Submission to the Review of the
Charter of Human Rights and
Responsibilities Act 2006
May 2015

Contacts:
Malcolm Roberts-Palmer
Social Policy and Research
Social Policy and Partnerships
malcolm.roberts-palmer@maribyrnong.vic.gov.au

Celia Robinson
Manager Governance and
Customer Service
celia.robinson@maribyrnong.vic.gov.au
Introduction

The City of Maribyrnong is a diverse and vibrant municipality experiencing significant population growth and residential development. These changes create opportunities for social and economic development in the municipality. However, they also create a number of complex challenges for local residents in areas such as housing affordability, access to community services and facilities, and opportunities for employment and education.

The Victorian Charter of Human Rights and Responsibilities 2006 provides a basis to embed the values of freedom, respect, equality and dignity across the Victorian community.

Public authorities such as Local Councils are required to comply with rights contained in the Charter and to consider them when developing policies and implementing programs and services.

Maribyrnong City Council is committed to protecting human rights and improving social justice in the community. This assists Council to comply with the Charter and raises awareness of human rights and social justice across the organisation and in the City of Maribyrnong community.

This submission to the Review of the Charter, outlines how Council is developing a culture of human rights and social justice across the organisation and in the City of Maribyrnong community. This includes the implementation of actions contained in Council’s Human Rights and Social Justice Framework 2013-2016.

A key action of the Framework was to establish a Council Human Rights and Social Justice Steering Group, which is chaired by the Chief Executive Stephen Wall. In the last two years, this Steering Group has undertaken a range of activities including human rights training, panel discussions and community events.

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) has praised Council for demonstrating leadership and commitment to human rights in two of its annual reports on Local Government compliance with the Victorian Charter for Human Rights and Responsibilities.

This submission will also focus on the rights outlined in the Framework that Council believes should be considered for inclusion in the Charter. This includes gender and sexuality, self determination, Indigenous Recognition and housing and shelter. These rights are based on international covenants and conventions to which the Australian Government is a signatory.

In addition, this submission will consider Council’s role and obligations as a public authority under the Charter, as outlined in the terms of reference for the review.

The purpose of the Human Rights and Social Justice Framework 2013-2016 is to provide a foundation for Council’s commitment and actions to protect human rights and promote social justice in the City of Maribyrnong.

Council will meet this commitment through:

- Making certain its decisions, laws, policies and services uphold the Victorian Charter of Human Rights and Responsibilities.
- Actively promoting equality of access to the municipality’s services and public places.
- Fostering a culture where all people are respected and the principles of human rights and social justice are highly valued.
- Valuing and embracing diversity.
- Advocating for a fairer more inclusive community in which people are not discriminated against regardless of age, gender, sexuality, ability, faith, social and economic status, cultural background or beliefs.

A key aspect of Council’s commitment to human rights is compliance with the Victorian Charter of Human Rights and Responsibilities 2006 (The Charter) and other Victorian and Commonwealth legislation relating to human rights and social justice. Section Five of this framework outlines the rights contained in the Charter that are directly relevant to Council.

The framework recognises that an organisational culture that values human rights and social justice is crucial to assisting its compliance with the Charter and will also enable staff to gain a better understanding of how the work of Council impacts on the human rights of the City of Maribyrnong community.

Council Human Rights and Social Justice Steering Group

A key action of the Framework was to establish a Human Rights and Social Justice Steering Group. The Steering Group is chaired by the Chief Executive Stephen Wall and is made up of representatives from across Council Divisions. The aim of the Steering Group is to create a greater awareness of human rights and social justice issues in Council and to support social justice in the local community.

The Steering Group supports a number of activities across Council including Human Rights Conversation Series Events, training workshops for Council management and staff and developing the Human Rights and Social Justice Checklist.

**Human Rights Conversation Series**

In the last two years, Council has developed the Human Rights Conversation Series which focuses on a range of panel discussions and events including:
• **AIDS2014 – Youth HIV Prevention and Management Panel Discussion** - This event was chaired by Lyn Morgan CEO at Cohealth and included a keynote address by Mohammed L Barry who is a member of the organising Committee for AIDS2014 and Co chair of the AIDS2014, Global Village and Youth Program. The other panellists were Harry McAnulty, Health Educator with the Victorian AIDS Council, Greg Denham from the LEAHN Law Enforcement and HIV Network and Asvin Phorugngam, HIV educator and community development worker.

• **Footscray Community Legal Centre – Employment Law Lunch Box Session** - The Employment Law Project seeks to improve employment outcomes for newly arrived and refugee communities in Melbourne’s western suburbs. The project has found that newly arrived communities have reported higher levels of exploitation in the workplace. This includes being discrimination, being underpaid and denied basic entitlements.

