

## LIST OF GUIDANCE SHEETS AND POLICY TRIGGERS

HUMAN RIGHTS GUIDANCE SHEETS		POLICY TRIGGERS (NB These lists are not exhaustive)	KEYWORDS
Absolute rights			<i>Absolute rights; Non-absolute rights; Derogable rights; Non-derogable rights; Derogation</i>
Permissible limitations			<i>Limitations; Reasonable; Proportionate; Necessary; Legitimate objective; Rational connection</i>
1.	Right to self-determination	Consider when working on legislation or policy that: <ul style="list-style-type: none"> <li>• impacts on an identifiable group of people, particularly Indigenous peoples.</li> </ul>	<i>Self-determination; Indigenous; peoples</i>
2.	Rights to equality and non-discrimination	Consider when working on legislation or policy that: <ul style="list-style-type: none"> <li>• draws distinctions, either directly or indirectly, between people or groups based on any of the listed grounds.</li> <li>• assists or recognises the interests of particular groups in the community who may be disadvantaged, such as Indigenous Australians.</li> </ul>	<i>Equality; Discrimination; Special measures; Race; Colour; Sex; Language; Religion; Political or other opinion; National or social origin; Property; Birth; Sexual preference; Criminal record; Trade union activity; Other status; Indirect discrimination</i>
3.	Right to an effective remedy	Consider when working on legislation or policy that: <ul style="list-style-type: none"> <li>• deals with the rights of victims of violations of any of the obligations in the ICCPR or the prohibitions against discrimination in CERD and CEDAW.</li> <li>• deals with sanctions for the perpetration of violations of human rights obligations.</li> <li>• allows for rights of appeal or review and whether those rights provide for an effective remedy.</li> </ul>	<i>Remedy; Compensation; Reparation; Restitution, Rehabilitation</i>
4.	Right to life	Consider when working on legislation or policy that: <ul style="list-style-type: none"> <li>• creates or amends powers available in case of the use of force by law enforcement authorities;</li> <li>• affects the delivery of medical treatment to patients;</li> <li>• 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;</li> <li>• regulates the removal of persons from Australia, under either immigration processes or by way of extradition, if the person may be liable to suffer the death penalty;</li> <li>• regulates the provision of mutual assistance in criminal matters or the provision of police assistance to a foreign country, if the provision of the assistance may have implications for the imposition of the death penalty in the foreign country.</li> </ul>	<i>Life; Death penalty; Arbitrary; Extradition; Mutual Assistance in Criminal Matters; Police assistance; Abortion; Euthanasia</i>

5.	Right to freedom of movement	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• limits the ability or imposes restrictions or conditions on the right of persons to enter and leave Australia;</li> <li>• restricts the movement of persons as part of a criminal process, for instance imposes bail conditions;</li> <li>• establishes eligibility requirements, or excludes entry into public land and premises;</li> <li>• establishes conditions on the entry of persons into Australia that might restrict their movement;</li> <li>• requires long term residents to leave Australia under immigration processes;</li> <li>• gives public authorities the power to make orders to restrict the movement of persons based on national security considerations (for example control orders);</li> <li>• limits or regulates the conduct of public protest;</li> <li>• regulates access to land based on quarantine reasons.</li> </ul>	<p><i>Movement; Public land; Public premises; Immigration; National security; Control orders; Public order; Public protest; Quarantine; Citizen; Non citizen; Passports</i></p>
6.	Right to freedom of thought, conscience and religion or belief	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• restricts or interferes with the observance or teaching of a particular religion or set of beliefs, for instance by regulating conduct that might have this effect</li> <li>• requires a person to disclose their religion or belief</li> <li>• affects a person’s ability to adhere to his or her religion or belief</li> <li>• subjects conduct that is required or encouraged by a particular religion or belief to criminal penalties</li> <li>• sets dress standards that do not accommodate religious dress or symbols</li> <li>• affects the right of the adherents of particular religions to observe holidays or periods of rest</li> <li>• relates to planning or land use that may make it difficult establish places of religious worship</li> <li>• imposes eligibility requirements for government benefits that that cannot be met by the adherents of particular religions</li> <li>• regulates the teaching of children in a way that might undermine particular religions or beliefs</li> <li>• regulates conscientious objection to military service</li> </ul>	<p><i>Thought; Conscience; Religion; Belief; Religious observance; Religious worship; Religious dress; Religious symbols; Conscientious objection; Public safety; Order; Health; Morals; Fundamental rights and freedoms of others.</i></p>
7.	Right to freedom of opinion and expression	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• regulates the content of any speech, publication, broadcast, display or promotion</li> <li>• regulates the format or manner of any form of expression (for example requires prior approval for public protest or places restrictions on places in which protest activity may take place)</li> <li>• restricts or censors media coverage, including in relation to political matters</li> <li>• requires material to be approved before it may be published</li> <li>• attaches criminal or civil liability to the publication of opinions or information</li> <li>• regulates or restricts access to information, including on the internet</li> <li>• imposes censorship or provides for classification of artistic material</li> <li>• regulates commercial expression, by way of advertising</li> </ul>	<p><i>Opinion; Expression; Protest; Pornography; Public morals; Censorship; Classification; Sedition; Public order; Public health; Rights or reputations of others; Advertising, Political communication; Hatred</i></p>

