

A Human Rights Act for Australia

HUMAN RIGHTS BILL 2006 SUMMARY

What rights does the draft Bill seek to protect?

The draft Bill contains the following human rights:

civil and political rights including

- protection from torture and cruel and inhuman or degrading treatment
- right to liberty and security of the person
- freedom of thought, conscience, religion and belief
- the right to peaceful assembly and freedom of speech
- rights of indigenous people
- right to a fair trial

economic and social rights including

- education
- work
- adequate standard of living
- physical wellbeing and health
- social security

There is also a provision for dealing with *rights in a public emergency*.

How does the draft Bill protect these rights?

- through the Government – specifically the Attorney-General, who has obligations to the Parliament to examine legislation and report on its compatibility with human rights
- through the Parliament – specifically through a Parliamentary Joint Standing Committee who must
 - review compatibility statements made by the Attorney-General
 - consider declarations of incompatibility made by Courts (see below)
 - report on the matters it has considered to the Parliament and to the responsible Minister
- through the Courts, which
 - must, so far as it is possible, read legislation in a way which is compatible with human rights
 - may make declarations of incompatibility which are then reported to the parliament
- through the members of the public, who
 - may bring proceedings in the Courts against any public authority which has acted (or proposes to act) in a way which is incompatible with human rights
- please note that courts are not empowered to invalidate legislation; this important power is retained by the parliament

Download the draft Bill and Explanatory Memorandum from
www.newmatilda.com/humanrightsact.
Email humanrightsact@newmatilda.com for more information.