

2004

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Mr Bill Stefaniak)

Charter of Responsibilities Bill 2004

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(Mr Bill Stefaniak)

Charter of Responsibilities Bill 2004

A Bill for

An Act to encourage awareness of the responsibilities of people in the ACT
towards each other

2004 009B

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **Preamble**

2 1 Everyone is capable of making free and responsible choices.

3 2 The inalienable rights and inherent dignity of everyone requires
4 certain obligations to be followed and certain responsibilities to be
5 accepted.

6 3 Both the rule of law and human rights depend on the readiness of
7 everyone to act justly. These rights cannot endure without the
8 commitment to the responsibilities that come with them.

9 4 Everyone is responsible, to the best of their knowledge and ability,
10 for a better community, our community, which cannot be created or
11 enforced by laws, prescriptions and conventions alone.

12

13 The Legislative Assembly for the Australian Capital Territory therefore enacts
14 as follows:

1 **Part 1** **Preliminary**

2 **1** **Name of Act**

3 This Act is the *Charter of Responsibilities Act 2004*.

4 **2** **Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on
7 the notification day (see Legislation Act, s 75 (1)).

8 **3** **Notes**

9 A note included in this Act is explanatory and is not part of this Act.

10 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

1 **Part 2 Civil responsibilities**

2 **4 What are *civil responsibilities*?**

3 In this Act:

4 *civil responsibilities* means the responsibilities in schedule 1.

5 **5 Who has civil responsibilities?**

6 Individuals have civil responsibilities.

7 **6 Responsibilities apart from Act**

8 This Act is not exhaustive of the responsibilities an individual may
9 have under domestic or international law.

10 **Example of other responsibilities**

11 responsibilities under international covenants

12 *Note* An example is part of the Act, is not exhaustive and may extend, but
13 does not limit, the meaning of the provision in which it appears (see
14 Legislation Act, s 126 and s 132).

1 **Part 3** **Application of civil**
2 **responsibilities to Territory laws**

3 **7 Application of pt 3**

4 This part applies to all Territory laws.

5 **8 Interpretation of laws and civil responsibilities**

6 (1) In working out the meaning of a Territory law, an interpretation that
7 is consistent with civil responsibilities is to be preferred to any other
8 interpretation.

9 (2) Subsection (1) is subject to the Legislation Act, section 139.

10 *Note* The Legislation Act, s 139 requires the interpretation that would best
11 achieve the purpose of a law to be preferred to any other interpretation
12 (the purposive test).

13 (3) If applying subsection (1) and the *Human Rights Act 2004*,
14 section 30 (1) to a Territory law would achieve a different result,
15 only subsection (1) is to be applied.

16 (4) In this section:

17 ***working out the meaning of a Territory law*** means—

- 18 (a) resolving an ambiguous or obscure provision of the law; or
19 (b) confirming or displacing the apparent meaning of the law; or
20 (c) finding the meaning of the law when its apparent meaning
21 leads to a result that is manifestly absurd or is unreasonable; or
22 (d) finding the meaning of the law in any other case.

- 1 **9 Interpretation of civil responsibility**
- 2 (1) International law, and the judgments of foreign and international
- 3 courts and tribunals, relevant to a civil responsibility may be
- 4 considered in interpreting the responsibility.
- 5 (2) In deciding whether material mentioned in subsection (1) or any
- 6 other material should be considered, and the weight to be given to
- 7 the material, the following matters must be taken into account:
- 8 (a) the desirability of being able to rely on the ordinary meaning of
- 9 this Act, having regard to its purpose and its provisions read in
- 10 the context of the Act as a whole;
- 11 (b) the undesirability of prolonging proceedings without
- 12 compensating advantage;
- 13 (c) the accessibility of the material to the public.
- 14 (3) For subsection (2) (c), material in the ACT legislation register is
- 15 taken to be accessible to the public.

1 **Part 4** **Miscellaneous**

2 **10** **Review of Act**

3 (1) The Attorney-General must review the operation of this Act and
4 present a report of the review to the Legislative Assembly not later
5 than 1 July 2006.

6 (2) This section expires on 1 January 2007.

