

# Chapter 1: Your rights and freedoms

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# Chapter 1: Your rights and freedoms

## Overview

You have probably heard many people talking about protecting their rights, or complaining when they believe someone has interfered with those rights. What is a **right** and how are rights protected in Australia? When we speak of rights and freedoms, we are usually referring to the way individuals are treated in a particular organisation or community. These can include the rights that students and teachers have within a school community, or the rights that employees have within a particular workplace. Most importantly, it includes the rights we have as citizens of Australia.

In Australia we are said to be governed by the 'rule of law'. This means that no person is above the law, no matter how rich or important they are. In ancient and medieval times, however, kings or emperors were above the law. They could make laws to suit themselves and to further their own wealth and power. Ordinary people only had whatever rights and freedoms their ruler felt like granting to them. A harsh or cruel ruler could take away ordinary people's rights whenever he or she wished.

Today in Australia, the rule of law means that we have a number of guaranteed rights and freedoms, and no government can take these away from us. In addition, governments in Australia have passed laws to ensure that the rights of all people are respected. Examples include laws that guarantee equal opportunity and those that make racial discrimination illegal.



FIGURE 1

Medieval rulers had the power to grant or take away the rights of ordinary people.

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### Rights and freedoms

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## STARTER QUESTIONS

1. List three rights that you have within your family and household.
2. List three rights that you have as a student at your school.
3. Can you think of ways in which your rights as a family member and school student are limited or restricted? Why do these limits exist?
4. List and explain three rights and/or freedoms that you believe Australians have today.
5. Outline any limits that could be placed on these rights and freedoms.
6. It is sometimes said that 'every right is balanced by a responsibility'. What do you think this means?

## 1.1 How are our rights and freedoms protected?

Under the rule of law, the protection of our rights and freedoms comes from a number of sources. The Australian [Constitution](#) includes provisions that protect some of our basic rights. In addition, state and federal governments have passed laws aimed at protecting many of our rights as citizens.



**FIGURE 1** Our rights and freedoms unite us as Australians.

### Rights contained in the Constitution

The Australian Constitution contains a number of sections that ensure that Australia must be ruled as a [democracy](#). It also includes five specific rights. Because these five rights are written in the Constitution, they cannot be changed or taken away without a [referendum](#).

## Protecting democracy

The Constitution ensures that Australia must be governed as a democracy in the following ways:

- Representatives to both houses of parliament are elected by a direct vote of the people.
- Each person has only one vote for each house of parliament, so all voters are equal.
- Parliament is limited to a three-year term, so all the members have to face the voters on a regular basis to be judged on their performance.
- All laws passed by the parliament have to be agreed to by a majority of members, so they represent the wishes of the majority of voters.
- There is a division of powers between the federal and state governments, so power is spread between these two levels of government.
- The courts are independent of government, so they can enforce the law fairly and equally to all.

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#### What is parliament?

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FIGURE 2

A direct vote of the people is required to elect members of parliament.

## Five express rights

Our Constitution contains a small number of rights. Because they are clearly expressed in the wording of the Constitution, they are known as 'express rights'. The five express rights are as follows:

1. *Freedom of religion.* Under section 116 of the Constitution, the government cannot force anyone to follow any one religion, nor can it prevent anyone from freely practising his or her own religion.



FIGURE 3

Freedom of religion is guaranteed by our Constitution. Out of 22 major world religions, 18 are practised in Australia.

2. *Trial by jury.* Under section 80 of the Constitution, anyone accused of a serious crime under Commonwealth law must be tried in court by a **jury**. This right only applies to Commonwealth law, so it is a very limited right. Most criminal law is decided by state governments, and criminal trials take place in state courts. Trial by jury in these state courts is not protected by the Constitution, but is covered by state laws.



FIGURE 4

Trial by jury is guaranteed by our Constitution for anyone charged with a serious offence under Commonwealth law.

3. *Compensation for acquired property.* Sometimes the Commonwealth Government may need to take over property from individuals or organisations. Under section 51(xxxi) of the Constitution, if the government does this, it must be on 'just terms'. This means that the person who owns the property must get a fair price for that property.



FIGURE 5

If the government needs to take over property, the owner is entitled to a fair price under our Constitution.

4. *Residential non-discrimination.* Under section 117 of the Constitution, no state government can treat someone differently, or discriminate against a person, just because he or she is a resident of a different state.
5. *Interstate trade and commerce.* Under section 92 of the Constitution, all trade between the states must be completely free. This means that no government, or any other person or business, can do anything that interferes with the free operation of commerce across state borders.



