

Public Law

Charter workshops look over the horizon
by Dr Elizabeth Brophy and Richard Wilson



Nearly 50 barristers participated in practical, one day introductory workshops on the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* during February. The workshops were well received by participants and oversubscribed. There is a waiting list for future workshops, which are in the planning.

The first workshops were led by Dr Julie Debeljak, a leading educator and writer in the field, who has also conducted training programs for the Executive and Judicial branches of government.

The one day program explored the human rights derived from the International Covenant on Civil and Political Rights which are promoted under the Victorian *Charter* with a focus on the practical application of the *Charter* in litigation.

Barristers examined the content of particular human rights; the “remedial” scope of the interpretative obligation in s32; and the particular duties placed on bodies defined as “public authorities” to act consistently with the *Charter*. The course looked at leading comparative international jurisprudence and examined resources available for interpreting human rights under the Victorian Charter. Barristers found the interactive nature of the workshops and the opportunity to examine case scenarios highly valuable.

Victoria is the first and only Australian State to have introduced a broad based law promoting human rights (the Australian Capital Territory was the first Australian jurisdiction to pass such law with the *Human Rights Act 2004 (ACT)*). Other States may follow in the coming years and the Commonwealth Attorney-General announced in late December 2008 a National Human Rights Consultation to identify what is necessary at the Federal level to enhance, protect and promote human rights.

Victoria’s leadership in enacting a human rights instrument places Victorian lawyers in a unique position to shape Australia’s embryonic human rights jurisprudence. The experience with such instruments abroad has been to lead to a profound and evolving jurisprudential shift that changes the way law is interpreted, applied and enforced in courts and tribunals.

The Bar’s **Charter Working Group** organised the workshops and is now considering dates for further introductory workshops to meet demand. Consideration is also being given to holding half day formats to enable barristers to gain greater knowledge and skills about specific rights protected under the Victorian *Charter*.

The Charter Working Group holds a **Charter Discussion Group** meeting each quarter to discuss recent decisions and their implications for litigation. The next meeting will be on 3 March 2009 at 5.15pm in the Neil Forsyth Room and all members of the Bar are welcome.

For further Information contact:

Richard Wilson, Simon McGregor, Elizabeth Brophy

For barristers interested in attending future Charter workshops, please register your interest with Peita Hansen at 9225 7923.

Photos of the workshop held on 14th February can be seen on the Commercial Bar Association website at <http://www.commbar.com.au/photo-gallery>.