8.	Right to freedom of assembly and association	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• limits or regulates the ability of a person or group of persons to peacefully protest</li> <li>• prohibits or creates disincentives for membership of particular organisations, for example terrorist organisations or motorcycle gangs</li> <li>• regulates membership of groups or associations, in particular trade unions</li> <li>• requires a person to disclose membership of a group or association</li> <li>• treats people differently on the basis of their membership of a group or association.</li> </ul>	<p><i>Assembly; Association; Political parties; Trade unions; Non governmental organisations; Terrorist organisations; Motorcycle gangs; Protest; National security; Public safety; Public order; Public health; Morals; Rights or reputations of others;</i></p>
9.	Privacy and reputation	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• involves the collection, security, use, disclosure or publication of personal information</li> <li>• regulates information held on a public register</li> <li>• restricts access by individuals to their own personal information</li> <li>• creates or changes confidentiality or secrecy provisions relating to personal information</li> <li>• creates an identification system</li> <li>• links or match personal information across or within agencies</li> <li>• relates to the use of personal information for statistical purposes</li> <li>• authorises powers of entry to premises or search of persons or premises</li> <li>• authorises surveillance (for instance by closed-circuit television)</li> <li>• provides for compulsory physical intervention on a person (for instance to collect a DNA sample)</li> <li>• provides for mandatory disclosure or reporting of information (for instance by a doctor in relation to a patient)</li> <li>• 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</li> <li>• authorises the compulsory occupation or acquisition of a home or regulate planning or environmental matters that may affect a person's home</li> <li>• authorises the interception of communications, including written, verbal, electronic or telephonic</li> <li>• affects the law relating to defamation</li> <li>• affects the exemptions relating to disclosure of personal information under freedom of information legislation.</li> </ul>	<p><i>Privacy; Family; Home; Correspondence; Reputation; Defamation; Personal information; Confidentiality; Secrecy; Search, Entry; Surveillance; Physical intervention; DNA sample; Mandatory disclosure; Mandatory reporting; Interception; Freedom of information; Data matching</i></p>
10.	Right to take part in public affairs and elections	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• limits the ability of a category of individuals to stand for office or to vote in elections</li> <li>• regulates the conduct of elections and the electoral process, including funding of and expenditure by political parties and the drawing of electoral boundaries</li> <li>• regulates the communication of information and ideas about public and political issues</li> <li>• regulates eligibility for employment in the public service or appointment to public office.</li> </ul>	<p><i>Citizen; Public affairs; Public Service; Elections; Vote; Electoral process; Referendum; Prisoners</i></p>

11.	Right to security of the person and freedom from arbitrary detention	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• permits a public authority to detain a person for a period that is longer than transitory, including in immigration detention facilities</li> <li>• provides for special powers of detention for particular purposes, including national security</li> <li>• grants a power of arrest</li> <li>• makes provision for the granting of bail</li> <li>• allows a public authority to cordon an area and control movement within it</li> <li>• authorises the detention of a person for reasons pertaining to mental health or contagious disease</li> <li>• relates to the management of places of detention</li> </ul>	<p><i>Liberty; Security; Detention; Arbitrary detention; Pre-trial detention; Immigration detention; Arrest; Custody; National security; Bail; Mental health; Contagious diseases; Mandatory imprisonment; Preventative detention</i></p>
12.	Fair trial and fair hearing rights	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• creates a new court or tribunal</li> <li>• regulates the appointment, remuneration or removal of judges or tribunal members from office</li> <li>• alters the jurisdiction of courts or tribunals, including by restricting the rights of courts to review administrative decisions, for instance by privative clauses</li> <li>• regulates the rules of evidence in courts or tribunals</li> <li>• provides for special procedures for witnesses to give evidence</li> <li>• limits 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</li> <li>• regulates the way in which the media may report on proceedings, for instance by suppression orders</li> </ul>	<p><i>Fair trial; Fair hearing; Public hearing; Court; Tribunal; Separation of powers; Procedural fairness; Equality of arms; High Court; Federal Court; Federal Magistrates Court; Rules of evidence; Video link; Suppression order; Media; Privative clause</i></p>

