

Policy triggers table

This guidance sheet has been developed to assist Directorates identifying whether measures engage human rights. Where a ‘policy trigger’ is present it indicates that the corresponding right may be engaged. If a right is engaged, you will need to assess whether the measure promotes or limits rights and assess whether any limitation is permissible under section 28 of the *Human Rights Act 2004* (HRA). For detailed information on each right, please see the relevant factsheets. The table is not legal advice and if in doubt you should seek further guidance.

Section of the HRA	Right Rights which may be engaged and should be considered in your compatibility assessment	Policy Trigger Consider whether your policy, bill, or legislative instrument may deal with this issue or may impact people or groups of people in this manner. This list is provided for guidance only and is not exhaustive.	Keywords Search your brief, cabinet submission, bill, or legislative instrument for these keywords to help identify whether this trigger is present
8	Rights to equality and non-discrimination	• Draws distinctions, either directly or indirectly, between people or groups based on the grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, or ‘other status’; • Assists or recognises the interests of particular groups in the community who may be disadvantaged, such as women, persons with disabilities or Aboriginal or Torres Strait Islander Persons; • Stated in neutral terms while being likely to have a disproportionate negative effect on people or groups on the grounds of race, colour, sex, sexual orientation, language, religion, political or other opinion, national or social origin, property, birth, disability, or ‘other status’; • Deny people the right to legal capacity or provide for supported or substituted decision making; • Relates to access by people with disabilities to: – buildings, roads, transport and public facilities such as schools, housing, hospitals, clinics and workplaces;	Birth; colour; criminal record; criminal conviction; discrimination; equality; Indigenous; Aboriginal or Torres Strait Islander; language; national origin; opinion; political opinion; property; race; religion; sex; sexual orientation, sexual preference; social origin; special measures; status; trade union activity; access to facilities; access to services; assistive devices; disability; disability standards; mobility aids; people with disabilities; rehabilitation; advocacy of hatred; hate speech; vilification; gender; gender identity; orientation; sex characteristics; accessibility; standards; fit and proper person;

		– information, communications and other services, including electronic services such as the Internet; – in-home, residential and other community support services, including Emergency Services; – mobility aids, assistive devices and technologies designed for people with disabilities; • Sets standards and guidelines for access to facilities and services to ensure that private businesses that provide facilities or services to the public take into account access for people with disabilities; • Regulates the content of any speech, publication or broadcast that advocates discrimination on the basis of nationality, race, religion, gender or sexual orientation; or • Sets standards, tests or eligibility criteria for registration or participation in a profession or industry.	eligibility criteria; registration; power of attorney; substituted decision-making; supported decision-making; legal capacity; representative
9	Right to life	• Creates or amends powers available in case of the use of force by law enforcement authorities; • Relates to investigation into the conduct of public authorities, in particular when persons die while in the care of public authorities, such as deaths in custody; • Affects the system for holding coronial inquests into deaths or disasters; • Affects the delivery of medical treatment to patients; • Regulates the provision of mutual assistance in criminal matters or the provision of police assistance to a foreign country either directly or indirectly through the Commonwealth (including information sharing), if the provision of the assistance or information may result in a person being investigated or prosecuted for an offence to which the death penalty applies in the foreign country;	Reproductive health services; arbitrary; death penalty; euthanasia; extradition; life; mutual assistance in criminal matters; police assistance; information sharing; use of force; coronial inquest; coroner; death; custody; access to health services; mental health services; reproductive rights; medical treatment; withdrawal of medical treatment; welfare services; rehabilitation; gender-based violence; domestic and family violence; stigma; environment; medical services; work health and

