

Chapter One:

The responsibilities of, and limits on, governments and the rights, liberties and duties of the people.

- 1 The responsibilities of, and the limits on governments specified in this Chapter and elsewhere in the Constitution, shall bind all legislative, executive and judicial authorities in Australia.
- 2 The natural rights of the people to life and liberty shall not be infringed upon by any government or person, and the people shall exercise due respect for the equal natural rights of all others.
- 3 The first duties of the governments in Australia, and of their elected and appointed officers, shall be the protection of the lives, liberties, rights and welfare of the people of Australia.
- 4 Except for the officers of law enforcement and defence agencies in the exercise of their lawful duties, no persons, corporations or government agencies shall use force or coercion against any other persons, corporations or government agencies.
- 5 All people in Australia shall have the right to disobey an order that denies or infringes the rights and freedoms of any people specified in this Chapter. The people shall have the right and duty to resist by force if necessary, any attempt to overthrow the Constitution. No punishment shall be inflicted on any members of the defence forces, police or emergency services, public services and other persons employed by a government in Australia, or any other person, for refusing to obey an order that is unlawful or unconstitutional.
- 6 The Parliament shall not make any laws restricting the people in the free exercise:
 - (1) of conscience and thought;
 - (2) of speech, opinion, expression or research;
 - (3) to seek, receive, publish, impart, import or export ideas or information;
 - (4) to participate in public affairs, including the membership of trades unions, and industry and business associations or similar organizations;
 - (5) to association, but not for the purposes of criminal activity or to contravene the Constitution;

- (6) of peaceful unarmed assembly, which shall include the right to demonstrate, to picket, to protest and to march and other similar activities;
- (7) to publish printed, electronic or other media, but this right shall not extend to the publication of propaganda for war, incitement of violence, advocacy of hatred that is based on race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth, or to the incitement to cause harm;
- (8) to join or to establish any religion and to take part in the practices, worship, rituals and observances of that religion, either in public or in private, communally or individually. This subsection shall not be interpreted as exempting persons from being subject to the Constitution, nor of obeying the laws made subject to it;
- (9) to choose freely their place of residence, to travel freely within and to leave and re-enter Australia and its territories, subject to the rights of the people and of corporations to own and to enjoy their private property, of governments to legitimately restrict public access to their properties, and of Aboriginal and Torres Strait Island Peoples to limit or forbid access to their lands or properties;
- (10) to petition a government for the redress of grievances;
- (11) to peacefully withdraw labour from an employer;
- (12) to not suffer any punishment if they have lawfully assisted another person to determine the time of their own death if they fulfil the conditions established by the Parliament;
- (13) not to be subjected to medical or scientific experiments without their prior, conscious, informed and written consent;
- (14) to refuse to undergo any medical treatment if they are a legally competent adult;
- (15) to the expression of their sexual preferences if they are a legally competent adult;
- (16) to compensation for any harm caused to their person or to their health, or for any damage caused to their property, by any officer, department or agency of the Commonwealth, a Territory, a County or by any other person, corporation or organization.

No-one shall infringe upon the equal rights of others. All the rights specified in the Constitution that are compatible with their age, shall be applicable equally to persons who are not adults. Until the Parliament otherwise determines, an adult shall be a person of eighteen years and over.

7 Everyone in Australia shall have the right and the duty to make public any corruption, misconduct, mal-administration, breach of public trust, wasting of public funds, danger to public health and safety, and danger to the environment, or any other criminal act or circumvention of the Constitution or of the law, whether by omission or commission. In doing so, no one shall suffer any penalty or any action against them.

8 The people shall not be:

- (1) deprived of their liberty or property without due process of law;
- (2) subjected to arbitrary arrest, detention or imprisonment;
- (3) detained or imprisoned solely for failure to fulfil a contractual obligation;
- (4) held in slavery;
- (5) held in servitude or required to perform compulsory labour.

No officer or agent of the Commonwealth or a County nor any other person shall make any attempt to prevent a person having recourse to a court or a tribunal in pursuit of claims of infringement of freedoms or rights, or of claims for just compensation. Any officer, agent or other person attempting to do so, shall be liable to criminal prosecution. No officer or agent of the Commonwealth or the Counties, or any other person, shall cause physical or mental harm to any person during any action by investigative agencies. Similarly, no officer, agent or other person shall prevent any person from having a lawyer present during any investigation. Any officer or agency of the Commonwealth or a County or any other person attempting to do so, shall be liable to criminal prosecution.

