



The Charter of Human Rights and Responsibilities

> The Charter and the work of government

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) requires public authorities (such as state government departments, local governments and organisations delivering state government services) to consider human rights when they make laws, develop policies and provide their day-to-day services. The Charter also makes it easier for people to understand their rights when they are dealing with government. People have the same rights whether they are dealing with Victoria Police, their council, the Department of Human Services, or their local state primary school.

Service delivery

The Charter has fostered a human rights-based approach to service delivery. This has encouraged public authorities to evaluate the human rights impact of their policies, service delivery and decisions. This has helped to raise service standards and has increased government accountability.

For example, by looking at their Charter obligations, Consumer Affairs Victoria has developed a range of information services to support and educate marginalised consumers, including people with disabilities, indigenous consumers and consumers from culturally and linguistically diverse backgrounds. This includes providing easy-to-read information in accessible formats, advocacy and outreach services and a revised curriculum for use in primary and secondary schools.

Making better laws

Government departments use the Charter to look at new laws as they are being developed. This helps them identify and address potential human rights issues before introducing a Bill to Parliament.

For example, the Department of Transport has reported that a human rights analysis has been significant in the development of several of their Bills - helping them engage with the community about accessible transport and ensuring that transport offences take into account people's right to a fair hearing.

Complaint handling

The Charter has led to many public authorities providing new complaint-handling and monitoring processes. Having an accessible system to receive and respond to complaints is an important way public authorities can be held accountable for their human rights responsibilities by themselves and by the public.

For example, Nilumbik Shire Council has provided residents with a process they can follow if they feel that a decision or service infringes their human rights. Council reported that "it provides confidence to our residents that Council supports individual rights of everyone and strongly aims to improve our customer service for all".

Encouraging participation

Many public authorities have been encouraged by the Charter to engage with the communities they serve and to listen to those who are directly affected by the decisions they make. This process of participation helps to inform and improve decision making.

For example, in 2011 the city of Casey undertook a community survey and held focus groups to help Council improve services that support mothers who are breastfeeding.

Policy development

The Charter has encouraged public authorities to develop fairer policies that better respect human rights. Most public authorities have established processes to assess potential human rights impacts of proposed projects or policies, such as human rights impact assessments. This allows organisations to:

- identify any rights that may be limited by a proposed project or policy, and
- consider whether any human rights limitations are reasonable and justified,

A human rights-based approach helps public authorities identify potential human rights concerns in advance, prior to the implementation of any proposed projects or policies. This approach requires authorities to give equal consideration to what a particular policy intends to do and how it will do it.

For example, Sport and Recreation Victoria incorporated universal design principles into the redevelopment of Melbourne Park, helping overcome barriers that people with disabilities, older people and others faced when accessing venues. The principle of inclusion is now an important consideration in developing sporting infrastructure, making major public events accessible to an even greater number of Victorians.

Did you know?

With the Charter, you don't need to read lots of different laws to know what your basic rights are – the 20 Charter rights apply no matter where you are in Victoria, and no matter which government body you are dealing with.

Monitoring and evaluation

There is now a growing focus on human rights monitoring of public authorities' decisions, policies, laws and service delivery. These processes help agencies to gauge the effectiveness of their efforts and to identify areas that may require further attention in order to comply with the Charter. In this way, monitoring and evaluation is a valuable tool for government to manage risk and ensure continuous quality improvement.

For example, because of its Charter obligations Victoria Police conducted practice audits and improved the way it manages people in custody.

Managing contractors

Public authorities have begun to redefine their relationships with third parties in a way that promotes and ensures compliance with the Charter. For example, some agencies have reviewed their systems and developed guidelines for third parties in efforts to improve service delivery and accountability. Providing clear expectations around the delivery of public services by third parties is an important way that government agencies can manage risk, as well as foster greater awareness of the Charter among their contractors and funded agencies.

For example, Monash City Council includes information about human rights when it briefs people about their community grants program. It also considers relevant rights in its tender processes and contracts. This helps ensure human rights standards are met when people are delivering services to and for government.



**Victorian Equal Opportunity
& Human Rights Commission**

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