



# Human rights and the public sector

# Obligations on public entities

Public entities have obligations to act and make decisions in a way that is compatible with human rights. This section provides an update on how the Human Rights Act is making an impact on state public entities, councils, tertiary institutions and functional public entities.

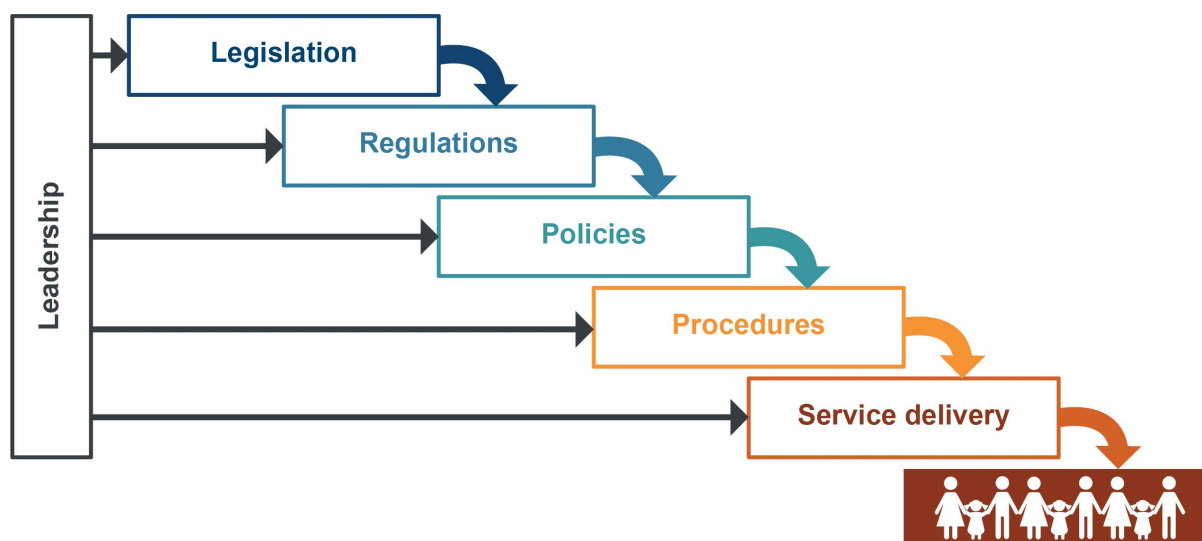
## Developing a human rights culture

The *Human Rights Act 2019* aims to develop a human rights culture in the Queensland public sector, where the human rights of individual people are respected and promoted.

### Cascading culture change model

The Commission has developed the cascading culture change model to illustrate how human rights culture starts with legislation and flows down through regulations, policies, procedures, and services through to the individual.

Figure 3: Cascading culture change model



The model recognises that unless legislation and regulations are human rights compatible, there will be limited benefit in changing policies and procedures. Similarly, service delivery is unlikely to improve if policies and procedures are not human rights compliant. For a human rights culture to develop, strong leadership needs to be present at every stage: at the strategic, operational levels and among individual public sector workers on the front line.

# Indicators of a human rights culture

In the first year of the Human Rights Act's operation, the Commission developed a set of 7 indicators that identify actions that may further the development of a human rights culture, reflecting the elements in the Cascading culture change model. These indicators have become the basis of an annual survey of public entities aimed at evaluating the extent to which the Human Rights Act is influencing the day-to-day business of public entities.

These indicators are:

**Indicator 1:** Education and staff development

**Indicator 2:** Community consultation and engagement about human rights

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

**Indicator 4:** Reviews and development of legislation or subordinate legislation / local laws or subordinate local laws

**Indicator 5:** Review of policies and procedures

**Indicator 6:** Implementation of internal complaint management for human rights complaints

**Indicator 7:** Future plans to further the goals of the Act

See *Appendix B* of this report for the full *Indicators of a Developing Human Rights Culture* including the specific questions asked of public entities.

In the fourth year of operation of the Human Rights Act, we again used these indicators to survey 8 state government public entities, selected because of the relevance of their work to the human rights of people in Queensland. These agencies provided responses to questions about the indicators:

- Department of Child Safety, Seniors and Disability Services (DCSSDS)
- Department of Housing
- Department of Education
- Department of Treaty, Aboriginal and Torres Strait Islander Partnerships, Communities and the Arts (DTATSIPCA)
- Queensland Corrective Services (QCS)
- Queensland Health (QH)
- Queensland Police Service (QPS)
- Department of Youth Justice, Employment, Small Business and Training (DYJESBT).

Due to machinery of government changes in May 2023, the makeup of several departments changed, making it difficult to compare progress with the previous year. The Commission acknowledges that as some departments have only recently been formed, the various work units will take time to work together to

consistently identify and record the information required to respond to the indicators.

We also sought responses from a small cross-section of metropolitan, regional, and remote local governments. Responses to questions about the indicators were provided by the following 7 councils:

- Brisbane City Council
- Ipswich City Council
- Council of City of Gold Coast (City of Gold Coast)
- Flinders Shire Council
- Logan City Council
- Mornington Shire Council
- Sunshine Coast Council.

Full responses from state and local public entities are not provided below; rather, this section contains a general summary and highlights from the information provided to the Commission, furnished with examples.

## State public entities

### Indicator 1: Education and staff development

The Commission asked state public entities to report on the extent to which awareness about the Human Rights Act has been raised with staff, what education and training has been provided (including the divisions or work units involved) and the chosen delivery method (online, face-to-face etc). State public entities were also asked about whether human rights content has been incorporated into induction training and ongoing professional development for staff, and whether examples were provided to tailor training to the context.

#### Awareness and education

Now the Act is in its fourth year of operation, most departments have implemented online training modules and dedicated intranet resources to raise staff awareness about the Human Rights Act. For example, state government entities reported:

- The Department of Health offers an interactive human rights training module to department staff and staff in Hospital and Health services.
- The Department of Education emphasises staff education through online training, with a focus on maintaining resources for all employees.
- The Queensland Police Service has a dedicated human rights page on their intranet – the QPS Bulletin Board – that provides information on applying human rights principles in decision-making. They also have a 'Human Rights Community of Practice' on Workplace, fostering discussion and sharing of updates related to human rights.
- The Department of Housing's Director-General promoted the Act to all staff, reinforcing responsibilities under the Act and promoting the new suite of human rights resources available on the intranet.

