Connecting Communities
Strengthening Democracy

Victorian Local Governance Association


June 2011
VLGA Submission

As required by the Parliament, a review is being undertaken of the Victorian Charter of Human Rights and Responsibilities Act 2006 (the Charter).

This submission provides the view of the Victorian Local Governance Association (VLGA) on the Charter and recommendations for additions to the Charter and its operation for the future. As such, we will focus our submission on:

- whether additional rights should be included in the Charter, including economic, social, cultural, children’s, women’s and self-determination rights
- the overall benefits and costs of the Charter, and
- other options for reform or improvement of the regime for protecting and upholding rights and responsibilities in Victoria.

Notwithstanding this focus, we would support all the positions on more technical matters taken by the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) as outlined in their Position Paper, especially:

- mandatory compliance reporting (with more support to local governments)
- maintaining an independent VEOHRC Annual Report, and
- a Human Rights audit function for VEOHRC.

Given that our focus in this policy area has been to build the capacities of local governments and communities to move from a human rights compliance lens to a human rights culture (see further information below), we will leave to others a more detailed consideration of the technical aspects of this Review. That is, others with more technical knowledge would want to comment on the development and drafting of statutory provisions; the provision of services, and the performance of other functions by public authorities; litigation and the roles and functioning of courts and tribunals, and the availability to Victorians of accessible, just and timely remedies for infringements of rights.

VLGA Role

The VLGA works to encourage and support elected councillors, council officers and communities to engage and work more effectively together, and to focus on their sustainable futures. We provide leadership to local governments and local communities, by undertaking programs, research and innovative approaches to governance and strengthening democracy.

VLGA and Human Rights

The VLGA in partnership with the Australian Centre for Human Rights Education (ACHRE) at RMIT has been advancing the understanding of human rights across local government in Victoria over the past three years. This has provided us with a solid evidence-base of the effectiveness of the Charter in delivering fair and just outcomes for Victorians.

The first stage of our partnership saw the development of a pilot audit tool (Human Rights Matter Locally) to assist all local governments in meeting their obligations under the Charter.

The second stage of the partnership saw the testing and further development of the audit tool with six local governments and resulted in an improved toolkit, which is attached to this submission.
The third stage was a pilot project conducted in the South-West region of Victoria to consider impediments to participation in human rights by rural and regional local governments and their communities.

Given our experience in designing, implementing and evaluating these projects, the VLGA is uniquely placed to comment on the effect of the Charter in local government policy and practice.

Under the Victorian Charter ‘public authorities’ must abide by the provisions of the Charter. The definition of ‘public authority’ includes local government.

In 2010 all 79 local governments met their reporting obligations to the Victorian Equal Opportunity and Human Rights Commission (VEOHRD).

What we have found, though, is that the voices of rural and regional Victoria are not being adequately heard in major discussions about human rights at a state-wide level. Indeed it will be interesting to see how many submissions from rural and regional local governments and their communities are made to this inquiry. We will say more about this challenge later in this submission.

Whether additional rights should be included in the Charter, including economic, social, cultural, children’s, women’s and self-determination rights

The VLGA believes that the Charter has brought widespread benefits to the quality of local government services. The VLGA recognises however that the current Charter is limited in its current application as it excludes many of the important civil, political, economic, social and cultural rights enshrined in international covenants to which Australia is a signatory.

We would also observe that, in the local government sphere, the Charter does not lead to adverse outcomes for Victorians, the legislature or public authorities; it has had a smooth implementation.

The VLGA therefore supports the views of many, including the PILCH Homeless Persons’ Legal Clinic, the Victorian Council of Social Service (VCOS), as well as the Human Rights Law Centre (HRLC), that the Charter should be expanded and legally enforceable.

This position is best summarised by the HRLC:

‘The inclusion of all the human rights in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), including the right of self-determination, would contribute to the conditions necessary for all people to live with dignity and participate fully and equally in our community.’

The VLGA also believes that all the human rights currently in the Charter, as well as the rights in the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant of Economic, Social and Cultural Rights (ICESCR), should be legally enforceable rather than just being advisory.

The overall benefits and costs of the Charter

The Victorian Charter has, overall, had a positive impact on local governments in Victoria. On balance therefore, the VLGA concludes that the service and community benefits outweigh the reporting costs identified as a problem and discussed later in this submission.

Through forums and meetings with many metropolitan and rural local governments over the last three years, the VLGA has observed an increased knowledge and recognition of human
rights and their importance and impact at a local level. Local governments have systematically checked their local laws, their strategies and policies to ensure that they are human rights compliant.

One example has been the work undertaken by Banyule City Council. The Charter has been an important reference for Banyule's Social Inclusion work. In particular, Banyule has referenced its disability, multicultural, reconciliation and population policies and plans (such as Active Ageing) for compliance with the Charter and Banyule found that the Charter added weight to its work and legal obligations.

Banyule’s Aged and Disability Services have ‘priority of access’ guidelines that support the Charter in practice as these guidelines are openly shared with clients to enable transparency and accountability about decision making. Other service delivery areas of Council also have well documented access, operational and complaint procedures that reinforce client rights and self-determination.

The Charter has only been in existence for four years and in this short period of time much has been achieved by local governments.

In the July 2010 symposium on Human Rights sponsored jointly by the VLGA and VEOHRC, it was apparent that there has been a positive cultural shift in local government in the way that strategies and policies are developed, and even more particularly in the way services are delivered. A copy of the Symposium Report is attached to this submission.

Although this work has been resource intensive there is now a greater awareness of human rights in local governments and their communities, and compliance with the Charter has improved. There is more to be done and the VLGA acknowledges that there is a disparity in the quality of human rights implementation within local governments, particularly in rural and regional local governments.

One of the serious concerns from local governments is that there has been little recognition from the State Government of the impact of time and resources in meeting the reporting requirements of the Charter.

The VLGA is aware of and supports the various ways in which Victorian local governments have implemented human rights in their local areas. The ‘pilot’ group of local governments that worked in partnership with the VLGA in developing the local government human rights toolkit all took different approaches. These approaches are briefly outlined below, and more detailed information can be found in the ‘From Compliance to Culture’ Project Evaluation, which is also attached.

Brimbank City Council, for example, is developing an integrated response in order to develop a culture of human rights within the organisation, but also within the community.

Boroondara City Council is satisfied with the compliance aspect of human rights being part of the responsibility of the governance staff team, and it is also addressing the challenge of developing a culture of human rights within the whole organisation.

Hume City Council wants human rights to be at the forefront of its employees’ minds in service delivery, and emphasises how key council activities relate to social justice and human rights. Hume City Council is working towards a Human Rights Implementation Plan to strengthen a whole of organisation approach to implementing the Charter.
Latrobe City Council finds that ensuring compliance with human rights is easier than building a culture of human rights and is looking at how it can embed the language of human rights within the organisation.

Port Phillip City Council commented on the myriad responsibilities of local government and the difficulty in keeping human rights issues on the agenda, as well as ways they are addressing this challenge.

These pilot local governments also documented a number of their successes, including:

- Establishing a Social Justice Coalition
- Establishing a formal mechanism in council reporting to consider and document any human rights issues that could impact on council decisions
- Adopting policies to give priority of access to service delivery for indigenous people

The impact of the Charter on local governments

The VLGA has received strong and widespread support for the existence of the Charter, and a strengthened focus on human rights in local governments and local communities across Victoria. Indeed many, including the VLGA, would like a renewed focus and resourcing for ‘grass-roots’ measures to promote human rights.

