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The Parliament of the  
Commonwealth of Australia

THE SENATE

*Presented and read a first time*

## **Australian Bill of Rights Bill 2000**

**No.     , 2000**

*(Senator Murray)*

**A Bill for an Act relating to the human rights and  
fundamental freedoms of all Australians and all  
people in Australia, and for related purposes**



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1 **A Bill for an Act relating to the human rights and**  
2 **fundamental freedoms of all Australians and all**  
3 **people in Australia, and for related purposes**

4 The Parliament of Australia enacts:

5 **Part 1—Preliminary**

6 **1 Short title**

7 This Act may be cited as the *Australian Bill of Rights Act 2000*.

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1     **2 Commencement**

- 2             (1) Subject to subsection (2), this Act commences on the day on which  
3             it receives the Royal Assent.
- 4             (2) Section 8 commences on the third anniversary of the day on which  
5             this Act receives the Royal Assent.

6     **3 Objects**

7             The objects of this Act are:

- 8             (a) to promote universal respect for, and observance of, human  
9             rights and fundamental freedoms for all persons without  
10            discrimination; and
- 11            (b) to that end, to affirm Australia's commitment to the  
12            International Covenant on Civil and Political Rights by  
13            enacting an Australian Bill of Rights; and
- 14            (c) to ensure that any person whose rights or freedoms as set out  
15            in the Australian Bill of Rights are infringed by or under any  
16            law in relation to which that Bill of Rights operates has an  
17            effective remedy; and
- 18            (d) to promote, enhance and secure, as paramount objectives, the  
19            freedom and dignity of the human person, equality of  
20            opportunity for all persons and full and free participation by  
21            all Australians in public affairs and public debate.

22    **4 Interpretation**

- 23            (1) In this Act, unless the contrary intention appears:

24            *act* means an act done:

- 25            (a) by or on behalf of the Commonwealth, a State or a Territory;  
26            or
- 27            (b) by or on behalf of an authority of the Commonwealth, of a  
28            State or of a Territory;

29            being an act done:

- 30            (c) in relation to an Australian citizen—within or outside  
31            Australia; or



1 (d) in any other case—within Australia;

2 **Australia** includes the external Territories.

3 **Australian Capital Territory enactment** means an enactment of the  
4 Australian Capital Territory, within the meaning of the *Australian*  
5 *Capital Territory (Self Government) Act 1988*, or an instrument  
6 made under such an enactment.

7 **authority** means:

8 (a) in relation to the Commonwealth:

- 9 (i) a body (whether incorporated or unincorporated)  
10 established for a purpose of the Commonwealth by or  
11 under a Commonwealth enactment; or  
12 (ii) an incorporated company over which the  
13 Commonwealth is in a position to exercise control; or  
14 (iii) a person holding or performing the duties of an office or  
15 appointment established or made under a  
16 Commonwealth enactment or by the Governor-General  
17 or a Minister of State of the Commonwealth (not being  
18 an office or appointment referred to in subparagraph (c)  
19 (iii)); or  
20 (iv) a body, or a person holding or performing the duties of  
21 an office or appointment, that is declared by the  
22 regulations to be an authority of the Commonwealth for  
23 the purposes of this Act;

24 (b) in relation to a State:

- 25 (i) a body (whether incorporated or unincorporated)  
26 established for a purpose of the State by or under an  
27 enactment of the State; or  
28 (ii) an incorporated company over which the State is in a  
29 position to exercise control; or  
30 (iii) a person holding or performing the duties of an office or  
31 appointment established or made under an enactment, or  
32 by the Governor or a Minister, of the State; or  
33 (iv) a local government body in the State; or

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- 1 (v) a body, or a person holding or performing the duties of  
2 an office or appointment, that is declared by the  
3 regulations to be an authority of the State for the  
4 purposes of this Act; and
- 5 (c) in relation to a Territory:
- 6 (i) a body (whether incorporated or unincorporated)  
7 established for a purpose of the Territory by or under a  
8 Commonwealth enactment or an enactment of the  
9 Territory; or
- 10 (ii) an incorporated company over which the Administration  
11 of the Territory is in a position to exercise control; or
- 12 (iii) a person holding or performing the duties of an office or  
13 appointment established or made under an enactment of  
14 the Territory or by the Administrator of the Territory; or
- 15 (iv) a body, or a person holding or performing the duties of  
16 an office or appointment, that is declared by the  
17 regulations to be an authority of the Territory for the  
18 purposes of this Act.