Human Rights Week was celebrated by state government entities, such as Youth Justice (in DYJESBT), who promoted human rights messages on their intranet, in a Director-General's message, email signature blocks, office posters, and an information session for central office staff focused on First Nations cultural rights. DTATSIPCA promoted the week internally and externally, promoting discussion among staff, and Department of Housing distributed screensavers with human rights messaging to their staff.

Some departments also continued to host communities of practice or human rights champion networks. Department of Housing reported that their Human Rights Continuous Improvement Network met 5 times in the reporting period, in each case focussing on specific rights to provide an 'in-depth understanding of the rights protected...as well as practical examples of how the rights have been applied in courts and decision-making.' Presentations focussed on property rights, privacy and reputation, families and children, cultural rights of Aboriginal and Torres Strait Islander peoples and right to liberty and security of the person.

## Training method

The training methods employed by departments include a combination of online training, face-to-face training, and, in some cases, a mix of both.

As was the case in the previous year, departments reported that they predominantly offer online training modules to staff.

## Tailored training

Many departments showed a commitment to enhancing staff training by incorporating context-specific scenarios. The Commission's experience is that providing examples to staff of how the Act specifically applies to their work is vital to create a meaningful learning experience.

The Department of Health offers tailored human rights training, including custom education sessions for various department teams and Executive Leadership Teams.

Queensland Corrective Services provides tailored training on human rights, with a focus on incorporating human rights principles into day-to-day operations. They actively engage the Human Rights Network and maintain tools like the RAPID decision-making tool.

The Department of Housing conducts tailored human rights training sessions, including specific examples of how to apply human rights principles in practice. These sessions are offered to staff, especially people working in Housing Service Centres.

Queensland Police Service incorporates human rights principles into various training products, including mandatory online training, leadership development programs, and learning pods. They also maintain an internal platform called the 'Human Rights Community of Practice' to facilitate discussions and sharing of human rights-related information.



DYJESBT provides face-to-face training, e-learning modules, and information sessions to raise staff awareness about the Human Rights Act. The Department has also customised scenarios for the organisation to illustrate how to put human rights into practice. For instance, Youth Justice updated the mandatory e-learning module to include youth justice specific scenarios and examples, the Commission's decision-making flowchart and a quiz about assessing compatibility. These updates were made in response to 2021-22 feedback from staff about the importance of including examples that relate to their day-to-day work.

## Induction training

Human rights training was frequently reported by state public entities as a mandatory part of the induction process for new staff. For example, Department of Health reported that human rights training occurs during the induction process, and at DCSSDS all new Child and Family staff are automatically enrolled in the 'Public Entities and the Queensland Human Rights Act 2019' e-Learning module as part of their induction.

DTATSIPCA includes human rights training in its induction program for new employees. Queensland Police Service includes human rights training as part of its induction program for new members. DYJESBT conducts initial face-to-face training on the Human Rights Act and offers mandatory induction modules with annual retraining for all employees and contractors.

At Queensland Corrective Services, the QCS Academy offers a 1-hour online training package focused on the Human Rights Act that is to be completed within 42 days of commencement. In addition to online training, a three-hour in-person Workplace Ethics training package was provided to custodial and community staff.

## Reach of human rights training for staff

From the information provided in responses from state government public entities, it was not always possible to identify what overall percentage of staff members have received training on the Human Rights Act, particularly following changes to the composition of various departments in May 2023.

Departments reported that in 2022-23:

- *Department of Education*: 93,436 staff members, casual staff, and contractors completed mandatory training.
- *DTATSIPCA*: 178 employees completed or refreshed their HR act initial awareness mandatory training.
- *DCSSDS*: 81% of Child and Family staff completed 'Public Entities and the Queensland Human Rights Act 2019' training, 79% of Seniors and Disability staff completed the 'Human Rights Act Initial Awareness' training, and 73% of Child and Family staff completed the 'Complaints: Managing expressions of dissatisfaction' training.
- *Queensland Corrective Services*: 1,268 QCS staff completed online human rights training, including staff from custodial, community corrections and corporate areas, and all new QCS recruits.

- *DYJESBT*: 79.4% of Youth Justice Services employees completed mandatory human rights training, as well as 91% of Education, Small Business, and Training staff.
- *Queensland Police Service*: 1,486 members undertook training in the reporting period, which represents new staff and police recruits. Since the launch of mandatory training in 2019 86.2% of QPS members have completed training.

## Indicator 2: Community consultation and engagement

The Commission asked state public entities to report on community consultation and engagement about human rights, and whether information has been provided to the community about human rights.

In the reporting period, these efforts ranged from consultation on legislation and policies to community education and awareness initiatives. Many state public entities reported that they have considered human rights in their policies and programs, particularly in the context of education, healthcare, housing, and youth justice.

### Community consultation and engagement

Many departments undertook community consultation and engagement on various topics related to human rights, as well as initiatives aimed at advancing particular human rights. However, fewer instances were given in which the Human Rights Act played a central role in community engagement activities.

In its commitment to the right to education, the Department of Education released the 'Equity and Excellence' education strategy in February 2023. This strategy was developed after targeted consultations with over 1,400 state school principals and key stakeholders that emphasised educational achievement, wellbeing, and inclusion.

The Queensland Police Service conducted community education and awareness seminars for international visitors, students, migrants, and other diverse groups. These seminars aimed to inform attendees about their legal rights in Queensland and how to report discrimination to authorities.

DCSSDS developed a communications plan for Human Rights week and used social media and email newsletters to promote human rights.

Queensland Corrective Services distributed Human Rights information booklets to prisoners and offenders.

### First Nations engagement

Several departments focused on engagement with First Nations communities, and promotion of the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples under the Human Rights Act. State public entities reported that:

- West Moreton Hospital and Health Service established Advisory Councils to consider consumers and human rights in co-designing projects.
- DTATSIPCA led community engagement and co-design for Path to Treaty actions and implemented the *Many Voices: Queensland Aboriginal and Torres Strait Islander Languages Policy* to recognise the cultural rights of Aboriginal and Torres Strait Islander peoples.
- Queensland State Archives (QSA) supported language revitalisation and research in Aboriginal and Torres Strait Islander languages.
- The *Cultural Engagement Framework* was developed in a collaboration between the First Nations Arts and Cultures Panel and Arts Queensland (in DTATSIPCA) to foster respectful engagement with First Nations peoples.