1 **Part 5 Consequential amendments**

2 **11 Annual Reports (Government Agencies) Act 2004,**
3 **sections 5 (2) (a) and 9 (3) (e)**

4 *after*

5 respect, protect and promote human rights

6 *insert*

7 and civil responsibilities

8 **Explanatory note**

9 This amendment takes into account the renumbering required by the *Annual Reports*
10 *(Government Agencies) Act 2004*, section 23.

11 **12 Legislation Act, section 139 (2), new note**

12 *insert*

13 *Note 2* The *Charter of Responsibilities Act 2004*, s 9 (1) (which is about
14 interpreting legislation to be consistent with civil responsibilities) is also
15 relevant to interpreting Territory laws.

1 **Schedule 1** **Civil responsibilities**

2 (see s 4)

3 **Part 1.1** **Responsibilities towards others**

4 **1** **Respect for others**

- 5 (1) Everyone has a responsibility to respect other people.
- 6 (2) Everyone should respect people who hold a position of authority.
- 7 (3) People who hold a position of trust and authority in our community
- 8 are required to show respect towards others, and must have ethical
- 9 standards and serve truth.

10 **Examples of positions of authority**

11 public officers whose work benefits society, such as police officers, emergency

12 service workers, public servants, teachers and medical staff

- 13 (4) For this section, *respecting other people* includes respecting other's
- 14 freedom and human rights.

15 **Examples**

- 16 1 a person must not unlawfully restrict someone else's speech, movement or
- 17 association
- 18 2 a person must respect everyone else's right to life, and to humane treatment
- 19 3 a person must recognise everyone else's right to equality before the law
- 20 4 a person must not harass, annoy or interfere anyone else in their community,
- 21 for example by not upholding the proper values of the community or
- 22 neighbourhood

23 *Note* An example is part of the Act, is not exhaustive and may extend, but

24 does not limit, the meaning of the provision in which it appears (see

25 Legislation Act, s 126 and s 132).

- 26 (5) People and groups of people (for example families, communities,
- 27 races, nationalities and religions) must act towards one another in a
- 28 spirit of goodwill, unity and kindred spirit.

- 1 **2** **Respect for life**
- 2 (1) No-one has the right to kill or injure except in self-defence.
- 3 (2) Everyone should respect life.
- 4 **3** **Respect for the rule of law**
- 5 In respecting the rule of law, everyone must assist the police and
- 6 authorities in the course of their duties and in the exercise of their
- 7 functions under the laws of the territory.
- 8 **4** **Opposing inhumane actions**
- 9 (1) Everyone should oppose all forms of inhumanity, particularly
- 10 fanaticism, hate and social exclusion.
- 11 (2) Everyone has a responsibility to work for the greater good of
- 12 humanity.
- 13 **5** **Honesty**
- 14 (1) Everyone must be honest and fair in dealing with everyone else.
- 15 **Examples**
- 16 1 a person must be honest and fair in their dealings with everyone else in the
- 17 workplace, particularly in the negotiation of workplace agreements and, for
- 18 example, by ensuring a fair day's work for a fair day's pay
- 19 2 a person must not dishonestly, or unfairly, take advantage of someone else
- 20 3 a person who, through conduct, causes damage to someone else, has the
- 21 responsibility to make good the damage, for example, by financial
- 22 compensation
- 23 *Note* An example is part of the Act, is not exhaustive and may extend, but
- 24 does not limit, the meaning of the provision in which it appears (see
- 25 Legislation Act, s 126 and s 132).
- 26 (2) No-one may rob or dispossess anyone else or any group of people,
- 27 including the Territory or Commonwealth.
- 28 (3) Everyone has a responsibility not to lie to others.

