

# SUBMISSION

**TO | Social Development Committee**

via email: [sdcc@parliament.sa.gov.au](mailto:sdcc@parliament.sa.gov.au)

**TOPIC | Inquiry into the potential for a Human Rights Act in South Australia**

**DATE | 23 February 2024**

## CONTACT

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# Uniting Communities Submission to the inquiry into the potential for a Human's Rights Act in South Australia

We welcome the opportunity to provide a submission to the Social Development Committee on the potential for a Human Rights Act in South Australia. We understand the importance of consulting directly with the community about these issues, especially those that may be impacted by any legislation and those organisations that provide support to those impacted.

We believe a Human Rights Act should be implemented in South Australia because everyone should be treated equitably regardless of their age, gender, cultural background, political beliefs, religion, or other characteristics.

On International Human Rights Day 10 December 2022, the Rights Resource Network joined with the Australian Lawyers for Human Rights and the South Australian Council for Social Services to issue a [Joint Statement calling for an inquiry into a Human Rights Framework for South Australia](#), Uniting Communities was a signatory to this statement alongside over 150 organisations.

We recognise that there is currently a lack of accountability when it comes to Australia's international human rights agreement obligations. We believe that any South Australian-based Human Rights Act should be as tangible and practical as possible.

However, we believe that this legislation must also have enabling focus, rather than a punitive one. At Uniting Communities, we believe that any legislation to establish a Human Rights Act must act as a lens to influence government priorities – keeping them accountable on a range of subjects where vulnerable South Australians may have their rights breached, such as access to housing – and sit alongside reportable, tangible outcomes.

In making our submission on this issue, we acknowledge and recognise human rights violations across the world. We appreciate that many South Australians may already believe they possess innate human rights without this legislation, when compared to other nations and countries.

Even in South Australia, however, there is more to be done. We believe this legislation can play a vital role in keeping our governments accountable to elements of our community who are more likely to have their human rights denied.

## About us

Uniting Communities is an inclusive not-for-profit organisation working alongside more than 80,000 South Australians each year and have been creating positive change for South Australian communities for more than 120 years.

We help those in need find the courage to move forward through enriching their lives and uniting the communities in which they live. By tackling the deep-seated challenges that affect people's lives, we are working to create systemic change and brighter futures for all South Australians. We have a bold and unceasing commitment to social justice, advocating for change and improvement in the lives of those who need it most.

## Key recommendations:

1. A Human Rights Act is created in close consultation with the community and community services sector more broadly to ensure the legislation is comprehensive to create meaningful change.
2. That a Human Rights Act in SA is principally constructed as enabling legislation that focusses on influencing SA Government legislation and policy in a manner that requires attention to protecting and promoting the rights of all people
3. The Human Rights Act allows for dispute resolution, creating a mechanism for people to report and resolve issues that are in breach of the legislation.
4. That a Human Rights Act should include specific rights and sit alongside reportable outcomes insofar as practical.
5. A Human Rights Act should also include the rights of First Nations peoples and the rights of children as well as economic, social, cultural, civil and political rights.
6. That a commitment is made to appropriately resourcing and fund the implementation of this legislation as well as adopting it across government departments and ministerial portfolios.
7. That any list of protected human rights, and all other components of a Human Rights Act, are *subject to regular parliamentary and community review* (for example, through the use of sunset clause or review provision)

## General Comments

### Dispute resolution

It is essential that there is an appropriate dispute resolution process in place for a Human Rights Act to work effectively. In the ACT, people can raise issues with the Human Rights Commission when community members believe their human rights have been breached by an ACT public authority. This involves raising those concerns with the Commission and use its free and accessible conciliation process to have those concerns addressed. This should work in harmony with other mechanisms enshrined in legislation to protect the rights and interests of those interacting with State Government entities (e.g. the State Ombudsman or Health and Community Services Complaints Commissioner and complaints bodies) so as to avoid duplication and overlap.

### Accountability

A dialogue model of protection could be considered to create accountability like in the *Human Rights Act 2019* in Queensland that requires that new laws must be introduced within a document called A Statement of Compatibility, which assesses the impact of the law on human rights and explains why the law is compatible with human rights.

## Conclusion

We would like to thank the Social Development Committee on their inquiry into the potential for a Human Rights Act in South Australia. We are supportive of a Human Rights Act in South Australia and would welcome further consultation with the community on any proposed legislation.