While generally local governments have been strongly supportive of the Charter, meeting some obligations of the Charter have been onerous and resource intensive. The impact is greater on the smaller rural and regional local governments that have much smaller staffing and other resources.

Even reviewing local laws can be expensive, particularly if a law firm is engaged. Human rights training is also time and resource intensive. Local governments are often large entities and the provision of human rights training needs to be provided to all relevant participants, from local councillors and executive management to all levels of service delivery staff. This takes time and is costly. Despite this, the benefits to local communities can be significant.

Yarra City Council, for example, indicates the Charter adds to Council’s policy and is consistent with Yarra’s strategies and plans, particularly a focus on the importance of inclusion and freedom from violence and discrimination. In its submission to the Charter Review, Yarra provides a compelling case study regarding its introduction of a Local Law to ban the consumption of alcohol in public places.

The VLGA believes that some of the findings from both the July 2010 symposium and the 2011 pilot project in the South-West of Victoria are relevant to a consideration of impacts. We have attached a copy of the Report arising from the 2011 pilot project in the South-West of Victoria.

The distance from Melbourne is clearly seen as a barrier to participation in human rights discussions and education as the vast majority of such activities are held in Melbourne. The municipalities in the South-West region of Victoria are at least a three-hour drive from Melbourne, and for Glenelg it is an eight-hour round trip almost certainly requiring an overnight stay in Melbourne. The non-training cost for one person for travel, including meals and accommodation, is in the vicinity of $750.

The VLGA also found that there remains a profound lack of understanding of human rights across the community and human rights is often seen as a ‘Melbourne' issue and not understood as an issue impacting on individual daily lives.
A number of participants in the VLGA forums also commented that local governments are funded to provide direct services and that while the funding sets targets and standards, it does not include provision for community engagement or education about human rights. Many participants expressed that although they strongly felt the Charter was beneficial, it had been imposed on them without their participation in its development or consideration of the implementation and reporting needs.

There was a strong view that obligations have been imposed on local government without the recognition that there was a need to increase the capacity to meet these obligations.

Other options for reform or improvement of the regime for protecting and upholding rights and responsibilities in Victoria

Notwithstanding our previously stated views on extending the range of Human Rights and their legal enforceability, there are other recommendations we would make to improve the regime for protecting and upholding rights and responsibilities in Victoria. None of these require legislative reform, rather the political will to work in partnership between levels of government, key stakeholders and the community.

<table>
<thead>
<tr>
<th>Our recommendations include that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• the Victorian Charter be supported and expanded to include all fundamental civil, political, economic, social and cultural rights.</td>
</tr>
<tr>
<td>• mechanisms for enforcement and support of human rights need to include education and negotiation. However, judicial enforcement of rights is the ultimate way to ensure that rights are protected.</td>
</tr>
<tr>
<td>• elected local government leaders be resourced and supported to engage in and have the confidence to provide leadership on human rights issues locally. The VLGA would be happy to be in a partnership with various other parties to implement this recommendation.</td>
</tr>
<tr>
<td>• the VLGA be supported to work with VEOHRC to develop and conduct workshops for local government on human rights.</td>
</tr>
<tr>
<td>• the VLGA be supported to implement the recommendation from the 2010 symposium that it establish a local government human rights network for elected representatives and officers.</td>
</tr>
<tr>
<td>• the VLGA be supported to assess the feasibility of partnering with the Neighbourhood House Association and the University of the Third Age to develop and support local community based human rights learning opportunities.</td>
</tr>
</tbody>
</table>

Attachments

As noted above, there are critical attachments that complement this submission, including:

- From Compliance to Culture Evaluation
- VLGA/VEOHRC Human Rights and Local Governments Symposium Report
- Human Rights in South West Victoria

Further information

For further information, contact the VLGA’s Chief Executive Officer, Maree McPherson maree@vlga.org.au or (03) 9349 7901.
‘From Compliance to Culture’:
Local governments and human rights

Project Evaluation

Background

The VLGA was funded by the Victorian Government, through the Department of Justice, in 2008 to undertake a project, ‘Human Rights Matters Locally’.

Following the successful completion of this project the Department then funded a follow-on project, ‘From Compliance to Culture’. This project aimed to further embed human rights practices and the Victorian Charter of Human Rights into local governments across Victoria. The project was designed to assist local governments in meeting their requirements pursuant to the Charter and provided them with processes to encourage them to adopt a culture of human rights internally within their local government and externally within their wider communities.

The project worked with the five ‘pilot’ local governments involved in the ‘Human Rights Matters Locally’ project and added a sixth local government. Brimbank City Council was included within the pilot group as they were embarking on a major process of re-engaging with their community following the dismissal of elected councillors, and because the council had already developed a social justice strategy.

Purpose of Project

The purpose of the project was to encourage local governments to move from mere compliance with the Charter to adopting human rights as a culture within local governments. In particular the project delivered a toolkit to assist local governments.

The following points were made in the project documentation:

- To see that human rights values flourish in Victorian communities
- To provide intensive support to five local governments in developing their approach/framework to move from compliance to culture in human rights
- To refine and further develop the manual and toolkit for Victorian local governments to use to assist them in moving from compliance to culture
- To predominantly assist five local governments in using the self-assessment tool and milestone program developed in stage one of this project
- To develop a ‘train the trainer’ type program to assist initially the five local governments in implementing the compliance to culture project – this program will be added to the final toolkit
- To ensure local governments assist and ‘value add’ to the State Government’s intentions by implementing the charter at the local level
Project Deliverables

The project was designed to deliver the following outcomes:

- Undertake an expression of interest (EOI) process for local governments to participate in the Compliance to Culture process, thus building on existing commitment and success in practice
- Provide consultancy support, advice and tools to each of five local governments to support council officers in adopting and advocating the charter in their day to day work
- Develop a comprehensive manual and toolkit for Victorian local governments to use to assist them in moving from compliance to culture, building on the ‘Human Rights Matters Locally Milestones’ tool and handbook
- Organise and resource the Human Rights Matters Locally Steering Committee, consisting of highly skilled individuals from the areas of academia, NGOs, government departments, local government, and government, to continue to oversee the project
- Organise a symposium at the completion of the project at which the five local governments will present on the outcomes of the project

Project Outcomes

The major outcome from the project was the updated toolkit and manual.

The toolkit:

- Offers step-by-step guidelines to ensure local government policies comply with the legal obligations of the Victorian Charter of Human Rights
- Assists local governments to go beyond minimum compliance to build a culture of human rights in their communities
- Helps foster deeper understandings of how human rights affect local government policies and day-to-day decision making, and
- Provides a ready resource to enhance service delivery, community engagement and existing social justice practices by integrating the language of human rights across local government activities.

The toolkit was launched at a half-day symposium and launch, Human rights implementation in local government: successes, challenges and strategies for moving forward, in July 2010 and is available on the VLGA website at http://www.vlga.org.au/Resources/Human_Rights_Toolkit.aspx.

The toolkit is an improved and updated version of the original toolkit and was developed following significant consultation and discussion with a number of local and state government officers.

Since the launch of the toolkit, the VLGA, after significant feedback from local governments, has ensured that the toolkit can be used and filled in during the year whilst still retaining the PDF integrity of the document.
Process of Project

The first step in the project was to select the pilot local governments to partner with the VLGA. The five local governments involved in the 'Human Rights Matters Locally' project indicated their enthusiasm and commitment to being involved in the next stage of the project.