- 1 **6 Teachers**
- 2 Principals and other teachers should, for the benefit of students,
3 parents and the community—
- 4 (a) behave professionally, by being a responsible role model for
5 students; and
- 6 (b) assist in the character development of all students, including in
7 the development of values and respect for, and tolerance of,
8 others; and
- 9 (c) successfully complete personal and professional development
10 programs; and
- 11 (d) assist in the pastoral care of students, where appropriate and
12 possible; and
- 13 (e) maintain a neutral political position in all aspects of their
14 professional behaviour.
- 15 **7 Religious people**
- 16 (1) Religious people, especially religious leaders, whose religious
17 freedom is guaranteed, should avoid prejudice, fanaticism and
18 hatred towards individuals holding different beliefs, and should not
19 incite or legitimise religious wars.
- 20 (2) Religious people should always be guides for truthfulness in
21 thinking, speaking and acting.
- 22 **8 Professionals generally**
- 23 All professionals must—
- 24 (a) place their responsibility for the welfare, health and safety of
25 the community before their responsibility to sectional or
26 private interests, or to other members of their profession; and
- 27 (b) act with honour, integrity and dignity in order to earn the trust
28 of the community and their profession; and
-

- 1 (c) conduct themselves professionally and in a careful and diligent
2 manner in their areas of competence; and
- 3 (d) act with honesty and equity, and without discrimination,
4 towards all members of the community; and
- 5 (e) apply their skill and knowledge in the interest of their
6 employer or client; and
- 7 (f) act with integrity without compromising any other obligation
8 under this clause; and
- 9 (g) express opinions, make statements or give evidence fairly and
10 honestly and only on the basis of adequate knowledge; and
- 11 (h) continue to develop relevant knowledge, skill and expertise
12 throughout their careers, and actively assist and encourage
13 those with whom they are associated to do the same; and
- 14 (i) not assist in or cause a contravention of this clause and support
15 compliance with this clause if required or able to do so.

16 **9 The legal profession**

- 17 (1) Lawyers, in their relationship with clients must—
- 18 (a) serve their clients competently and diligently; and
- 19 (b) deal with their clients fairly, free of the influence of any
20 interest which may conflict with a client's best interests; and
- 21 (c) maintain the confidentiality of their clients affairs; and
- 22 (d) give their clients the benefit of all information relevant to their
23 clients' affairs of which they have knowledge; and
- 24 (e) not take part in, or assist in, conduct that is intended to defeat
25 the ends of justice or otherwise contravenes the law.
- 26 (2) Lawyers should act with competence, honesty and candour in their
27 dealings with the courts, when—
- 28 (a) obtaining and presenting evidence; or

- 1 (b) preparing and filing documents; or
2 (c) instructing or appearing as an advocate.
- 3 (3) Lawyers should be frank in their responses and disclosures to the
4 court and diligent in their compliance with undertakings they give to
5 the court or their opponents.
- 6 (4) Lawyers, in their dealings with other lawyers, should act honestly,
7 fairly and courteously and adhere faithfully to their undertakings.
- 8 (5) Lawyers should conduct their dealings with other members of the
9 community, and the affairs of their clients which affect the rights of
10 others in accordance with this clause.

11 **10 The judiciary**

- 12 (1) In this part:
13 *judge* means—
- 14 (i) a resident judge, additional judge or acting judge under
15 the *Supreme Court Act 1933*; and
- 16 (ii) a Magistrate under the *Magistrates Court Act 1930*; and
- 17 (iii) the Master of the Supreme Court; and
- 18 (iv) any member of any tribunal authorised to hear, receive
19 and examine evidence
- 20 (2) Judges should conduct themselves with the following main
21 objectives:
- 22 (a) to uphold public confidence in the administration of justice;
23 (b) to enhance public respect for the institution of the judiciary;
24 (c) to protect the reputation of individual judicial officers and or
25 the judiciary.
- 26 (3) Judges should avoid any conduct that has the potential to put these
27 objectives at risk.

- 1 (4) Judicial conduct should be tested against the following to ensure
2 compliance with subsection (1):
3 (a) impartiality;
4 (b) judicial independence;
5 (c) integrity.

6 *Note* For other ways judicial conduct should be tested, see the Guide to
7 Judicial Conduct published by the Council of Chief Justices of
8 Australia.

- 9 (5) The judiciary should always consider the public it serves in
10 decision-making and take into account community expectations.

11 **Example**

12 The judiciary must take community expectations into account when sentencing
13 offenders in criminal matters and in giving judgments in civil claims affecting the
14 community generally.

15 *Note* An example is part of the Act, is not exhaustive and may extend, but
16 does not limit, the meaning of the provision in which it appears (see
17 Legislation Act, s 126 and s 132).