FIGURE 6

Under our Constitution, all trade across state borders must be free from interference.

## Rights protected by legislation

Federal, state and territory parliaments have all passed laws designed to protect the rights and freedoms of all members of the community. For example, they have all passed laws designed to make it illegal to discriminate against any person based on certain personal characteristics. This means that you cannot treat someone differently or unfairly because they happen to be different from yourself or from the majority of society. Under these laws, it is illegal to discriminate against anyone on the basis of:

- gender or gender identity
- sexual orientation
- pregnancy
- breastfeeding
- marital status
- status as a carer
- age
- race
- skin colour
- nationality
- ethnicity
- parental status (including childlessness)
- physical features (Victoria only)
- religious belief or activity
- physical impairment
- mental illness or disability
- a personal association with anyone having any of the above characteristics.

This means that an employer cannot refuse to employ someone because of any of the above characteristics. It also means that a business owner cannot use any of the above as a reason to refuse to do business with a person. For example, the owner of a restaurant cannot refuse entry to a person based on any of the above characteristics. These laws are designed to ensure that all members of Australian society are treated fairly and equally.



**FIGURE 7** Employers interviewing job applicants must treat them all equally.

## ACTIVITIES

### REMEMBER

1. What is the meaning of the term 'democracy'?
2. In what way is freedom of religion protected in Australia?
3. In what circumstances does the Constitution guarantee a jury trial to an accused person?

### EXPLAIN

4. Choose two democratic rights and explain what they are.
5. Identify and explain five ways in which the Australian Constitution protects our rights.
6. What safeguards does the Constitution provide for anyone who has his or her property taken by the Commonwealth Government?

### DISCOVER

7. Use internet resources to identify three laws, passed by either a state parliament or the Commonwealth Parliament, designed to make it illegal to discriminate against any person based on his or her personal characteristics.

## THINK

8. Examine each of the following cases and determine whether or not there has been a case of discrimination, and explain your reasons:
- A woman was unsuccessful in gaining a job because she was pregnant.
  - A real estate agent refused to rent an apartment to an Indigenous family.
  - A man failed to get a job as a bus driver because he had no drivers licence.
  - A taxi driver with a sign on his cab saying 'No dogs' refused to pick up a blind person with a guide dog.
  - A carpenter advertises for an apprentice to work with him, and specifies that only males should apply.
  - A menswear store advertises for a model for its advertising catalogue, and specifies that only males should apply.

## 1.2 How free is freedom of speech?

One of the key freedoms enjoyed by Australians is freedom of speech. In most cases we have the freedom to express our opinions publicly. However, there are some legal limits on freedom of speech. This is because our right of free speech must be balanced against the rights of other people who may be harmed by what we say.



**FIGURE 1** Australians highly value the right of free speech.

### The importance of freedom of speech

For us to be able to exercise our democratic rights in a free society, we must have the right to express our opinions without risk of punishment. In many countries around the world, and

throughout history, this right has not always existed. In some medieval societies, anyone who publicly criticised the king or the church could be executed. Even today, there are many countries where freedom of speech is very limited or non-existent, and people are punished for publicly expressing their opinions:

- In Russia in February 2012, members of a female punk-rock group known as Pussy Riot staged a performance in a cathedral in Moscow. The women were protesting against the policies of the Russian government and its close relationship with the Russian Orthodox Church. They were arrested and charged with 'hooliganism', and imprisoned. Their imprisonment led to widespread protests in Russia and other countries. Eventually they were pardoned by the Russian Parliament and released from prison in December 2013. Their case is seen as an example of the lack of freedom of speech in Russia.
- In North Korea, it is illegal to say or do anything that criticises the government or is seen to insult the country's leader, Kim Jong-un. It was recently reported that a man was thrown into prison for wiping up a spilt drink with a sheet of newspaper. Someone noticed that the newspaper featured a photo of Kim Jong-un and reported the man, who was imprisoned for insulting the leader.



FIGURE 2

The imprisonment of members of the Russian punk-rock group Pussy Riot led to many protests calling for their release.