9 No government in Australia shall violate the right of the people and their property to be secure against surveillance, search, seizure or other interference, except subject to the following:

- (1) criminal behaviour or reasonably suspected criminal behaviour;
- (2) a reasonable suspicion that a person is a member of an organization proscribed by the Parliament as being a terrorist organization, or an organization that otherwise poses a threat to the people or to the Commonwealth; and
- (3) subject to a warrant issued by a judge of the Superior Court to law officers, that shall be supported by oath or affirmation, shall describe in detail the purpose of the surveillance, search, seizure or other interference and shall state who or what is its subject. The law officers exercising such a warrant shall report as required to the issuing judge, and
- (4) any such warrant shall not be valid after seven days.

Property in this section shall include postal articles, telephone conversations, electronic letters and all other similar communications.

- 10 The use of all forms of surveillance shall be:
 - (1) restricted to the law enforcement agencies of the Commonwealth; and
 - (2) any information gained by such surveillance shall only be used in a court against persons charged or likely to be charged with an offence; and
 - (3) all information gained on other persons shall be destroyed under judicial supervision; and
 - (4) persons who have not been charged with and who are not likely to be charged with an offence and who have reasonable grounds for believing that they are the subject of such information shall be entitled to apply to a Superior Court judge to ensure that such destruction is carried out.

- 11 The victims of any crime shall be entitled:
 - (1) not to make any statement until a reasonable time of their own choosing and after being examined by a medical doctor;
 - (2) to the free assistance of a lawyer provided by the Legal Aid Commission, if they are unable to pay a lawyer to protect their interests, from the time a complaint of a criminal offence is made until the final conclusion of all court proceedings;
 - (3) to be interviewed by specially trained police officers in the presence of their doctor, lawyer or other person of their own choice;
 - (4) not to be required to physically confront their alleged assailant;
 - (5) to police protection for themselves and for their families and for other persons involved, from the time a complaint of a criminal offence is made until the conclusion of all court proceedings, and otherwise if required;
 - (6) to not have their identity and that of their families and other persons involved, made public;
 - (7) to be permitted to give evidence in private and to not have to testify in open court;
 - (8) to be treated at all times with dignity and courtesy by police and court officers, and to have their testimony treated equally to that of their alleged assailant;
 - (9) to not have their behaviour, lifestyle, sexual preferences or history be the subject of examination, either by police or by officers of the court unless it can be proved to have contributed to the alleged offence;

- (10) to be present at any trial and to present their case if they wish;
- (11) to not have any charges brought against their alleged assailant reduced by plea-bargaining;
- (12) to privately make a statement to the court regarding the effects of the crime on them, their family and any others involved, and for their family members or others to similarly make such statements to the court prior to the sentencing of a guilty person, and to be present at any other court or other legal proceedings respecting the matter following sentencing;
- (13) to full restitution of any economic losses caused by the crime from the property of a guilty person or from the Commonwealth Criminal Compensation Fund;
- (14) to be kept fully informed at all times by the investigating police of:
 - a any charges against an accused person,
 - b the arrest of an accused person,
 - c all court proceedings involving the accused person,
 - d the escape of an accused person from detention,
 - e the failure of an accused person to appear at any court proceedings,
 - f the conviction of an accused person,
 - g all court proceedings respecting the sentencing of a guilty person,
 - h the sentence received by a guilty person,
 - i any appeal against the conviction or sentence of a guilty person,
 - j any appeals court proceedings involving a guilty person,
 - k any appeals court decision to overturn a conviction, order a new trial, or to reduce the sentence of a guilty person,
 - l any petition to a court or other proceedings seeking a pardon or a reduction of the sentence of a guilty person,
 - m any pardon or reduction of the sentence of a guilty person,
 - n any escape by a guilty person from imprisonment, and
 - o in any criminal trial in matters of assault, conspiracy, trickery or the use of drugs as an aid to commit an offence, it shall be unlawful for the defence to argue that a victim in any way contributed to the criminal act in any manner by means of behaviour, dress, attitude or in any other similar manner.

All of this section shall apply equally in the case of victims who are not adults, or persons who are subject to section 18 of the Constitution. The parents or guardians of any persons who are not adults shall always be present unless the parents or guardians are suspected of or charged with a

criminal offence. In such a case, an officer of the Guardianship Commission shall always be present during any interview.

