

Parliamentary Committee Briefing Note

For the Legal Affairs and Community Safety Committee

Human Rights Bill 2018

Background

The former Legal Affairs and Community Safety Committee (LACSC) tabled its 'Report No 30: *Inquiry into a possible Human Rights Act for Queensland*' (the LACSC report) on 30 June 2016. The former LACSC was unable to agree on whether it would be appropriate and desirable to legislate for a Human Rights Act (HR Act) in Queensland, with Government members supporting a HR Act (similar to the Victorian *Charter of Human Rights and Responsibilities 2006* (the Victorian Charter) but also including a right to education) and non-Government members opposing the introduction of a HR Act.

The Bill will deliver on the Government's commitment to introduce a HR Act based on the Victorian Charter.

The Bill aims to embed a human rights culture in the Queensland public sector so that public functions are exercised in a principled way that is compatible with human rights.

The Bill will be an ordinary Act of Parliament, as opposed to a constitutionally entrenched model (like the United States Constitution), and will maintain the existing relationship between the executive, the legislature (Parliament), and the courts. Like the Victorian Charter, the Bill adopts a 'dialogue' model, i.e. a legislative framework for a 'dialogue' between the three arms of government (the executive, the legislature (Parliament) and the courts) about human rights.

In contrast to the Victorian model, the Bill includes a disputes resolution process which is intended to provide an accessible, independent and appropriate avenue for members of the community to raise human rights concerns with public entities with a view to reaching a practical resolution. The inclusion of a disputes resolution process is consistent with the regulatory model of the Bill which adopts the 'dialogue' model, focussing on discussion, awareness raising and education about human rights rather than litigation.

Approach in other jurisdictions

The Bill is based on a model of human rights legislation that is broadly consistent with the Victorian Charter and the *Human Rights Act 2004* (ACT). A comparison of human rights legislation in other jurisdictions, including Victoria and the Australian Capital Territory, is contained in **Attachment 1**.

The Bill – key concepts

Human rights

The Bill (see Part 2 (Divisions 2 and 3)) primarily protects civil and political rights drawn from the International Covenant on Civil and Political Rights (ICCPR) and one right drawn from the Universal Declaration of Human Rights (property rights). The Bill also explicitly recognises cultural rights and, in particular, the distinct cultural rights of Aboriginal and Torres Strait Islander people.

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Unlike the Victorian Charter, the Bill also protects two rights drawn from the International Covenant on Economic, Social and Cultural Rights (ICESCR) (right to education and right to health services). Refer **Attachment 2** for the full list of human rights protected by the Bill and a comparison with other human rights legislation.

Compatible with human rights

The term ‘compatible with human rights’ is a key term for the Bill and is defined in clause 8. An act, decision or statutory provision is compatible with human rights if:

- it does not limit a human right; or
- limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with clause 13 of the Bill.

This definition of ‘compatible with human rights’ recognises that the human rights in the Bill are not absolute and may be balanced against the rights of others (e.g. children and victims of domestic violence) and public policy issues of significant importance (e.g. community safety). All rights are subject to a general limitations clause (clause 13). The general limitations provision recognises that human rights may be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. Factors that determine whether a limit on a human right is reasonable and justified are set out in the provision, and are intended to incorporate the common law principle of proportionality, a test applied by courts in many other jurisdictions to determine whether a limit on a human right is reasonable and justified.

Some rights in the Bill also have internal limitations (for example, the right not to be arrested or detained except in accordance with the law).

