



Appendices

Appendix A: Courts and tribunals

In the financial year ended 30 June 2022, courts and tribunals considered or mentioned the Human Rights Act in 86 matters.

Table 7: Courts and tribunals that considered or mentioned the Human Rights Act, 2021-22

Court	Number
Federal Court of Australia (FCA)	1
Fair Work Commission (FWC)	2
Court of Appeal Queensland (QCA)	1
Supreme Court of Queensland (QSC)	3
District Court of Queensland (QDA)	4
Land Court of Queensland (QLC)	2
Mental Health Court Queensland (QMHC)	1
Coroners Court Queensland	1
Queensland Civil and Administrative Tribunal Appeals (QCATA)	4
Queensland Civil and Administrative Tribunal (QCAT)	44
Queensland Industrial Relations Commission (QIRC)	23
Total	86

Details of the cause of action that gave rise to the mention or consideration of the *Human Rights Act 2019* in each court or tribunal matter are given in the following table.

Table 8: Cause of action in court and tribunal matters that considered or mentioned the Human Rights Act in the 2021–2022 period

Court	Cause of action	No
FCA	Covid-19 insurance test case – 1	1

FWC	Unfair dismissal – 1 General protections – 1	2
QCA	Referral of point of law under Criminal Code	1
QSC	Appeal from decision of Crime and Corruption Commission – 1 Application for relief for unlawful imprisonment – 1 Judicial review – 1	3
QDA	Appeal from decision to stay a summary charge arising from arguably same set of facts that had already resulted in conviction of indictable charge – 1 Breach of lease – 1 Defamation (orders for anonymisation) – 1 Protection order – 1	4
QLC	Objection to mining lease – 1 Objection to mining lease (procedural issue) – 1	2
QMHC	Condition on forensic order	1
Coroner	Coronial inquest (procedural issue)	1
QCATA	Minor civil dispute – 2 Minor civil dispute (tenancy) – 1 Review of blue card decision – 1	4
QCAT	Application for stay of decision to suspend driver authorisation number – 1 Discrimination – 1 Discrimination (exemption application) – 3 Discrimination (procedural issue) – 1 Guardianship and administration – 7 Guardianship and administration (Interim appointment) – 3 Information privacy – 1 Minor civil dispute – 1 Minor civil dispute (tenancy) – 1 Occupational regulation matter – 1	44

	Order for costs – 1	
	Police disciplinary review – 1	
	Review of blue card decision – 19	
	Review of child protection decision – 1	
	Review of decision of Queensland Racing Integrity Commission – 1	
	Review of decision of weapons division of QPS – 1	
QIRC	Discrimination (Interim order) – 1	23
	General protections – 1	
	Industrial dispute – 1	
	Public service appeal – 4	
	Public service appeal (vaccination) – 16	
Total		86

Appendix B: Human rights indicators

Indicators of a developing human rights culture: State government

Indicator 1: Staff awareness, education, and development

- How has staff awareness been raised about the Act?
- What education and training on the Act has been provided?
- Does the training include examples specifically tailored to the organization to illustrate how to put human rights into practice?
- Approximately what percentage of staff have received training?
- Which work groups or areas of the agency have received training? What training has been provided to senior leadership? What was the mode of delivery of the training? For example, online, face-to-face, both online and face-to-face, or other? Has the training been delivered by internal staff, or external providers?
- What has been the impact of increased working from home arrangements on the design and delivery of training?
- Has human rights been included in induction training (onboarding of new staff)? Does ongoing professional development/training for staff include human rights? If so, what is the mode of the delivery of the training?
- What feedback do you collect about education and training? How is it used to design future training and/or resources?

Indicator 2: Community consultation and engagement about human rights

- Have you conducted any community consultation and engagement, such as with stakeholders, clients, or consumers about human rights?
- What information have you provided to the community about human rights?
- Have you consulted relevant sectors of the community about proposed changes to, or development of, legislation, regulations, policies, procedures, services etc. which may impact human rights?
- Please provide details, including how did the community consultation and engagement impact on any decision-making/policy formulation, or other?

