**Response by Australia: Study on best practices, experiences and challenges and ways to overcome them with regard to the promotion, protection and implementation of the right to participation in public affairs in the context of the existing human rights law (HRC resolution 27/24)**

**1. Do the Constitution and/or other laws of your country provide for the right of individuals to participate in the conduct of public affairs? Please provide information on relevant legislation and constitutional provisions.**

Sections 7 and 24 of the Australian Constitution provide that the Senate and House of Representatives (ie: Australia’s Parliament) shall be composed of senators and members ‘directly chosen by the People’. The High Court of Australia has recognised that these sections provide express guarantees for the right for eligible persons to be elected to Parliament, and the right to universal and equal suffrage.

The right to vote and to be elected have also been enacted by law, under the *Commonwealth Electoral Act 1918* (Electoral Act). The Electoral Act also imposes some reasonable restrictions on these rights, as discussed in greater detail below. However, legislation can only modify the rights established under the Constitution to the extent that it would not be inconsistent with the mandate in sections 7 and 24 of the Constitution, to be ‘directly chosen by the People’.

All Australian citizens 18 years and over are required by law to enroll and vote in federal, state/territory and local government elections and referendums. Amendments in 1924 to the Electoral Act made voting in national elections compulsory. Voluntary enrolment and voting in federal elections for Aboriginal Australians was introduced in 1949 and continued to be so until 1984, when voting was made compulsory for all eligible Australians.

**2. What is the scope and context of the right to political and public participation as provided in national law.**

The High Court has recognised that the Constitution contains an implied right to the freedom of communication on political matters[[1]](#footnote-1) on the basis that the nature of the system of representative government established by the Constitution requires it. The High Court has recognised that the freedom is not absolute and that legislation may impose restrictions, but only where the legislation fulfils a legitimate purpose and is appropriate and adapted to the fulfilment of that purpose.

The Australian common law recognises the rights to freedom of speech, freedom of association and freedom of movement as fundamental rights and integral aspects of Australia’s democratic society. The common law, through the principle of legality, provides a presumption that legislation should not be interpreted to infringe fundamental rights unless there is an express intention by the legislature to do so. The principle of legality requires the interpretation of legislation consistently with the legislature’s intention. While this does not limit Parliament’s ability to infringe rights, it does restrict the Executive from exercising a power in a way not intended by Parliament.

The Electoral Act establishes the right for Australian citizens to vote and for Australian citizens to be elected, subject to certain restrictions which are necessary to ensure the legitimacy of these democratic processes.

The Electoral Act provides that the basic qualifications for being enrolled to vote are that a person must be an Australian citizen, must be 18 years old, and have resided in the jurisdiction for a period of time. It also specifies categories of persons who are not eligible to vote. These include the holders of temporary visas or unlawful non-citizens, persons who are of unsound mind who are incapable of understanding the nature and significance of enrolment and voting, persons who have been convicted of the criminal offences of treason or treachery who have not been pardoned and persons serving a sentence of imprisonment of three years or longer.

In *Roach v Electoral Commissioner* (2007)[[2]](#footnote-2), the High Court held that amendments to the Electoral Act that prohibited all persons serving a sentence of imprisonment from voting were inconsistent with the system of representative and responsible government mandated by the Constitution. The Court accepted that the right to vote could be limited where there are substantial reasons for doing so, for instance on the basis of citizenship. The Court also upheld the position under the Electoral Act whereby persons serving sentences of longer than three years were not entitled to vote. The Electoral Act has since been amended to provide that a person who is serving a sentence of imprisonment of three years or longer is not entitled to vote.

The right to be elected established under the Constitution is also subject to restrictions in order to ensure that candidates are fit to represent Australian citizens in Parliament. The Electoral Act provides that to be eligible for election, a person must be 18 years old, an Australian citizen, and eligible to vote. A person can be disqualified from being elected on the basis of dual citizenship, of being convicted of treason or other offence punishable by imprisonment of one year or more, or where they hold any office or pecuniary interest in the Government. The purpose of these provisions is to protect the parliamentary system by disqualifying persons whose performance may be affected by demonstrated poor character or conflicts of loyalty.

**5. Are there any outreach efforts in place to effectively involve women, indigenous peoples, persons with disabilities, members of minorities and other groups requiring special attention in participatory processes?**

Persons with Disabilities

The Australian Government supports the right of persons with disabilities to effectively and fully participate in the conduct of public affairs and has provided assistance to individuals and organisations through the various sources of funding.