The information learnt from stage one and the understanding of human rights as well as a practical knowledge of the initial draft of the human rights toolkit meant that it was very important to continue the relationship with the original pilot five local governments. Following discussions with officers from Brimbank City Council, it was agreed that Brimbank should be added as an additional pilot council for this second stage of the human rights project. Brimbank was included for a number of reasons.

Firstly, Brimbank councillors had been dismissed and Administrators installed. Senior officers at Brimbank saw that there was an opportunity to re-engage with their community through a human rights approach. Brimbank also already had a Social Justice Charter in place and therefore had a significant awareness of human rights issues. Even more importantly, Brimbank brought enthusiasm and expertise to the pilot grouping of councils.

While Wodonga City Council continued its involvement in the pilot group in the early stage of the 'From Compliance to Culture’ project, the key officer left the council and no continuing involvement occurred. This lack of continuing involvement highlights again the difficulties of some local governments, particularly in regional and rural areas, to be able to regularly participate in state wide committees due to the distance involved in travelling.

The metropolitan local governments held regular meetings with the VLGA during the course of the project. Meetings were held at Port Philip, Hume and Boroondara City Councils, and at the VLGA. The VLGA project officer travelled to Wodonga and Latrobe for separate meetings and had regular additional phone and email contact with Latrobe and some contact with Wodonga until the contact officer left the council. The VLGA officer also had meetings with officers from Brimbank and with Moreland officers to brief them on human rights issues and the how the toolkit can be used by local government officers, and assisted other local governments by phone and email on an ongoing basis.

The Steering Committee for the project also met and regular meetings were held with the Co-chair, Dr Di Sisely from RMIT. The Steering Committee provided advice on the form of the symposium and the contents of the toolkit.

The symposium was originally intended to be held in October 2010, however the VLGA had also been discussing the toolkit and the symposium with the Victorian Equal Opportunity and Human Rights Commission (VEOHRC). VEOHRC had been intending to run a forum for local government on its human rights obligations during 2010 so the two organisations determined that we would hold a jointly convened symposium. Hence the VLGA brought the date forward to July and decided that the training session should be undertaken at a later date.

There is a significant amount of analysis and detail in the report from the symposium which forms part of this evaluation and is attached.

One of the outputs from the ‘Human Rights Matters Locally’ project was to hold a ‘train the trainer’ program aimed at the five pilot local governments. It has instead been decided to hold a workshop in early 2011 for local government officers with the responsibility for human rights. The workshop will be conducted by the Australian Centre for Human Rights Education at RMIT – the VLGA’s partner in this project. The workshop will be a ‘hands-on’ session working through the toolkit. From early feedback it is likely to be a popular session.
Analysis

There is no doubt that local government across Victoria now has a greater understanding of at least its obligations and requirements under the Human Rights Charter. Those pilot local governments working as partners in the project were in a strong position to understand how the human rights toolkit could assist their organisations.

Local governments responded to the annual survey from VEOHRC with only one local government not responding (and that one council was in the area of bushfire devastation where all efforts were directed to the recovery program). However, it should be noted that the survey was quantitative rather than qualitative.

That is, while 78 out of 79 local governments responded to the annual survey there was no distinction made about the adequacy of their human rights efforts or the progress that they had made over the previous year.

Many other issues of significance were made at the symposium held in July 2010 (see attached report). The key issues are documented in the report. The symposium was well attended, the speakers and contents were excellent and the participation and contributions made were outstanding. It was, however, obvious from the attendance list that many rural and regional local governments were absent.

Those that were present did mention that it was difficult to get to a Melbourne-based symposium beginning at 9.30am. Some also commented on the 'loneliness' of being in a rural shire where officers are not easily able to discuss/share issues such as human rights with neighbouring colleagues due to the tyranny of distance.

The issue of resourcing within each local government, whether large or small, was also raised by many. The larger metropolitan local governments often had an officer specifically designated with responsibility for human rights. Often those local governments that embraced a human rights approach had that officer located within the community development division of council. Others had an officer located within their compliance area and were strongly committed to meeting every requirement under the Charter but did not necessarily intend going beyond compliance to a stage of embracing human rights. Even these local governments said that meeting the requirements of human rights was a significant resourcing issue – from direct costs to providing adequate officer time.

Often, the first stage in meeting the requirements of the Human Rights Charter was a review of local laws and usually a legal firm was engaged to undertake this task. Councillor and officer training was often undertaken by external experts. Both activities are expensive even to larger local governments and perhaps prohibitive to smaller ones. The next stage in the process is often a review of the council plan and all strategies and policies of the council. Such activities are resource intensive and even those local governments that are the human rights leaders signal that this is a difficult long term task to achieve.

The smaller rural shires struggle with any additional requirement.

There has been very positive feedback about the revised toolkit. One of the objectives of the toolkit was that it needed to be a resource that could easily be understood and used by officers from a smaller rural shire that had no previous involvement in human rights. The feedback so far has been positive about the usefulness of the toolkit. In response to several local governments contacting the VLGA, the online version of the toolkit has now been modified to allow a downloadable format that local governments can use and fill in during the year.
Conclusions

Across local governments in Victoria there is an improving level of understanding of the obligations of local government under the Victorian Charter.

In 2009, with the assistance of the VLGA project, 78 out of 79 local governments responded to the VEOHRC annual local government human rights survey (and the one council unable to respond cited the bushfires as the reason why the survey was unable to be completed).

For all local governments there is an impact on their available resources to conform to and report on the Charter and human rights issues.

It takes time to ensure that all local government activities meet the human rights requirements.

Small rural shires struggle more to understand and report on human rights.

Not all local governments regard human rights as a priority for them.

Only some local governments have embraced human rights beyond compliance with the Charter.

There is an obvious continuing need for advice and support to local governments on human rights issues.

Recommendations

There is a need for an organisation such as the VLGA to be resourced to continue to support the local government sector on human rights issues. The VLGA has agreed to form a Local Government Human Rights Network to communicate to local governments about human rights issues, but it should be noted that this function is not funded, and will require the support of the VLGA Board.

To meet its human rights obligations local governments needs to be adequately resourced. Wherever possible, forums, workshops and symposiums should be held in rural and regional areas rather than only in Melbourne.

There is a need to determine the barriers to participation in human rights that face small rural shires.
The Human Rights and Local Governments Symposium was hosted by the Victorian Local Governance Association (VLGA) and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) on Wednesday 7 July 2010.

Three years after the Victorian Charter of Human Rights and Responsibilities came into full operation, many local governments across Victorian are embracing human rights through a variety of approaches. However, many are still struggling to understand what human rights mean for local governments, and how to apply them in the day-to-day operations and strategic directions of their organisations.

The VLGA/VEOHRC Human Rights symposium provided councillors and council officers an opportunity to hear about and share some of the challenges, success stories and strategies in the development of a culture of human rights through the work of local governments throughout Victoria.

The symposium also hosted the formal launch of the VLGA human rights toolkit From Compliance to Culture: A toolkit for local governments to implement the Victorian Charter of Human Rights and Responsibilities.

The toolkit is available online at www.humanrights.vlga.org.au

This document summarises the dialogue and discussion that took place at the symposium around the themes of human rights challenges, strategies and success stories.

For further information please contact Gary Jungwirth, Human Rights Policy and Project Officer VLGA at gary@vlga.org.au.

INTRODUCTION

The Human Rights symposium provided an excellent opportunity for local governments and local communities to discuss their respective experiences in meeting their obligations under the Victorian Human Rights Charter and to share the current and future challenges as well as to suggest a way ahead.
Local governments are only starting the human rights journey. Even those local
governments that have adopted a human rights approach prior to the Victorian
Charter coming into existence acknowledge the long term nature of developing a
culture of human rights.