Indicator 3: Awareness raising and support for related entities (including functional public entities engaged by the entity i.e. contractors)

- Have you raised awareness of human rights with contractors/providers engaged by your agency? If so, provide details. For example, has human rights been embedded into formal contracts?
- What support in ensuring compatibility with the Act have you provided to providers engaged by your agency? If any, provide details.

Indicator 4: Reviews and development of legislation or subordinate legislation

- Please point to legislation or subordinate legislation that has been introduced in the financial year 2020–21 that:
 - has a significant impact on human rights;
 - works to respect, protect, or promote human rights
- Please provide any examples of good practice in ensuring the proper consideration of human rights is part of legislation development.

Indicator 5: Review of policies and procedures

- Has your agency reviewed policies and procedures for compatibility with human rights?
- Please provide an example of the way in which the review of policies and procedures has resulted in positive change?
- In particular, have you developed any new guides or other tools to assist staff to act and make decisions that are compatible with human rights, and to properly consider human rights when making decisions?
- Has any review of policies and procedures resulted in a change to service delivery? If so, please provide examples.

Indicator 6: Internal complaint management for human rights complaints

- How successful has your agency been in integrating human rights complaints into internal complaints processes? If possible, provide examples of what has been achieved.
- Does your agency face any barriers in successfully identifying, considering, and responding to human rights complaints? If so, what are they?
- Please provide examples of where a complaint has been resolved through the internal complaints process and/or has resulted in policy/procedure/practice review, service improvements or change for the agency.

Indicator 7: Future plans

What future plans does your agency have to achieve the objects of the Act in:

- protecting and promoting human rights;
- building a culture in the Queensland public sector that respects and promotes human rights; and
- helping promote a dialogue about the nature, meaning, and scope of human rights.

Additional question:

How has senior leadership demonstrated a commitment to embedding human rights generally, and in particular with respect to the Indicators 1 – 6 noted above?

Indicators of a developing human rights culture: Councils

Indicator 1: Staff awareness, education and development

- How has staff awareness been raised about the Act?
- What education and training on the Act has been provided?
- Does the training include examples specifically tailored to the council to illustrate how to put human rights into practice?
- Approximately what percentage of staff have received training?
- Which work groups or areas of the council have received training? What training has been provided to senior leadership? What was the mode of delivery of the training? For example, online, face to face, both online and face to face, or other? Has the training been delivered by internal staff, or external providers?
- What has been the impact of increased working from home arrangements on the design and delivery of training?
- Has human rights been included in induction training (onboarding of new staff)? Does ongoing professional development/training for staff include human rights? If so, what is the mode of the delivery of the training?
- What feedback do you collect about education and training? How is it used to design future training and/or resources?

Indicator 2: Community consultation and engagement about human rights

- Have you conducted any community consultation and engagement, such as with stakeholders, clients, or consumers about human rights?
- What information have you provided to the community about human rights?
- Have you consulted relevant sectors of the community about proposed changes to, or development of, legislation, regulations, policies, procedures, services etc. which may impact human rights?
- Please provide details, including how did the community consultation and engagement impact on any decision-making/policy formulation, or other?

Indicator 3: Awareness raising and support for related entities (including functional public entities engaged by the council i.e. contractors)

- Have you raised awareness of human rights with contractors/providers engaged by the council? If so, provide details. For example, has human rights been embedded into formal contracts?
- What support in ensuring compatibility with the Act have you provided to providers engaged by the council? If any, provide details.

Indicator 4: Reviews and development of local laws and subordinate local laws

- Please point to a local law or subordinate local law that has been introduced in the financial year 2021-22 and that:
 - has a significant impact on human rights;
 - works to respect, protect, or promote human rights
- Please provide any examples of good practice in ensuring the proper consideration of human rights is part of local law development.

Indicator 5: Review of policies and procedures

- Has the council reviewed policies and procedures for compatibility with human rights?
- Please provide an example of the way in which the review of policies and procedures has resulted in positive change?
- In particular, have you developed any new guides or other tools to assist staff to act and make decisions that are compatible with human rights, and to properly consider human rights when making decisions?
- Has any review of policies and procedures resulted in a change to service delivery? If so, please provide examples.