Since 2011-12, the Australian Government has provided funding of $300,000 to support participation by representatives of people with disability in key international forums on human rights. The funding is administered by the Australian Human Rights Commission.

This funding is made available to support delegations representing peak disability and advocacy organisations at prominent or key international meetings and conferences on human rights issues.  This ensures that Australians with disability have their voice heard on the international stage and inform Australian policy development. It also gives disability advocates the opportunity to use their experience and expertise to help inform and shape policies and programs affecting people with disability, their families and carers and promote and protect the rights of people with disability in Australia.

The Australian Government funds peak disability organisations to: represent the interests and views of people with disability to the Australian Government in order to inform its policy frameworks, strategies, partnership agreements and initiatives with a focus on the National Disability Strategy and the National Disability Insurance Scheme; communicate Government information to their memberships and the sectors they represent; raise and promote community awareness of the challenges people with disability face; and promote the rights, choices, opportunities and capabilities of people with disability to participate in economic, social and community life.

Indigenous Affairs

The Australian Government has established the Indigenous Electoral Participation Program to support increased electoral participation by Indigenous Australians. The underlying principle of the Program is that meaningful participation in the electoral and democratic processes is an important step in Indigenous Australians taking responsibility for their futures, and holding all levels of government to account for their performance in Indigenous affairs.

Services are delivered by community engagement officers, the majority of whom are Indigenous Australians.  They are supported by Indigenous Electoral Awareness Officers who assist with electoral education activities and in building electoral capacity, particularly in remote communities.  Services include:

* developing Indigenous community engagement resources such as posters, brochures, promotional items, fact sheets and videos;
* delivering electoral information sessions at community events;
* conducting national events to promote electoral participation, including the [National Indigenous Youth Parliament](http://www.aec.gov.au/indigenous/niyp/2014/);
* Targeted media, advertising and public relations activities tailored to the needs of Indigenous audiences; and
* research and evaluation to identify reasons for low levels of electoral participation.

The Australian Electoral Commission (AEC) also deploys remote mobile polling teams across the country – by road, air and sea – so that people in some of Australia's most remote communities, including remote Indigenous communities, can vote.

Recruiting Indigenous polling officials was a key objective during the 2013 federal election. For Indigenous audiences, polling assistance provided by others from a similar cultural background sends a powerful message about electoral rights and responsibilities. The Australian Electoral Commission also created a new position – Indigenous Voter Information Officer – at polling places with a significant Indigenous population to promote turnout and help with formal voting.

**6. Is there universal and equal suffrage in your country? Are the rights of article 25 b) of the ICCPR guaranteed by law? If yes, please make reference to such legislation**

Sections 7 and 24 of the Australian Constitution provide that Senators and Members of the House of Representatives shall be “directly chosen by the people…”. This phrase has been interpreted by the High Court of Australia as providing for universal and equal suffrage in Australia (see Roach v Electoral Commissioner [2007] HCA 43 <http://www.austlii.edu.au/au/cases/cth/HCA/2007/43.html>).

**7. Which obstacles have been identified as preventing individuals from exercising the right to vote and which measures have been adopted to overcome them?**

Indigenous People

Evidence suggests only 33 per cent of eligible Indigenous Australians are expected to cast a formal vote at a federal election or referendum. The reasons for disengagement are complex and longstanding. They include:

* a history of exclusion or marginalisation from the social, economic and cultural environment that influences participation in the democratic and political processes;
* mistrust and lack of faith in political systems;
* poor levels of literacy and numeracy; and
* complexity in the electoral system.

Measures adopted by the Australian Government to address low level of participation are outlined in Question 5.

Assisted Voting

The Electoral Act provides for the elector’s right to have an assisted vote.  There is no restriction placed on electors from using this service.

There are also provisions in the Electoral Act that enable certain persons who are blind or vision impaired to use a form of electronic voting.  A common standard for telephone-assisted voting has been agreed with all State and Territory Electoral Commissions. Work is still underway to develop more independent methods of electronic voting for persons who are blind or have low vision.  Subject to legislative provisions being enacted, it is possible that eligibility to access electronic voting services could be scaled up to include a wider group of electors that cannot vote without assistance.