Many local governments, particularly from small rural communities, have few
resources to devote to human rights and have not had much involvement in the
project. New ways of involving these local governments is important.

The advice from both the panel comprising the ‘pilot’ councils and the outcomes from
the small groups is a valuable resource for local governments meeting their human
rights requirements.

PANEL DISCUSSION

The symposium included a panel of representatives comprising the 5 local
governments that took part in the VLGA's Human Rights Matter Locally Project
throughout 2009-2010. They were the Cities of Brimbank, Boroondara, Hume,
Latrobe and Port Phillip. As identified leaders in human rights implementation in
Victoria, the Panel were asked to share their experiences of challenges, strategies
and successes in implementing the Victorian Charter of Human Rights and
Responsibilities in their local government areas.

Below is a summary of the Panel’s responses.

Challenges

Brimbank City Council is developing integrated responses to raise awareness about
requirements of the Victorian Charter and implement ways to develop a human rights
culture.

Boroondara City Council feels comfortable with the compliance aspect of human
rights, which is under the auspice of the Council’s Governance Team. However, the
Council is addressing the challenge of building a human rights culture within the
organisation. Boroondara are in the formative stages of taking an organisation-wide
approach to human rights implementation.

The responsibility for human rights implementation at Hume City Council lies largely
with the Social Development team. Hume City Council wants human rights to be at
the forefront of its employee’s minds in service delivery, and emphasises how key
council activities relate to social justice and human rights. Hume City Council is
working towards a human rights implementation plan to strengthen a whole-of-
organisation approach to implementing the Human Rights Charter.

Latrobe City Council agrees that human rights compliance is easier than building a
human rights culture, since the latter is about influencing, impacting, and changing
human behaviour. LaTrobe City Council is looking at how to embed the language of
human rights within the organisation. A particular challenge for the Council lies in the
need to document all Council decision-making vis-à-vis human rights criteria.
Port Phillip City Council reflected that no exclusive and/or permanent position exists to manage human rights responsibilities and that in past 18 months or so as the organisation underwent a major restructure, changes to effect human rights responsibilities were difficult to keep on the agenda.

**Strategies**

At Brimbank City Council managers and coordinators from service areas work within the framework of the Council’s Social Justice Charter and the Brimbank Community Plan (2009-2030) both of which reference the Victorian Human Rights Charter. This has helped to develop coordinated and cooperative approaches to complying with the Victorian Charter. In particular, Brimbank City Council emphasises the need for communication and cooperation between a wide range of Council policies and programs, as well as partnerships with community groups especially around advocacy for Social Justice. The Council sees successful human rights implementation as an exercise in internal strategic development and community connectedness and education – a process that will take time.

Boroondara does not have a dedicated human rights officer or human rights implementation team. Working within these constraints, one strategy is to piggy-back human rights activities or initiatives onto other complimentary programs that are already being run. Boroondara emphasises the need to inject human rights into existing discussions within the organisation at all opportunities. The Council also recommends finding existing or potential human rights champions at the councillor or executive level within the organisation who can drive and advocate the human rights message from the highest level of the organisation.

Hume City Council uses its Social Justice Charter to empower disadvantaged groups in the community. The Community Grants Program informs applicants of the Council’s Social Justice Charter and Citizen’s Bill of Rights, and encourages people to apply for funding and develop programs that strengthen community wellbeing and advance a fair and just society. The Social Justice Charter is linked to council plans and policies.

Latrobe City Council emphasises the need to be proactive, not reactive, in addressing human rights-based issues: ‘Make sure you are ready for what might come up, and think about how you would respond.’ The Council focuses on getting different groups of people together from across various levels and departments to address these questions, and recommends always having the documentation ready to deal with human rights-based problems, issues or questions.

Port Phillip City Council has a Human Rights Working Group comprising key management staff from across a range of council program areas. As managers of their respective program areas, the members of the Working Group are in an excellent position to spread human rights messages throughout the organisation. The Working Group delivered an information session from VEOHRC to the Councillors which clarified their understanding of Council’s responsibilities and assisted in ensuring support for the Group.
Success stories

As part of its Social Justice commitments, Brimbank City Council has established a Social Justice Coalition and holds an annual Social Justice summit. The Social Justice Coalition brings together community groups, agencies and Council services in partnerships to advocate for systemic change and resources concerning identified priorities, for example: public transport, affordable and accessible housing and industry, employment and education opportunities.

Boroondara City Council has implemented a formal mechanism in Council reporting processes which prompts staff to consider and document any human rights issues which may impact or arise from Council decisions.

Hume City Council recently adopted a Pre-School Enrolment Policy that emphasises priority of access to service delivery for people of Aboriginal and Torres Strait Islander descent.

Latrobe City Council worked with developers on a pedestrian precinct that is universally accessible for people with disabilities. The street was designed to have non standard gutters – something the developers and designers felt would make it more people-friendly. However, when the Council walked its Disability Action Group through the street for a ‘test-run’ they realised that the lack of gutters left vision-impaired people with no way of knowing where the roads were. This resulted in the addition of raised patterns in the surface of the concrete, allowing the vision-impaired to feel where the sidewalk ends and the road begins. From this experience, Latrobe learnt, and now emphasises, that human rights considerations apply to designers, engineers, developers and other third parties with whom local governments engage.

Port Phillip City Council experienced great success in locating and recruiting the ‘right people’ to be on its Human Rights Working Group. In Port Phillip’s experience it was gaining the initial momentum that was crucial to getting human rights on the Council’s agenda: ‘Once the boxes started to be ticked, there was greater willingness to keep going.’

FORUM WORKSHOPPING

Following the Panel discussion Forum participants were asked to break into the following groups according to which best reflected their role in local government: Elected councillors, Administrators, Community and Third Parties.

The groups were asked to brainstorm ideas around the themes of challenges, strategies, success stories and ways forward from the point of view of their respective roles in local government.

Below is a summary of notes taken on butcher’s paper by the respective groups.
Challenges

- Should a key human rights office/officer sit in Governance or in Community Engagement?
- How do we make human rights ‘sexy’ so that a wider range of councils get involved, not just the usual suspects?
- Will the community see all ‘human rights problems’ as the ‘fault’ of local government?
- We still do not have strong human rights leadership within local government.
- How should local governments understand their legal responsibilities in terms of human rights in such rapidly changing times?
- How can we better engage councilors? Is the issue of ‘human rights language’ a problem?
- Councilors within one local government may have a range of different and diverging priorities. Many councilors seem resistant to embracing human rights.
- Human rights education for councilors, and the need for them to work closely with senior staff.
- Human rights are still considered to be a ‘tick-the-box’ exercise in many local governments. They are viewed as an issue of compliance, not culture.
- Low turn-out to voluntary human rights training sessions for councilors.
- Lack of financial and human resources to drive the human rights agenda; seen as too much work in addition to existing roles.
- How do we measure and report human rights compliance within council? There is a lack of advice from the government and peak bodies on how local governments are to comply.
- Smaller regional and rural councils often have few resources and very small budgets, making it is difficult to fit human rights training and initiatives into already tight constraints.
- Councils need to be made more aware of the tangible consequences for non-compliance with human rights.
Strategies

- Establish a Human Rights Working Group comprising people from all local government departments that can start using and spreading the language of human rights across the organisation. The group should capitalise on existing activities within council by attaching to them a human rights angle or agenda. The group should report to a higher authority about successes and challenges, so that a top-down approach to human rights compliments the horizontal approach of the Working Group.