12 Everyone shall have the right:

- (1) not to be lawfully arrested unless they are the subject of a lawfully issued warrant of arrest, that shall be served at the time of the arrest, or if they are found committing a criminal offence or are reasonably suspected of committing or of being about to commit a criminal offence;
- (2) to be informed at the time of their arrest of the reasons for their arrest;
The parents or guardians arrest;
- (3) to be informed within a reasonable time of the charges to be brought against them;
- (4) to be advised in full of their rights under the criminal law;
- (5) not to be required to make any statement;
- (6) to consult a lawyer within a reasonable time;
- (7) to be brought before a judge at the nearest local court for an initial hearing at the earliest opportunity;
- (8) to require that the arresting or detaining officers state the cause, time and place of arrest or detention during that appearance;
- (9) to apply for release on bail on reasonable terms at that hearing, subject to the law regarding bail for the offence with which they are charged;
- (10) to be released by the arresting authority if hearings do not begin within a reasonable time;
- (11) to test the lawfulness of their detention and to be released if such detention is found to be unlawful, and then to bring criminal charges against the arresting officers and to seek compensation in the appropriate court at no expense to them;
- (12) to a fair and public trial by an independent, impartial and competent court, of a judge and a jury of twelve adult citizens;
- (13) to waive their right to a trial by jury in such matters as may be determined from time to time by the Parliament;
- (14) to the assistance of a lawyer for their defence;
- (15) to have time and facilities to prepare their defence;
- (16) to be present at their trial and to present a defence;
- (17) to be confronted by witnesses against them and to examine them;
- (18) to have compulsory processes for obtaining witnesses for their defence;
- (19) not to be required to testify or to confess guilt;
- (20) to have the assistance of an interpreter if they do not speak the language used in the court;
- (21) to the presumption of innocence until their guilt is proven; and

- (22) in the event of a person being found not guilty of a crime, they shall not be charged with nor tried again for the same offence unless there is fresh evidence, or unless evidence that existed at the time of their first trial was not presented at that trial; and
- (23) to communicate with, and to be visited by, their spouse or partner, next of kin, chosen religious counsellor or chosen medical practitioner; and
- (24) if subject to interview or interrogation by an investigative agency of the Commonwealth, to be permitted to inform their legal counsel, their spouse or partner, next of kin, chosen religious counsellor or chosen medical practitioner, and to the advice of legal counsel during such interview or interrogation, and to refuse to answer questions if their legal counsel is not present.

When part of the defence in any criminal prosecution is that the provisions of this section were not properly applied, and if the judge decides that such misapplication was not a deliberate or premeditated act, then the jury shall be instructed to not take this part of the defence into account. Every person who has been arrested shall have their case supervised at all times by an Investigating Magistrate. In the event that a person is convicted of a criminal offence, the judge shall impose a sentence that is proportionate and appropriate to the crime. The Parliament shall legislate to provide that certain serious crimes shall be punishable by a sentence that shall be for the term of the natural life of the convicted person.

- 13 At all times when deprived of their liberty:
 - (1) accused persons held in custody shall always be segregated from convicted persons and treated as being innocent;
 - (2) following a conviction, persons aged seventeen or less shall always be imprisoned separately from persons aged eighteen or more; and
 - (3) any persons who are assaulted or who suffer any other harm whilst in detention before trial, shall be entitled to bring such matters to the attention of the Court. The Court shall refer the matter to the Director of Public Prosecutions to prosecute the agency and its officers responsible for the security and welfare of the detained person.

- 14 The death penalty shall not be imposed on a person convicted of a crime, nor shall excessive fines or cruel or unusual punishment be imposed. No persons shall be liable to a penalty greater than that which was in force when the crime was committed. Convicted prisoners shall be treated with humanity and respect, and shall be protected at all times against violence from other prisoners or other persons. All such persons shall be able to

bring to the attention of the Ombudsman any violence or threat of violence against them. Prisoners shall be required to undergo such fully supervised rehabilitation as ordered by the court or by the appropriate supervising penal authority, and shall be entitled to petition to have their sentence reviewed or their conviction quashed, according to the law.

