



Mental Health Legal Centre
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Don't let the Government 'wind back' the Charter

The *Charter of Human Rights and Responsibilities Act 2006* (Vic) ('the Charter') is currently under review by the Victorian Government. The Charter is designed to protect the human rights of all Victorians, including people who experience mental health issues ('consumers'), and has been operating effectively in Victoria for the past four years.

Government is considering whether to wind back this critical human rights instrument

The Charter promotes the values Fairness, Respect, Equality and Dignity in one clear easily accessible document. It promotes fairer outcomes by encouraging the Government to consider human rights when it develops laws and policies, and ensuring that public authorities like public mental health services act consistently with consumers' human rights.

The Mental Health Legal Centre ('the Centre') believes the Charter is an important tool for consumers and that winding back the Charter will have an adverse impact on their rights.

The Government should:

- Maintain the Charter and not 'wind it back';
- Ensure public authorities like public mental health services comply with their human rights obligations under the Charter and are kept accountable;
- Preserve the right of consumers to go to court to challenge public authorities like public mental health services when they don't respect human rights under the Charter;
- Ensure consumers have adequate access to legal remedies when their human rights under the Charter have been breached.

The Centre has successfully used the Charter in its legal cases, community education and law reform work to ensure consumers' rights are promoted and protected. Examples are:

- A judicial ruling that our client's right to a fair hearing was breached by the Mental Health Review Board's failure to review his involuntary treatment order in a timely way;
- Preventing the forcible sale of our client's home, defending his right to live in the community and control his own finances;
- Empowering consumers through education forums to use the Charter to negotiate better treatment outcomes;
- An order that our client be released from unlawful detention in supported accommodation;
- Better scrutiny of side effects of our client's medication that caused severe osteoporosis;
- Protecting the identity of a man found not guilty of murder by reason of mental impairment because it would jeopardise his rehabilitation.

The Charter is a vital resource for consumers to challenge public authorities, such as mental health services, when they contravene human rights. If you agree:

- **please sign the attached petition** (together with your name and address) and
- **post the original document** (no photocopies) **by Monday 14 November 2011**, to:

Fiona Seymour
Mental Health Legal Centre
9th floor, 10-16 Queen Street
MELBOURNE VIC 3000

We will present the petition to Parliament on behalf of consumers. Thanks for taking action!

NOTE: Signing the petition will not affect any current or future legal services provided to the signatory by the Centre.

Disclaimer: The Mental Health Legal Centre (MHLC) disclaims any liability for action taken or not taken as a result of this information. Seek out legal advice and representation wherever possible. Reg No. A0013662S ABN No: 30996141084

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To the Legislative Assembly of Victoria

The Petition of Victorians who experience mental health issues (“consumers”)

points out to the House that the winding back of the Victorian Charter of Human Rights (“the Charter”) impacts on the rights of consumers.

The petitioners therefore request that the Legislative Assembly of Victoria:

- (1) does not wind back the Charter
- (2) ensures that consumers can have their human rights under the Charter reviewed by a court
- (3) ensures that consumers have adequate access to legal remedies where their human rights under the Charter have been breached
- (4) ensures that public authorities (eg: public mental health services) act consistently with consumers’ human rights under the Charter.

	Name	Signature	Street Address
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