

FACT SHEET:

The Queensland Human Rights Act: an easy read guide

The *Human Rights Act 2019* is a law that protects your rights in Queensland. It protects your rights when you interact with government organisations or use their services, including the police, public hospitals and public schools.

The Human Rights Act protects everybody's rights to:

Recognition and equality before the law (section 15)



You have rights.

You have the same rights as everyone else.

You should be able to use a government service, even if you:

- have different needs
- can't read or write
- speak another language
- have a disability
- have anything else that may stop you using the service in the same way as everyone else.

If you are not treated fairly it could be discrimination. Discrimination is against the law.

Right to life (section 16)



You have a right to feel safe.

Your life should be protected by the government.

For example, the government protects your life by having laws against murder and making sure people follow those laws.

The right to life does not affect laws about abortion.

Protection from torture and cruel, inhuman or degrading treatment (section 17)



You can't be tortured.

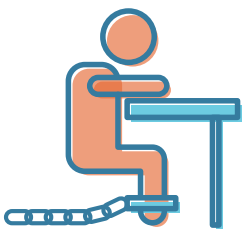
You can't be treated in a way that badly hurts your body or your mind.

You can't have experiments done to you unless you understand and agree.

You can't have medical treatment done to you unless you understand and agree.

There may be laws which allow you to be treated without your consent, for example, where it is necessary to save your life or protect you from harm.

Freedom from forced work (section 18)



You can't be treated as a slave.

You can't be owned by someone else.

You can't be forced to work.

There are certain times when you do have to do work without pay. For example, a judge can tell you to do community service or when you have to do jury service.

Freedom of movement (section 19)



You can travel around Queensland.

You can go in and out of Queensland.

You can choose where to live.

There are times when a judge can say that you have to stay in Queensland or leave Queensland, for example if you have broken the law.

Freedom of thought, conscience, religion and belief (section 20)



You can think and believe whatever you choose.

You can show your religion or beliefs in public or private.

You can show your religion or beliefs on your own or in a group.

For example, a dress code should not stop you wearing religious clothing.

Freedom of expression (section 21)



You can have your own opinion.

You can share your ideas.

You are free to say what you want but the law says you must respect other people. For example, you can't use hate speech, cyberbullying or say untrue things to attack people.

You can express and share your opinions and ideas in different ways such as artwork, writing, public speaking or social media.

You also have the right to seek and receive information and ideas from other people.

You can request information from the Government.

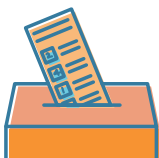
Peaceful assembly and freedom of association (section 22)



You can get together in groups to share information or opinions or show how you feel about something. But you can't be violent.

For example, you can go to a peaceful rally or event.

Taking part in public life (section 23)



You can vote if you are 18 or older and live in Queensland.

You can apply to work in government.

You can be elected to government.

Property rights (section 24)



You can own things like a house, car or phone.

The government can't take away your things unless the law says they can – for example, laws that ban owning certain weapons or types of animals.

Privacy and reputation (section 25)



You can keep your life private.

The government can't share information about you unless you say they can.

For example, the government can't share medical records or video of you, or come into your home or search you or your bag unless you say they can.

There are times when the law says your information can be shared, or your home or bag can be searched.

The government can't say things about you that aren't true or make you look bad.

The government can't interfere with your family life or home unless the law says they can – for example, if police have a warrant to search your house, or orders to protect victims of family violence.

Protection of families and children (section 26)



Families are important.

The government must protect families.

Children have special protection to make sure they are looked after. For example, a judge thinks about what will happen to children when a parent is sent to prison.

Cultural rights – generally (section 27)



You can enjoy your culture.
You can follow your religion.
You can use your language.
This might be on your own or with other people.

Cultural rights – Aboriginal peoples and Torres Strait Islanders peoples (section 28)



Aboriginal people and Torres Strait Islander people can enjoy their culture.
This includes their traditional knowledge, spiritual practices, beliefs and teaching.
Aboriginal people and Torres Strait Islander people can use their language.
Aboriginal people and Torres Strait Islander people can protect their kinship ties and their land, resources, and environment.