Indicator 6: Internal complaint management for human rights complaints

- How successful has the council been in integrating human rights complaints into internal complaints processes? If possible, provide examples of what has been achieved.
- Does the council face any barriers in successfully identifying, considering, and responding to human rights complaints? If so, what are they?
- Please provide examples of where a complaint has been resolved through the internal complaints process and/or has resulted in policy/procedure/practice review, service improvements or change for the council.

Indicator 7: Future plans

What future plans does the council have to achieve the objects of the Act in:

- protecting and promoting human rights;
- building a culture in the Queensland public sector that respects and promotes human rights; and
- helping promote a dialogue about the nature, meaning, and scope of human rights.

Additional question:

How has senior leadership demonstrated a commitment to embedding human rights generally, and in particular with respect to the Indicators 1 – 6 noted above?

Appendix C: Complaints data tables

Refer to section *Human rights complaints snapshot* for explanations of terms such as ‘accepted’, ‘resolved’ and ‘finalised.’

Table 9: Outcome of finalised complaints – inclusive of piggy-back complaints and human rights only complaints, 2021-22

Outcome of finalised complaints – all (piggy-back complaints and human rights only)	No. finalised
Information provided indicates not covered by the HR Act	222
Prior internal complaint requirements not met	44
Accepted and resolved	61
Withdrawn or lost contact	27
Unconciliable piggy-back complaint: referred to Tribunal	57
Unconciliable piggy-back complaint: no referral	27
Unconciliable human rights only complaint	21
Has been or could be dealt with better elsewhere	22
Rejected - lacked substance	8
Unconciliable human rights only complaint: report with recommendations published	0

Table 10: Human rights identified in all finalised human rights complaints – inclusive of piggy-back complaints and human rights only complaints, 2021-22

Relevant human right	Allegations made in finalised complaints	Allegations made in accepted and finalised complaints
Cultural rights—First Nations peoples	18	10
Cultural rights—generally	6	0
Fair hearing	32	3

Relevant human right	Allegations made in finalised complaints	Allegations made in accepted and finalised complaints
Freedom from forced work	3	0
Freedom of expression	35	8
Freedom of movement	159	34
Freedom of thought, conscience, religion, belief	28	1
Humane treatment when deprived of liberty	108	47
Not tried or punished more than once	0	0
Peaceful assembly	1	1
Privacy and reputation	123	55
Property rights	16	5
Protection from retrospective criminal laws	5	0
Protection of children in the criminal process	3	0
Protection of families and children	53	26
Recognition and equality before the law	250	137
Right to education	26	18
Right to health services	39	11
Right to liberty and security of person	32	8
Right to life	19	0
Rights in criminal proceedings	13	2
Taking part in public life	39	3
Torture & cruel, inhuman, degrading	66	17

Table 11: Human rights identified in finalised human rights only complaints, 2021-22

Relevant human right	Allegations made in finalised complaints	Allegations made in accepted and finalised complaints
Cultural rights—First Nations peoples	8	3
Cultural rights—generally	1	0
Fair hearing	25	1
Freedom from forced work	3	0
Freedom of expression	25	1
Freedom of movement	121	12
Freedom of thought, conscience, religion, belief	23	1
Humane treatment when deprived of liberty	64	15
Not tried or punished more than once	4	0
Peaceful assembly	9	0
Privacy and reputation	76	19
Property rights	12	2
Protection from retrospective criminal laws	3	0
Protection of children in the criminal process	0	0
Protection of families and children	30	7
Recognition and equality before the law	95	4
Right to education	12	5
Right to health services	25	2
Right to liberty and security of person	23	1
Right to life	16	0

Relevant human right	Allegations made in finalised complaints	Allegations made in accepted and finalised complaints
Rights in criminal proceedings	10	0
Taking part in public life	26	1
Torture & cruel, inhuman, degrading	46	2