## Indicator 3: Awareness-raising and support for related entities

The Commission asked state public entities to report on the extent to which they had raised awareness about the Human Rights Act with contractors they engage to deliver services, and how they have encouraged and supported contractors' compliance with the Human Rights Act.

The responses this year indicated that many government contracts include standard clauses requiring contractors to comply with various laws (which generally includes the Human Rights Act). Increasingly, procurement processes embed human rights obligations, and government departments are actively working to raise awareness of the Human Rights Act among their contractors.

### Contractual arrangements, training, and awareness-raising

The Department of Health conducted various activities during Human Rights Week (1-10 Dec 2022) to raise awareness of human rights and included webinars presented by human rights experts. The Department also hosted events and distributed communications to support the introduction of the *Voluntary Assisted Dying Act 2021*, emphasising the importance of human life and human rights principles.

Queensland Corrective Services reported that Official Visitors and newly appointed Parole Board Queensland members completed training on the Human Rights Act in order to apply human rights principles in their roles. In addition, education service providers working in correctional centres received information on the Human Rights Act.

Human rights principles have been incorporated in departmental contracts with organisations contracted by the Department of Housing. The Department's contract management teams also engage in discussions about human rights obligations during quarterly meetings with funded bodies and promote training opportunities related to human rights.



Contractors engaged by DCSSDS are required to complete human rights training. For instance, newly funded Delegated Authority service providers contracted by DCSSDS receive induction materials that include general information on the Act, the requirement to comply with the Act, and information on where to access further information and training.

Contracting arrangements with DYJESBT include compliance with the Human Rights Act, and contractors engaged for more than three months are also required to complete human rights training. The organisations funded to deliver services for the Department are required to comply with the Human Services Quality Framework which incorporates human rights obligations.

## Procurement processes

Human rights expectations have been integrated into Department of Health procurement processes, including 'request for quote' and 'invitation to offer' stages. Contractors and standing offer arrangements require suppliers to comply with the Human Rights Act.

Procurement documentation for the Department of Education has been updated to include human rights clauses and requirements, ensuring that contractors understand how to meet their obligations to protect, respect, and promote human rights.

DTATSIPCA reported that the Family Responsibilities Commission commissioned an independent review in 2022, and the engagement of the contractor was conditional upon evidence of compliance with the Human Rights Act. In addition, 'request for quote' documentation for Social Services requires tenderers to provide evidence of compliance with the Human Services Quality Framework (which incorporates human rights).

## Indicator 4: Review and development of legislation

The Commission asked state public entities to report on the development of any legislation or subordinate legislation, including examples of the impact of the Human Rights Act, or of good practice in the review and development of laws.

State public entities provided examples of where they were required to consider human rights in the development of new legislation or in amendments to existing legislation.

Fewer responses than last year were received about implementing good practice in the review and development of laws – presumably because these processes are already well embedded in the fourth year of operation of the Human Rights Act. For example, DYJESBT reported that the Policy and Legislation team had developed 'strong capability in assessing and incorporating human rights into all policy, legislative and regulatory options and proposals', and staff are supported by standardised forms and templates that prompt staff to consider human rights at key points through the process.

## Development of legislation promoting rights

The Department of Education reported that the First Nations Strategy and Partnerships division evaluated policy and legislative issues in partnership with the Queensland Aboriginal and Torres Strait Islander Education and Training Advisory Committee (QATSITAC). Policy and legislation were reviewed for impact on cultural rights of First Nations people and to support engagement with First Nations students in education, such as the Department's language program.

The Department of Housing considered the Housing Legislation Amendment Bill 2022 to be an important development for human rights. The Bill amended the *Housing Act 2003*, the *Housing Regulation 2015*, and the *Retirement Villages Act 1999* (Qld) to help meet the objectives of the Queensland Housing Strategy 2017-2027. The Department of Housing considered that the Bill specifically helps to boost the supply of social and affordable housing through enabling the 'Homes for Homes' donation deed model in Queensland. It also helps maintain public confidence in the retirement village industry by increasing consumer protections. The Bill was assessed for human rights compatibility and found to be compatible with the rights protected by the *Human Rights Act 2019*.

DTATSIPCA referred to the *Path to Treaty Act 2023*, which was co-designed with the Interim Truth and Treaty Body and passed by the Queensland Parliament in May 2023. For more information see our summary in the *Human rights and the parliament* chapter.

DCSSDS reported that amendments to the *Child Protection Act 1999* (Qld) aim to 'reinforce children's rights and strengthen children's voices in decision making'. Reference to the *Human Rights Act 2019* and human rights considerations have been incorporated into materials that support the implementation of amendments to the *Child Protection Act 1999* (Qld). As an example, DCSSDS considered that making staff aware that the change to the definition of 'kin' will help Child Safety to administer the Act in a way that upholds Aboriginal and Torres Strait Islander people's cultural rights, which are protected under the *Human Rights Act 2019*.

## Indicator 5: Review of policies and procedures

The Commission asked state public entities to report on reviews of policies and procedures for compatibility with human rights, whether this has led to any changes (including to service delivery), and whether guidance is available to staff on acting compatibly with the Human Rights Act.

The Department of Health reported that human rights assessments are a standard requirement in policy and procedure approval forms, and provided examples of updates, including:

- Queensland Ambulance Service updated the electronic Ambulance Report Form to 'reflect accepted nomenclature for sex, gender, and pronouns'.
- West Moreton HHS developed new Voluntary Assisted Dying services with the Human Rights Act guiding the development.

- Mackay HHS's review of Least Restrictive Practices policy resulted in changes to practices.

Human rights considerations continue to be a required aspect of policy, and review and development through the use of a Human Rights Impact Assessment Tool at the Department of Education. The Department reported that the Indigenous Cultural and Intellectual Property Protocol was developed in the reporting period. The Protocol relates to the teaching of Aboriginal and Torres Strait Islander languages, and 'promotes the cultural rights of Aboriginal and Torres Strait Islander peoples, the right to education and the right to recognition and equality before the law.'

All youth detention policies have been recently updated by DYJESBT to reflect the requirements of the Human Rights Act. This has resulted in increased policy and procedural guidance for detention centre staff to support their decision-making in restrictive practice situations, including the need to consider alternatives and least restrictive practices.

At the Department of Housing, new whole-of-department policy and procedure templates with human rights considerations have been developed and distributed, along with a process for assessing compatibility and record keeping templates. The Department provided a list of housing corporate and operational policies that were reviewed for human rights compatibility involving a range of issues.