- Embed human rights into the Council Plan. This means human rights must be reported on.

- Establish a Human Rights Consultative Committee comprising staff representatives, union representatives, and managers. The Committee’s key role would be to communicate local human rights issues to councilors and the community.

- Provide human rights training for all new and existing councilors.

- Find a human rights champion at the councilor level.

- Mandate compulsory human rights training for all new and existing councilors. Currently councilors are not required to undertake any form of social justice training or education.

- Engage with human rights resources from VLGA and VEOHRC.

- Instead of putting energy towards ‘convincing’ councilors, focus on those that are already on board and use them to further the human rights agenda.

- Invite the media in to hear about council success stories in human rights.

- Showcase councilors with different cultural backgrounds and experiences. How can they learn from one another and how can they share those experiences and learnings with other people in council and the community?

- Facilitate and support councilors from diverse cultural backgrounds to make human rights connections with members of their cultural communities.

Success stories and ways forward

- Local government reports to VEOHRC should be systematically shared with Council.

- When the results of the local government reporting to VEOHRC come out, each council should consider: Where do we fit in? Are we leaders in human rights, or are we falling behind?
Administration

Challenges

- A culture of silos within local governments mean that even where human rights champions and leaders do exist, it is difficult to translate these instances across council. Silos are difficult to break down, and yet effective human rights implementation requires that we work in multidisciplinary partnerships.

- Leveraging the appropriate expertise to benefit the whole of council.

- Building, strengthening and supporting human rights leadership at every level: the executive, councillors, and council officers.

- Integrating human rights into existing frameworks about the work of local governments, rather than thinking of them as 'something extra.'

- Linking human rights to other reporting requirements.

- Lack of consideration of systemic human rights issues. For example, extensive inappropriate placement of people in emergency housing.

- Low turn-out to voluntary human rights training sessions for officers.

- Piecemeal approaches to human rights are a problem. There is still no State-wide support network for human rights implementation at the local government level.

Strategies

- Develop a high level human rights policy from which all other policies on social inclusion, health and wellbeing multiculturalism, community engagement, etc, can be derived.

- Appoint a dedicated Human Rights Officer whose job it is to: champion human rights, identify needs and training opportunities, priorities internal and external human rights issues/focus. The Darebin model is to have a cross-council human rights reference group with a project officer attached and resourced for the first two years.

- Develop a system of checks and balances for human rights compliance, potentially including KPIs, reporting, and audits.

- The VEOHRC occasional paper *The Economics of Equality* is a good tool for getting buy-in with people across council who may not have experience engaging with human rights language but work in crucial aspects of human rights such as economic development.

- Use the VLGA's human rights toolkit to build a 12-month action plan for council.
- EPER peer-education model.
- Develop a council statement on human rights to make it clear internally, to other councils and the community that the organisation is committed to human rights. Also include human rights in all major plans and documents, writing them in a human rights framework.

Success stories and ways forward

- Disability advisory committees have given people with disabilities in the community a meaningful voice at council level.
- Work with young people and provide opportunities for them to participate in public life.
- The City of Brimbank's Social Justice Summit reached 80 people over two sessions.
- Get human rights on the agenda of existing social justice networks.
- Use the ideas generated in the Human Rights Commission's Human Rights Passport as a starting point. The stories from everyday citizens in the City of Hume documented in the Passport make human rights 'real.' Ask council officers the same questions asked to citizens in the Passport.
- Put human rights on the agenda of team meeting like Occupational Health and Safety, and the Executive team.
- The Human Rights Law Resource Centre (HRLRC) has many human rights case studies available to learn from.
- LEAD projects are a good strategy to reduce racial discrimination by using cultural competency measure.
- Purple Sage model. Human rights around the kitchen table.
- Local governments need to engage with the VLGA Human Rights Toolkit, test it out, and then come back together to dialogue what are the next steps.
- Partner with other local governments to plan and roll out human rights initiatives.
- Link human rights in with VicHealth projects, such as Preventing Violence Against Women (PVAW) strategies.
- Name and shame where human rights inaction or human rights abuses are taking place.
- VLGA/VEOHRC targeted human rights training tailored specifically to local governments, with targeted modules for councilors, officers, community workers, the executive, the depot, etc.
• VLGA could write to member councils asking them to sign up as a 'human rights council.' This could have specific targets attached to it. VLGA would then play a role in networking the councils, spreading news of their success stories and lessons learned, and monitoring progress.

• Promote council’s human rights activities clearly on the council website.

• Expand the EO committee to include human rights.

• Incorporate human rights as part of EO training.

Community

Challenges

• Getting people within local governments interested and understanding of how human rights apply to the full range of local government program areas.

• How to make human rights implementation an equal priority with other work.

• How to integrate human rights into existing mind maps about ‘how we work’ in local government.

• How to engage with the executive level to lead human rights-based change.

• Providing education and ongoing training for staff to ensure that people across the organisation have some common understanding of human rights and how they relate to the work of local governments.

• People making important decisions within the local government may not have human rights as a part of their paradigm.

• Recognising the existing work of local governments in promoting social justice and progressive social change as fitting under the banner of 'human rights successes.'

• Understanding the local community’s perspective of what human rights mean and how to incorporate that message into the local government’s work.

• The role of local government in empowering the community, which may have a very sophisticated understanding of human rights issues but not the technical language.

• Council staff sometime struggle to communicate to the community the human rights initiatives undertaken by the council.

• A human rights education process for the community is vital. However, the same people usually turn up to participate. How do involve the hard to engage people?
• How can we help citizens understand the council’s role and how human rights actions can tangibly improve situations?

• Access to the right human rights resources for in-council and community education.

• The quality of community services vis-à-vis human rights. How well do service providers funded by council understand human rights and their own human rights responsibilities? Should they attend human rights training?

• Getting past the legalistic understanding of human rights to appreciate how they intersect with and impact on everyday people’s everyday lives and circumstances.

• Helping the community to understand that whilst human rights might not seem like a pressing issue for those who are socio-economically comfortable, for those people who are vulnerable and disadvantaged, human rights are an immediate and essential priority. Those most affected by lack of human rights protection are usually the least empowered to have a voice about the issue.

• Limited financial and human resources within local governments.

• Finding out about, accessing and providing the best human rights training for local government staff.

• Human rights training is often undertaken by councils in an ad hoc fashion and it is difficult for some people to see the relevance of human rights to their day-to-day work.

• How do we empower the community? How do we encourage and facilitate human rights knowledge at the local level?

• Some people think human rights are an exclusively ‘international’ issue and that human rights abuses always happen ‘out there’ in the world. Yet human rights relate to our everyday realities in Victoria. We need a better understanding of how local human rights issues relate to the national and global human rights context. We need to think globally and act locally.

• Community groups with which the council engages may not have the time or resources to participate in human rights training.

• How to embed human rights language into existing local government plans.

• How can we ensure the human rights agenda reaches beyond metropolitan Melbourne so that rural and regional councils are included in human rights discussions as well as education and training opportunities?

• Confusion about what is, or should be, at the top of the community agenda in local governments – social inclusion, health and wellbeing, human rights, other?

• How to make socio-economically advantaged members of the community realise that human rights are real in Victoria. Communicate how human rights
issues interplay with everyday realities of the advantaged, and the same for socio-economically disadvantaged.

**Strategies**

- Encourage community interest, education and participation in human rights issues through forums, events, group discussions. Low attendance at formal events suggests informal events, such as barbeques, may be a better way to reach people.

- Use community grants to raise the profile of human rights. The community-based *Human Rights Passport* project in the City of Hume is an excellent example. Include a human rights category in the community grants program.

