

Queensland's *Human Rights Act 2019* protects everybody's rights to:



Recognition and equality before the law (section 15)

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

Life (section 16)

Every person has the right to life and to not have their life taken. The right to life includes a duty on government to take appropriate steps to protect the right to life.

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

People must not be tortured. People must also not be treated or punished in a cruel, inhuman or degrading way. This includes protection from treatment that humiliates a person. This right also protects people from having medical treatment or experiments performed on them without their full and informed consent.

Freedom from forced work (section 18)

A person must not be forced to work or be made a slave. A person is a slave when someone else has complete control over them.

Freedom of movement (section 19)

People can stay in or leave Queensland whenever they want to as long as they are here lawfully. They can move around freely within Queensland and choose where they live.

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

People have the freedom to think and believe what they want – for example, religion. They can do this in public or private, as part of a group or alone.

Freedom of expression (section 21)

People are free to say what they think and want to say. They have the right to find, receive and share information and ideas. In general, this right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order.

Peaceful assembly and freedom of association (section 22)

People have the right to join groups and to meet peacefully.

Take part in public life (section 23)

Every person has the right to take part in public life, such as the right to vote or run for public office.

Property rights (section 24)

People are protected from having their property taken, unless the law says it can be taken.

Privacy and reputation (section 25)

Everyone has the right to keep their lives private. Your family, home or personal information cannot be interfered with, unless the law allows it.

Protection of families and children (section 26)

Families are entitled to protection. Children have the same rights as adults with added protection according to their best interests.

Cultural rights – generally (section 27)

People can have different family, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages.

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

Aboriginal and Torres Strait Islander peoples in Queensland hold distinct cultural rights. They include the rights to practice their beliefs and teachings, use their languages, protect and develop their kinship ties, and maintain their relationship with the lands, seas and waterways.

Liberty and security of person (section 29)

Everyone has the right to freedom and safety. The right to liberty includes the right to not be arrested or detained except in accordance with the law. The right to security means that reasonable steps must be taken to ensure the physical safety of people who are in danger of physical harm.

Humane treatment when deprived of liberty (section 30)

People have the right to be treated with humanity if they are accused of breaking the law and are detained.

Fair hearing (section 31)

A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

Rights in criminal proceedings (section 32)

There are a number of minimum guarantees that you have when you have been charged with a criminal offence. These include the right to be told the charges against you in a language you understand; the right to an interpreter if you need one; the right to have time and the facilities (such as a computer) to prepare your own case or to talk to your lawyer; the right to have your trial heard without too much delay; the right to be told about Legal Aid if you don't already have a lawyer; you are presumed innocent until proven guilty; and you don't have to testify against yourself or confess your guilt unless you choose to do so.

Rights of children in the criminal process (section 33)

A child charged with committing a crime or who has been detained without charge must not be held with adults. They must also be brought to trial as quickly as possible and treated in a way that is appropriate for their age. Children are entitled to opportunities for education and rehabilitation in detention.

Not be tried or punished more than once (section 34)

A person will only go to court and be tried once for a crime. This means if the person is found guilty they will only be punished once. If they are found to be innocent they will not be punished.

Protection from retrospective criminal laws (section 35)

A person has the right not to be prosecuted or punished for things that were not criminal offences at the time they were committed.

Education (section 36)

Every child has the right to primary and secondary schooling. Every person has the right to have access to further vocational education, based on their ability.

Health services (section 37)

Everyone has the right to access health services without discrimination. This right also states that nobody can be refused emergency medical treatment.

More information on each right is available at www.qhrc.qld.gov.au.

Human rights recognise the inherent dignity and worth of all human beings, and are essential in a democratic and inclusive society.

They should only be limited after careful consideration, and in a way that can be justified in a free and democratic society based on human dignity, equality, freedom and the rule of law.

The *Human Rights Act 2019* (the Act) requires all public entities in Queensland to act compatibly with human rights, and to give proper consideration to human rights before making a decision. Section 13 (2) of the Act provides public entities with guidance on when human rights may be limited.

The following is a brief guide to assessing acts or decisions for compatibility under the Act. More detailed guidance and information about the scope of each right, along with specific resources for public entities, is available at www.qhrc.qld.gov.au.

Step 1: Identify relevant rights

Look at the rights protected by the Act to see which are relevant. Rights may be broader than they first seem.

Step 2: Consider the impact

Will your act or decision limit or restrict any of the relevant rights you've identified?

No: If rights are not being limited, you are acting or making decisions compatibly with human rights.

Yes: If rights are being limited, or if you are unsure, move to step 3.

Step 3: Determine whether the limit is reasonable and justified

Ask yourself the following questions about the act or decision being proposed:

Is it lawful?

What law or regulation allows you to limit a person's rights?
If you can't identify a law or regulation you may not be able to limit rights.

Is there a purpose?

What is the aim of the limitation? Does it achieve a legitimate purpose?

Is it rational?

Will what you are doing effectively achieve your purpose?

Is it necessary?

Is this the least restrictive way to achieve your purpose?

Is it fair and balanced?

Do the benefits outweigh the harm caused by the limitation?

If you answer yes to all these questions, your act or decision is likely to be compatible with human rights.

If the act or decision appears incompatible, modify it if possible then reassess for compatibility.

If the act or decision limits human rights, but is assessed as compatible, then you will need to document your justification for the act or decision, and the process used to consider human rights.



Acting compatibly with human rights:

A guide for public entities to Queensland's *Human Rights Act 2019*

1300 130 670

qhrc.qld.gov.au/your-responsibilities



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