

# Appendix A: Courts and tribunals

The cases in the tables below are the published decisions of Queensland courts and tribunals that have come to the attention of the Commission.

The sections of the Act listed in the tables are those given on the cover page of the court decision for that case, or in the text of the decision.

In the financial year ended 30 June 2021, Queensland courts and tribunals considered or mentioned the Act in 59 matters.

**Table 12: Courts and tribunals which considered or mentioned the Human Rights Act, 2020-21**

Court	Number
Court of Appeal Queensland	3
Supreme Court of Queensland	13
District Court of Queensland & pre-trial rulings	3
Land Court of Queensland	3
Queensland Civil and Administrative Tribunal, Appeals	1
Queensland Civil and Administrative Tribunal	30
Queensland Industrial Relations Commission	6
Total	59

# Supreme Court of Queensland, Court of Appeal

**Table 13: Considerations or mentions of the Act in the Supreme Court of Queensland, Court of Appeal, 2020-21**

Case	Cause of action	Human Rights Act 2019 sections
<a href="#"><i>Baggaley v Commonwealth Director of Public Prosecutions</i></a> [2020] QCA 179 (28 Aug 2020) Fraser, McMurdo, Mullins JJA	Criminal (bail application)	ss 29(5)(b), 29(5)(c), 29(7)
<a href="#"><i>R v Morrison</i></a> [2020] QCA 187 (4 September 2020) Sofronoff P and Philippides JA and Davis J	Application for leave to appeal against sentences	s 29
<a href="#"><i>R v Hickey</i></a> [2020] QCA 206 (21 September 2020) Morrison and Mullins, JJA, Jackson, J	Application for extension of time for leave to appeal against sentence	s 34

# Supreme Court of Queensland

**Table 14: Considerations or mentions of the Act in the Supreme Court of Queensland, Court of Appeal, 2020-21**

Case	Cause of action	Human Rights Act 2019 sections
<a href="#"><i>Attorney-General (Qld) v Carter</i></a> [2020] QSC 217 (21 July 2020) Jackson J	Application under s 13 DP(SO)A for either a continuing detention order or supervision order.	[59] re liberty & freedom of movement
<a href="#"><i>Attorney-General for the State of Queensland v Sri &amp; Ors</i></a> [2020] QSC 246 (8 Aug 2020) Applegarth J	Application for injunctions to restrain certain parties from attending a sit-in protest and encouraging others to attend	ss 13, 19, 20, 21, 22, 23

<a href="#"><i>Westpac Banking Corporation &amp; Anor v Heslop &amp; Anor (No 2)</i></a> [2020] QSC 256 (21 August 2020) Bradley J	Brief mention of unlawful detention in case involving guarantor debt - did not apply (had not been enacted at the time)	[244]–[246] allegations of breaching Article 12 UDHR
<a href="#"><i>Innes v Electoral Commission of Qld &amp; Anor (No 1)</i></a> [2020] QSC 273 (22 Sept 2020) Ryan J (A-G intervener)	In Court of Disputed Returns – Application to reopen hearing – wish to include human rights arguments	[27] mention of s 31
<a href="#"><i>Innes v Electoral Commission of Qld &amp; Anor (No 2)</i></a> [2020] QSC 293 (24 Sept 2020) Ryan J	In Court of Disputed Returns – where applicant believes election should have been postponed because of COVID health risk – taking part in public life arguments	ss 5(2)(a), 8, 9, 13, 15(2), 16, 23, 31, 48, 53, 58, 59
<a href="#"><i>Innes v Electoral Commission of Qld &amp; Anor (No 3)</i></a> [2020] QSC 320 (21 Oct 2020) Ryan J (A-G intervenor)	Costs application	HRA mentions [2], [20], [29], [32], [33]
<a href="#"><i>Attorney-General for the State of Queensland v Haynes</i></a> [2020] QSC 348 (2 Nov 2020) Jackson J	Application for a supervision order under DP(SO)A	s 31 See [30]
<a href="#"><i>Accoom v Pickering</i></a> [2020] QSC 388 (7 Dec 2020) Henry J	Application by the deceased's mother concerning release of the body for a funeral – both protagonists are Aboriginal and rely on Aboriginal custom for arguments	ss 28, 48
<a href="#"><i>Whiteley v Stone &amp; Anor</i></a> [2021] QSC 31 (4 March 2021) Dalton J (A-G intervenor)	Application for judicial review of a decision to cancel the applicant's certificate of competency under the <i>Coal Lining Safety &amp; Health Act 1999</i>	[32] A-G said s 48 HRA not engaged
<a href="#"><i>Ryle v Venables &amp; Ors</i></a> [2021] QSC 60 (31 March 2021) Davis J	Application for judicial review of decision to reject complaint	ss 3, 118