19 **Bill of Rights** means the Australian Bill of Rights set out in section  
20 9.

21 **Commission** means the Human Rights and Equal Opportunity  
22 Commission established by the *Human Rights and Equal*  
23 *Opportunity Commission Act 1986*.

24 **Commonwealth enactment** means an Act or an instrument made  
25 under an Act, and includes any other legislation or rule of the  
26 common law applied (otherwise than by virtue of the  
27 *Commonwealth Places (Application of Laws) Act 1970*) as a law of  
28 the Commonwealth, to the extent that it operates as such a law.

29 **Covenant** means the International Covenant on Civil and Political  
30 Rights, a copy of the English text of which is set out in Schedule 1,  
31 as that International Covenant applies in relation to Australia.

32 **enactment** means a Commonwealth enactment, a State enactment  
33 or a Territory enactment.

1 **law** means a law of the Commonwealth, a law of a Territory or a  
2 law of a State.

3 **law of a State** means any law in force in a State, including a rule of  
4 the common law but not including a law of the Commonwealth.

5 **law of a Territory** means any law in force in a Territory, including  
6 a rule of the common law but not including a law of the  
7 Commonwealth.

8 **law of the Commonwealth** means:

- 9 (a) a Commonwealth enactment; and  
10 (b) any other law (other than a rule of the common law) in force  
11 throughout Australia; and  
12 (c) any rule of the common law as it has effect in relation to or  
13 for the purposes of the operation of a Commonwealth  
14 enactment or a law referred to in paragraph (b).

15 **Minister** means:

- 16 (a) in relation to a State—a Minister of the Crown of the State;  
17 and  
18 (b) in relation to the Australian Capital Territory and the  
19 Northern Territory—a Minister of that Territory.

20 **Northern Territory enactment** means an enactment of the  
21 Northern Territory within the meaning of the *Northern Territory*  
22 *(Self-Government) Act 1978* or an instrument made under such an  
23 enactment.

24 **Parliament**, in relation to the Australian Capital Territory, means  
25 the Legislative Assembly for the Australian Capital Territory, and  
26 in relation to the Northern Territory, means the Legislative  
27 Assembly of the Northern Territory.

28 **practice** means a practice engaged in:

- 29 (a) by or on behalf of the Commonwealth, a State or a Territory;  
30 or  
31 (b) by or on behalf of an authority of the Commonwealth, of a  
32 State or of a Territory;

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- 1 being a practice engaged:  
2 (c) in relation to an Australian citizen—within or outside  
3 Australia; or  
4 (d) in any other case—within Australia.
- 5 ***proposed enactment*** means:  
6 (a) a proposed law introduced into the Parliament of the  
7 Commonwealth or the legislature of a Territory; or  
8 (b) a proposed law prepared on behalf of:  
9 (i) the Government of the Commonwealth or the  
10 Administration of a Territory; or  
11 (ii) a Minister of State of the Commonwealth; or  
12 (iii) a body established by law that has the function of  
13 recommending proposed laws of the Commonwealth or  
14 of a Territory; or  
15 (c) a proposed State enactment; or  
16 (d) an instrument proposed to be made under a Commonwealth  
17 enactment or under a Territory enactment.
- 18 ***proposed State enactment*** means:  
19 (a) a proposed law introduced into the Parliament of a State; or  
20 (b) a proposed law prepared on behalf of:  
21 (i) the Government of a State; or  
22 (ii) a Minister of the State; or  
23 (iii) a body established by law that has the function of  
24 recommending proposed laws of a State; or  
25 (c) an instrument proposed to be made under a State enactment.
- 26 ***responsible Minister*** means:  
27 (a) in relation to a Commonwealth enactment, a Territory  
28 enactment or a proposed enactment (other than a proposed  
29 State enactment)—the Minister of State of the  
30 Commonwealth responsible for the administration of the  
31 matter to which the enactment or proposed enactment relates;  
32 and

