Charter of Human Rights Act in Queensland – Options Paper – Rights to be protected

1. Introduction

The Queensland Parliament is currently considering the introduction of human rights legislation in Queensland (the ***Queensland Charter***). QAILS has asked us to prepare a submission to advocate for the rights to be included in such legislation.

1. Summary

This paper outlines the various positions QAILS may wish to support in relation to the rights that could be protected in the Queensland Charter. It does so by drawing on current examples from human rights legislation in the ACT, Victoria, UK and New Zealand (part 5 of this paper), as well as international human rights treaties relating to economic, social and cultural rights (part 6).

If QAILS wishes to advocate for particular rights to be protected in a Queensland Charter, it should form a view as to its preferred approach in relation to those rights. In particular, QAILS should consider whether it wishes to advocate for protection of all human rights identified in the two key human rights treaties (discussed in part 3 of this paper).

For the definition of key terms and acronyms used in this paper, please refer to the Glossary on page 9.

1. What are Human Rights?

Human rights are the basic rights that belong to every person, regardless of age, race, sex, social status or any other characteristic. They are derived from, and serve to protect, the inherent dignity and worth of each person as the foundation of freedom, justice and peace in the world.[[1]](#footnote-1) Examples of human rights include the right to a fair trial, freedom of speech and freedom from torture or other inhuman or degrading treatment or punishment.

Human rights are recognised and protected under international law. Many are codified in treaties. The two key treaties are the International Covenant on Civil and Political Rights (the ***ICCPR***) and International Covenant on Economic, Social and Cultural Rights (the ***ICESCR***). Australia has signed and ratified both treaties. It has also signed and ratified five of the six other human rights treaties.[[2]](#footnote-2)

The ACT, Victoria, UK and New Zealand have human rights legislation that protects and enshrines a selection of civil and political rights. Few rights recognised in the ICESCR are protected by such domestic legislation: only the rights to education, protection of property and the cultural rights of minorities and indigenous peoples receive piecemeal protection in certain jurisdictions.[[3]](#footnote-3) The human rights that are protected under existing legislation are discussed in part 5 of this paper.

As discussed in part 6 of this paper, the Queensland Charter could improve on current human rights protections in similar jurisdictions by protecting economic, social and cultural rights, as well as civil and political rights.

It is important to note that, just because a right is not listed in the Queensland Charter, does not mean it is extinguished. Such rights continue to be protected by the international and domestic laws from which they spring. It is typical for human rights legislation to include an express provision to this effect.[[4]](#footnote-4)

1. Can Human Rights be Limited?

It is generally accepted that not all human rights are 'absolute'. Their enjoyment can be limited in certain circumstances. The ACT Act and Victorian Charter provide that the human rights set out in those Acts may be subject 'only to such reasonable limits as can be demonstrably justified in a free and democratic society' and taking into account 'all relevant factors', including the nature of the right affected, the purpose of the limitation and its extent.[[5]](#footnote-5)

However, the Queensland Charter could also specify that certain rights – for example, the right to freedom from slavery or torture – are absolute, and that the derogation provision does not apply to those rights.[[6]](#footnote-6)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to provide the human rights in it are to reasonable limits or if certain rights should be specified as absolute. If you would like some of the rights to be absolute, please specify which rights those are]***

1. Rights Protected under Existing Human Rights Legislation

The starting point for QAILS' consideration of which rights should be protected in a Queensland Charter is the inclusion of those human rights that are already protected in the ACT Act and Victorian Charter (and, to a lesser extent, the NZ Bill of Rights, NZ Human Rights Act and UK Act). Each of these rights is considered in turn.

