

A close-up, slightly blurred photograph of a stack of several thick books. The spines of the books are visible, showing different colors like green, black, and blue. The pages are numerous and appear aged, with some yellowing. The books are stacked in a slightly offset manner, creating a sense of depth. A dark grey rectangular box is overlaid on the middle of the image, containing the word 'Appendixes' in white text.

# Appendixes

# Appendix A: Courts and tribunals

In the financial year ended 30 June 2023, 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, 2022-23*

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
<b>Total</b>	<b>86</b>

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 2022-23 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 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	44

QIRC	Discrimination (Interim order) – 1	23
	General protections – 1	
	Industrial dispute – 1	
	Public service appeal – 4	
	Public service appeal (vaccination) – 16	
<b>Total</b>		<b>86</b>

# 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 organisation 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 2022-23 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, 2022-23*

<b>Outcome of finalised complaints – all (piggy-back complaints and human rights only)</b>	<b>No. finalised</b>
Information provided indicates not covered by the HR Act	261
Prior internal complaint requirements not met	34
Accepted and resolved	57
Withdrawn or lost contact	54
Unconciliable piggy-back complaint: referred to Tribunal	73
Unconciliable piggy-back complaint: no Tribunal referral	35
Unconciliable human rights only complaint	27
Has been or could be dealt with better elsewhere	15
Rejected - lacked substance	1
Unconciliable human rights only complaint: report with recommendations published	4

*Table 10: Human rights identified in all finalised human rights complaints – inclusive of piggy-back complaints and human rights only complaints, 2022-23*

<b>Relevant human right</b>	<b>Complaints accepted and finalised</b>	<b>Complaints not accepted and finalised</b>
Privacy and reputation	106	213
Torture & cruel, inhuman, degrading t'ment	47	219
Recognition and equality before the law	180	71
Right to liberty and security of person	8	204
Freedom of thought, conscience, religion	12	195
Peaceful assembly and freedom of association	1	179

Humane treatment when deprived of liberty	39	31
Protection of families and children	34	30
Right to health services	26	32
Freedom of movement	14	29
Freedom of expression	16	25
Fair hearing	3	36
Right to life	3	30
Property rights	3	24
Right to education	15	9
Taking part in public life	7	14
Cultural rights—First Nations peoples	9	13
Cultural rights—generally	5	8
Rights in criminal proceedings	1	10
Right not to be tried or punished more than once	0	5
Freedom from forced work	0	5
Protection of children in the criminal process	1	1
Protection from retrospective criminal laws	0	1

*Table 11: Human rights identified in finalised human rights only complaints, 2022-23*

<b>Relevant human right</b>	<b>Complaints accepted and finalised</b>	<b>Complaints not accepted and finalised</b>
Privacy and reputation	34	48
Recognition and equality before the law	20	52
Torture & cruel, inhuman, degrading t'ment	22	31
Humane treatment when deprived of liberty	19	26
Protection of families and children	16	24
Right to health services	13	25
Fair hearing	1	27
Freedom of expression	8	18
Freedom of movement	6	20
Right to liberty and security of person	5	20
Right to life	2	22
Property rights	3	21
Freedom of thought, conscience, religion	0	14
Rights in criminal proceedings	0	9
Taking part in public life	0	9
Right to education	3	5
Cultural rights—First Nations peoples	2	5
Cultural rights—generally	0	4
Peaceful assembly and freedom of association	1	3
Right not to be tried or punished more than once	0	4
Freedom from forced work	0	2
Protection of children in the criminal process	1	1
Protection from retrospective criminal laws	0	1

*Table 12: Human rights complaints by sector – inclusive of piggy-back complaints and human rights only complaints, 2022-23*

<b>Public entity by sector</b>	<b>No. finalised complaints</b>	<b>No. accepted and finalised complaints</b>
Work	68	189
Health	45	34
Police	38	29
Corrections	25	27
Other	24	25
Education	28	4
Council	12	13
Accommodation/Housing	14	4
Child Safety	9	8
Not a public entity	0	16
Transport	5	1
Disability	2	4

Table 13: Human rights complaints by sector – human rights only complaints,

Public entity by sector	No. of finalised complaints	No. accepted and finalised complaints
Corrections	26	21
Health	32	14
Police	27	12
Other	24	4
Work	11	7
Councils	12	5
Not a public entity	14	0
Child Safety	9	3
Court Services	11	0
Education	3	5
Accommodation/Housing	3	3
Disability	3	1

Table 14: Legal representative type for complainants in all finalised complaints 2022-23

Legal Representative Type	Anti-Discrimination Act only complaints	Piggy-back complaints	Human Rights Act only complaints
Community Legal Service / Legal Aid	23	13	3
Industrial advocate	29	7	0
Other or N/A	42	11	2
Private lawyer	31	11	3
Self-represented	242	132	60

Table 15: Finalised complaints by complainant age bracket, 2022-23

Complainant age group	No. of finalised complaints
Under 15	2
15-19	2
20-24	9
25-34	49
35-44	96
45-54	107
55-64	52
Over 65	25

# Appendix D: Human rights timeline 2022-23

This information is represented in the timeline on pages 14 to 16 of this report and is a summary of some significant events relevant to the operation of the Act in its third year.

