

Guides available:

Nature and scope of the rights

When human rights may be limited

Human rights in decision making

Planning and reporting for human rights

How to review existing legislation for compatibility with human rights

How to review policy and procedures for compatibility with human rights

Develop policy and legislation compatible with human rights

Checklist to identify public entities

Incorporate human rights into your complaints processes



www.forgov.qld.gov.au/humanrights

Human Rights

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How to apply the *Human Rights Act 2019* to your work

The *Human Rights Act 2019* (the Act) requires all public entities in Queensland to give proper consideration to, and act compatibly with, human rights when making decisions. To carry out these obligations, public entities should:

STEP 1: Identify relevant human rights

Check the list of rights on the next page to see what rights are relevant to your situation.

If you're not sure, the *Guide: Nature and Scope of the Rights* on the Human Rights Portal is a useful resource: www.forgov.qld.gov.au/humanrights.

STEP 2: Consider whether human rights will be limited by the decision or action

Will your decision or action limit or interfere with the relevant rights you've identified?

NO: If rights are not being limited, you are acting compatibly with human rights.

YES: If human rights are being limited, you should move to step 3.

STEP 3: To lawfully limit a human right, you must:

Be authorised

What law or regulation allows you to limit a person's rights?

If you cannot identify a law or regulation, then you may not be able to limit human rights.

Be justified and reasonable

Determine whether your limitation of a person's rights is justified and reasonable in the circumstances, taking into account the following factors (under section 13(2) of the Act):

a) Nature of the right

What does the right/s identified in step 1 protect? What are the values that underpin the right?

b) The nature of the purpose of the limitation

What is your purpose for limiting human rights? What are you trying to achieve by your decision or action?

c) The relationship between the limitation and its purpose?

Will what you are doing, or proposing to do, actually achieve your purpose?

d) Are there less restrictive and reasonably available ways to achieve the purpose?

Is there another way to achieve your purpose that won't limit a person's human rights as much? If so, you should take the less restrictive option.

e-g) The balance between the importance of the purpose of the limitation and the importance of preserving the human right.

Consider whether the benefits gained by fulfilling the purpose of the limitation outweigh the harm caused to the human right.

Human rights protected in the Act

Recognition and equality before the law	Right to life	Protection from torture and cruel, inhuman or degrading treatment	Freedom from forced work
SECTION 15	SECTION 16	SECTION 17	SECTION 18
Freedom of movement	Freedom of thought, conscience, religion and belief	Freedom of expression	Peaceful assembly and freedom of association
SECTION 19	SECTION 20	SECTION 21	SECTION 22
Taking part in public life	Property rights	Privacy and reputation	Protection of families and children
SECTION 23	SECTION 24	SECTION 25	SECTION 26
Cultural rights – generally	Cultural rights – Aboriginal peoples and Torres Strait Islander peoples	Right to liberty and security of person	Humane treatment when deprived of liberty
SECTION 27	SECTION 28	SECTION 29	SECTION 30
Fair hearing	Rights in criminal proceedings	Children in the criminal process	Right not to be tried or punished more than once
SECTION 31	SECTION 32	SECTION 33	SECTION 34
Retrospective criminal laws	Right to education	Right to health services	
SECTION 35	SECTION 36	SECTION 37	