8th June 2011

Mr Edward O'Donohue MLC
Chairperson
Scrutiny of Acts and Regulations Committee
Parliament House
Spring Street
EAST MELBOURNE VIC 3002

Dear Mr O'Donohue

Submission to the Inquiry into the Charter of Human Rights and Responsibilities

We refer to the inquiry of the Scrutiny of Acts and Regulations Committee (Committee) into Victoria’s Charter of Human Rights and Responsibilities (Charter).

We are writing to endorse the submission of the PILCH Homeless Persons’ Legal Clinic (HPLC), Charting the Right Course: Submission to the Inquiry into the Charter of Human Rights and Responsibilities.

About Loddon Mallee Homelessness Network (LOMA)

LOMA is a network of twenty specialist homelessness and community housing agencies in the Loddon Mallee region; one of eight Regional Homelessness Networks in Victoria. The agencies extend from Gisborne in the south up through Kyabram, Castlemaine, Maryborough, Kyabram and Bendigo to Echuca then west along the Murray River to Mildura. Some of these agencies have specific target groups such as domestic violence, youth, Indigenous people and people with a mental illness and the majority work with all homeless people within a district. LOMA provides co-ordination for many of the activities of these agencies including training, collaborative work, information sharing, policy responses, identification of common issues and development of solutions and agency support. LOMA advocates for the rights of people who have experienced homelessness, thus the Charter is extremely important to the people and services we represent.

LOMA’s key points for the Committee

The Charter is a useful and effective tool in educating people about the rights of those who have experienced or are at risk of homelessness. The HPLC has delivered tailored Charter training in the Loddon Mallee region to specialist homelessness and community housing service providers. This has assisted advocates to better understand the rights of their clients living in community housing and Office of Housing properties. The take up of Victorian Equal Opportunity and Human Rights Commission Charter training was also very good in the Loddon Mallee Region.

We endorse the HPLC’s submission that:

► the Charter has brought about gradual but noticeable improvements in the provision of services by public authorities. Many of these improvements have been generated through education and negotiation and better, more transparent decision-making processes;
► the dialogue model is key to the Charter’s effectiveness – the roles of each of Parliament, public authorities and courts and tribunals are essential to the provision of accessible, efficient and fair outcomes to Victorians;
► non-legislative protections, such as service standards, with no role for courts or tribunals would not be as effective as the Charter at addressing systemic injustice

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assessing the costs and benefits of the Charter requires balancing of direct costs with the wider flow-on benefits generated across the community. We encourage SARC to consider costs that are avoided as a result of better decision-making and processes within services providers (for example, the HPLC has used the Charter to negotiate and advocate to prevent 42 people, including 21 children, from being evicted from social housing into homelessness); and

the regime for protecting and upholding rights and responsibilities in Victoria should be strengthened and improved in the following ways:
- inclusion of protections of economic and social rights in the Charter;
- inclusion of an independent cause of action in the Charter;
- formal monitoring of public authorities’ human rights compliance; and
- ongoing Charter-based education, training and resources.

We reiterate that it is only through education and training that the Charter obligations will become fully entrenched in Victoria. While we have come a long way, the full benefit of the Charter will be seen only with the ongoing commitment of Government (including through support and funding) to the protection of human rights and, consequently, to the delivery of high quality public services and fair outcomes for Victorians.

Conclusion

LOMA supports the key points and recommendations of the HPLC. We affirm that the Charter is effectively working to improve the protection of human rights for Victorians. We are seeing the results through our work and we feel confident that further improvements are certain.

Please contact me if you have any queries about this letter or would like more information about our work with the Charter.

Yours sincerely

Jude Di Manno
Coordinator
Loddon Mallee Homelessness Network