DCYJMA has drafted a Human Rights Impact Assessment procedure, currently under review, prior to implementation. This procedure has been developed to assist with Human Rights Impact Assessments for all departmental staff and incorporates a template to support the assessment of a decision, policy, procedure, document, proposal, or framework. This procedure is expected to be implemented in the near future.

While reviewing and developing policies, the Child Safety Practice Manual team at the DCSSDS are expanding information on human rights and focusing on particular human rights under the Human Rights Act that may be affected or upheld by the policies. In addition, Seniors and Disability Services have developed a resource for Senior Team Leaders and Disability Services Team Leaders to use in meetings and team planning days to prompt operational and frontline staff to recognise inadvertent practices that limit a client's human rights and to drive discussion about alternative, more inclusive practices.

## Indicator 6: Internal complaints

The Commission asked state public entities to report on how successful they had been in integrating human rights complaints into existing complaints processes, any barriers that have prevented this from happening, and examples of where internal complaints have led to changes to policies, procedures, practices, or service delivery.

## Complaint identification

Based on the responses received, the process of identifying and recording complaints as human rights-related continues to be a challenge, but departments demonstrated awareness of this issue, and many are taking steps to address this.

The Department of Education conducted an internal review of the Human Rights Act implementation in 2022 and found that human rights are 'well integrated' but there are opportunities to strengthen the current approach. The Department continues to work to improve the accuracy and consistency of human rights complaint reporting. For example, the Privacy Team provided training to business units to ensure privacy complaints and human rights considerations are consistently assessed.

At the Department of Housing, human rights training and coaching is being implemented with staff who handle complaints. While this work is currently limited in scope it is seeding future plans and supporting the development of resources to provide a 'comprehensive human rights capability uplift' in complaints management across the department.

The Youth Justice department in the DYJESBT have amended systems and processes to ensure human rights complaints can be accurately and consistently recorded, investigated, and reported against.

As reported by the DCSSDS, Child Safety and Professional Standards complaints continue to be managed in separate work units within the department. Each work unit has differing mechanisms for recording and considering complaints. The Department reported that human rights identification and assessment is integrated into the complaints management process and staff are supported to successfully identify, consider, and respond to human rights complaints through complaints management training.

The Department of Health and some Hospital and Health Services have taken steps to help staff identify human rights complaints, with examples including:

- A new fact sheet 'Customer complaints: Identifying human rights complaints' has been developed.
- Gold Coast HHS maintains a dedicated HHS human rights email account with General Counsel oversight.
- A consumer complaints manual and ambassador at Cairns and Hinterland HHS has increased the focus on assessing and documenting complaints.

## Service improvements following internal complaints

The Department of Housing provided a case study to illustrate the consideration of human rights when making everyday tenancy decisions:

*The department received a human rights complaint from a First Nations family who had been issued a notice to leave after an extended time away from their home which had exceeded policy guidelines. The location of their housing was an area that was experiencing an acute shortage of housing and departmental staff*

*were well aware of the discontent in the community about the house being 'vacant'. When the complaint was made a small team of staff worked together to assess the compatibility with human rights of the decision to terminate the tenancy.*

*While it was true that the family had exceeded the allowable length of time to be away from the home, consideration was given to their ties to country and community and the need to be away from the home to receive medical care for a temporary impairment. The complaint led to a review of the decision and different strategies were engaged that supported the family to continue their tenancy and return to their property.*

Queensland Corrective Services reported the following example of an improvement to practice following complaints regarding access to funds for prisoners:

*Prisoners' friends and family are now able to deposit cash into a prisoner's trust account at any Queensland corrective services facility. QCS received complaints about the costs involved with transferring funds via Secure Payment Services or money order. While QCS already offered the opportunity to deposit cash at the facility where a prisoner was located, further feedback was received about challenges with this approach. After consulting with a range of stakeholders, changes were made to permit cash to be accepted in person at any correctional centre, once the identity of the donor has been established. This small change in process has enabled family members living long distances from a prisoner to be able to deposit funds into the prisoner's trust account with ease, promoting the right to protection of families (section 26(1) of the HRA) and the right to humane treatment while deprived of liberty (section 30(1) of the HRA).*

The Queensland Police Service shared an example of service improvements following a serious complaint by a victim of crime:

*Within the reporting period the QPS faced a serious allegation of neglecting its duty to properly handle a rape complaint. This violated the human rights of the complainant to be recognised as a person before the law. As a result of this incident, the QPS implemented several measures to improve its service delivery and response to sexual violence cases. These measures included the establishment of Sexual Violence Liaison Officers, who provide specialised support and assistance to victims, the enhancement of training and skills for investigators, and the revision of protocols and procedures for receiving and processing reports of sexual violence by QPS members.*

## Indicator 7: Future plans

The Commission asked state public entities to report on any future plans to achieve the objects of the Human Rights Act.

The Department of Health's future plans for achieving the objectives of the Act encompass various initiatives, including ongoing staff education and awareness promotion, integrating human rights into complaints processes and project work, and embedding human rights into service delivery models and legislative policy administration. They also aim to promote human rights awareness through



community consultation and staff training to ensure an active human rights culture remains within the division.

Queensland Corrective Services intends to continue embedding human rights considerations in their decision-making processes, policies, legislative changes, and procedures.

The Department of Education plans to reintroduce a centralised human rights function focusing on training, policy and procedure enhancements, and improving the accuracy and consistency of human rights complaint management. They aim to build a strong human rights culture and ensure human rights considerations are clear in their policies and procedures.

The Department of Housing will concentrate on human rights in customer complaints, aligning with the new Australian Standard, and developing a new Customer Complaint Management Framework and Guidelines. This will enhance the understanding of human rights culture and complaint management across the department.

DTATSIPCA anticipates that future initiatives will protect and promote human rights, and include Path to Treaty, stage 2 Public Sector Reforms, and development of the Youth Queenslanders Strategy.

The Queensland Police Service will work on educating and empowering their members to respect and protect human rights and seek to allocate more resources to strengthen their commitment to human rights. They aim to raise awareness and cultivate a human rights culture within the service.

