Edward O'Donohue MP
Chair
Scrutiny of Acts and Regulations Committee
Parliament of Victoria

Dear Chair

SUBMISSION TO THE REVIEW OF THE CHARTER OF HUMAN RIGHTS AND RESPONSIBILITIES ACT 2006

I am writing to recommend that the Review being undertaken by the Committee which you Chair looks at ways to maintain the existing Victorian Charter and improve its operation, as it is a vital instrument for enacting the intent of the United Nations (UN) General Assembly when it promulgated the Universal Declaration of Human Rights in 1948. The Preamble to the UN Declaration noted:

the General Assembly proclaims this Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

The Victorian Charter is one such 'progressive measure' for securing the 'effective recognition and observance' of human rights set out in the Universal Declaration not only 'among the peoples of Member States themselves' (in our case, Australia) but also 'among the peoples of territories under their jurisdiction' (in our case, Victoria). It can also be used as a means for 'teaching and education' of officials and citizens 'to promote respect for these rights and freedoms'.

It will be important for the Committee to consider the findings of evaluations of the operation and impact of the Charter since it was introduced into the Victorian jurisdiction, and to use the evidence base to inform decisions about how to improve the operation of the Charter in the Victorian social policy context. In addition, it will be important to consult widely and to take account of submissions on the Charter, so that decisions about it take into account the full range of community views about the Charter and how its operation might be improved.

The Charter is a valuable instrument for ensuring that, across the whole of Victoria, our governments, police, local councils and other public authorities such as government school councils, public hospitals and privatised prisons take account of human rights when they make laws, develop policies or provide services. By doing so, the Charter helps to ensure that laws, policies and human services in Victoria are developed and delivered in ways that are fair, inclusive and in line with our international and universal human rights principles and obligations. It is our actual experience with the application of the Charter in these ways over the first four years of its operation that needs to be evaluated fully, and in
my view the findings of such evaluations should inform any review of the Charter undertaken by the Victorian Parliament.

I wish the Committee charged with performing the current review every success in undertaking a well informed and balanced assessment of the Charter, and look forward to seeing how the results of the review will be used to inform the further development of this important instrument for promoting, protecting and respecting human rights in Victoria's public policies, programs and practices. If I can be of assistance to the Committee in its work, please do not hesitate to contact me via the contact details below.

Yours sincerely,

Scott Phillips

Dr Scott Phillips
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