

2015

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Human Rights Amendment Bill 2015

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 2015*.
- 3 **2 Commencement**
- 4 This Act commences on the day after its notification day.
- 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 Preamble**
- 10 **Clause 7**
- 11 *omit*
- 12 Indigenous people
- 13 *substitute*
- 14 Aboriginal and Torres Strait Islander peoples
- 15 **5 Protection of the family and children**
- 16 **Section 11 (2), new note**
- 17 *after the examples, insert*
- 18 *Note 1* A child also has the other human rights set out in this Act.
- 19 **6 Section 27 heading**
- 20 *substitute*
- 21 **27 Cultural and other rights of Aboriginal and Torres Strait**
- 22 **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 2015.

3 Republications of amended laws

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

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