- Use existing local government events, such as citizenship ceremonies, to promote human rights.

- Work with the local government’s communications team to ensure human rights language and issues are included in speeches, newsletters, council statements, etc.

- Tie human rights awareness into other council initiatives with a clear social justice focus, such as NAIDOC week. The council could even initiate its own ‘Human Rights Week in the City of .................’ event.

- Mandate compulsory human rights training for all local government employees to encourage a culture of human rights within the organisation. The training should also be a part of induction programs.

- Incorporate human rights language and issues into all reports using non-legalistic language.

- Join up with other local governments to regularly share information as well as experiences in challenges, strategies, lessons learned and ways forward in human rights implementation.

- Form a network of local government representatives – both elected councilors and council officers – to share human rights information and support council and action learning.

- VEOHRC and/or the Victorian Government should develop a human rights grant program for local governments. The grants could be for both internal organisational human rights initiatives, and as initiatives in the community. If local governments are expected to be human rights leaders, they need the resources to do so.

- Identify human rights champions and local heroes in the community and have their experiences and stories brought to the fore.

- Celebrate differences in the community at the council level. Creating a culture of human rights should include, and can be facilitated and enhanced by, encouraging a culture where diversity is recognised and celebrated.
• Consult with the community at the beginning rather than at the end of the policy development process.

• Make links with and support existing and natural community leaders to become human rights advocates.

Success stories and ways forward

• The Department of Planning and Community Development’s *Social Inclusion in Neighborhood Houses* project.

• Talking human rights with disability advisory groups.

• Autism spectrum school for years Prep-12.

• Hoists for change-tables in a community house for people with disabilities.

• VEOHRC training leading to people learning about and advocating for human rights.

• Enabling and empowering people to tell personal human rights stories.

• Nowhere else in Australia is this kind of dialogue and discussion around human rights happening. Whilst we may still be at the beginning of a long journey, Victoria is leading the way.

• The Australian Centre for Human Rights Education at RMIT offers courses and scholarships in human rights education.

• Human rights community events with Aboriginal people and/or migrant community members can be valuable for both the local government by highlighting the value of staff working together in a human rights framework, as well as for the community by allowing participants to talk about and share experiences of discrimination.

• Reception area at Moreland City Council is a dynamic space with bi-lingual officers ready to meet and communicate with community members.

• Human rights as a compulsory component of the TAFE Community Development course.

• Multicultural Plans and Reconciliation Action Plans.

• Councils attracting LEAD funding: Localities Embracing and Accepting Diversity.

• “Good access, good business” – a slogan to help make local business traders aware of disability.
Third parties

Challenges

- How to know who are the ‘right people’ to get involved with for fostering human rights culture and compliance.

Strategies

- Tailor training, education and communication to specific groups and provide human rights case studies directly relevant to their work. For example, the communication and case studies would be different for police, landscape architects, developers, health care workers, etc.

- Help third parties see the benefits of engaging and complying with the Human Rights Charter. Invite them into council to workshop and discuss human rights questions and issues.

- Make the consequences for non-compliance with human rights clear.

- Include reference to human rights in pro-forms and contracts.

WHOLE GROUP DISCUSSION

The Human Rights Forum closed with a group discussion on key ways forward in implementing human rights in council and the community.

Where to from here?

- Use the VLGA’s *From Compliance to Culture: A toolkit for local governments to implement the Victorian Charter of Human Rights and Responsibilities.*
- The VLGA to establish a Local Government Human Rights Network to enable information on human rights to be communicated widely through local government.
- The VLGA continue to support local governments meeting and exceeding their human rights obligations.
- VLGA to lead the way in asking local governments to sign up to being a ‘human rights council.’
- Get all councillors and officers trained in human rights.
- Learn about key human rights issues in your local community and encourage human rights awareness and advocacy in the community.
- Learn from human rights champions and leaders in the local government community.
HUMAN RIGHTS IN SOUTH WEST VICTORIA

A pilot study of
Local Government and Community Ownership of
Human Rights in Small Rural and Regional Municipalities

VLGA
Connecting Communities
Strengthening Democracy

RMIT University

Victorian Local Governance Association
Australian Human Rights Education Centre, RMIT University
April-May 2011
1. Background

The Victorian Local Governance Association (VLGA) and the Australian Centre for Human Rights Education (ACHRE) at RMIT have been in partnership for three years to advance human rights understanding across local government in Victoria. The first stage of our partnership saw the development of a pilot audit tool (*Human Rights Matter Locally*) to assist all local governments meet their obligations under the Victorian Charter for Human Rights and Responsibilities (the Charter). The second stage of the partnership saw the testing and further development of the audit tool with 6 local governments and resulted in an improved toolkit *From Compliance to Culture*.

This project, *Human Rights in South West Victoria*, builds on and extends the experience gained and lessons learnt from the first two projects. All three projects have received funding from the Department of Justice Victoria.

To launch the toolkit, *From Compliance to Culture*, a major symposium was conducted jointly by the VLGA and the Victorian Equal Opportunity and Human Rights Commission (VEOHRC) in July 2010. The symposium was well attended and received by all participants, including both elected representatives and municipal officers, but the attendance list confirmed that there were few participants from local government in rural and regional Victoria.

Closer analysis of this lack of participation did not mean that rural and regional local governments were not involved in human rights as, for example, in 2010 all local governments in Victoria met their reporting obligations to VEOHRC on their progress in implementing the Charter. It would appear that although some innovative initiatives are being undertaken to advance human rights in rural and regional Victoria (for example the opening of the Human Rights and Social Justice Centre in Warrnambool) the voice of rural and regional Victoria is not being adequately heard in major discussions about human rights at a state-wide level.
2. The Pilot Project

**Aim of the project**

The aim of this pilot project is twofold:

Firstly, to identify barriers to and opportunities for, small rural and regional municipalities to enter into discussions about human rights and to increase their understanding of and implementation of the Charter.

Secondly, to provide draft options for any community and stakeholder consultations surrounding the Charter.

It is recognised that smaller rural municipalities have fewer resources for consultation and development, both internally and with their local communities. This needs to be recognised and addressed to improve understanding of the application of human rights at the local community level.

Under the funding agreement for the project the project team was required to:

- Establish a Pilot Project Reference Group comprising representatives from VLGA, ACHRE, DOJ, local governments and NGO representatives from the South West region of Victoria.
- Request the support and involvement of the local governments in South West Victoria namely; Glenelg, Southern Grampians, Moyne, Corangamite and Warrnambool. It is to be noted that in the South West we also worked with Community South-West Ltd – comprising 15 nongovernment organisations (NGOs) in the region. Community South West Ltd’s work brings them into close contact with local governments across a range of welfare and human rights issues.
• Provide consultancy support and community engagement via at least 4 workshops and/or meetings on human rights involving local government, NGOs and other organisations and community members.
• Test draft recommendations with DOJ and similarly sized and resourced rural (and non-rural) municipalities, and
• Provide a final report with recommendations to DOJ on how lessons and outcomes could be utilised during the review process for the Charter and how devolved consultations with rural municipalities and communities could be undertaken and/or improved.

It was anticipated that the outcomes from the pilot project could;
• Inform and assist future engagement with local governments and communities during the review of the Charter
• Examine the need and potential for community leaders and local councillors to work together to promote human rights at the local level
• Provide feedback on what rural local governments understand and think about the Charter and whether economic, social and cultural rights should be incorporated in the future.