Obligations imposed on government

The Bill imposes certain obligations and functions on the three arms of government, consistent with the ‘dialogue’ model, that is:

- the executive – public entities must act and make decisions in a way that is compatible with human rights, and in making a decision must give proper consideration to a human right relevant to the decision (clause 58).
- the legislature – a member of parliament introducing a bill must table a statement of compatibility and the portfolio committee must consider the compatibility of the bill with human rights. A human rights certificate must also be prepared for subordinate legislation by the responsible Minister and the portfolio committee may consider the certificate in examining the legislation. In exceptional circumstances, the parliament may make an override declaration which has the effect of overriding the HR Act (clauses 38 to 41);
- the judiciary – legislation must be interpreted, as far as possible, consistent with its purpose, in a way that is compatible with human rights (unless there is an override declaration in place)(clause 48). The Supreme Court may, in certain circumstances, make a declaration of incompatibility which does not invalidate the legislation or statutory provision but which must be considered by the relevant Minister and portfolio committee (clauses 53 to 57);

Public entities

The term ‘public entity’ is defined by the Bill and includes core public entities such as State government departments, local governments and public servants, as well as functional public entities.

‘Functional public entities’ are entities that fall within the definition of ‘public entity’ in clause 9 only when they are performing certain functions. The functional public entities listed in the definition are:

- an entity established under an Act when the entity is performing functions of a public nature; or
- an entity whose functions are, or include, functions of a public nature when it is performing the functions for the State or a public entity (whether under contract or otherwise).

An example of a ‘functional public entity’ would be a private company operating a prison or a non-government organisation providing funded housing services.

Registered *National Disability Insurance Scheme (NDIS)* providers under the *National Disability Insurance Scheme Act 2013* (Cwlth) are also public entities when they are performing functions of a public nature in the State (clause 9(2)(a)). Registered providers of supports or registered NDIS providers have been specifically captured to provide certainty particularly given the State’s historic involvement in regulating this area of service delivery and the recent development and rollout of the national scheme, i.e. the NDIS.

The obligations on all public entities imposed by the Bill (clause 58) are also subject to certain exceptions. Firstly, the conduct of a public entity will not be unlawful under the HR Act, if the entity could not reasonably have acted differently or made a different decision because of another law. In this case, the statutory provision under which the decision is made may be incompatible with human rights, but the public entity will not be breaching its obligations under the HR Act if it has acted or made a decision in accordance with that legislation (clause 58(2)).

Clause 58(3) also provides an exception for bodies established for a religious purpose if the act or decision is done or made in accordance with the doctrine of the religion concerned and is necessary to avoid offending the religious sensitivities of the people of that religion. This exception is consistent with the exception contained in other Queensland legislation, i.e. the *Anti-Discrimination Act 1991*.

Finally, clause 58 does not apply to a public entity’s act or decision of a private nature, i.e. the obligations on public entities will only apply when they are acting or making decisions of a public nature, as distinct from decisions of a private nature (for example decisions that a public servant decision maker may make about how they spend their personal time; or a decision of a private company operating a prison about another aspect of their business unrelated to their public functions). This approach is consistent with the key purpose of the Bill, which is to ensure that public functions are exercised in a way that is compatible with human rights.

Remedies and the disputes resolution process

The Bill will not create a stand-alone right of action for non-compliance with the HR Act, but will provide an additional ground of ‘unlawfulness under the HR Act’ so that a remedy for a breach of human rights may be sought where a person has an existing right to seek a remedy or relief on a ground of unlawfulness. This is referred to as a ‘piggy-back’ cause of action, and aligns with the Victorian model. In practice this new ground for seeking a remedy will mean that when individuals have an existing cause of action against a public entity (for example, the right to seek judicial review of a decision of a public entity, or a claim of discrimination), then a claim of unlawfulness under the HR Act will be able to be added to or ‘piggy-backed’ onto that existing claim.

The Bill rebrands the Anti-Discrimination Commission Queensland (ADCQ) as the Queensland Human Rights Commission (QHRC). The QHRC will take a lead role in the provision of community education about human rights and promoting an understanding of the proposed HR Act.

