Monday, 2 March, 2015

REVIEW TO STRENGTHEN VICTORIA’S CHARTER OF HUMAN RIGHTS

The Andrews Labor Government will review Victoria’s Charter of Human Rights and Responsibilities to ensure it is robust and effective.

Attorney-General Martin Pakula has appointed Michael Brett Young – CEO of the Law Institute of Victoria (LIV) until 2014 and previously managing partner at Maurice Blackburn – to lead the review.

Introduced by the former Labor Government in 2006, the Charter contains 20 fundamental human rights based on those set out in the International Covenant on Civil and Political Rights.

These include freedom of expression, privacy, liberty, equality before the law, the right to vote and rights in criminal proceedings.

The Charter requires the Victorian Government, public servants, local councils, Victoria Police and other public authorities to act compatibly with these human rights and to consider them when developing policies, drafting legislation and delivering services.

During the last term of government, the Coalition significantly reduced the emphasis placed on the Charter and made cuts to Charter education and training for government departments.

This review is the first step in delivering the Labor Government’s election commitment to refresh the Charter and resume public education to embed the values of freedom, respect, equality and dignity in society.

The report – which will include consultation with key stakeholders and submissions from the public – will be delivered to the Government by 1 September 2015, before being tabled in Parliament by 1 October 2015.

Further information on consultations and submissions will be made available shortly. For more information about the Charter, visit: http://www.humanrightscommission.vic.gov.au/index.php/the-charter

Quotes attributable to Attorney-General Martin Pakula

“This is about restoring human rights to their proper place in the Victorian public service.”

“The review is the first step in upholding and strengthening the Human Rights Charter – ensuring its ongoing effectiveness in protecting the fundamental rights of Victorians.”

“Michael Brett Young holds a solid understanding of the Charter through his time at the LIV. His significant legal experience and broad knowledge of human rights issues will be invaluable to the review.”

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Pursuant to section 45 of the Charter of Human Rights and Responsibilities Act 2006 (the Charter), to inquire into and report by 1 September 2015 on the operation of the Charter, including:

1. Ways to enhance the effectiveness of the Charter, including, but not limited to:

   a. reviewing the submissions from the 2011 Scrutiny of Acts and Regulations Committee review and the Committee’s report

   b. the functions of the Victorian Equal Opportunity and Human Rights Commission under the Charter and the Victorian Ombudsman under the Ombudsman Act 1973, especially with respect to human rights complaints

   c. the effectiveness of the scrutiny role of the Scrutiny of Acts and Regulations Committee

   d. the development of a human rights culture in Victoria, particularly within the Victorian public sector

   e. the application of the Charter to non-State entities when they provide State-funded services.

2. Any desirable amendments to improve the operation of the Charter, including, but not limited to:

   a. clarifying the provisions regarding public authorities, including the identification of public authorities and the content of their human rights obligations

   b. clarifying the provision(s) regarding legal proceedings and remedies against public authorities

   c. clarifying the role of human rights in statutory construction

   d. clarifying the role of the proportionality test in section 7(2), in particular as it relates to statutory construction and the obligations of public authorities

   e. clarifying the obligations of courts including under sections 4(1)(j) and 6(2)(b)

   f. the need for the provision for an override declaration by Parliament under section 31

   g. the effectiveness of the declaration of inconsistent interpretation provision under section 36

   h. the usefulness of the notification provision(s) including under section 35

   i. any other desirable amendments.

3. A recommendation under section 45(2) as to whether any further review of the Charter is necessary.