## Limits on our freedom of speech

Our right to freedom of speech in Australia is said to be limited by the 'bounds of law'. The word 'bounds' is an old-fashioned form of the word 'boundaries'. We understand boundaries to be limits on what we may do in any set of circumstances. The limits or boundaries on our freedom of speech are imposed by laws that prohibit (among other things) hate speech, bullying, defamation and obscenity.

### Hate speech

Australia's laws against racial discrimination place a limit on our right of free speech. It is illegal in Australia to publicly use language that is likely to offend, insult, humiliate or intimidate anyone because of that person's race, colour or national or ethnic origin. Very few people have actually been brought to court under this law, but it sends a strong message to the community about using racially abusive language. In May 2013, a 13-year-old girl was removed from an AFL match at the Melbourne Cricket Ground for racially abusing Aboriginal footballer Adam Goodes.



**FIGURE 3**

A teenage girl was removed from a football game for racially abusing AFL footballer Adam Goodes.

## Bullying

In recent years, state governments have acted to protect people from bullying, particularly in the workplace. In February 2010, four men and the company they worked for were fined a total of \$335 000 for bullying a young waitress who later killed herself. The waitress, Brodie Panlock, committed suicide after months of bullying at the café where she worked. Much of the bullying involved name-calling and using offensive language towards Ms Panlock, who was 19 years old. Following the publicity surrounding Brodie Panlock's death, the Victorian state government brought in a new law against workplace bullying. It allows for workplace bullies to be prosecuted through the criminal law, and for prison sentences of up to ten years for those found guilty. The new law has become known as 'Brodie's law'. Some other state governments have now also acted to make bullying language illegal.



**FIGURE 4** The suicide of 19-year-old Brodie Panlock led to a change in the law regarding workplace bullying.

## Defamation

Defamation occurs when one person writes or says something likely to damage the reputation of another person. Any communicated material that harms the reputation of another person is said to be 'defamatory'. If you believe someone has defamed you, you can take legal action (that is, you can sue that person). For your legal action to be successful, you have to prove the following:

- The defamatory material was published or communicated to someone other than yourself. It is not defamatory if the person communicates it only to you, and no-one else sees or hears it. It

would be defamatory, though, if someone published it on his or her Facebook page, or anywhere likely to be read by other people.

- It has to be clear that it is you as an individual the person is referring to. If someone said that members of your sports team were cheats, you could not sue them unless they clearly identified you in person.
- There has to be some clear damage to your reputation. If the material is likely to prevent you getting a particular job, or in some other way can be seen to disadvantage you, you may have a good legal case.
- The material must be untrue. If someone communicates material about you that can be proven to be true, then that person has a strong defence if you try to take legal action for defamation. In this case, a court may rule that no defamation has occurred.

The law relating to defamation puts a limit on free speech but it also protects innocent people from having their reputations ruined publicly. It demonstrates that any right to freedom of speech imposes an obligation on all of us to use that right responsibly.



FIGURE 5

Spreading rumours likely to damage another person's reputation could be defamatory.

## Obscenity

Freedom of speech is also limited by the need for all written and spoken material to conform to reasonable community standards. Laws against obscenity are designed to protect these standards. Obscenity laws vary by state and territory, but generally cover cases such as the following:

- *Offensive language.* If you are caught swearing loudly in public, you can be charged with using offensive language in a public place.
- *Sexually explicit or violent material.* A number of laws govern the publication or display of such material. In some cases, film and television classification authorities may place restrictions on

violent or sexually explicit material by giving it an 'R 18+' classification. Some other material (such as child pornography) is banned completely, and people can be prosecuted and imprisoned for possessing it. Recently there has been a lot of publicity relating to the practice of 'sexting' by teenagers. This is seen as child pornography and has serious consequences for anyone caught participating in the practice.



**FIGURE 6**

Sending obscene images on a mobile phone is illegal and can lead to the person responsible being charged with an offence.

Despite these limits, freedom of speech plays a significant role in Australia's democracy. Our right of free speech allows the open exchange of political ideas and policies. This means that when we vote to elect representatives to parliament, we should be fully informed about the promises and policies of all candidates. No-one can restrict the rights of political parties and their candidates from getting their message out to voters.

## ACTIVITIES

### REMEMBER

1. What is meant by the term 'bounds of law'?
2. Outline the purpose of laws against obscenity.

### EXPLAIN

3. In what ways do laws against racial discrimination put limits on our right of free speech?
4. What are the four elements you would have to prove to be able to successfully take legal action against someone for defamation?

