

PURPOSE

The policy sets out Council's position to ensure compatibility and compliance with the *Victorian Charter of Human Rights and Responsibilities Act 2006* (the Charter).

OBJECTIVE

To ensure that all of Council decisions, local laws, policies and practices are compatible with human rights by ensuring the responsibilities stated in the Charter are met by promoting the principles of the Charter, and considering human rights in our day to day operation and all aspects of decision making.

SCOPE

This policy applies to all Council policies, directives, procedural guidelines and service delivery.

BACKGROUND

Human rights are the fundamental rights to which a person is inherently entitled simply because she or he is a human being and which are inherent in all human beings. Human rights ensure that all people are treated with dignity and respect, without distinction of any kind, such as: sex, age, race, disability, nationality, religion, socioeconomic status, property, political opinion or other status.

The *Charter of Human Rights and Responsibilities Act 2006* sets out the basic rights, freedoms and responsibilities of all people in Victoria and is protected by law.

The *Charter of Human Rights and Responsibilities Act 2006* outlines that it is unlawful for a public authority to:

- (a) act in a way that is incompatible with a human right;
- (b) in making a decision, to fail to give proper consideration to a relevant human right.

There are twenty specific human rights referred to in the Charter relating to freedom, respect, equality and dignity, and which are listed in the policy statement below.

Council is required to adopt these policy principles universally and ensure that all staff who work on behalf of the council do so in a way that respects the intent of The Charter of Human Rights. When local laws and policies are created and with the delivery of services, Council must ensure that it respects and promotes human rights, acts compatibly with the Charter and supports others to act compatibly with the Charter.

POLICY

The rights protected under the Charter apply equally to all people in Victoria in their dealings with government and other public authorities (including local government).

The Charter contains twenty (20) rights that reflect four key principles, Freedom, Respect, Equality and dignity. The twenty (20) rights comprise:

Freedom

- Freedom from forced work;
- Freedom of movement;
- Freedom of thought, conscience, religion and belief;
- Freedom of expression;
- Peaceful assembly and freedom of association;
- Property rights;
- Liberty and security of person;
- Fair hearing;
- Rights in criminal proceedings;
- Appropriate treatment of children in the criminal process;
- Right not to be tried and punished more than once for the same offence;
and
- Protection from retrospective criminal laws.

Respect

- Right to life;
- Cultural rights; and
- Protection of families and children.

Equality

- Entitlement to participate in public life; and
- Recognition and equality before the law.

Dignity

- Protection from torture and cruel, inhuman or degrading treatment;
- Protection of privacy and reputation; and
- Humane treatment when deprived of liberty.

The rights in the Charter may be subject to reasonable limitation, however, there must be clear reasons for the decision. Reasonable limitation involves balancing the rights of the individual with the need for Council to protect the broader public interest, such as public safety, health and order. Similarly in the case of individuals, a person's right to freedom of expression would need to be balanced with another person's right to privacy.

ATTACHMENTS

Nil.

RELATED POLICIES

All council plans, policies and strategies must comply with The *Charter of Human Rights and Responsibilities Act 2006* and with this policy. Specific ones that seek to improve our community's human rights include:

- The Social Inclusion Policy
- Workplace Gender Equity Directive and Strategy, 2016
- Wodonga Charter for Prevention of Violence Against Women
- The Child-Friendly City Policy
- The Safety Inclusion and Equity Strategy 2016-2017 to 2021-2022
- The Age Friendly City Strategy 2015-2016 to 2019-2020
- The Youth Strategy 2014-2017

RELATED LEGISLATION

- Charter of Human Rights and Responsibilities Act 2006
- Equal Employment Opportunity Act 2010
- Victorian Public Health and Wellbeing Act 2008
- Victorian Disability Act 2006
- Disability Discrimination Act 1992
- Racial and Religious Tolerance Act 2001
- Workplace Gender Equality Act 2012
- Family Violence Prevention Act 2008
- Freedom of Information Act 1982
- Whistleblowers Protection Act 2001.

REFERENCES

Nil.

REVIEW

Council may review this policy at any time but unless otherwise requested at least every four years from date of adoption. Minor amendments to the policy may be authorised by the CEO at any time where such changes do not alter the substance of the policy e.g.: typographical errors, a change to the name of a related policy, or a change to the name of legislation.

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