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to include all of the below rights. If you would like any removed, please specify which ones]***

* 1. Right to recognition and equality before the law

This right affords every [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) recognition and equality before the law and protection against discrimination. It provides that equal opportunity measures are not discriminatory.[[7]](#footnote-7)

* 1. Right to life

This is the right to life and to not be arbitrarily deprived of life.[[8]](#footnote-8)

It is important to note that nothing in the Victorian Charter affects any law applicable to abortion or child destruction,[[9]](#footnote-9) maintaining the status quo of the law as it relates to abortion.[[10]](#footnote-10) Similarly, the right to life in the ACT only applies to a person from the time of birth.[[11]](#footnote-11)

The UK Act specifically abolishes the death penalty.[[12]](#footnote-12)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to adopt the Victorian or ACT position (or neither), or specifically adopt the death penalty like the UK.]***

* 1. Right to protection from torture and cruel, inhuman or degrading treatment

This right provides that a [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) must not be subjected to torture, treated or punished in a cruel, inhuman or degrading way, or subjected to medical or scientific experimentation or treatment without full, free and informed consent.[[13]](#footnote-13)

* 1. Right to freedom from forced work

This right provides that no one may be held in slavery or servitude, or made to perform forced or compulsory labour (excluding lawful [court order](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s11.html#court_order)s, emergencies or civil obligations such as jury service).[[14]](#footnote-14)

* 1. Right to freedom of movement

This is the right to move freely within the jurisdiction, to enter and leave it and choose where to live.[[15]](#footnote-15)

* 1. Right to privacy and reputation

This is the right to not have one's privacy, family, home or correspondence unlawfully or arbitrarily interfered with, and to not have one's reputation unlawfully attacked.[[16]](#footnote-16)

In the UK Act, there is also a right to marry, according to law.[[17]](#footnote-17)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to include a right to marry]***

The ICESCR goes further, thereby providing an opportunity for the Queensland Charter to improve on current, domestic human rights legislation. Article 10 of the ICESCR provides that special protection should be accorded to mothers before, during and after childbirth. This includes the right to leave with pay or adequate social security benefits.

Further, Article 10 provides for special measures of protection and assistance for children and young persons. This right includes protection against:

* economic and social exploitation;
* work harmful to a child's morals or health, or dangerous to life or likely to hamper their development; and
* paid child labour.
  1. Right to freedom of thought, conscience, religion and belief

This is the right to freedom of thought, conscience, religion and belief, including the freedom to have or to adopt a religion or belief and to demonstrate one's religion or belief in worship, observance, practice and teaching, either individually or as part of a community, in public or in private. The right also protects against religious coercion.[[18]](#footnote-18)

* 1. Right to freedom of expression

This is the right to hold an opinion without interference, and to freedom of expression. In Victoria, this right is expressed as being subject to lawful restrictions reasonably necessary to respect the rights and reputations of other [persons](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person), or for the protection of national security, public order, public health or public morality.[[19]](#footnote-19)

**[Note to QAILS: *please provide your instructions on whether you would like this right to be absolute or restricted]***

* 1. Right to peaceful assembly and freedom of association

This is the right to peaceful assembly and freedom of association with others (specifically in Victoria including in respect of trade unions).[[20]](#footnote-20)

* 1. Right to protection of families and children

This is the right of every [child](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#child), without [discrimination](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#discrimination), to such protection as is in his or her best interests and is needed by him or her by reason of being a [child](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#child).[[21]](#footnote-21)

The ACT Act and Victorian Charter recognise that families are the fundamental group unit of society and are entitled to protection.[[22]](#footnote-22) 'Family' has a broad meaning to include diverse family groups.[[23]](#footnote-23)

**[Note to QAILS: *please provide your instructions on whether you would like the family recognition element from ACT and Victoria to be incorporated into the Charter]***

* 1. Right to take part in public life

This is the right and opportunity to participate in the conduct of public affairs, without [discrimination](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#discrimination), either directly or through freely chosen representatives. It is also the right of eligible persons to vote, be elected and have equal access to the public service and public office.[[24]](#footnote-24)

* 1. Cultural rights

In Victoria, all persons with a particular cultural, religious, racial or linguistic background must not be denied the right, in community with other persons of that background, to enjoy culture, to declare and practise religion and use language.[[25]](#footnote-25)

