QPASTT Submission to the Review of Queensland's human rights and anti-discrimination framework

October 2026

Executive Summary

QPASTT welcomes the opportunity to contribute to Queensland's review of its human rights and anti-discrimination framework. Drawing on more than 30 years of specialist refugee trauma recovery practice, our submission considers how the Queensland Human Rights Commission's functions, the *Human Rights Act 2019* and Queensland's anti-discrimination protections can work together to prevent harm, make rights accessible and strengthen institutional accountability.

For people who have experienced persecution, torture and forced displacement, legal protections are particularly important when accessing healthcare, education, housing, employment and other essential services. Yet language and literacy barriers, unfamiliar institutions, previous experiences of oppression, insecure migration status and unequal power relationships can make it difficult to recognise discrimination or seek assistance. Many people experiencing harm will never appear in formal complaints statistics.

QPASTT strongly supports retaining the independence and broad functions of the Queensland Human Rights Commission. Its education, community engagement, guidance and preventative work are essential complements to complaint handling. Our experience of collaboration with the Commission, together with community-led rights education and professional networks, demonstrates the value of sustained relationships that build knowledge, strengthen community capability and enable coordinated responses to emerging human rights concerns. The Commission's effectiveness should therefore be assessed through its wider preventative contribution as well as the accessibility, fairness and efficiency of its complaints processes.

Our submission also draws on QPASTT's research and practitioner experience concerning racism and trauma recovery. For people rebuilding their lives following persecution and displacement, recurring racism and exclusion can compound earlier trauma, undermine safety and belonging, and discourage engagement with essential services. These consequences may extend well beyond an individual discriminatory incident. Accessible complaints and meaningful remedies remain important, but institutions must also be equipped and required to identify discrimination risks, learn from complaints and prevent recurring harm.

QPASTT encourages the Review to give particular consideration to the practical implementation of human rights obligations within public entities, consistent with Queensland's commitment to trauma-informed practice. We support workable preventative duties under the anti-discrimination framework, effective mechanisms for addressing systemic discrimination and further consideration of gaps in protection associated with visa or migration status, within Queensland's legislative competence.

Across the three parts of the Review, QPASTT recommends retaining and resourcing the Commission's preventative functions; improving access to rights education, advice and remedies; strengthening trauma-informed, culturally responsive and anti-racist institutional practice; supporting preventative obligations and systemic accountability; and considering gaps in protection affecting people facing discrimination associated with migration status.

Our central concern is that Queensland's human rights protections must be effective for people who face the greatest barriers to exercising them. QPASTT seeks a framework that provides meaningful redress, prevents discrimination and supports safety, dignity and participation.

QPASTT's specialist perspective and evidence base

Established in 1995, QPASTT provides specialist, culturally responsive trauma recovery services to people affected by torture, persecution and refugee-related trauma across Queensland. Our work spans counselling and advocacy, family and community support, therapeutic and wellbeing groups, training, research and systems advocacy. QPASTT's approach recognises that torture and trauma recovery involves restoring safety, dignity, agency and connection, including by addressing present-day discrimination and institutional barriers that can compound earlier experiences of trauma (Kaplan, 2020).

Each year, QPASTT supports more than 2,300 clients from over 90 countries of origin through individual, family and group work across Queensland. In 2025–26, 27% of our clients resided in regional Queensland.

Our workforce brings expertise across psychology, counselling, social work, community development, training and related disciplines, alongside significant lived experience of migration and forced displacement. Approximately 30% of QPASTT staff have lived experience of refugee displacement, while 60% have experienced migration and settlement and are active members of multicultural communities. In 2026, 76% of QPASTT's workforce comes from culturally and linguistically diverse backgrounds. This combination of professional and lived experience informs our understanding of the circumstances affecting the people and communities we support.

This submission draws on consultations with QPASTT staff, community leaders and active members, conducted through one-to-one interviews, focus group discussions, workshops and written feedback. Contributors brought professional expertise in counselling, training, community development and group facilitation. Consultation participants represented South East Queensland, Townsville, Cairns and Toowoomba and brought experience working with individuals, families and communities affected by forced migration, trauma, racism, discrimination and systemic disadvantage. While experiences differ across communities, consistent themes emerged concerning awareness of rights, barriers to accessing protections and complaints processes, and the effects of discrimination on safety, wellbeing and participation. These findings are complemented by QPASTT's 2026 research paper, *Racism: the wounds and the barriers — Evidence, lived experience and practice implications*.

QPASTT acknowledges the contributions to this Review of our peak bodies, the Queensland Alliance for Mental Health (QAMH) and the Ethnic Communities Council of Queensland (ECCQ). We support ECCQ's recommendations to improve accessible, culturally responsive complaints processes, strengthen community rights education, prevent discrimination and improve institutional accountability. Our submission complements these broader sector recommendations by drawing on QPASTT's specialist refugee trauma recovery experience and identifying the practical barriers faced by people affected by persecution, forced displacement, racism and exclusion.

