

HOW HUMAN RIGHTS CAN IMPROVE

Queensland's Mental Health System

For every Queensland Government department, public servant, and public mental health service worker, the *Human Rights Act 2019 (Qld)* establishes enforceable legal duties.

Understanding these duties can help you to:

- Enhance the quality of your mental health services
- Ensure your staff's rights and needs are met
- Eliminate coercion and enhance cultural safety
- Improve your engagements with the Queensland Government
- Help drive systems-change.

When governments, government bodies, public servants and publicly funded mental health services make decisions, they must be able to show that they **properly considered** and **complied** with relevant human rights.

For example, litigation (court cases) and complaints resolution processes have addressed the following potential or actual unlawful conduct:

- providing forced electroconvulsive treatment
- creating inhumane conditions during housing tower lockdowns
- failing to provide culturally safe healthcare.

We can use these laws to protect human rights when they are breached. But they can also be used to embed human rights at the start of policy.



Community-control and cultural safety

Aboriginal Cultural Rights and Equality Rights strongly reinforce the UN Declaration on the Rights of Indigenous Peoples (UNDRIP). This right requires the government to prioritise community-controlled services and proactively guarantee cultural safety across all mainstream services.



Equal standards of care for all consumers

Mental health consumers can receive a lesser standard of care based on their gender, disability, AOD use (alcohol and other drugs), culture, and other personal characteristics. Equality rights ensures that when we design initiatives, we carefully consider how gaps in service access and barriers to equal quality mental health services can be identified and addressed.



Non-coercion and human rights enforcement

Adopting a human rights approach will result in our mental health system shifting towards voluntary, non-coercive services. This also requires major agencies—like the Mental Health Review Tribunal, the Chief Psychiatrist, and the Queensland Mental Health Commission—to ensure they uphold rights when making regulatory and oversight decisions.

Human Rights Apply to Everything

The Human Rights Act applies when government makes decisions about all mental health policies and when it decides what types of mental health services to fund and how to fund them.

Within services, it applies to how their boards make decisions, what models of care are used, what kinds of supports are offered, how staff are managed and more.



Equality
(Sect 15)



Life
(Sect 16)



No Torture
(Sect 17)



Forced Work
(Sect 18)



Movement
(Sect 19)



Thought,
Conscience,
Religion, Belief
(Sect 20)



Expression
(Sect 21)



Assembly
(Sect 22)



Public life
(Sect 23)



Property
(Sect 24)



Privacy &
Reputation
(Sect 25)



Family &
Children
(Sect 26)



Cultural
Rights
(Sect 27)



Aboriginal
Ctr'l Rights
(Sect 28)



Liberty
(Sect 29)



Humane
Treatment
(Sect 30)



Fair Hearing
(Sect 31)



Criminal
Proceedings
(Sect 32)



Children's
Proceedings
(Sect 33)



No Re-tried /
Punished
(Sect 34)



No Retro
Laws
(Sect 35)



Education
(Sect 36)



Health
Services
(Sect 37)