		• Relates to the withdrawal of medical treatment, including procedures relating to an enduring power of attorney; • Influences how members of vulnerable groups of the community receive essential medical or welfare services; • Affects the general conditions of society such as environmental degradation insofar as these may be of sufficient seriousness as to impact on the right to life; • Seeks to reduce gender-based violence or the stigmatisation of vulnerable groups; • Relates to the delivery of medical resources or health care for patients; • Regulates health and safety in the workplace or the home; or • Affects procedures for the management of individuals held in state care.	safety; OH&S; WHS; detention; involuntary patient
10	Prohibition on torture and cruel, inhuman or degrading treatment or punishment	• May have the effect of causing physical or mental pain or suffering; • Regulates the use of force against individuals; • Creates new powers or modifies existing powers for public officials such as police, corrections officers, health workers, care and protection workers, school teachers in relation to the use of force; • Affects the conditions under which persons may be investigated for criminal offences, including powers of search; • Affects the operation of detention facilities and the conditions under which persons are detained, whether in prisons, or medical, mental health, disability or aged care facilities; • Regulates the provision of mutual assistance in criminal matters or the provision of assistance to another jurisdiction (including	Aged care facility; criminal code; cruel; inhuman; degrading; derogation; detention; justice; corrections; imprisonment; remand; evidence; detention;; jail; medical facility; pain; penalties; police; public official; prison; punishment; security; suffering; torture; treatment; abuse; restrictive practices; chemical restraint; physical restraint; sedative; domestic and family violence; sentencing; information sharing; violence; crisis intervention; seclusion; solitary confinement; consent to medical

		information sharing), if the provision of the assistance or information may result in a person being subject to torture or inhuman treatment; • Affects existing restrictions on the admissibility of evidence in criminal proceedings that may have been obtained as a result of torture or other cruel treatment; • Affects the right to complain about mistreatment by public officials; • Deals with violence or abuse, including domestic violence or violence in particular parts of the community; • Seeks to eliminate or reduce violence or abuse; • Regulates crisis intervention strategies, punishments or behavioural management plans that include the use of solitary confinement, segregation, seclusion, chemical and/or physical restraint (restrictive practices) • Regulates medical or scientific experimentation on a person without consent; • Expands or curtails the powers of police, or other officials who have powers to detain people, including by allowing body searches or strip searches; • Authorises use of force, or provides for the deployment of weapons; • Removes or increases rights of persons in detention to appeal against or complain of their conditions of treatment; or • Provides for increased or reduced independent oversight or inspection bodies (e.g. official visitors) to inspect detention facilities or residential institutions (such as aged care or mental health facilities).	treatment; force feeding; involuntary; use of force; weapons; oversight; community visitor
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11	Right to respect for the family	• Affects the law relating to close or enduring personal relationships; • Provides for the removal of children from parents or other persons responsible for their care; • Relates to adoption or guardianship; • Affects family relationships or alters their legal status or recognition; • Affects where a family can live or the appropriateness of their accommodation (including social housing accommodation); • Relates to family or domestic violence, or elder abuse; or • Deals with administration of family trusts.	Adoption of children; de facto relationship; family; marriageable age; removal of children; same sex relationship; tenancy; social housing; accommodation; occupancy; family trusts; domestic violence; intimate partner abuse; guardianship
11	Rights of parents and children	• Relates to any aspect of the care of children by parents or other guardians; • Relates to any aspect of the welfare of children (eg childcare arrangements); • Relates to the care of children by persons with disabilities; • Relates to the treatment of children who are refugees or who claim refugee status; • Provides for the removal of children from parents or other persons responsible for their care; • Makes provision regarding the arrangements for children whose parents are incarcerated; • Relates to the adoption of children, including intercountry adoption; • Relates to any aspect of the treatment of children in the criminal process; • Deals with child abduction or the trafficking of children;	Adoption; best interests of the child; childcare; children; intercountry adoption; parents; refugee children; removal of children; separation of children; international child abduction; child labour; children; trafficking in children; children with disabilities; care and protection; guardianship; youth justice; education; child exploitation; child abuse

		• Deals with the employment of children that might constitute their economic exploitation or be harmful to the child's development; • Protects children from sexual abuse or exploitation; • Deals with the use of illegal drugs by children; • Affects the care of children, and the management of their behaviours, education and development, including in institutional, foster or kinship care; • Relates to the treatment of children and young people in the youth justice system; • Authorises family separation; • Affects the legal recognition of children and their parents, or relates to adoption or assisted reproductive technology; or • Regulates family contact for detained individuals or between separated spouses.	
12	Privacy and reputation	<u>Informational privacy</u> • Creates an identification system; • Regulates information held on a public register; • Involves the collection, security, use, retention, matching, disclosure or publication of personal information (for example, name, date of birth; gender, facial images etc) • Restricts access by individuals to their own personal information; • Creates or changes confidentiality or secrecy provisions relating to personal information; • Relates to the use of personal information for statistical purposes; • Links or matches personal information across or within agencies; • Provides for mandatory disclosure or reporting of information (e.g. by a doctor in relation to a patient);	Confidentiality; correspondence; data; data matching; data linkage; defamation; DNA; entry; family; freedom of information; home; interception; mandatory disclosure; mandatory reporting; personal information; physical intervention; privacy; reputation; search; secrecy; surveillance; search; body search; warrant; public register; name and address; photography; facial image; medical record; DNA sample, finger print; retina scan; tissue sample; biometric data; compulsory acquisition; compulsory occupation; medical consent; involuntary treatment;

