

# Queensland's new Human Rights Act

What does it mean for your organisation  
and your clients?

Presented by  
Deborah Keenan (QHRC), Janelle Rees (CLCQ), Matilda Alexander (LAQ)  
19 September 2019



Queensland  
**Human Rights**  
Commission



**Community**  
**Legal Centres**  
**Queensland**





This webinar/video is for community legal education purposes only. It may not be reproduced, published, commercially exploited or recreated in whole or in part. No claim is made as to the accuracy or authenticity of the webinar/video's content.

The webinar/video is provided on the basis all people accessing the webinar/video are responsible for assessing the relevance and accuracy of the webinar/video's content. Legal Aid Queensland does not accept any liability for the accuracy of the information in the webinar/video or any use of the information contained in the webinar/video.

# Presenter and Q&A

## Legal Aid Queensland

- Matilda Alexander, senior lawyer, Human Rights and Anti-Discrimination

## Queensland Human Rights Commission

- Deborah Keenan, Director, Complaint Management

## Community Legal Centres Queensland

- Janelle Rees, Sector Sustainability Coordinator

# Facilitator

## Legal Aid Queensland

- Ellen Limerick, community legal education officer



# GoToWebinar housekeeping

- This webinar is being recorded
- Information is on our Information for community workers and carers page on Legal Aid Queensland's website
- Technical help is available on 1800 136 402



# GoToWebinar housekeeping

## Download handout

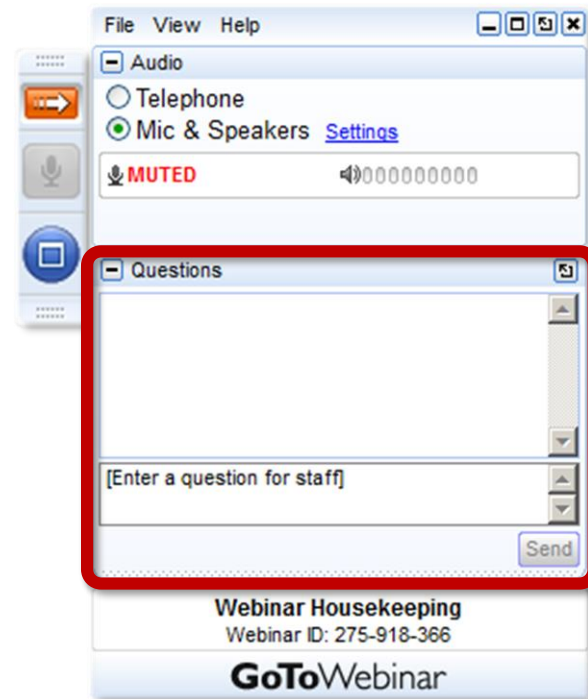
Download the handout in your control panel

- Click **Handouts** to open the handout section
- Click on the link to download this



## Questions

- Please submit your text questions and comments using the Questions panel



# Poll

What area do you work in?

- South East Queensland
- Far North Queensland
- Regional Queensland
- Outside of Queensland



# Poll

What option best describes the field you work in?

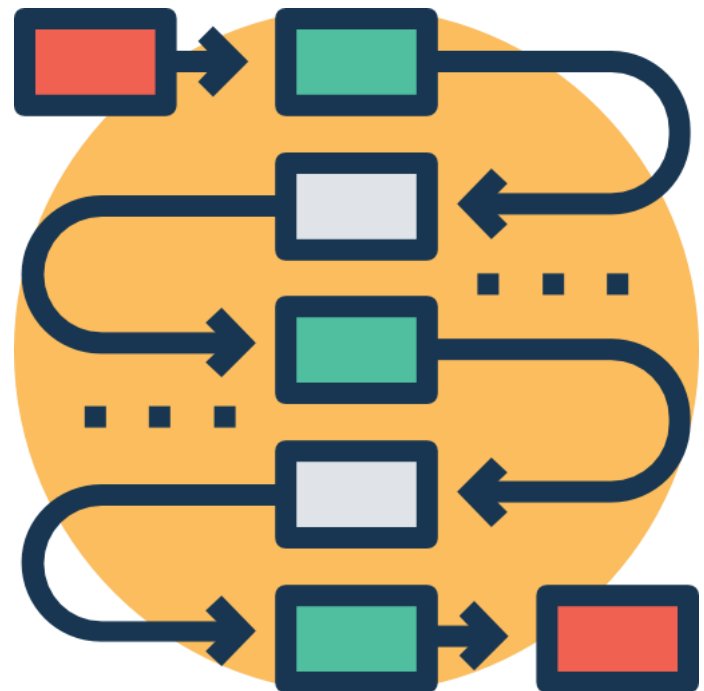
- Community legal centre/legal service provider
- Community, health or education worker
- Government agency representative
- Electoral office staff member
- Other





# Outline

- An introduction to the Act and the complaints process
- Which rights are protected
- Case studies (including application to vulnerable groups)
- Live Q&A.