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The QHRC will also perform a complaints handling and conciliation function. In the first instance, individuals who are unhappy with a public entity's failure to act or make a decision in a way that is compatible with human rights will be expected to make a complaint to the relevant public entity. If the complaint cannot be resolved with the public entity, a person may make a human rights complaint to the QHRC. The QHRC may try to informally resolve the complaint, through either discussing the complaint with the complainant and the public entity or, if appropriate, through conciliation. Legal representation will be permitted at a conciliation conference, at the discretion of the QHRC. The aim is to seek a meaningful resolution of the human rights complaint. A flowchart setting out the disputes resolution process is at **Attachment 3**.

The QHRC will also have other important functions under the Bill including:

- working with public entities to assist them to ensure their services, policies, programs, procedures and practices are compatible with human rights; and
- preparing an annual report, including details of the operation of the HR Act for the Attorney-General, who is required to table the report.

Amendments to the *Corrective Services Act 2006* and the *Youth Justice Act 1992*

The Bill will amend the *Youth Justice Act 1992* (YJA) and the *Corrective Services Act 2006* (CSA) so that it is clear that other factors, relevant to determining how to act or make a decision (in respect of certain matters) under the YJA or the CSA, will apply, in addition to human rights considerations under the HR Act. The provisions have been drafted with the intention that complaints to the QHRC and piggy-back actions on the grounds of unlawfulness under the HR Act will not be prevented. The intention is to provide clarity and guidance to decision makers in this complex area of service delivery.

For the YJA the scope of the amendments is limited to decisions about whether to segregate accused persons from convicted persons in youth detention centres, which is an aspect of the right to human treatment when deprived of liberty. The other considerations that may be taken into account are: the safety and wellbeing of the child on remand and other detainees; and the chief executive's responsibilities and obligations under section 263 of the YJA (management so detention centres).

For the CSA, the scope of the amendments is limited to decisions relating to the segregation of convicted and non-convicted prisoners, and the management of prisoners where it is not practicable for a prisoner to be provided with his or her own room. The other considerations that may be taken into account are: the security and good management of corrective services facilities; and the safe custody and welfare of all prisoners.

Commencement

The Bill will commence by proclamation and, as the Attorney-General indicated in her Explanatory Speech, it is proposed that the provisions about the QHRC function will commence mid 2019, and the remaining provisions that impose obligations on public entities will commence on 1 January 2020. This staged approach to implementation allow government agencies and affected non-government public entities to prepare for implementation, including reviewing policy, procedures, decision-making frameworks, and legislation to ensure compatibility with human rights.

Review

The Bill specifically provides for an independent review of the HR Act as soon as practicable after 1 July 2023, with a further review as soon as practicable after 1 July 2027 or earlier if the Attorney-General considers it appropriate. The review must include consideration of whether additional human rights should be included, proceedings and remedies that may be brought or awarded; and the amendments to the YJA and CSA.

Comparison of Models of Human Rights Acts and Charters

A number of jurisdictions have introduced Human Rights Acts including: the United Kingdom, New Zealand, Canada, the Australian Capital Territory (ACT) (*Human Rights Act 2004*), Victoria (the *Charter of Human Rights and Responsibilities Act 2006* (the Victorian Charter)); and the Commonwealth (the *Human Rights (Parliamentary Scrutiny) Act 2011* (the Commonwealth Parliamentary Scrutiny Act)). There are different types of models for human rights acts including:

- the Constitutional (or entrenched) models: as represented by the United States Constitution. It depends primarily on judicial review of legislative and executive actions. The judiciary is empowered to invalidate legislation and executive actions that violate the rights in the United States Constitution; giving the judiciary the final word on human rights;
- the representative (or parliamentary) models: the one that arguably currently exists in Queensland, and those jurisdictions without an entrenched Bill of Rights or Human Rights Act. This model gives the legislature and the executive a prominent role in the protection of human rights, justified on the basis that elected representatives are best placed to temper legislative agendas in relation to human rights considerations; and
- the 'dialogue model' of human rights protection: the one represented in the Victorian Charter. This model aims to establish a dialogue between the three arms of government about the definition, scope and limits of human rights. Each of the three arms of government – the executive, the legislature (Parliament) and the courts – have a legitimate role to play.

