8th June 2011

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

Dear Mr O’Donohue

Re: 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 into Victoria’s Charter of Human Rights and Responsibilities.
We are writing to fully 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.

Background to the North West Homelessness Network:

The North and West Homelessness Network (NWHN) is one of eight regional networks across Victoria funded to bring the Homelessness Service System together to share information, identify common needs and gaps in service provision, and to establish close working relationships to promote and assist the best possible responses to homelessness within a regional context. Core members are homelessness and family violence funded agencies. There are approximately 50 agencies delivering 130 programs funded to deliver homelessness assistance in the North & West Metropolitan Region (NWMR). All of whom are represented by the NWHN.

The North West Homelessness Network fully endorses the key points and recommendations outlined in the HPLC submission, these being:

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 (for example, the HPLC has used the Charter to negotiate and advocate to prevent 42 people, including 21 children, from being evicted from social housing into homelessness); and
• The regime for protecting and upholding rights and responsibilities in Victoria should be strengthened and improved in the following ways:
  1. Inclusion of protections of economic and social rights in the Charter;
  2. Inclusion of an independent cause of action in the Charter;
  3. Formal monitoring of public authorities’ human rights compliance; and
  4. Ongoing Charter-based education, training and resources.

Conclusion

The North West Homelessness Network fully supports the key points and recommendations of the HPLC. We would like to leave you with the message that we believe that actively protecting the human rights of all Victorians through policies and legislation should be a fundamental concern for the Victorian State Government. We believe that careful and special consideration must be paid to ensuring that the rights of those who are at most risk, are most marginalized and have the least opportunities in our community are protected and that this includes the rights of people at risk of or experiencing homelessness. We hope that the Victorian State Government will take this historic opportunity to make protecting and upholding rights a feature of its time as representatives of the Victorian people.

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

Yours sincerely

Zoe Probyn

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