13.	Minimum guarantees in criminal proceedings	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• 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, information and evidence, pre-trial disclosure, timetables for preparing for trial and giving notice of hearings</li> <li>• affects the capacity of investigators and prosecutors to prepare for trial and of courts to conduct trials, for instance, by the allocation of resources</li> <li>• affects the eligibility for legal aid in criminal matters</li> <li>• affects legal representation, including the right of the accused to choose a legal representative of his or her choice</li> <li>• affects the law of evidence governing the examination of witnesses</li> <li>• allows special procedures for the examination of witnesses, for instance the use of protective screens or the giving of evidence by video link</li> <li>• governs the availability of interpreters and translators in criminal proceedings</li> <li>• affects the law relating to self-incrimination</li> <li>• affects the availability of appeals from convictions and sentences in criminal proceedings</li> <li>• governs remedies available to persons whose criminal convictions have been overturned or who have been pardoned in situations involving a miscarriage of justice</li> <li>• affects the law relating to double jeopardy</li> <li>• allows the continued incarceration of persons following completion of sentence, for example serious sex offenders</li> </ul>	<p><i>Defence; Counsel; Delay; Legal assistance; Legal aid; Legal representation; Witness; Cross-examination; Interpreter; Self-incrimination; Pardon; Miscarriage of justice; Double jeopardy; Trial procedure; Charge sheet; Pre-trial disclosure; Evidence; Appeal; Review; Trial in absentia</i></p>
14.	Presumption of innocence	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• creates 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</li> <li>• creates an offence that contains a presumption and puts an evidential burden on the accused to rebut the presumption</li> <li>• creates an offence that contains a presumption operating against an accused that cannot be displaced</li> <li>• creates an offence that imposes criminal liability on an officer of a corporation solely by reference to the officer's position, and requires the officer to make out a defence</li> <li>• relates to comment by a public official or by the media on the guilt of persons who have been charged</li> <li>• relates to the manner of presentation of accused persons in court, for instance in shackles.</li> </ul>	<p><i>Presumption of innocence; Fair trial; Reasonable doubt; Balance of probabilities; Evidential burden; Legal burden; Reverse onus; Public comment; Prejudging guilt</i></p>

15.	Right to humane treatment in detention	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• enables the detention of persons, including children, by either a public or private authority</li> <li>• relates to the conditions under which persons are detained, including in prisons, immigration detention facilities or for purposes such as national security, mental health or contagious disease</li> <li>• relates to the segregation of accused persons from convicted prisoners in places of detention</li> <li>• relates to the segregation of accused children from adults in places of detention</li> <li>• provides powers for officials in custodial facilities, for instance powers of search.</li> </ul>	<p><i>Humane treatment; Dignity; Liberty; Detention; Imprisonment; Immigration detention; Torture; Cruel, inhuman or degrading treatment or punishment; Private prisons; Incommunicado detention</i></p>
16.	Prohibition on torture and cruel, inhuman or degrading treatment or punishment	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• may have the effect of causing physical or mental pain or suffering;</li> <li>• creates new powers or modifies existing powers for public officials such as police, intelligence or security agency officials, military personnel or immigration or customs officials;</li> <li>• affects the operation of detention facilities and the conditions under which persons are detained, whether in prisons, immigration detention centres, or medical, disability or aged care facilities;</li> <li>• affects the conditions under which persons may be investigated for criminal offences, including powers of search;</li> <li>• introduces new types of penalties or significantly increases existing penalties for offences, including mandatory penalties;</li> <li>• affects the right to complain about mistreatment by public officials; or</li> <li>• 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.</li> </ul>	<p><i>Torture, Cruel, Inhuman, Degrading, Treatment, Punishment, Pain, Suffering, Public official, Police, Prison, Detention, Immigration detention, Penalties, Evidence, Derogation, Criminal Code, Extradition, Intelligence, Security.</i></p>
17.	Right to freedom from slavery and forced labour	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• compels the provision of any labour or the performance of any service under threat of a penalty, including during a state of emergency</li> <li>• relates to trafficking in persons.</li> </ul>	<p><i>Slavery, Servitude, Forced labour; People trafficking</i></p>
18.	Prohibition on retrospective criminal laws	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• creates an offence for acts done before the legislation commences</li> <li>• expands the range of activities that are covered by an existing criminal offence</li> <li>• increases the maximum or mandatory punishment (term of imprisonment or monetary penalty) available for persons who have already been convicted of a criminal offence.</li> <li>• amends criminal law procedure that applies to trials for acts done before the legislation commences</li> <li>• introduces new sentencing options that apply to acts done before the legislation commences</li> <li>• changes parole conditions that apply to sentences of imprisonment imposed before the legislation commences.</li> </ul>	<p><i>Criminal law; Retrospective; Penalty; Punishment; Mandatory punishment; Maximum punishment; Sentencing; Parole</i></p>