A comparison of the models in the Human Rights Bill 2018 (Queensland), Victoria, the ACT, the United Kingdom, New Zealand and Canada is provided below.

Queensland

Legislation	<i>Human Rights Bill 2018</i>
Entrenched?	No.
Rights protected	A non-exhaustive list of civil & political rights, but also incorporates two economic, social and cultural rights (right to health services and right to education); property rights; and includes the distinct protection of cultural rights of Aboriginal and Torres Strait Islander peoples.
Model	Dialogue.
What is the impact on the Executive?	Public officials and Government departments will be obliged to act and make decisions in a way that is compatible with human rights. In practice this will mean building human rights considerations into the development of policy, programs and services and taking human rights into consideration in making decisions. All Bills introduced to Parliament must be accompanied by a Statement of Compatibility which outlines the consistency of a Bill with the Human Rights Act.
What is the impact on Parliament?	Parliament (or the relevant portfolio parliamentary committee) will be obliged to scrutinise all Bills introduced into the Legislative Assembly for compatibility with human rights and report on declarations of incompatibility.
What is the impact on the Courts?	The Courts (and tribunals) will be obliged to interpret legislation and statutory provisions (to the extent possible consistent with their purpose) in a manner that is compatible with human rights.
Can the Court make a declaration of incompatibility?	Yes. The Supreme Court may make a declaration of incompatibility if the court is of the opinion that a statutory provision cannot be interpreted in a way compatible with human rights. However, this declaration does not affect the validity of a statutory provision and does not create in any person a legal right or give rise to any civil cause of action. The relevant Minister must respond to the declaration.
Does the Court have the power to 'strike down' legislation?	No.
Are public authorities subject to the Charter?	Yes. Public entities must not act in a way that is incompatible with a human right or, in making a decision, fail to give proper consideration to a relevant human right.
Is there a stand-alone cause of action?	No. The Bill does not enable a person to bring any independent claim or action against a public authority on the grounds that their human rights have been breached. Any claim can only 'piggy back' onto another existing legal claim as an additional argument.
Are damages available?	No. The Bill expressly states that a person is not entitled to be awarded damages on the ground of unlawfulness under the Bill.
What is the role of the relevant Human Rights Commission?	The Queensland Human Rights Commission (QHRC) will have an educative, monitoring and disputes resolution role. The QHRC will be provided with important functions under the Bill to support the regulatory model underpinning the Bill, including both educative and disputes resolution (compulsory conciliation) functions. There is a model of dispute resolution that aims to provide an accessible, independent and appropriate avenue for members of the community to raise human rights concerns.

VICTORIA

Legislation	<i>Charter of Human Rights and Responsibilities Act 2006</i>
Entrenched?	No.
Rights protected	A non-exhaustive list of civil & political rights; includes a provision for the protection of cultural rights which includes the cultural rights of Aboriginal and Torres Strait Islander peoples.
Model	Dialogue.
What is the impact on the Executive?	Public officials and Government departments (public authorities) must observe rights when setting policies, providing services and making decisions, and must act in a way that is compatible with the Charter. All Bills introduced to Parliament must be accompanied by a Statement of Compatibility which outlines the consistency of the Bill with the Charter. The Executive must also respond to any declarations of inconsistent interpretation made by the Courts.
What is the impact on Parliament?	Parliament must consider the rights contained in the charter when adopting legislation. All Bills introduced to Parliament must be subject to consideration by the Scrutiny of Acts and Regulations Committee for the purpose of considering the compatibility of the legislation with human rights, who must report back to Parliament.
What is the impact on the Courts?	Courts and tribunals must interpret and apply legislation in a way that is consistent with the charter rights, as far as this is possible.
Can the Court make a declaration of incompatibility?	Yes. The Supreme Court has the ability to make a declaration of inconsistent interpretation if a statutory provision cannot be interpreted consistently with a human right. However, this declaration does not affect the validity, operation or enforcement of the provision. The relevant Minister must respond to the declaration.
Does the Court have the power to 'strike down' legislation?	No.
Are public authorities subject to the Charter?	Yes. Public authorities must not act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.
Is there a stand-alone cause of action?	No. The Charter does not enable a person to bring any independent claim or action against a public authority on the grounds that their human rights have been breached. Any claim can only 'piggy back' onto another existing legal claim as an additional argument.
Are damages available?	No. The Charter expressly excludes damages as a remedy for any claim.
What is the role of the relevant Human Rights Commission?	The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) has an educative and monitoring role.