• **Human Rights Day 10 December 2014 - Challenging racism in the west** - In November 2012, Maribyrnong City Council became an official supporter of the Australian Human Rights Commission’s “Racism. It Stops With Me” campaign, which aims to reduce racism and the negative effects it has on individuals and the broader community. The panel discussion focussed on representations of race in the western region and included Lin Jung – AFL Multicultural Ambassador and Western Bulldogs Player, Associate Professor Christopher Sonn – Lecturer in Community and Culture at Victoria University, Jenny Jackson – Education Consultant with Victorian Equal Opportunity and Human Rights Commission.

• **Peter Johnstone Workshop on the role of Local Government in promoting social justice** - Peter Johnstone has significant experience working on social justice issues through his role as Chair of the Jesuits Social Services. He also has considerable experience in local government as CEO at City of Moreland and the City of Boroondara. In this presentation Peter discussed how Council can work with different local stakeholders and communities to improve social justice outcomes. This session was attended by 60 Council staff and representatives from local community organisations.

Council will also be undertaking a Human Rights Conversation Series on Representations of Asylum Seekers in the Australian Community during Refugee Week in June 2015. Council will partner with the Asylum Seeker Resource Centre to support the event.

**Victorian Charter for Human Rights Training**

VEOHRC has provided Charter training to Council Human Rights Steering Group members. The training focused on the obligations of Local Government in meeting the requirements of
the Charter. The Steering Group members were also asked to workshop different scenarios on how these rights would apply to the work of Council.

The aim of the training was to give the Steering Group members a greater understanding of how the Charter would apply to their day to day work and for them to promote understanding of the Charter across the organisation.

Council’s Corporate Management team will be attending a Charter Training workshop in June. Council staff at the offices at Town Hall Footscray and the Operations Centre will also be able to attend Charter Training Workshops in July 2015.

**Anti Racism Training**

VEOHRC has developed LEAD training, which is an education program for service providers focusing on race based discrimination (RBD) against First Australians and visibly CALD migrants & refugees. The training will aim for individual and organisational change and capacity building. Council staff will be undertaking this training in the second half of 2015.

**Human Rights and Social Justice Checklist**

Council is currently developing a Human Rights and Social Justice Checklist, which will apply a human rights and social justice lens to the development and delivery of Council policies, programs and services. This will reflect the commitment to human rights and social justice outlined in the Framework and Council’s compliance with the rights contained in the Charter.

The Checklist also aims to complement the VEOHRC Human Rights and Anti Racism Training provided to Council Staff by the Victorian Equal Opportunity and Human Rights Commission.

The Checklist will apply to the development of new policies, programs and services and the revision of existing ones. It contains a series of questions to determine whether the policy, program or service applies.

**Support from VEOHRC for Council’s work on Human Rights**

VEOHRC praised Council for demonstrating leadership and commitment to human rights in two of its annual reports on Local Government compliance with the Victorian Charter for Human Rights and Responsibilities.

In these annual reports, VEOHRC cites the establishment of Council’s Human Rights and Social Justice Steering Group, as an example of leadership in local government on human rights issues.

The VEOHRC reports also mentioned the role of the Steering Group in implementing the actions contained in the Human Rights and Social Justice Framework.
Human Rights that should be included in the Charter

Section 6 of the Framework outlines the additional rights that Council supports through its programs and policies and through advocacy across these areas. They are based on the international covenants and conventions to which the Australian Government is a signatory. This is not an exhaustive list, although it reflects Council’s commitment to human rights and social justice.

Council does not have the scope to control the fulfilment of all of the human rights and social justice. However, Council believes that as part of this review of the Charter that these rights should be considered for inclusion in the Charter. A copy of the Framework is attached to this submission.

Some of the rights outlined in Section 6 of the Framework include the following:

Gender and Sexuality

Everyone has the right not to be discriminated against due to their real or perceived gender or sexuality in areas including government laws and regulations, employment, accommodation, the provision of services and participation in society.

Council supports gender rights through its support for equal opportunity employment practices, support for White Ribbon Day and International Women’s Day, and the development of the Gender Equity Project which outlines Council’s support for gender equity in the local community. Council also supports a number of festival and arts events that promote equal gender and sexuality rights.

Self Determination

Everyone has the right to self-determination which includes freely determining ones political status and pursuing economic, social and cultural development.

Indigenous Recognition

All Aboriginal and Torres Strait Islander people have the right to maintain their language, kinship ties and spiritual and material relationship with the land, waters and other resources to which they have a connection under traditional laws and customs.