		• Affects the exemptions relating to disclosure of personal information under freedom of information legislation; • Involves the exchange or transfer of personal information outside the ACT; or • Authorises the interception of communications, including written, verbal, electronic or telephonic. <u>Bodily integrity</u> • Enables anyone to conduct bodily searches, or the search of personal belongings; • Interferes with personal autonomy and physical and psychological integrity; • Provides for compulsory physical intervention on a person (e.g. to collect biometric data such as a DNA sample, retina scan, fingerprints, or samples of bodily tissue or to conduct body searches including strip searches); • Provides for involuntary treatment or testing of patients; or • Relates to reproductive autonomy. <u>Private life</u> • Empowers enforcement officers or inspectors to take copies, recordings or photographs; • Authorises surveillance (e.g. by closed-circuit television); • Authorises powers of entry to premises or search of persons or premises (especially including the home or workplace); • Regulates matters pertaining to the family, such as the recognition of close or enduring personal relationships, the removal of children from a family by a public authority, adoption or guardianship;	birth certificate; confiscation or forfeiture; proceeds of crime; tenancy; eviction; inspection; information sharing; information matching; removal of children; separation of children; adoption; best interests of children; warrant
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		• Authorises the compulsory occupation or acquisition of a home or regulate planning or environmental matters that may affect a person's home; • Regulates private sexual behaviour, sexual orientation or gender identification; • Enables the confiscation or forfeiture of personal property or a person's home; • Regulates the requisition, compulsory occupation, compulsory acquisition or destruction of a home; • Regulates tenancy, use of premises as a home or eviction; • Amends or applies planning or environmental law in such a way as to impact on a person's ability to enjoy their home; • Regulates the standards of public housing or procedures operating in respect of public housing; • Affects anyone's ability to form and maintain close or enduring personal relationships (especially with family); • Recognises or fails to give legal recognition to close or enduring personal relationships (especially relating family); • May provide for the removal of children from a family unit by a public authority; • Regulates adoption, including by imposing any restrictions on eligibility or requiring the disclosure of information; or • Regulates guardianship. <u>Reputation</u> • Affects the law relating to defamation or reputation.	
13	Right to freedom of movement	• Constrains or restricts where a person can choose to live or visit; • Restricts the movement of persons as part of a criminal or administrative process, for instance by imposing conditions for	Public land; public order; public premises; public protest; quarantine; detention; regulation of access; licence; direction to leave;

		bail, parole, a mental health treatment order, or a community treatment order; • Restricts the movement of persons under the terms of a personal protection order; • Establishes eligibility requirements, or excludes entry into public land and premises; • Regulates access to land based on quarantine reasons, such as those declared to restrict the transmission of plant and animal diseases; • Gives public authorities the power to make orders to restrict the movement of persons; • Limits or regulates the conduct of public protest; • Introduces restrictions on a person being able to drive, or use other forms of transport whether public or private; • Increases access to transport, particularly for individuals with disabilities or the elderly; • Provides for road closures or road blocks; • Restricts the free movement of a person, or group of people, within the ACT or between the ACT and elsewhere; • Authorises police or authorised officers to stop an individual or direction them to leave a public place; • Provides police with powers to hold or cordon off individuals involved in protests or demonstration; • Restricts or facilitates access to any public space, including by way of move on orders; • Gives a public authority the power to direct a person's movement in states of emergency or as part of special events; • Gives police or other public officials powers to arrest, stop and search, issue directions or otherwise detain individuals; or	transport; road closures; road block; emergency powers; bail conditions; parole.
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		Provides for directions to be issued restricting or requiring movement, for example, in states of emergency.	
14	Right to freedom of thought, conscience and religion or belief	- Requires a person to disclose their religion or belief; - Affects a person's ability to adhere to their religion or belief; - Restricts or interferes with the observance or teaching of a particular religion or set of beliefs (eg by regulating conduct that might have this effect); - Regulates conduct in such a way that may limit or promote a person's right to exercise their worship, observance, practice or teaching; - Promotes, mandates or restricts a certain set of beliefs or religion; - Sets dress standards that do not accommodate religious dress or symbols; - Disadvantages or advantages an individual or group due to their beliefs; - Affects the right of the adherents of particular religions to observe holidays or periods of rest; - Regulates the teaching of children in a way that might undermine particular religions or beliefs; - Regulates the teaching of religion or other beliefs (including ethics) in public schools; - Imposes eligibility requirements for government benefits that cannot be met by the adherents of particular religions; - Subjects conduct that is required or encouraged by a particular religion or belief to criminal penalties; - Relates to planning or land use that may make it difficult establish places of religious worship;	Belief; conscience; conscientious objection; health; fundamental rights and freedoms of others; morals; order; public safety; religion; religious dress; religious observance; religious symbols; religious worship; thought; ethics; religious instruction; safety apparel

