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Human rights laws recommended for Tasmania

Tasmania should enact laws that better protect human rights, a new research paper from the Tasmania Law Reform Institute (TLRI) has recommended.

A Charter of Human Rights or a Human Rights Act should be adopted and an independent Human Rights Commissioner appointed to better protect Tasmanians, the Institute says.

In its report *A Charter of Human Rights for Tasmania? Update*, the TLRI has made 21 recommendations and urged Tasmania to become the fourth jurisdiction in Australia to adopt human rights legislation.

The Institute reviewed and updated its 2007 report on human rights in Tasmania, upholding its key recommendations, which included the need for a Charter of Rights.

“It remains the view of the TLRI that there is a need for a Human Rights Act for Tasmania in seeking to protect human rights, develop a human rights culture across government and to frame parliamentary debate,” report co-author Dr Rebecca Bradfield said.

The new report’s recommendations include:

- The state’s laws be reformed through the enactment of a Tasmanian Charter of Human Rights or a Human Rights Act;
- The charter or act cover public functions including emergency, utility, public housing, education, health, disability and transport services, along with the operation of correctional and detention facilities;
- Human rights statements, prepared by a new Human Rights Unit, accompany all Bills introduced into parliament;
- A dedicated Parliamentary Human Rights Scrutiny Committee be established to examine all Bills for compatibility with human rights;
- An independent office of Tasmanian Human Rights Commissioner be established;
- A direct form of redress be available to victims where a public authority has breached the new laws.

The Institute confirmed the right to religious freedom should be included in a human rights enactment. It identified a need to consider the treatment of religious bodies within a human rights and anti-discrimination framework in more detail and recommended this be considered in a further review.

“The approach to human rights in the development and implementation of Tasmanian law and policy has been uneven, with variable results for the protection of human rights,” Dr Bradfield said.

“Reviews in jurisdictions with human rights enactments have found that the introduction of those enactments, while not solving all issues that arise in relation to human rights, has resulted in the implementation of processes to build a human rights culture across government and the public sector.”

“A legislated Charter of Rights or Human Rights Act would be the most effective way to embed human rights considerations consistently into the development and analysis of legislation in Tasmania.”

The new measures should be phased in over two years, the report said.

The project was funded by a grant from the Law Foundation of Tasmania.

The Tasmania Law Reform Institute is Tasmania's peak independent law reform body and was established in 2001 by agreement between the Tasmanian Government, the University of Tasmania and The Law Society of Tasmania. The Institute undertakes impartial and independent reviews or research on areas of law and legal policy.

A link to the report can be found [here](#).

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