In future, the newly established DYJESBT plans to establish a Human Rights Committee to guide future implementation strategies. The Committee will have the task of identifying implementation challenges and successes to date, as well as risks, priorities, and shared future opportunities. Learning from what has been achieved so far will be a priority and include exploring the Department's internal 'best practice' based on experiences to date of policy officers, contract managers, human resource staff, and frontline workers. As part of the Department's First Nations training strategy, a new digital resource to help small and medium businesses attract and retain Aboriginal and Torres Strait Islander employees is being created.

## Local government public entities

### Indicator 1: Education and staff development

The Commission surveyed councils on the extent to which staff awareness has been raised about the Human Rights Act, in particular:

- what education and training has been provided (noting the particular divisions or work units targeted)
- what delivery method was used (online, face-to-face etc)

- whether human rights content has been incorporated into induction training and ongoing professional development for staff
- whether they provide examples to tailor the training to the particular context.

## Internal awareness raising

In the reporting period, Brisbane City Council, Sunshine Coast Council, Ipswich City Council, and Logan City Council have raised staff awareness through various means, including online training, communication through intranet/internet, and targeted awareness campaigns.

Flinders Shire Council plans to raise staff awareness through a new Human Rights Policy, but no specific actions have been reported yet.

## Education and training programs

Most councils include human rights in induction training for new staff. Most councils deliver training online, while Brisbane City Council and City of Gold Coast incorporate some in-person training in a hybrid approach. At City of Gold Coast, employees can choose online, in person – in a training room or in their workplace – to ensure that the approach to training is modern and flexible.

Brisbane City Council and Sunshine Coast Council provided human rights training tailored to the local government context. This includes examples specific to their councils to illustrate how to put human rights into practice. Ipswich City Council conducted online training with tailored video scenarios. Logan City Council offers a comprehensive training program that includes various resources, fact sheets, and workshops.

At City of Gold Coast, training focussed on staff who work with members of the public, as well as those who deal with investigations and disciplinary procedures. These work units have been provided with resources and checklists to assist in human rights considerations in their case management.

Councils indicated that they collect feedback on their training, and this feedback is used to improve training and resources. For instance, Logan City Council reported that they emphasise an open dialogue with relevant branches to ensure resources and training meet staff needs.

Responses to the survey did not provide a clear picture of the percentage of staff members who had received human rights training, but councils reported that:

- All work areas at Brisbane City Council have access to tailored and in-person human rights training on an annual basis.
- Sunshine Coast Council reported an increase of approximately 2% in employees undertaking training.
- Ipswich City Council reported that 92% of employees have completed the Human Rights Act module.
- City of Gold Coast reported that all new employees receive training and it is mandatory for all employees to complete the training annually.

- Logan City Council reported that training is mandatory for all employees as part of their induction.

## Indicator 2: Community consultation and engagement

The Commission asked councils whether community consultation and engagement about human rights had been conducted, or information provided to the community about human rights.

The councils who responded to the survey reported that they have engaged with various stakeholders and community members to promote and protect human rights. Flinders Shire Council reported that they had not taken action on community consultation or engagement about human rights but are developing a plan for implementation in the upcoming financial year.

Most of the surveyed councils have dedicated webpages or platforms to provide information to the community about human rights, including how to make complaints, and the purpose of human rights legislation. Information dissemination includes materials, campaigns, and web content to educate the public about human rights.

City of Gold Coast updated its Community Engagement Policy to ensure that the Act was included as relevant legislation that has an impact on how Council engages with the community. Council's Equitable Access Policy and Accessible and Inclusive City Action Plan 2020-2025 affirm its commitment to improving accessibility and inclusion for all residents and visitors.

Brisbane City Council has the benefit of a Senior Human Rights Officer who undertook internal and external engagement activities in the financial year. For instance, they attended Homeless Connect in May 2023, met with Brisbane residents experiencing housing insecurity, and referred residents who had experienced racism to the racism reporting tool and information on the Commission's website.

Sunshine Coast Council instanced community engagement activities that 'embody the protection and promotion of human rights for our community.' These included: providing alternative transport options for older people and people with disabilities, promoting health and activity through the Healthy Sunshine Coast program, improving beach accessibility with equipment like beach matting and wheelchairs, and implementing a mobility mapping project. The Council is also partnering with community organisations to address homelessness and is fostering diversity and inclusion within its workforce and the broader Sunshine Coast region, as demonstrated by its participation in events such as the Sunshine Coast Mardi Gras.

Logan City Council reported that they engage in ongoing consultation in response to community feedback, particularly for disability inclusion. In the course of consultations to create Council's 2023-25 Disability Action Plan, an agreement was reached to consult broadly in future when developing new facilities, upgrading existing facilities, and reviewing major projects.

## Indicator 3: Awareness-raising and support for related entities

The Commission asked councils about the extent to which they had raised awareness about the Human Rights Act with contractors they engage to deliver services, and how they have encouraged and supported their compliance with the Act.

Some, but not all, councils had explicitly required contractors to comply with the Act through contractual arrangements, and some had raised awareness with contractors about the need to comply with the Act.

Brisbane City Council has a policy suite outlining human rights obligations for Council and its staff. The Council provides factsheets for external entities and training is provided to staff to ensure contractors are aware of their functional public entity status. Brisbane City Council corporate rules, including human rights policies, extend to contractors, and a reported breach could result in termination of a contract.

Ipswich City Council has liaised with the Local Government Association of Queensland regarding free online training and resources for functional public entities. The Council plans to provide further support for related entities in future.

Logan City Council has developed a human rights information sheet to improve contractor engagement awareness of the Human Rights Act. The corporate induction, including the Human Rights Act module, is mandatory for selected contractors.

## Indicator 4: Reviews and development of laws

The Commission asked councils about the development of local laws and subordinate local laws, including any examples of the impact of the Human Rights Act, or any examples of good practice in local law development.

Last year, the Human Rights Act had limited impact on the development or amendment of local laws or subordinate local laws. However, responses received this financial year indicated that human rights are starting to become part of the local law process in some councils we surveyed.

Brisbane City Council reported that it gives full consideration to human rights and the Act during the development and review of local laws. They introduced the *Events Local Law 2022* in the reporting period, which aimed to safeguard health, safety, and community amenity through extensive consultation in accordance with the Act.

