



HUMAN RIGHTS POLICY

Policy Number	C52	Directorate	Corporate and Community Services
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Agenda Item No.	TBC	Primary Author	Corporate and Council Planning Coordinator
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1. POLICY OBJECTIVE

Human rights are the basic rights that belong to every human being. They are recognised internationally as the base standards required for governments, societies and communities to operate in a respectful and peaceful manner. Human rights recognise and respect the dignity of all people.

Human rights provide the foundation for freedom, justice, peace and respect, and are an essential part of any democratic society that respects the rule of law, human dignity and equality.

Everyone has the same human rights: women, men, children, rich and poor, and all nationalities, ethnic groups and faiths.

This policy confirms Council's commitment to considering and respecting human rights when making decisions and creating policy directions.

2. POLICY SCOPE

The policy is applicable to all Councillors, officers and volunteers in their day to day operations, interactions with people and in their decision making functions.

3. POLICY STATEMENT

The *Human Rights Policy*:

1. Sets out Council's responsibility to act in ways that are compatible with human rights. This includes taking into account human rights when developing and implementing local laws, policies, procedures, decisions and services.
2. Outlines the twenty human rights articulated in the Charter of Human Rights and Responsibilities Act 2006 (Charter).

These policy statements are expanded below.

3.1 Sets out Council's responsibility to act in ways that are compatible with human rights. This included taking into account human rights when developing and implementing local laws, policies, procedures, decisions and delivering services.

- 3.1.1 Council's approach to human rights will encourage participation, access, development and opportunity for its community, whilst acknowledging that it has an obligation to comply with the Charter.



3.1.2 This policy will support achievement of Council aspirations set out in the 2017-2021 Council Plan, in particular Council's commitment to "*Value individual diversity, act with respect and professionalism in our interactions with you and each other, and never seek to undermine, mislead or undervalue anyone.*"

3.1.3 Members of the community who wish to make a complaint in relation to an alleged breach of Council in upholding human rights, can do so by utilising the Dispute Resolution Guidelines in the Customer Service Charter 2013 available on Council's website, and by contacting Council on 03 5662 9200.

3.2 Outlines the twenty human rights articulated in the Charter of Human Rights and Responsibilities Act 2006 (Charter)

The twenty human rights fall under four key principles of freedom, respect, equality and dignity. The human rights are:

Freedom

- 3.2.1 Freedom of movement
- 3.2.2 Freedom of expression
- 3.2.3 Peaceful assembly and freedom of association
- 3.2.4 Liberty and security of person
- 3.2.5 Children in the criminal process
- 3.2.6 A fair hearing
- 3.2.7 Rights of persons charged with a criminal offence
- 3.2.8 Right not to be tried or punished more than once for the same offence
- 3.2.9 Protection from retrospective criminal laws and criminal penalties
- 3.2.10 Freedom of thought, conscience, religion and belief
- 3.2.11 Property rights
- 3.2.12 Freedom from forced work

Respect

- 3.2.13 Right to life
- 3.2.14 Protection of families and children
- 3.2.15 Cultural rights: including recognition that human rights have a special importance for Aboriginal people in Victoria.

Equality

- 3.2.16 Equal recognition before the law
- 3.2.17 Entitlement to participate in public life (including voting)

Dignity

- 3.2.18 Protection from torture and cruel, inhuman or degrading treatment
- 3.2.19 Protection of privacy and reputation
- 3.2.20 Humane treatment when deprived of liberty



3.3 The Charter recognises that human rights are not absolute but may be limited in certain circumstances. Under the Charter rights may be limited, but only when justified in a free and democratic society, taking into account relevant factors as outlined in the Charter. To this end Council considers:

- 3.3.1 A reasonable limitation involves balancing the rights of the individual with the rights of the community and other relevant considerations. Examples include but are not limited to the following:
- 3.3.2 The fact that a decision or action impacts on a human right does not mean the decision or action will be incompatible with the Charter.
- 3.3.3 The right to freedom of expression may be restricted in order to respect the rights and reputations of other people or for the protection of public order, security, health or morality.
- 3.3.4 Limitations on rights are to be reasonable, justified, proportionate, rational and balanced.

4. RISK ASSESSMENT

Council, as a public authority must act in ways that are compatible with human rights. This policy minimises the risk of Council potentially breaching human rights by:

- Providing a mechanism outside of the courts for individuals to raise human rights concerns with Council that relate to Council operations. (Refer to 3.1.3);
- Being accountable for decisions made that affect an individual's human rights;
- Considering human rights in the development of policy directions;
- Establishing specific directions in associated policies, guidelines and codes of practice that assist staff, Councillors and volunteers to understand appropriate behaviours and responsibilities in the workplace.

5. IMPLEMENTATION STATEMENT

Council will consider human rights when developing policies and making decisions that affect the community, suppliers and staff, as follows:

1. When developing and reviewing Council policies and strategic plans.
2. When making Local Laws, by following the Guidelines for Local Laws Manual 2010 and utilising the Local Law Community Impact Statement.
3. By including a statement of Council's commitment to human rights in its Council Plan.
4. By including a statement about Human Rights in its Community Consultation and Engagement Policy.
5. By developing and adopting specific policies and processes that encourage appropriate behaviours, responsibilities and management of people within the work environment including but not limited to:
 - a. Councillor Code of Conduct;
 - b. Staff Code of Conduct;
 - c. Anti-discrimination, Bullying and Harassment;
 - d. Right to make a Submission;
 - e. Protected Disclosure Guidelines.



6. By including information about human rights in information packs provided to new employees and volunteers upon induction.
7. By including information about human rights in information packs and inductions provided to advisory and special committees.

6. DEFINITIONS

VEO&HRC – Victorian Human Rights & Equal Opportunity Commission

7. REFERENCE DOCUMENTS

Council Policy

Anti-discrimination, Bullying and Harassment Policy
Councillor Code of Conduct
Protected Disclosure Guidelines
Right to Make a Submission Policy
South Gippsland Shire Service Charter
Staff Code of Conduct
Community Consultation and Engagement Policy

Legislative Provisions

Charter of Human Rights and Responsibilities Act 2006 (the Charter)
Disability Act 2006
Equal Opportunity Act 2010
Freedom of Information Act 1982
Fair Work Act 2009
Information Privacy Act 2000
Local Government Act 1989
Racial and Religious Tolerance Act 2001
Sex Work Act 1994

Reference Materials

Guidelines for Local Laws Manual – Local Government (Victoria) 2010, including the Local Law Community Impact Statement
LGPro – Better Practice Local Laws website - <http://lgpro.com/>
VEO&HRC - Victorian Human Rights & Equal Opportunity Commission