

# A Tasmanian Charter of Human Rights

Cassy O'Connor MP | Greens' Leader



**The Universal Declaration of Human Rights affirms<sup>1</sup>, "all human beings are born free and equal in dignity and rights."**

Governments and corporations regularly trample on the human rights of citizens, and there is rarely legal recourse.

In Tasmania the Liberals have sought to strip away the right to peaceful protest through the *Workplace (Protection from Protestors) Act 2015*, which was found to be un-Constitutional in a landmark High Court decision last year.

They also sought to undermine protections in the *Anti-Discrimination Act 1998*, through an amendment Bill which was voted down by the Legislative Council.

A Charter for Human Rights would provide clear direction to governments of their obligations to Tasmanians. It would ensure a human rights lens is applied to all legislation.

It's time to reset the scales of justice, to ensure human rights are both respected and protected in Tasmania.

## THE GREENS WILL

- ▲ Legislate a Charter of Human Rights.
- ▲ Create a Tasmanian Human Rights Commission.
- ▲ Create a Human Rights unit in the Department of Justice.
- ▲ Fund an education campaign for the public service.

## HISTORY

A Charter of Human Rights for Tasmania has been explored in 2007<sup>2</sup>, and 2010<sup>3</sup>, and the momentum for progress is gathering strength.

The Greens have long advocated for a Charter of Human Rights.

In 2005 Greens' Leader, Peg Putt, tabled a Bill of Rights in Tasmania, following similar legislation being passed in the ACT.<sup>4</sup>

As part of the government in 2010 we supported moves to establish a Charter of Rights, on which progress was, unfortunately, stalled.<sup>5</sup>

In 2014 we renewed calls for a Charter<sup>6</sup>, and strongly supported the 2017 Civil Liberties (TAS) campaign.<sup>7</sup>

## REASONS FOR A CHARTER

Basic human rights that are commonly considered to be protected in fact have minimal or no legally enforceable protections.<sup>8</sup>

A Charter sets out what our rights are, and ensures that government is accountable for the human rights of citizens and institutional human rights obligations are upheld by a legal framework.<sup>9</sup>

Establishment of a Charter will require all new legislation introduced into parliament to be accompanied by a compatibility statement against the Human Rights Charter.<sup>10</sup>

A Charter will also ensure laws can be challenged in the Supreme Court of Tasmania rather than in Federal Court.<sup>11</sup>

The concept of a Charter is not a unique one. The United Kingdom, New Zealand, Canada, South Africa, and the United States all have a Charter of Human Rights.<sup>12</sup> In Australia, the ACT and Victoria each have a Charter.<sup>13</sup>

It is time for Tasmanians to have their human rights enshrined and protected in an overarching legal framework. Every Tasmanian citizen deserves to have their rights defined and upheld by law.

## HUMAN RIGHTS COMMISSION

The Greens' will establish a Human Rights Commission as well as a unit in the Department of Justice.

The Human Rights Commission will have a range of functions, including providing education, research and advice about human rights, and monitoring human rights protection.

The unit in Justice will provide advice to governments on policy and legislative compliance with the charter, and provide training to the public service.

## INITIATIVE COST

Initiative Investment (\$m)	1 <sup>st</sup> Year	2 <sup>nd</sup> Year	3 <sup>rd</sup> Year	4 <sup>th</sup> Year
Human Rights Commission	-	-	0.72	0.73
Human Rights Unit	0.54	0.55	0.56	0.57
Education Program	-	-	0.12	0.12
<b>Total</b>	<b>0.54</b>	<b>0.55</b>	<b>1.40</b>	<b>1.42</b>

## REFERENCES

- [1. United Nations, "Universal Declaration of Human Rights", Article 1, December 1948.](#)
- [2. Tasmanian Law Reform Institute, "A Charter of Rights for Tasmania", Report No 10, 2007.](#)
- [3. Human Rights Law Resource Centre Ltd, "Towards a Tasmanian Charter of Human Rights", 2010.](#)
- [4. Tasmanian Bill of Rights 2005. \(TAS\).](#)
- [5. Department of Justice, "A charter of human rights and responsibilities for Tasmania", 2010.](#)
- [6. Tasmanian Greens MPs, "Leader's State Conference Speech", 2014.](#)
- [7. Blair Richards, Campaign begins to put a human rights Act back on agenda, Mercury, Tasmania 2017.](#)
- [8. Department of Justice, "A charter of human rights and responsibilities for Tasmania", 2010.](#)
- [9. ibid](#)
- [10. ibid](#)
- [11. ibid](#)
- [12. ibid](#)
- [13. ibid](#)
- [14. Tasmanian Law Reform Institute, "A Charter of Rights for Tasmania", Report No 10, 2007.](#)

# LIST OF HUMAN RIGHTS<sup>14</sup>

- ▲ The right to life
- ▲ The protection of the family and children
- ▲ The right to liberty and security of the person
- ▲ The right to humane treatment when detained
- ▲ The right to a fair hearing
- ▲ The right of children to special treatment in the criminal justice process
- ▲ The right to compensation for wrongful conviction
- ▲ The right not to be tried or punished for conduct that was not a criminal offence when it was engaged in (freedom from retrospective criminal punishment)
- ▲ The right not to be imprisoned for a contractual debt
- ▲ The right to privacy and reputation
- ▲ Freedom of movement
- ▲ Freedom of conscience, thought, religion and belief
- ▲ Freedom of expression
- ▲ Freedom of association and peaceful assembly and the right to form and join trade unions
- ▲ The right to vote and to participate in public life
- ▲ The right to self-determination
- ▲ The right to recognition as a person before the law
- ▲ The right to equality before the law and to equal protection of the law
- ▲ Freedom from discrimination
- ▲ The right of ethnic, religious and linguistic minorities to enjoy their own culture
- ▲ The right of Indigenous Tasmanians to maintain their distinctive identity, culture, kinship ties and spiritual, material and economic relationship with the land
- ▲ The right not to be subject to torture or cruel, inhuman or degrading treatment or punishment
- ▲ Freedom from slavery and forced work
- ▲ The right to work and just conditions of work
- ▲ The right of children not to be exploited economically or socially
- ▲ The right to adequate food, clothing and housing
- ▲ The right to the highest attainable standard of physical and mental health
- ▲ The right to education
- ▲ The right not to be deprived of property except on just terms
- ▲ The right to a safe environment and to the protection of the environment from pollution and ecological degradation
- ▲ Freedom from genocide



Authorised by Cassy O'Connor MP, Parliament House, Hobart.

## ▲ WANT MORE INFO?

### Tasmanian Parliamentary Greens

**South** 7 Franklin Wharf, Hobart  
**North** 1/195a Invermay Road, Launceston

**Post:** Parliament House, Hobart, 7000

**Phone:** (03) 6212 2228

**Email:** [greens@parliament.tas.gov.au](mailto:greens@parliament.tas.gov.au)

**Web:** [mps.tas.greens.org.au](http://mps.tas.greens.org.au)