

# YOUR CHARTER, YOUR RIGHTS

## Embedding basic rights and freedoms for all Australians

Australia is the only western democracy that does not protect the basic rights and freedoms of its people in either legislation or the constitution. So many of our freedoms have been hard won, and others are still being fought for. The Greens have a plan to protect everyone's rights in law by introducing a Charter of Rights.



### THE GREENS HAVE A PLAN TO:

- Introduce a **Charter of Rights** into the Australian Parliament
- Call for a Senate inquiry for **your say on your rights**



## INTRODUCE A CHARTER OF RIGHTS

Individual rights and freedoms are a hallmark of our democracy and yet, unlike other similar nations, they are not protected in law or the constitution.<sup>1</sup>

A Charter of Rights is essential in Australia to ensure that our broad range of rights are protected, including personal rights and freedoms, digital rights, economic rights, the right to a clean environment, and conventional civil and legal rights.

Without a Charter of Rights it is too easy for the Liberals, Labor and corporations to abuse the rights and freedoms of minorities, communities, and the environment.

The current government has pursued a range of policies which undermine or ignore individual human rights, including the disastrous Cashless Welfare Card that discriminates against people based on their aboriginality and where they live.<sup>2</sup>

The Adani coal mine is an example of government supported corporate development that threatens people's right to a clean environment.<sup>3</sup> And governments have gone steps further in trampling these rights by introducing anti-protest laws<sup>4</sup> and defunding advocate bodies such as the Environmental Defenders Office.<sup>5</sup>

Despite recent and hard-fought legislative wins, lesbian, gay, bisexual, trans, intersex and queer (LGBTIQ+) people in Australia continue to experience discrimination at work, in places of study, and in accessing services.<sup>6</sup>

Metadata laws,<sup>7</sup> which sanction the mass-surveillance of Australian citizens by governments and corporations, the disastrous Northern Territory intervention,<sup>8</sup> which takes away people's rights to self-determination, and the ongoing torture of detained men, women, and children in Papua New Guinea and Nauru<sup>9</sup> are three more compelling examples of how easily human rights can be and have been stripped away from Australians, and people under Australia's duty of care.

This is why the Greens have a plan to introduce a Charter of Rights for Australia, to tip the balance back in favour of people and the environment rather than corporations and the faceless men and women of governments.

3 Stanley, F. 2017, [Adani's Carmichael Coal Mine and Health](#), *Doctors for the Environment Australia*, Adelaide, viewed 20 July 2018

4 Howie & Gall 2017, [We Must Protest Restrictions On Our Right To Protest](#), *Huffington Post Australia*, Sydney, viewed 26 July 2018.

5 Trenorden, C. 2014, [Environmental legal aid slashed when Australia needs it most](#), *The Conversation*, Melbourne, viewed 26 July 2018.

6 Gerber, P. 2017, [Australia has finally achieved marriage equality, but there's a lot more to be done on LGBTI rights](#), *The Conversation*, Melbourne, viewed 20 July 2018.

7 Gal, U. 2017, [The new data retention law seriously invades our privacy – and it's time we took action](#), *The Conversation*, Melbourne, viewed 20 July 2018.

8 Triggs, G. 2015, [Northern Territory Intervention 2007](#), *Australian Human Rights Commission*, Sydney, viewed 20 July 2018.

9 Refugee Council of Australia 2017, [Human Rights Watch condemns Australian detention policy: 2017 Report](#), *Refugee Council of Australia*, Sydney, viewed 20 July 2018.

1 Law Council Australia n.d., [Charter or Bill of Rights: Questions & Answers](#), Law Council Australia, Canberra, viewed 20 July 2018.

2 Australian Human Rights Commission, [Submission to Senate inquiry into Social Services Legislation Amendment \(Cashless Debit Card\) Bill 2017](#), Australian Parliament House, Canberra, viewed 20 July 2018.

## **RIGHTS THAT NEED PROTECTING**

So many of our freedoms have been hard won, and others are still being fought for. But many have also been lost. Recent losses of rights have seen us witness:

- racial profiling in city streets by Australian Border Force;
- revocation of citizenship without due legal process;
- gagging of media and criminalising of whistleblowers;
- passing of anti-protest laws;
- restrictions on association and expression;
- acquisition and pollution of private property, agricultural land and water tables by governments and corporations.

These ongoing erosions, and removal of effective remedies, demonstrate how vulnerable we are without a Charter of Rights to ensure their protection.

There are three broad types of rights that should be included in a modern, best-practice Charter of Rights:

1. civil and political;
2. economic, social and cultural; and
3. environmental.

Civil and political rights include expression, privacy, association, equality, movement, and presumption of innocence. Economic, social and cultural rights include housing, education, healthcare, employment, and participation in cultural life. Environmental rights include clean air, water and climate.

Without a Charter of Rights it is too easy for the Liberals, Labor and corporations to take freedoms away, and to trample on our rights and liberties as we have seen happen all too often in the recent past.

The Greens are the only party with a plan and commitment to an Australian Charter of Rights.

## **ENVIRONMENTAL RIGHTS**

The Greens are the only party advocating for environmental rights in Australia.

Since the Stockholm Declaration in 1972, environmental rights have spread across the world. As of 2013, 182 of the world's 193 UN member nations have enshrined environmental rights, either through their constitution, environmental legislation, court decisions, or ratification of an international agreement. Australia is one of the 11 countries that hasn't.

Evidence shows that there is a direct correlation between constitutional environmental rights and environmental performance: nations with green constitutions have smaller ecological footprints, and have reduced air pollution up to 10 times faster than nations without environmental provisions in their constitutions.<sup>10</sup>



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<sup>10</sup> Boyd, D. 2014, [Enshrine our right to clear air and water in the Constitution](#), Policy Options, Montreal, viewed 10 August 2018.





## A SENATE INQUIRY FOR YOUR SAY ON YOUR RIGHTS

The Greens will call for a Senate Inquiry during the 45th Parliament of Australia to consider the appropriate scope and form of a legislated Charter of Rights. This inquiry will include broad public consultation and input.

## CASE STUDY

An actual case from the Australian Human Rights Commission, Frank and two of his friends wanted to rent a house together when they started uni. They approached three real estate agents – two wanted to charge them more than the advertised rent because they were under 21 and might ‘cause damage to the property by partying too hard’. The third real estate agent said he wouldn’t rent them a property because they were too young and all male.

With a legislated Charter of Rights that included a right to housing, **Frank and his friends would have rights that included security of tenure, affordability, utility, habitability, and accessibility, regardless of their age (or ability, health, gender, sexuality, race, citizenship, or religion).**