		• Regulates conscientious objection to military service; • Provides for targeted exemptions to safety codes to allow for religious attire; • Affects the establishment or operation of a place of worship; or • Restricts or facilitates the free exercise of religion or beliefs by those under state control, such as detainees.	
15	Right to freedom of assembly and association	• Limits or regulates the ability of a person or group of persons to peacefully protest; • Regulates membership of groups or associations, in particular trade unions; • Prohibits or creates disincentives for membership of particular organisations (eg terrorist organisations, motorcycle gangs); • Requires a person to disclose membership of a group or association; • Treats people differently on the basis of their membership of a group or association; • Determines whether a person is 'fit and proper' to obtain approval or a license partially or wholly based on who that person may associate with; • Restricts people from meeting, going to particular locations, or communicating with others; or • Provides for security or traffic control to support peaceful protest.	Assembly; association; morals; motorcycle gangs; national security; non-government organisations; political parties; public health; public order; public safety; protest; demonstration; trade unions; strikes; collective bargaining; autonomy; terrorist organisations; collectives; activism; membership; group; register; fit and proper; eligibility criteria; meeting
16	Right to freedom of opinion and expression	• Limits or supports the ability of people to express an opinion or idea in any manner or form of any kind; • Prohibits vilification on particular grounds; • Facilitates or limits access to government information; • Imposes penalties or disadvantages for holding or expressing particular opinions;	Advertising; censorship; classification; expression; hatred; media; opinion; political communication; pornography; protest; publication; public health; public order; public morals; literature; film;

		• Regulates the content of any speech, publication, broadcast, display or promotion; • Regulates the format or manner of any form of expression (eg requires prior approval for public protest, or places restrictions on places in which protest activity may take place); • Restricts or censors media coverage, including in relation to political matters; • Imposes censorship or provides for classification of material including artistic material or offensive material; • Requires material to be approved before it may be published; • Attaches criminal or civil liability to the publication of opinions, ideas, or information; • Regulates or restricts access to information, including on the internet; • Sets expectations for conduct by members of regulated professions, such as health or legal practitioners; • Prohibits certain types of political action or communication, or restricts activity that relates to political campaigning or debate; • Regulates or restricts media coverage or social media; • Facilitates public comment or access to information; • Limits private comment by public servants; • Regulates the circumstances under which a person or group can protest or demonstrate; or • Amends the law of defamation.	sedition; freedom of the press; freedom of information; protest; demonstration; rights or reputation of others; speech; broadcasting; art; display
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17	Right to take part in public affairs and elections	• Limits the ability of a category of individuals to stand for office or to vote in elections; • Regulates the conduct of elections and the electoral process, including funding of and expenditure by political parties, and the drawing of electoral boundaries; • Imposes conditions for participation in elections’; • Regulates the communication of information and ideas about public and political issues; • Regulates how voting, campaigning and electoral fundraising and expenditure can occur; • Regulates eligibility for employment in the public service or appointment to public office; • Establishes requirements for membership of public bodies, boards, committees; or • Regulates the suspension and conduct of statutory office holders.	Citizen; citizenship; poll; elections; electoral processes; prisoners; public affairs; public service; referendum; vote; statutory office holder; appointment; MLA; eligibility; membership
18	Right to liberty and security of the person	• Permits a public authority to detain a person for a period that is longer than transitory; • Allows a public authority to cordon an area and control movement within it; • Grants a power of arrest; • Makes provision for the granting of bail; • Relates to the management of places of detention; • Authorises the detention of a person for reasons pertaining to mental health or contagious disease; • Gives police or other public officials powers to arrest, stop and search, issue directions or otherwise detain individuals; • Provides oversight over police or other state officials in order to regulate the exercise of their powers of arrest and detention;	Arbitrary detention; arrest; bail; contagious disease; custody; detention; immigration detention; temporary detention; holding cell; liberty; mandatory imprisonment; mental health; national security; pre-trial detention; preventive detention; security; involuntary treatment; stop and search; quarantine

