

## ***Human Rights Act 2019***

Explanatory notes for SL 2019 No. 224

Made under the

*Human Rights Act 2019*

## **General Outline**

### **Short Title**

Proclamation commencing certain provisions of the *Human Rights Act 2019*.

### **Authorising law**

Section 2 of the *Human Rights Act 2019* (the Act).

### **Policy objectives and the reasons for them**

The objectives of the Act are to establish and consolidate statutory protections for certain human rights; ensure that public functions are exercised in a way that is compatible with human rights; promote a dialogue about the nature, meaning and scope of the rights; and rename and empower the Anti-Discrimination Commission Queensland (ADCQ) as the Queensland Human Rights Commission (QHRC); to provide a dispute resolution process for dealing with human rights complaints; and promote an understanding, acceptance and public discussion of human rights.

Section 2 of the Act provides for the commencement on a day to be fixed by proclamation. The commencement is proceeding in two stages.

An earlier Proclamation dated 13 June 2019 commenced certain provisions of the Act on 1 July 2019. The provisions commenced by that first Proclamation included those relating to the rebranding of the Anti-Discrimination Commission Queensland as the QHRC and their educative and communication functions.

This proclamation relates to the second stage of commencement, and will commence the remaining provisions including sections relating to the human rights protected under the Act, the obligations on Parliament, the Courts and public entities, on 1 January 2020.

### **Achievement of policy objectives**

The policy objective is achieved by the proclamation commencing certain provisions of the Act (stated in the schedule) on 1 January 2020.

## **Consistency with policy objectives of authorising law**

The proclamation is consistent with the policy objectives of the Act.

## **Inconsistency with policy objectives of other legislation**

The proclamation is consistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefits of making of this Proclamation include commencing key elements of the Act, including the substantive provisions relating to the rights protected in the Act, the obligations on the Parliament, the Court and public entities.

In 2019–20 the Queensland Government committed funding of \$5.062 million over four years (\$1.321 million ongoing) and 10 FTEs for the QHRC for implementation of the Act. This is in addition to the funding of \$2.298 million over four years (\$0.6 million per year ongoing) committed by the Government in the 2018-19 Budget.

## **Consistency with fundamental legislative principles**

The proclamation is consistent with fundamental legislative principles.

## **Consultation**

The QHRC was consulted regarding the proposed commencement date of certain provisions of the Act on 1 January 2020, and were supportive of the approach.

A self-assessment by the Department of Justice and Attorney-General has determined that the proclamation is excluded from regulatory impact analysis under exclusion category (g) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal of a machinery nature.