

Charter of Rights

The New Liberals view the protection of human rights to be fundamental to the preservation of a functioning, advanced democracy. To that end, The New Liberals are committed to a Charter of Human Rights and to entrench such protections in our Constitution. These include:

The Right to Diplomatic and Consular Protection:

- Every Australian citizen shall, when in the territory of another country, be entitled to protection and representation by Australian diplomatic or consular authorities.

Protection of Persons (whistleblowers) Reporting Breaches of Australian Law, and Corrupt Conduct by Australian Politicians, Judiciary, and Public Servants.

- Reporting persons who have reasonable grounds to believe, in light of the circumstances and the information available to them at the time of reporting, that the matters reported by them are true, shall be protected in law.
- Retaliation for internal reporting of breaches is to be unlawful and punishable by criminal sanction.
- In the case of legal entities that do not provide for internal reporting channels, reporting persons should be able to report externally to the competent authorities and such persons enjoy the protection against retaliation provided by this Charter.
- The confidentiality of the identity of the reporting person is to be ensured.
- If, despite internal and external reporting, the breach remains unaddressed, where the breach was not appropriately assessed or investigated, or no appropriate remedial action was taken, the complainant obtains the right to make a public disclosure without risk of retaliation/sanction.
- Persons making a public disclosure directly also qualify for protection in cases where they have reasonable grounds to believe that there is an imminent or manifest danger to the public interest, or a risk of irreversible damage, including harm to a person's physical integrity.

Right to life

- No one shall be condemned to the death penalty, or executed.

- No-one shall be placed in jeopardy of execution by any nation by the actions or inactions of any Australian agency.

Right to the integrity of the person

- Everyone has the right to respect for his or her physical and mental integrity by protection of:
 1. the free and informed consent to medical procedures of the person concerned;
 2. the prohibition of eugenic practices;
 3. the prohibition on making the human body and its parts as such a source of financial gain;
 4. the prohibition of the reproductive cloning of human beings.

Prohibition of torture and inhuman or degrading treatment or punishment

- No one shall be subjected to torture or to inhuman or degrading treatment or punishment.
- No Australian Court, Government or Government agency shall take any action or fail to take action that would foreseeably place any person in jeopardy of torture or inhumane or degrading treatment or punishment anywhere.

Prohibition of slavery and forced labour

- No one shall be held in slavery or servitude.
- No one shall be required to perform forced or compulsory labour.
- Trafficking in human beings is prohibited.

Right to liberty and security

- Everyone, including asylum seekers awaiting assessment of their claim, has the right to liberty and security of person, unless imprisoned for crimes after court trial.

Right to privacy

- Everyone has the right to respect for their private and family life, home and communications.
- Everyone has the right to the protection of personal data concerning him or her.
- Such data must be processed fairly for specified purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law.
- Everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.
- Any Australian citizen has a right of access to documents of Government institutions, bodies, offices and agencies, whatever their medium, with the exception of that part, parts or whole that would compromise a private citizen's right to privacy, or which would compromise public safety or the national interest.
- Determination of the existence of exceptions shall rest with a specialised Tribunal established for the sole purpose of independent rulings on applications for exceptions, and judicial review of Tribunal decisions on matters of law.

Right to marry and right to found a family

- The right to marry and the right to found a family, irrespective of gender, race or religion shall be protected in law.

Freedom of thought, conscience and religion

- Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief, to adhere to no religion, and freedom, either alone or in community with others and in public or in private, to manifest peacefully religion or belief, while respecting the rights of others to do likewise.
- The right to conscientious objection is recognised.

Freedom of expression and information

- Everyone has the right to freedom of expression.
- This right shall include freedom to hold opinions and to receive and impart information, opinions and ideas without interference by public authority, other than those that breach the Human Rights espoused in this Charter.

The Right to Good Governance and Administration:

- The right to Parliaments, Judiciary and Public Administrations free from corruption, untoward influences, and/or conflicts of interests.
- The right to a free, independent and diverse media without domination by a single or few legal persons/entities.
- Every person has the right to have his or her affairs handled impartially, fairly, and in accordance with the principles of natural justice and procedural fairness expeditiously by the institutions, bodies, offices and agencies of the Commonwealth of Australia, including Courts and Tribunals.

Freedom of assembly and of association

- Everyone has the right to freedom of peaceful assembly and to freedom of association at all levels, in particular in political, trade union and civic matters, which includes the right of everyone to form and to join trade unions for the protection of their interests.

Right to education

- Everyone has the right of access to quality, publicly funded education and to have access to vocational and continuing training. This includes the right to receive free education to at least the conclusion of their secondary education.

Freedom to choose an occupation and right to engage in work

- Everyone has the right to engage in work and to pursue a freely chosen or accepted occupation.
- Conscription, except in time of national emergency, is unlawful.
- Nationals of other countries who are authorised to work are guaranteed working conditions equivalent to those of Australian citizens.

