

What is a Bill of Rights?

- A Bill of Rights is a law spelling out specific rights that is either part of the constitution of the country or state, or is a law by itself.
- There is no Bill of Rights for Australia.
- The Australian Capital Territory (ACT) has a Bill of Rights which is an act of the ACT Legislative Assembly. It is not part of a constitution and it can be changed by the Legislative Assembly at any time.
- On 4 May 2006 Victoria was the first Australian State to introduce legislation to bring in a Bill of Rights.
- These models do not give citizens the right to challenge a law in court, they instead make the Government consider rights before a law is made.
- In the United States a citizen can take the government to court and argue they have breached their rights. Some people say this is necessary, others say it creates too much litigation (legal action in court)
- The US Bill of Rights is made up of the first ten amendments to the US Constitution. The rights are enshrined in the Constitution for the whole of the United States.
- There are many international treaties on human rights. Some of these have been signed by the Australian Government.
- When Australia agrees to these treaties the Government is often obliged to make new laws. For example, the *Racial Discrimination Act* and the *Sex Discrimination Act* come from Australia's agreed international obligations.
- When people think of a Bill of Rights they often think of the famous 'rights' like *Freedom of Speech* or the *Right to Silence*.
- Rights like these can be either implied or expressed (written down as law). Some people say they must be written down for certainty and clarity. Others prefer the existing system where the courts develop laws to recognise rights over time.
- A former Committee of the Legislative Assembly of the Northern Territory produced a Discussion Paper in 1995 called *A Northern Territory Bill of Rights?* It provides examples from other countries and looks at possible contents for a Northern Territory Bill of Rights under the following categories:
 - Political and civil rights
 - Economic and social rights
 - Community and cultural rights

The Statehood Steering Committee is interested in the views of Territorians about a Bill of Rights. Copies of the previous discussion paper are available and a new publication seeking people's views may be produced if there is a demand from Territorians for a new debate on a Bill of Rights.

