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LIBERTY WELCOMES

GOVERNMENT RESPONSE ON CHARTER OF RIGHTS

14 MARCH 2012

Liberty Victoria today welcomed the Baillieu Government's response to a parliamentary committee review of the Victorian Charter of Rights and Responsibilities.

Liberty's President, Professor Spencer Zifcak, said that "the Government has issued a reasoned and sensible response to a committee report that was far from that. It deserves considerable commendation".

"This is not to say that Liberty agrees with every one of the government's proposals for the reform of the Charter".

"As a whole, however, the Government's firm support for the continued legal protection of the human rights of all Victorians is very much to be welcomed".

A majority on the committee had recommended that the courts should have no role to play either in the interpretation of the Charter or in the provision of remedies to citizens whose human rights had been violated.

In its response, the Government affirmed that the courts would continue to play a central role in the protection of Charter rights. To achieve this objective, the Government will seek expert legal advice on the precise role that the judiciary should play.

Professor Zifcak said that without courts acting as the independent umpires in human rights cases, the Charter would "have been reduced to a hollow, meaningless, legislative shell".

"Victorians would not have been able to approach the courts for a remedy when their human rights had been violated".

"New laws would not have been impartially and independently assessed for their compatibility with the human rights to which all Victorians are entitled."

"The Government's decision to receive further expert, evidence-based advice about how best the courts can contribute to human rights protection is cautious, sensible and appropriate".

Liberty further welcomes the Government's decision to examine whether additional human rights should be included in the Charter. It agrees strongly with the Government's decision to repeal a Charter provision that allows a government to exclude new legislation entirely from the Charter's ambit.

"Having said that" Professor Zifcak said, "we would have liked the Government to consider the inclusion of economic and social rights".

"And Liberty would have preferred the Government to accept a recommendation that the Victorian Human Rights Commission should be given the power to audit government agencies for their compliance with the Charter".

Liberty had urged Mr Baillieu to face down Charter critics within the Cabinet and parliamentary party. "On the basis of this response, the Premier has come through" Professor Zifcak said. "He deserves substantial credit".

Professor Spencer Zifcak
President
Liberty Victoria