There is a similar provision in the ACT Act, which is that anyone who belongs to an ethnic, religious or linguistic minority must not be denied the right, with other members of the minority, to enjoy his or her culture, to declare and practice religion or use language.[[26]](#footnote-26)

The Victorian Charter also confers specific rights on [Aboriginal](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#aboriginal) [persons](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) (with other members of their communities) to enjoy identity and culture, maintain and use language, maintain kinship ties and maintain a distinctive spiritual, material and economic relationship with the land, waters and other resources with which they have a connection under traditional laws and customs.[[27]](#footnote-27)

The ICESCR goes further, in that it recognises the right of everyone to take part in cultural life, to enjoy the benefits of scientific progress and its applications, and to benefit from the protection of moral and material interest arising from any scientific, literary or artistic production.[[28]](#footnote-28) QAILS may consider that there is an opportunity for the Queensland Government to do more for Queenslanders in the protection of their cultural and related rights by fully adopting the ICESCR cultural and scientific rights.

**[Note to QAILS: *please provide your instructions on to what extent you would like the Charter to protect the cultural and related rights of Queenslanders]***

* 1. Property rights

This is the right in Victoria and the UK to not be deprived of property, other than in accordance with law.[[29]](#footnote-29) This right does not provide a right for compensation where such deprivation occurs. There is no correlating provision in the ACT Act.

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to adopt a similar property right. If you would, please advise on whether you would like the Victorian provision to be inserted or if you seek a different provision]***

* 1. Right to liberty and security of person

This is the right to liberty, security and protection against arbitrary arrest or detention. It is also the right to not be deprived of liberty except by law.[[30]](#footnote-30)

The following protections are afforded to persons who have been arrested:

* they must be informed at the time of arrest about the reason for the arrest and must be promptly informed about any proceedings to be brought against him or her;
* they must be promptly brought before a [court](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court) and have the right to be brought to [trial](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#trial) quickly (in Victoria, this is expressed as 'without unreasonable delay' and in the ACT, it is 'within a reasonable time') and must be released if these obligations are not complied with;
* a [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) awaiting [trial](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#trial) must not be automatically detained in custody; and
* they are entitled to apply to a [court](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court) for a declaration or order regarding the lawfulness of the detention. The [court](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court) must make a decision without delay, and is required to order the release of the [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) if it finds that the detention is unlawful.[[31]](#footnote-31)

In the ACT, a person who has been unlawfully arrested or detained has the right to compensation.[[32]](#footnote-32)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to include compensation rights for a person who is unlawfully arrested or detained]***

Further, a [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) must not be imprisoned only because of his or her inability to perform a contractual obligation.[[33]](#footnote-33)

* 1. Right to humane treatment when deprived of liberty

When deprived of liberty, people still have human rights.

This is the category of rights for all [persons](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) deprived of liberty to be treated with humanity and respect. Accused [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person)s must be segregated from convicted [persons](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person), except (in Victoria) where reasonably necessary or (in the ACT) in exceptional circumstances, and must be treated in a way that is appropriate for a [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) who has not been convicted.[[34]](#footnote-34)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to provide exceptions to segregation from convicted persons where necessary or in exceptional circumstances]***

* 1. Rights of children in the criminal process

An accused [child](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#child) who is detained must be segregated from adults. An accused child must be brought to [trial](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#trial) as quickly as possible.[[35]](#footnote-35)

Convicted children in Victoria, or convicted and accused children in the ACT, must be treated in a way that is appropriate for their age and circumstance.[[36]](#footnote-36)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to provide for convicted and accused children to be treated in a way appropriate for their age]***

* 1. Right to a fair hearing

A person charged with a criminal offence, or a party to a civil proceeding, has the right to have the charge or proceeding decided by a competent, independent and impartial [court](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court) or tribunal after a fair and public hearing.

[Courts](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court) may nevertheless exclude the media or the general public from all or part of a hearing if permitted to do so by law. The ACT Act specifies the circumstances in which the media and public may be excluded in section 21(2) of the ACT Act.