- 15 The Director of Public Prosecutions shall petition the Court of Appeal to review an acquittal or a conviction only on the grounds of there being fresh evidence. The Director of Public Prosecutions shall also petition the Court of Appeal for the imposition of a more lenient or more severe penalty, if there are grounds for believing that the penalty imposed does not meet the standards provided for in the Constitution or in law. If the Court of Appeal finds that there are sufficient grounds to believe that the original trial was unsafe, it shall refer the case back to the original court for re-trial. Otherwise, the court may acquit a person, or impose a more lenient or more severe penalty.
- 16 Everyone shall be entitled to:
 - (1) equal treatment before the law, including the provision of a lawyer from the Legal Aid Commission, if they meet the required criteria and cannot afford to pay for a lawyer themselves;
 - (2) proper financial or other compensation, if they are the victims of crime. In the first instance the property of convicted persons shall be used for such compensation, and any such property that may have been transferred to others for avoiding the payment of such compensation, shall be considered the property and assets of the convicted person. The Commonwealth Criminal Compensation Fund shall pay the balance of any compensation required.
- 17 Everyone shall be entitled to the protection in law of their privacy and reputation. Everyone shall have the right to apply to a court for the enforced public correction of any matter that unlawfully infringes their privacy or damages their reputation. The court shall decide whether any financial or other compensation is appropriate. This section shall not be used to prevent the accurate publication of matters relating to proved or reasonably suspected criminal, dishonest or disreputable activities, where such publication can be shown to benefit the public interest.
- 18 No one shall be committed to any psychiatric or other similar institution or deprived of their right to act on their own behalf by virtue of medical, psychiatric, or other disability, except:
 - (1) by a Guardianship Tribunal, on the application of a panel of at least three qualified psychiatric medical practitioners;

- (2) on the grounds that they are either a danger to themselves or to others, or that they are incapable of acting on their own behalf or of providing adequate care to themselves; and
- (3) all such persons shall have the right to be represented by a lawyer, either at their own expense or, if they qualify, at the expense of the Legal Aid Commission; and
- (4) the Guardianship Commission shall protect the rights, property and dignity of all persons committed to such an institution.

19 The citizens of Australia shall not be deprived of their citizenship or of the full rights and protection thereof, except:

- (1) that any person who was originally a citizen or a subject of a foreign state, and who has obtained Australian citizenship to avoiding lawful arrest, detention or imprisonment in that foreign state, or who can be shown to have entered Australia for criminal purposes, may have their citizenship revoked, and such persons may be deported;
- (2) that any Australian citizen who has committed a crime in a foreign state may be extradited to that state for trial, unless they are likely to be subjected to the death penalty or to cruel or unusual punishment, in which case they shall be tried in an Australian court; and
- (3) that any Australian citizen lawfully arrested, charged and tried in a foreign state, shall serve any term of imprisonment in that state. Australian authorities shall provide normal consular assistance and shall ensure that the citizen will not be subject to the death penalty or to cruel or unusual punishment; and
- (4) except when on secondment from the Defence Forces of Australia, any Australian citizen who voluntarily serves in the armed forces of a foreign state or in any mercenary force, will be considered to have renounced their Australian citizenship.

20 All persons shall have the right of reasonable access to all records and documents that relate to them, subject to the following:

- (1) if anyone has a reasonable belief that records or documents are inaccurate, or held for unlawful purposes then they may appeal to the Privacy Commission to investigate. If the Commission finds for the appellant, then it shall order the documents or records be corrected or be destroyed. If the person, corporation or government agency holding the records or documents declines to obey the order of the Commission, the Commission shall apply to the Superior Court for an order to correct any such records or documents; and

- (2) the Superior Court shall order the destruction of any such records or documents or parts thereof if they were found to be held for unlawful or for unreasonable purposes, or if they infringe the rights of the person. The Court shall impose a penalty as determined from time to time by the Parliament; and
- (3) the removal or destruction of any record or document to avoid the intent of this section shall be a criminal offence; and
- (4) the payment of any expenses incurred in a successful appeal shall be the responsibility of the government or non-government agency or person holding the record or document; and
- (5) for the purposes of this section a corporation of any kind shall be included in the reference to a person.

21 Information in any form that is held on any person by a government agency, shall not be shared, sold, given or traded with any other government or non-government agency or person, or used in any manner outside the activities of the agency that holds it, without the express written consent of the person concerned and then subject to the law.

22 The Parliament shall not make a law respecting conscription for civil or military purposes. However, this section shall not prevent appointments to government agencies that provide medical, legal or similar services in remote or rural areas as a condition of employment.

23 The Defence Forces of Australia shall not use private property without the consent of the owner, except in time of declared war or national emergency, and then subject to the law.

