



It's time for a SA Human Rights Act

What are human rights?

Every person in South Australia (SA) has human rights. They are universal, meaning they are for everyone, everywhere, all of the time. Human rights legally articulate the values that we hold most dear, like freedom, equality, dignity. They protect our safety and quality of life and belong to all of us from birth until death, no matter our race, gender, religion, abilities, political beliefs, sexuality, age or any other characteristic.

What are we calling for?

Everyone in SA deserves to have their human rights legally protected. We are calling for the introduction of a Human Rights Act for SA, similar to the human rights legislation already operating in Victoria, the Australian Capital Territory (ACT) and Queensland.

We believe that the SA Parliament should hear from a diverse range of community voices when considering an Human Rights Act for SA, so we're calling on the SA Government and Parliament to ensure it engages in comprehensive community consultation about the introduction of a Human Rights Act for SA.

What is a Human Rights Act?

A Human Rights Act for SA will create a legislated framework that articulates and protects human rights for everyone in our state. It will significantly improve the way our parliament, government and public entities develop laws, policies and make decisions. It will help to create a much needed culture of human rights in our state that will, in turn, work to improve wellbeing, dignity and equality in everyone's day to day lives.

Victoria, the ACT and Queensland have already passed their own Human Rights Acts

Human Rights Acts have already been passed in the Australian Capital Territory (2004), Victoria (2006) and Queensland (2019) These laws are ordinary acts of parliament that can be amended and they provide protection for rights based on the *International Covenant on Civil and Political Rights (ICCPR)* and the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

What Rights are Covered within these Human Rights Acts?

- Recognition and equality before the law
- Right to life
- Protection from torture and cruel, inhuman or degrading treatment
- Freedom from forced work
- Freedom of movement
- Privacy and reputation
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Peaceful assembly and freedom of association
- Protection of families and children
- Taking part in public life
- Cultural rights
- Property rights
- Right to liberty and security of person
- Humane treatment when deprived of liberty
- Right to a fair trial/hearing
- Rights in criminal proceedings
- Right not to be tried or punished more than once
- Retrospective criminal laws
- Compensation for wrongful conviction Cultural and other rights of Aboriginal and Torres Strait Islander peoples
- Protection from experimentation and medical treatment without consent
- Rights to education
- Right to access health services without discrimination
- Right to work and rights at work
- The ACT Government has recently introduced reforms to to include the right to a healthy environment

How could a Human Rights Act for SA work?

A Human Rights Act for SA would provide meaningful and tangible benefits to everyone in our great state. We have a vision for a law that is similar to the legislation already in place in the ACT, Victoria and Queensland. This means that a Human Rights Act for SA could:

1. Articulate and protect in law human rights and freedoms that Australia has agreed to uphold under core United Nations international human rights instruments. This would include civil and political rights, like freedom of association and freedom from torture, as well as economic, social and cultural rights such as rights to language, education and healthcare without discrimination.



2. Require Parliament to consider our human rights when passing and amending legislation;
3. Require public entities, such as state government departments, local councils, state schools, the police and all organisations performing a public function in SA to act compatibly with human rights.
4. Enable SA courts and tribunals to interpret legislation consistently with human rights and empower them to issue a declaration for Parliament to consider if they find that a law breaches human rights or require the Attorney-General to inquire into the law;
5. Provide accessible, simple, low cost pathways that people can use to make a complaint and seek a solution if their human rights are breached, such as is already the case for complaints under existing anti-discrimination legislation.

Just like the existing human rights legislation in other jurisdictions, a Human Rights Act for SA would create a culture of human rights awareness within and between the three arms of government (Parliament, Executive and the Courts) and place obligations on each arm to protect and promote human rights. This will create a culture of human rights that benefits us all.