		• Authorises or prohibits restrictive practices to control challenging or anti-social behaviour (such as in healthcare, disability support, or residential aged care settings); • Provides for oversight and review of places of detention, mental health facilities, residential aged care or disability care providers; • Allows for use of force in arresting and taking a person into custody, or detaining a person for an involuntary health assessment or treatment; • Allows for temporary detention of a person while they 'sober up'; or • Changes bail or parole laws, or makes provision for detention in the community.	
19	Right to humane treatment in detention	• Enables the detention of persons, including children, by either a public or private authority; • Relates to the conditions under which persons are detained, including in prisons or for purposes such as national mental health or contagious disease; • Upholds, exceeds or seeks to otherwise depart from minimum standards of treatment or conditions of detention set out in legislation such as the <i>Corrections Management Act 2007</i>; • Affects the operation of places of detention or other facilities where people can be deprived of their liberty by implementing policies that restrict or promote rights; • Alters arrangements for the provision of services in places of detention and the terms of that service provision; • Relates to the segregation of accused persons from convicted prisoners in places of detention; • Relates to the segregation of accused children from adults in places of detention; • Provides powers for officials in custodial facilities, for instance powers of search;	Cruelty; degrading treatment; detention; dignity; humane treatment; imprisonment; immigration detention; incommunicado detention; inhuman treatment; liberty; private prisons; punishment; torture; involuntary treatment; arrest; custody; conditions; official visitors

		• Relates to the rights of people in detention to correspond; • Removes or expands the rights of persons in detention to appeal against or complain of their conditions of treatment; or • Limits or facilitates access of independent oversight or inspection bodies (e.g. official visitors) to inspect places of detention.	
20	Children in the criminal process	• Changes presumptions about the age of criminal responsibility; • Diverts children and young people from the criminal justice system; • Supports or hinders the rehabilitation of juvenile offenders; • Regulates the capacity of a public authority to control, restrain or detain children or young people; • Relates to the management of youth justice centres that hold children and conditions about isolation, time outdoors, use of force, education, or visitors; • Regulates the capacity of authorities to undertake personal searches of a child; • Proposes to mix children with adults in detention; • Removes or provides support, including legal assistance, for children and young people within the criminal justice system; • Facilitates or hinders the involvement of the Aboriginal and Torres Strait Islander community in decisions about Aboriginal and Torres Strait Islander children or young people in the criminal justice system; or • Affects processes for the arrest, investigation, prosecution, trial and sentencing of children and young people.	Youth justice; doli incapax; juvenile detention; children's advocate; stop and search; rehabilitation; legal assistance; Aboriginal and Torres Strait Islander children or young people; criminal justice; children and young people; arrest; sentencing; diversion