Sunshine Coast Council introduced *Amendment Local Law No. 1 (Miscellaneous) 2023* and *Amendment Subordinate Local Law No. 1 (Miscellaneous) 2023* in May 2022. These amendments had an impact on other local laws, including those related to animal management and parking. A Human Rights Assessment of Compatibility was conducted as part of the local law development process. Sunshine Coast Council's Assessment of Compatibility in relation to proposed

prohibition on dogs in a specific precinct took into account equality, freedom of movement, protection of families and children, and liberty and security of the person. The process of completing the assessment helped achieve a compromise accepted by the affected community and supported by Council:

*The Compatibility Assessment identified that the limitation relating to the prohibited dog precinct was reasonable, however, there was a practical solution available to reduce the limitation being applied, in that another adjacent area could be made available for off-leash activities. This alternative was accepted by all parties and became part of the adopted decision of Council.*

Sunshine Coast Council reported that undertaking the compatibility assessment was a valuable exercise, as it is a 'process that aids transparent and better decision making in the interests of all.'

Local City Council said that the human rights consideration is designed to occur at the 'very beginning' and the step-by-step process is done in a considered way, rather than a tick box approach. Logan City Council's local law development process includes mandatory steps to assess the potential impact on human rights. Logan City Council introduced amendments to *Subordinate Local Law No. 7.2 (Heavy Vehicle Parking on a Road) 2003* and proposed amendments to *Subordinate Local Law No. 9.2 (Election Signs) 1999*. These changes were made with consideration of human rights, aiming to reduce noise in residential areas and improve public safety by regulating election signs.

Ipswich City Council has not introduced any new local laws or subordinate local laws since the commencement of the Human Rights Act, but they are preparing for a local law review and will incorporate human rights assessment into this process and the related policy.

While the City of Gold Coast reported that there were no new local laws introduced in the reporting period with significant impacts on human rights, the Council confirmed it had amended its standard report template to require consideration of whether recommendations being made to Council impact on human rights, how the recommendations to limit rights are justifiable, and any actions that can be taken to mitigate any human rights impacts.

Flinders Shire Council indicated that their local law review is in progress, and human rights implications will be a component.

## Indicator 5: Review of policies and procedures

The Commission asked councils about their review of policies and procedures for compatibility with human rights, whether this has led to any changes (including to service delivery), and whether guidance is available for staff on acting compatibly with the Act.

Most of the councils reported that they have reviewed their policies and procedures for compatibility with human rights. Positive changes resulting from these reviews include amendments to policies, cultural awareness initiatives, and the development of guides and tools to assist staff in considering human rights.



Ipswich City Council has simplified its Human Rights Impact Assessment Checklist and observed Human Rights Week with a refreshed communication plan, while City of Gold Coast have developed a decision-making checklist to ensure that human rights are properly considered.

Brisbane City Council made amendments to its Code of Conduct and other policies to ensure the language is consistent with the Human Rights Act's non-exhaustive definition of discrimination,<sup>88</sup> and to ensure that protected attributes are broadly interpreted. Brisbane City Council also considered guidelines for the use of employee social networking and has engaged the Senior Human Rights Officer to ensure a balance of rights and reasonable limitations.

Sunshine Coast Council reported making progress in relation to the promotion of cultural rights of Aboriginal peoples and Torres Strait Islander peoples, such as installing Acknowledgement of Country signage, conducting Welcome to Country and acknowledging Traditional Custodians at events, and providing cultural awareness training for all employees. The Council also reported that the Sunshine Coast Housing and Homelessness Action Plan 2023 acknowledges that access to housing is a human right recognised internationally by the United Nations. While not a right contained in Queensland legislation, Council has reflected on the impact of Council actions and decisions regarding this basic human need.

Logan City Council's review of policies and procedures resulted in a realisation that there were gaps in policies that addressed work-related violence and aggression in relation to staff. Changes included requirements for a thorough investigation, strengthened workplace health and safety, and adding further requirements for the review of policies and procedures.

While City of Gold Coast did not identify any changes in service delivery as such, the Council reported that there has been a 'more considered approach to decisions impacting on individuals' when policies and procedures are under review.

## Indicator 6: Internal complaints

Councils were asked about:

- successes in integrating a process for human rights complaints into existing internal complaint processes
- barriers that have prevented this from happening
- examples of where internal complaints have led to changes to policies, procedures, practices, or service delivery.

Last year, councils reported either no complaints, or few complaints, and provided little in the way of examples of complaints that had led to systemic change.

This year we heard from councils that they are actively incorporating human rights considerations into their complaint management processes and taking steps to improve their capacity to identify and address human rights issues.

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<sup>88</sup> The definition of 'discrimination' under the Human Rights Act in the Dictionary (sch 1) 'includes' (so is not limited to) the attributes protected by the *Anti-Discrimination Act 1991* (Qld).

Examples provided demonstrate that complaints in certain instances have led to policy and procedure improvements and have resulted in better service delivery to the community.

Sunshine Coast Council reported that experience in engaging in human rights complaints procedures is still relatively new, and relevant officers continue to undertake professional development.

At the Gold Coast City Council, internal restructures have led to the human rights portfolio being reallocated, creating an opportunity to identify barriers to addressing human rights complaints and training needs for staff. The Council identified that the team responsible for making decisions was not documenting human rights considerations. This has resulted in training being provided to the team, as well as advice about how those considerations should be documented.

Brisbane City Council reported that it continues to receive a low volume of human rights complaints, which are managed in accordance with the Human Rights Complaints Procedure and broader governance framework.

Ipswich City Council reported that when human rights elements are identified, they are progressed independently of the substantive complaint. As an example, Council reported that:

*Council serviced a unit complex for waste removal, and it was identified by the complaint handler that the current process was impacting adversely on older residents/residents with a disability at that complex, as they were unable to use the communal bins (that were provided by Council) due to the lid being too heavy for them to lift. Therefore, they were unable to place their waste in the communal bins for removal. To ameliorate this negative impact, a learning was provided from the Complaints Management Unit to the businesses area recommending consideration be given to the installation of bin lid lifts on large communal bins to ensure the safe and equitable use by all residents of the unit complex.*

Logan City Council reported that it faces challenges due to its decentralised structure and acknowledged a need to enhance the understanding and knowledge levels of staff handling complaints. Logan City Council has been actively working to improve the identification and consideration of human rights issues within complaint management, especially through staff training and process improvements.