All judgments or decisions made by a [court](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court) or tribunal in a criminal or civil proceeding must be made public, unless the best interests of a [child](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#child) dictate otherwise (or, in Victoria, another law permits it).[[37]](#footnote-37)

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to cover where the media and the public may be excluded from all or part of a hearing or whether judgments or decisions should be made public, unless contrary to the best interests of a child]***

* 1. Rights in criminal proceedings

This is the right for a person charged with a criminal offence to be presumed innocent until proved guilty according to law.

A person in those circumstances also has the following rights, without discrimination:

* to be told promptly and in detail, in a language or other communication that he or she understands, about the nature and reason for the charge;
* to have adequate time and facilities for the preparation of their defence;
* to be tried without unreasonable delay;
* to defend themselves in person or through legal assistance of their own choosing (or, if eligible, legal aid). This includes the right to be tried in person;
* to examine witnesses;
* to have the free assistance of an interpreter; and
* to not be compelled to testify against themselves or to confess guilt.

A [child](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#child) charged with a criminal offence has the right to a procedure that takes account of their age and the desirability of promoting the [child](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#child)'s rehabilitation.

Any [person](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#person) convicted of a criminal offence has the right to have the conviction and any sentence imposed in respect of it reviewed by a higher [court](http://www.austlii.edu.au/au/legis/vic/consol_act/cohrara2006433/s3.html#court).[[38]](#footnote-38)

The ACT Act also provides a right of compensation for wrongful conviction.[[39]](#footnote-39) **[Note to QAILS: *please provide your instructions on whether you would like this right included]***

* 1. Right not to be tried or punished more than once

This is the right against 'double jeopardy'. A person has the right to not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.[[40]](#footnote-40)

* 1. Retrospective criminal laws

No one may be found guilty of a criminal offence because of conduct that was not criminal when it was engaged in. Further, a higher penalty must not be imposed than the penalty that applied to the offence when it was committed.[[41]](#footnote-41)

* 1. Right to education

The ACT Act provides that every child has the right to access free, school education appropriate to his or her needs. Every person has the right to access further education and vocational and continuing training.[[42]](#footnote-42) The UK Act also provides for a right to education,[[43]](#footnote-43) but there is no correlating provision for this right in the Victorian Charter.

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to include the right to education and if so, if you agree with the wording of the ACT Act]***

1. Opportunities for Improvement in the Protection of Human Rights in Queensland

The Queensland Charter could improve on current human rights legislation in Australia by protecting a wider range of economic, social and cultural rights, as well as the abovementioned civil and political rights.

These two categories of rights are mutually reinforcing. Failure to protect the latter undermines the former. Therefore, QAILS may consider it appropriate to take the position that a Queensland Charter should protect all of the human rights codified in both the ICCPR and, importantly, the ICESCR (although some adaptation may be required for a domestic, Queensland context).[[44]](#footnote-44)

In this way, a Queensland Charter would contribute to, and improve upon, Australia's fulfilment of its international human rights obligations. Article 50 of the ICCPR and Article 28 of the ICESCR state that human rights protections extend to all parts of federal states without limitation or exception. Consequently, the State Party (that is, the Commonwealth of Australia) must ensure that all government authorities, including at the state level, respect, protect and fulfil the human rights obligations under these treaties.

Each of these additional opportunities for rights protection are discussed below.

**[Note to QAILS: *please provide your instructions on whether you would like the Charter to include all of the below rights. If you would like any removed, please specify which ones]***

* 1. Right to work

The ICESCR protects a person's right to work.

The right to work includes the right to the opportunity to gain a living by work freely chosen or accepted.

The steps that State Parties to the ICESCR are obliged to take in order to achieve the realisation of this right include:

* technical and vocational guidance and training programs; and
* policies and techniques to achieve steady economic, social and cultural development, and full and productive employment under conditions safeguarding fundamental political and economic freedoms to the individual.[[45]](#footnote-45)

Given the current Queensland inquiry relates only to state human rights legislation (as compared to national legislation), some modification of the appropriate steps to implement this right in Queensland may be required.

