

Queensland Fire and Emergency Services *Human Rights Act 2019* Annual Performance Report 2019-20

Introduction

Queensland Fire and Emergency Services' (QFES) is the primary provider of fire and rescue and emergency management programs and services throughout Queensland. The department encompasses the Fire and Rescue Service, disaster management services, Rural Fire Service and State Emergency Service (SES). The department protects persons, property and the environment through the provision of effective prevention, preparedness, response and recovery (PPRR) activities across a range of fire and emergency events including natural and human-induced disasters.

On 1 January 2020, respecting human rights became the law for all Queensland Government departments under the *Human Rights Act 2019*. The Act respects, protects and promotes the human rights of all people in Queensland. It requires agencies to act and make decisions in a way that is compatible with human rights. Human rights can only be limited in certain circumstances and after careful consideration. The purpose of the Act is to:

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

Human rights are basic entitlements that belong to everyone regardless of your background, what you look like, what you think, what you believe or any other status or characteristic. Everyone is entitled to have their human rights protected, without discrimination.

The Act protects 23 fundamental human rights such as the right to freedom of movement and the right to liberty and security of person; and acknowledges the inherent dignity and worth of all human beings.

Coronavirus pandemic (COVID-19) impact on human rights

During 2019-20, the delivery of fire and rescue and emergency management programs and services was impacted by the Queensland Government's response to, and recovery from COVID-19 which was supported by the department. QFES staff and volunteers were required to be flexible and agile in an ever-changing environment, at times assuming roles that were outside the norm and implementing innovative approaches to service delivery and training.

The government's response to COVID-19 has clearly been significant for the human rights of Queenslanders.

During COVID-19, QFES played an essential role in the government's efforts to protect and support Queenslanders. From a human rights perspective, QFES took action and made decisions which protected the following:

- » Right to life
- » Right to protection from torture and cruel, inhuman or degrading treatment
- » Right to freedom of thought, conscience, religion and belief
- » Right to freedom of expression
- » Right to privacy and reputation
- » Right to education
- » Right to health services.

In protecting these rights, other human rights at times were limited such as:

- » Right to freedom of movement
- » Right to peaceful assembly and freedom of association
- » Right to taking part in public life
- » Property rights
- » Cultural rights - generally
- » Right to liberty and security of person.

When impacting these human rights, QFES was mindful of its obligation to act compatibly with human rights, by ensuring that any limitations of human rights were reasonable and justified. Actions or decisions taken by QFES that promoted or limited human rights during COVID-19 include the following:

- » activated the State Disaster Coordination Centre on 2 February 2020 to support Queensland operations in response to COVID-19, led by the State Health Emergency Coordination Centre, including the provision of logistical support for quarantine accommodation.
- » worked with the Queensland Police Service to support the Department of Justice and Attorney-General in developing a whole-of-government Compliance, Monitoring and Enforcement Team to support frontline management of quarantined members of the community across Queensland.
- » provided significant resources including SES volunteers to support the implementation of the State Border Restrictions Reception plan at nine airports across the state. At the Brisbane Airport domestic terminal, SES volunteers provided advice to interstate travellers and collected mandatory health forms on behalf of Queensland Health.
- » amended the *Disaster Management Act 2003* to change the extension to the disaster declaration period for COVID-19 from 14 days to 90 days to reduce the administrative burden on Governor in Council and the department. This amendment is a temporary measure that will expire on 31 December 2020, with any application beyond that date limited to the COVID-19 emergency.
- » developed the *Disaster Management (Further Extension of Disaster Situation—COVID-19) Regulation (No. 4) 2020*, subordinate legislation to the *Disaster Management Act 2003*, to extend the disaster declaration, providing powers to support actions aimed at slowing the spread of COVID-19 as per the public health emergency declared under the *Public Health Act 2005*.

- » amended legislation to remove the usual right to compensation for damage or loss suffered as a result of the exercise of specified powers under the *Disaster Management Act 2003* where these powers are exercised as a result of the COVID-19 emergency. This amendment serves to mitigate the economic impacts of the COVID-19 emergency on the Queensland Government, and will also support the government's ability to provide economic stimulus packages to uphold fundamental entitlements and services for Queenslanders.
- » maintained social distancing requirements as per Queensland Government advice.
- » restricted access to QFES operational facilities to personnel required to be on shift.
- » provided advice and hygiene stations in QFES facilities.
- » required personnel responding to incidents at residential-based facilities to wear P2 protective face masks and gloves and wash their hands when leaving the facility.
- » implemented travel restrictions and utilised technology to limit face-to-face meetings.
- » suspended non-essential operational activities across all services including training, inspections and community activities.
- » restricted the movement of QFES appliances, vehicles and people to essential and emergency use only.
- » restricted the number of non-operational employees entering the workplace by requesting they work from home.
- » supported employees to work from home during self-quarantine periods and when required to care for children impacted by schooling arrangements and to care for those who were 'at-risk' in their households.
- » re-tasked some staff, who were not in frontline roles, to support the COVID-19 response.

