

Fact sheet: A human rights approach for Queensland

The *Human Rights Act 2019* (the Act) respects, protects, and promotes the human rights of all people in Queensland. Human rights protect the dignity and worth of all people, especially the most vulnerable. A human rights approach means that the Queensland Government must put human rights first when making decisions and providing services.

Developing a human rights culture

The Act helps build a human rights culture in the public sector. It shows us how to make decisions and provide services in a way that protects human rights. The human rights protected under the Act are not absolute; they can be limited. The Act also shows us how to balance individual rights against the rights of others.

Talking about human rights: The dialogue model

The human rights approach in Queensland is called a dialogue model. This means that the different parts of government are encouraged to talk to each other about how to define, protect, and fairly limit human rights. This approach also helps government look more closely at how it makes decisions and provides services, and think about how new laws will affect individuals. Each part of government (the public service, the Parliament, and the courts) have a role in protecting human rights.

The public service: acting and making decisions

Most actions by government have an impact on human rights. Sometimes our actions protect or promote human rights; sometimes they limit human rights. For example, we may need to balance individual rights against important policy issues.

Government departments, public service employees, and ministers have to act and make decisions in a way that is consistent with human rights law. The Act shows us how to do this. You can read more at www.forgov.qld.gov.au/humanrights or in our guide, *Human rights in decision making*.

The Parliament: Making the law

The Act says that the government has to think about human rights when they develop policy and law. When new laws are introduced in Parliament, they need to have a statement of compatibility. This shows whether the proposed law is consistent with human rights law. You can read more about how to do this in our guide, *Developing policy and legislation that is consistent with human rights law*.



The courts: Interpreting the law

The Act says that courts and tribunals have to think about human rights when they interpret the law. This means that they have to interpret the law in the way that is most compatible with human rights. If they can't do this, the court can make a declaration. This asks the Parliament to look at the law again and decide if it needs to be changed.

The Queensland Human Rights Commission: Promoting human rights

The Queensland Human Rights Commission (QHRC) helps the community to understand human rights. They also help people resolve human rights complaints. You can read more about the QHRC and their complaints process at www.ghrc.qld.gov.au.

Talking about human rights: An example from Victoria

Victoria has had laws protecting human rights since 2006. They also use a dialogue model approach, and their government has to think about human rights when they develop policy and law. When new laws are introduced in the Victorian Parliament, they need to have a '[statement of compatibility](#)' showing whether the proposed law is consistent with human rights.

In 2017, the Victorian Parliament introduced a new law called the *Voluntary Assisted Dying Bill 2017*. This law would allow people who were suffering from a terminal illness to end their life in the way they chose. When the law was introduced it had a statement of compatibility, which talked about the human rights issues raised by the law. This included:

- the right to life
- the right to privacy and reputation
- the right to protection from cruel, inhuman or degrading treatment
- the right to freedom of thought, conscience, religion and belief
- the right to equality before the law
- the rights of children
- the right to presumption of innocence when charged with a criminal offence.

The statement considered the rights of individuals who wanted to end their lives, their families, the health practitioners who might be asked to help, and the wider community. This process helped the Parliament to think about how the new law would protect human rights as well as how it would limit human rights, and whether the proposed law got the balance right.

You can find more information about human rights in Queensland at www.forgov.qld.gov.au/humanrights