Despite these challenges Logan City Council provided three helpful case studies illustrating where human rights complaints had resulted further consideration for individuals and the development of new resources:

*Example 1:*

*A complaint was lodged with Council regarding an 'unsightly premises' that had substantial human rights implications due to potential imposed punishments. Upon consultation with the Integrity and Information Program, the branch dealing with the complaint independently completed a human rights assessment to determine their next steps. This assessment was recommended to be implemented routinely with the branch.*

*Example 2:*

*A human rights complaint involving a contractor was lodged with Council and went to mediation. Working in conjunction with the complainant, Council put together a 'lessons learned' package which was delivered to the relevant branch. This package included relevant Human Rights Act provisions as well as the complainant's experiences and how the situation impacted them. Additional resources were also born from this complaint and a further fact sheet was created to specifically address contractors' obligations under the Human Rights Act.*

*Example 3:*

*A complaint was received by Council with regard to conditions placed on an individual attending certain premises. Upon review, the conditions placed on the individual were overturned. The complaint shed a light on the knowledge gaps within Council and resulted in additional resources and education being provided namely, the Human Rights Fact Sheet – Refusal to Speak with a Customer.*

## Indicator 7: Future plans

The Commission asked councils to report on their future plans to achieve the objects of the Act.

While all councils indicated a commitment to protecting and promoting human rights, building a culture that respects and promotes human rights, their approaches and specific initiatives differed based on their priorities and resourcing levels. Future priorities were focused on staff training and improving the understanding of contractors.

Brisbane City Council emphasised the need for regular reviews of systems and processes to embed a human rights culture and intends to focus on monitoring feedback to identify and incorporate improvements in awareness-raising, training, and complaints management.

Sunshine Coast Council had addressed a resourcing gap by filling a previously vacant position and planned to progress a formal human rights policy position in the next financial year.

Ipswich City Council intends to focus on practical tools and training for staff, including developing a Human Rights Impact Assessment Checklist template library, a Human Rights and Procurement Procedure, and continued delivery of customised human rights training.

Continuous improvement of training was also a priority for Logan City Council. The Council aims to improve training effectiveness, identify areas where the Human Rights Act has been 'superficially' applied, and promote online resources. Further planned improvements include an overarching policy document to remind staff of their responsibilities under the Human Rights Act, and a 'lessons learnt' module that includes real-life examples to promote a deeper understanding of the issues for Council.

City of Gold Coast plans to continue regular training across all areas of the Council and ensure that template documents consistently reference the Act and the internal human rights decision-making checklist.

Two councils intend to turn their attention to contractors providing services on their behalf. Ipswich City Council plans to conduct an audit of contractual arrangements to ensure human rights compliance, and Logan City Council acknowledged the need for further involvement with contractors and providers to address knowledge gaps and create meaningful resources to improve their understanding of human rights obligations.

While Mornington Shire Council had not taken any activities related to building a human rights culture in the Council in the reporting period, the Commission's correspondence regarding human rights indicators has prompted 'methodical and considered activities towards meaningful introduction of a human rights culture which suitably upholds the Human Rights Act'. Mornington Shire Council has experienced challenges with 'extremely high turnover' that had limited capacity to implement the Human Rights Act. Prompted by the Commission's request for information, the Council has unanimously resolved to endorse a new Human Rights Policy and complaint management process, will review and strengthen their induction processes to include Human Rights legislation, make changes to contracts and new providers are engaged, and release a feature article pertaining to Council's commitment towards a human rights culture.

# Human rights leadership

For the third year, the Commission surveyed public entities (from both state and local government) about the leadership they had shown in building a human rights culture in their organisations. Senior leadership across various government agencies and councils indicated a continuing commitment to embedding human rights.

## Awareness and communication

Human Rights Week continued to present an annual opportunity for senior leaders to promote human rights culture within their organisations, such as through webinars. In the Department of Health these were presented by senior leaders.

Ipswich City Council celebrated Human Rights Week and used the opportunity to promote human rights by publishing and displaying communications and materials (including intranet articles, posters, and email banners) about the importance of human rights and Council's role in protecting and upholding them.

Senior leaders in the Department of Education continued to drive awareness and understanding by actively discussing human rights implications in the delivery of education services at executive, regional, and divisional meetings.

Several councils (Brisbane City, Ipswich City, and Logan City) reported that their senior leaders actively engaged in meaningful discussions and communication with their teams about human rights. For instance, Brisbane City Council reported that senior leaders used their own communication channels including emails, newsletters, and meetings to keep their respective work areas up to date on human rights and to emphasise the importance of applying human rights consideration to relevant work.

## Cross-collaboration

Queensland Government departments noted their participation in the Department of Justice and Attorney-General's Human Rights Interdepartmental Committee (HR IDC), which recommenced operation in the reporting period. From the Commission's experience, a collaborative inter-departmental approach increases the involvement of senior leaders in developing a culture of human rights and improves outcomes overall.

DYJESBT reported positively on being part of the HR IDC, stating it is an 'important forum to learn what other departments are doing and explore opportunities to leverage and reuse ideas and resources rather than reinvent solutions.'

Based on responses we received, councils did not have the benefit of cross-collaboration through a formalised structure, such as the HR IDC, which might improve practice and consistency between local government areas.



## Training and professional development

Consistent with previous years, public entities reported that a significant way in which senior leaders support the development of a human rights culture is by prioritising and facilitating ongoing training and professional development for their staff. State public entities reported, for instance, that:

- Queensland Corrective Services senior leadership have demonstrated a clear commitment to human rights by ensuring all staff have access to appropriate human rights training and tools.
- Senior leaders at DTATSIPCA actively promoted staff participation in human rights training.

Brisbane City Council said that staff in leadership positions have shown a commitment to undertake training themselves and engage in meaningful discussions about how to provide awareness and deliver training to staff at all levels.

City of Gold Coast reported that their senior leadership team actively sought advice to improve their own understanding of human rights, and that they 'encourage an open and understanding approach to human rights complaints lodged by individuals and seek to address those concerns with transparency, fairness and balance.'

## Decision-making processes

The Department of Housing Executive Leadership Team reported that they have embedded human rights consideration into all decision-making processes. This includes, but is not limited to, documented consideration of human rights in all briefing notes, inclusion of human rights complaints numbers and training information in Quarterly Performance Reports and working with the broader senior leadership team to improve human rights capability across the department.

City of Gold Coast reported that Council's delegations and administrative approvals are designed in a way to ensure that senior leaders always take human rights into account in their decision-making.

The Senior Leadership team at DTATSIPCA consider and apply human rights in departmental briefings, submissions, and materials that accompany legislation, and the Board of Management considers human rights reports and discussions on departmental progress in creating a human rights culture.

