8 June 2011

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

By email: charter.review@parliament.vic.gov.au

Dear Mr O'Donohue

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

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

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

About Community Information Victoria (CIVic)

Community Information Victoria (CIVic) is the peak body for the community information and support sector in Victoria. We provide operational support, sector development, representation and advocacy to our 62 member agencies. Our members are diverse and autonomous services who provide a range of services including emergency relief, financial counselling and microfinance to their local community, particularly those who are vulnerable and disadvantaged.

CIVic's member agencies provide services and assistance to homeless individuals and families across Victoria. CIVic is particularly concerned with the personal and social benefits of Charter-based decision making by service providers in the community and public sectors, and the overall positive impact this has on the homelessness sector as described in the Charting the Right Course submission.

CIVic's key points for the Committee

We endorse the HPLC's submission that:

- the Charter has brought about gradual but noticeable improvements in the provision of services by public authorities. Many of these improvements have been generated through education and negotiation and better, more transparent decision-making processes;
- the dialogue model is key to the Charter's effectiveness - the roles of each of Parliament, public authorities and courts and tribunals are essential to the provision of accessible, efficient and fair outcomes to Victorians;
• non-legislative protections, such as service standards, with no role for courts or tribunals would not be as effective as the Charter at addressing systemic injustice;
• assessing the costs and benefits of the Charter requires balancing of direct costs with the wider flow-on benefits generated across the community. We encourage SARC to consider costs that are avoided as a result of better decision-making and processes within services providers. By way of example, the HPLC has used the Charter to prevent seven families becoming homeless – this can be estimated as an annual saving of $266,000 in costs of homelessness services and increased health and justice costs that stem from homelessness, which were avoided by sustaining the families' tenancies (in addition to the obvious personal costs that homelessness brings); and
• the regime for protecting and upholding rights and responsibilities in Victoria should be strengthened and improved in the following ways:
  ➢ inclusion of protections of economic and social rights in the
  ➢ inclusion of an independent cause of action in the Charter;
  ➢ formal monitoring of public authorities’ human rights compliance;
  ➢ ongoing Charter-based education, training and resources.

Conclusion

In conclusion, we would like to leave you with the message that the Charter is effectively working to improve the protection of human rights for Victorians.

Please contact me if you have any queries about this letter.

Yours sincerely

[Signature]

Kate Wheller
Executive Officer
Community Information Victoria