- 1 (b) in relation to a State enactment or a proposed State  
2 enactment—the Minister of the State responsible for the  
3 administration of the matter to which the enactment or  
4 proposed enactment relates; and
- 5 (c) in relation to an act done or practice engaged in by or on  
6 behalf of the Commonwealth or a Territory or by or on  
7 behalf of an authority of the Commonwealth or of a  
8 Territory—the Minister of State of the Commonwealth  
9 responsible for the administration of the matter in connection  
10 with which the act was done or the practice was engaged in;  
11 and
- 12 (d) in relation to an act done or practice engaged in by or on  
13 behalf of a State or by or on behalf of an authority of a  
14 State—the Minister of the State responsible for the  
15 administration of the matter in connection with which the act  
16 was done or the practice was engaged in.

17 **State** includes the Australian Capital Territory and the Northern  
18 Territory.

19 **State enactment** means a State Act or an instrument made under a  
20 State Act and includes an Australian Capital Territory enactment  
21 and a Northern Territory enactment.

22 **Territory** does not include the Australian Capital Territory or the  
23 Northern Territory.

24 **Territory Act** means an Act passed by a legislature of a Territory  
25 and duly assented to.

26 **Territory enactment** means:

- 27 (a) a Territory Act; and  
28 (b) an Ordinance of a Territory; and  
29 (c) an instrument made under such an Act or Ordinance; and  
30 (d) any other legislation or rule of the common law applied as a  
31 law of a Territory, to the extent that it operates as such a law;  
32 and

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- 1 (e) an instrument made under legislation referred to in paragraph  
2 (d).
- 3 (2) A reference in this Act to a law includes a reference to any  
4 instrument (including a rule, regulation, by-law, award,  
5 determination, order or direction) made, granted or issued under a  
6 power conferred by such a law.
- 7 (3) In this Act:
- 8 (a) a reference to, or to the doing of, an act includes a reference  
9 to a refusal or failure to do an act; and
- 10 (b) a reference, in relation to the doing of an act or the engaging  
11 in of a practice, to the person who did the act or engaged in  
12 the practice shall, in the case of an act done or practice  
13 engaged in by an unincorporated body of persons, be read as  
14 a reference to that body.

15 **5 Interpretation of Bill of Rights**

16 For the purposes of the interpretation of the Bill of Rights, each  
17 Article of the Bill of Rights shall be taken to be a section of this  
18 Act.

19 **6 Extent to which Act binds the Crown**

- 20 (1) This Act binds the Crown in right of the Commonwealth, each of  
21 the States and the Territories.
- 22 (2) Nothing in this Act renders the Crown in right of the  
23 Commonwealth, a State or a Territory liable to be prosecuted for  
24 an offence.

25 **7 Extension to external Territories**

26 This Act extends to every external Territory.

**8 Application of Bill of Rights**

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- (1) Subject to subsection (2), any provision of a law, whether passed or made before, on or after the commencing day of this Act, that is inconsistent with a provision of this Act does not, to the extent of the inconsistency, have any force or effect.
- (2) Subsection (1) does not apply in relation to a provision of a Commonwealth, State or Territory law if an Act expressly declares that provision shall operate notwithstanding this Act.
- (3) A declaration made under subsection (2) ceases to have effect two years after it comes into force or on such earlier date as may be specified in the declaration.
- (4) The Parliament of the Commonwealth, a State or a Territory may re-enact a declaration made under subsection (2).
- (5) Subsection (3) applies in respect of a re-enactment made under subsection (4).
- (6) Subsection (2) does not apply in relation to Part 2, Divisions 3 and 5 of this Act.

