



Media release

The Hon Robert Clark MP

Attorney-General
Minister for Finance

Tuesday 19 April 2011

Inquiry into Charter of Human Rights and Responsibilities Act 2006

The Victorian Attorney-General, Robert Clark, today announced the establishment of a Parliamentary inquiry into the operation of the Charter of Human Rights and Responsibilities Act 2006.

The inquiry will be conducted by the Scrutiny of Acts and Regulations Committee (SARC) of the Victorian Parliament.

The Governor in Council has today given terms of reference to SARC to carry out the inquiry, at the request of the Attorney-General.

The SARC inquiry will review all aspects of the first four years of operation of the Act, including the matters required to be reviewed under the Act.

Announcing the inquiry, Mr Clark said that the inquiry will provide an opportunity for all aspects of the Act to be examined and debated.

“The Charter Act has been controversial since the day it was introduced into Parliament.

“Supporters say it enhances and protects human rights and brings Victoria into line with international human rights law.

“Critics say it delivers vague and open-ended powers into the hands of judges, undermines Parliamentary democracy, is costly and bureaucratic and fails to provide effective remedies for citizens.

“This review will give all interested parties the opportunity to have their say.

“The review will also provide an opportunity for a wide range of factual information about the operation of the Act to be examined, including when and how the Act is being used, what have been the results, costs and benefits, and how the public service and public authorities have responded to the Act.

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“I will be asking the Victorian Equal Opportunity and Human Rights Commission to assist me in relation to the review, including by providing to SARC detailed information about the Commission’s role and activities in relation to the Act and about the cases of which the Commission is aware in which the Act has been invoked.

“The Government will decide on any changes to be proposed in relation to the Act after taking into account the findings and recommendations of the inquiry,” Mr Clark said.

SARC has been asked to report to Parliament no later than 1 October this year, the date by which the Charter Act requires the review under the Act to be completed.

Attachment: Terms of Reference for SARC Inquiry.

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Terms of Reference

Review of the Charter of Human Rights and Responsibilities Act 2006

To inquire into and report by 1 October 2011 on the first four years of operation of the Charter of Human Rights and Responsibilities Act 2006 (the Charter Act), including:

1. the matters referred to in section 44(2) of the Charter Act
2. the effects of the Charter Act on
 - (a) the development and drafting of statutory provisions
 - (b) the consideration of statutory provisions by Parliament
 - (c) the provision of services, and the performance of other functions, by public authorities
 - (d) litigation and the roles and functioning of courts and tribunals
 - (e) the availability to Victorians of accessible, just and timely remedies for infringements of rights
3. the overall benefits and costs of the Charter Act; and
4. options for reform or improvement of the regime for protecting and upholding rights and responsibilities in Victoria.

In carrying out its inquiry, the Committee is asked to take note of, and make use of as it sees fit, the evidence and findings of, and government responses to, previous inquiries and reports concerning rights and responsibilities in Australia.