19.	Prohibition on imprisonment for inability to fulfil a contract	<p>Consider when working on legislation or policy that</p> <ul style="list-style-type: none"> <li>• might enable the imposition of a term of imprisonment for a person solely on the basis that they are unable to: <ul style="list-style-type: none"> <li>○ pay a private debt owed to another person or corporation, or</li> <li>○ fulfil another type of contractual condition owed to another person or corporation, such as the provision of services or the delivery of goods.</li> </ul> </li> </ul>	<i>Contract; Contractual obligation; Payment; Provision of services; Delivery of goods; Debts</i>
20.	Right to respect for the family	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• affects the law relating to marriage, including dissolution of marriage and custody of and access to children on dissolution of marriage</li> <li>• affects the law relating to close or enduring personal relationships other than marriage, such as de facto relationships or relationships between persons of the same sex</li> <li>• provides for the removal of children from parents or other persons responsible for their care</li> <li>• provides for the entry into or removal from Australia of persons under migration laws in circumstances that may affect the unity of a family.</li> </ul>	<i>Family; Marriage; Consent to marriage; Marriageable age; Dissolution of marriage; Custody of children; De facto relationships; Same sex relationships; Removal of children</i>
21.	Rights of parents and children	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• relates to any aspect of the care of children by parents or other guardians</li> <li>• relates to any aspect of the welfare of children, such as child care arrangements</li> <li>• relates to the care of children by persons with disabilities</li> <li>• provides for the removal of children from parents or other persons responsible for their care</li> <li>• makes provision regarding the arrangements for children of parents who are imprisoned</li> <li>• relates to the adoption of children</li> <li>• relates to inter-country adoption</li> <li>• relates to any aspect of the treatment of children in the criminal process</li> <li>• relates to the treatment of children who are refugees or who claim refugee status</li> </ul>	<i>Children; Best interests of the child; Parents; Child care; Separation of children; Removal of children; Adoption; Intercountry adoption; Refugee children</i>

22.	Protection against exploitation, violence and abuse	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• deals with violence or abuse, including domestic violence or violence in particular parts of the community, for instance in indigenous communities</li> <li>• regulates the content of any speech, publication or broadcast that advocates discrimination on the basis of nationality, race or religion that may incite violence</li> <li>• deals with international child abduction</li> <li>• deals with the employment of children that might constitute their economic exploitation or be harmful to the child's development</li> <li>• deals with the use of illegal drugs by children</li> <li>• protects children from sexual abuse or exploitation</li> <li>• deals with trafficking in women or children.</li> </ul>	<p><i>Exploitation; Violence; Abuse; Advocacy of hatred; International child abduction; Economic exploitation; Child labour; Illicit drug use; Sexual exploitation; Sexual abuse; Trafficking in women; Trafficking in children; Prostitution; Pornography</i></p>
23.	Expulsion of aliens	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• regulates the removal or deportation from Australia of persons under migration laws</li> <li>• regulates the surrender of persons under extradition laws</li> <li>• provides for rights of appeal from or review of decisions to remove, deport or extradite persons from Australia</li> <li>• raises <i>non-refoulement</i> obligations</li> <li>• relates to issues of statelessness.</li> </ul>	<p><i>Alien; Non citizen; Migration; Removal; Deportation; Extradition; Appeal; Review; National security; Non-refoulement; Stateless person</i></p>
24.	Right to name and acquire a nationality	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• relates to the registration of births of children</li> <li>• relates to the acquisition, retention or change of citizenship</li> <li>• relates to issues of statelessness.</li> </ul>	<p><i>Name; Registration of births; Nationality; Citizenship; Stateless persons</i></p>

