

2015 CHARTER REVIEW RECOMMENDATIONS – IMPLEMENTATION PROGRESS

Chapter 1 – Building our human rights culture

#	Recommendation	Government response	Progress	Status
1	The Victorian Government make a public statement of commitment to human rights and Ministers reinforce in their dealings with departments and agencies their expectation that they should act compatibly with human rights	Supported	<p>The Victorian Government has made several public statements of its commitment to human rights, including when the Attorney-General released the government's response to the 2015 Charter Review on 22 July 2016 and also when opening the whole-of-government International Human Rights Day event on 5 December 2017.</p> <p>Ministers will continue to reinforce to departments and agencies the need to consider the Charter in actions and decision-making processes.</p>	Complete / Ongoing
2	The Victorian Secretaries Board include the development of a human rights culture as part of its work in setting values and standards across the Victorian public sector. An inter-departmental committee should support this work by providing leadership and coordination for departments and agencies at the State government level	Supported	<p>On 26 September 2017, the Victorian Secretaries Board reaffirmed its commitment to human rights, issuing statements by departmental secretaries to all departmental staff.</p> <p>An inter-departmental executive sponsors group (Charter Leaders Group) has also been established to support this work and provide leadership and coordination for departments and agencies. The mandate of this group is to embed a stronger culture of human rights across the Victorian public sector.</p>	Complete / Ongoing
3	<p>The Victorian Government encourage public sector entities to promote a human rights culture in their organisations, including by:</p> <p>(a) ensuring their organisational vision, plans, policies and procedures support good human rights practice</p> <p>(b) building relevant human rights capabilities into staff position descriptions and ongoing professional development</p>	Supported	<p>The Charter Leaders Group will consider these (and other) initiatives as part of its mandate to promote and embed a stronger human rights culture across the Victorian public sector.</p> <p>It is anticipated that greater awareness and understanding of human rights through the Charter Education Project will lead to public sector entities promoting a human rights culture within their organisations and referencing human rights in business plans, policies and position descriptions.</p> <p>One initiative already implemented has been the publication of the 'Good Practice Guide: Managing Complaints Involving Human Rights'. The Guide was jointly produced by the Department of Justice and Regulation's (DJR's) Human Rights Unit (HRU), the Commission, the Ombudsman and the Independent Broad-based Anti-corruption Commission (IBAC) and was launched in May 2017. The Guide is intended to inform, complement, be incorporated into, and read in conjunction with existing complaint handling procedures.</p>	In progress

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4	The Victorian Government review the structure and placement of the Human Rights Unit so that it can provide centralised expertise on human rights within government. The Unit's role should include providing advice, developing and maintaining human rights resources for use within the Victorian Government, and providing specialist training (such as training on how to develop human rights compatible policy and legislation, and how to draft statements of compatibility).	Supported in principle	The government considers that as the Charter falls within the Attorney-General's portfolio, the HRU is best positioned to fulfil its functions of providing expert human rights advice and delivering human rights training across government from within DJR.	Complete
5	The Human Rights Unit update the Charter Guidelines for Legislation and Policy Officers. The Unit should also work with departments and agencies to continue to develop specialist guidance and promotional materials in key areas of policy and service delivery, such as policing, corrections, health services, disability services, child protection and education	Supported in principle	<p>The HRU is considering whether the Charter Guidelines for Legislation and Policy Officers should be updated, or alternatively whether it is preferable to design, develop and maintain a suite of alternative resources that complement existing resources, including the Judicial College of Victoria's Charter Bench Book.</p> <p>The HRU will continue to work with the Commission and other agencies to provide human rights guidance and educative resources, including human rights e-learning modules and a human rights online 'hub'.</p>	In progress
6	<p>The Victorian Equal Opportunity and Human Rights Commission be given responsibility to provide human rights education within the public sector to:</p> <p>(a) leaders across the Victorian public sector to ensure that they can influence a positive culture of human rights</p> <p>(b) local government councillors. As a priority, materials should be available to support the induction of new councillors after the October 2016 local government elections</p> <p>(c) staff of Victorian public sector departments, agencies and local government. Where possible, the training should be tailored to the needs of particular work areas and be delivered in consultation with front line staff who understand the operational aspects of the work area</p> <p>(d) private entities that perform functions of a public nature and have obligations under the Charter</p>	Supported in principle	<p>During 2017, the Commission and the HRU collaborated in the delivery of education sessions on the Charter to more than 3000 staff from public authorities, funded by the Victorian Government under the Charter Education Project. The public authorities included departments, local government and statutory authorities. Each session covered an overview of the Charter, the rights specifically protected and the obligations on public authorities. Participants applied the Charter to realistic workplace scenarios tailored in partnership with the public authorities. The Charter Education Project delivered the sessions to executive teams, managers and staff.</p> <p>In 2017 the Commission began developing suite of e-learning modules for public authorities as part of a move toward blending e-learning with face-to-face education.</p>	Complete / Ongoing