1

2 **Part 2—Australian Bill of Rights**

3 **9 Australian Bill of Rights**

4 The Australian Bill of Rights is set out in Schedule 1 which has  
5 effect according to its terms.

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## **Part 3—Functions of Human Rights and Equal Opportunity Commission**

### **10 Functions of Human Rights and Equal Opportunity Commission**

In addition to the functions of the Commission under the *Human Rights and Equal Opportunity Commission Act 1986*, the Commission has the following functions:

- (a) to inquire into any act or practice that may infringe a right or freedom set out in the Bill of Rights, and
  - (i) where the Commission considers it appropriate to do so—to endeavour, by conciliation, to effect a settlement of the matters that gave rise to the inquiry; and
  - (ii) where the Commission is of the opinion that the act or practice infringes a right or freedom set out in the Bill of Rights, and the Commission has not considered it appropriate to endeavour to effect a settlement of the matters that gave rise to the inquiry or has endeavoured without success to effect such a settlement—to report to the Minister in relation to the inquiry; and
- (b) to promote an understanding and acceptance in Australia of the rights and freedoms set out in the Bill of Rights and of the objects of this Act, and to promote the protection of those rights and freedoms in Australia; and
- (c) to undertake research and educational programs, and other programs, on behalf of the Commonwealth for the purpose of promoting the rights and freedoms set out in the Bill of Rights and the objects of this Act; and
- (d) to examine enactments and, when requested by the Minister, proposed enactments for the purpose of ascertaining whether the enactments or proposed enactments are, or would be, in conflict with the Bill of Rights, and to report to the Minister the results of any such examination; and
- (e) on its own initiative or when requested by the Minister, to report to the Minister as to the enactments that should be

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- 1                           made by the Parliament, or action that should be taken by the  
2                           Commonwealth, on matters relating to the rights and  
3                           freedoms set out in the Bill of Rights; and  
4                           (f) to do anything incidental or conducive to the performance of  
5                           any of the preceding functions.

6                           **11 Performance of functions of Commission in relation to Bill of**  
7                           **Rights**

- 8                           (1) Subject to subsection (2), the powers and duties of the Commission  
9                           in relation to the Bill of Rights are the same as those set out in Part  
10                           2, Division 3 of the *Human Rights and Equal Opportunity Act*  
11                           1986.  
12                           (2) Before commencing to inquire, under this Act, into an act or  
13                           practice, the Commission shall inform the person who appears to  
14                           the Commission to be the responsible Minister in relation to the act  
15                           or practice that the Commission proposes to inquire into the act or  
16                           practice.

17                           **12 Reporting to Parliament**

- 18                           (1) The Minister shall cause a copy of every report furnished to the  
19                           Minister by the Commission under paragraphs 9(a), (d) or (e) of  
20                           this Act to be laid before each House of the Parliament within 15  
21                           sitting days of that House after the report is received by the  
22                           Minister.  
23                           (2) Where the Commission furnishes to the Minister under paragraph  
24                           10(a), (d) or (e) a report that relates to:  
25                           (a) a State enactment, or proposed State enactment; or  
26                           (b) an act done or practice engaged in:  
27                           (i) by or on behalf of a State; or  
28                           (ii) by or on behalf of an authority of a State;  
29                           the Minister shall immediately furnish a copy of the report to the  
30                           Attorney-General of that State.  
31                           (3) The Minister:

- 1 (a) shall not cause a copy of a report of the kind referred to in  
2 subsection (2) to be laid before either House of the  
3 Parliament until:  
4 (i) the expiration of 30 days after a copy of the report was  
5 furnished to the Attorney-General of the State  
6 concerned under subsection (2); or  
7 (ii) the Minister receives from the Attorney-General of the  
8 State concerned a statement relating to the enactment,  
9 act or practice to which the report related, whichever  
10 happens first; and  
11 (b) shall cause a copy of the report to be laid before each House  
12 of the Parliament within 15 sitting days after the happening  
13 of the first of the events referred to in subparagraphs (a) (i)  
14 and (ii); and  
15 (c) if the event referred to in subparagraph (a) (ii) is the first to  
16 happen, or if, before the report is laid before either House of  
17 the Parliament pursuant to paragraph (b), the Minister  
18 receives from the Attorney-General concerned a statement of  
19 the kind referred to in subparagraph (a) (ii)—shall cause a  
20 copy of the statement to be attached to each copy of the  
21 report that is laid before a House of the Parliament pursuant  
22 to paragraph (b).  
23

1 **Part 4—Miscellaneous**

2 **13 Regulations**

3 (1) The Governor-General may make regulations, not inconsistent with  
4 this Act, prescribing matters:

5 (a) required or permitted by this Act to be prescribed; or

6 (b) necessary or convenient to be prescribed for carrying out or  
7 giving effect to this Act.

