VCE Legal Studies 2018–2023

Appendix 18 – Rights in Australia

Unit 2 Area of Study 3

Rights in Australia are viewed as a matter of fundamental importance reflecting the democratic nature of our society. The protection of our democratic and human rights occurs through a number of ways such as through the Australian Constitution, the Victorian Charter of Human Rights and Responsibilities, statute law and common law.

Identify a number rights citizens are provided and how these rights are protected in Australia. An example is the right to vote as it is protected by legislation, as well as a High Court Case which examined the right to vote in the Roach Case 2007.

| **Examples of Rights and how they are protected in Australia** | **Identify and tick how these rights are protected in Australia** | | | | | | | | | |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Constitution** | | **Common Law**  **Court Decisions**  **High Court** | | **Parliament**  **Legislation or Statutory Rights** | | **Vic. Charter of Human Rights and Responsibilities 2006** | | **International Treaty**  **United Nations** | |
| **Student Response** | **Answer** | **Student Response** | **Answer** | **Student Response** | **Answer** | **Student Response** | **Answer** | **Student Response** | **Answer** |
| The right to vote |  | ✓ |  |  |  | ✓ |  |  |  |  |
| The right to have an adult present at questioning |  |  |  |  |  |  |  |  |  |  |
| The right to legal representation (or to defend him/herself personally) |  |  |  |  |  |  |  |  |  |  |
| The right to be treated as innocent until proven guilty |  |  |  |  |  |  |  |  |  |  |
| Acquiring property under just terms |  |  |  |  |  |  |  |  |  |  |
| The right to legal aid, if eligible |  |  |  |  |  |  |  |  |  |  |
| The right to have basic clothing, shelter and health care |  |  |  |  |  |  |  |  |  |  |
| The right to jury trial in Victoria |  |  |  |  |  |  |  |  |  |  |
| The right to a Fair Hearing and Legal Representation |  |  |  |  |  |  |  |  |  |  |
| The right to remain silent under police questioning |  |  |  |  |  |  |  |  |  |  |
| The right to privacy and personal security |  |  |  |  |  |  |  |  |  |  |
| The Separation of Power – Executive, Legislature & Judiciary |  |  |  |  |  |  |  |  |  |  |
| Other… |  |  |  |  |  |  |  |  |  |  |
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