* 1. Right to the enjoyment of just and favourable conditions of work

The ICESCR also protects a person's right to enjoy just and favourable conditions of work, which ensure fair remuneration (including for women), a 'decent living', safe and healthy working conditions, and equal opportunity for promotion. This category of right also includes the right to rest, leisure and reasonable limitation of working hours and periodic holidays with pay, as well as remuneration for public holidays.[[46]](#footnote-46)

* 1. Right to social security

The ICESCR protects a person's right to social security, including social insurance. Given some social security in Australia is provided at the national level, this right may require some adaptation for the Queensland context.[[47]](#footnote-47)

* 1. Right to an adequate standard of living

The ICESCR protects the right to an adequate standard of living for individuals and their families, including adequate food, clothing and housing, and to the continuous improvement of living conditions.[[48]](#footnote-48)

* 1. Right to physical and mental health

The ICESCR protects a person's right to enjoy the highest attainable standard of physical and mental health.

Achieving the full realisation of this right includes taking steps that are necessary:

* to reduce the stillbirth‑rate and infant mortality;
* for the healthy development of children;
* to improve all aspects of environmental and industrial hygiene;
* to prevent, treat and control epidemic, endemic, occupational and other diseases; and
* for the creation of conditions that would assure medical service and medical attention to all persons in the event of sickness.[[49]](#footnote-49)
  1. Right to self-determination

The right to self-determination will be discussed in a separate options paper.

Glossary

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| **ACT** | Australian Capital Territory |
| **ACT Act** | *Human Rights Act 2004* (ACT) |
| **ICCPR** | International Covenant on Civil and Political Rights |
| **ICESCR** | International Covenant on Economic, Social and Cultural Rights |
| **NZ Bill of Rights** | *New Zealand Bill of Rights Act 1990* (NZ) |
| **NZ Human Rights Act** | *Human Rights Act 1993* (NZ) |
| **UK** | United Kingdom |
| **UK Act** | *Human Rights Act 1998* (UK) |
| **Victorian Act** | *Charter of Human Rights and Responsibilities Act 2006* (Vic) |