5. Explain why freedom of speech is important in supporting democracy in Australia.

### DISCOVER

6. A number of states are considering changing the laws dealing with sexting. Using internet resources, find out the following:
  - a. Which states are currently considering changes?
  - b. What changes are being considered?

### PREDICT

7. What are the likely consequences of each of the following actions:
  - a. A group of employees in a factory engages in name-calling and using insulting language towards a workmate, who becomes afraid to go to work as a result.
  - b. A young man lies about his ex-girlfriend on his Facebook page, saying that she lost her job because she stole money from her employer. When the girlfriend applies for another job, she is unsuccessful because the prospective employer believes she is a thief.
  - c. A passenger on a bus begins harassing a family of African migrants, using racist language and telling them to 'go back where they came from'.
  - d. A 14-year-old girl sends a topless photograph of herself to her boyfriend's phone. The boy keeps the photograph on his phone and, when they break up, he resends it to all his friends with nasty comments about the girl.

## 1.3 Some other democratic freedoms

In addition to freedom of speech, there are a number of other freedoms we associate with living in a democracy. These include freedom of association, freedom of assembly, freedom of movement and freedom of conscience. All of these freedoms have been included in international **treaties** that have been agreed to by Australian governments. Any attempt to limit these would be seen as an infringement of our democratic rights.

### Freedom of association

It is generally accepted in Australia that we have the right to have anyone we wish as a friend. It is also accepted that we can socialise with any individual or group of people we choose. This is freedom of association at its simplest level, but our right to freedom of association goes further than this. Fundamental to freedom of association is the right to join any group, club or organisation we wish. This means that we have the right to join any political party, religious group, sporting club or **trade union**. While we take this right for granted, it has not always been protected. At different times, in different countries, it has in fact been severely limited.

- Much of our legal and constitutional system comes from Britain. Trade unions were banned in Britain in 1799 under laws known as the Combination Acts. Although these laws were repealed in 1825, there were still strict limitations on what unions were allowed to do. In 1834, a group of six men from the village of Tolpuddle in southern England formed an association to campaign for better wages for farm workers. They were prosecuted, found guilty and sentenced to seven years' transportation to the colony of New South Wales. They became known as the Tolpuddle Martyrs, and were regarded by many as heroes for standing up for the right to freedom of association. Following public protests, they were released in 1836 and allowed to return to England.
- In 1951, the Menzies government in Australia tried to ban the Communist Party by holding a referendum to change the Australian Constitution. Because the Communist Party believed in the overthrow of existing society, many people viewed it as a dangerous organisation. The Communist Party had only a relatively small number of supporters and members, and most Australians were strongly opposed to communism. Nevertheless, the referendum failed and the Communist Party remained a legal organisation. It appears that most Australians were not prepared to sacrifice the right to freedom of association — not even to ban an organisation they did not support.



FIGURE 1

Between 50 000 and 60 000 people gathered outside London to protest at the transportation of the Tolpuddle Martyrs in 1834.

Freedom of association is an important part of our democracy. Having the right to elect representatives to make laws on our behalf works most fairly when we have a number of alternative candidates from which to choose. Freedom of association allows anyone to form a political party (or any other organisation) to campaign for new laws or changes to existing laws. Anyone can join such groups and, if they gain enough support, their ideas and proposals can eventually become

law. Australian democracy is stronger because we have many different groups and ideas to choose from when we vote.

## Freedom of assembly

Related to freedom of association is freedom of assembly. This gives individuals and groups the right to assemble (or come together) for a meeting, or the right to assemble in public to protest against actions by a government or other organisation. Freedom of assembly can be limited, depending on the type of assembly and its location. In Australia, there is no specific law that protects freedom of assembly. It is included in international treaties that have been agreed to by Australian governments, and is therefore regarded as one of our natural democratic rights. State governments are usually responsible for dealing with public order, and so will make laws that deal with public protests. In this way, freedom of assembly is subject to the bounds of law.

While there are generally no restrictions on any group holding a meeting in a hall or similar space, assembling in a public space may limit the access of others to that space. For example, a protest march along a busy main road may cause severe traffic problems. It is for these reasons that some state governments have placed restrictions on freedom of assembly. Most people would accept that, for any assembly or protest to be legal, it should be peaceful and not threaten bystanders. In most cases, the organisers of public protests in Australia make sure their activities are well publicised in advance, so they can attract the largest number of supporters to their actions. This means that the authorities can plan to ensure minimum disruption to people going about their normal business.