Table 12: Human rights identified in resolved human rights complaints, 2021-22

Relevant human right	Allegations made in resolved complaints
Cultural rights—Aboriginal peoples and Torres Strait	2
Freedom of expression	1
Freedom of movement	10
Humane treatment when deprived of liberty	10
Privacy and reputation	25
Torture & cruel, inhuman, degrading	4
Protection of families and children	10
Recognition and equality before the law	43
Right to education	4
Right to health services	7

Table 13: Human rights complaints by sector – inclusive of piggy-back complaints and human rights only complaints, 2021-22

Public entity by sector	No. finalised complaints	No. accepted and finalised complaints
Accommodation/housing	9	2
Child Safety	15	8
Corrections	44	35
Court services	11	0
Disability services	0	0
Health	192	145
Local government agency	18	13
Not a public entity	13	0
Other government services	17	8
Other state laws and programs	30	20
Police	58	39
Public education	33	13
Transport	9	3
Work	60	18

Table 14: Human rights complaints by sector – human rights only complaints, 2021-22

Public entity by sector	No. finalised complaints	No. accepted and finalised complaints
Accommodation/housing	2	0
Child safety	8	1
Corrections	35	6
Court services	11	1
Disability services	0	0
Health	145	11
Local government agency	13	4
Other government services	8	1
Other state laws and programs	20	4
Police	39	0
Public education	13	0
Transport	3	0
Work	18	0

Table 15: Finalised complaints by complainant age bracket, 2021-22

Complainant age group	No. of finalised complaints
Under 15	3
15-19	3
20-24	12
25-34	37
35-44	81
45-54	70
55-64	44
Over 65	17

Appendix D: Human rights timeline 2021-22

This information is represented in the timeline on pages 17-18 of this report and is a summary of some significant events relevant to the operation of the Act in its third year.

September 2021

A private Member's Bill, the Criminal Law (Raising the Age of Responsibility) Amendment Bill 2021, was introduced into the Queensland Parliament to raise the minimum age of criminal responsibility in Queensland from 10 to 14 years. The Parliamentary Committee tabled its report on the Bill on 15 March 2022.

October 2021

The Supreme Court of Qld decision in *Owen-D'Arcy v Chief Executive, Queensland Corrective Services* [2021] QSC 273 clarified how a public entity is to give proper consideration to human rights when making decisions. The entity must identify and consider all of the human rights that the decision affects.

The Treaty Advancement Committee report to advance Queensland's Path to Treaty Commitment recommended that an independent First Nations Treaty Institute be established, a Truth Telling and Healing Process, and a Fund to give financial security and independence.

December 2021

The Chief Health Officer's directions requiring vaccination to enter certain venues commenced on 7 December 2021 and were finally revoked on 14 April 2022.

January 2022

The Chief Health Officer's directions regarding border restrictions on entering Queensland were revoked on 15 January 2022.

Qld Parliament's Legal Affairs and Safety Committee tabled its report, *Inquiry into serious vilification and hate crimes*, and making

recommendations encompassing education, community empowerment, and law reform.

Qld Parliament's Legal Affairs and Safety Committee recommended that the Inspector of Detention Services Bill 2021 be passed. The purpose of the Bill is to promote the improvement of detention services and places of detention with a focus on promoting and upholding the humane treatment of detainees, including the conditions of their detention.

April and May 2022

The Land Court of Qld took 'on country' evidence from First Nations witnesses as part of a mining lease objection hearing, travelling to Erub and Poruma Islands and the Yidinji Nation in the Cairns region. In *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors (No 5)* [2022] QLC 4, the Court found that First Nations witnesses' cultural rights under the Human Rights Act would be unduly limited if their evidence was confined to written evidence.

June 2022

The State Coroner found they were acting in an administrative capacity (therefore subject to the Human Rights Act) when making a decision regarding the investigation of a death in a correctional centre. Most deaths in the custody of Queensland Corrective Services (QCS) are investigated by the. The family of the deceased person argued that the Queensland Police Service's Corrective Services' Investigation Unit (CSIU) – who investigate most deaths in custody – had a conflict of interest. The Coroner concluded that the investigation should be finalised by another unit within the Queensland Police Service other than the CSIU.

The Chief Health Officer's directions requiring quarantine for unvaccinated international arrivals in government nominated accommodation (often hotels) ended.