This submission also draws on relevant recommendations from the first independent review of Queensland's *Human Rights Act 2019*, undertaken by Professor Susan Harris Rimmer. The report, *Placing People at the Heart of Policy* (2024), identified opportunities to strengthen rights education, public-sector capability, access to complaints processes and institutional accountability. QPASTT's evidence provides a specialist refugee trauma recovery perspective on several of these issues (Harris Rimmer, 2024).

QPASTT's perspective is also informed by its 2023 submission to the Australian Multicultural Framework Review, prepared with the Social Research Centre, which introduced the *Ladder of Multicultural Opportunity and Empowerment*. The framework describes a progression from cultural recognition and access towards social and economic participation, leadership and influence, and ultimately empowered and thriving communities.



Applied to Queensland's human rights and anti-discrimination framework, this perspective reinforces that awareness of rights and access to protections are essential foundations, but not endpoints. An effective framework must also enable people to exercise their rights, participate in decisions affecting their lives and experience meaningful, enduring protection from discrimination.

1. Recognise and strengthen the Commission's preventative functions

Review Part A

The Queensland Human Rights Commission plays a vital role in protecting and promoting human rights, addressing discrimination and supporting a fairer, more inclusive Queensland. As an independent institution, the Commission provides an important avenue for people to seek redress when their rights have been affected, while its education, community engagement, guidance and preventative functions help build understanding of rights and responsibilities across the community.

QPASTT strongly supports the Commission's continued independence and the retention of its broad functions. The Review should recognise that the Commission's contribution cannot be assessed solely by the number of complaints received or resolved. People who are unaware of their rights, do not know how to approach the Commission or are fearful of reporting harm will not necessarily appear in complaints statistics. Assessing effectiveness principally through complaint outcomes risks overlooking the experiences of communities facing some of the greatest barriers to legal protection.

For the communities QPASTT supports, rights education, trusted community engagement, organisational guidance and early advice help people recognise discrimination, understand their options and seek assistance before problems escalate. These functions also support institutions to identify and address discriminatory practices. They are especially important for people unlikely to approach the Commission without support.

QPASTT's longstanding relationship with the Commission demonstrates how collaboration with specialist services and community leaders can extend the reach of human rights education, strengthen community capability and enable coordinated responses to emerging concerns. This preventative contribution should be recognised alongside the accessibility, fairness and efficiency of the Commission's formal complaints processes.

PRACTICE EXAMPLE | Building community capability through preventative collaboration

QPASTT and the Queensland Human Rights Commission, including its predecessor the Anti-Discrimination Commission Queensland, have worked together over many years to promote inclusion, human rights and justice for people from refugee and migrant backgrounds. This relationship combines the Commission's expertise in human rights and discrimination with QPASTT's understanding of refugee experiences, trauma recovery and the barriers communities face in accessing protection and support.

Responding to emerging community concerns

The value of this relationship was evident following anti-immigration rallies in Townsville in 2025. The Commission provided timely advice about available rights and protections, collaborated with QPASTT to develop a *How to be Safe* checklist for clients, and supported coordinated messages of reassurance for affected community leaders and members.

For people who have experienced persecution and forced displacement, public expressions of hostility can heighten fear and undermine feelings of safety and belonging. Established relationships enabled QPASTT and the Commission to respond quickly, share consistent information and support communities facing renewed concerns about their safety.

Building workers' rights knowledge through community partnerships

The Workers' Rights Education and Support Program provides another example of preventative collaboration. Established in 2022 in response to concerns about workplace exploitation and abuse, the four-year initiative brought together nine partner organisations, including the Commission and QPASTT, to strengthen awareness of workplace rights and available protections.

The program trained and supported community members as Workers' Rights Champions, equipping them to recognise exploitation, understand legal protections and referral pathways, and share information through trusted networks within their communities. The initiative supported 84 Champions and reached more than 2,900 community members through workshops and informal education.

By drawing on the expertise and networks of participating organisations, the program created a practical way to reach people who may be reluctant to report exploitation or approach formal institutions. The knowledge, relationships and community leadership developed through this work remain valuable beyond individual training activities. The program also demonstrates the importance of employers taking responsibility for preventing discriminatory and exploitative practices rather than relying solely on workers to report concerns.

Strengthening institutional responses to racism in schools

QPASTT also participates in the Commission-led Racism in Schools Community of Practice, which brings together organisations and education stakeholders working to address racism in schools. The network provides opportunities to share evidence and practical experience, identify emerging concerns and strengthen collaboration between organisations with different areas of expertise.

