

Australia's Patchwork Quilt of Human Rights Protections



Australian Constitution

The rules for the Australian systems of governance provide checks on power through the separation of powers and the division of powers. Also includes some explicit and implied rights.

Common Law

Common law (judge made law) has significant protections for traditional, long established rights such as freedom of speech, fair hearing and the presumption of innocence.

Statutory Protections

Legislation that expressly protects human rights with enforcement mechanisms, such as the Disability Discrimination Act 1992 (Cth) and Human Rights Charters.

International Law and Treaties

Ratification of international documents shows a commitment to the promotion of global human rights and can be specifically legislated into domestic law.

Principle of Legality

Courts interpret legislation using the presumption that Parliament does not intend to interfere with fundamental common law rights unless expressly stated.

Statutory Agencies

Public bodies enabled under legislation with varied enforcement powers such as the Police and the Australian Human Rights Commission.

Media

Freedom of the press acts as a check on power and raises awareness of human rights issues, helping to create pressure for change.

NGOs

Non government organisations conduct research, raise awareness and encourage compliance with human rights protections. Also provide humanitarian support.

Culture of Lawfulness

Public trust and compliance with laws by citizens, including those in power, creates social cohesion and protects human rights.

