



Simon Corbell MLA

ATTORNEY GENERAL
MINISTER FOR POLICE AND EMERGENCY SERVICES

RECEIVED
11 RB 08

scanned 13/2/08
to W'makes 13/2/08

MEMBER FOR MOLONGLO

Kris Klugman
President
Civil Liberties Australia
Box 7438
FISHER ACT 2611

Dear Dr Klugman

Thank you for your letters of 26 June 2007 and 23 January 2008 concerning the 12-month review of the operation of the *Human Rights Act 2004*. Due to an administrative oversight, I only now have been able to respond to your letter. Please accept my apologies for not responding to you sooner.

The ACT Government is committed to developing a strong human rights culture in the ACT. Responding effectively to the recommendations of the 12-month review is part of this commitment.

As you will be aware the Review made 12 recommendations, which can be found at www.jcs.act.gov.au/HumanRightsAct/Publications/twelve_month_review.pdf. In relation to your particular interest in progress made on the recommendation concerning a direct right of action (Recommendation 6), the Government introduced the Human Rights Amendment Bill 2007 into the ACT Legislative Assembly on 6 December 2007. The Bill amends the *Human Rights Act 2004* (the HRA) to provide a direct right of action flowing from a duty on public authorities to comply with human rights. The Bill also clarifies the interpretive rule in Section 30 of the HRA, as recommended by Recommendation 5, so that a human rights consistent interpretation must prevail as far as is possible consistent with the purpose of underlying legislation.

The ACT Government has also made tangible progress in relation to other recommendations. The HRA continues to operate as a dialogue model, in line with Recommendation 1, through the ongoing work of the Human Rights Unit, within the Department of Justice and Community Safety, and the Legislative Assembly's Scrutiny of Bills Committee. Much of this dialogue remains between the ACT Government and the Assembly as recommended by Recommendation 2. In addition, the establishment of the Human Rights Commission on 1 November 2006, has strengthened the capacity for a strong dialogue on human rights in the ACT community.

ACT LEGISLATIVE ASSEMBLY

London Circuit, Canberra ACT 2601 GPO Box 1020, Canberra ACT 2601
Phone (02) 6205 0000 Fax (02) 6205 0535 Email corbell@act.gov.au

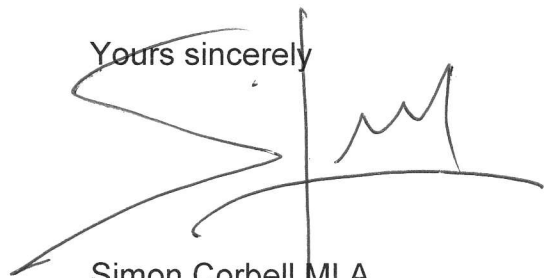
As part of this dialogue, the Human Rights Unit scrutinises all new legislation prior to debate in the Assembly. Through this process the unit has been able to encourage agencies to make greater use of Explanatory Statements to establish the case for compatibility, as recommended by Recommendation 3, and to continue to gather information on agencies' experiences of implementing the HRA, in line with Recommendation 8. The Human Rights Unit is also considering options for increasing human rights training for government agencies, as suggested by Recommendation 9.

Furthermore, the ACT Government has encouraged the use of exposure drafts for significant legislation, in line with Recommendation 4. Both the Children and Young People Bill 2007 and the *Medicines and Poisons Regulation 2007* were released as exposure drafts for community comment this year.

In relation to Recommendations 10 and 12, consideration of economic, social, cultural and environmental rights will commence following the successful implementation of the government's response to the other recommendations. The ACT Government is committed to considering the inclusion of economic, social, and cultural rights as part of the five-year review in line with Recommendation 11.

The ACT Government will continue to build on these initial steps to ensure that human rights are effectively protected for all members of the ACT community.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Simon Corbell', written over a horizontal line. The signature is stylized and somewhat abstract.

Simon Corbell MLA
Attorney General

6.7.08