Through its participation, QPASTT shares insights from its anti-racism and trauma recovery work and gains a better understanding of the needs of schools. This helps inform potential responses, including professional training and initiatives that support culturally safe and inclusive educational practice.

QPASTT also participates in the Queensland Refugee Education and Empowerment Network (REEN), established with Refugee Education Australia and Milpera State High School, with Commission participation. This network provides an additional avenue for sharing relevant learning and reaching school leaders and educators across Queensland, including in regional areas.

Recognising the wider value of preventative work

These examples demonstrate the Commission's value in convening organisations, sharing expertise and working through established networks. Such collaboration builds social capital: trusted relationships, practical knowledge and community capability that can be drawn upon when concerns emerge. It also creates opportunities to influence institutional practice and prevent further harm.

In assessing the Commission's economy, efficiency and effectiveness, QPASTT encourages the Review to consider its preventative contribution alongside complaint-handling performance. Measures could include the reach and accessibility of rights education, community feedback, partners' capacity to provide information and referrals, and evidence of improved organisational practice. The importance of assessing whether institutional changes are sustained was also recognised in the first independent review of the *Human Rights Act 2019* (Harris Rimmer, 2024). The resources needed to maintain this social capital should be considered, recognising its value beyond individual activities and reporting periods.

2. Make rights practical, accessible and safe to exercise

Review Parts A and B

The effectiveness of Queensland's human rights and anti-discrimination framework depends not only on the protections established in legislation, but on people's ability to understand and exercise those rights in practice. This is particularly important for people from refugee and asylum-seeking backgrounds who may face overlapping barriers associated with language, literacy, previous experiences of persecution, trauma, social and economic circumstances, and unfamiliarity with Australian institutions.

QPASTT's consultations with practitioners and community representatives demonstrate that these barriers can arise well before a person considers making a formal complaint. They can influence whether an individual recognises discrimination, knows where to seek advice, trusts the institution responsible for responding, or feels safe enough to pursue a remedy.

For the Review, this raises important questions about the accessibility of the Queensland Human Rights Commission's education, engagement and complaint-handling functions (Part A), and how people understand and benefit from the protections and obligations established by the *Human Rights Act 2019* (Part B).

QPASTT's *Ladder of Multicultural Opportunity and Empowerment* reinforces that understanding rights and accessing information are foundations for meaningful participation, rather than ends in themselves. The following discussion examines the practical barriers that can prevent people from exercising their rights and influencing decisions affecting their lives.

2.1 Understanding rights and accessing information

QPASTT practitioners identified significant variation in the knowledge and understanding of rights among people from refugee and asylum-seeking backgrounds. Some individuals have limited familiarity with Australian legal and administrative systems, while others may not recognise that the treatment they have experienced constitutes discrimination or an infringement of their rights.

Limited English proficiency, interrupted formal education, low literacy and difficulties navigating digital systems can compound these challenges. Information presented primarily through written English, complex legal terminology or online forms may remain inaccessible, even where translated resources are available. Translation alone does not necessarily overcome differences in literacy, legal knowledge or familiarity with institutional processes.

The timing of rights education is also important. Newly arrived families often receive substantial amounts of information about services and responsibilities during their initial settlement period, while simultaneously navigating urgent concerns relating to housing, employment, healthcare, education and family wellbeing. Practitioners observed that information provided during this period may not be retained or fully understood, particularly when its relevance only becomes apparent months or years later.

Rights education should therefore continue beyond initial settlement, with practical opportunities to revisit information when it becomes relevant to people's lives.

CASE EXAMPLE | Rights education for newly arrived women

QPASTT practitioners working with a group of recently arrived women identified significant barriers to understanding and exercising their rights. Most women had little or no formal literacy and were at an early stage of navigating Australian services and institutions. Many were socially isolated, with limited opportunities to obtain information about their rights or available support.

In their broader work with recently arrived women, QPASTT practitioners have also observed limited awareness of women's rights, protections against discrimination and available complaints mechanisms, including uncertainty about whether it is safe to make a complaint. Some women experience gender discrimination within their communities, while reliance on male family members or visa sponsors for information and access to services can further restrict their independence.

For women whose communities have experienced longstanding persecution, culturally appropriate rights education is particularly important. Practitioners identified a need for practical, accessible information delivered through trusted community settings, including visual storytelling, short in-language videos and audio resources that can be accessed by mobile phone.

As one practitioner explained:

"Short, culturally appropriate videos in language that can be viewed on mobile phones on their main social media platforms would be the way to convey information."

— QPASTT staff consultation

The experience of this group highlights the need to consider how people receive and use rights information, rather than measuring accessibility by the number of resources produced or translated. Partnerships with community organisations, bicultural workers and community leaders can help the Commission identify communication needs and deliver practical education in familiar, trusted settings.

2.2 Safety, trust and confidence in exercising rights

Knowing that a right exists does not necessarily mean a person feels safe or able to exercise it.

