval should not be required. Under the current Act, the Commissioner may initiate an investigation into a possible contravention affecting a group only where the matter is of public concern and the Minister agrees, and the QHRC does not currently exercise its function to investigate systemic issues.[39] We submit that requiring approval compromises the Commission's independence and prevents timely investigation of issues involving government policy or services.

Following an investigation, the QHRC should be able to publish findings and recommendations, accept enforceable undertakings, issue compliance notices where authorised, and monitor implementation. Public reporting should protect personal information and provide procedural fairness to affected organisations. Through public reporting, the purpose should be to change systems, not simply produce a report that can be ignored.

Accessibility of the Review process

AMPARO Advocacy notes the consultation period is short for a complex review spanning three, important legislative frameworks. The Discussion Paper asks for submissions in writing and directs people requiring interpretation to 13 QGOV. AMPARO Advocacy acknowledges that the Review has also invited people who need assistance to make a submission other than in writing to contact it. These arrangements are unlikely, by themselves, to enable meaningful participation by people with limited English proficiency, limited literacy or disability-related communication requirements.[40]

Future consultation stages should provide translated summaries of the issues, Easy Read and accessible formats, direct interpreter-booking pathways, options for oral and in-language submissions, and engagement facilitated by bicultural workers and trusted community organisations. Consultation periods should allow time for information to be explained, discussed and considered. Accessibility must be part of consultation design, not only an aspiration for the eventual law.

[37] Ibid 68 [422]-[425].
[38] Queensland Government, Discussion Paper (n 54) 72 [450].
[39] Queensland Government, Discussion Paper (n 5) 8–9 [47], [52], 76–77 [478]–[484].
[40] Ibid i, 3 [13]-[18].

5. Closing

AMPARO Advocacy supports a strong and effective human rights and anti-discrimination framework that protects the rights of all Queenslanders.

This Review provides a significant opportunity to ensure Queensland's framework reflects contemporary disability rights principles and Australia's obligations under the CRPD. This includes modernising disability language, recognising people with disability as rights-holders and addressing the barriers that prevent full and equal participation.

Queensland's human rights and anti-discrimination framework should be judged by whether it protects people who are least able to activate it.

For people from CALD backgrounds with disability, formal rights will not be effective if information is inaccessible, complaints handling documentation is written in complex English, advocacy support is uncertain, agencies are not required to consider rights before deciding, and unresolved complaints do not lead to a practical remedy.

AMPARO Advocacy supports a strong, preventive and enforceable framework. This requires accessible complaints and remedies, retention of the procedural limb, completion of anti-discrimination reform, CRPD-aligned disability concepts, a positive duty to prevent discrimination, systemic investigation powers and sustained engagement in community languages.

As a specialist advocacy organisation working alongside people from culturally and linguistically diverse backgrounds with disability, AMPARO Advocacy would welcome the opportunity to further discuss the issues raised in this submission.

Please contact AMPARO Advocacy on (07) 3354 4900 or info@amparo.org.au if you would like to discuss this submission or explore opportunities for ongoing engagement with CALD communities as the reforms progress.

Kind regards



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