Submission

Four Year Review of Victoria’s Charter of Human Rights and Responsibilities Act 2006

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About Travellers Aid Australia

Assisting travellers at their point of need
Travellers Aid Australia is a not-for-profit with a 95-year history. Since 1916, we’ve supported travellers by providing simple, practical travel-related support and aid that helps them travel independently and confidently, no matter what their background.

Travellers Aid supports many people enabling them to take part in everyday life such as work, study and social activities. All our services aim to address travel disadvantage and promote independence and social inclusion.

Our mission
To assist travellers at their point of need, and to ensure that they reach their destination safely and confidently.

Our vision
For travellers at the point of need to have easy access to services which are relevant and assist in providing solutions with dignity.

Some statistics
In 2009-2010 alone, our trained staff and volunteers provided over 185,000 services to travellers in need, including:
- the general travelling public
- people with a disability
- seniors
- travellers facing emergency situations
- students and their families.
- In 2009-2010 we provided 4,690 hours of free personal care to travellers with a disability at Flinders Street Station and Southern Cross Station.

At Southern Cross Station we also provided over 9,000 instances of free buggy transport or personal guidance assistance to seniors and people with mobility issues. We can provide significant assistance to people who are unable, or ineligible, to receive assistance with their travel and emergency relief needs from elsewhere.
Our Core Services

Travellers Aid has over 30 employees and 65 volunteers, in two Melbourne CBD locations, operating 7 days a week. Our unique core services are:

**Travellers Aid at Southern Cross Station** Offers a comfortable lounge, showers, rest rooms, accessible bathroom, internet access, mobility equipment hire, amenities, and rest area. The Travellers Assistance & Personal Guidance Service provides assistance to older, frail or people with disabilities to ensure safe passage through Southern Cross Station.

**Travellers Aid at Flinders Street Station** Offers a comfortable lounge, accessible bathroom, short term luggage storage, internet access, amenities, mobility equipment hire and rest area.

**Travellers Aid Access Service (TAAS)** A Unique Melbourne based service offering friendly (free) service and professional support workers to assist people with disabilities and older people with personal care needs at Flinders Street Station and Southern Cross Station.

**Medical Companion Program** The Medical Companion Service has been developed to improve access and use of public transport for people needing to travel to Melbourne for medical appointments. This will be achieved by providing the necessary personal assistance (by volunteers) to travellers once they arrive in Melbourne at Flinders Street Station and Southern Cross Station / Bus Terminal.

**Homeward Bound program** provides crisis emergency relief travel services including travel tickets and material aid, and reunites travellers in crisis with family, friends and other supports.

**Pathways to Education program** provides travel tickets to young people who are experiencing financial difficulties, to enable them to travel to school and activities.
Our Human Rights work
Travellers Aid welcomes the opportunity to participate in the four year review of the Charter of Human Rights and Responsibilities Act 2006 (Charter). The work of Travellers Aid helps people to enjoy a number of human rights currently contained in the Charter, including:

Freedom of movement: our core services assist people to access transport in circumstances where they may otherwise be unable to move freely due to disability, medical issues or their remote location.

Recognition and Equality before the law: People with disability and the elderly can experience significant difficulties accessing public transport because such services are in general not physically designed in a way to accommodate their needs. We seek to overcome some of these barriers to equality by assisting people with mobility needs to improve their access transport services.

The Right to Life: Our Medical Companion Program has been developed to improve access and use of public transport for people needing to travel to Melbourne for medical appointments. Approximately 50,000 regional Victorians travel to Melbourne each year for medical treatment. Many rely on others to drive or accompany them to Melbourne. When assistance is unavailable, patients may risk their health by delaying appointments or not going at all. Our program aims to avoid this outcome by providing trained volunteers to accompany people from Southern Cross and Flinders Street Stations to and from their medical appointments in central Melbourne.

Peaceful Assembly and Freedom of Association: People experiencing difficulties travelling may not be able to enjoy the right to peaceful assembly and freedom of association because they cannot make it to the locations where these activities occur.