FIGURE 2

Freedom of assembly includes the right to public protest.

Freedom of assembly, including the right to public protest, provides many groups with a means of having their views heard by the broader public. If these views then gain support among large numbers of people, they can influence a government to change laws or make new laws to deal with the issue under protest. (See section 1.4 for further discussion of this issue.)

## Freedom of movement

As with other rights, freedom of movement is limited by the bounds of law. We have the freedom to move freely within most public spaces in the community, but obviously we do not have the right to trespass on someone else's private property. The right to freedom of movement allows us to move freely between different towns and cities, and to move between the states of Australia without restriction — a right reinforced by the constitutional right of free trade and commerce between the states. Freedom of movement also gives us the right to leave Australia for work or a holiday, and to return at any time.

Freedom of movement is sometimes restricted as a means of protecting the public. Before trial, a person accused of a crime may be prevented from leaving the state or country. After floods or bushfires, people may be lawfully prevented from entering an area declared a natural disaster area. When parents are in dispute over the custody of children during a divorce, courts may restrict the movement of those children to ensure they have regular access to both parents.

Any general attempt to restrict people's right of movement could limit their rights to participate in Australian democracy. If we wish to attend a meeting or public lecture to find out more about a political issue, we should be free to do so. Similarly, we must be able to get to a polling place to vote in an election. Freedom of movement therefore enables us to exercise our democratic rights.



**FIGURE 3** Freedom of movement includes the right of Australians to leave the country and return at any time.

## Freedom of conscience

Freedom of conscience means that we have the right to hold opinions and to express those opinions freely. It applies to religious views, political views, scientific ideas or any other beliefs or ideas we may have. It means we can hold our own beliefs and not be forced to accept the beliefs of others.



**FIGURE 4**

Freedom of conscience gives us the right to think and believe differently from those around us.

As we know from the discussion in section 1.1, freedom of religion is protected by the Australian Constitution, but the broader concept of freedom of conscience is included in international treaties agreed to by Australian governments. Freedom of conscience has not always been guaranteed, and is still not guaranteed in some countries:

- The medieval Roman Catholic Church held to a belief that the sun revolved around the Earth. When Galileo Galilei proposed the idea that the Earth and all other planets revolved around the sun, he was imprisoned and his writings were banned by the Catholic church.
- In some Muslim countries (including Saudi Arabia and Iran), anyone who converts from Islam to another religion (such as Christianity) is guilty of a crime. The person will usually be imprisoned and may be subject to the death penalty.
- In February 2014, an Australian Christian missionary called John Short was detained in North Korea for distributing Christian pamphlets. Christianity is banned in North Korea along with most other religions, and Mr Short faced the possibility of a 15-year prison sentence. He was eventually released after about ten days, and required to make a public apology to the government of North Korea.



**FIGURE 5** Galileo Galilei was imprisoned by the Catholic Church because he published scientific findings that were different from accepted beliefs.

In Australia, expressing one's own conscientious beliefs is subject to the same bounds of law that apply to freedom of speech generally (see section 1.2). Freedom of conscience is important in a democracy because we need to have choices when we vote. The free exchange of political ideas can help us to decide who we want to represent us in parliament and make laws on our behalf. We will usually vote for people whose beliefs and values are as close as possible to our own because they are more likely to make laws we agree with.

## ACTIVITIES

### REMEMBER

1. Who were the Tolpuddle Martyrs?
2. Why did the Menzies government try to ban the Communist Party in 1951?
3. Outline one way in which freedom of assembly might be restricted by the bounds of law.
4. Describe two circumstances when it might be reasonable to restrict a person's freedom of movement.
5. List two examples of freedom of conscience.

### EXPLAIN

6. Why is each of the following important in maintaining Australia as a democratic society?
  - a. Freedom of association
  - b. Freedom of assembly
  - c. Freedom of movement
  - d. Freedom of conscience

### THINK

7. In October 2013, the Queensland government brought in new laws directed at members of motorcycle clubs, particularly those labelled as members of 'criminal motorcycle gangs'. The laws prohibit any gathering of those members in groups of three or more. They also ban such members from going to certain declared locations, promoting their organisation or recruiting new members.
  - a. Identify two rights or freedoms that may have been breached by these laws.
  - b. The Queensland government has claimed that the laws are designed protect innocent people from violent bikie gangs. Explain whether or not you agree with this argument, and give reasons for your response.
  - c. The government that brought in these laws was democratically elected by a huge majority of the voters. Do you believe this gives the government the right to make any laws it wishes, or should there be some limits on the power of governments to restrict basic rights and freedoms? Give reasons for your answer.