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7	The Victorian Equal Opportunity and Human Rights Commission facilitate opportunities for public and community sector workers to share experience and expertise on the Charter. Such opportunities could include Human Rights Network events, the production of resources, the establishment of communities of practice sponsored by a senior executive, and the use of existing networks	Supported in principle	During 2017 the Commission began developing an online Human Rights Hub. The purpose of the Human Rights Hub is to build a human rights community and culture by sharing information, resources, best practice and expertise. The Hub will be freely available and will provide an opportunity for workers across all sectors to share experiences.	In progress
8	The Victorian Equal Opportunity and Human Rights Commission provide further human rights education to the community and community advocates	Supported in principle	<p>During 2017 the Commission developed Charter education with a particular emphasis on cultural rights, including creating partnerships with key community groups and councils. In addition, the Commission provided training sessions to primary, secondary and tertiary students.</p> <p>The Commission has also developed materials specific to Aboriginal cultural rights in consultation with Aboriginal community groups, which were launched in June 2018. We have created a partnership with the Commission for Children and Young People to help identify ways to improve cultural rights for Aboriginal youth in detention, launched in July 2018.</p>	In progress
9	Public authorities make relevant human rights information available when providing services to the community and provide a way for people to have a say about issues that affect them	Supported	<p>While some public authorities already make human rights information available when providing services to the community, other strategies are being used across government to ensure that such information is more broadly provided, including through:</p> <ul style="list-style-type: none"> the promotion of the 'Good Practice Guide: Managing Complaints Involving Human Rights' (referred to in Recommendation 3); communications from the Charter Leaders Group encouraging this approach in training provided to service delivery areas. 	Complete / Ongoing

#	Recommendation	Government response	Progress	Status
10	The Victorian Equal Opportunity and Human Rights Commission look for ways to engage with the private sector to build a broader human rights culture in Victoria. Such engagement could include establishing a Corporate Charter Champions group, partnering with businesses on activities, or working with business networks to build understanding of the Charter	Not supported		Not supported
11	The Judicial College of Victoria be responsible for educating judicial officers and tribunal members regularly on how the Charter operates. Where appropriate, this education could be done in conjunction with professional development for the legal profession	Supported in principle	<p>This recommendation continues to be implemented through the Judicial College of Victoria's (JCV) ongoing work maintaining the Charter Bench Book, which is a resource for judicial officers on the operation of the Charter.</p> <p>Additionally, the HRU assisted the JCV by presenting a Charter training session to the Victorian Drug Court on 1 August 2017 (as a component of the JCV's professional program). There were approximately 60 participants, including magistrates of the court, case workers, social workers, and lawyers from Victoria Police and Victorian Legal Aid. HRU and the Commission have also delivered a presentation for tribunal members and registry staff at VCAT as part of VCAT's professional development program.</p>	In progress

Chapter 2 – Clarifying responsibilities for human rights – acts and decisions of public authorities

#	Recommendation	Government response	Progress	Status
12	<p>Section 4 of the Charter be amended to set out a non-exhaustive list of functions of a public nature under section 4(1)(c), including:</p> <ul style="list-style-type: none"> (a) the operation of prisons and other correctional facilities (b) the provision of public health services (c) the provision of public education, including public tertiary education (d) the provision of public housing, including by registered housing providers (e) the provision of public disability services (f) the provision of public transport (g) the provision of emergency services (h) the provision of water supply 	Supported in principle	In relation to this (and other) recommendations from the Review that require legislative amendment and that were accepted by the government, the introduction and passage of the necessary legislation is dependent on the government's legislative program as a whole.	Pending
13	The Victorian Government use the <i>Charter of Human Rights and Responsibilities (Public Authorities) Regulations 2013</i> (Vic) to prescribe entities to be or not be public authorities—including entities that provide services under national schemes—where necessary to resolve doubt	Supported	This recommendation relates closely to Recommendation 12 and is therefore similarly 'Pending'.	Pending
14	A whole-of-government policy be developed for relevant State contracts to include terms that contracted service providers will have public authority obligations when performing particular functions under the contract and a provision be included in the Charter to authorise this	Supported	HRU will continue to consult with relevant parts of government to develop guidance on options for requiring contracted service providers to fulfil Charter obligations when performing particular functions under the Charter.	In progress
			See Recommendation 12.	Pending
15	The Charter provide for any entity to 'opt in' to public authority obligations by requesting the Attorney-General declare them to be a public authority, as in section 40D of the <i>Human Rights Act 2004</i> (ACT)	Supported	See Recommendation 12.	Pending

