

**Charter of Human Rights and Responsibilities
(General) Regulations 2007**

S.R. No. 135/2007

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STATUTORY RULES 2007

S.R. No. 135/2007

Charter of Human Rights and Responsibilities Act 2006

**Charter of Human Rights and Responsibilities
(General) Regulations 2007**

The Governor in Council makes the following Regulations:

Dated: 11 December 2007

Responsible Minister:

ROB HULLS
Attorney-General

MELISSA VAN ROSSUM
Acting Clerk of the Executive Council

1 Objective

The objective of these Regulations is to prescribe—

- (a) the accrediting body for interpreters;
- (b) the form for giving notice of a proceeding under section 35(1) of the Charter of Human Rights and Responsibilities;
- (c) the form for giving notice that the Supreme Court is considering making a declaration of inconsistent interpretation under section 36(3) of the Charter of Human Rights and Responsibilities.

2 Authorising provision

These Regulations are made under section 46 of the Charter of Human Rights and Responsibilities.

3 Commencement

These Regulations come into operation on 1 January 2008.

4 Accrediting body for interpreters

For the purpose of paragraph (a) of the definition of *interpreter* in section 3 of the Charter of Human Rights and Responsibilities, the prescribed body is the National Accreditation Authority for Translators and Interpreters Limited (A.C.N. 008 596 996).

5 Prescribed form of notice to Attorney-General and the Victorian Equal Opportunity and Human Rights Commission

For the purpose of section 35(1) of the Charter of Human Rights and Responsibilities the prescribed form of notice to the Attorney-General or the Victorian Equal Opportunity and Human Rights Commission is in Form 1 of the Schedule.

6 Prescribed form of notice that the Supreme Court is considering making a declaration of inconsistent interpretation

For the purpose of section 36(3) of the Charter of Human Rights and Responsibilities the prescribed form of notice that the Supreme Court is considering making a declaration of inconsistent interpretation is in Form 2 of the Schedule.

SCHEDULE

FORMS

FORM 1

Regulation 5

NOTICE TO THE ATTORNEY-GENERAL/THE VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION

1. The *[party who raises the question]* gives notice that—
 - *in the case of *[insert the names of parties and Supreme Court Proceeding No./County Court Proceeding No.]*;
 - *a question of law arises that relates to the application of the Charter of Human Rights and Responsibilities;
 - *a question arises with respect to the interpretation of a statutory provision in accordance with the Charter of Human Rights and Responsibilities;
 - *in the case of *[insert the names of parties and the relevant Proceeding No. from which the referral is made]* a question has been referred to the Supreme Court under section 33 of the Charter of Human Rights and Responsibilities being *[Court of Appeal/Trial Division]* Proceeding No. *[insert]*.
2. *[State specifically—*
 - (a) *the question of law that relates to the application of the Charter of Human Rights and Responsibilities; or*
 - (b) *the question with respect to the interpretation of a statutory provision in accordance with the Charter of Human Rights and Responsibilities; or*
 - (c) *in the case of a question referred to the Supreme Court under section 33 of the Charter of Human Rights and Responsibilities, the question referred]*.
3. *[State the facts showing the matter is one to which—*
 - (a) *a question of law arises that relates to the application of the Charter of Human Rights and Responsibilities; or*
 - (b) *a question arises with respect to the interpretation of a statutory provision in accordance with the Charter of Human Rights and Responsibilities.]*

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4. *[State the relevant directions, if any, made by the Court in relation to the proceeding and provide details of the next directions/hearing date.]*

Dated:

[Signed]

To the: *[Attorney-General/Victorian Equal Opportunity and Human Rights Commission*]*

And to the: *[Prothonotary of the Supreme Court/Registrar of the Court of Appeal]*

And to: *[insert details of other party/parties]*

**[delete as appropriate]*

FORM 2

Regulation 6

**NOTICE THAT THE SUPREME COURT IS CONSIDERING
MAKING A DECLARATION OF INCONSISTENT
INTERPRETATION**

[Heading as appropriate]

To the Attorney-General of *[address]*

And to the Victorian Equal Opportunity and Human Rights Commission of
[address]

TAKE NOTICE that—

The *[Trial Division of the Supreme Court/Court of Appeal]* is considering making a declaration of inconsistent interpretation in relation to *[insert relevant details of statutory provision]* and section *[insert relevant section]* of the Charter of Human Rights and Responsibilities in this proceeding.

This proceeding is listed for *[directions/hearing]* on *[insert date]*.

Dated *[insert]*

[Signed]

And to: *[insert]*

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