Ongoing access to QFES programs and services for Queenslanders

During COVID-19, QFES continued to provide fire and rescue and emergency management programs and services consistent with the human rights of Queenslanders.

QFES put in place comprehensive policies and procedures for minimising potential contamination during operational activities, whilst maintaining an effective fire and emergency service response. While some non-essential activities were suspended, QFES ensured critical service delivery was maintained during this period. For example:

- » all scheduled routine building inspections were suspended, while any complaints or concerns for building fire safety that were reported to QFES were actioned and fully investigated.
- » scheduled pragmatic testing of unwanted alarms compliance in existing buildings was suspended, while testing relating to building approvals continued.
- » engagement with seasonal workers to educate them on Budget Accommodation Buildings (BABs) was suspended, while prosecutions of illegal BABs continued.
- » bushfire mitigation and fire season preparedness activity continued across the state, including exploring potential impacts of border restrictions on interstate and international deployments for the upcoming fire season, while ensuring appropriate measures were in place, and risk reduction strategies were shared with partners, to reduce the risks posed by COVID-19.

Human Rights Complaints

A human rights complaint is defined in the Act (section 63) as: *a complaint about an alleged contravention of section 58(1) by a public entity in relation to an act or decision of the public entity.*

At 30 June 2020, QFES received no human rights complaints since the Act came into effect on 1 January 2020.

Progress towards full compatibility with the Act

QFES undertook significant work during 2019-20 to progress compatibility with the Act, including:

- » QFES administered legislation was reviewed for compatibility with the Act, with one element that may not be considered either compatible or proportionate and justified under review at 30 June 2020.
- » The QFES Gateway (staff intranet) includes information regarding the Act and provides different human rights scenarios for staff in relation to a request for part-time or flexible work; firefighters growing a beard and wearing breathing apparatus; and recruitment and selection.
- » Two members from the QFES School of Fire and Emergency Services attended a Train the Trainer workshop in March 2020 conducted by the Queensland Human Rights Commission which assisted with the development of a Human Rights Awareness e-learning package. The package is approximately 85 per cent complete with delivery expected by 30 September 2020. This package will be rolled out through Nexus to all staff and volunteers.
- » QFES included information in its official Fire and Emergency Services magazine *Response* (February 2020) regarding the Act and making decisions within the human rights framework. *Response* is accessible to QFES staff and volunteers via the QFES website and QFES Gateway.
- » The objects of the Act are incorporated into the QFES Strategic Plan 2020-2024.
- » A training video on the topic of decision-making for human rights in operational scenarios was produced and released on the QFES Gateway in June 2020.

Details of reviews of policies, programs, procedures, practices or services undertaken for compatibility with human rights

The following activity occurred to review policies, programs, procedures, practices or services undertaken for compatibility with human rights:

- » The QFES Human Rights Assessment Team, established in November 2019, finalised the assessment of QFES documentation, such as policies, procedures and templates against the Act. Where human rights were limited through operational activities, justification was provided. As at 29 May 2020, all identified QFES documents were reviewed and an assessment tool developed to align future documents to the Act. Assessing all QFES documents against the human rights legislation is now a business-as-usual activity within QFES.
- » The QFES Human Rights Assessment Team worked with School of Fire and Emergency Services Training to align training material with the Act, including the QFES handbooks, implementation documents and course guides.
- » The QFES Complaints Management procedure was updated to include complaints about human rights; and the Complaints Assessment Team documentation (allegation assessment) was updated to ensure human rights are considered with every complaint.
- » The requirements of the Act have been incorporated into Service Level Agreements, through variations or new agreements with Surf Life Saving Queensland, Volunteer Marine Rescue Association Queensland and Royal Life Saving Society Queensland Inc. Negotiations continue with the Australian Volunteer Coast Guard Association and Police-Citizens Youth Club (Emergency Services Cadets) which are expected to be finalised by 30 September 2020.