The AEC has developed a Disability Inclusion Strategy (2012-20) which seeks to guide activity across the AEC for the achievement of two fundamental principles of disability inclusion:

* to support people with disability to fully participate in the electoral system; and
* to provide a workplace inclusive and supportive of employees with disability

The Strategy was developed in consultation with the members of an AEC established Disability Advisory Committee, which includes representation from a range of Australian peak disability organisations, representing electors with physical, as well as intellectual, mental and/or psychosocial disabilities. The AEC meets annually with this Committee to report on progress, as well as communicate with, and understand the issues of, the disability sector.

The AEC’s commitment to under this strategy to support people with a disability to fully participate in the electoral system is supported through a range of activities including:

* providing general enrolment and electoral and event specific information in accessible formats including large print, e-text, braille, Australian Sign Language, plain English and Easy English;
* providing an accessible enrolment form and online postal vote application form;
* allowing voters to contact and interact with the AEC in their preferred contact channel;
* maximising physical accessibility of AEC offices and polling places and allowing electors with impaired mobility to cast their vote outside polling places (e.g. from their car);
* providing a range of assisted and other voting options to allow electors to vote in a way which suits their needs; and
* providing secret voting services, via telephone voting, for blind and low vision electors.

**8. Is information on voter registration and on the electoral process (e.g. voting sheets) available in formats and languages, including minority languages, that render them accessible to all? Please provide examples.**

Yes. Relevant materials include:

* A guide to enrolling and voting available on the AEC website in several languages see: <http://www.aec.gov.au/About_AEC/Translated_information/index.htm>
* A telephone interpreter service available in several languages to assist electors from non-English speaking backgrounds: <http://www.aec.gov.au/About_AEC/Translated_information/index.htm>
* Information on enrolling and voting in large print and E-text: <http://www.aec.gov.au/Voting/your_vote.htm>
* An Auslan video explaining enrolling and voting processes: <https://www.youtube.com/watch?v=8sGmDCMfwqU>
* Easy English guides to assist low literacy electors: <http://www.aec.gov.au/About_AEC/Publications/easy-english/>
* A published formality strategy for the 2013 election: <http://www.aec.gov.au/About_AEC/Publications/formality-strategy.htm>

**9. If voter registration is required, how is it facilitated? Are education and registration campaigns organized prior to major elections?**

Voter registration is facilitated by providing ready access to several pathways ‑ both online and hardcopy ‑ to electors.

Voter education (including for enrolment matters) are a major task for the AEC with media campaigns being organised prior to every electoral event.

Since 2012 the AEC has been able to directly enrol and update the enrolment details of a person who is qualified to be an elector without their having to lodge an application. The Electoral and Referendum Amendment (Maintaining Address) Bill 2012 and the Electoral and Referendum Amendment (Protecting Elector Participation) Act 2012 contained amendments to the Electoral Act and these processes now appear in sections 103A and 103B of the Electoral Act.

The above two sets of amendments brought the Electoral Act into alignment with the laws that apply in New South Wales and Victoria, which provide for updating of address details and direct enrolment based on information from trusted sources.

The AEC estimates that only 90 per cent of eligible Australian citizens are actually enrolled to vote. That is there are an estimated 1.5 million Australian citizens who cannot choose their representatives in parliament and who are excluded from exercising one of the most important rights—and responsibilities—of their citizenship. The two amending Acts were designed to protect the participation of eligible Australian citizens in the electoral process by establishing a safety net for enrolment and voting.

**10. With respect to the right to vote and to be elected, how are the rights and needs of members of specific groups (women, persons with disabilities, minorities, indigenous peoples, first-time voters, etc.) taken into account?**

See the answer to Q7 above.

In addition, the AEC has an ongoing program of services to support eligible electors from Culturally and Linguistically Diverse (CALD) communities to participate in electoral events. These include:

* [translated material](http://www.aec.gov.au/About_AEC/Translated_information/index.htm) on enrolling, voting and formality is published in 26 languages on the AEC website. This language selection is regularly reviewed and updated;
* a telephone interpreter service assists electors from non-English speaking backgrounds for the cost of a local call;
* bilingual voter information officers assist voters at polling places where high informality is linked to low English proficiency;
* a community workshops program in the lead up to the 2013 federal election delivered information sessions to CALD communities in Sydney and Melbourne; and
* Stakeholder engagement with key community leaders and targeted research underpins these activities.