#	Recommendation	Government response	Progress	Status
16	The Victorian Government review and clarify how the Charter applies to public sector employees who are not employed under the <i>Public Administration Act 2004</i> (Vic) (such as teachers)	Supported in principle	HRU proposes to review the legislative arrangements for the employment of public sector employees not employed under the <i>Public Administration Act 2004</i> (Vic). The HRU will then assess whether any legislative amendment or other action is desirable to clarify that such employees are clearly included in the Charter's definition of 'public authority'.	Yet to start
17	The Charter be amended to clarify that decisions of public authorities must be substantively compatible with human rights, whether by defining 'to act' as including 'to make a decision' or by specifying in section 38(1) that it is unlawful for a public authority to make a decision that is incompatible with a human right	Supported	See Recommendation 12.	Pending
18	The Victorian Government consider the exception from public authority obligations in section 38(4) of the Charter (an exception relating to the religious doctrines, beliefs and principles of a religious body), as part of its current examination of religious exceptions and equality measures in other Victorian laws, so it can apply a consistent approach	Supported	This recommendation acknowledged legislative work being undertaken in relation to laws about religious exceptions and equality measures in other laws. Subsequently, the proposed amendments were defeated in the Legislative Council in 2016. In any event, any legislative amendments to the Charter are now dependent on the government's legislative program as a whole (see Recommendation 12).	Pending
19	The second sentence in the note to section 4(1)(j) of the Charter be removed or amended, because listing cases and adopting practices and procedures may sometimes involve acting in a judicial capacity rather than in an administrative capacity	Supported	See Recommendation 12.	Pending

Chapter 3 – Facilitating good practice and dispute resolution – the role of statutory authorities

#	Recommendation	Government response	Progress	Status
20	The Victorian Equal Opportunity and Human Rights Commission be given the power to request information to assist with its statutory functions under the Charter and public authorities be given a duty to assist, as exists under the <i>Privacy and Data Protection Act 2014</i> (Vic)	Supported in principle.	See Recommendation 12.	Pending
21	The Victorian Equal Opportunity and Human Rights Commission be given the discretion to charge for the reasonable costs of voluntary compliance reviews, and education and training services	Supported	See Recommendation 12.	Pending
22	The Victorian Ombudsman, the Independent Broad-based Anti-corruption Commission, and other relevant oversight bodies be given the power to request the Victorian Equal Opportunity and Human Rights Commission to help them when they exercise their statutory powers in relation to human rights issues	Supported	See Recommendation 12.	Pending
23	The Victorian Equal Opportunity and Human Rights Commission be given the statutory function and resources to offer dispute resolution for disputes under the Charter	Under further consideration	This recommendation remains under consideration by the Victorian Government.	Under Consideration
24	The <i>Ombudsman Act 1973</i> (Vic) make clear that the Ombudsman can consider human rights issues relating to the administrative actions of all public authorities under the Charter, except police and protective services officers. The Charter should note this jurisdiction	Under further consideration	This recommendation remains under consideration by the Victorian Government.	Under Consideration
25	All relevant public sector oversight bodies should have the ability to consider human rights issues that arise within their jurisdiction, for example, the Mental Health Complaints Commissioner should continue to be able to consider human rights issues that relate to public mental health service providers. Mechanisms should be established to enable referral and appropriate information sharing between complaint-handling and oversight bodies. The Charter should note these roles	Under further consideration	This recommendation remains under consideration by the Victorian Government.	Under Consideration
26	The Victorian Government ensure the Independent Broad-based Anti-corruption Commission has capacity to investigate allegations of serious human rights abuses by police and protective services officers	Supported	The government will continue to ensure that the IBAC is sufficiently resourced to investigate allegations of human rights breaches by police and protective services officers.	Complete / Ongoing