Right to liberty and security of person (section 29)



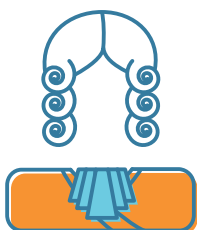
You have the right to be free and safe.
No one can arrest you or put you in prison unless the law says so.
There must be a good reason for putting you in prison or taking away your freedom. For example, to keep you or other people safe.

Humane treatment when deprived of liberty (section 30)



If your freedom is taken away you have to be treated with respect and feel safe. For example, in prison or a place to get treatment.
The police might say you broke the law but the judge hasn't decided yet. You have to be put in a different place from other people who are in prison until the judge decides whether you have broken the law (unless there is a reason for you to be held in the same place).

Fair hearing (section 31)



If someone says you broke the law you should be treated fairly. You can go to a court or tribunal for a proper trial.
You can tell your story about what happened.
You can get help from someone if without that help you will not have a fair trial – for example, you may need a lawyer or an interpreter.
People who make decisions about you in courts and tribunals must:
have the right training and experience to do their job
make their own decision without anyone else telling them what to do
treat everyone the same.
Everyone should be able to find out decisions made by a court or tribunal.
There are certain times when people won't be allowed to watch what happens in a court or tribunal. For example, when children are involved.

Rights in criminal proceedings (section 32)



You are not guilty of a crime until it is proved in court. The law says what the police have to show to prove it.

The police have to tell you what they think you did.

You can get this information in your own language or in a way you can understand.

You have to be treated the same as other people.

You can get help from a lawyer.

No one can make you say that you did something.

Children should be treated differently to adults.

The police and the court should think about how old the child is.

The police and the court should think about what will help the child not to commit a crime in the future.

If the judge says you are guilty you can ask another court to look at your case again.

Children in the criminal process (section 33)



Children have to be in a different place from adults who are in prison.

If the police say a child has broken the law, the child's case should go to court as quickly as possible.

If a judge says a child broke the law, the child has to be treated in a way that is right for their age.

Right not to be tried or punished more than once (section 34)



If the judge has already made a final decision about a crime, they can't make another decision about the same crime.

You can't be punished more than once for a crime.

Retrospective criminal laws (section 35)



This right is about changes in the law.

You can only be guilty of a crime if it was against the law when you did it.

Right to education (section 36)



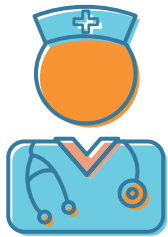
Children have a right to go to a school that meets their needs.

You can access education and training that helps you get ready for work the same as everyone else.

If you do not get the same access as everyone else because you are different it could be discrimination. Discrimination is against the law.

You can have the access you need based on your abilities.

Right to health services (section 37)



You can access health services the same as everyone else.

If you do not get the same access as everyone else because you are different it could be discrimination. Discrimination is against the law.

You can get emergency medical care to save your life or stop serious damage to your health.

Balancing rights



Sometimes your rights can overlap with someone else's rights. The government has to find a balance between different people's rights when that happens.

Government may need to have laws or make decisions which restrict your rights because there are rights of other people or the community that also need to be protected. Sometimes a person's human right might compete with another of their human rights, for example, the right not to be medically treated without your agreement, and the right to receive treatment in an emergency when you are unconscious and cannot agree to anything.

Finding a balance between these rights can be tricky. If protecting your human right ends up being more important than the other rights, then your human right cannot be restricted by government.

Making a complaint



If you think the government has ignored or disrespected your rights, you might be able to make a complaint. For human rights complaints, you have to first complain to the government department or service you're complaining about. If 45 business days pass and they haven't answered your complaint, or if you aren't happy with their answer, you can complain to the Queensland Human Rights Commission. You need to complain in writing. If you can't, contact the Commission to talk about your options. You can call the Commission on 1300 130 670 to find out more or talk to someone about your issue, or find information on their website at www.qhrc.qld.gov.au.