Queensland Health also reported that senior leadership actively incorporates human rights considerations into briefing notes, onboarding materials, and legal advice.

DYJESBT reported that they have embedded human rights in policies and procedures, incident reviews, complaints process and other governance mechanisms involving young people, and remain open to feedback and continuous improvement.

## Strategic and operational plans

Including human rights in strategic and operational plans can keep the focus of leadership, and staff more broadly, on human rights culture-building. State public entities reported that:

- The Queensland Police Service Strategic Plan 2023-2027 outlines the vision and goals to foster a human rights culture within the Service, emphasising respecting, protecting, and promoting human rights in all aspects of work and decision-making. The plan also identifies the key strategies and actions that will enable QPS to achieve this vision and uphold their human rights obligations.
- The Queensland Ambulance Service Strategy 2022-27 makes a human rights commitment.
- Queensland Health's Hospital and Health Services include human rights commitments in some of their operational plans.
- The Department of Education considers human rights when developing operational plans.
- Human rights is referenced in key corporate documents of DTATSIPCA, including their strategic plan.

Flinders Shire, Sunshine Coast, and Ipswich City Councils also reported a commitment to human rights through senior leadership endorsement of human rights policy and implementation plans.

## Progress towards a human rights culture

### State public entity progress

Based on responses to questions in the Commission's *Indicators of a human rights culture*, steady progress appears to have been made by state public entities in the fourth year of operation of the Act. State public entities have actively worked on increasing awareness and providing education and training to staff about the Human Rights Act. This includes through online training modules, face-to-face training, and a mix of both. Many departments have tailored their training to suit specific contexts and incorporated human rights principles in their induction training.

Departments reported that they have engaged in community consultations and initiatives related to human rights, with a particular focus this year on First Nations engagement to promote cultural rights under the Human Rights Act.

Government contracts increasingly include clauses requiring contractors to comply with the Human Rights Act. Procurement processes now embed human rights obligations, and departments have actively raised awareness of the Act among their contractors.

Human rights compatibility assessments seem to be well integrated into policy review and development processes, and because of the requirement to write statement of compatibility and human rights certificate when introducing laws and

regulations, this appears to be an established and routine practice for state public entities. However, while human rights compatibility analysis seems to be well integrated into these processes, few examples were provided this year of substantive changes being made to existing policies, or in the development of new policies, based on the Human Rights Act.

Of the 80,000 public sector employees who completed the 2021 Working for Queensland survey, over 78% reported that they understood how the Human Rights Act applies to their work. This year the figure was similar at 77%. The Commission will continue to monitor whether this figure remains stable, increases, or decreases over the coming years.

In previous years, we have observed that public entities encounter challenges in identifying human rights complaints, particularly where the complainant does not raise the Human Rights Act themselves. These challenges seem to arise from a lack of staff capacity to recognise human rights issues as well as from complaints systems and recording issues, such as uncertainty about what constitutes a 'complaint' or where there is no consistency between different divisions of an organisation in complaint handling.

As acknowledged by some of the departments we surveyed, challenges involving effective complaint identification and recording remain a concern. This is reflected in the relatively low numbers of complaints being identified and reported in annual reports for some agencies. See also *Human rights complaints - Complaints made directly to public entities* section.

Nonetheless, state public entities have consistently worked on integrating human rights complaints into existing complaints processes and worked with staff to raise awareness and improve processes. These efforts have at times led to positive changes in policies, procedures, practices, and improved service delivery in response to internal complaints.

## Progress in councils

As previously reported, implementation of the Act across Queensland's councils lacks a coordinated and consistent approach, in part due to a lack of funding and resourcing from the outset. The Commission has observed that this has created a delay in the effective implementation of the Human Rights Act compared with the progress in state public entities.

Nonetheless, there are promising signs of progress in the reporting period. Most of the councils we surveyed were building staff awareness through online training and awareness campaigns, and the only council that had not commenced training indicated a willingness to do this in the near future. Most councils incorporate human rights in induction training, with a preference for online delivery. While exact figures on staff training percentages were not clear, the larger and better resourced councils at least are offering regular training sessions to staff.

Most councils maintain a dedicated website or platform through which information about human rights is disseminated to the public, including instructions on how to make a complaint and the purpose of human rights legislation. Increased engagement with contractors was also evident, with some councils taking steps to

develop information for their contractors about their human rights obligations to the community.

For the first three years of the Act's operation, the development of local laws seemed untouched by the commencement of the Human Rights Act, but this shifted in 2022-23. One council provided an example of where their human rights assessments, now a standard part of the law-making process, had systematically considered human rights in decision-making and achieved a balanced outcome. Some councils also provided specific examples of how the Human Rights Act was directly influencing the review and development of council policies.

Last year, few complaints were identified by councils with limited systemic change as a result. But this year councils report actively incorporating human rights considerations into their management of complaints, with the aim of identify and addressing human rights issues more effectively. This was indicated by examples where internal complaints had led to policy and procedure improvements and improved service delivery as a result.

## Functional public entities

Functional public entities are those that fall within the definition of 'public entity' only when they are performing certain functions. Including these entities under the Act reflects the modern operation of government, where non-government entities are engaged in various capacities to deliver services to the public on behalf of the government or another public entity. A private company that manages a prison falls under this category and would be a functional public entity when delivering their prison management services, but not for other work they may carry out as a private company not on behalf of the state.

Functional public entities contribute to building a positive human rights culture in Queensland, as many have a direct role in the delivery of essential services, including disability services, aged care, and housing.

As Queensland's peak body for the social services sector, the Queensland Council of Social Service (QCOS) works with functional public entities in the sector to raise awareness of their obligations under the Human Rights Act. In 2022-23, QCOS reported that 681 people registered to attend their Human Rights in Action events. These included:

- Decriminalisation of public offences
- Discussing delegated authority in the Child Protection Act
- Supported decision making and the Public Trustee of Queensland
- Understanding the Inquiry into Australia's Human Rights Framework with the Australian Human Rights Commission
- Accidental advocates
- The role of a functional entity
- How do you prepare and write a submission?
- Anti-Discrimination Act Review with the Queensland Human Rights Commission.

In addition, QCOSS relaunched their Human Rights in Action newsletter, which was delivered to more than 2,300 recipients.<sup>89</sup>

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<sup>89</sup> Queensland Council of Social Service, *Annual report – Being in service* (2022-23).