For some people from refugee backgrounds, previous experiences of persecution, arbitrary detention, corruption or oppression by authorities can influence their expectations of institutions and complaints processes. People who have experienced state violence or punishment for speaking out may approach unfamiliar authorities with understandable caution.

The impacts of trauma can further affect confidence, trust and willingness to disclose distressing experiences. Formal complaints processes may require individuals to describe events they find difficult to revisit, engage with people in positions of authority or navigate unfamiliar procedures without knowing what consequences may follow.

These experiences interact with present-day circumstances. QPASTT practitioners described people who were reluctant to raise concerns because they depended on an employer, service provider, partner or other authority figure. Fear of retaliation, losing access to essential services or jeopardising immigration circumstances can make challenging unfair treatment feel unsafe. These

concerns may also discourage people from seeking mental health care, other healthcare, housing assistance or support from institutions they associate with authority.

Women may face additional barriers where social isolation, caring responsibilities, limited independent access to information, financial dependence or controlling relationships restrict their capacity to seek assistance. QPASTT staff described a woman from an asylum-seeking background who experienced coercive control by her Australian citizen partner, including threats that she would be placed in immigration detention if she disclosed the abuse. Her limited knowledge of available protections and fear of these consequences contributed to an extended period without seeking support.

This account illustrates how misinformation about rights can be used to reinforce existing power imbalances. Access to confidential, independent information and trusted support is particularly important where the person controlling access to services or information may also be responsible for the harm.

Competing settlement pressures also influence decisions about whether to pursue a complaint. Families managing insecure housing, financial hardship, family separation or concerns for relatives overseas may have little capacity to engage with a formal process, even when they recognise that discrimination has occurred.

One practitioner reflected:

"Fear is a major barrier to seeking help. Following up on instances of racism is often not high on people's agenda because there are so many other pressing needs such as cost of living, settlement stress and separation from loved ones." — QPASTT staff consultation

The absence of a complaint should therefore not be interpreted as evidence that discrimination has not occurred or that existing protections are readily accessible.

CASE EXAMPLE | Unpaid work and immigration-related threats

A man on a temporary visa worked in a restaurant for four months without receiving payment. Despite repeated promises, his employer refused to pay his wages and challenged him to make a complaint.

The man was fearful of acting because of previous traumatic experiences and concerns about his bridging visa status. He believed that making a complaint could affect how immigration authorities might assess his character and jeopardise his prospects of permanent residency.

His employer reinforced these fears by threatening to report him to immigration authorities, have him detained and deported if he alleged wrongdoing.

Wage recovery falls primarily within employment law, but the case demonstrates how immigration-related threats and unequal power relationships can deter people from exercising rights more broadly. The employer's threats were especially powerful because the man was uncertain about his migration circumstances and feared the consequences of challenging someone in authority.

Confidential early advice, clear explanations of an institution's powers and trusted referral pathways can help people distinguish actual legal risks from threats or misinformation, and make informed decisions about seeking assistance.

2.3 Accessible complaints and culturally responsive processes

Even where people recognise discrimination and wish to take action, the demands of making and pursuing a complaint can create further obstacles.

QPASTT practitioners described difficulties associated with complex forms, unfamiliar legal terminology, digital access, uncertainty about which organisation is responsible, and the need to repeat experiences to multiple services. Repeated referrals without clear guidance or resolution can lead to frustration, disengagement and reduced confidence in institutions.

Language access is particularly important. Practitioners raised concerns about the use of family members to interpret information in circumstances involving rights, complaints, healthcare, family violence and other sensitive matters. This can compromise confidentiality, interpretation accuracy and independent decision-making, particularly where unequal power relationships exist within families.

Qualified and independent interpreters are therefore essential to meaningful access, alongside the capability of staff to work effectively with interpreters and recognise situations requiring additional communication support.

A trauma-informed approach also requires attention to how people experience the complaints process itself. Unnecessary repetition of distressing accounts, limited explanation of procedures, uncertainty about likely outcomes and a lack of choice can discourage participation or compound existing distress.

In addition to respectful interpersonal communication, trauma-informed and culturally responsive practice requires processes that recognise the effects of trauma, provide clear information and realistic expectations, support informed decision-making, and minimise avoidable distress while maintaining procedural fairness.

These barriers are directly relevant to the Review's assessment of the Commission's accessibility and complaint-handling effectiveness under Part A. They also reflect concerns about practical access to human rights remedies considered in the first independent review of the *Human Rights Act 2019* (Harris Rimmer, 2024). QPASTT encourages the Review to assess whether people facing language, literacy, digital or trauma-related barriers can obtain clear information about their rights, understand their options and receive appropriate support when deciding whether to pursue a complaint.