**11. What are the legal restrictions to the right to stand for election in your country, if any? Which practical obstacles have been identified in relation to the right to be elected? Which measures have been put in place to overcome these obstacles?**

Candidates intending to nominate for election to the Australian Parliament must ensure that they are qualified, and not disqualified, to stand for election.

Section 163 of the Electoral Act requires any person nominating for election to be 18 years of age, an Australian citizen, and an elector entitled to vote at a House of Representatives election (or qualified to become such an elector).

Section 164 of the Electoral Act prohibits a current member of a state parliament or a territory legislative assembly who has not resigned before the hour of nomination (12 noon on the day nominations close) from nominating as a candidate for the Senate or the House of Representatives. As state and territory laws govern the manner of resignation, intending candidates are required to make sure that their resignation is effective before the hour of nomination.

Section 165 of the Electoral Act prohibits a candidate from nominating for more than one division of the House of Representatives, or for more than one state or territory for the Senate, or for both the House of Representatives and the Senate.

Section 43 of the Australian Constitution provides that a member of the Senate or the House of Representatives cannot be chosen or sit as a member of the other house of parliament.

Intending candidates are also required to ensure that they are not disqualified by section 44 of the Australian Constitution. The disqualifications that most commonly arise are in section 44(i), relating to dual/plural citizenship; and in section 44(iv), relating to office of profit under the Crown. The purpose of these provisions is to protect the parliamentary system by disqualifying candidates and members of Parliament who are at risk of allowing conflicts of loyalty to affect their performance. SECTION 44 of the Australian Constitution provides that:

“Any person who:

1. is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power; or
2. is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer; or
3. is an undischarged bankrupt or insolvent; or
4. holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth; or
5. has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth, otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons;

shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.”

But subsection (iv) does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension, by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

SECTION 44(i) of the Constitution applies to three categories of persons:

* a person who is under any acknowledgment of allegiance, obedience or adherence to a foreign power;
* a subject or a citizen of a foreign power; and
* a person who is entitled to the rights or privileges of a subject or a citizen of a foreign power.

The first category of disqualification under section 44(i) has a wide application, disqualifying persons who, although they may not have a formal nationality or citizenship link with another country, may have some other form of allegiance with that country. In the 1998 case of *Nile v Wood[[3]](#footnote-3)*, Mrs Elaine Nile unsuccessfully sought the constitutional disqualification of Mr Robert Wood, recently elected to the Senate for the State of New South Wales on the grounds that Mr Wood’s previous protest activity in obstructing shipping, the vessels of a friendly nation, indicated allegiance, obedience or adherence to a foreign power. In this case the High Court held:

“…that section 44(i) relates only to a person who has formally or informally acknowledged allegiance, obedience or adherence to a foreign power and who has not withdrawn or revoked that acknowledgment.”

The second category of disqualification under section 44(i) refers to a specific type of foreign allegiance, where a person is a "subject or citizen" of a foreign power. It applies to persons who have certain rights because of a formal citizenship link with a foreign power, and therefore to any person who holds dual or plural citizenship. In the 1992 case of *Sykes v Cleary* [[4]](#footnote-4) the High Court found that candidates are disqualified from election to Parliament if they do not take "all reasonable steps" to renounce their other citizenship before nomination. In the 1999 case of *Sue v Hill[[5]](#footnote-5)*, the High Court found Ms Hill not duly elected because she held dual citizenship of Australia and the United Kingdom. The Court held that the United Kingdom is classified as a foreign power, within the meaning of section 44(i) of the Constitution.

The third category of disqualification under section 44(i) refers to the rights or privileges of a subject or citizen. It is unclear whether this means entitlement to all the rights and privileges of such a citizen or merely one or some of such rights or privileges. The procedures for renouncing citizenship vary from country to country. Accordingly, intending candidates are advised to contact the relevant government, Embassy or High Commission to determine the current law.

The most recent judicial consideration of the section 44(iv) disqualification is in the two cases of *Sykes v Cleary[[6]](#footnote-6)* and *Free v Kelly*[[7]](#footnote-7). Mr Cleary was disqualified by the High Court because he was, at the time of his nomination, a Victorian State school teacher on leave without pay. Ms Kelly was disqualified by the High Court because she was, at the time of her nomination, a serving member of the Australian Defence Force who was regarded by the Court to be 'wholly employed' by the Commonwealth. Therefore, the exception to subsection 44(iv) noted above did not apply to her. Both of these occupations are then clearly to be regarded as "offices of profit under the Crown", and by implication, all Federal and State public servants and serving members of the Australian Defence Force would be disqualified from standing for election.

