

# **Victoria's Charter of Human Rights and Responsibilities**

**Professor George Williams, Speaking notes for Australian Bills of Rights Conference,  
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Today I will talk about Victorian Charter of Human Rights and Responsibilities, the first Bill or Charter of Rights in an Australian State. Bill has passed the lower house and is shortly to be debated in the upper house. Is expected to be enacted because the government has a majority in both houses.

Will cover today the Victorian process and what the charter looks like.

## **The Task**

- May 2005 Statement of Intent: independent Human Rights Consultation Committee of myself, Andrew Gaze, Rhonda Galbally and Haddon Storey QC.
- Set out preferred model based on the UK and not the US.
- 6 months to consult with community and report to AG on 30 November 2005.

## **What We Did and Challenges**

- Tailored a process for the community: problem of education on civics and lack of understanding (eg, 18-24 years olds poll – 45% thought we already had a bill of rights)
- Go to the people in their communities (not them to us) and work with community leaders and devolved consultation.
- 130 community consultation meetings and other focussed meetings, both in rural areas and with non-believers (Country Womens Association, victims, churches ...).
- Internet submissions and young people.
- Government (Vic Police and Mental Health and all in favour)
- 2,524 submissions (vs 141 for NSW) most by people not having made a submission before to any public process.

## **What the Community Told Us**

- 85% across all political divides wanted human rights to be better protected by the law. Did not want radical change but reform to strengthen democracy.
- Some Victorians wanted their human rights better protected to shield themselves and their families from the potential misuse of government power.

- For even more people, the desire for change reflects their aspiration to live in a society that reflects common values and responsibilities. People want to live in a community based on equality, justice and the idea of a ‘fair go’ for all.

### **The Model**

- No US style Bill of Rights, but consistent with parliamentary sovereignty and based upon the UK, NZ and ACT.
- Charter of Human Rights *and Responsibilities*, with a values-based preamble.
- Ordinary Act of Parliament – incremental approach based upon what works now.
- ICCPR rights as adapted for Victoria (eg *right to life*): rights that are the most important to an open and free democracy, such as the rights to freedom of expression, to equality before the law and to a fair trial and to vote.
- Rights for all.
- Rights not be absolute: clear that they can be limited, as occurs in other nations, where this can be justified as part of living in a free and democratic society. Our elected representatives can continue to make key decisions about economics and social policy.
- Focus on education and improving government (better cultures, eg respect for law). Happy to talk about how it would work in practice (focus on policy and parliament – improving the political process not giving power to the courts).