	<p>The VEOHRC plays an educative role, and is responsible for the monitoring and reporting on the implementation and operation of the Charter. In performing this function the Commission has a right to intervene in any proceedings before a court or tribunal in which a question of law arises relating to the application or interpretation of the Charter.</p>
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AUSTRALIAN CAPITAL TERRITORY

Legislation	<i>Human Rights Act 2004</i>
Entrenched?	No.
Rights protected	A non-exhaustive list of civil & political rights, but also incorporates one economic, social and cultural right (the right to education); and includes the protection of cultural rights, including the cultural rights of Aboriginal and Torres Strait Islander peoples.
Model	Dialogue.
What is the impact on the Executive?	Public officials and Government departments (public authorities) must observe rights when setting policies, providing services and making decisions, and must act in a way that is compatible with the Charter. All Bills introduced to Parliament must be accompanied by a Statement of Compatibility which outlines the consistency of the Bill with the Charter. The Executive must also respond to any declarations of inconsistent interpretation made by the Courts.
What is the impact on Parliament?	Parliament must consider the rights contained in the charter when adopting legislation. All Bills introduced to Parliament must be subject to consideration by the Standing Committee for the purpose of considering the compatibility of the legislation with human rights, who must report back to Parliament.
What is the impact on the Courts?	Courts and tribunals must interpret and apply legislation in a way that is consistent with the charter rights, as far as this is possible.
Can the Court make a declaration of incompatibility?	Yes. The Supreme Court has the ability to make a declaration of inconsistent interpretation if a statutory provision cannot be interpreted consistently with a human right. However, this declaration does not affect the validity, operation or enforcement of the provision. The relevant Minister must respond to the declaration.
Does the Court have the power to 'strike down' legislation?	No.
Are public authorities subject to the Charter?	Yes. Public authorities must not act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.
Is there a stand-alone cause of action?	Yes. The Act provides for a stand-alone cause of action for breaches of human rights by public authorities. The Supreme Court, in hearing an application, may grant an appropriate remedy but that remedy cannot include financial damages.
Are damages available?	No. The Charter expressly excludes damages as a remedy for any claim. However, there is a right to compensation for wrongful conviction.
What is the role of the relevant Human Rights Commission?	The ACT Human Rights Commission has an educative and monitoring role.

	<p>The ACT Human Rights Commission plays an educative role, and is responsible for reviewing the effect of laws, including the common law, on human rights and reporting to the Attorney-General on the results of these reviews. In addition, the Human Rights Commissioner may intervene in court proceedings that involve the application of the Act.</p>
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UNITED KINGDOM