Practical improvements could include supported verbal and telephone enquiries, qualified and independent interpreters, clear explanations of procedures and likely outcomes, and reliable referral arrangements. People may also need independent advice and assistance throughout a complaint, particularly where fear of retaliation, complex circumstances or the need to repeatedly recount distressing experiences makes it difficult to continue without support. Any improvements should be informed by affected communities and specialist organisations.

2.4 Human rights in everyday public-service decisions

Improving access to the Commission is only one part of ensuring human rights are upheld in practice. The *Human Rights Act 2019* also requires Queensland public entities to act compatibly with human rights and give proper consideration to relevant rights when making decisions.

For people from refugee backgrounds, decisions about healthcare, housing, education and other essential services can have significant consequences for safety, dignity and wellbeing. QPASTT practitioners have described situations in which cultural stereotyping, inadequate communication and unfamiliar administrative processes made it difficult for clients to obtain appropriate services or understand decisions affecting them.

Practitioners have sometimes undertaken extensive advocacy to overcome these barriers, including supporting clients to navigate systems, communicate their circumstances and seek appropriate care. While this is an important aspect of QPASTT's work, access to ordinary public services should not depend on specialist organisations intervening on a person's behalf.

These experiences do not necessarily establish breaches of the *Human Rights Act* in individual cases. They do, however, highlight the importance of public entities understanding their obligations and applying them consistently in frontline practice.

QPASTT encourages the Review to assess how effectively the *Human Rights Act*'s obligations are understood and applied in everyday public-service decisions. Our practitioners' experience points to the importance of culturally responsive decision-making, clear explanations of decisions, effective communication and staff capability to recognise circumstances that may affect a person's ability to exercise their rights. The practical operation of these obligations should be considered from the perspective of people using public services, including those who may need specialist advocacy to obtain an appropriate response.

Aligning human rights practice with Queensland's Trauma Strategy

The *Queensland Trauma Strategy 2024–2029* provides an important policy foundation for strengthening trauma-informed practice across public institutions. Developed by the Queensland Mental Health Commission on behalf of the Queensland Government, the Strategy establishes a whole-of-government and whole-of-community approach to preventing trauma, supporting recovery and reducing harm associated with people's interactions with services and systems. QPASTT worked with the Commission to ensure the voices and experiences of refugee torture and trauma survivors were included.

The Strategy recognises that institutional processes can themselves contribute to trauma or re-traumatisation, including when people must repeatedly recount distressing experiences, encounter inappropriate responses or navigate systems that do not adequately recognise their circumstances. It calls for trauma-informed approaches to be embedded across government services, policies, workforce development and organisational practices.

Of particular relevance to this Review, the Strategy identifies the need to strengthen oversight and complaints processes so they recognise and respond appropriately to system-related harm while enhancing human rights protections (Action 13).

QPASTT considers this an important opportunity to align two complementary areas of Queensland Government reform. The *Human Rights Act* establishes obligations for public entities to act compatibly with human rights and give proper consideration to relevant rights in decision-making.

The Trauma Strategy provides a policy direction for ensuring that institutional practices recognise and respond appropriately to people's experiences of trauma.

The Review provides an opportunity to consider how the Commission's guidance and education functions, together with implementation of the *Human Rights Act*, can support public entities to apply trauma-informed and culturally responsive approaches in practice. Building on the *Queensland Trauma Strategy* would help align these reforms with existing government commitments and avoid creating disconnected expectations for public services.

Implications for the Review

QPASTT's experience demonstrates that barriers to exercising rights often overlap. Limited knowledge of legal protections may be compounded by previous trauma, unequal power relationships, competing practical needs and difficulties navigating unfamiliar processes.

These barriers call for coordinated action across the Commission's education, engagement and complaint-handling functions, together with stronger implementation of the *Human Rights Act* within public entities. Community-led education, appropriate language assistance, safe advice and supported complaint pathways are particularly important for people who would otherwise struggle to exercise their rights.

QPASTT's recommendations for improving accessibility and strengthening public-entity practice are set out in the consolidated recommendations at the end of this submission.

3. Prevent recurring discrimination and improve systemic accountability

Review Parts A, B and C

QPASTT supports a human rights and anti-discrimination framework that provides meaningful remedies and places clear responsibilities on public institutions and other organisations to identify and prevent discrimination.

Through its counselling and advocacy work, QPASTT encounters the consequences of racism and discrimination across mental health and healthcare services, housing and homelessness support, education and employment. Unequal treatment in these settings can affect people's access to essential assistance, their trust in institutions and their capacity to recover from earlier experiences of persecution and displacement.

These concerns are relevant to several aspects of the Review: the Commission's preventative and systemic functions (Part A), the operation of the *Human Rights Act 2019* within public entities (Part B), and the proposed positive duties and broader anti-discrimination reforms considered under Part C. QPASTT's evidence highlights the importance of protections that prevent discrimination, support meaningful remedies and encourage institutions to address recurring patterns of harm.