The Electoral Act requires that a candidate must lodge a nomination application and pay a nominations fee. The nomination application must be either supported by 100 electors eligible to vote in the election or the registered officer of a registered political party. The nomination fee is $2,000 for a Senate candidate and $1,000 for a House of Representatives candidate.

**13. What measures (including legislative measures) are in place to ensure that candidates for elective office are not faced with discrimination, harassment, and violations of their rights to freedom of opinion, expression, assembly and association?**

There are offences contained in the Electoral Act that deal with a range of matters including bribery (section 326) and interference with political liberty (section 327).

**14. Please explain how possible interferences with the electors’ will and with voter or candidate registration are avoided. Is undue influence prohibited by law? How does the State ensure effective access to judicial and other remedies in case of violations?**

There are a range of offences contained in the Electoral Act that deal with measures that are designed to protect the rights of electors.

Section 325A(1) of the Act prohibits a proprietor or employee of a hospital or nursing home from doing anything with the intention of influencing the vote of a patient in, or resident at, the hospital or nursing home. For the purposes of the Act a 'proprietor' includes a person who is a member or officer of a body corporate that is the proprietor of a hospital or nursing home. S4 of the Act defines 'nursing home' as an institution, other than a hospital, in which infirm, ill or people who have disabilities needing continuing nursing care are provided with accommodation and nursing care. 'Hospital' is defined as including a convalescent home, or an institution similar to a hospital or to a convalescent home.

Section 327(1) of the Act provides that a person shall not hinder or interfere with the free exercise or performance, by any other person, of any political right or duty that is relevant to an election. The penalty for a contravention of section 327(1) is $1000 or imprisonment for six months or both. In addition, section 327(2) provides that a person must not discriminate against another person on the ground of the other person making a donation to a political party or group by denying the person access to membership of certain groups; by not allowing the person to work or continue to work; or by subjecting the person to any form of intimidation or coercion or any other detriment. The specified penalty for contravention of this subsection is a $5000 fine or imprisonment for 2 years (or both) if the offender is a natural person, or a $20 000 fine if the offender is a body corporate.

The High Court has indicated that it will be reluctant to find that the offence provisions of the Act infringe on conduct that is more appropriately covered by the political process. In *Re Cusack* it was argued that the requirement under section 170 of the Electoral Act that a candidate pay a nomination fee interfered with the free exercise of a right or duty contrary to section 327(1). In finding that section 170 was not inconsistent with section 327, Justice Wilson stated:

“The requirement that a candidate pay a nomination fee does not interfere with the free exercise of a political right or duty. Section 327 is not addressed to fiscal considerations of the kind that are dealt with in section 170. It is concerned with intimidatory or other practices that tend to overbear the freedom or will of the person exercising the right or duty. Furthermore the larger questions concerning the legitimacy of the legislative process are not questions that can be addressed in this Court. They are questions for debate, if at all, in the political arena.”

In *Hudson v Entsch*[[8]](#footnote-8)it was argued that Mr Entsch had incited another person to knock down an electoral sign and that this interfered with the free exercise of a political right or duty by Mr Hudson contrary to section 327(1). In concluding that the factual circumstances of the case did not reveal a breach of section 327, Justice Dowsett stated that political right or duty is restricted:

“In my view, a political right, for the purposes of subs 327(1) is the right to vote (including the allocation of preferences), the right to stand for election and the right to support or oppose a candidate, group of candidates or party.”

If a candidate is elected and the Court of Disputed Returns finds that the candidate has interfered with, or attempted to interfere with, political liberty as prohibited by section 327, the Court must declare the election of the candidate void under section 362 of the Act.

**15. What are the conditions for access to public service in your country? Do any restrictions apply? How is the requirement for equal access met?**

Employment opportunities in the Australian Public Service (APS) are generally open to all Australian citizens. The legal framework for employment in the APS is set out in the *Public Service Act 1999* (the Act) which provides that, with limited exceptions, engagement and promotion decisions must be based on merit. An engagement or promotion decision meets the merit principle if an assessment has been made of the relative suitability of the candidates to perform the duties of the advertised position using a competitive selection process. Recruitment processes must be fairly applied, transparent, appropriately documented and free from discrimination, patronage and favouritism

There are some temporary restrictions currently in place that limit new engagements to the APS as the Australian Government reduces the overall size of the APS workforce in response to budgetary pressures. Since October 2013, eligibility to apply for most vacancies has been restricted to existing APS employees only, although vacancies can be opened up to the broader Australian community if it can be demonstrated that employees with the right skills and experience cannot be readily sourced from within the APS. Once a vacancy is made available to the broader community, all Australian citizens are eligible to apply without distinction.

