



Australian Capital Territory

Human Rights Amendment Act 2016

A2016-5

An Act to amend the *Human Rights Act 2004*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Human Rights Amendment Act 2016*.

2 Commencement

This Act commences on the day after its notification day.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *Human Rights Act 2004*.

**4 Preamble
Clause 7**

omit

Indigenous people

substitute

Aboriginal and Torres Strait Islander peoples

**5 Protection of the family and children
Section 11 (2), new note**

after the examples, insert

Note 1 A child also has the other human rights set out in this Act.

6 Section 27 heading

substitute

**27 Cultural and other rights of Aboriginal and Torres Strait
Islander peoples and other minorities**

7 New section 27 (2)*insert*

- (2) Aboriginal and Torres Strait Islander peoples hold distinct cultural rights and must not be denied the right—
- (a) to maintain, control, protect and develop their—
- (i) cultural heritage and distinctive spiritual practices, observances, beliefs and teachings; and
 - (ii) languages and knowledge; and
 - (iii) kinship ties; and
- (b) to have their material and economic relationships with the land and waters and other resources with which they have a connection under traditional laws and customs recognised and valued.

Note The primary source of the rights in s (2) is the United Nations Declaration on the Rights of Indigenous Peoples, art 25 and art 31.

8 Public authorities must act consistently with human rights**Section 40B (3), definition of *human rights****omit***9 ICCPR source of human rights****Schedule 1, item 30***substitute*

30	27 (1)	rights of minorities	27
31	27 (2)	cultural rights of Aboriginal and Torres Strait Islander peoples	

Note The primary source of the rights in s 27 (2) is the United Nations Declaration on the Rights of Indigenous Peoples, art 25 and art 31.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 26 March 2015.

2 Notification

Notified under the [Legislation Act](#) on 25 February 2016.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Human Rights Amendment Bill 2016, which originated in the Legislative Assembly as the Human Rights Amendment Bill 2015 and was passed by the Assembly on 11 February 2016.

Acting Clerk of the Legislative Assembly

© Australian Capital Territory 2016