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10 December 2010

The Hon Robert Clark MP  
Attorney-General of Victoria

**By email**

Dear Attorney-General

**Review of the *Charter of Human Rights and Responsibilities Act 2006 (Vic)***

The *Charter of Human Rights and Responsibilities Act* was enacted in 2006 to 'promote and protect human rights' (section 1(2)). As you will be aware, section 44 of the *Charter* provides that 'the Attorney-General must cause a review to be made of the first 4 years of operation' of the Act. This review presents an opportunity to conduct an evidence-based assessment of the operation and impact of the *Charter* and the ways in which it could be reformed to improve the promotion and protection of human rights in law and practice.

The undersigned organisations consider that, overall, the *Charter* has had a positive impact on:

- governmental transparency and accountability;
- legislative and policy development, including by integrating human rights considerations and safeguards into laws and processes; and
- public service delivery and outcomes.

Most significantly, the *Charter* has been used in individual cases to uphold the rights and dignity of vulnerable and disadvantaged people, including people experiencing or at risk of homelessness, the elderly, people with mental illness and people with disability.

The legal rights (Part 2) and public authority duties (section 38) enshrined in the *Charter*, together with the ability to vindicate rights in legal proceedings, are crucial to the *Charter's* effectiveness and the benefits referred to above.

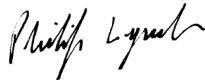
Notwithstanding these overall benefits, we also consider that the *Charter* and associated policies and programs could be strengthened to better protect human rights and make Victoria a fairer, stronger and more inclusive community.

Accordingly, we call on the Baillieu Government to commit to a review of the *Charter* in accordance with section 44 of the Act and on the following terms:

- The review should focus on the operation and impact of the *Charter* and not on whether Victoria needs a *Charter*, which was the focus of widespread community consultation in 2005.
- The review should commit to strengthening the promotion and protection of human rights in Victoria or, at least, not abrogating or limiting existing human rights.
- The review should consider ways in which to ensure that individuals and groups are aware of their human rights under the *Charter* and have 'accessible, affordable and effective remedies' where their human rights are violated or breached.
- The review should be conducted by an independent review team, including at least one member with significant expertise in human rights law and practice, with the secretariat support of the Department of Justice Human Rights Unit. The independent review team should also consult with the Victorian Equal Opportunity and Human Rights Commission given its functions under Part 4 of the *Charter*.
- The review should be evidence-based and involve consultation with key stakeholders, including advocates and representatives of marginalised and disadvantaged communities and groups.

We look forward to working with you to improve the promotion, protection and realisation of human rights in Victoria.

Yours sincerely



Philip Lynch  
Executive Director  
Human Rights Law Resource Centre

For and on behalf of:

<b>Organisation</b>	<b>Name</b>	<b>Title</b>
Action on Disability in Ethnic Communities	Matthew Potocnik	Advocate
Amnesty International Australia	Claire Mallinson	National Director
Anglican Diocese of Gippsland	Right Reverend John McIntyre	Bishop of Gippsland
ANTaR Victoria	Peter Lewis	Chairperson
Arts Law Centre of Australia	Robyn Ayres	Executive Director
Australian Centre for Human Rights Education, RMIT	Dr Diane Sisely	Director
Australian Human Rights Group	Susan Ryan AO	Chair
Australian Lawyers Alliance	Brian Hilliard	National President
Australian Lawyers for Human Rights	Stephen Keim SC	President
Australian Muslim Civil Rights Advocacy Network (AMCRAN)	Agnes Chong	Chairperson
Castan Centre for Human Rights Law	Melissa Castan	Deputy Director
City of Casey Access & Inclusion Committee	Barbara Watson	Committee Member

