

Submission to:
Department of Justice

Review of the Charter of Human Rights & Responsibilities Act 2005 (Vic)

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Disability Discrimination Legal Service

The Disability Discrimination Legal Service (DDLS) is a community legal centre that specialises in disability discrimination legal matters. DDLS provides free legal advice in several areas including information, referral, advice, casework assistance, community legal education, and policy and law reform. The long term goals of the DDLS include the elimination of discrimination on the basis of disability, equal treatment before the law for people with a disability, and to generally promote equality for those with a disability

The *Charter of Human Rights and Responsibilities Act 2005* (“the Charter”) is of significant importance to our clients, being people with disabilities. This group encompass some of Victoria’s most marginalised and vulnerable people. While human rights are important to all Victorians, minority groups are best placed to benefit from any legislation designed to protect their human rights.

We are aware from our stakeholders, particularly disability advocacy organisations, that the Charter has been an important advocacy tool in negotiating with service providers and government to obtain positive outcomes for people with disabilities.

We do believe, however, that improvements need to be made to ensure the Charter’s effectiveness at law. We make the following brief submission.

1. The Charter as its own cause of action.

The Charter can only be used with another cause of action in courts/tribunals. This limits the use of the Charter. A breach of the Charter may not always constitute a breach of other legislation.

Recommendation: The Charter must be a cause of action on its own.

2. Charter to include all Economic, Cultural and Social Rights

The Charter does not cover all rights.

Recommendation: The Charter should include economic, cultural and social rights.

3. Greater Role for Victoria Equal Opportunity and Human Rights Commission

There should be alternatives to legal action for those wishing to uphold their rights under the Charter.

Recommendation: Victorian Equal Opportunity and Human Rights Commission to have an own motion power of inquiry.