25.	Right to work and rights in work	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• deals with any aspect of employment or workplace relations, including: <ul style="list-style-type: none"> <li>○ vocational and training programs designed to promote employment</li> <li>○ advisory services for job seekers</li> <li>○ remuneration</li> <li>○ safe and healthy working conditions</li> <li>○ promotion and advancement at work</li> <li>○ hours of work</li> <li>○ leave and holidays</li> </ul> </li> <li>• addresses discrimination in eligibility for employment and in the workplace, and/or</li> <li>• regulates membership of trade unions, the activities of trade unions and the right to strike.</li> </ul>	<p><i>Work; Labour; Employment; Just and favourable conditions of work; Equal opportunity; Discrimination in employment; Economic exploitation; Persons with disabilities; Vocational and training programs; Remuneration; Safe and healthy working conditions; Promotion; Hours of work; Leave; Holidays; Trade unions; Right to strike; Unfair dismissal; Collective bargaining; Minimum ages for employment; Forced labour; Child labour; Occupational health and safety; Migrant workers; International Labour Organisation</i></p>
26.	Right to maternity leave	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• provides for entitlements to leave to allow parents and carers to care for children,</li> <li>• provides for financial entitlements to parents and carers of children to allow them to take time off work to care for the child after the child's birth, and/or</li> <li>• addresses discrimination against women on the ground of marital status or maternity.</li> </ul>	<p><i>Maternity leave; Parental leave; Paid maternity leave; Paid parental leave; Social security; Discrimination; Marital status; Baby bonus; Family responsibilities.</i></p>
27.	Right to education	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• relates to any aspect of primary, secondary (including technical and vocational education) or higher education,</li> <li>• establishes standards which must be met by educational institutions, both Government and non-Government,</li> <li>• relates to the resourcing of educational institutions, including salaries for teachers,</li> <li>• relates to education of particular classes of persons, such as Indigenous persons or persons with disabilities,</li> <li>• relates to the qualification for entry into higher education institutions,</li> <li>• provides for the payment of fees by and for financial assistance to students in higher education institutions,</li> <li>• relates to Government support for non-Government educational institutions,</li> <li>• relates to the instruction in religion in educational institutions,</li> <li>• relates to permissible forms of discipline in educational institutions, such as corporal punishment, and/or</li> <li>• relates to human rights education.</li> </ul>	<p><i>Education, Primary education; Secondary education; Higher education; Technical and vocational education; Human rights education; Religion; Corporal punishment</i></p>

28.	Right to an adequate standard of living, including food, water and housing	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• could be relevant to the availability and sustainability of an adequate supply of nutritious food,</li> <li>• could be relevant to the supply of water for personal and domestic uses,</li> <li>• relates to access to water supplies for agricultural purposes,</li> <li>• could be relevant to any aspect of the supply of housing,</li> <li>• institutes measures to combat homelessness,</li> <li>• establishes standards to be met in the construction of houses,</li> <li>• provides for subsidies or other forms of assistance to improve housing affordability,</li> <li>• provides for protection for tenants against unfair eviction,</li> <li>• regulates rents that can be charged for tenanted housing, and/or</li> <li>• could be relevant to the availability of adequate food, water and housing for particular classes of persons, such as Indigenous persons or persons with disabilities.</li> </ul>	<p><i>Adequate standard of living; Living conditions; Food; Water; Housing; Agriculture; Homelessness; Housing affordability; Tenants; Eviction</i></p>
29.	Right to health	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• relates to public education and information about health, including on family planning,</li> <li>• relates to training for health personnel,</li> <li>• relates to access to health facilities, goods, including essential drugs and services, especially for vulnerable or marginalized groups,</li> <li>• relates to health services for particular groups, including Indigenous Australians, women and children,</li> <li>• relates to the provision of aged care services, including nursing homes,</li> <li>• provides services for persons with disabilities,</li> <li>• provides for payments for medical benefits and hospital services, such as Medicare,</li> <li>• relates to sterilisation of persons,</li> <li>• provides for reproductive, maternal (pre-natal and post-natal) and child health care,</li> <li>• relates to access to essential foods which are nutritionally adequate and safe,</li> <li>• relates to access to basic shelter, housing and sanitation, and an adequate supply of safe and potable water,</li> <li>• provides immunisation against infectious diseases,</li> <li>• relates to the prevention, treatment and control of epidemic and endemic diseases, including HIV/AIDS,</li> <li>• relates to eligibility for health insurance or life insurance,</li> <li>• regulates access to private health insurance, and /or</li> <li>• collects and provides information and statistics on health-related issues.</li> </ul>	<p><i>Health; Reproduction; Sexual health; Fertility; Sterilisation; Family planning; Pregnancy; Women's health; Children's health; Child care; Child mortality; Persons with disabilities; Health insurance; Life insurance; Drugs; Medical benefits; Hospital services; Medicare; Aged care; Nursing homes; Housing; Food; water; Infectious diseases; Epidemic diseases; HIV/AIDS</i></p>