24 No law shall be made which discriminates against or in favour of any political party or organization, or against any organization or group of persons that acts politically, unless :

- (1) they advocate the overthrow of the Constitution, violence, or the denial of equal rights to all people; or
- (2) their policies are based upon statist or totalitarian methods, and promote or sanction racial superiority or national hatred; or
- (3) they apply planned and systematic violence for obtaining power or to influence the State policy; or
- (4) their membership and structure are secret; and
- (5) subject to this section, there shall not be any tests imposed upon any candidates for public office; and
- (6) for any political party or political group to take a seat in the Parliament, its internal rules and procedures shall be transparent and democratic.

25 The Parliament shall be prohibited from providing financial assistance to religious organizations except for the purposes of education, health, welfare, housing and similar activities.

26 A censorship authority may impose censorship on the media only in time of a declared war, and only under the following conditions:

- (1) in relation to matters which may assist a foreign state that has been declared by the Parliament to be an enemy state, or which may cause harm to the people of Australia, to the Commonwealth or to the Defence Forces of Australia; and
- (2) under the constant supervision of the Civil Rights Commission, which shall allow the publication of any censored material if it considers such censorship to be unwarranted; but
- (3) the censoring authority may petition the Appeals Court to overrule the Commission, but only if it can prove that the public disclosure of such matters would assist a declared enemy state or cause harm to the people of Australia, to the Commonwealth or to the Defence Forces of Australia; and
- (4) such laws shall be in force for a time not exceeding the expiry of the declared state of war.

A censorship authority shall be appointed by the President on the advice of the Attorney General, and with the consent of the Senate. A censorship authority shall only exist during time of declared war

27 Any person may apply to the County Court including a jury, for the restriction of any published material of a sexual or excessively violent nature, which they allege either contributes to criminal behaviour or threatens the welfare of any person, and:

- (1) the court shall determine the degree of any restriction;
- (2) all costs in such application shall be borne by the person making the application; and
- (3) any person may take action in the Court of Appeal for the suppression of any restriction imposed by the County Court.

28 No one shall suffer any form of discrimination on grounds of race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language or birth. This section shall not be interpreted as implying a right to employment without qualification or to privately provided accommodation.

- 29 Any public statement or publication in any form designed to incite hatred or discrimination for any reason, shall be prohibited.
- 30 The Parliament shall be prohibited from making any retrospective law. Nor shall the Parliament pass any law which seeks to make lawful an act of a government, government agency, or officer thereof, which, when committed, was unlawful. No one shall be arrested, charged, convicted or punished for any offence which was unknown to the criminal law, or which attracted no penalty, at the time the alleged offence was committed.
- 31 Women and men shall have the same rights in seeking election or appointment to public office. As far as possible, equal numbers of women and men shall be elected or appointed to all public agencies and the headship of all public agencies shall alternate between women and men. All public appointments shall be based on merit.
- 32 The duty of all citizens of Australia who are aged eighteen years and older, shall be to cast an informed vote in elections and referenda. All votes shall be personal, equal, free and secret. Registration for electoral purposes shall be compulsory. Citizens who are aged sixteen and seventeen may cast voluntary ballots if they so desire.
- 33 Everyone shall have the right to obtain information on the activities of all of the agencies and officers of governments in Australia, and of all non-government agencies and officers which receive public funds. All such records and documents shall be open to public scrutiny as follows:
- (1) unless they are the personal records and documents of a person, which by their release may infringe the rights of that person;
 - (2) unless their release would harm to the Commonwealth or to the Counties, or to recipients of public funds. However, such records or documents shall not be withheld because their public scrutiny would cause embarrassment to or public derision of an officer, agency or recipient of public funds by virtue of their activities; and
 - (3) parts of records or documents shall be released even if other parts are defined by a court as in subsections (2) above; and
 - (4) any request for the release of any record or document shall initially be to the agency concerned, and any appeal from their decision shall be to the Appeals Court. Any document or record which has been withheld from public inspection by an agency must be available in full to the Court; and
 - (5) such requests shall be responded to within two working days by the officer responsible for freedom of information in the agency;

(6) the removal or destruction of any record or document to avoid the intent of this section shall be a criminal offence.