1. See, for example, the Preamble to the Universal Declaration of Human Rights, resolution adopted by the UN General Assembly, 10 December 1948, A/RES/3/217A, <http://www.un-documents.net/a3r217a.htm> [↑](#footnote-ref-1)
2. Namely, the *International Convention on the Elimination of all Forms of Racial Discrimination* (***CERD***), opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969); *Convention on the Elimination of all Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981); *Convention against Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment* (***CAT***), opened for signature 4 February 1985, 1465 UNTS 85 (entered into force 26 June 1987); *Convention on the Rights of the Child* (***CROC***), opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990); *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 993 UNTS 3 (entered into force 3 May 2008). Australia is not a party to the *Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families*, opened for signature 18 December 1990, 2220 UNTS 93 (entered into force 1 July 2003) [↑](#footnote-ref-2)
3. See ACT Act, sections 27 (rights of minorities) and 27A (right to education); Victorian Charter, section 19 (cultural rights of minorities and indigenous peoples); UK Act, Schedule 1 (protection of property) and (right to education); NZ Bill of Rights, section 20 (rights of minorities) [↑](#footnote-ref-3)
4. See, for example, ACT Act, section 7; Victorian Charter, section 5 [↑](#footnote-ref-4)
5. ACT Act, section 28; Victorian Charter, section 7 [↑](#footnote-ref-5)
6. See, for example, ICCPR, Art 4(2) [↑](#footnote-ref-6)
7. Victorian Charter, section 8; ACT Act, section 8 [↑](#footnote-ref-7)
8. Victorian Charter, section 9; ACT Act, section 9 [↑](#footnote-ref-8)
9. Victorian Charter, section 48 [↑](#footnote-ref-9)
10. George Williams, 'The Victorian Charter of Human Rights and Responsibilities' (2006) 30 *Melbourne University Law Review* 880, 896 [↑](#footnote-ref-10)
11. ACT Act, section 9(2) [↑](#footnote-ref-11)
12. UK Act, Schedule 1 [↑](#footnote-ref-12)
13. Victorian Charter, section 10; ACT Act, section 10 [↑](#footnote-ref-13)
14. Victorian Charter, section 11; ACT Act, section 26 [↑](#footnote-ref-14)
15. Victorian Charter, section 12; ACT Act, section 13 [↑](#footnote-ref-15)
16. Victorian Charter, section 13; ACT Act, section 12 [↑](#footnote-ref-16)
17. UK Act, Schedule 1; see ICCPR, Article 23 [↑](#footnote-ref-17)
18. Victorian Charter, section 14; ACT Act, section 14 [↑](#footnote-ref-18)
19. Victorian Charter, section 15; ACT Act, section 16 [↑](#footnote-ref-19)
20. Victorian Charter, section 16; ACT Act, section 15 [↑](#footnote-ref-20)
21. Victorian Charter, section 17(2); ACT Act, section 11(2) [↑](#footnote-ref-21)
22. Victorian Charter, section 17(1); ACT Act, section 11(1) [↑](#footnote-ref-22)
23. See, for example, note to ACT Act, section 11 and Explanatory Memorandum to the Victorian Charter [↑](#footnote-ref-23)
24. Victorian Charter, section 18; ACT Act, section 17 [↑](#footnote-ref-24)
25. Victorian Charter, section 19(1) [↑](#footnote-ref-25)
26. ACT Act, section 27 [↑](#footnote-ref-26)
27. Victorian Charter, section 19(2) [↑](#footnote-ref-27)
28. ICESCR, Article 15 [↑](#footnote-ref-28)
29. Victorian Charter, section 20; UK Act, Schedule 1 [↑](#footnote-ref-29)
30. Victorian Charter, section 21(1)-(3); ACT Act, section 18 [↑](#footnote-ref-30)
31. Victorian Charter, section 21(4)-(7); ACT Act, section 18 [↑](#footnote-ref-31)
32. ACT Act, section 18(7) [↑](#footnote-ref-32)
33. Victorian Charter, section 21(8); ACT Act, section 18(8) [↑](#footnote-ref-33)
34. Victorian Charter, section 22; ACT Act, section 19 [↑](#footnote-ref-34)
35. Victorian Charter, section 23; ACT Act, section 20(1) and (3) [↑](#footnote-ref-35)
36. Victorian Charter, section 23(3); ACT Act, section 20(2) and (4) [↑](#footnote-ref-36)
37. Victorian Charter, section 24; ACT Act, section 21 [↑](#footnote-ref-37)
38. Victorian Charter, section 25; ACT Act, section 22 [↑](#footnote-ref-38)
39. ACT Act, section 23 [↑](#footnote-ref-39)
40. Victorian Charter, section 26; ACT Act, section 24 [↑](#footnote-ref-40)
41. Victorian Charter, section 27; ACT Act, section 25 [↑](#footnote-ref-41)
42. ACT Act, section 27A [↑](#footnote-ref-42)
43. UK Act, Schedule 1 [↑](#footnote-ref-43)
44. See, for example, ‘Australian Capital Territory Economic, Social and Cultural Rights Research Project’, Australian Research Council (2010), < <http://acthra.anu.edu.au/documents/ACTESCR_project_final_report.pdf>> [↑](#footnote-ref-44)
45. ICESCR, Article 6 [↑](#footnote-ref-45)
46. ICESCR, Article 7 [↑](#footnote-ref-46)
47. ICESCR, Article 9 [↑](#footnote-ref-47)
48. ICESCR, Article 11 [↑](#footnote-ref-48)
49. ICESCR, Article 12 [↑](#footnote-ref-49)