

2012

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Human Rights Amendment Bill 2012

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Human Rights Amendment Bill 2012

A Bill for

An Act to amend the *Human Rights Act 2004*

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

1 **1 Name of Act**

2 This Act is the *Human Rights Amendment Act 2012*.

3 **2 Commencement**

4 This Act commences on 1 January 2013.

5 *Note* The naming and commencement provisions automatically commence on
6 the notification day (see Legislation Act, s 75 (1)).

7 **3 Legislation amended**

8 This Act amends the *Human Rights Act 2004*.

9 **4 Section 5**

10 *substitute*

11 **5 What are *human rights*?**

12 In this Act:

13 *human rights* means—

14 (a) the civil and political rights in part 3; and

15 (b) the economic, social and cultural rights in part 3A.

16 **5 Rights apart from Act**
17 **Section 7, new example**

18 *insert*

19 2A rights under the ICESCR not listed in this Act

1 **6 New part 3A and part 3B heading**

2 *after section 27, insert*

3 **Part 3A Economic, social and cultural**
4 **rights**

5 *Note* The primary source of these rights is the International Covenant on
6 Economic, Social and Cultural Rights.

7 **27A Right to education**

- 8 (1) Every child has the right to have access to free, primary education
9 appropriate to his or her needs.
- 10 (2) Everyone has the right to have access to further education and
11 vocational and continuing training.
- 12 (3) These rights are limited to the following immediately realisable
13 aspects:
- 14 (a) everyone is entitled to enjoy these rights without
15 discrimination;
- 16 (b) to ensure the religious and moral education of a child in
17 conformity with the convictions of the child's parent or
18 guardian, the parent or guardian may choose schooling for the
19 child that conforms to the minimum educational standards
20 required under law.

21 **Part 3B Limits on human rights**

1 **7 Human rights may be limited**
2 **Section 28 (1)**

3 *omit*

4 Territory

5 **8 Public authorities must act consistently with human**
6 **rights**
7 **Section 40B (3), new definition of *human rights***

8 *insert*

9 *human rights* do not include the economic, social and cultural rights
10 in part 3A.

11 **9 New section 43**

12 *insert*

13 **43 Review of economic, social and cultural rights**

- 14 (1) The Attorney-General must review the operation of the human
15 rights in part 3A and present a report of the review to the Legislative
16 Assembly not later than 1 January 2015.
- 17 (2) The review must include a consideration of whether—
- 18 (a) other economic, social or cultural rights should be included in
19 this Act; and
- 20 (b) part 5A should apply to the economic, social and cultural rights
21 in part 3A; and
- 22 (c) the economic, social and cultural rights in part 3A should be
23 subject to progressive realisation.
- 24 (3) This section expires on 1 January 2016.

10 New schedule 2*insert***Schedule 2 ICESCR source of human rights**

(see pt 3A)

column 1 item	column 2 section	column 3 description	column 4 ICESCR article
1	27A	right to education	13

11 Dictionary, new definition of ICESCR*insert*

ICESCR means the International Covenant on Economic, Social and Cultural Rights.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 29 March 2012.

2 Notification

Notified under the Legislation Act on 2012.

3 Republications of amended laws

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

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