MARIBYRNONG CITY COUNCIL’S
RESPONSE TO THE
SCRUTINY OF ACTS AND REGULATIONS COMMITTEE

INQUIRY INTO THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES
Introduction

The evolution of human rights in Australia is complex. The nation has engaged with the international human rights system with some energy, by becoming a party to all major human rights treaties.

Within a national and state context there continues to be inconsistencies of approach application and commitment to the protection of human rights.

Council recognises that many citizens feel that their rights are adequately protected as these rights have never been threatened. Further much of the human rights public discourse focuses on civil and political rights as these are more obvious than those surrounding economic, social, cultural and gender rights.

This response form Maribyrnong City council strongly supports the continued investment in creating a human rights culture by building on the work commenced in 2007 through the operation of the Victorian Human Rights and Responsibilities Charter.

Human rights in a context of increasing public policy complexity and contestability

In these times when increased national security is at the forefront of the public debate, many of our freedoms and rights can be easily compromised due to fear and grief. In some ways this is understandable, and so a Charter of Human Rights and Responsibilities (ideally supported by a National Bill of Rights) is particularly made for these times.

A strong human rights culture (supported by a human rights charter and human rights commission) that unequivocally reflects our values can act to balance the current and future populist global responses to terrorism and to reduce political pressure to governments from manufacturing threats to our ‘way of life’.

Although human rights universal values, principles and behaviours tend to be realised on the world stage, any real and sustainable promotion of universal rights must also occur closer to home – in our neighbourhoods, streets and communities.

In the current climate where politically pragmatism often has the unintended consequence of diluting human rights, and, where there is a growing economic, health and cultural gap, the need for the consolidation and expansion of the current charter of human rights and a culture of increased human rights vigilance is greater than ever.

Expanding the Charter of Human Rights and Responsibilities

It is Council’s strong view that civil society and active citizenship with its inherent rights and responsibilities cannot be realised without and are indivisible from access to housing, income, health and education especially for disadvantaged communities.

The current Charter of Human Rights has been operational for four years the adoption of a human rights culture has been uneven across all levels of government and the community sector. However the addition of some targeted provisions additional will increase the interest focus and scope in human rights.

The additional rights to be included in the Charter should be (but not limited to);

- the International Covenant on Economic, Social and Cultural Rights:
the Convention on the Rights of the Child;
the Convention on the Elimination of All Forms of Discrimination Against Women;
to self-determination in Article 1 of the International Covenant on Civil and Political Rights.

Protecting Human Rights

Creating and protecting human rights requires a package of integrated, self reinforcing and cumulative measures (legislative, regulatory, educative, community capacity building) that include but not limited to;

- Adoption of Australian Human Rights Act across all jurisdictions
- Introduction of human rights modules in school curriculums (inter generational cultural change)
- A regular 'agenda' item for Council of Australian Governments (COAG)
- Inclusion into citizenship ceremonies
- That the State Government prepare a set of draft indicators to inform a 'Human Rights test' that can be applied to all new laws and legislation.
- Creating a Human Rights ambassador (a high profile citizen of demonstrated integrity) to support the Human Rights Commissioner.

An incremental approach towards a culture of human rights

Maribyrnong City Council endorses an incremental approach to building on the strengths and progressing a human rights agenda within the State Government.

An incremental approach has been successful in the past. For example Equal Employment Opportunity laws were first introduced at a State Government level and are now embedded in Commonwealth Government legislation. The incremental approach affords a level of security for the State Government to lead the necessary roll out and associated cultural change, through its behaviours, policy developments and public language.

Investment in Human Rights

A culture of human rights validates and strengthens our democratic ideals and ennobles the human spirit.

This requires both eternal vigilance and eternal investment from government and community. It also requires patience and determination. The new Victorian State Government has a unique opportunity to affirm its human rights credentials by having the courage and foresight to expand the Charter of Human Rights and Responsibilities and to demonstrate its leadership in strengthening our institutions, justice system, public policy and our diverse communities.

Maribyrnong Council would strongly support the creation of a formal human rights dialogue that outlines the joint responsibilities and investment in human rights.
Reform and improvement of the Charter

It is the strong view of Maribyrnong Council that the current methodology and annual regime of reporting and compliance of the Victorian Charter of Human Rights and Responsibilities does not provide either the State Government or Council’s with the necessary information to reform and improve organisational culture.

Human rights culture is still in its early stages of development and it is vital that the compliance and reporting is not reduced to a series of bureaucratic outputs.

This State Government has an opportunity in conjunction with local government to develop a set of indicators that reflect the inter governmental relationship to progress and enhance a human rights culture.

Conclusion

Maribyrnong City Council has been proud in recognising and accepting our duty to give formal recognition to our international human rights obligations through the operation of the Charter of Human Rights and responsibilities.

We look forward to working with this Victorian state Government to explore fresh ideas, programs and initiatives to assist all citizens incorporate human rights into their daily lives.