Chapter 4 – Remedies and oversight – the role of the courts

#	Recommendation	Government response	Progress	Status
27	<p>The provisions and process for obtaining a remedy under the Charter be clarified and improved by:</p> <p>(a) amending the Charter to enable a person who claims a public authority has acted incompatibly with their human rights, in breach of section 38 of the Charter, to either apply to the Victorian Civil and Administrative Tribunal for a remedy, or rely on the Charter in any legal proceedings. The amendment should be modelled on section 40C of the <i>Human Rights Act 2004</i> (ACT).</p> <p>The Tribunal's jurisdiction to determine whether a public authority has breached section 38 of the Charter should be similar to its jurisdiction in relation to unlawful discrimination under the <i>Equal Opportunity Act 2010</i> (Vic). If the Tribunal finds that a public authority has acted incompatibly with a Charter right, it should have power to grant any relief or remedy that it considers just and appropriate, excluding the power to award damages.</p> <p>(b) if the Charter is raised in another legal proceeding, the court or tribunal should retain the ability to make any order, or grant any relief or remedy, within its powers in relation to that proceeding. It should remain the case that a person is not entitled to be awarded any damages because of a breach of the Charter, in accordance with existing section 39(3) of the Charter.</p> <p>(c) amending the Charter to make it clear that a person who claims that a decision of a public authority is incompatible with human rights, or was made without proper consideration of relevant human rights, can seek judicial review of that decision on the ground that the decision is unlawful under the Charter, without having to seek review on any other ground</p>	Recommendation 27(a) and (c) is under further consideration.	27(a) This recommendation remains under consideration.	Under Consideration
			27(b) No action required	Completed
			27(c) This recommendation remains under consideration.	Under Consideration

Chapter 5 – Interpreting and applying the law

#	Recommendation	Government response	Progress	Status
28	<p>Section 32 of the Charter be amended to:</p> <p>(a) require statutory provisions to be interpreted, so far as it is possible to do so consistently with their purpose, in the way that is most compatible with human rights</p> <p>(b) require, where a choice must be made between possible meanings that are incompatible with human rights, that the provision be interpreted in the way that is least incompatible with human rights</p> <p>(c) make it clear that section 7(2) applies to the assessment of the interpretation of what is most compatible, or least incompatible, with human rights</p> <p>(d) set out the steps for interpreting statutory provisions compatibly with human rights, to ensure clarity and accessibility</p>	Supported in principle.	See Recommendation 12.	Pending
29	The Charter define the concepts of ‘compatibility’ and ‘incompatibility’ to make it clear that an act, decision or statutory provision is compatible with human rights when it places no limit on a human right, or it limits human rights in a way that is reasonable and demonstrably justifiable in terms of section 7(2). The Charter should use the two terms consistently, in relation to scrutiny of legislation (sections 28 and 30), the interpretation of legislation (sections 32, 36 and 37) and the obligations of public authorities (section 38)	Supported	See Recommendation 12.	Pending
30	Section 7, containing the general limitations clause, be excluded from the Charter’s definition of ‘human rights’ and the definition of ‘human rights’ refer to all the rights in Part 2, not only the civil and political rights	Supported	See Recommendation 12.	Pending
31	The internal limitation on freedom of expression in section 15(3) be repealed, so the general limitation provision in section 7(2) can be applied as the Charter’s common test to balance competing rights and interests	Not supported		Not supported

#	Recommendation	Government response	Progress	Status
32	Sections 36 and 37 of the Charter be amended to use the words 'declaration of incompatible interpretation' and 'cannot be interpreted compatibly with a human right', for consistency with terminology used in related sections, including section 32	Supported	See Recommendation 12.	Pending
33	Section 35 of the Charter be amended to remove the notice requirement for proceedings in the County Court and to give a judicial officer or tribunal member power to require a notice to be issued for a Charter issue of general importance or when otherwise in the interests of justice (at their discretion). Further, an explanatory note should be added to section 35 to make clear that proceedings do not have to be adjourned while notice is issued and responded to. The Attorney-General and the Commission should retain their right to intervene in all proceedings	Supported in part	See Recommendation 12.	Pending
34	Sections 34 and 40 of the Charter be amended to explicitly give a judicial officer or tribunal member power to place conditions on interventions to support case management. Conditions may include, for example, timetabling, setting how the interveners may participate in proceedings, and confining the matters that submissions may address	Supported	See Recommendation 12.	Pending
35	The Attorney-General and the Victorian Equal Opportunity and Human Rights Commission publish guidance on how they will consider and process Charter notifications and their cost policies as an intervener (when they do not already do so). The Attorney-General and the Commission should make this guidance available to the public and promote it in the legal sector	Supported	<p>During 2017 the Attorney-General developed Charter Intervention Guidelines, including costs policies as an intervener. The Commission's Charter Intervention Guidelines are available on its website.</p> <p>At the time of writing this report, the Attorney-General's Charter Intervention Guidelines have been made available on the DJR website and Commission website. The guidelines have also been distributed to the legal sector and other stakeholders, including Victoria Legal Aid, the Federation of Community Legal Centres Victoria, the JCV, the Victorian Bar, the Law Institute of Victoria and the Victorian Ombudsman.</p>	In progress