1  
2 **Schedule 1—Australian Bill of Rights**

3 **Division 1—General**

4 **Article 1**

5 **Entitlement to rights and freedoms without discrimination**

6 (1) Every person is entitled to equality before the law and to the  
7 human rights and fundamental freedoms set out in this Bill of  
8 Rights without discrimination and, in particular, without  
9 discrimination based on race, colour, sex, sexuality, transgender  
10 identity, language, religion, political or other opinion, national or  
11 social origin, property, birth, mental or physical disability or other  
12 status.

13 (2) Men and women have the equal right to the enjoyment of the  
14 human rights and fundamental freedoms set out in this Bill of  
15 Rights.

16 **Article 2**

17 **Effect of Bill of Rights on existing rights and freedoms**

18 A right or freedom existing under, or recognised by, any other law  
19 shall not be taken to have been diminished or derogated from by  
20 reason only that the right or freedom is not set out in this Bill of  
21 Rights.

22 **Article 3**

23 **Permissible limitations**

24 (1) The rights and freedoms set out in this Bill of Rights are subject  
25 only to such reasonable limitations prescribed by law as can be  
26 demonstrably justified in a free and democratic society.

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- 1 (2) A right or freedom set out in this Bill of Rights shall not be limited  
2 by any law to any greater extent than is permitted by the  
3 International Covenant on Civil and Political Rights.

4 **Division 2—Non-discrimination**

5 **Article 4**

6 **Equal protection of the law**

- 7 (1) Every person has the right without any discrimination to the equal  
8 protection of the law.
- 9 (2) Nothing in this Bill of Rights affects the operation of any earlier or  
10 later law by reason only of the fact that the law discriminates in  
11 favour of a class of persons for the purpose of redressing any  
12 disabilities particularly suffered by that class or arising from  
13 discrimination against that class.

14 **Article 5**

15 **Rights of minority groups**

16 Persons who belong to an ethnic, religious or linguistic minority  
17 have the right, in community with other members of their own  
18 group, to enjoy their own culture, to profess and practise their own  
19 religion, or to use their own language.

20 **Division 3—Fundamental political rights**

21 **Article 6**

22 **Right of participation in public life**

23 Every Australian citizen has the right and shall have the  
24 opportunity:  
25 (a) to take part in the conduct of public affairs, directly or  
26 through freely chosen representatives; and

- 1 (b) to vote and to be elected at genuine periodic elections, which  
2 shall be by universal and equal suffrage and by secret ballot,  
3 guaranteeing the free expression of the will of the electors;  
4 and  
5 (c) to have access on general terms of equality to public  
6 employment.

7 **Article 7**

8 **Freedom of expression**

9 Every person has the right to freedom of expression, including the  
10 freedom of the press and other media of communication, and the  
11 freedom to seek, receive and impart ideas or information of any  
12 kind in any form, without interference and regardless of frontiers.

13 **Article 8**

14 **Freedom of thought and conscience**

15 Every person has the right to freedom of thought and conscience,  
16 including the right to hold opinions without interference.

17 **Article 9**

18 **Freedom of religion or belief**

19 Every person has the right to have or adopt a religion or belief of  
20 that person's choice without coercion of any kind, and to manifest  
21 that religion or belief in worship, observance, practice and  
22 teaching, whether individually or in community with others and  
23 whether in public or in private.

24 **Article 10**

25 **Right of peaceful assembly**

26 Every person has the right of peaceful assembly.

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1 **Article 11**

2 **Freedom of association**

3 Every person has the right to freedom of association with others,  
4 including the right to form and join trade unions for the protection  
5 of that person's interests.