As the VLGA works closely with many smaller local governments it is seen as being in a strong position to successfully engage participants.
What we did

South West Victoria comprises a large area comprising five municipalities including the Warrnambool City Council, and the Shires of Corangamite, Moyne, Southern Grampians and Glenelg.

There were a number of reasons why the South West region was selected for this pilot project.

Firstly, there is diversity in the size of the local governments both in population and geographic size. Secondly, all local governments are a considerable distance from Melbourne (indeed Glenelg Shire runs to the border with South Australia). Thirdly, there is a strong network of nongovernment organisations in the South West, 15 of which have come together to form Community South West Ltd. and this body expressed support for the project and provided assistance and publicised the workshops through their members and networks. The directors of these 15 organisations responsible for community services meet together regularly. Fourthly, the largest NGO in the area, Community Connections, has recently established a Human Rights and Social Justice Centre in Warrnambool from where it offers a range of services including housing, legal aid and financial counselling and from which other NGOs also provide a range of family and community services.

While the project was funded in 2010 and developed in the later part of 2010, the consultations and workshops did not occur until 2011. With the state election being held on 27 November 2010 it was decided to conduct the workshops after the election and the most appropriate time for people in the South West to participate was in February 2011.
The first meetings with people in the South West took place in early February 2011, and at this time meetings were held with the CEO of Community Connections and the Community Services Director of the Warrnambool City Council. There was also a discussion with members of Community South West Ltd where support was given to the workshops and strong advice provided that the workshops should be held in four separate areas and not just in the major towns of Warrnambool and Hamilton. The members of the network stressed that some of the barriers to participation in forums or meetings in Melbourne, were also barriers within the region.

Therefore, it was determined that there would be four Local Government and Community Workshops and that these would be held in Warrnambool and Camperdown on 8 March 2011 and in Portland and Hamilton on 29 March 2011.

Overall the workshops were successful with many useful ideas and suggestions coming from the participants. At both the Warrnambool and Hamilton workshops, the Mayors attended and were active participants. It was very disappointing that in Camperdown there were no attendees. It was expected that attendance at this workshop would be low, despite active recruitment activities. All other workshops were well attended by a range of council representatives and officers, staff of local NGOs and individual community members.
3. What We Found: Barriers and Opportunities

Discussion with local people across the five municipalities revealed expected barriers to understanding and participating in human rights discussion and education, such as distance, but they also revealed some not so obvious and more subtle barriers that need to be taken into account. Significant interest in and opportunities to advance human rights understanding were also highlighted.

Barriers to participation

Distance from Melbourne: Distance from Melbourne is seen as an important barrier to participation in human rights discussions and education as the vast majority of such activities are held in Melbourne. The municipalities in the South West region of Victoria are at least three hours drive from Melbourne, six hours for the round trip, with Glenelg being over four hours from Melbourne, or eight hours for the round trip. In reality this means an overnight stay for anyone travelling to Melbourne from the region for say, a two hour meeting or discussion forum. These times are exacerbated for people living in smaller outlying areas such as Mortlake and Casterton.

Occasionally regional forums, such as those held by the National Human Rights Consultation and the consultation preceding the development of the Victorian Charter of Human Rights and Responsibilities (the Charter)\(^1\) are held in either Geelong which is two to three hours drive away, a four to six hour round trip, or Ballarat which is a similar distance from people in the South West.

Cost: The cost of a trip to Melbourne from the South West for one person staying one night, including meals and travel is in the vicinity of $750. The alternative is to fly thus avoiding accommodation costs, however the logistics (getting to and from

---

\(^1\) State of Victoria (2005) Rights, Responsibilities and Respect. The Report of the Human Rights Consultation Committee. It should be noted however that this consultation held one meeting with Indigenous people in Warrnambool.
respective airports and flights times) are such that such a trip for a two hour meeting would still require the commitment of an entire day and the cost would be in the order of $300, depending on the airfare.

_Time:_ Given the distance from Melbourne the extent of staff time consumed in attending a meeting or information session often makes participation impossible. For example attendance at a half-day information session in Melbourne would consume a further eight hours of staff time, time that is lost from the primary, service provision activities of staff.

_Lack of knowledge about human rights:_ As the NHRC found across Australia generally, so in the South West, there is a profound lack of understanding of human rights across the community.

_The clearest finding from our work is that Australians know little about their human rights-what they are, where they come from and how they are protected. They need and want education. They need and want to create a better culture of human rights in those organisations that deliver public services to the community (NHRC 2009: v)_

In the South West human rights is seen as ‘a Melbourne issue’, as ‘out there for other people overseas’ and ‘not about us’. The relevance of the Charter and human rights for the daily lives of people in the South West is not understood and people with the requisite knowledge and skills to overcome this knowledge deficit are not seen to be available locally.

Further exacerbating this situation is a lack of practical, relevant local case studies and resources describing why respect for human rights is important, how they apply

---

to the daily lives of people in the South West and what policy makers, planners and service providers can and should be doing to implement their responsibilities under the Charter.

**Lack of resources and capacity:** A number of participants commented that they are funded by the Government to provide direct services, sometimes holding multiple service responsibilities, and that this funding sets targets and standards that does not include provision for community engagement nor education about human rights. There is a perception and anger that the State Government has imposed obligations on local government with respect to the Charter without recognising the need to increase capacity to meet these obligations, or providing resources to assist it to do so.

**Patchy on-line access:** Access to information and resources was explored with participants. On-line learning and meeting participation was seen as being somewhat but not always successful due to a number of ‘blackspots’ in the network coverage in the South West. This means that the very people in isolated communities that most require on-line access are those most likely not to be able to reliably and securely access materials and meetings on-line.

**Lack of knowledge of responsibilities:** The responsibility of local governments to report annually to VEOHRC on their implementation of the Charter does not appear to be well known nor understood by elected representatives and staff. In the South West these reports do not appear to be discussed or tabled at Council meetings prior to submission to VEOHRC and they do not appear to be widely distributed to staff.
More Subtle Barriers

From our consultations a range of subtle and not so obvious barriers appear to be also operating to discourage people in rural and regional areas in the South West from participating in discussions about human rights.

The ideal type ‘country person’: In the South West a country person is seen as being ‘self reliant and self-sufficient’, as ‘someone who doesn’t ask for help or assistance’. A country person is seen as being ‘stoic’ in the face of difficulties, country people are seen as people who ‘handle their own affairs’.

A number of participants see this somewhat stereotypical view of people living in rural and regional areas as making it difficult for people seeking to understand and/or to get involved in discussions about human rights, for to do so is at odds with the view of who they are and what people expect.

As noted above, human rights are seen as ‘out there for other people’, for people in ‘Melbourne or overseas’, as a ‘left issue’ and ‘not about us’. Human rights are not seen as ‘a whole of community’ issue or priority.

Homogenous communities: Regional and rural communities in the South West are seen as quintessentially homogenous, where people share the same characteristics and culture. Participants commented that the cultural diversity that is so evident in metropolitan areas is not present and or/not perceived to be present in rural and regional areas in the South West. This apparent invisibility of people who are different from the mainstream is seen as contributing to a lack of understanding of diversity and human rights issues. As a consequence the difficulties facing vulnerable people and members of minority groups in rural and regional communities, especially people with low incomes and Aboriginal people, are hidden and difficult to address.
Other participants reported that a ‘them and us’ attitude is alive and well in the South West and there is little sympathy for ‘them’ and as a consequence achieving a greater sense of ‘us’ as a whole community, is more difficult.

**Lack of opportunities for interaction:** Compounding the view of rural and regional communities as being very homogenous is a perceived lack of opportunities for people in minority groups to meet and interact with people in the ‘mainstream’ of rural and regional life in the South West.

