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Mandatory hotel quarantine conditions: Commission releases first report on unresolvable human rights complaint under Queensland's Human Rights Act

The Queensland Human Rights Commission has today published its first report on a human rights complaint unable to be resolved under the state's Human Rights Act.

Under the Act, people can lodge complaints against public sector entities for breaches of the rights protected by the legislation, which came into effect on 1 January this year.

Close to 200 human rights complaints have been lodged with the Commission so far. Several relate to hotel quarantine conditions during the COVID-19 pandemic.

The Commission attempts to resolve human rights complaints, generally through a conciliation process. If the complainant and the respondent are unable to reach an agreement, the complainant may not be able to take their complaint any further – for example, to a court or tribunal. However, under the Act, the Commission is empowered to publish information about unresolved complaints, including any recommendations on how the public entity could take steps to ensure that it is acting compatibly with human rights in the future.

The Commission has today published its first such report, on a complaint regarding conditions in Queensland hotel quarantine during the pandemic.

The complainant did not get access to fresh outside air during her 14 day stay in mandatory self-funded hotel quarantine. The windows of her hotel room did not open, and she was not given a fresh air break from her room. The complainant and the respondents – Queensland Health and the Queensland Police Service – disagreed about the reasons for the lack of room breaks, and the complaint was unable to be resolved.

In the unresolved complaint report published today, the Commissioner considered that the complainant's right to humane treatment when deprived of liberty had been limited. While acknowledging the significant efforts of the Queensland government, including the respondents, in responding to the COVID-19 pandemic, the report found that the Department of Health and/or Queensland Police Service had to demonstrably justify the limitation of the complainant's rights.

In the report, the Commissioner made the following recommendations to ensure future acts and decisions in relation to hotel quarantine be compatible with human rights:

- Include opening windows or balconies as a minimum standard for the selection of quarantine hotels, and put in place plans to decommission currently used hotels that do not meet these minimum standards;
- Ensure information provided to people in quarantine clearly identifies the responsibilities of each entity involved in the care of that person, which will facilitate complaint management, improve consistency of information, and reduce the risk of people falling between service gaps;
- Ensure information provided to people in quarantine includes information about their rights, how to report issues with restrictions, rights of review or appeal, and that sets realistic expectations about the conditions of quarantine.

“We do acknowledge the sheer size and scale of the endeavour needed to adequately address everyone’s needs during this pandemic,” says Queensland Human Rights Commissioner Scott McDougall.

“Many measures across many sectors needed to be put in place very quickly, and on the whole the government response has respected and protected human rights in line with their obligations under the Act.

“However, after seven months of dealing with this pandemic now, we should be in a position to ensure that appropriate accommodation is available. Lack of fresh air is a significant human rights issue and one that we sincerely hope is addressed as a matter of priority.”

The report is available [on the Commission's website](#).

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