

NUCLEAR ACTIVITIES (PROHIBITIONS) AMENDMENT (PLEBISCITE) BILL

Statement of compatibility

Mr BATCHELOR (Minister for Energy and Resources) tabled following statement in accordance with Charter of Human Rights and Responsibilities Act:

In accordance with section 28 of the Charter of Human Rights and Responsibilities Act, I make this statement of compatibility with respect to the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007. In my opinion, the Nuclear Activities (Prohibitions) Amendment (Plebiscite) Bill 2007, as introduced to the Legislative Assembly, is compatible with the human rights protected by the charter. I base my opinion on the reasons outlined in this statement.

Overview of bill

The bill amends the Nuclear Activities (Prohibitions) Act 1983 to facilitate the holding of a plebiscite in Victoria in the event that the commonwealth government takes action to support or allow the constructions of a prohibited nuclear facility in Victoria. A plebiscite may be conducted as an attendance ballot or by postal voting only. In the case of an attendance ballot, the bill applies the provisions of the Electoral Act 2002 relating to referendums. In the case of a ballot by postal voting only, the bill applies the postal voting provisions of the Local Government Act 1989 and the Local Government (Electoral) Regulations 2005.

Human rights issues

1. Human rights protected by the charter that are relevant to the bill

Section 18 (1) of the Charter of Human Rights and Responsibilities provides that every person in Victoria has the right, and is to have the opportunity, without discrimination, to participate in the conduct of public affairs, directly or through freely chosen representatives. The United Nations Human Rights Committee considers voting in an election or referendum to be an example of this right. The bill is compatible with this right because it will enable Victorians to vote, without discrimination, on an issue of public importance.

2. Consideration of reasonable limitations -- section 7(2)

The bill does not restrict or limit the above right but rather enhances it.

Conclusion

I consider that the bill is compatible with the Charter of Human Rights and Responsibilities because it raises a human rights issue but does not limit that human right.

PETER BATCHELOR, MLA

Minister for Energy and Resources