6 **Division 4—Privacy and family rights**

7 **Article 12**

8 **Right to protection from arbitrary interference**

9 Every person has the fundamental right to the protection from  
10 arbitrary or unlawful interference with their dignity, their privacy,  
11 the integrity of their person, their reputation and the security of  
12 their residence and any other premises. This fundamental right  
13 exists throughout Australia in all jurisdictions. For the purposes of  
14 giving effect to this right, a search, entry or seizure is unlawful  
15 unless:

- 16 (a) made pursuant to a warrant issued by a judicial officer upon  
17 reasonable grounds, supported by oath or affirmation,  
18 particularly describing the purpose of the search, who or  
19 what is to be searched and what is to be seized; or
- 20 (b) made pursuant to a law authorising search, entry or seizure ,  
21 where search, entry or seizure so authorised is:  
22 (i) necessary to protect life or public safety; or  
23 (ii) justified by some compelling need for immediate action;  
24 or
- 25 (c) full and free consent is given to the search or entry, provided  
26 that the consent is ongoing and a warning was given as to the  
27 consequences of the giving of consent; or
- 28 (d) made pursuant to a grant of power of search or entry to  
29 determine whether a person has complied with legislation  
30 which imposes a commercial levy in relation to a serious  
31 matter, in circumstances where the legislation provides for



- 1 this in specific terms and there is no other reasonably  
2 practicable means of assessing compliance; or  
3 (e) made pursuant to a grant of power of entry and search to  
4 determine whether a person has complied with legislation  
5 under which that person has accepted a commercial benefit,  
6 subject to being monitored by entry and search.

7 **Article 13**

8 **Right to marry and to found a family**

- 9 Recognising that the family is the natural and fundamental group  
10 unit of society and is entitled to protection by society and the State:  
11 (a) every person of marriageable age has the right to marry and  
12 to found a family; and  
13 (b) no marriage shall be entered into without the free and full  
14 consent of the intending spouses.

15 **Article 14**

16 **Rights of the child**

- 17 Recognising that every child has the right to such measures of  
18 protection as are required by the child's age:  
19 (a) every child is entitled to the fundamental rights and freedoms  
20 set out in this Bill of Rights to the greatest extent compatible  
21 with the age of the individual child; and  
22 (b) every child shall be registered immediately after birth and  
23 shall have a name; and  
24 (c) every child has the right to acquire a nationality; and  
25 (d) the liberty of parents and legal guardians to ensure the  
26 religious and moral education of their children in conformity  
27 with their own convictions is to be respected.

1 **Division 5—Freedom of movement**

2 **Article 15**

3 **Rights of persons in Australia**

4 (1) Every person lawfully in Australia has the right to freedom of  
5 movement and choice of residence.

6 (2) A person who is lawfully in Australia but is not an Australian  
7 citizen shall not be required to leave Australia except on such  
8 grounds and in accordance with such procedures as are established  
9 by law.

10 **Article 16**

11 **Right to enter Australia**

12 Every Australian citizen has the right to enter Australia.

13 **Article 17**

14 **Right to leave Australia**

15 Every person has the right to leave Australia.

16 **Division 6—Life, liberty and criminal process**

17 **Article 18**

18 **Right to life**

19 Every human being has the inherent right to life and no person  
20 shall be arbitrarily deprived of life.

1 **Article 19**

2 **Liberty and security of person**

- 3 (1) Every person has the right to liberty and security of person.
- 4 (2) No law shall authorise the arbitrary arrest, detention or  
5 imprisonment of any person.
- 6 (3) No person shall be deprived of liberty except on such grounds, and  
7 in accordance with such procedures, as are established by law.
- 8 (4) No person shall be imprisoned merely on the ground of inability to  
9 fulfil a contractual obligation.

10 **Article 20**

11 **Slavery and forced labour**

12 No person shall be held in slavery or servitude or be required to  
13 perform forced or compulsory labour.

14 **Article 21**

15 **Right to be informed of reasons for arrest or detention and of**  
16 **charges**

17 Any person who is arrested or detained shall be informed at the  
18 time of the arrest or detention of the reasons for it, and shall be  
19 informed promptly and in detail of any charges in a language  
20 which that person understands.