3.1 Racism, wellbeing and trauma recovery

Racism and discrimination can have significant consequences for people rebuilding their lives following persecution, torture and forced displacement. For people who have experienced intentional harm, present-day racism may reinforce earlier experiences of being unsafe, powerless or excluded, complicating the process of restoring safety, dignity and connection.

QPASTT's 2026 paper, *Racism: the wounds and the barriers — Evidence, lived experience and practice implications*, brings together consultation, clinical experience and research concerning racism as a post-migration stressor. It describes experiences ranging from direct abuse and threats to repeated everyday discrimination, cultural stereotyping and exclusion within services and institutions.

QPASTT practitioners identified responses including hypervigilance, anxiety, avoidance, shame, anger and withdrawal. These effects may accumulate over time, affecting relationships, community participation, trust in institutions and willingness to seek assistance. Australian research has similarly identified the adverse health and wellbeing consequences of discrimination for people from refugee and asylum-seeking backgrounds (Ziersch et al., 2020). The consequences of discrimination therefore cannot always be understood by examining individual incidents in isolation.

QPASTT clinical data provides further evidence of the relevance of racism to trauma recovery. Between January 2025 and July 2026, racism was recorded as a psychosocial factor for 159 QPASTT clients engaged in individual counselling, representing 28% of the individual counselling clients included in the analysis. This may underestimate the extent of the issue, as experiences of racism are not always disclosed, recognised or recorded during counselling.

These experiences make discrimination prevention an important consideration for mental health, equitable service access and social participation. They also highlight the limitations of relying on complaints about individual incidents to identify recurring harm. Where discrimination is embedded in organisational practices, addressing the circumstances that allow it to continue is essential.

3.2 Preventing discrimination and harm within public institutions

Public institutions have important responsibilities to protect human rights through the decisions they make and the services they provide. The Queensland Human Rights Commission supports this work through its education, guidance and other functions.

QPASTT's consultations identified circumstances in which discriminatory treatment, cultural stereotyping and inadequate communication affected people's access to healthcare and other essential services. These experiences can have consequences beyond the immediate encounter. They may influence whether people trust institutions, seek further assistance or feel safe returning to services when needed.

CASE EXAMPLE | Discrimination and cultural stereotyping affecting healthcare

QPASTT practitioners described how discriminatory treatment and cultural stereotyping in healthcare settings can affect both the care people receive and their willingness to seek assistance in the future.

During consultations for QPASTT's racism and trauma recovery research, practitioners reported that some women had found their hospital care so distressing that they did not want to return. These experiences affected their trust in healthcare services and confidence that they would be treated with dignity and respect.

In another account, a person from a refugee background experiencing acute mental health distress was reportedly treated as though their immediate needs were simply a consequence of previous trauma. Their distress was described as “just trauma”, in the context of their existing connection with a specialist torture and trauma counselling service. The person was discharged without adequate acute mental health follow-up, and a QPASTT practitioner subsequently needed to advocate for further support.

As one consultation participant observed:

“Safety isn't just about access. It's about how you're treated when you get there.”

— QPASTT racism research consultation

These accounts raise concerns about how cultural stereotyping and assumptions about refugee-related trauma can affect clinical responses, trust and future help-seeking. People may have access to healthcare in principle yet struggle to obtain appropriate care or feel unsafe returning after a distressing experience. This reinforces the need for culturally responsive, trauma-informed practice that recognises each person's immediate needs without making assumptions based on their background or trauma history.

As discussed in Section 2.4, the *Human Rights Act* establishes responsibilities for Queensland public entities, while the *Queensland Trauma Strategy* provides an existing policy framework for reducing system-related harm and improving institutional practice. Together, they provide a foundation for strengthening frontline decision-making, workforce capability and organisational accountability.

QPASTT encourages the Review to consider how these commitments can be translated into changes in everyday practice, informed by the experiences of people affected by discrimination and supported by clear institutional guidance.

3.3 Moving beyond individual remedies towards systemic prevention

Individual complaints provide an important opportunity for people to seek redress when discrimination occurs. However, resolving a complaint does not necessarily address the policies, practices or organisational culture that contributed to the incident.

This distinction is particularly significant where discrimination is recurring or affects people who face substantial barriers to making complaints.

CASE EXAMPLE | School discrimination and the need for organisational learning

A Muslim student in Townsville experienced racism and discrimination at school relating to her wearing of a hijab. With support, her family made a complaint to the Queensland Human Rights Commission. The complaint reportedly resulted in an apology and an offer of compensation.

While this provided a form of individual redress, QPASTT staff questioned whether meaningful organisational changes followed to reduce the likelihood of similar discrimination affecting other students.