All Aboriginal and Torres Strait Islander people have the right not to be discriminated against in areas including laws and regulations, employment, accommodation, the provision of services and participation in society.

Council’s Indigenous Policy and Action Plan outlines Council’s commitment to Reconciliation and the actions it will take under themes of Respect, Relationships and Rights. Council is committed to formally acknowledging the traditional owners of the land at the commencement of Council meetings and civic and community functions.
Housing and Shelter

Everyone has the right to safe, secure, affordable, accessible and appropriate housing and shelter and to live there in peace and dignity.

City of Maribyrnong is experiencing a high demand for accommodation across the municipality which has seen an increase in property and rental prices. In turn, this has led to an increase in the number of rooming houses in the municipality and an increase in the number of people couch surfing or sleeping rough on the streets.

Council supports people’s right to access affordable housing through its Housing Strategy which states the following:

- Appropriate housing is a fundamental human right and one of the universal determinants of health and wellbeing. The availability of secure, well located affordable housing provides pathways to employment and education, supports choices, builds strong, connected and sustainable communities and provides opportunities to participate in community life.
- Affordable housing must take account of diversity of needs including people from low income households, people with disabilities, older residents, students and newly arrived migrants and refugees.

Council defines housing affordability according to the residual method which calculates the proportion of a household budget is left over for rents or mortgages after households costs (such as food, utilities and medical expenses) have been taken into account.

Age

Everyone has the right not to be discriminated against due to their age in areas including government laws and regulations, employment, accommodation, the provision of services and participation in society.

Council’s Ageing Well Strategy 2004-2016 was developed to provide a plan for its ageing population and to define the changing role of local government in relation to ageing in the community.

Council is also a strong supporter of young people through the programs and services provided by the Phoenix Youth Centre and Council’s Youth Strategy. This strategy outlines the ongoing actions Council can take to support young people in the municipality.

Disability

Everyone has the right not to be discriminated against due to their real or perceived physical or intellectual disability in areas including government laws and regulations, employment, accommodation, the provision of services and participation in society.
Council recognises the barriers often faced by people with disability, their families and carers in the community and is committed to providing accessible services and ensuring that people of all abilities can participate in community life.

Established in 2001, the Disability Advisory Committee provides advice to Council about issues that affect people with disability, their families and carers. Council's Disability Policy and Action Plan 2007-12 drives work across Council to improve accessibility and opportunities for people of all abilities. Council is currently developing a new Disability Action Plan in consultation with the local community.

The role and obligations of Maribyrnong City Council as a public authority under the Charter

The Charter is fundamental to local government as it has brought a real and tangible focus on human rights. Local government should continue to be included as a public authority as it is arguably the level of government which is closest to the community.

The Local Laws process is an area where structure to assess human rights is well set out. The Guidelines support Councils to achieve best practice local law making and ensure consistency in the local government sector. The focus on human rights which the Charter has bought has worked well with Council's Human Rights and Social Justice Framework.

However, the treatment of the Charter on a day-to-day basis in terms of policy development and application has been problematic. The Charter requires a high level of expertise which can seem unclear to non-experts. This has resulted in work being outsourced to specialists. The need for greater in-house expertise should be recognised and supported.

In addition, more local government case studies of the Charter rights in relation to local government should be promoted. This will raise awareness, increase officer expertise and encourage a consistent approach to the Charter.
Conclusion

The Charter of Human Rights and Responsibilities 2006 provides a basis to establish human rights values in public sector organisations and across the Victorian community.

Public authorities such as Local Councils are required to comply with rights contained in the Charter and to consider them when developing policies and implementing programs and services.

Maribyrnong City Council is establishing a human rights and social justice culture across the organisation, through the implementation of actions contained in the Human Rights and Social Justice Framework 2013-2016. This included establishing the Human Rights and Social Justice Steering Group which is chaired by the Chief Executive Stephen Wall.

In the last two years, this Steering Group has undertaken a range of activities including human rights training, panel discussions and community events.

Council believes that the Victorian Government should continue the use the Charter to encourage the development of a human rights culture across the Victorian public sector.

Council also believes that the additional rights outlined in section six of the Human Rights and Social Justice Framework should be considered for inclusion in the Charter.

In addition, a greater focus on in house expertise and case studies of the Charter in relation to local government should be encouraged. This will raise awareness, increase officer expertise and encourage a consistent approach to the Charter.

Recommendations

- VEOHRC should use the Charter to continue to encourage the development of a human rights culture in the Victorian public sector and in local communities across Victoria.
- Support opportunities for greater in house expertise in the rights contained in the Charter.
- Promote Local Government case studies of the Charter to raise awareness and increase Council officer expertise in this area.