**Lack of leadership:** As both a consequence and contributor to the above influences, participants reported a lack of leadership on human rights understanding and issues. Local human rights champions were not seen to be visible and people were reported to be generally apathetic to human rights causes.

**Unfair compulsory obligations:** Local government participants were forceful in their view that the Charter had been imposed on them without their participation in its development. They are also aggrieved that obligations have been imposed on them and their municipality without any resources to assist them to meet these obligations. This view did not imply they are opposed to human rights or the Charter, indeed some participants suggested that local government could prioritize action on human rights at the local level, but it was felt that the State Government would not reciprocate or support their actions.
4. Opportunities

While there are a number of barriers to the involvement of rural and regional people in understanding and participating in discussions and education about human rights, there have also been a number of initiatives and considerable interest in promoting human rights in the South West. This is exemplified by the establishment of the Centre for Human Rights and Social Justice in the main shopping centre of Warrnambool and ‘A Seat for Vida’ an initiative of women in Portland to celebrate the work of federal parliamentarian Vida Goldstein, an advocate for equal rights for women and for social justice, who was born in Portland.

Participants identified a number of opportunities that could be harnessed to increase understanding of human rights in the rural and regional areas of the South West, outlined below.

**Leadership:** While there is a perception of a lack of leadership on human rights understanding and issues, the Mayors of two of the five municipalities actively participated in the discussions on barriers and opportunities to enabling people in the South West to participate in human rights discussions, education and developments. This suggests considerable if unrecognised potential for leadership on human rights to be taken up in a very significant way across the wider community in the South West. It was suggested by one of the participating Mayors that the weekly radio spot shared between four Mayors in the South West could be utilised to raise and discuss human rights issues. It was noted that such leadership would require information and support for Mayors to enable them to be confident in undertaking it.
Annual Report to VEOHRC: All local governments across Victoria are required to submit an annual report on their implementation of the Charter and as noted above, all did so for 2010. However there are varying ways these reports are put together, with some being presented to and formally endorsed by Councils, while others are submitted to VEOHRC by council officers without any involvement or participation of the elected representatives. The situation in the South West appears to be in the category of less rather than more councillor involvement and knowledge of their municipality’s annual report on the implementation of the Charter.

The development and submission of the annual report to VEOHRC presents an opportunity around which engagement and education about local human rights issues could be developed. Certainly the Mayors participating in the workshops were keen to learn more about the process.

It was also apparent that the production of the annual report to VEOHRC was more than likely done by one or perhaps two officers, with little involvement or knowledge of the wider officer group. The development of the annual municipal report to VEOHRC on the implementation of the Charter is thus also an opportunity to engage council officers in understanding human rights and how they apply locally.

Council Officers: Responsibility for implementing and/or reporting on the Charter is held by a range of municipal staff, including community development officers, those responsible for governance, and those with human resources responsibilities.

People in these differing positions are most likely to approach human rights on the basis of their usual working framework (community development, governance or human resources), resulting in very different approaches being taken to the implementation and/or reporting of human rights across municipalities. This is not necessarily a negative development, but it is one that needs to be recognised in the
discussion and development of resources to engage and equip people to understand and respond to human rights issues locally. Indeed the involvement of all three positions, with their differing responsibilities and interests, in the development and leading discussion of human rights locally would be beneficial.

**Municipal libraries:** There is considerable scope for regional and local libraries to play a major role in the presentation and education of rural and regional people in the South West on human rights issues. Libraries have the infrastructure (buildings, resources, online access and officers) and they are linked to a state-wide network of libraries which facilitates on-line information sharing and training.

**Non Government Organisations:** Leadership is being shown on understanding and engaging with human rights matters by non-government organisations in the South West, as exemplified by the establishment of the Warrnambool Human Rights and Social Justice Centre by Community Connections, a non-profit community services organisation based in the South West, as discussed above. Initiatives such as this have the potential to provide outreach activities to smaller rural areas across the region.

Fifteen non-government organisations in the South West have formed a coalition, Community Southwest, to provide a representative voice to governments, government agencies and to industry and commerce. The coalition aims ‘To be a strong influence in developing stronger, fairer and more self dependent local communities’. The coalition holds a bi-annual conference and develops other projects to build capacity and implement social inclusion activities to advance the social wellbeing of the region. The members of this coalition together employ over 900 staff, thus it presents a major opportunity for engagement, learning and resource development and sharing on human rights issues.
**Regional officer networks:** A number of participants pointed to the regional support network developed by local disability access workers. Disability access workers are often employed part time by municipalities and they saw the advantages of peer support, information and resource sharing through the development of a regional network. Participants suggested there would be benefits to be gained by the development of a similar network of workers interested in and/or responsible for the Charter and human rights.

**Local initiatives:** Participants frequently pointed to the potential to work with and build on well established local initiatives such as the Horsham Art Festival and Warrnambool Fun4Kids Festival. The potential to work through other municipal activities, such as the development of the Horsham Structure Plan were also discussed. Other participants pointed to the potential to conduct joint activities with local churches.

**Refugees welcomed:** Despite the perception that the South West is a very homogenous community with little understanding of people who are different from the mainstream community, several participants commented that refugees from very different cultural backgrounds are seen to have been welcomed by the community and to participate in community activities. This suggests there is clearly potential for broad understanding of difference and human rights issues to be fostered.

**Tertiary Institutions:** In the South West there are two university campuses (Deakin in Warrnambool and RMIT in Hamilton), as well as the South West Institute of TAFE with its main campus located in Warrnambool. These institutions have a range of experience, resources and facilities that could be utilised to facilitate engagement with, and learning about local human rights issues and initiatives.
5. Recommendations

1. Elected municipal representatives be resourced and supported to engage in and have the confidence to provide leadership on human rights issues locally. This could be done as a partnership project between the Department of Justice, VLGA, Municipal Association of Victoria and individual municipalities. Activities could be introduced in conjunction with the annual, regionally based training for new mayors and councillors and be implemented through specific purpose, regionally based engagement and development workshops.

2. The VLGA be supported to work with VEOHRC to develop and conduct awareness and implementation workshops for local government. This should be for both elected officials and officers leading up to each local government’s annual report to VEOHRC on its implementation of the Charter.

3. The VLGA be supported to implement the recommendation from the 2010 conference, From Compliance to Culture, that it establish a human rights network for local government elected representatives and officers. This network would aim to build a meaningful understanding of the application of human rights in local communities, increase capabilities in elected officials and officers, support peer learning and facilitate resource sharing to advance the implementation of human rights in local communities.

4. The VLGA, LGPro and the Victorian Council of Social Service (VCOSS) partner and be supported to provide engagement, learning and resource development workshops on human rights for the staff of municipalities and non government organisations on a regional basis. The development of relevant local case studies, demonstrating the application of human rights to local issues could be undertaken through such workshops.
5. The potential to undertake community based human rights awareness and education initiatives using local media, for example the weekly radio spot shared by four mayors in the South West, should be explored by the VLGA following, or in conjunction with recommendations 1 and 4 above.

6. The VLGA be supported to assess the feasibility of partnering with the Neighbourhood House Association and the University of the Third Age to develop and support local community based human rights learning opportunities. The potential for this to be done in conjunction with local municipal libraries, art galleries, the Warrnambool Human Rights and Social Justice Centre and local festivals should also be explored. The relationship between the perception that a country person is one who is self reliant and self sufficient and the implications this holds for human rights for all the community could also be explored through community education.