Legislation	<i>Human Rights Act 1998</i>
Entrenched?	No.
Rights protected	Rights under the European Convention on Human Rights (the Convention).
Model	Dialogue.
What is the impact on the Executive?	All Bills introduced must make a statement either to the effect that the Bill is compatible with the Convention, or that it is not compatible but the Government nevertheless wishes to enact it.
What is the impact on Parliament?	There is no legislative requirement for scrutiny of the Bill by anybody, however practice suggests that Bills are routinely scrutinised on their compatibility of the Joint Parliamentary Committee on Human Rights.
What is the impact on the Courts?	Courts must interpret primary and subordinate legislation in accordance with Convention rights so far as it is possible to do so.
Can the Court make a declaration of incompatibility?	Yes. If a court believes that a legislative provision is incompatible with a Convention right, and cannot be interpreted so as to conform, it may issue a declaration of incompatibility. Such Declarations do not affect the validity or operation of the legislation, nor are they binding on the parties to the proceedings in which the Declaration is made.
Does the Court have the power to 'strike down' legislation?	No.
Are public authorities subject to the Charter?	Yes. Public authorities are required to act in compliance with Convention rights, unless otherwise compelled by legislation.
Is there a stand-alone cause of action?	Yes. There is a cause of action against public authorities which act incompatibly with Convention rights as a breach of statutory duty. There is also grounds for judicial review of administrative actions.
Are damages available?	Yes, but it is limited. Damages can only be awarded by a Court which has the power to award damages or compensation in civil proceedings, and the Court must take into account any other relief of remedy granted and the consequences of any decision and be satisfied that it is necessary to afford just satisfaction to the person by awarding damages.
What is the role of the relevant Human Rights Commission?	While not created or provided for under the Act, Equality and Human Rights Commission (under the <i>Equality Act 2006</i>) has some functions regarding the Act such as promoting understanding, holding inquiries and commencing judicial review proceedings.

NEW ZEALAND

Legislation	<i>Bill of Rights Act 1990</i>
Entrenched?	No.
Rights protected	A non-exhaustive list of civil and political rights.
Model	Dialogue.
What is the impact on the Executive?	When any Bill is introduced to Parliament, the Attorney-General must bring to the attention of Parliament any provision in the Bill that appears to be inconsistent with any of the rights and freedoms contained in the Bill of Rights.
What is the impact on Parliament?	There is no legislative requirement for Parliamentary scrutiny of the Bill.
What is the impact on the Courts?	Courts must, where possible, give legislation and statutory provisions a meaning that is consistent with the rights and freedoms contained in the Bill of Rights.
Can the Court make a declaration of incompatibility?	No. There is no express provision in the Act for the courts to declare legislation to be incompatible with it (however, it has developed as a form of remedy by the Courts to issue declarations of inconsistency).
Does the Court have the power to 'strike down' legislation?	No.
Are public authorities subject to the Charter?	Yes. The Bill of Rights applies to acts done by the legislative, executive or judicial branches of Government or any person or body in the performance of a public function, power or duty.
Is there a stand-alone cause of action?	There is no express provision in the Bill of Rights providing for any cause of action for breach of the Act. However the courts have developed remedies over time through case law.
Are damages available?	Yes. While the Bill of Rights itself has no express remedial provisions, remedies (such as an award of damages or a stay of proceedings) have been developed by the courts over time through case law.
What is the role of the relevant Human Rights Commission?	While not created or provided for under the Bill of Rights, the Human Rights Commission (under separate legislation - the <i>Human Rights Act 1993</i>) has some functions regarding the Bill of Rights such as to promote and understanding of, and compliance with, the Bill of Rights. The Commission also has a dispute resolution function in respect of the right of 'freedom from discrimination' protected under the Bill of Rights.