<a href="#"><i>Dunlop &amp; Anor v Body Corporate For Port Douglas Queenslander CTS 886 &amp; Ors</i></a> [2021] QSC 85 (27 April 2021) Henry J	Application relating to claim for losses from a body corporate's termination of letting c& caretaking agreements.	s 48 [68] statutory interpretation compatible with HR
<a href="#"><i>MJE v Strofield (Magistrate) &amp; Anor</i></a> [2021] QSC 126 (3 June 2021) Martin J	Application for review of decisions pursuant to the <i>Judicial Review Act</i> and for statements of reasons given by judicial officers	[8] No section number mentioned
<a href="#"><i>Re Dunshea</i></a> [2021] QSC 163 (24 June 2021) Freeburn J	Bail application	s 9(1), 9(4), 29(5), 58

## District Court of Queensland and pre-trial rulings

**Table 15: Considerations or mentions of the Act in the District Court of Queensland and pre-trial rulings, 2020-21**

Case	Cause of action	<i>Human Rights Act 2019</i> sections
<a href="#"><i>R v NGK</i></a> [2020] QDCPR 77 (Judgment given 17 June 2020, reasons published 1 July 2020)	application for a no jury order due to COVID	ss 4(f), 32(2), 48(1), 58(1)
<a href="#"><i>EH v QPS; GS v QPS</i></a> [2020] QDC 205 (28 August 2020) Fantin DCJ	Appeal under s 222 Justices Act 1886	[50] discussion of right of peaceful assembly and mention of HRA
<a href="#"><i>R v Deacon</i></a> [2021] QDCPR 8 (26 February 2021) Smith DCJA	Application pursuant to s 590AA of the <i>Criminal Code 1899</i>	ss 13, 19, 25, 26

# Land Court of Queensland

**Table 16: Considerations or mentions of the Act in the Land Court of Queensland, 2020-21**

Case	Cause of action	Human Rights Act 2019 sections
<a href="#"><i>Waratah Coal Pty Ltd v Youth Verdict &amp; Ors</i></a> [2020] QLC 33 (4 Sept 2020) Kingham, P	Application to strike out objections under the <i>Mineral Resources Act 1989</i>	ss 3(b), 3(c), 4(b), 9(1), 10(1)(a), 15, 16, 24, 25(a), 26(2), 28, 58(6), 59
<a href="#"><i>Waratah Coal Pty Ltd v Youth Verdict Lts &amp; Ors (No 2)</i></a> [2021] QLC 4	Application for mining lease (application for further and better particulars of objections to a mining lease and environmental authority)	ss 8, 13, 58
<a href="#"><i>Cement Australia (Exploration) Pty Ltd &amp; Anor v East End Mine Action Group Inc &amp; Anor (No 4)</i></a> [2021] QLC 22 (30 June 2021) McNamara, M	Objections to application for mining lease and amended environmental authority	ss 2, 8, 13, 24, 58, 59

## Queensland Civil and Administrative Tribunal appeals

**Table 17: Considerations or mentions of the Act in Queensland Civil and Administrative Tribunal appeals, 2020-21**

Case	Cause of action	Human Rights Act 2019 sections
<a href="#"><i>DAMA v Public Guardian</i></a> [2020] QCATA 161 (2 December 2020) Howard Senior Member, Traves M	Application for a stay of the operation of orders made by the Tribunal in relation to guardianship proceedings	ss 13, 25