Chapter 6 – Firming the foundations – more effective parliamentary scrutiny

#	Recommendation	Government response	Progress	Status
36	The secretariat of the Scrutiny of Acts and Regulations Committee arrange for human rights induction training for members of the Committee and the Victorian Equal Opportunity and Human Rights Commission offer a human rights briefing to all new parliamentarians.	Supported	<p>Committee members are provided with human rights briefing materials at the start of each Parliament.</p> <p>The Commission is yet to formalise a process for providing human rights briefings to all new parliamentarians.</p>	In progress
37	<p>The process for human rights scrutiny of Bills by the Scrutiny of Acts and Regulations Committee (SARC) be improved and public engagement in the process be enhanced by:</p> <p>(a) the Victorian Government considering how best to ensure that the Committee has sufficient time to scrutinise Bills that raise significant human rights issues</p> <p>(b) the Committee establishing an electronic mailing list to notify individuals and organisations of Bills that it is considering and to invite submissions</p> <p>(c) the Committee referring to the content of submissions made to it in its Alert Digests on Bills</p>	Supported in principle	<p>The Government will identify options for providing SARC with sufficient time to consider Bills that raise significant human rights issues.</p>	Yet to start
			<p>The committee scrutinises all Bills that are introduced into Parliament each sitting week and reports back to Parliament on those Bills in the following sitting week. The list of bills introduced each sitting week is available on the Parliament's website. The committee refers to submissions that it receives on bills and may publish them on its website.</p> <p>The government notes that while SARC's internal processes and procedures are a matter for it to consider, the government intends to write to SARC and draw to its attention parts (b) and (c) of the Recommendation.</p>	Yet to start / In progress
38	The Victorian Government refer amendments to non-Victorian laws that apply in Victoria under a national scheme, and to Regulations under those laws, to the Scrutiny of Acts and Regulations Committee for consideration	Supported	The recommendation for referral to SARC will be encouraged as part of the whole-of-government policy on national schemes to be developed under Recommendation 47.	Yet to start

#	Recommendation	Government response	Progress	Status
39	Section 29 of the Charter be amended to specify the Scrutiny of Acts and Regulations Committee's failure to report on the human rights compatibility of any Bill that becomes an Act does not affect the validity, operation or enforcement of that Act or any other statutory provision	Supported	See Recommendation 12.	Pending
40	To ensure that House Amendments can be subject to human rights scrutiny and to make the Charter and the <i>Parliamentary Committees Act 2003</i> (Vic) consistent, the Scrutiny of Acts and Regulations Committee should be given clear power to consider and report on provisions of Acts that it did not consider when a Bill was before Parliament (within a limited time)	Supported	See Recommendation 12.	Pending
41	The human rights analysis in statements of compatibility be improved by: (a) amending section 30 of the Charter to clarify that the Scrutiny of Acts and Regulations Committee may report to Parliament on statements of compatibility (b) the Victorian Government publishing draft statements of compatibility when exposure drafts of Bills are released for public comment	Supported	See Recommendation 12.	Pending
			In many situations draft Statements of Compatibility are already released with exposure drafts of Bills. If asked, the HRU advises that releasing draft Statements of Compatibility with exposure drafts of Bills is best practice. HRU will consider whether it is appropriate to send out further guidance on this matter, for example, by a practice note.	In progress
42	The Victorian Government facilitate the identification of human rights impacts of legislative proposals and options for addressing them by consulting the Human Rights Unit in the Department of Justice & Regulation at an early stage of developing legislation and drafting statements of compatibility	Supported	Early engagement and consultation with the HRU when developing legislation is strongly encouraged. The importance of timely consultation with HRU is emphasised whenever human rights advice is provided across government, in training sessions, and by members on the Charter Leaders Group.	In progress
43	Members of Parliament are encouraged to provide a short statement on the human rights compatibility of their proposed House amendments to parliament, when time permits	Supported	In many situations, this is also current practice. If asked, the HRU advises departments and Ministers to update the human rights analyses when House Amendments are proposed.	In progress