21	Rights to a fair trial and fair hearing	• Relates to criminal, civil or administrative proceedings; • Affects the operation of, or access to, a court or tribunal; • Removes, restricts or expands a right of appeal from a judicial or administrative decision; • Facilitates or restricts a person's opportunity to request legal assistance; • Changes eligibility criteria for legal aid, or justice support services; • Affects the way evidence is to be presented to a court or tribunal; • Limits the public nature of a hearing; • Creates a new court or tribunal; • Regulates the rules of evidence in courts or tribunals; • Alters the jurisdiction of courts or tribunals, including by restricting the rights of courts to review administrative decisions, for instance by privative clauses or removing merits review; • Regulates the appointment, remuneration or removal of judges or tribunal members from office; • Restricts the requirement of a court or tribunal to accord fair trial and fair hearing rights, for instance in relation to the disclosure of evidence to the accused; • Provides for special procedures for witnesses to give evidence; • Regulates the way in which the media may report on proceedings, for instance by suppression orders; or • Restricts access to justice by changing court fees. <u>Civil proceedings – fair hearing</u> • Confers an administrative decision-making power without specifying the criteria on which a decision will be based and information that will be considered; or	Fair trial;; manner of presentation; media; prejudging guilt; public comment; entrapment; ; appeal; court; tribunal; fees; legal aid; legal assistance; interpreter; self-representation; rules of evidence; review; equality of arms; fair hearing; fair trial; Supreme Court; ACAT; media; privative clause; judicial review; merits review; procedural fairness; public hearing; separation of powers; suppression order; video link; suit at law
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		- Affects the availability of merits or judicial review where new administrative processes for determining rights and obligations are established. <u>Criminal proceedings – fair trial</u> - Relates to comment by a public official or by the media on the guilt of persons who have been charged; - Relates to the manner of presentation of accused persons in court, for instance in shackles; - Requires a court to make decisions without considering all the circumstances of the case; - Regulations the use of, or uses, evidence obtained from criminal intelligence, covert surveillance, undercover operations.	
22	Minimum guarantees in criminal proceedings	- Affects the law relating to self-incrimination by, for example, compelling a person to provide evidence that might incriminate them; - Creates or amends an offence that: - requires the accused to prove or establish the absence of an element of an offence or requires the accused to establish an exception, exemption, excuse or other defence; - imposes a legal or evidentiary burden on the accused; - imposes a strict liability element or absolute liability element or requires them to rebut a presumption; or - Affects the capacity of investigators and prosecutors to prepare for trial and of courts to conduct trials, for instance, by the allocation of resources; - Regulates aspects of criminal trial procedure, including the filing and serving of charges, the content of charge sheets, the access of the accused to witnesses, cross examination, information and	Balance of probabilities; fair trial; evidential burden; legal burden; presumption of innocence; reasonable doubt; reverse onus/burden; strict liability; absolute liability; Appeal; charge sheet; counsel; self-incrimination; compulsory evidence gathering power; warrant; cross-examination; defence; delay; evidence; evidentiary burden; presumption; reverse onus; interpreter; legal aid; legal assistance; legal representation; miscarriage of justice; pardon; pre-trial disclosure; review; self-incrimination; translator; trial in absentia; trial procedure; witness; civil penalty; notice of hearing; miscarriage of

		evidence, pre-trial disclosure, timetables for preparing for trial and giving notice of hearings; • Allows special procedures for the examination of witnesses, for instance the use of protective screens or the giving of evidence by video link; • Affects the law of evidence governing the examination of witnesses; • Affects the eligibility for legal aid in criminal matters; • Affects legal representation, including the right of the accused to choose a legal representative of their choice; • Governs the availability of interpreters and translators in criminal proceedings; • Governs remedies available to persons whose criminal convictions have been overturned or who have been pardoned in situations involving a miscarriage of justice; • Affects the availability of appeals from convictions and sentences in criminal proceedings; • Allows the continued incarceration of persons following completion of sentence; or • Imposes a civil penalty that is characterised as 'criminal' according to international human rights law such that criminal process rights apply	justice; ex gratia payment; compensation
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23	Compensation for wrongful conviction	• Changes law or procedure about pardoning, appealing or quashing criminal convictions; • Expands or limits appeal rights or grounds; • Changes rules of evidence in a way that restricts or facilitates new information being made available to the court; or • Amends processes or policy for dealing with applications for ex gratia payments.	miscarriage of justice; ex gratia payment; compensation; wrongful conviction; appeal; pardon; quash; criminal conviction; overturn; new trial; rules of evidence
24	Right not to be tried and punished more than once	• Allows cases to be reopened or prosecuted after a final conviction is recorded, whether on the basis of fresh evidence or other special or exceptional circumstances; • Expands the discretion of the prosecution regarding which charges will be pursued; • Changes the way sentences are imposed and whether they take into account common elements of multiple factual circumstances; • Creates a scheme for punitive sanctions that follow automatically from a conviction; • Creates a regulatory regime that imposes punishment for an act that may also constitute a crime; • Amends rules relating to the recording and publication of criminal records; • Establishes an overlap between an offence in an Act and an offence in regulations;	double jeopardy; proceeds of crime; criminal records; sentencing; civil penalty; finality of verdict