## 1.4 Dissent in a democracy

Not everyone will agree with actions taken by our governments. In a democracy — where we all have freedom of conscience, freedom of speech, freedom of association and freedom of assembly — we have the right to express that disagreement. When a person (or group of people) expresses that disagreement publicly, it is known as dissent. In a democratic country like Australia, the right to dissent is one of our basic rights.

### Expressing dissent

Expressing dissent is one of the ways in which we can participate in a democratic society. While we are required to obey the law, we are not required to blindly follow whatever a government tells us. Every individual is free to undertake a range of activities in an attempt to have a particular law changed — for example, to organise and participate in a demonstration or public rally, or to sign a petition supporting a change in the law. (Details of such activities are discussed in topic 2, section 2.4.) In recent years in Australia, we have seen examples of very successful campaigns of dissent aimed at different government actions. Each of these has resulted in a change in government policy or even a change of government.

### The WorkChoices campaign

In 2005, the Liberal–National Party coalition government led by John Howard brought in new laws to deal with the way in which wages and working conditions were to be decided in Australian workplaces. These laws, known as the WorkChoices laws, reduced the ability of unions to act on behalf of their members. They were also designed to remove some of the entitlements that many workers were used to enjoying as part of their working conditions. It would be made easier for workers to be dismissed from their jobs, and many employees feared that their jobs would be less secure as a result.

The Labor Party and the Australian Greens opposed the WorkChoices laws being passed in parliament. However, the government had the majority of members in both the Senate and the House of Representatives, so the laws were passed. The trade union movement then entered the fight, launching an advertising campaign designed to turn the majority of Australian voters against the new laws. Protest marches were held in every major city as part of the effort to change these laws. This campaign was very successful as it made many employees worried about maintaining their wages and working conditions.

WorkChoices became a major issue in the 2007 federal election. It was a significant factor in the defeat of the Liberal–National Party coalition government and the victory of the Labor party, led by Kevin Rudd. The new Labor government quickly moved to [repeal](#) the WorkChoices laws and replace them with a different set of laws to deal with wages and working conditions.



**FIGURE 1** The campaign against WorkChoices contributed to a change of government in 2007.

## The mining tax

In 2008, the federal Labor government led by Kevin Rudd set up a committee to review the taxation system. In December 2009, the review committee presented its report to the government. In May 2010, the government decided to adopt one of the report's recommendations for tax changes. It was announced that a Resource Super Profits Tax would be introduced. This tax was to be paid by mining companies, but was strongly opposed by those companies. The mining companies conducted a strong advertising campaign across all media, claiming that the tax would destroy the mining industry.

This advertising campaign worked very well, and the tax became deeply unpopular. The Liberal–National Party coalition came out in opposing the tax and supporting the mining companies. In June 2010, the Labor Party members of parliament voted to remove Kevin Rudd as their leader and to replace him with Julia Gillard. This meant that Julia Gillard became prime minister as she was now the leader of the government party. The new prime minister decided to negotiate with representatives of the mining companies to make changes to the tax. The name of the tax was changed to the Minerals Resource Rent Tax, and only the largest mining companies had to pay it. The leader of the Liberal Party, Tony Abbott, maintained that his party would repeal the tax if it won government at the next election. In September 2013, the Liberal–National Party coalition won the federal election. The new government then set out to introduce new laws into parliament that would remove the tax on mining companies. In September 2014, legislation to repeal the mining tax was passed by the Senate.



**FIGURE 2** The mining industry conducted a strong campaign against the original mining tax in 2010.

## The carbon tax

Over the last 20 years or so, there has been growing concern in the community over climate change caused by excessive emissions of carbon dioxide into the atmosphere. At the 2007 Australian federal election, both sides of politics promised to introduce an emissions trading scheme to deal with the problem. During the next three years, the Labor government led by Kevin Rudd attempted to introduce such a scheme but was unsuccessful.

