

Human Rights Act Inquiry

Current laws and mechanisms for protecting human rights in Queensland*

	Law / Mechanism
1.	<p>Anti-Discrimination Laws</p> <ul style="list-style-type: none"> • <i>Anti-Discrimination Act 1991</i> (Qld) • <i>Racial Discrimination Act 1975</i> (Clth) • <i>Sex Discrimination Act 1984</i> (Clth) • <i>Disability Discrimination Act 1992</i> (Clth) • <i>Age Discrimination Act 2004</i> (Clth) • <i>Australian Human Rights Commission Act 1986</i> (Clth)
2.	<p>Parliamentary process for consideration of Bills</p> <p><i>Legislative Standards Act 1992</i></p> <ul style="list-style-type: none"> • OPQC required to advise on application of fundamental legislative principles – defined to include whether legislation has sufficient regard to rights and liberties of individuals. • Bill to be accompanied by Explanatory Note. • Explanatory Note to include assessment of consistency with fundamental legislative principles and the reasons for any inconsistency. <p><i>Parliament of Queensland Act 2001</i></p> <ul style="list-style-type: none"> • Portfolio committees required to examine Bills for application of fundamental legislative principles. • Portfolio committee required to report to the House
3.	<p>Statutory interpretation</p> <p>Presumption that legislation is not intended to encroach upon fundamental rights and freedoms.</p>
4.	<p><i>Fair Work Act 2009</i> (Clth)</p> <p>General protections for discrimination on certain grounds in employment.</p>
5.	<p>Express constitutional rights</p> <p>Civil and political rights</p> <ul style="list-style-type: none"> • Trial by jury for indictable federal offences. • Prohibition on the federal government establishing a religion or preventing the free exercise of religion • Discrimination on the basis of interstate residence. <p>Economic rights</p> <ul style="list-style-type: none"> • Freedom of interstate trade • Compensation on just terms for compulsory acquisition of property.
6.	<p>Implied constitutional rights</p> <ul style="list-style-type: none"> • Separation of powers • Freedom of political communication

	Law / Mechanism
7.	Common law Right to a fair trial. Prohibition against trespass (right to privacy).
8.	Youth Justice Act 1992 Charter of youth justice Detention as last resort (to be restored under Bill currently before Parliament)
9.	Guardian and Administration Act 2000 Principles for adults with impaired capacity
10.	Mental Health Act 2016 Principles for the administration of the Act Principles for exercising powers and performing functions
11.	Multicultural Recognition Bill 2016 Provides for a multicultural charter, policy and action plan for the delivery of government services, so that services are accessible to people who have difficulty understanding or communicating in English.
12.	Human Rights (Sexual Conduct) Act 1994 (Cth) Sexual conduct between consenting adults in private is not to be subject to any arbitrary interference with privacy within the meaning of Article 17 of the <i>International Convention of Civil and Political Rights</i> . s 4(1)

Anti-Discrimination Commission Queensland table, 'Current laws and mechanisms for protecting human rights in Queensland.'

* This list is not necessarily exhaustive.