# The Human Rights Act

## What human rights are protected?

- The Act protects 23 fundamental human rights and freedoms, including:
  - Civil and political rights
  - Economic, social and cultural rights



- Recognition and equality before the law
- Right to life
- Protection from torture and cruel, inhuman or degrading treatment
- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression

- Peaceful assembly and freedom of association
- Taking part in public life
- Property rights
- Privacy and reputation
- Protection of families and children
- Cultural rights—generally
- Cultural rights—Aboriginal peoples and Torres Strait Islander people



- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Fair hearing
- Rights in criminal proceedings
- Children in the criminal process
- Right not to be tried or punished more than once
- Retrospective criminal laws

- Right to education
- Right to health services



# Case study one



Amanda is a 15-year-old person of Aboriginal and Torres Strait Islander descent. She is stopped and questioned by police about a criminal incident that has recently occurred. Amanda and her family are 'known' by the police. When stopped by police, she tries to keep walking. She is deemed to be uncooperative and is taken into custody for further questioning. The police have no evidence about her involvement in the incident and she is released four hours later.

# Case study two



Sarah is a resident in a state-run service for people with a disability for four years. She needs assistance with eating and personal hygiene. When her brother comes to visit, he finds that Sarah is malnourished and her room and bedding had not been cleaned in some time. He speaks to the manager who said due to resource constraints, staff can only do so much for each resident.



# Case study three



Adam lived in a public housing property for 12 years as the sole tenant. He lived with his partner of three years, Molly. Unfortunately Adam passed away and when Molly notified the housing department she is told as she is not on the lease agreement, she has to move out. She provides evidence of her address, but the department won't budge and tell her she has to leave. Molly has no family in Brisbane and her child is happy at the local school. She is a low-income earner and is concerned she will become homeless.

# Case study four - compliance

- Internal policies and procedures
- Human rights committees
- Quality standards programs
- Watching brief
- Complaint procedures



# What is a human rights complaint?

- A complaint about an alleged contravention of section 58(1) by a public entity in relation to an act or decision of the public entity.



# Prior complaint to entity

- Internal complaint
- 45 business days lapsed since internal complaint
- Extension of 45 days to give entity time to resolve complaint
- Waiver of 45 days in exceptional circumstances

# Preliminary inquiries include:

- Is there a more appropriate agency to deal with complaint?
- Prior complaint to another agency and outcome
- Statutory compulsion for decision
- Any concurrent proceedings

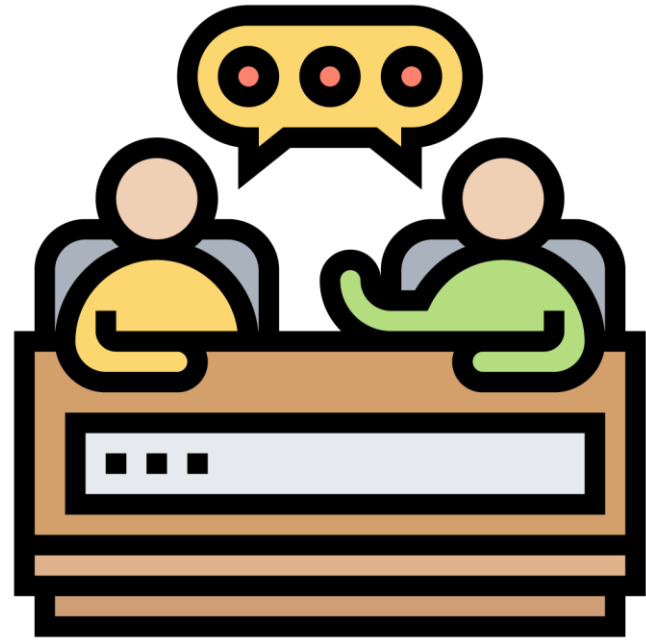
# Acceptance and notification

- The respondent will be notified of the complaint
- Opportunity to make written submissions
- Commission may seek information or documents from the respondents

