

FACT SHEET:

Queensland's *Human Rights Act 2019*

Queensland's *Human Rights Act 2019* protects 23 human rights in law.

The Act primarily protects civil and political rights drawn from the International Covenant on Civil and Political Rights. It also protects two rights drawn from the International Covenant on Economic, Social and Cultural Rights (right to education and health services) and one right drawn from the Universal Declaration of Human Rights (property rights). The Act also explicitly protects the cultural rights of Aboriginal and Torres Strait Islander peoples.

Although the Act does not make international law part of our law in Queensland, it does make it clear that, when interpreting human rights, courts can consider international law.

The Act requires each arm of government to act compatibly with these human rights. This means that:

- parliament must consider human rights when proposing and scrutinising new laws;
- courts and tribunals, so far as is possible to do so, must interpret legislation in a way that is compatible with human rights; and
- public entities – such as state government departments, local councils, state schools, the police and non-government organisations and businesses performing a public function must act compatibly with human rights.

The Act makes it clear that rights can be limited, but only where it is reasonable and justifiable.

Timeline

Queensland's Human Rights Act was passed by State Parliament in February 2019.

From 1 July 2019 the Act changed our name, from the Anti-Discrimination Commission Queensland to the Queensland Human Rights Commission. It also expanded our work protecting and promoting the rights of Queenslanders.

From 1 January 2020 the Act will require public entities to act compatibly with human rights.

Making a complaint

From 1 January 2020, if your human rights have been limited by a public entity, you may be able to make a complaint with us at the Commission.

Complaints will only be able to be made for breaches that occur after 1 January 2020.

The Human Rights Act protects:

YOUR RIGHT TO RECOGNITION AND EQUALITY BEFORE THE LAW (SECTION 15)

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

YOUR RIGHT TO LIFE (SECTION 16)

Every person has the right to life and to not have their life taken. The right to life includes a duty on government to take appropriate steps to protect the right to life.

YOUR RIGHT TO PROTECTION FROM TORTURE AND CRUEL, INHUMAN OR DEGRADING TREATMENT (SECTION 17)

People must not be tortured. People must also not be treated or punished in a cruel, inhuman or degrading way. This includes protection from treatment that humiliates a person. This right also protects people from having medical treatment or experiments performed on them without their full and informed consent.

YOUR RIGHT TO FREEDOM FROM FORCED WORK (SECTION 18)

A person must not be forced to work or be made a slave. A person is a slave when someone else has complete control over them.

YOUR RIGHT TO FREEDOM OF MOVEMENT (SECTION 19)

People can stay in or leave Queensland whenever they want to as long as they are here lawfully. They can move around freely within Queensland and choose where they live.

YOUR RIGHT TO FREEDOM OF THOUGHT, CONSCIENCE, RELIGION AND BELIEF (SECTION 20)

People have the freedom to think and believe what they want – for example, religion. They can do this in public or private, as part of a group or alone.

YOUR RIGHT TO FREEDOM OF EXPRESSION (SECTION 21)

People are free to say what they think and want to say. They have the right to find, receive and share information and ideas. In general, this right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order.

YOUR RIGHT TO PEACEFUL ASSEMBLY AND FREEDOM OF ASSOCIATION (SECTION 22)

People have the right to join groups and to meet peacefully.

YOUR RIGHT TO TAKING PART IN PUBLIC LIFE (SECTION 23)

Every person has the right to take part in public life, such as the right to vote or run for public office.

PROPERTY RIGHTS (SECTION 24)

People are protected from having their property taken, unless the law says it can be taken.

YOUR RIGHT TO PRIVACY AND REPUTATION (SECTION 25)

Everyone has the right to keep their lives private. Your family, home or personal information cannot be interfered with, unless the law allows it.

YOUR RIGHT TO PROTECTION OF FAMILIES AND CHILDREN (SECTION 26)

Families are entitled to protection. Children have the same rights as adults with added protection according to their best interests.

CULTURAL RIGHTS – GENERALLY (SECTION 27)

People can have different family, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages.

CULTURAL RIGHTS – ABORIGINAL PEOPLES AND TORRES STRAIT ISLANDER PEOPLES (SECTION 28)

Aboriginal and Torres Strait Islander peoples in Queensland hold distinct cultural rights. They include the rights to practice their beliefs and teachings, use their languages, protect and develop their kinship ties, and maintain their relationship with the lands, seas and waterways.

YOUR RIGHT TO LIBERTY AND SECURITY OF PERSON (SECTION 29)

Everyone has the right to freedom and safety. The right to liberty includes the right to not be arrested or detained except in accordance with the law. The right to security means that reasonable steps must be taken to ensure the physical safety of people who are in danger of physical harm.

YOUR RIGHT TO HUMANE TREATMENT WHEN DEPRIVED OF LIBERTY (SECTION 30)

People have the right to be treated with humanity if they are accused of breaking the law and are detained.

YOUR RIGHT TO A FAIR HEARING (SECTION 31)

A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

RIGHTS IN CRIMINAL PROCEEDINGS (SECTION 32)

There are a number of minimum guarantees that you have when you have been charged with a criminal offence. These include the right to be told the charges against you in a language you understand; the right to an interpreter if you need one; the right to have time and the facilities (such as a computer) to prepare your own case or to talk to your lawyer; the right to have your trial heard without too much delay; the right to be told about Legal Aid if you don't already have a lawyer; you are presumed innocent until proven guilty; and you don't have to testify against yourself or confess your guilt unless you choose to do so.

RIGHTS OF CHILDREN IN THE CRIMINAL PROCESS (SECTION 33)

A child charged with committing a crime or who has been detained without charge must not be held with adults. They must also be brought to trial as quickly as possible and treated in a way that is appropriate for their age. Children are entitled to opportunities for education and rehabilitation in detention.

RIGHT NOT TO BE TRIED OR PUNISHED MORE THAN ONCE (SECTION 34)

A person will only go to court and be tried once for a crime. This means if the person is found guilty they will only be punished once. If they are found to be innocent they will not be punished.

RETROSPECTIVE CRIMINAL LAWS (SECTION 35)

A person has the right not to be prosecuted or punished for things that were not criminal offences at the time they were committed.

RIGHT TO EDUCATION (SECTION 36)

Every child has the right to primary and secondary schooling. Every person has the right to have access to further vocational education, based on their ability.

RIGHT TO HEALTH SERVICES (SECTION 37)

Everyone has the right to access health services without discrimination. This right also states that nobody can be refused emergency medical treatment.