# Queensland Civil and Administrative Tribunal

**Table 18: Considerations or mentions of the Act in the Queensland Civil and Administrative Tribunal, 2020-21**

Case	Cause of action	<i>Human Rights Act 2019</i> sections
<a href="#"><i>DLD</i></a> [2020] QCAT 237 (2 July 2020) Allen M	Application for the appointment of a guardian and administrator	ss 9, 13, 15, 19, 24, 25, 26, 29, 30, 31, 37
<a href="#"><i>MJP</i></a> [2020] QCAT 253 (9 July 2020) Endicott M	Application to review the appointment of a decision-maker under the <i>Guardianship and Administration Act</i>	s 48, 17, 19, 24, 25
<a href="#"><i>Taniela v Australian Christian College Moreton Ltd</i></a> [2020] QCAT 249 (10 July 2020) Traves M	Anti-discrimination matter	ss 27, 48
<a href="#"><i>HDM v Dept Child Safety, Youth &amp; Women</i></a> [2020] QCAT 272 (14 July 2020) Paratz and Ellis M, Quinlivan Presiding Member	Application to review decision refusing applicant to become kinship carer for her great granddaughter	ss 4(b), 4(f), 58(5)
<a href="#"><i>AB v CD</i></a> [2020] QCAT 295 (14 July 2020) Adjudicator Walsh	Application for a minor debt for collection and recovery of an assessed child support over-payment by one parent to another  Note: question of extraterritoriality	s 25
<a href="#"><i>FBN v Director-General, Department of Justice and Attorney-General</i></a> [2020] QCAT 260 (15 July 2020) Kanowski M	Review of blue card decision	[54]

<a href="#"><u>HAP v Director-General, Department of Justice and Attorney General</u></a> [2020] QCAT 273 (21 July 2020) Gardiner M	Review of blue card decision	ss 13, 48
<a href="#"><u>WDE v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 301 (4 August 2020) McDonnell M	Review of blue card decision	ss 13, 48, 58
<a href="#"><u>TRE v Director-General, Department of Justice and Attorney General</u></a> [2020] QCAT 306 (5 Aug 2020) McDonnell M	Review of blue card decision	ss 13, 58
<a href="#"><u>REB v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 312 (5 August 2020) Hughes, M	Blue card negative notice	ss 13, 26
<a href="#"><u>NGV v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 319 (19 August 2020) Kanowski, M	Blue card negative notice	s 31
<a href="#"><u>Dowling v Director-General, Dept Justice and Attorney-General</u></a> [2020] QCAT 340 (25 Aug 2020) McDonnell M	Review decision to issue a negative notice – convictions related to political protests	ss 13, 58
<a href="#"><u>JR v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 332 (2 September 2020) Hughes, M	Blue card negative notice	s 13

<a href="#"><u>PXS v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 342 (7 Sept 2020) Milburn M	Review of negative notice and cancellation of blue card – unsuccessful prosecutions – possession of ‘tainted property’	ss 8, 26(2), 58
<a href="#"><u>Petrak v Griffith University &amp; Ors</u></a> [2020] QCAT 351 (11 Sept 2020) Gordon M	Anti-discrimination matter	ss 13, 31
<a href="#"><u>CC</u></a> [2020] QCAT 367 (18 September 2020) Allen M	Guardianship	ss 13, 19, 24, 25, 37
<a href="#"><u>JF</u></a> [2020] QCAT 419 (4 November 2020) Traves M	Guardianship and administration for adults	s 9(4)
<a href="#"><u>Sheraton v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 431 (9 November 2020) McDonnell M	Blue card negative notice	ss 13, 58
<a href="#"><u>Coonan v Registrar of Births, Deaths and Marriages</u></a> [2020] QCAT 434 (11 November 2020) Traves M	Review of administrative decision	ss 9, 108
<a href="#"><u>FH</u></a> [2020] QCAT 482 (7 December 2020) Traves M	Guardianship	s 9(4)
<a href="#"><u>HFI</u></a> [2020] QCAT 481 (4 December 2020) Goodman M	Guardianship and administration matters for adults	s 13
<a href="#"><u>Wildin v State of Queensland</u></a> [2020] QCAT 514 (9 December 2020) Hughes M	Anti-discrimination matter	ss 15, 19
<a href="#"><u>VDG v Director-General, Department of Justice and Attorney-General</u></a> [2020] QCAT 506 (15 December 2020) Kent, M	Blue card negative notice	[60] refers to s 58, 108(2)