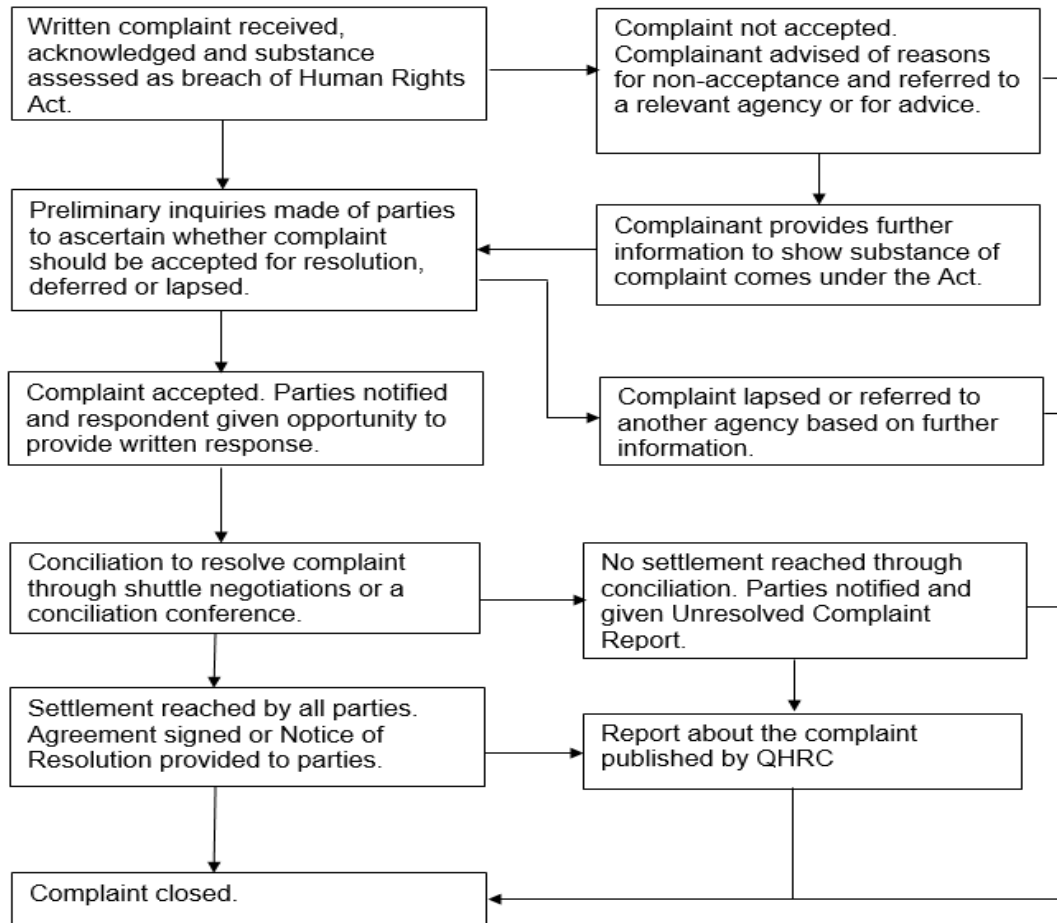


# Resolution

- Early negotiations
- Conciliation conference



**STANDARD COMPLAINT PROCESSES  
UNDER THE HUMAN RIGHTS ACT 2019  
AT THE QUEENSLAND HUMAN RIGHTS COMMISSION**







**Any questions?**

# How to refer people to us?

## Call us

Legal information and referrals

**1300 65 11 88**

Youth legal advice hotline

**1800 527 527**

Bushfire legal help line

**1300 004 924**

Counselling notes protect line

**1300 267 762**

Indigenous hotline

**1300 65 01 43**



Questions about an application you have already submitted

**1300 383 900**



# How to refer people to us?

## Visit a local office



- Brisbane (head office)
- Bundaberg
- Caboolture
- Cairns
- Inala
- Ipswich
- Mackay
- Maroochydore
- Mount Isa
- Rockhampton
- Southport
- Toowoomba
- Townsville
- Woodridge