		• Changes rules about the finality of a verdict; or • Affects the law relating to double jeopardy.	
25	Prohibition on retrospective criminal laws	• Creates an offence for acts done before the legislation commences; • Amends criminal law procedure that applies to trials for acts done before the legislation commences; • Introduces new sentencing options that apply to acts done before the legislation commences; • Changes parole conditions that apply to sentences of imprisonment imposed before the legislation commences; • Expands the range of activities that are covered by an existing criminal offence; or • Increases the maximum or mandatory punishment (term of imprisonment or monetary penalty) available for persons who have already been convicted of a criminal offence.	Criminal law; mandatory punishment; maximum punishment; parole; penalty; punishment; retrospective; sentencing
26	Right to freedom from forced labour	• Compels the provision of any labour or the performance of any service under threat of a penalty, including during a state of emergency; or	Forced labour; servitude; slavery; trafficking; debt bond; state of emergency; unpaid labour

		• Relates to trafficking in persons, debt bondage or servitude, including by providing for investigation, compulsory reporting, and/or the criminalisation of such conduct.	
27(1)	Rights of minorities to culture	• Limits or interferes with: – the observance of religious practices; – the right of persons to wear traditional religious or cultural attire; – the ability of members of an ethnic group to take part in cultural practice; • Regulates the observance of religious holidays; • Regulates the observance of religious or cultural practices in education; • Regulates traditional medical practices; • Regulates the preparation and serving of food that may impact on the observance of religious or cultural practices; • Addresses discrimination on the basis of race, religion or national or ethnic origin; • Impacts on an identifiable group of people, particularly a cultural minority; • Limits or supports the ability of individuals to communicate in, or to maintain and preserve, languages other than English; or • Requires or coerces individuals to do something that interferes with their distinct cultural practices, e.g. regulates choice of clothing.	Artistic production; cinemas; cultural attire; culture; discrimination; education; ethnic minorities; intellectual property; language; libraries; linguistic minorities; literary production; material interests; moral interests; multiculturalism; museums; religious attire; religious holidays; religious minorities; scientific production; sports stadiums; theatres; traditional attire; traditional medical practices; traditions;
27(2)	Cultural rights of Aboriginal peoples and Torres Strait Islander peoples	• Limits the ability of Indigenous Australians to observe and take part in cultural practices, including use and enjoyment of land and natural resources, for example by engaging in traditional hunting and fishing practices;	Aboriginal and Torres Strait Islander, Indigenous; self-determination; peoples Indigenous Australians; traditional lands; artistic production; cinemas;

		• Impacts on Aboriginal and Torres Strait Islander communities such that their relationships with their kin, environment, community or culture may be affected; • Draws on the outcomes of any consultations with Aboriginal and Torres Strait Islander communities; • Incorporates traditional law, kinship ties and protocols in approaches to justice and conflict resolution; • Results in an agreement with one Aboriginal and Torres Strait Islander group that interferes with the distinct cultural practices of another; • Regulates the conduct of commercial activity on the traditional lands of Aboriginal and Torres Strait Islander communities; • Regulates the preparation and serving of food that may impact on the observance of cultural practices; • Addresses discrimination on the basis of race; • Impacts on an identifiable group of people, particularly Aboriginal and Torres Strait Islander peoples; or • Limits or supports the ability of individuals to communicate in, or to maintain and preserve, languages other than English.	cultural attire; culture; discrimination; education; ethnic minorities; intellectual property; language; libraries; linguistic minorities; literary production; material interests; moral interests; multiculturalism; museums; scientific production; sports stadiums; theatres; traditional attire; traditional medical practices; traditions; peoples; self-determination; consultation
27A	Right to education	• Relates to the education of particular groups of persons, such as Aboriginal and Torres Strait Islander peoples or persons with disabilities; • Makes schooling less accessible in a way that may directly or indirectly discriminate against students on the basis of protected personal attributes; • Improves the accessibility of schools; • Restricts access to enrolment on the basis of nationality or visa status or by charging fees for international students;	Discipline; education; higher education; independent schools; primary education; primary school; religion; secondary education; secondary school; TAFE; teachers; support workers; technical and vocational education; university; students with disabilities; disability; accessibility; learning support; individual learning plans; mainstreaming; education