The Townsville example raises a broader question about how organisations identify and act on lessons from complaints. While QPASTT cannot establish what changes followed the individual resolution, preventing similar experiences requires attention to organisational practices as well as remedies for those affected.

Complaint data also provides an incomplete picture of discrimination, particularly where people are reluctant or unable to report their experiences. Patterns may emerge through community engagement, research and evidence from specialist services, as well as formal complaints.

QPASTT supports maintaining and, where justified by the Review's findings, strengthening the Commission's capacity to identify, investigate and respond to systemic discrimination. The first independent review of the *Human Rights Act 2019* also recommended stronger investigative and monitoring powers (Harris Rimmer, 2024). QPASTT encourages the current Review to assess whether the Commission has sufficient powers and resources to identify recurring patterns of harm, examine organisational practices and follow up on whether improvements are implemented. Any additional powers should be accompanied by appropriate safeguards and procedural fairness.

These systemic functions complement positive duties by addressing risks and practices that may affect people beyond those who have made individual complaints.

3.4 Positive duties and organisational responsibility for prevention

QPASTT supports the preventative approach underpinning the proposed positive duty in the uncommenced provisions of the *Respect at Work and Other Matters Amendment Act 2024*. Our experience demonstrates the importance of requiring organisations to take reasonable and proportionate steps to identify and address discrimination risks, rather than relying primarily on complaints from people who have already experienced harm.

Effective implementation should encourage organisations to examine policies, decision-making and workplace or service practices for discrimination risks. Practical measures may include reviewing barriers to participation, strengthening culturally responsive communication, developing workforce capability and involving affected communities in identifying and addressing problems.

For public entities, preventative responsibilities should complement their existing obligations under the *Human Rights Act* and Queensland's commitment to trauma-informed practice. Clear guidance and proportionate implementation arrangements will be important, particularly for organisations with differing resources and capabilities.

QPASTT encourages the Review to retain the preventative intent of these reforms and consider the guidance, implementation support and accountability arrangements needed to make the proposed duty effective in practice. Particular attention should be given to whether organisations are identifying systemic barriers and making meaningful improvements for people who face discrimination but may never lodge a formal complaint.

3.5 Addressing discrimination associated with visa status

QPASTT also asks the Review to consider the particular vulnerability of people who experience discrimination or exploitation associated with their visa or migration status.

Practitioners described circumstances in which people seeking asylum or living on temporary visas were reluctant to challenge unfair treatment because they feared consequences for their immigration status or access to essential services, including healthcare, education, employment, housing and homelessness support.

These concerns may intersect with racism, existing power imbalances and previous experiences of persecution. Employers, sponsors or other individuals may exploit uncertainty about immigration processes or misrepresent a person's rights to discourage them from seeking assistance.

The unpaid-worker case discussed earlier illustrates how visa insecurity and immigration-related threats can discourage people from challenging exploitation. Although wage recovery and immigration decisions are primarily Commonwealth matters, Queensland has responsibilities for public services and protections against discrimination within its jurisdiction. QPASTT considers that these protections should operate effectively for people living and contributing to Queensland communities, irrespective of visa status.

QPASTT's consultations also identified cases where visa-related eligibility arrangements created barriers to essential services. In one example, QPASTT practitioners supported a family whose child had a hearing impairment and required a hearing aid. Due to the child's visa status, the family could not obtain the hearing aid through Medicare or the medical provider available to them. QPASTT practitioners advocated on their behalf and explored alternative sources of support through several other providers, but these efforts were unsuccessful. Being unable to provide fundamental health support for their child significantly impacted the family's sense of dignity, inclusion and confidence in services.

This example concerns access to essential services rather than an established breach of Queensland's anti-discrimination legislation. It demonstrates the practical consequences that visa-related eligibility restrictions can have for families, particularly when alternative sources of assistance are unavailable.

QPASTT recognises that the present Review's Part C is focused on specified uncommenced amendments, rather than a comprehensive reconsideration of every protected attribute under the *Anti-Discrimination Act 1991*.

QPASTT nevertheless encourages the Review to consider whether existing protections adequately address adverse treatment associated with visa or migration status. This warrants further examination, informed by specialist legal analysis and consultation with affected communities, while recognising that some service eligibility rules fall outside Queensland's legislative responsibilities.

3.6 From protection to participation, influence and empowerment

QPASTT's *Ladder of Multicultural Opportunity and Empowerment* provides a useful perspective on what effective human rights protections should achieve beyond individual remedies.

Preventing discrimination is fundamental to enabling people to participate fully in education, employment and community life. Equally important is the opportunity for people affected by discrimination to influence the institutions and decisions that shape their experiences.

