



# The Charter of Human Rights and Responsibilities

## > The Charter and the community

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) is about the relationship between government and the people it serves.

The Charter requires public authorities (including Victorian state and local governments) to act compatibly with human rights and consider human rights when developing policies, making laws, delivering services and making decisions. So no matter which state or local government agency the community is dealing with, the same human rights apply.

Fundamental rights are protected in the Charter because the Victorian Parliament recognises that, as human beings, we have basic rights, including the right to be treated equally, to be safe from violence and abuse, to be part of a family and to have our privacy respected.

### Benefits of the Charter

The common language of human rights has helped Victorians to navigate the complex patchwork of laws and service standards across government. The Charter sets our fundamental human rights clearly in one place and makes it a legal obligation for government to comply with them. This has improved transparency and accountability in government by giving all Victorians the tools to question and challenge laws, policies and decisions made by public authorities that have the potential to impact their human rights.

#### Did you know?

The Homeless Persons Legal Clinic reported in 2011 that using the Charter has helped to prevent 42 people from being evicted into homelessness. Looking at the Charter rights involved has led to housing authorities considering the individual circumstances of the person they are making a decision about.

People are achieving real outcomes outside the courts because they are raising their human rights concerns directly with public authorities. This can happen through one-off discussions to rectify a particular case, or through more robust negotiations to rectify serious systemic issues.

### Examples of the Charter at work

The Charter has served as a valuable tool to help people engage with government on an individual level. In many cases, the community has been empowered by the Charter to have its voice heard and to help government think about the needs and experiences of the people it serves.

### Putting individuals in the picture

Public authorities make decisions affecting the lives of Victorians every day. One example is a decision by the Office of Housing that could render someone homeless. The Charter was used in the case of an elderly man with depression who was living in public housing with his mother (listed as the sole tenant) as a full time carer. When his mother died, the Office of Housing sought possession of the property and tried to evict him. The Homeless Persons' Legal Clinic was able to write to the Office of Housing on his behalf explaining his circumstances and stating that the application for possession was contrary to the right to home and family under the Charter. As a public authority, the Office had to consider the human rights impact of its decision to remove the elderly man from the property and, after reconsideration, offered the man an alternative property that met his needs.

## Looking at things from another perspective

The Charter helped improve access to a support network for a child who had a learning disability and who was threatened with expulsion from a school because of behavioural issues. The child's learning disability went undiagnosed until the Youth Disability Advocacy Service, which was notified of the case, sent a letter to the school and the Department of Education and Early Childhood Development on behalf of the child. The letter pointed out that the school had obligations under the Charter to protect the right of persons not to be treated in a cruel, inhuman or degrading way. It asked that the child be tested for a learning disability so the behaviour could be identified and addressed. As a result, the child was tested and the results showed that he needed additional support in school. This was provided and he was able to stay at school.

## Putting people first

In another case, a middle aged woman with an acquired brain injury needed urgent treatment for a severe condition in her hand that caused her considerable pain and suffering. Without treatment, it was likely she would require far more radical surgery in the future that could involve either severing her fingers or amputating her hand. Although the woman had been waiting for therapy for more than three years, she was not considered a priority by the health authority because she was aged over 50. Using the Charter, her advocates were able to obtain one-off funding for urgent treatment, while other options for a longer-term support packaged were explored.

## Where can I get help?

If you want to find out more about your human rights, you can contact the Commission.

If you have concerns about how a public authority has treated you, you can talk to them about it, and in many circumstances you can make a complaint to Ombudsman Victoria who can look at the issue from an independent perspective (03) 9613 6222. You also raise Charter concerns with other appropriate complaints bodies such as the Disability Services Commissioner or the Health Services Commissioner when your matter is relevant to areas they cover.

### Did you know?

**You don't need a lawyer to raise your human rights with government. You can ask a government department or agency directly how they took relevant Charter rights into account when making a decision about you.**



**Victorian Equal Opportunity  
& Human Rights Commission**

### Need more information?

Contact the Commission:

Enquiry Line 1300 292 153 or (03) 9032 3583  
Fax 1300 891 858  
TTY 1300 289 621  
Email [enquiries@veohrc.vic.gov.au](mailto:enquiries@veohrc.vic.gov.au)  
Website [humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)

### Accessible formats

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### We welcome your feedback!

Were these resources useful? Easy to use? Would you like to see something else included? Please email us at [information@veohrc.vic.gov.au](mailto:information@veohrc.vic.gov.au).

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Disclaimer: This information is intended as a guide only. It is not a substitute for legal advice.