<b>Organisation</b>	<b>Name</b>	<b>Title</b>
Civil Liberties Australia	Dr Kristine Klugman	President
Collective of Self Help Groups (COSHG)	Christine McAuslan	Co-ordinator
Darebin Community Legal Centre Inc	Cameron Shilton	Community Legal Education Worker
deaf access Victoria	Julie Kiroloch	Hume Region Coordinator
Disability Action South East	Barbara Watson	Committee Member
disAbility connections (Victoria)	Helen Adams	Executive Officer
Disability Discrimination Legal Service	Julie Phillips	Manager
Environment Defenders Office	Brendan Sydes	Chief Executive Officer
Federation of Community Legal Centres (Victoria) Inc	Jacqui Bell	Policy Officer
Fitzroy Legal Service	Belinda Lo	Legal Projects Officer
Flemington & Kensington Community Legal Centre Inc.	Tamar Hopkins	Principal Solicitor
GetUp!	Aaron Hulse	Campaigns Director
Human Rights Arts and Film Festival	Evelyn Tadros	Chairperson
Human Rights Council of Australia	Andrew Naylor	President
Interchange Western Region	Gayle McPherson	Manager
Jumbunna Indigenous House of Learning, University of Technology Sydney	Prof Larissa Behrendt	Director
Justice Action	Brett Collins	Coordinator
Legal Service Bulletin Co-Operative (Alternative Law Journal)		
Lethbridges Barristers & Solicitors	Marita Altman and Alex Wilson	Partners
Maurice Blackburn	Elizabeth O'Shea	Lawyer, Social Justice Practice
Melba Support Services	Sally Nicol	Manager , Community Connections
Moreland Community Legal Centre Inc	Laura Vivarini	Manager
Mornington Peninsula Human Rights Group	Helen Howells	Convenor
Multicultural Centre for Women's Health	Dr Adele Murdolo	Executive Director
National Association for the Visual Arts	Tamara Winikoff	Executive Director
National Association of Community Legal Centres (NACLC)	Julia Hall	Executive Director
National Ethnic Disability Alliance	Sibylle Kaczorek	Executive Officer
PILCH Homeless Persons' Legal Clinic	James Farrell	Manager/Principal Lawyer
Prisoners Legal Service Victoria	Ben Cording	Solicitor-Coordinator
Prisoners' Legal Service Queensland	Matilda Alexander	Coordinator
Public Interest Advocacy Centre	Edward Santow	CEO
Public Interest Law Clearing House (PILCH) Victoria	Fiona McLeay	Executive Director
Reichstein Foundation	Jill Reichstein	Chairperson
SCALES	Anna Copeland	Director of Clinical Programs
Seniors Rights Victoria	Jenny Blakey	Manager

<b>Organisation</b>	<b>Name</b>	<b>Title</b>
South Eastern Region Polio Support Group	Barbara Watson	Vice President
Southern Health Community Advisory Committee	Barbara Watson	Committee Member
SPLICE Foundation Inc	Judith Homa	CEO
Springvale Monash Legal Service	Helen Yandell	Director
Synod of Victoria and Tasmania, Uniting Church in Australia	Isabel Thomas Dobson	Moderator
Thalassaemia Australia Inc.	Sarah Burton	Project Officer
Top End Women's Legal Service	Teena Balgi	Principal Solicitor
VALID Inc	Kevin Stone	Executive Officer
Victorian Aboriginal Legal Service Co-operative Limited	Linda Bamblett	Acting Chief Executive Officer
Victorian Alcohol & Drug Association (VAADA)	Sam Biondo	Executive Officer
Victorian Association for the Care and Resettlement of Offenders (VACRO)	Carol Nikakis	Manager
Victorian Council of Social Service	Cath Smith	Chief Executive Officer
Victorian Mental Illness Awareness Council (VMIAC)	Isabell Collins	Director
West Heidelberg Community Legal Service Inc.	Dr Liz Curran	Director
Women with Disabilities Victoria	Keran Howe	Executive Director
Women's Health West	Dr Robyn Gregory	CEO
Women's International League for Peace and Freedom – Australian Section Board	Ruth Russell	Convenor
Women's International League for Peace and Freedom Victoria	Hellen Cooke	Delegate
Women's Legal Services NSW	Helen Campbell	Executive Officer
Women's Health East Inc	Jenny Jackson	Chief Executive Officer
Women's Health In the North	Helen Riseborough	Executive Director
Women's Health Victoria	Petra Begnell	Acting Executive Director
Women's Legal Centre (ACT & Region) Inc	Carol Benda	Coordinator
Youth Affairs Council of Victoria	Dr George Taleporos	Manager, Youth Disability Advocacy Service
Youthlaw	Ariel Couchman	Director

Copy to: The Hon Ted Baillieu, Premier of Victoria