Protection of Families and Children: Members of one family can reside across different regions within Australia or between different countries. By helping people travel within Victoria, or by helping people repatriate to another state/country when facing crisis in Victoria/Australia, we are helping to protect families and children because our assistance can lead to family contact and reunification.

Taking Part in Public Life: People with limited transport opportunities have reduced opportunities for taking part in public life because, for example, they may not be able to attend relevant public forums or inquiries.

We believe that the Charter is an important and beneficial law for Victoria and below we address a number of the terms of reference that are relevant to our work.
Terms of Reference

Should additional rights be included in the Charter, including economic, social, cultural, children’s, women’s and self determination rights?

The nature of our work clearly demonstrates the interrelated nature of all human rights. While our primary work relates to the right to freedom of movement, we are essentially helping people move for purposes that directly relate to many economic, social and cultural rights (ESC Rights), including:

The right to work: If a person with a disability is unable to access public transport, this may exclude them from participating in work.

The right to education: our Pathways to Education program provides travel tickets to young people who are experiencing financial difficulties, to enable them to travel to school and activities.

The right to health: Our Medical Companion Program helps vulnerable people in need of health care to travel to their appointments with a sense of safety and confidence, in circumstances where they may have avoided attending such appointments with our support.

Given the interrelated nature of human rights, we submit that all the rights contained in the International Covenant on Economic, Social and Cultural Rights (ICESCR) should be included in the Charter (including the right to self-determination).

Should there be mandatory regular auditing of public authorities to assess compliance with human rights?

Public authorities should be required to report on the measures adopted for the purpose of Charter compliance. This would help to ensure that such measures are incorporated into the day-to-day operations of public authorities and would help to identify systemic human rights issues. It would also help with the transparent assessment of the economic and non-economic costs and benefits of the Charter into the future.
The effect of the Charter on the provision of services, and the performance of other functions, by public authorities

Travellers Aid is pleased that the *Transport Integration Act 2010* incorporates social inclusion as part of its vision statement for Victoria’s public transport system. The second reading speech to the *Transport Integration Bill 2009* stated that:

- A transport system needs to support social outcomes by being inclusive and providing access to economic and social opportunities.
- It enables people to get to their jobs and to visit their families and friends. It can also support the health and wellbeing of individuals and communities -- for example, by encouraging walking and cycling.
- A transport system needs to support prosperity through efficient and effective access to jobs, markets and services.

We commend these objectives for Victoria’s transport system. The objectives are reflective of important human rights principles currently contained in the Charter such as freedom of movement and the protection of families. It is unclear from the second reading speech and statement of compatibility to the *Transport Integration Bill 2009* whether the Charter influenced this part of the vision statement contained in the Act. However, the Victorian Government’s *Accessible Public Transport in Victoria Action Plan 2006-2012* states that, as part of the State Disability Plan, the framework is guided by the principles “Equality, Dignity and Self-Determination (Choice), Diversity and Non-Discrimination”.¹ These are all important human rights principles, most of which are currently contained in the Charter.

Although the Victorian government and public transport providers including franchise operators have and are taking positive measures to improve accessibility of the various modes of public transport, accessibility needs to increase to cater better for people with special needs such as people with disabilities and older Victorians. We are confident that the Charter is a useful and important framework for addressing the ongoing inequalities effecting people experiencing barriers to accessing transport in Victoria.

What, if any, have been the overall benefits and costs of the Charter?

The Charter has moved Victoria up to speed with many of the other western nations that have legislated or constitutional protection of human rights, such as Canada, South Africa, and many European nations. The Charter provides a consistent framework within which laws and policies must be developed in Victoria. It also provides a clear and accessible statement of the rights that people can expect to enjoy and is a valuable tool for education and promotion of rights in Victoria.

What options are there for reform or improvement of the regime for protecting and upholding rights and responsibilities in Victoria?

As noted above we recommend that ESC rights be included in the Charter. There should also be greater education and awareness raising of the Charter addressing how it operates in Victoria.

Should you have any queries relating to Travellers Aid Australia’s submission, please contact Mr Arnie Bax, Service Development Manager, on (03) 9654 2600 or arnie@travellersaid.org.au