CANADA

Legislation	<i>Canadian Charter of Rights and Freedoms</i>
Entrenched?	Yes, it is contained in the <i>Constitutional Act 1982</i> .
Rights protected	A non-exhaustive list of freedoms and rights are guaranteed under the Charter, including fundamental freedoms (of religion, expression and peaceful assembly), democratic rights, mobility rights, legal rights and equality rights, as well as rights concerning language and minority educational rights.
Model	Constitutional and dialogue.
What is the impact on the Executive?	Bill and legislation introduced by the Government must be compatible with human rights under the Charter. However, the Government is allowed to impose reasonable limits on the rights and freedoms guaranteed under Charter Act so long as it is demonstrably justified in a free and democratic society.
What is the impact on Parliament?	Parliament is enabled to pass laws that are exempt (and thus perhaps incompatible with) the provisions in the Charter by including a “notwithstanding clause”, but those laws will expire after 5 years unless re-enacted.
What is the impact on the Courts?	Courts must interpret in ways that are consistent with the human rights under the Charter. Courts are also able to exclude evidence in proceedings where the court concludes that evidence was obtained in a manner that infringed or denied any rights or freedoms guaranteed by the Charter and its admission would bring the administration of justice into disrepute.
Can the Court make a declaration of incompatibility?	Yes. However, there is also an override clause which enables Parliament to expressly declare that legislation shall be valid and operate notwithstanding any inconsistencies with the Charter (but, as noted above, those laws will expire after 5 years).
Does the Court have the power to ‘strike down’ legislation?	Yes. Canadian Courts have the power to invalidate rights-incompatible legislation. However, there is also an override clause which enables Parliament to expressly declare that legislation shall be valid and operate notwithstanding any inconsistencies with the Charter (but, as noted above, those laws will expire after 5 years).
Are public authorities subject to the Charter?	Yes.
Is there a stand-alone cause of action?	Yes. Any individual or group having grounds for believing that a person is engaging or has engaged in a discriminatory practice may apply to a court to obtain such a remedy as the court considers appropriate and just in the circumstances.
Are damages available?	Yes.
What is the role of the relevant Human Rights Commission?	The Canadian Human Rights Commission has an educative and dispute resolution role. The <i>Human Rights Act 1985</i> created the Canadian Human Rights Commission to investigate claims, and the Canadian Human Rights Tribunal to judge them (but a matter must proceed through investigation and mediation by the Commission before it can be brought

	before the Tribunal). The Commission is also tasked with the role of fostering public understanding of the Act and its protections, and reviewing its use.
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Comparison of rights included in the Queensland Human Rights Bill and other jurisdictions

Right	Queensland	Victoria	ACT	NZ	UK	Canada
Right to recognition and equality before the law (including freedom from discrimination)	✓	✓	✓	✓	✓	✓
Right to life	✓	✓	✓	✓	✓	✓
Right to protection from torture and cruel, inhuman or degrading treatment	✓	✓	✓	✓	✓	✓
Freedom from slavery and forced work	✓	✓	✓	✗	✓	✗
Freedom of movement	✓	✓	✓	✓	✗	✓
Right to privacy and reputation	✓	✓	✓	✗	✓	✗
Freedom of thought, conscience, religion and belief	✓	✓	✓	✓	✓	✓
Freedom of expression	✓	✓	✓	✓	✓	✓
Right to peaceful assembly and freedom of association	✓	✓	✓	✓	✓	✓
Right to protection of families and children	✓	✓	✓	✗	✗	✗
Right to take part in public life (electoral rights)	✓	✓	✓	✓	✗	✓
Property rights	✓	✓	✗	✗	✓	✗
Right to liberty and security of person	✓	✓	✓	✓	✓	✓
Right to humane treatment when deprived of liberty	✓	✓	✓	✓	✗	✓
Rights of children in the criminal process	✓	✓	✓	✗	✗	✗
Right to a fair hearing	✓	✓	✓	✓	✓	✓
Rights in criminal proceedings	✓	✓	✓	✓	✓	✓
Right not to be tried to punished more than once	✓	✓	✓	✓	✗	✓
Compensation for wrongful conviction	✗	✗	✓	✗	✗	✗
Protection from retrospective criminal laws	✓	✓	✓	✓	✓	✓
Cultural and minority rights (general provision)	✓	✓	✓	✓	✗	✓
Cultural rights of Aboriginal and Torres Strait Islander peoples and/or other minorities (specific provision)	✓	✗	✗	✗	✗	✓
Right to education	✓	✗	✓	✗	✓	✗
Right to health services	✓	✗	✗	✗	✗	✗

Making a human rights complaint – pathway to conciliation

