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## *Balancing life and liberty*: Second report on operation of Queensland's Human Rights Act published today

The Queensland Human Rights Commission has published [\*Balancing life and liberty: The second annual report on the operation of Queensland's Human Rights Act 2019\*](#), after it was tabled in parliament today.

Under the *Human Rights Act 2019*, the Commissioner must prepare an annual report about the operation of the Act. *Balancing life and liberty* is the second of these to be published and the first to contain a full year's data on human rights complaints, after the Act came into full operational effect on 1 January 2020.

"This report outlines the work done across Queensland in implementing the Act over the 2020-21 financial year measured against key indicators of developing human rights culture in parliament and across the public sector," says Queensland's Human Rights Commissioner, Scott McDougall.

"The impact of COVID-19 and the associated government response can be clearly seen throughout the report, from complaint statistics through to case studies demonstrating the Act's application," says Mr McDougall.

COVID-19 and the ensuing restrictions swept into place less than three months after the operational provisions of Queensland's new Human Rights Act had come into effect, and the Commissioner says the influence on human rights culture and understanding, both at a community and political level, has been immense.

While the report found that many public entities have been willing to engage in human rights dialogue when issues and complaints are raised with them, the Commission has observed that the utilisation of the Human Rights Act by parliament has been slower to develop.

Under the Act, parliament must consider new legislation for compatibility with human rights. This is done through statements of compatibility with human rights and the work of the portfolio committees in examining proposed bills. The Commission has developed indicators to measure the impact of human rights on the development on legislation and the extent of robust human rights debate in parliament.

"There are promising signs in some respects and some clear challenges in others, including the fact that COVID and other legislation continues to be declared urgent and therefore not subject to any human rights scrutiny by committees," says Mr McDougall.

"Committees expressing concerns about the human rights compatibility of some bills is a positive, but it is very disappointing that this hasn't yet translated to meaningful change through the legislative process."

The impact of the Act on courts and tribunals and an overview of key decisions is also included in the report, as are contributions from 9 key state government entities (including Queensland Police Service, Queensland Health, Corrective Services, Youth Justice, and the Department of Education), and 6 councils including Brisbane City Council, on staff training, the number and outcomes of human rights complaints, and the result of policy and procedure reviews for compatibility with human rights.

(See from page 78 for the reports from state public entities, from page 102 for council reports, and from page 59 for courts and tribunals).

The report was tabled in Queensland Parliament today and is available on the Commission's website at <https://www.qhrc.qld.gov.au/resources/reports>.

## Key statistics

- The Commission received 369 human rights complaints in 2020-21, accounting for around a quarter of all complaints received during the year. Over 1000 enquiries were received in the same period, accounting for just over a quarter of all enquiries (where the topic of the enquiry was collected).
- Less than half the human rights complaints the Commission received were accepted. Reasons complaints could not be accepted include the complainant not having made a prior complaint to the public entity (a requirement under the Act), or not including enough information for the Commission to make a human rights assessment. (See complaints snapshot on page 138 of the report.)
- Men were more likely to make human rights complaints than women (54.5% compared to 45.5%), in contrast to human rights enquiries and Anti-Discrimination Act complaints, where the gender split is roughly equal. (See page 150 of the report.)
- Just over 10% of human rights complaints were made by Aboriginal and Torres Strait Islander people, compared to 7% of Anti-Discrimination Act complaints in the same period. (See page 150 of the report.)
- COVID-19 was the subject of 1 in 4 human rights complaints and 1 in 6 enquiries to the Commission in 2020-21. Around 80% of complaints about health services were COVID-related.
- After the right to recognition and equality before the law, the most common rights listed in complaints were the rights to freedom of movement and to humane treatment when deprived of liberty – a reflection of the prevalence of COVID-related complaints. (From page 141 of the report.)
- The most complained about public entities were the health sector and Queensland Police – again a reflection of the impact of COVID restrictions. (From page 146 in the report.)
- 2 reports on unconcilable human rights complaints were published, containing recommendations from the Commissioner on actions the public entity in question should take to ensure its future acts and decisions are compatible with human rights. One report was in relation to hotel quarantine conditions, and the other was about prisoner isolation during COVID. (From page 153 of the report.)

## Case studies

The report includes multiple case studies this year that demonstrate the success of the complaints process under the Act (from page 156 unless otherwise noted), including:

- Accessible accommodation was negotiated in order to allow a woman and her mother and carer to travel to Queensland from interstate, during a period of border restrictions, to allow her to collect an assistance dog which had been trained specifically for her needs.
- Two unaccompanied children were permitted to quarantine at home with their mother, after being placed alone in hotel quarantine when returning from an interstate visit with their father.

- A hospital adjusted their practices to allow a pregnant woman who was unable to wear a mask during a period of COVID restrictions to use alternative protective measures instead, so she was able to attend her medical appointments during a high risk pregnancy.
- A social housing provider agreed to allow a tenant to leave her home for longer periods of time than their general rule allowed for, in order for her to commence defence force training while still providing a home for their family.
- Police issued a public statement of regret to traditional custodians after removing them from country while they were exercising their cultural rights, after an international mining company claimed they were 'trespassing'.

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