Right to property

- Everyone has the right to own, use, dispose of and bequeath his or her lawfully acquired possessions, subject to regulation by law in so far as is necessary for the general interest.
- No one may be deprived of his or her possessions, except in the public interest and as provided for by law, and subject to fair compensation assessed independently.

Right to asylum

- The right to asylum shall be guaranteed in accordance with the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees.

Protection in the event of removal, expulsion or extradition

- Collective expulsions are prohibited.
- Individual expulsion without due process is prohibited.
- No one may be removed, expelled or extradited to a State where there is a reasonable risk that he or she would be subjected to the death penalty, torture, or other inhuman or degrading treatment or punishment.
- No one may be removed, expelled or extradited to a State where they face a well-founded fear of persecution for race, religion, nationality, membership of a particular social group, or political opinion.

Equality before the law

- Everyone is equal before the law.
- Where a person cannot afford legal representation in any matter before the courts or under investigation by law enforcement or State security agencies, that representation will be provided at public expense.

Non-discrimination

- Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, shall be unlawful.

Cultural, religious and linguistic diversity

- Cultural, religious and linguistic diversity shall be respected and protected.

Equality between women and men

- Equality between women and men is to be ensured in all areas, including employment, work and pay.
- The principle of equality shall not prevent the maintenance or adoption of measures providing for specific advantages in favour of the under-represented sex.

The rights of the child

- Children shall have the right to such protection and care as is necessary for their well-being.
- Their views shall be taken into consideration on matters which concern them in accordance with their age and maturity.
- In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.
- Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.
- The minimum age for criminal responsibility shall be set at 15 years.
- Young people admitted to work in accordance with national laws must have working conditions appropriate to their age and be protected against economic exploitation. Work likely to harm their safety, health or physical, mental, moral or social development or to interfere with their education is prohibited.
- The Convention on the Rights of the Child adopted by the United Nations General Assembly resolution 44/25 of 20 November 1989 entry into force 2 September 1990, in accordance with article 49, shall be adhered to in every respect and without exception.

The rights of the elderly

- The right of the elderly to lead a life of dignity and independence and to participate in social and cultural life shall be recognised and respected.

The rights of persons with disabilities

- The right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community shall be protected.
- The Convention on the Rights of Persons with Disabilities and its Optional Protocol, adopted on 13 December 2006 by the United Nations General Assembly, shall be adhered to in every respect and without exception.

Right of collective bargaining and action

- Workers and employers, or their respective organisations, have, in accordance with national laws and practices, the right to negotiate and conclude collective agreements and, in cases of conflicts of interest, to take collective action to defend their interests, including strike action.

Protection in the event of unjustified dismissal

- Every worker has the right to protection against unjustified dismissal, in accordance with national laws and practices.

Fair, safe and just working conditions

- Every worker has the right to working conditions which respect his or her health, safety and dignity.
- Every worker has the right to limitation of maximum working hours, to daily and weekly rest periods and to an annual period of paid leave.
- Every worker has a right to no less than a living wage for full-time work, defined as the minimum income necessary for a worker to meet their basic needs.

Family and professional life

- Everyone shall have the right to protection from dismissal for a reason connected with maternity, paternity and the right to paid parental leave following the birth, adoption or long-term fostering of a child.

Social security and social assistance

- Everyone residing within Australia is entitled to social security benefits sufficient to prevent individuals and families falling into poverty.

Right to Housing

- Everyone residing within Australia has the right to social and housing assistance so as to ensure prevention of homelessness and a decent existence for those who lack sufficient resources.

Health care

- Everyone residing within Australia has the right of access to free to the user preventive health care and medical treatment, under the conditions established by national laws and practices.

Right of access to documents

- All Australian citizens have a right of access to documents of the institutions, bodies, offices and agencies of the Commonwealth of Australia, whatever their medium.

Right to an effective remedy and to a fair trial

- Everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.
- Everyone has the right to trial by jury of peers of at least 12 persons in criminal matters.
- Everyone shall have the right to be advised, defended and represented. Fundamental to the right to a fair trial is effective legal representation for all parties. Legal aid shall be made available to all charged with a criminal offence who lack sufficient resources to provide for their effective legal representation.
- Everyone who has been charged shall be presumed innocent unless and until proved guilty in a court of law.

Right not to be tried or punished twice in criminal proceedings for the same criminal offence

- No one shall be liable to be tried or punished again in criminal proceedings for an offence for which he or she has already been finally acquitted or convicted in accordance with the law.

Level of protection

- Nothing in this Charter shall be interpreted as restricting or adversely affecting human rights and fundamental freedoms as recognised, in their respective fields of application, by national law and international law and by international agreements to which the Commonwealth of Australia is party.
- Nothing in this Charter shall be interpreted as implying any right to engage in any activity or to perform any act aimed at the destruction or limitation of any of the rights and freedoms recognised in this Charter.