18 **11 Journalists and the media**

- 19 (1) Journalists and the media in reporting news and current affairs
20 should—
21 (a) ensure that news and current affairs are presented accurately
22 and fairly; and
23 (b) take account of personal privacy and cultural differences in the
24 community; and
25 (c) present material impartially; and
26 (d) clearly distinguish the reporting of factual material from
27 commentary and analysis; and
28 (e) have appropriate regard to the feelings of relatives portrayed in
29 reporting footage as well as viewers when including images of
30 dead or seriously injured people; and

-
- 1 (f) display images of a kind which may seriously distress or
2 seriously offend a substantial number of viewers only if there
3 is an identifiable public interest reason for doing so; and
- 4 (g) provide warnings if broadcasting material which may seriously
5 distress or seriously offend a substantial number of viewers;
6 and
- 7 (h) use material relating to a person's personal or private affairs, or
8 which invades an individual's privacy only where there is an
9 identifiable public interest reason for doing so; and
- 10 (i) exercise sensitivity in broadcasting images of, or interviews
11 with, bereaved relatives and survivors or witnesses of
12 traumatic incidents; and
- 13 (j) avoid unfairly identifying a single person or business when
14 commenting on the behaviour of a group of persons or
15 businesses; and
- 16 (k) take all reasonable steps to ensure that murder and accident
17 victims are not identified directly or, if practicable, indirectly
18 before their immediate family is notified by the authorities; and
- 19 (l) broadcast reports of suicide or attempted suicide only if there is
20 an identifiable public interest reason to do so, and avoid
21 including a detailed description of the method used; and
- 22 (m) not portray any person or group of persons in a negative light
23 by placing emphasis on age, colour, gender, national or ethnic
24 origin, physical or mental disability, race, religion or sexual
25 preference; and
- 26 (n) make reasonable efforts to correct significant errors of fact at
27 the earliest opportunity.
- 28 (2) Journalists and the media must present news and current affairs
29 programs with care, having regard to the likely composition of the
30 viewing audience and, in particular, the likelihood of the audience
31 including children.
-

- 1 **12 Employers and employees**
- 2 (1) All employers must show respect for their employees and provide a
- 3 safe environment that does not harm employees physically or
- 4 emotionally.
- 5 (2) Employees must show respect for others in the workplace and do
- 6 everything in their power to maintain a safe environment to ensure
- 7 that no physical or emotional harm comes to either themselves or
- 8 others in the workplace.
- 9 (3) Employers must provide adequate means of communication to
- 10 promote employees raising issues relating to the conditions of work.
- 11 (4) Employees must, where necessary, make every reasonable effort to
- 12 raise issues with their employers relating to their conditions of work.
- 13 (5) Employees who are supervisors have the same obligations to
- 14 employees they supervise as employers have to the supervisors.
- 15 (6) All employees are entitled to feel they can report about or complain
- 16 about work conditions without fear of reprisal.
- 17 **13 Sexuality**
- 18 (1) No-one may treat another as a sex object or disadvantage anyone
- 19 because of their sexuality.
- 20 (2) People should treat each other in their sexual and family
- 21 relationships with respect and as equal partners.
- 22 (3) Young people should be educated at home, school and through
- 23 religion and elsewhere in society that sexuality itself is a creative
- 24 and positive force and not one that is negative, destructive or
- 25 exploitative.
- 26 **14 Marriage**
- 27 Marriage should be characterised by love, loyalty and permanence,
- 28 with a guarantee of mutual security and support.

- 1 **15** **Family**
- 2 (1) Parents should not exploit children, nor children exploit parents.
- 3 (2) A family's relationship with one another should reflect mutual
- 4 respect, appreciation and concern.
- 5 (3) Children should be raised so as to acknowledge the importance of
- 6 community and that the community respects them.

- 1 **20** **Respect for the environment**
- 2 (1) Everyone must acknowledge and respect the principle that the lives
- 3 of animals and plants deserve protection, preservation and care.
- 4 (2) Everyone has a special responsibility, not only for the present
- 5 generation, but for future generations, to take care of our
- 6 environment.
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2004.

2 Notification

Notified under the Legislation Act on 2004.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