- 34 Every person who belongs to any national, cultural, social or linguistic community shall have the right to enjoy their own culture, to speak their own language and to engage peacefully and lawfully in their community activities. However, English shall be the official language of the Commonwealth of Australia. In Australia, the national flags of foreign states shall not be displayed, except at the embassies and consulates of foreign states, or where official representatives of foreign states are present, including sporting, cultural and similar events. Clubs and similar organizations shall be prohibited from using foreign national flags as emblems or badges.
- 35 All adults shall have the right to marry or to enter into registered unions. Partners of the same sex in registered unions shall have the same rights as those in marriages. No marriage or registered union shall be conducted without the free public consent of both parties, and no person shall lawfully be married to more than one person at the same time. No person shall be promised in marriage without their consent, regardless of any cultural considerations.
- 36 Parents and guardians shall ensure the education of their children according to their own convictions. However, this section shall not be interpreted as allowing parents or guardians preventing a child from receiving a proper education, as determined by the Parliament from time to time. Parents and guardians shall ensure the protection of the health of children in their care according to their own convictions. However, this section shall not be interpreted as allowing parents or guardians to refuse proper medical care to children.
- 37 Subject to the law, citizens of a foreign state, or stateless persons who are genuine refugees, shall be entitled to enter Australia and to become citizens, and:
- (1) the Commonwealth agency concerned shall be required to prove that such persons are not genuine refugees; and
 - (2) such persons shall not be imprisoned or detained while their cases are determined unless there are reasonable grounds for belief that they are convicted criminals, that they are attempting to escape a lawful criminal conviction, or that they are entering Australia for criminal purposes; and
 - (3) before they become citizens, such persons shall be entitled to those welfare payments that are provided in law; and

- (4) genuine refugees shall be required to apply to become citizens of Australia five years after their arrival; and
- (5) persons who do not apply to become citizens after five years may be returned to their foreign state of origin or to another foreign state, subject to due process of law in Australia; but
- (6) if, before their entry to Australia, such persons in a foreign state were subject to a lawfully issued warrant of arrest or had been found guilty of a serious criminal offence, not being a political offence, and had unlawfully avoided arrest or imprisonment, or did not lawfully serve or complete any sentence of imprisonment lawfully imposed in that foreign state, then they may be extradited to that state subject to due process of law in Australia; but
- (7) they shall not be extradited to that foreign state if they are likely to be subjected to the death penalty or to cruel or unusual punishment; and
- (8) if subsection (7) applies, then they shall then be required to serve a term of imprisonment in Australia appropriate to their original offence.

38 There shall be no limit on the time during which war crimes or crimes against humanity may be investigated or prosecuted.

39 All the rights and duties of the people specified in the Constitution apply equally throughout the Commonwealth, the Territories and the Counties. The rights apply equally to all the members of the Defence Forces and government agencies, inside and outside Australia.

40 The Parliament during its first session shall enact laws:

- (1) to provide severe penalties of fines and imprisonment for any infringement of any of the rights of the people as specified in the Constitution, and for any dereliction in that respect by any officer of the Commonwealth or the Counties;
- (2) to provide severe penalties of fines and imprisonment for any person or corporation, or government agency or officer attempting to circumvent the proper administration of the Constitution or of any laws made subject to it;
- (3) to protect the rights of victims of crime and to provide just compensation for such victims;
- (4) to provide for reasonable uniformity in sentencing, to ensure that persons convicted of the same offence receive the same or similar sentences, but not so as to remove the discretion of a trial judge;
- (5) to define the public interest;
- (6) to define a public place, and a government office or place;

- (7) to provide that no contract between any government agency and any person or corporation includes provisions to prevent the public disclosure of the contents of the contract;
- (8) to provide that a referendum shall be held before any government business may be sold into private hands;
- (9) to give force to the provisions of the Constitution not specified in this or other sections and which require laws to be passed by the Parliament.

- 41 Everyone in Australia shall have the right to approach a court. Courts, tribunals and other judicial agencies shall promote the values which underlie an open and democratic society based on human dignity, equality and freedom, and shall take into consideration appropriate international or foreign law. With respect to Aboriginal and Torres Strait Island Peoples, indigenous law shall also be taken into account.
- 42 The suspension of any part of the Constitution at any time, or for any reason whatsoever, shall be prohibited.
- 43 Any powers not specifically granted to any government in Australia in the Constitution shall be reserved to the people and shall not be exercised without the specific consent of the people in a referendum.
- 44 The enumeration of a particular right in the Constitution shall not be construed as denying the existence of any right not enumerated. The non-enumeration of a particular right in the Constitution shall not be construed as denying its existence.