After the 2010 federal election, neither major political party had a majority in the House of Representatives. This meant that neither party could form a government without the support of smaller parties and members who did not belong to any political party. As part of the negotiations with these representatives, Prime Minister Julia Gillard agreed to introduce a carbon tax. Because they now had to pay a tax on carbon emissions, businesses were expected to reduce those emissions. It was hoped that this would eventually provide a solution to climate change. Before the election, the prime minister had promised that her government would not introduce a carbon tax, so she was attacked as having broken an election promise. Opposition Leader Tony Abbott promised that he would repeal the laws setting up the carbon tax, and began a campaign against the tax. Other opponents of the Labor government joined in the anti-carbon tax campaign, with some of them protesting outside Parliament House in Canberra. After winning the 2013 election, Prime Minister Tony Abbott began the process of repealing the laws that had set up the carbon tax. In July 2014, the Abbott government successfully passed a bill through parliament to remove the carbon tax.

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Anti-mining tax campaign



FIGURE 3

Anti-carbon tax: protests against the carbon tax took place on the lawn in front of Parliament House in Canberra.



FIGURE 4

Pro-carbon tax: many people came out to support the carbon tax as the most effective way of tackling climate change.

## ACTIVITIES

### REMEMBER

1. Identify which groups expressed dissent towards each of the following:
  - a. WorkChoices
  - b. the mining tax
  - c. the carbon tax.
2. Describe one way in which each group expressed its dissent.

### EXPLAIN

3. Why is it reasonable for groups and individuals to express dissent towards government policies and actions?
4. Give two examples of limits or bounds of law, and explain how they could reasonably be placed on dissent in Australian society.

## DISCOVER

5. Using internet resources, identify who has been involved in expressing dissent towards the following government actions and the methods they have used to present their views:
  - a. Australia's involvement in the war in Iraq from 2003 to 2009
  - b. the detention of asylum seekers on Nauru and Manus Island
  - c. laws preventing same-sex marriage.

## THINK

6. Is dissent directed towards government policies or actions a positive or negative influence on Australian democracy? Give reasons for your answer.

## SkillBuilder: Questioning and research

### Tell me

When carrying out your own research, the steps in figure 1 can provide a useful guide.

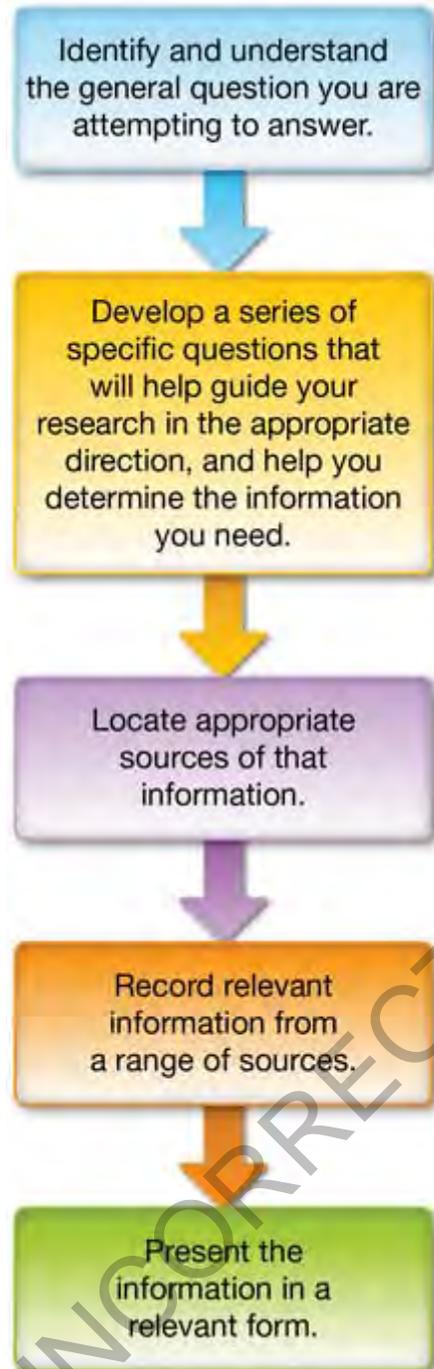


FIGURE 1 How to carry out your own research

## Show me

Many countries throughout the world have a 'bill of rights' or 'charter of rights' to protect the rights and freedoms of their citizens. Imagine you have been asked to find out what a bill or charter of rights is, and how it protects people's rights and freedoms.

Your first step is to clearly identify the essential key questions. These could be expressed as follows: 'What is a bill or charter of rights? What is a good example of a bill or charter of rights? What rights does it actually protect? How does it protect these rights?'

