

**Authorised Version No. 001**  
**Charter of Human Rights and**  
**Responsibilities (General) Regulations 2017**

**S.R. No. 122/2017**

Authorised Version as at  
8 December 2017

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**1 Objectives**

The objectives of these Regulations are to prescribe—

- (a) the accrediting body for interpreters; and
- (b) the form of notice to the Attorney-General and the Victorian Equal Opportunity and Human Rights Commission of a proceeding under section 35(1) of the Charter of Human Rights and Responsibilities; and
- (c) the form of 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 Act 2006**.

**3 Commencement**

These Regulations come into operation on 8 December 2017.

**4 Revocation**

The Charter of Human Rights and Responsibilities (General) Regulations 2007<sup>1</sup> are **revoked**.

**5 Accrediting body for interpreters**

For the purposes of paragraph (a) of the definition of *interpreter* in section 3(1) 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).

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

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

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

For the purposes 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 set out in Form 2 of Schedule 1.

## Schedule 1—Forms

### FORM 1

Regulation 6

#### **NOTICE TO THE ATTORNEY-GENERAL AND THE VICTORIAN EQUAL OPPORTUNITY AND HUMAN RIGHTS COMMISSION UNDER THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES**

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 ("the Charter").
    - \*a question arises with respect to the interpretation of a statutory provision in accordance with the Charter.
  - \*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 in *[Court of Appeal/Trial Division]* Proceeding No. *[insert number]*.
2. *[State specifically—*
  - \*the question of law that relates to the application of the Charter;
  - \*the question with respect to the interpretation of a statutory provision in accordance with the Charter;
  - \*in the case of a question referred to the Supreme Court under section 33 of the Charter, the question referred.]
3. *[State the facts showing the matter is one to which—*
  - \*a question of law arises that relates to the application of the Charter;
  - \*a question arises with respect to the interpretation of a statutory provision in accordance with the Charter.]
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: *[insert date]*

Charter of Human Rights and Responsibilities (General) Regulations 2017  
S.R. No. 122/2017  
Schedule 1—Forms

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Signed: *[insert signature]*

To the: Victorian Government Solicitor on behalf of the Attorney-General, Level 25, 121 Exhibition Street, Melbourne Victoria 3000 (or email to [charter@vgso.vic.gov.au](mailto:charter@vgso.vic.gov.au)) and to the Victorian Equal Opportunity and Human Rights Commission, Legal Unit, Level 3, 204 Lygon Street, Carlton Victoria 3053 (or email to [legal@veohrc.vic.gov.au](mailto:legal@veohrc.vic.gov.au))

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

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

\*Delete if not applicable

**FORM 2**

Regulation 7

**NOTICE THAT THE SUPREME COURT IS CONSIDERING  
MAKING A DECLARATION OF INCONSISTENT  
INTERPRETATION UNDER THE CHARTER OF  
HUMAN RIGHTS AND RESPONSIBILITIES**

*[Heading as appropriate]*

To the: Victorian Government Solicitor on behalf of the Attorney-General,  
Level 25, 121 Exhibition Street, Melbourne Victoria 3000 (or email to  
charter@vgso.vic.gov.au)

And to the: Victorian Equal Opportunity and Human Rights Commission,  
Legal Unit, Level 3, 204 Lygon Street, Carlton Victoria 3053 (or email  
to legal@veohrc.vic.gov.au)

**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 date]*

Signed: *[insert signature]*

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

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## Endnotes

### 1 General information

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

The Charter of Human Rights and Responsibilities (General) Regulations 2017, S.R. No. 122/2017 were made on 28 November 2017 by the Governor in Council under section 46 of the **Charter of Human Rights and Responsibilities Act 2006**, No. 43/2006 and came into operation on 8 December 2017: regulation 3.

The Charter of Human Rights and Responsibilities (General) Regulations 2017 will sunset 10 years after the day of making on 28 November 2027 (see section 5 of the **Subordinate Legislation Act 1994**).

#### INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

##### Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

##### References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided regulation, rule or clause of a Schedule is amended by the insertion of one or more subregulations, subrules or subclauses the original regulation, rule or clause becomes subregulation, subrule or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original regulation, rule or clause.

##### Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any heading inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. This includes headings to Parts, Divisions or Subdivisions in a Schedule; Orders; Parts into which an Order is divided; clauses; regulations; rules; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A)(2B).



- **Examples, diagrams or notes**

All examples, diagrams or notes included in a Statutory Rule which is made on or after 1 January 2001 form part of that Statutory Rule. Any examples, diagrams or notes inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, form part of that Statutory Rule. See section 36(3A).

- **Punctuation**

All punctuation included in a Statutory Rule which is made on or after 1 January 2001 forms part of that Statutory Rule. Any punctuation inserted in a Statutory Rule which was made before 1 January 2001, by a Statutory Rule made on or after 1 January 2001, forms part of that Statutory Rule. See section 36(3B).

- **Provision numbers**

All provision numbers included in a Statutory Rule form part of that Statutory Rule, whether inserted in the Statutory Rule before, on or after 1 January 2001. Provision numbers include regulation numbers, rule numbers, subregulation numbers, subrule numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of a Statutory Rule is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of a Statutory Rule. See section 36(3)(3D)(3E).

## **2 Table of Amendments**

There are no amendments made to the Charter of Human Rights and Responsibilities (General) Regulations 2017 by statutory rules, subordinate instruments and Acts.

### **3 Amendments Not in Operation**

There are no amendments which were Not in Operation at the date of this publication.

#### **4 Explanatory details**

<sup>1</sup> Reg. 4: S.R. No. 135/2007.