QPASTT's 2023 submission to the Australian Multicultural Framework Review identified meaningful community participation in service design and governance as an important principle of culturally inclusive services (QPASTT & Social Research Centre, 2023). Building on this work, QPASTT encourages greater involvement of community leaders, bicultural workers and people with lived experience of discrimination in the design, delivery and evaluation of relevant services and preventative initiatives. Sustained, appropriately resourced participation can help institutions identify barriers that may otherwise go unrecognised and assess whether changes are improving people's experiences.

The Review should consider whether Queensland's human rights and anti-discrimination framework helps institutions prevent recurring discrimination and gives affected communities meaningful influence over the policies and services that shape their lives.

Implications for the Review

QPASTT's evidence demonstrates that discrimination can affect trauma recovery, wellbeing and participation long after an individual incident. Where harmful practices recur, individual remedies may provide recognition and redress without necessarily preventing others from experiencing similar treatment.

Queensland's human rights and anti-discrimination framework must support accessible remedies and hold institutions accountable for identifying discrimination risks, improving practices and addressing systemic concerns. Sustained prevention also depends on involving affected people and communities in shaping the services and systems that influence their lives.

QPASTT's consolidated recommendations address these complementary responsibilities, including the practical implementation of human rights obligations, positive duties, systemic accountability and potential gaps in protection associated with visa or migration status.

Consolidated recommendations

The following recommendations reflect QPASTT's priorities across the relevant parts of the Review.

1. Retain and strengthen the Commission's independent and preventative functions (Part A).

Maintain the Queensland Human Rights Commission's independence and its education, community engagement, guidance, prevention and systemic functions alongside effective complaint resolution. Recognise and resource sustained partnerships with community organisations and leaders, including regional engagement. Assess the Commission's effectiveness through rights awareness, community feedback, community capability, early intervention and evidence of sustained improvements in organisational practice, as well as complaint-handling performance.

2. Improve access to rights education, advice and complaints processes (Parts A and B).

Strengthen culturally responsive rights education and accessible pathways to advice and redress, building on existing services. Priorities should include community-led education, qualified and independent interpreters, plain-language and audio-visual resources, supported verbal and telephone pathways (e.g. a dedicated support hotline), and clear referral arrangements. Ensure people facing language, literacy, digital or trauma-related barriers can obtain independent advice and practical assistance before and throughout complaints processes, including where fear of retaliation affects their willingness to seek help.

3. Strengthen trauma-informed, culturally responsive and anti-racist practice across public institutions (Parts A and B).

Support public entities to meet their obligations under the *Human Rights Act 2019* through culturally responsive decision-making, accessible communication and appropriate workforce development. Give particular attention to public mental health and healthcare services, alongside public entities involved in housing and homelessness support, education and other essential services where people from refugee backgrounds may encounter significant barriers. The Commission's education and guidance functions should support practical improvements in service delivery, drawing on the *Queensland Trauma Strategy 2024–2029*, including its commitments to reducing system-related harm and strengthening oversight and complaints processes.

4. Strengthen discrimination prevention and systemic accountability (Parts A and C).

Retain the preventative intent of the proposed positive duty under Queensland's uncommenced anti-discrimination amendments, supported by clear guidance, proportionate implementation arrangements and appropriate accountability measures. Assess whether the Commission has sufficient powers and resources to investigate systemic discrimination and follow up on organisations' responses to identified concerns. Consider strengthening these functions where justified by the Review's findings, with appropriate safeguards and procedural fairness. Ensure people with lived experience of discrimination, community leaders, bicultural workers and specialist organisations have appropriately resourced opportunities to contribute to the design, implementation and evaluation of relevant preventative measures.

5. Consider gaps in protection associated with visa or migration status (Part C and future reform).

Examine whether existing anti-discrimination protections adequately address adverse treatment connected to visa or migration status, particularly where it intersects with racism, exploitation and unequal power relationships. Any further reform should be informed by specialist legal analysis and consultation with affected communities, and remain within Queensland's legislative competence.

Conclusion

The experiences of refugee and asylum-seeking communities across Queensland demonstrate that access to justice begins long before a complaint is lodged. People need to understand their rights, obtain accessible information and advice, trust the institutions they approach and feel safe seeking assistance without fear of repercussions.

Education, outreach and engagement through trusted community organisations are central to the Queensland Human Rights Commission's preventative role. These functions help people recognise discrimination and access protection, including those whose experiences may never appear in formal complaints statistics. QPASTT hopes to continue its three-decade-long collaboration with the Commission and encourages the Review to preserve and strengthen this work alongside the Commission's complaint-handling and systemic functions.

Queensland's human rights and anti-discrimination framework must also support institutions to prevent recurring discrimination and respond effectively when harm occurs. The practical operation of legal protections, the accessibility of remedies and the accountability of organisations all matter to people rebuilding their lives after persecution and displacement. QPASTT encourages the Review to strengthen these protections in ways that support safety, dignity, participation and recovery.

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