30.	Right to social security	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• provides for any social security benefit, including the age pension, youth allowance, Austudy and Newstart allowance,</li> <li>• provides for payments for medical benefits and hospital services, such as Medicare,</li> <li>• relates to taxation benefits for families,</li> <li>• relates to paid parental leave,</li> <li>• relates to benefits for persons with disabilities, including the disability support pension,</li> <li>• provides for assistance payments for farmers,</li> <li>• relates to workers compensation and rehabilitation,</li> <li>• relates to the review of decisions regarding the payment of social security benefits,</li> <li>• relates to the entitlement to social security benefits of refugees and asylum seekers, and/or</li> <li>• relates to the payment of social security benefits in other countries under the aid program.</li> </ul>	<p><i>Social security; Social insurance; Social inclusion; Medicare; Medical benefits; Hospital benefits; Pensions; Age pension; Youth allowance; Austudy; Newstart allowance; Family tax benefits; Paid parental leave; Baby bonus; Persons with disabilities; Disability support pension; Workers compensation; Rehabilitation</i></p>
31.	Right to enjoy and benefit from culture	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• limits the observance of religious practices</li> <li>• limits the ability of members of an ethnic group to take part in cultural practice</li> <li>• 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</li> <li>• interferes with the right of persons to wear traditional religious or cultural attire</li> <li>• regulates the observance of religious holidays</li> <li>• regulates the observance of religious or cultural practices in education</li> <li>• regulates traditional medical practices</li> <li>• regulates the preparation and serving of food that may impact on the observance of religious or cultural practices</li> <li>• regulates the conduct of commercial activity on the traditional lands of Indigenous Australians</li> <li>• regulates the establishment and maintenance of and access to libraries, museums, theatres, cinemas and sports stadiums, and/or</li> <li>• addresses discrimination on the basis of race, religion or national or ethnic origin.</li> </ul>	<p><i>Culture; Multiculturalism; Traditions; Ethnic minorities; Religious minorities; Linguistic minorities; Language; Indigenous Australians; Traditional attire; Religious attire; Religious holidays; Education; Traditional medical practices; Traditional lands; Libraries, Museums; Theatres; Cinemas; Sports stadiums; Discrimination; Intellectual Property; Moral interests; Material interests; Scientific production; Literary production; Artistic production; World Trade Organisation;</i></p>

32.	Rights of people with disability	<p>Consider when working on legislation or policy that:</p> <ul style="list-style-type: none"> <li>• relates to access by people with disabilities to: <ul style="list-style-type: none"> <li>○ buildings, roads, transport and public facilities like schools, housing, hospitals, clinics and workplaces,</li> <li>○ information, communications and other services, including electronic services like the Internet and emergency services,</li> <li>○ in-home, residential and other community support services, or</li> <li>○ mobility aids, assistive devices and technologies designed for people with disabilities.</li> </ul> </li> <li>• 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</li> </ul>	<p><i>Disability; People with disabilities; Access to facilities; Access to services; Mobility aids; Assistive Devices; Disability standards; Rehabilitation.</i></p>
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This material is provided to persons who have a role in Commonwealth legislation, policy and programs as general guidance only and is not to be relied upon as legal advice. Commonwealth agencies subject to the *Legal Services Directions 2005* requiring legal advice in relation to matters raised in this Guidance Sheet must seek that advice in accordance with the *Directions*.