**16. How does the State ensure that recruitment processes used by government authorities and political associations are transparent, objective and reasonable? Which measures (e.g. temporary special measures, quotas, etc.) are in place to ensure the equal recruitment of women, minorities, persons with disabilities and members of other disadvantaged groups?**

Legislation provides protection against discrimination. Specific Acts prohibit discrimination on the basis of race (including national or ethnic origin), sex (including marital status and pregnancy), disability and age. Section 351 of the Fair Work Act 2009 (Cth) prohibits discrimination in employment on a number of grounds, including sexual orientation, political opinion and religion.

APS agencies are required to establish workplace diversity programs to ensure that the diversity of the Australian community is reflected in strategies designed to attract, recruit and retain employees.

The Australian Public Service Commission, which is a government agency established to promote, monitor and review the APS, implements a range of strategies to assist vulnerable groups, including:

* the APS Indigenous Employment Strategy, to support the recruitment, development and career progression of Indigenous Australians in the public service, and
* the Diversity Council, which oversees the implementation of workplace diversity strategies in the APS – including for the recruitment of women, Indigenous Australians, persons with disabilities and people from Culturally and Linguistically Diverse groups.

The APS has identified Indigenous Australians and people with disability as groups that are particularly under-represented in the APS. Consequently, Directions issued under the Act provide for affirmative measures to increase the representation of people from within these groups in the APS. These Directions allow positions to be made available only to candidates who can demonstrate they are of Aboriginal or Torres Strait Islander background, or to candidates who have an intellectual disability. The Directions also allow for the engagement of a person with disability without undergoing the standard merit-based recruitment process if it is assessed that the person is unable to compete on merit due to his or her disability. Engagements under these measures are exempt from the current recruitment restrictions.

**Other Comments**

In Australia, there are a number of institutions and bodies which are dedicated to promoting and protecting human rights, as well as to informing public debate and overseeing Government actions.

Parliamentary Committees scrutinise government proposed and existing laws and social issues of importance to the Australian community. For example, the Parliamentary Joint Committee on Human Rights examines Bills, Acts and legislative instruments for compatibility with Australia’s international human rights obligations and can inquire into any matter relating to human rights referred to it by the Attorney-General.

The Australian Human Rights Commission is an ‘A status’ national human rights institution, is independent from government, and has a defined statutory role to protect and promoting human rights and conciliating anti-discrimination complaints. The Commission also holds inquiries and publishes reports on human rights matters, examine legislation for consistency with human rights, conducts human rights education, and can intervene in court proceedings involving human rights matters.

Each Australian State and Territory has its own body dedicated to promoting human rights, anti-discrimination and equal opportunity. Together with the Australian Human Rights Commission, these bodies constitute the Australian Council of Human Rights Agencies. The Australian Capital Territory and the State of Victoria also have a Human Rights Act or Charter protecting the rights in the ICCPR.

The Office of the Commonwealth Ombudsman investigates complaints about the administrative actions of Commonwealth Government officials, departments, agencies and their service providers. States and Territories also have established Ombudsmen.

The Commonwealth, and most States and Territories, have privacy commissioners, which are empowered to investigate complaints from individuals about the handling of personal information by the government, including government agencies.

1. See *Nationwide News Pty Ltd v Wills* (1992) 177 CLR 1 and *Australian Capital Television v Commonwealth* (1992 177 CLR 106) [↑](#footnote-ref-1)
2. 233 Commonwealth Law Reports 162 [↑](#footnote-ref-2)
3. (1988) 167 CLR 133 [↑](#footnote-ref-3)
4. (1992) 176 CLR 77 [↑](#footnote-ref-4)
5. (1999) 199 CLR 462 [↑](#footnote-ref-5)
6. [1992] HCA 60;(1992) 176 CLR 77 [↑](#footnote-ref-6)
7. [1996] HCA 42 [↑](#footnote-ref-7)
8. [2005] FCA 460 [↑](#footnote-ref-8)