

Victorian Aboriginal Legal Service Co-operative Limited

Media Release



The human rights Charter is deadly and imperative

10 December 2010

The Victorian Aboriginal Legal Service Co-operative Limited (VALS) is calling on the Baillieu Government and Attorney-General, the Hon Robert Clark, to commit to the review of the *Victorian Charter of Human Rights and Responsibilities Act 2006* ('the Charter').

Section 44 of the Charter makes provision for the Attorney-General to cause a review of the first 4 years of the operation of the Charter. VALS is calling on the Government to commit to the legislative requirement of a review of the Charter next year and to ensure a balanced review team for this purpose.

"The review team should be independent, engage collaboratively with marginalised and disadvantaged groups and be reflective of the diversity of our community. Specifically, there should be a person of Aboriginal or Torres Strait Islander descent on the review team" said VALS Chairperson, Mr Des Morgan.

VALS believes Aboriginal and Torres Strait Islander community views about the review are more likely to be given due consideration if a member of the Aboriginal and Torres Strait Islander community is included on the review team.

"The absence of an Aboriginal or Torres Strait Islander representative on the panel that consulted in 2004 about whether Victoria should have a Charter was a disappointing oversight" said Mr Morgan. VALS notes the constructive approach in 2010 to appoint an Aboriginal woman, Ms Tammy Williams, to the independent National Human Rights Consultation Committee.

"Human Rights Day (10 December 2010) is a fitting occasion to remind ourselves, and Government, that a fundamental human right is entitling people to participate in decisions that affect them. The right to self-determination for Aboriginal and Torres Strait Islander peoples is not included in the Charter and the Koori community have been waiting for four years to have input about its inclusion" said Mr Morgan.

Preparations for this process began with a community forum on self-determination this year. The resulting community report contains invaluable insight into Koori conceptualisations of self-determination.

VALS argues that the removal of the Charter, or failure to review it, will resurrect government sentiment pre-1967, when Aboriginal and Torres Strait Islander peoples weren't counted as people or citizens, but were instead relegated to the Flora and Fauna Act and considered undeserving of basic human rights.

For a copy of the aforementioned community report, please see the news section of the VALS website in the coming days (www.vals.org.au). All other enquiries: Greta Clarke or Louise Hicks 03 9419 3888.