#	Recommendation	Government response	Progress	Status
44	Human rights scrutiny of statutory rules and legislative instruments be made more transparent and effective by: (a) publishing all human rights certificates in an online repository maintained by the Scrutiny of Acts and Regulations Committee (b) amending section 30 of the Charter to require the Scrutiny of Acts and Regulations Committee to consider all statutory rules and legislative instruments and report to Parliament if it corresponds with a Minister about the human rights impact of any statutory rule or legislative instrument or considers the statutory rule or legislative instrument limits human rights	Supported	While SARC's internal processes and procedures are a matter for it to consider, the government intends draw to SARC's attention part (a) of the Recommendation.	In progress
			See Recommendation 12	Pending
45	Local laws be made subject to the Charter by amending item 2(f) of Schedule 8 to the <i>Local Government Act 1989</i> (Vic) to refer to the human rights in the Charter, making incompatibility with the human rights in the Charter a factor for the Minister's consideration when deciding whether to recommend revocation of a local law	Supported in principle	An exposure draft Bill to amend the Local Government Act 1989, incorporating provisions to give effect to Recommendation 45, was made publicly available on 12 December 2017. For the Recommendation to be fully implemented, the Bill will need to be passed by Parliament. At the time of writing this report, the Local Government Bill 2018 had been introduced by the Government.	In progress
46	The provision for override declarations in section 31 of the Charter be repealed. The explanatory materials for the amending statute should note that Parliament has continuing authority to enact any statute (including statutes that are incompatible with human rights), and the statement of compatibility is the mechanism for noting this incompatibility. If legislation is passed that is incompatible with human rights, the responsible Minister should report to Parliament on its operation every five years	Not supported		Not supported

Chapter 7 – Emerging issues

#	Recommendation	Government response	Progress	Status
47	The Victorian Government adopt a whole-of-government policy that, in developing a national scheme, the Charter should apply to the scheme in Victoria to the fullest extent possible. Alternatively, the national scheme should incorporate human rights protections equivalent to, or stronger than, the Charter. In developing a national scheme, the Government should consider separately the question of protection and promotion of human rights through scrutiny of legislation, the interpretation of legislation, whether regulators and others involved in administering a national scheme in Victoria are public authorities, and oversight and compliance mechanisms	Supported	DJR proposes to develop this whole-of-government policy on national schemes, in consultation with relevant government departments, to acquit this Recommendation.	Yet to start
48	The principles in the Preamble to the Charter be amended to: (a) recognise the need for public authorities to take steps to respect, protect and promote human rights (b) recognise the importance of individuals and communities being able to have a say about policies, practices and decisions that affect their lives (c) refer to self-determination having special importance for the Aboriginal people of Victoria, as descendants of Australia's first peoples	Supported	See Recommendation 12.	Pending

#	Recommendation	Government response	Progress	Status
49	The Victorian Government work with Victorian Aboriginal communities to promote, protect and respect self-determination and the empowerment of Aboriginal people. This work could be pursued through existing forums, such as the Premier's meetings with members of the Aboriginal communities	Supported	<p>The government continues to work with Aboriginal communities to promote, protect and respect self-determination and the empowerment of Aboriginal people. During 2017 the government undertook significant consultation in relation to the Advancing the Treaty Process with Aboriginal Victorians Bill 2018, which reflects the shared aspiration of the Government and Aboriginal Victorians to negotiate a treaty or treaties that will tangibly help to improve the lives of Aboriginal Victorians. The Bill will be the roadmap to treaty negotiations (e.g. through facilitating the establishment of a Treaty Authority and treaty negotiation framework).</p> <p>At the time of writing this report, the Advancing the Treaty Process with Aboriginal Victorians Bill 2018 had been introduced by the government and passed as law.</p>	In progress
50	Section 17 of the Charter include a new provision that every person born in Victoria has the right to a name and to be registered as soon as practicable after birth	Supported	See Recommendation 12.	Pending
51	'Discrimination' in the Charter be defined as 'direct and indirect discrimination' on the basis of a protected attribute in the Equal Opportunity Act 2010 (Vic).	Supported	See Recommendation 12.	Pending

Chapter 8 – The need for a further review

#	Recommendation	Government response	Progress	Status
52	The Charter be amended to require the Attorney-General to cause there to be a further review of the Charter four years after the commencement of the proposed complaints and remedies provision. The review should consider the operation of the Charter and how it could be improved, including the application of economic, social and cultural rights and the range of remedies available when human rights are breached.	Supported in principle.	See Recommendation 12.	Pending