10 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

I write to make a submission to the inquiry that is being conducted by the Scrutiny of Acts and Regulations Committee about the *Charter of Human Rights and Responsibilities Act 2006* (‘the Charter’). This submission deals in general with the terms of reference questions about –

a) the effect of the Charter on the provision of services and the performance of other functions by public authorities (terms of reference question 5(c)); and

b) what have been the overall benefits of the Charter (terms of reference question 6).

Wyndham is located in the outer western suburbs of metropolitan Melbourne in one of Victoria’s major growth areas. By 2013, Wyndham is expected to have more than 178,000 people living in the city, an increase of twenty one per cent over four years. On average, the number of households is set to increase by as many as 4,000 annually for the next ten years. In 2006, Wyndham was ranked the 14th most disadvantaged among Melbourne’s thirty one local government areas. Approximately 25 per cent of Wyndham’s population are born overseas. In carrying out its roles and functions Council endeavours to meet the needs of the rapidly changing community in ways that promote the dignity and respect for all individuals in the community.

Council supports and considers important the overarching purpose of the Charter of enhancing the protection of human rights for persons in Victoria. Council also supports the obligation on it to act in a way that is compatible with the human rights protected by the Charter and to give proper consideration to those human rights in decision making processes.
The Charter has assisted Council to actively consider human rights in its everyday work. Through the operation of the Charter Council is building a culture of human rights whereby such rights are taken more seriously and considered more systematically. It has also meant that Council is more aware of not adopting blanket policies or making decisions which mean that the specific needs of individuals are not (or cannot) be taken into account. The commencement of the provisions in the Charter have been supported through ongoing education and training for Council staff.

As a result of the Charter, Council’s policy and local law making processes include specific consideration of the human rights that are protected by the Charter. For example, the process to create a local law now involves a similar process to the drafting of statements of compatibility which accompany Bills of Parliament. Prior to adoption these local laws are considered against the human rights protected by the Charter to determine which (if any) of the rights in the Charter are engaged by the local law and if a provision limits a prescribed human right how such a limitation can be demonstrably justified.

I consider that the full effects of the Charter on Council’s operations and in the community are yet to be realised. Organisational change, as you will appreciate, takes time to embed. Community awareness and understanding takes even longer. The Charter is relatively new and Council continues to develop and refine the ways to ensure that it is implemented to maximise its effect.

The release by the Victorian Governance Association of a Human Rights Toolkit is an example of how local government is continuing to consider the issues around the Charter and human rights more generally. Such toolkits and opportunities to share best practice are important to improve how Council meets its human rights obligations under the Charter and to operate more generally within a decision making framework which supports the realisation of human rights for individuals in the Wyndham community.

Council considers ongoing partnerships with community groups and organisations, other Councils, State Government Departments and the Victorian Equal Opportunity and Human Rights Commission as being central to the ongoing implementation of the Charter. Such partnerships will assist Council to develop a deeper understanding of human rights issues.

If your office would like any further information about the above please contact Celia Robinson, Governance Coordinator on 9742 8195.

Yours sincerely

Kerry Thompson
Chief Executive Officer