

A Charter of Human Rights and Responsibilities BYRON SHIRE

This Charter recognises that all people are born free and equal in dignity and rights and that human rights belong to all people without discrimination. Every person has a responsibility to exercise their human rights in a way that respects the human rights of others.

This Charter recognises and includes the words of our first sovereign Nations' peoples spoken in the Statement of the Heart.

This Charter recognises that all people depend on our Environment.

Every person's connection with the environment is direct and permanent.

Every person has a responsibility to protect the Environment.

The aims of this Charter are to protect human rights by:

- ensuring that all laws and policies are made and applied, compatibly with human rights, our first sovereign Nations peoples and the protection of the environment
- imposing an obligation on all public authorities to act in a way that is compatible with human rights, first sovereign Nations peoples and the need to protect the environment

All references to person in this Charter are to natural persons.

Equality before the law

- Every person has the right to recognition as a person before the law, is equal before the law and is entitled to equal protection of the law without discrimination.

Right to life

- Every person has the right to life and may not be deprived arbitrarily of life.
- No person may be subjected to torture or cruel, inhuman or degrading treatment.
- No person may be held in slavery or servitude or made to perform forced or compulsory labour.

Freedom of movement

- Every person lawfully within Australia has the right to move freely within Australia and to leave Australia as they choose.

Privacy and reputation

- Every person has the right to privacy and to protection of their reputation from unlawful attack.

Freedom of thought, conscience, religion and belief

- Every person has the right to freedom of thought, conscience, religion and belief.
- Every person has the right to hold an opinion without interference and to freedom of expression, subject to reasonably necessary restrictions.
- Every person has the right to education.

Freedom of assembly and association

- Every person has the right of peaceful assembly, protest and freedom of association and organisation.

Livelihood Rights

- Every person has the right to subsistence and shelter.
- Every person has the right to strike.

Families and children

- Families are entitled to participate in and be protected by society and the state and children are entitled to protection in their best interests.

Right to public life

- Every person has the right to participate in public life without discrimination, to vote and to equal access to public office.

Cultural Rights

- All persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with others of that background, to enjoy their culture, to declare and their religion and to use their language.
- People of Aboriginal and Torres Strait Islander tribes hold distinctive cultural rights and have the right to enjoy their identity and culture and to prior informed consultation with respect to all laws and policies that apply to them.

Right to Property

- A person must not be deprived of their property other than according to the law.

Right to liberty

- Every person has the right to liberty and security of the person and may not be arrested or detained arbitrarily.
- Every person who is arrested or detained must be informed of the reason for their arrest or detention and brought promptly before a court and brought to trial without unreasonable delay.
- All persons deprived of their liberty must be treated with humanity and respect.
- An accused child who is detained must be segregated from adults and brought to trial as soon as possible.
- All persons have the right to a fair hearing of charges against them before a competent, independent and impartial court or tribunal.
- Those persons suffering from mental illness or cognitive disability may not be detained in prisons, but held if necessary in appropriate facilities where they can receive the best available medical care.
- A person charged with a criminal offence has the right to be presumed innocent until proved guilty, to be informed promptly of the nature and reason for the charge in a language they understand; to be tried without unreasonable delay, to be told, if eligible, of the right to legal aid, to examine witnesses against them and not to be compelled to testify against themselves.
- No person may be tried or punished more than once for an offence for which they have been convicted or acquitted.
- No criminal law may be applied retrospectively.

Right to a healthy environment

- Every person has a right to a healthy, safe and naturally habitable environment.

Statement of compatibility

A court or tribunal may not substitute its view of these human rights for that of Parliament. Rather, the court or tribunal has the power only to refer a declaration of incompatibility back to parliament for revision according to the human rights listed in this Charter.