



Policy – Human Rights

1.0 Policy Statement

The Mental Health Review Tribunal (**Tribunal**) is committed to creating and maintaining a work environment which promotes, protects and has a culture that is respectful of human rights.

As a public entity, and a tribunal, the Tribunal acknowledges the value of the *Human Rights Act 2019* and the importance of cultivating a human rights culture within the Queensland public sector.

The Tribunal requires all staff and members, as representatives of the Tribunal to commit to high standards of behaviour that is at all times compliant with the *Human Rights Act 2019*.

This policy aims to:

- demonstrate the Tribunal's commitment to human rights, as contained in the *Human Rights Act 2019*;
- demonstrate the Tribunal's commitment to the highest levels of integrity and accountability;
- reflect the principles and values underlying good public administration;
- outline the expectation that workers conduct themselves in a manner consistent with human rights;
- provide a framework for workplace culture supportive of human rights; and
- clarify for the public what they, and we, as workers of the Tribunal, expect of ourselves, our colleagues and our organisation.

2.0 Scope

This policy applies to all workers including staff and members.

3.0 Legislation

Human Rights Act 2019
Mental Health Act 2016

4.0 Human Rights Act 2019

The *Human Rights Act 2019* was passed by the Queensland Government on 27 February 2019 and will commence operation on 1 January 2020.

The main objects of the *Human Rights Act 2019* are to:

- protect and promote human rights;
- to help build a culture in the Queensland public sector that respects and promotes human rights; and
- help promote a dialogue about the nature, meaning and scope of human rights.



These objects are achieved in a number of ways. The *Human Rights Act 2019* contains 23 distinct human rights that the Queensland Parliament specifically seeks to protect and promote. Importantly, the *Human Rights Act 2019* places obligations on:

- **public entities** to act and make decisions in a way compatible with human rights; and
- **courts and tribunals** to interpret statutory provisions, to the extent possible that is consistent with their purpose, in a way compatible with human rights.

5.0 Mental Health Act 2016

The Tribunal recognises that it is subject to additional human rights obligations under the *Mental Health Act 2016*. The *Mental Health Act 2016* obliges the Tribunal to operate and make decisions in a manner consistent with human rights. In particular, the Tribunal acknowledges that the main objects of the *Mental Health Act 2016* must be achieved in a way that safeguards and is least restrictive of the rights and liberties of persons with a mental illness. When carrying out its functions under the *Mental Health Act 2016*, the Tribunal has regard to the principles of that Act, which require that the right of all persons to the same basic human rights be recognised.

The Tribunal acknowledges that its obligations under the *Human Rights Act 2019* operate concurrently to the obligations placed upon it by the *Mental Health Act 2016*. The Tribunal holds the view that compliance with the *Human Rights Act 2019* is in the furtherance of its obligations and purpose, as established in the *Mental Health Act 2016*.

6.0 Implementation

1. Staff

Staff of the Tribunal are appointed under the *Public Service Act 2008*, making them public service employees.

A public service employee is a *public entity* for the purposes of the *Human Rights Act 2019*.

Accordingly, all staff of the Tribunal, including the Executive Officer, must comply with the *Human Rights Act 2019*. The *Human Rights Act 2019* applies at all times when staff are performing official duties and/or representing the Tribunal.

All decisions and actions made or taken by staff of the Tribunal must be made or taken in accordance with the *Human Rights Act 2019* and not limit the human rights protected by it, except to the extent such a limitation is reasonable and demonstrably justifiable.

As well as general compliance with the *Human Rights Act 2019* it is expected that as employees of the Queensland Government, Tribunal employees will conduct themselves in a manner that is consistent with and promotes, an organisational culture supportive of human rights.



2. Members

Members are appointed by the Governor-in-Council on terms set out in the *Mental Health Act 2016* and as stated in their appointment.

When sitting as a panel, Members constitute the Tribunal. It is expected that at all times while constituting the Tribunal, Members will when interpreting statutory provisions, only do so in a way that is compatible with human rights, to the extent possible that is consistent with the purpose of the provision being interpreted.

7.0 Application to other policies and procedures

The Tribunal acknowledges and accepts that a number of the human rights protected by the *Human Rights Act 2019* are central to the work carried out by the Tribunal. Further, the Tribunal acknowledges the obligations placed upon it by the nature of its status as a tribunal and as a Public Entity.

Through this policy, the Tribunal commits to supporting a human rights culture and embedding human rights into the day-to-day practices of the Tribunal.

This policy should be read as informing and underpinning all other policies and procedures that may touch upon or limit the human rights protected by the *Human Rights Act 2019*.

8.0 Custodian of Procedure

President, Mental Health Review Tribunal

9.0 Procedure Date

Procedure Date: Effective 2019