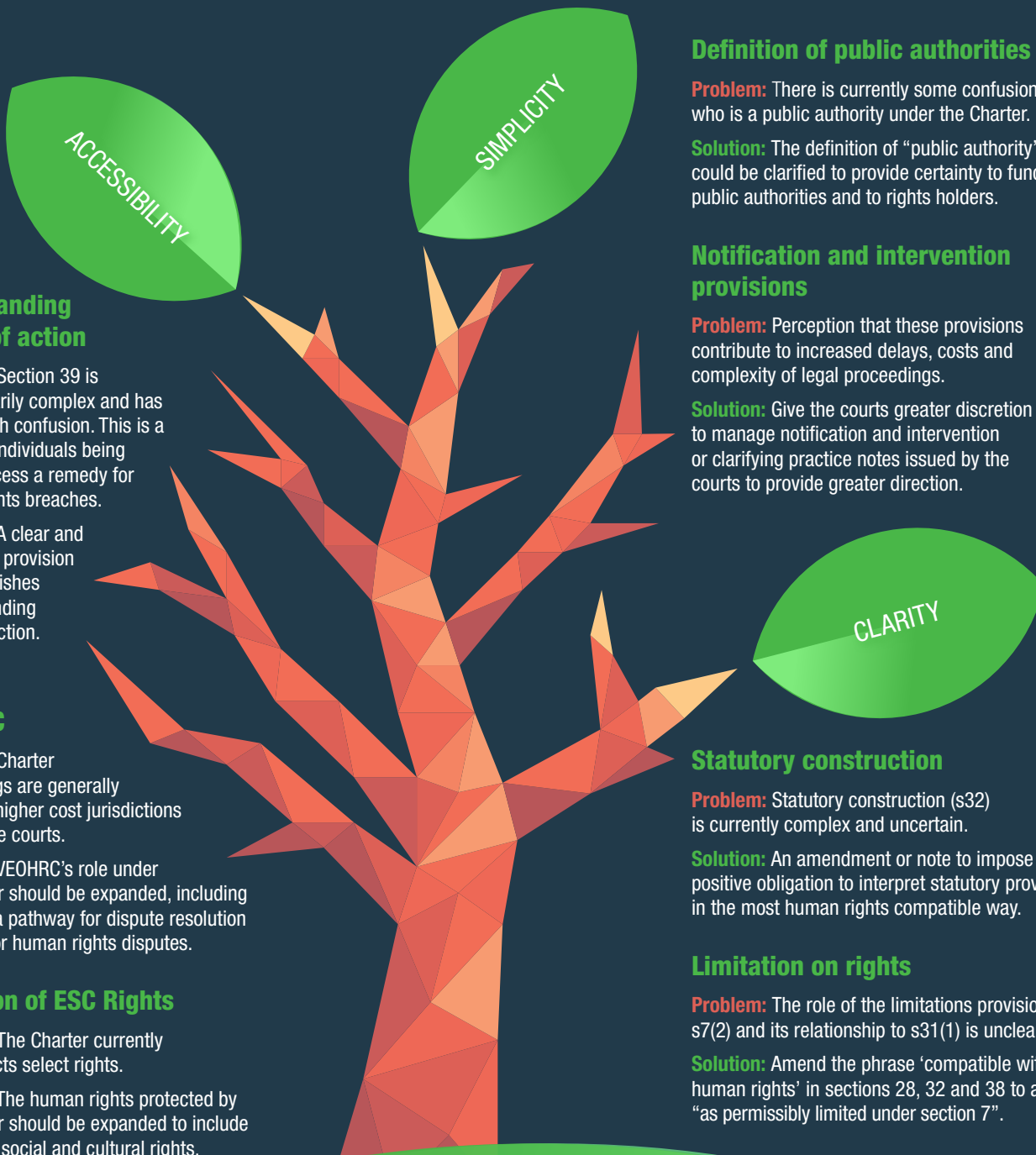


KEY REFORM PROPOSALS FOR STRENGTHENING THE VICTORIAN CHARTER

Straightforward changes to improve and strengthen the Charter's effective operation



Free-standing cause of action

Problem: Section 39 is unnecessarily complex and has led to much confusion. This is a barrier to individuals being able to access a remedy for human rights breaches.

Solution: A clear and accessible provision that establishes a free-standing cause of action.

Role of VEOHRC

Problem: Charter proceedings are generally limited to higher cost jurisdictions such as the courts.

Solution: VEOHRC's role under the Charter should be expanded, including providing a pathway for dispute resolution services for human rights disputes.

Inclusion of ESC Rights

Problem: The Charter currently only protects select rights.

Solution: The human rights protected by the Charter should be expanded to include economic, social and cultural rights.

Definition of public authorities

Problem: There is currently some confusion over who is a public authority under the Charter.

Solution: The definition of "public authority" could be clarified to provide certainty to functional public authorities and to rights holders.

Notification and intervention provisions

Problem: Perception that these provisions contribute to increased delays, costs and complexity of legal proceedings.

Solution: Give the courts greater discretion to manage notification and intervention or clarifying practice notes issued by the courts to provide greater direction.

Statutory construction

Problem: Statutory construction (s32) is currently complex and uncertain.

Solution: An amendment or note to impose a positive obligation to interpret statutory provisions in the most human rights compatible way.

Limitation on rights

Problem: The role of the limitations provision in s7(2) and its relationship to s31(1) is unclear.

Solution: Amend the phrase 'compatible with human rights' in sections 28, 32 and 38 to add "as permissibly limited under section 7".

EMBEDDING A HUMAN RIGHTS CULTURE

A human rights culture in Victoria is growing, but it needs to be supported and promoted

A growing human rights culture in Victoria would be supported by:

- changes to technical aspects of the Charter's current operation
- including stronger and clearer remedial provisions for allegations of breaches of the Charter
- providing greater systemic powers to VEOHRC
- increased education and training for the public sector and the community

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