		• Incorporates Aboriginal and Torres Strait Islander language(s), culture and history into the school curriculum; • Relates to any aspect of education including primary, secondary, technical and vocational, or higher education; • Establishes standards which must be met by educational institutions, including government and non-government; • Removes flexibility from the curriculum (in circumstances that may make it more difficult to accommodate students with disabilities); • Relates to the resourcing and funding of educational institutions, including salaries for support staff; • Provides for additional resources to support inclusive education through adjustments or support for Indigenous students, students with disabilities, or students from culturally and linguistically diverse backgrounds; • Provides for increased access to individual learning plans or flexibility in the delivery of education; • Directly or indirectly encourages or discourages the mainstreaming of students with disabilities; • Provides for suspension or exclusion of students from school (which may result in students being suspended or excluded on discriminatory grounds); • Regulates home education, and/or supports access to part time enrolment in ACT public schools; • Relates to government support for non-government educational institutions; • Sets standards or registration requirements for non-government schools which restricts parents or guardians choice as to religious or moral education;	standards; curriculum; discrimination; access; school fees; enrolment; public education; language education; religious instruction; ethics; inclusive education; suspension; expulsion; restrictive practices
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		• Relates to the instruction in religion in educational institutions; • Relates to permissible forms of discipline in educational institutions, including the use of restrictive practices; or • Restricts access to facilities that are required to progress learning, including in places of detention.	
Proposed 27B	Right to work and rights in work	• Deals with any aspect of employment or workplace relations, including: – hours of work – leave and holidays – promotion and advancement at work – remuneration – safe and healthy working conditions – vocational and training programs designed to promote employment • Addresses discrimination in eligibility for employment and in the workplace; • Regulates membership of trade unions, the activities of trade unions and the right to strike; or • Restricts outcomes of collective bargaining.	Child labour; collective bargaining; discrimination; economic exploitation; employment; equal opportunity; forced labour; healthy working conditions; holidays; hours of work; International Labour Organisation; just and favourable work conditions; labour; leave; migrant workers; minimum age for employment; occupational health and safety; persons with disabilities; promotion; remuneration; right to strike; safety; safe working conditions; trade unions; unfair dismissal; vocational and training programs; work

27C	Right to healthy environment	• Deals with pollution, including: - litter; - air pollution; - noise pollution; - plastic pollution; - soil contamination; or - light pollution; • Addresses the climate, including: - climate change adaptation; or - climate change mitigation; • Regulates water and/or sewerage, including: - water collection, treatment and distribution; or - sewage collection and treatment; • Regulates food, including: - production, conservation and distribution; or - regulations around what constitutes healthy and nutritious food; • Deals with urban parks, nature reserves and national parks; • Deals with and regulates the built environment where people gather to live, work, study and play, including: - new construction developments; - residential homes including rental properties and public housing; - office buildings and other workplaces; - work health and safety; - classrooms, libraries and other places of study; - transport; or - sporting and recreational facilities; • Manages or impacts biodiversity and eco-systems, including: - native plants and animals, including endangered species; - invasive plants and animals; or	Fishing; water; food; nutrition;; livestock;; ecosystem; biodiversity; waterways; catchment; reserves; tree; soil; species; native; biodiversity; biosecurity; pest; invasive; habitat; grassland; woodland; wetland; river; lake; nature; endangered species; conservation; climate change; climate; environmental standards;; sustainability; clean environment; healthy environment; sanitation; toxic or non-toxic substances; hazardous substance; chemical; waste; pollution; litter; contamination; sewerage; disposal; gas (transition); emission; energy; electricity; urban park; nature reserve; construction; planning; development; (public) housing; building; ; transportation; sport, recreation or other facility; infrastructure; urban heat island; development; traditional ownership; land custodianship; cultural connection to land or water; access to land; hunting; hunt
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		- ecological communities such as grasslands, woodlands, rivers and wetlands; • Effects procedural elements of the right including the ability of individuals and communities to engage in peaceful protest, demonstration or activism on environmental issues; • Deals with public participation in planning and development, including: - public consultation processes; - access to information; or - third party appeals. • Impacts the connection of Aboriginal and Torres Strait Islander peoples to their lands, waters, territories and resources; or • Deals with projects that may result in disproportionate environmental impacts on disadvantaged or vulnerable communities.	
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