21 **Article 22**

22 **Right to consult with lawyer and to remain silent**

23 Any person detained in custody has the right to remain silent and  
24 the right to consult with a lawyer.

Section 13

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1 **Article 23**

2 **Hearings, release and trial**

- 3 (1) Any person arrested or detained on a criminal charge shall be  
4 brought promptly before a judge, magistrate or justice of the peace.
- 5 (2) No person awaiting trial shall be unreasonably deprived of the right  
6 to release on giving a guarantee to appear for trial.
- 7 (3) Any person arrested or detained on a criminal charge has the right  
8 to be tried within a reasonable time.

9 **Article 24**

10 **Right to test lawfulness of detention**

11 Any person deprived of liberty has the right to take proceedings  
12 before a court for the determination of the lawfulness of the  
13 detention and to be released if the court finds that the detention is  
14 not lawful.

15 **Article 25**

16 **Presumption of innocence**

17 Any person charged with a criminal offence shall be presumed  
18 innocent until proved guilty according to law.

19 **Article 26**

20 **Right to fair hearing**

21 In the determination of any criminal charge, or of any rights or  
22 obligations in a suit at law, every person has the right to a fair and  
23 public hearing by a competent, independent and impartial tribunal.

1 **Article 27**

2 **Rights of the accused relating to trial**

- 3 Every person who is charged with a criminal offence has the right:
- 4 (a) to be informed of the right to obtain legal assistance; and
  - 5 (b) to communicate with a lawyer; and
  - 6 (c) to receive legal assistance without cost if the interests of  
7 justice so require and the person lacks sufficient means to  
8 pay for the assistance; and
  - 9 (d) to have adequate time and facilities to prepare a defence; and
  - 10 (e) to be present at any trial relating to the offence and to present  
11 a defence; and
  - 12 (f) to examine the witnesses against the person; and
  - 13 (g) to obtain the attendance of, and to examine, witnesses for the  
14 person; and
  - 15 (h) to have the free assistance of an interpreter if the person  
16 cannot understand or speak the language used in court; and
  - 17 (i) not to be compelled to testify or confess guilt; and
  - 18 (j) in the case of a child, to be dealt with in a manner which  
19 takes account of the child's age.

20 **Article 28**

21 **No retrospective criminal offences or penalties**

- 22 (1) No person shall be convicted of any criminal offence on account of  
23 any act or omission which did not constitute a criminal offence at  
24 the time when it occurred.
- 25 (2) No person convicted of any criminal offence shall be liable to a  
26 heavier penalty than was applicable at the time the offence was  
27 committed.

Section 13

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1 **Article 29**

2 **Right of review of conviction and sentence**

3 Every person convicted of a criminal offence has the right to have  
4 the conviction or sentence reviewed by a higher tribunal according  
5 to law.

6 **Article 30**

7 **No trial or punishment for same offence**

8 No person finally convicted or acquitted of a criminal offence shall  
9 be tried or punished again for the same offence or for substantially  
10 the same offence arising out of the same facts.

11 **Article 31**

12 **Rights when deprived of liberty**

13 (1) Every person deprived of liberty has the right to be treated with  
14 humanity and with respect for the inherent dignity of the human  
15 person.

16 (2) So far as is practicable:

17  
18 (a) accused persons shall be segregated from convicted persons,  
19 and shall be treated in a manner appropriate to their status as  
20 unconvicted persons; and

21 (b) accused children shall be segregated from accused adults;  
22 and

23 (c) convicted children shall be segregated from convicted adults,  
24 and shall be treated in a manner appropriate to their age and  
25 legal status.

1 **Article 32**

2 **No torture or inhuman treatment and no experimentation without**  
3 **consent**

4  
5 (1) No person shall be subjected to torture or to cruel, inhuman or  
6 degrading treatment or punishment.

7 (2) No person shall be subjected to medical or scientific  
8 experimentation without that person's free consent.  
9