<a href="#"><u>WW v Director-General, Department of Justice and Attorney-General</u></a> [2021] QCAT 7 (8 January 2021) McDonnell, M	Blue card negative notice	ss 13, 58
<a href="#"><u>SF v Department of Education</u></a> [2021] QCAT 10 (13 January 2021) Hughes M	Review of administrative decision	ss 48, 58, 15, 26, 25, 36
<a href="#"><u>River Glen Haven Over 50s Village</u></a> [2021] QCAT 26 (19 January 2021) Traves M	Application for exemption to the <i>Anti-Discrimination Act 1991</i>	[25] Given decision, no need to consider submissions by QHRC in relation to application of HRA
<a href="#"><u>ZB v v Director-General, Department of Justice and Attorney-General</u></a> [2021] QCAT 82 (9 March 2021) Deane M	Blue card negative notice	ss 8, 13, 21, 23, 26, 27, 31, 34, 36, 48, 58, 108
<a href="#"><u>TSG v Director-General, Department of Justice and Attorney-General</u></a> [2021] QCAT 98 (16 March 2021) Deane, M	Blue card negative notice	ss 8, 13, 21, 23, 26, 27, 28, 31, 34, 36, 58, 108
<a href="#"><u>HH</u></a> [2021] QCAT 103 (23 March 2021) Traves M	Guardianship and administrative matters for adults	s 9(4)
<a href="#"><u>Fernwood Womens Health Clubs (Australia Pty Ltd)</u></a> [2021] QCAT 164 (14 April 2021)	Application for exemption – <i>Anti-Discrimination Act 1991</i>	ss 9, 58, 15

# Queensland Industrial Relations Commission

**Table 19: Considerations or mentions of the Act in the Queensland Industrial Relations Commission, 2020-21**

Case	Cause of action	Human Rights Act 2019 sections
<a href="#"><i>Mohr-Edgar v State of Queensland (Legal Aid Queensland)</i></a> [2020] QIRC 136 (31 August 2020) Pidgeon IC	Discrimination (interlocutory)	s 25
<a href="#"><i>Re Ipswich City Council</i></a> [2020] QIRC 194 (17 November 2020) Merrell DP	Discrimination (application for exemption)	ss 5, 7, 8, 9, 13, 15, 48, 58
<a href="#"><i>Wilson v State of Queensland (Public Trust Office)</i></a> [2021] QIRC 84 (16 March 2021) Dwyer IC	Public service appeal – appointment to position at higher level	[22] mention of HRA
<a href="#"><i>Mancini v State of Queensland (Queensland Fire and Emergency Services)</i></a> [2021] QIRC 192 (2 June 2021) McLennan IC	Anti-discrimination – application in existing proceeding	s 15
<a href="#"><i>Dean-Braieoux v State of Queensland (Queensland Police Service)</i></a> [2021] QIRC 209 (11 June 2021) Merrell DP	Public service appeal – decision made under a Directive	ss 15, 25, 26, 29, 37
<a href="#"><i>Re: Leidos Australia Pty Ltd</i></a> [2021] QIRC 229 (28 June 2021) Hartigan IC	Discrimination (application for exemption)	ss 3, 4, 5, 7, 8, 9, 13, 15, 25, 48, 58