# Register for our next webinar and view information for community workers and carers

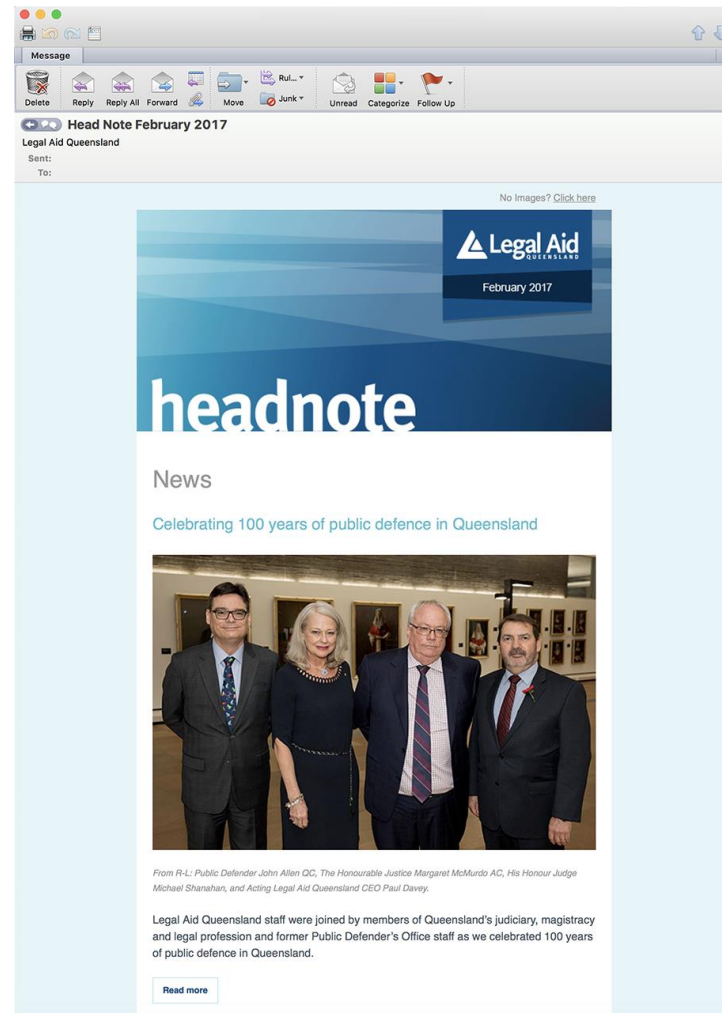
[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) >  
Get legal help > Our services > Information for  
community workers and carers



Stay up to date by  
subscribing to Head  
Note e-newsletter

**February 2019  
Headnote is out  
now!**

[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) >  
About us > Corporate  
publications > Head Note



# View and order free publications on common legal issues on our website

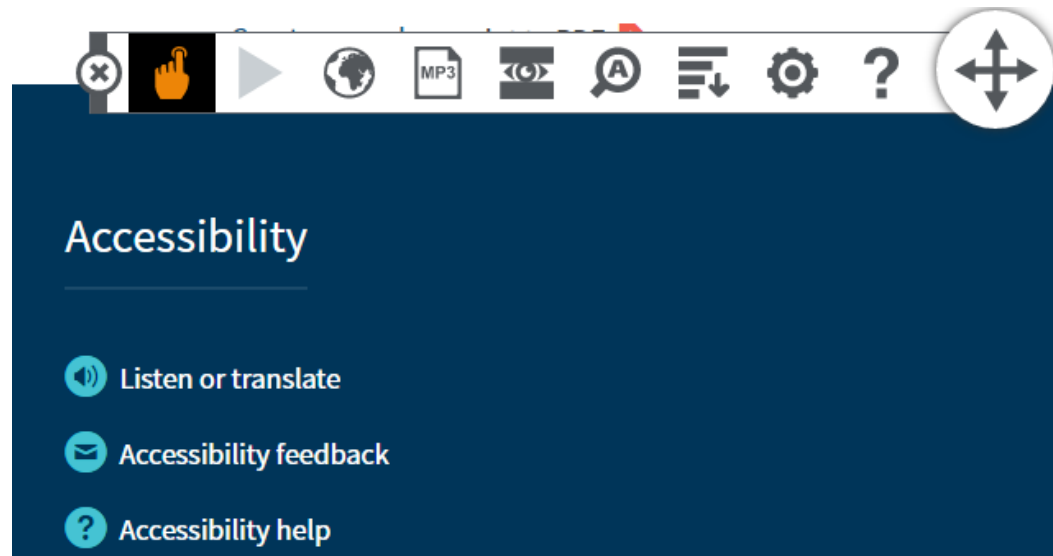
[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au) >

Find legal information > Factsheets and guides



# Listen and translate information on our website with Browsealoud

[www.legalaid.qld.gov.au](http://www.legalaid.qld.gov.au)



# Watch our captioned webinars on YouTube

[www.youtube.com](http://www.youtube.com) >

Legal Aid Queensland > Playlists > Legal information  
webinars for community workers





# Follow Legal Aid Queensland on social media