It is now necessary to break this down into a series of more specific questions. These could include:

1. What is a bill of rights?
2. What is a charter of rights?
3. Is there any difference between a bill of rights and a charter of rights?
4. What is one major country that has a bill or charter of rights?
5. How did that country get a bill or charter of rights?
6. What rights or freedoms does that bill or charter protect (for example, freedom of speech; freedom of association)?
7. Can those rights be easily taken away by a government repealing them? Or are they like the rights protected by the Australian Constitution, and need a referendum to be changed?
8. What can people do if they think their rights under that bill or charter have been affected by the actions of the government or someone else?
9. How well does the bill or charter work? Are there any examples of occasions when someone has successfully taken legal action to protect his or her rights?

The next step is to locate appropriate sources. By entering the search term 'bill of rights' or 'charter of rights' in your favourite search engine, you will be presented with a number of sources. A Wikipedia entry is often found at or near the top of the list of sources found, and many students will be familiar with this resource. There is no problem in using Wikipedia as one of your sources — so long as you remember that it is not always reliable, and any information gathered from Wikipedia should always be checked against another source to make sure it is accurate. To help ensure that your information is correct, it is a good idea to use at least two sources to answer each question.

Keep your questions beside you as you read each source, and note the location of material that provides answers. You can select and print some text, and then highlight those sentences or paragraphs that provide answers to your questions. Sometimes a complete answer to a question may be found in several places in a piece of text. Be sure to highlight all relevant text, and indicate with a number which question the information answers.

When you are satisfied that you have found the answers to all the questions, you need to write the answers in order, making sure to use your own words as much as possible. You can then use the answers to present your information in the required form. This may be a report to the rest of the class, an essay to be marked by your teacher, a PowerPoint or Keynote presentation, or any other format that is appropriate.

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## Let me do it

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### Practise the skill

Using the above process as a model, devise a series of questions and carry out the research to produce a report on the following two key questions: 'In Australia, the state of Victoria has brought in a Charter of Human Rights and Responsibilities, and the Australian Capital Territory has a bill of rights known as the Human Rights Act. Select one of these and prepare a report explaining (1) what rights are protected by the bill or charter you have selected; and (2) what actions can be taken by a person to protect his or her rights under that bill or charter.'

## Review and reflect

### Review

When we speak of rights and freedoms, we are usually referring to the way individuals are treated in a particular organisation or community, including the democratic rights we have as citizens. Today in Australia, the rule of law means that we have a number of guaranteed rights and freedoms, and no government can take these away from us.

- The Constitution guarantees certain democratic rights, such as the right to directly elect members of parliament, and a requirement that elections must be held every three years.
- The Constitution also contains five express rights, including freedom of religion and a right of free trade between the states.
- Federal and state parliaments have also passed laws to promote equal opportunity and to make it illegal to discriminate against individuals.
- The right of free speech is an important right but it is limited by the bounds of law.
- Freedom of association, freedom of assembly, freedom of movement and freedom of conscience are all important freedoms enjoyed in Australia. These are also limited by the bounds of law.
- In a democracy such as Australia, we all have the right to dissent against laws passed by parliament. We can express our dissent publicly and vote for political parties that promise to change those laws.

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#### Interactivity

**Multiple choice**

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#### Interactivity

**True/false**

Searchlight ID: INT-4302

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#### Interactivity

**Crossword**

Searchlight ID: INT-5316

## Reflect

A number of people have expressed concern about section 18C of the Racial Discrimination Act. This is the law that makes it illegal in Australia to publicly use language that is likely to offend, insult, humiliate or intimidate anyone because of his or her race, colour or national or ethnic origin. Individuals opposing section 18C argue that it is an unnecessary restriction on freedom of speech. Others believe that it is an important safeguard to protect people against hate speech.

Carry out the following tasks in groups of four:

1. Use internet resources to locate material on this law. You will find many websites that discuss the issue.
2. Divide your group into two pairs. One pair should find arguments in favour of keeping section 18C, and the other pair should find arguments in favour of repealing it.
3. In your group, discuss the arguments in favour of and against retaining this law. Which arguments are the strongest? Can you reach agreement as a group or not?
4. Each group should present its findings to the rest of the class. Your teacher may be able to make a summary of the arguments.
5. After considering all the arguments gathered and presented by each group, is there a point of view supported by the majority of the class? Have a vote to determine this.