## July 2022

Experiences of women and girls across Queensland's criminal justice system were examined and reviewed by the Women's Safety and Justice Taskforce in *Hear her voice report 2*.

## September 2022

Legislation was passed to establish an independent inspectorate to promote and uphold the humane treatment and conditions of people detained in prisons, community corrections centres, work camps, youth detention centres and police watch-houses. See *Inspector of Detention Services Act 2022*.

## October 2022

A United Nations tour that was to have included unannounced inspections of detention facilities as part of Australia's implementation of the *Optional Protocol to the Convention against Torture* was suspended due to obstructions, particularly the lack of co-operation by the governments of NSW and Queensland.

## November 2022

Temporary legislation (effective from 31 October 2022 to 31 October 2023) provides a step-down approach to managing COVID-19. It limits the power of the Chief Health Officer to make public health directions to three key measures: masks, isolation and quarantine, and vaccinations for workers in high-risk settings, and requires a parliamentary process outlining compatibility with human rights for directions. See *Public Health and Other Legislation (COVID-19 Management) Amendment Act 2022*.

The Commission of Inquiry into Queensland Police Service responses to domestic and family violence delivered their report, *A call for change*. The Inquiry was set up following recommendations made by the Women's Safety and Justice Taskforce.

## December 2022

A significant increase in young people held in youth detention and police watchhouses was noted in the Childrens Court annual report, with young people spending an average of 43 nights in unsentenced detention.



## January 2023

The Queensland Government marked Dundalli Remembrance Day as a 'truth-telling story of state significance' and committed to other truth-telling initiatives across the state to promote understanding and reconciliation.

Queensland's inaugural First Nations Justice Officer was appointed in response to a recommendation by the Women's Safety and Justice Taskforce to reduce the representation of First Nations people in the criminal justice system.

## February 2023

A Townsville Childrens Court magistrate ordered release on bail of thirteen children being held on remand in the police watch house amid growing human rights concerns at the treatment of young people in the Qld justice system

Separately, the Queensland Family and Child Commission initiated a systemic review of the drivers that cause children to enter and remain in Queensland watchhouses.

## March to May 2023

The Commission completed a human rights review of policies, procedures, and practices relating to strip searching of women in Queensland prisons as recommended by the Women's Safety and Justice Taskforce and undertook prison visits and consultation. The report will be published in September 2023.

## March 2023

The first four override declarations under section 43 of the HR Act were made in the *Strengthening Community Safety Act 2023*, which received assent on 22 March 2023. The override declarations apply to:

- a provision that makes it an offence for a young person to breach their bail conditions
- a decision of the court to declare a young person a 'serious repeat offender'
- a decision of the court to revoke a conditional release order for certain offences.

## April 2023

Legislation was passed to authorise police officers to use hand held scanners in Safe Night Precincts, at public transport stations, and on public transport to detect knives being carried in public and reduce knife crime. See *Police Powers and Responsibilities (Jack's Law) Amendment Act 2022*.

## May 2023

The Path to Treaty Bill 2023 received assent and will commence on a date to be fixed by proclamation. The Act will provide for the establishment of a First Nations Treaty Institute and Truth-telling and Healing Inquiry. See *Path to Treaty Act 2023*.

Queensland Parliament's Legal Affairs and Safety Committee tabled the report of the inquiry into support provided to victims of crime, which included recommendations to: review victims' rights, improve coordination of services, increase access to information, trauma-informed training, invest in victim support services, improve access to restorative justice and youth justice conferencing.

## June 2023

For the first time, the Commission's biennial Mabo Oration was held outside Brisbane. Megan Davis delivered the ninth Mabo Oration and Professor Henry Reynolds and Gail Mabo were special guest speakers at the event in Townsville hosted by Jeff McMullen.

Legislation was passed to facilitate visits to places of detention by the United Nations Subcommittee on Prevention of Torture and commenced on assent. See *Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Act 2023*.

The Honourable Alan Wilson KC conducted a review of the Public Interest Disclosure Act, as recommended by the Coaldrake report, *Let the sunshine in: Review of culture and accountability in the Queensland public sector*. The review recommended a new PID Act with clearer and accessible language, reclaiming the language of 'whistleblower', and with two objects of facilitating the exposure of serious or systemic wrongdoing in the public sector and protecting those who assist that endeavour.

The existing Births, Deaths and Marriages Registration Act (which establishes a system for registering life events) was repealed and replaced with a new Act of the same name, which takes account of changes in society and aims to appropriately accommodate the diversity of Queensland society. (especially in relation to recognition of the trans and gender diverse community and modern and diverse family structures). The Act will commence on a date to be fixed by proclamation. See *Births, Deaths and Marriages Registration Act 2023*.

The Commonwealth Parliament passed legislation proposing an alteration to the *Australian Constitution* to recognise Australia's First Peoples by establishing an Aboriginal and Torres Strait Islander Voice to make representations to the parliament on matters relating to Aboriginal and Torres Strait Islander peoples. This will trigger a referendum that will be held on 14 October 2023.