



## HUMAN RIGHTS CHARTER

Responsible Officer: <b>Governance and Risk Advisor</b>	Adoption Date:	August 2015
	Approved By:	Council
Authorising Officer: <b>Director Corporate Services</b>	Review Date:	January 2019
	Policy Type	Council

### PURPOSE

Victoria has become the first Australian State to enshrine basic human rights with the adoption of the *Charter of Human Rights and Responsibilities Act 2006* (the Charter).

From January 1, 2008 the Charter was fully operational and from that date onwards Council is required to comply and have regard for human rights in its day to day operations. The purpose of the Charter is to protect and promote human rights by recognising that all people are born free and equal in dignity and rights.

The Charter introduces standards to ensure that Council considers human rights when making laws and decisions and when providing services.

It also provides a framework to help public authorities to strike a balance between protecting the rights of Victorians and other competing public interests. For example, a person's right to freedom of expression would need to be balanced with another person's right to privacy.

### STATEMENT

Council's responsibility is to act compatibly with the Charter and give proper consideration to human rights when making decisions. This responsibility is set out in the Charter and the *Public Administration Act 2004*.

The Charter reinforces existing sound work practices and states our commitment to a human rights culture within government.

Council is committed to the principles within the Charter of Human Rights and Responsibilities.

When making decisions, policies and taking actions, Council will take into consideration and assess whether, and the extent to which they may limit, restrict or impede the Human Rights of any person.

Council undertakes that in all its decisions, actions and policies it will only limit, restrict or impede the Human Rights of any person or group to the extent that is reasonable, taking into consideration the benefits for the majority of residents, ratepayers, employees and visitors.

Further, Council, in all its actions, decisions and policies, will not deliberately unreasonably limit, restrict or impinge on the Human Rights of any individual or group.

The Charter rights can be grouped under four key principles of Freedom, Respect, Equality and Dignity.

## **Freedom**

- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Right to peaceful assembly and freedom of association
- Property rights
- Right to liberty and security of person
- Fair hearing
- Rights to criminal proceedings
- Right not to be tried or punished more than once
- Protection from retrospective criminal laws

## **Respect**

- Right of life
- Protection of families and children
- Cultural rights, including recognition of the distinct cultural rights of the Aboriginal people of Victoria

## **Equality**

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

## **Dignity**

- Protection from torture and cruel, inhuman or degrading treatment
- Protection of privacy and reputation
- Humane treatment when deprived of liberty
- Appropriate treatment of children in the criminal process

## **IMPLEMENTING THE CHARTER**

Council will ensure that all new policies will make reference to the above rights and that existing policies will be progressively reviewed to ensure explicit reference to the Charter is contained in the Policy revision.

Council will progressively review and ensure appropriate links are developed to other relevant internal and external laws, policies, codes and guidelines such as equal opportunity, health and safety, funding agreements, departmental policies and other standard frameworks.

Council will develop a complaint handling process which will provide an efficient, fair and accessible mechanism for resolving user complaints and through the monitoring of complaints, endeavour to improve the quality of services delivered to the Community.

## **REFERENCES**

*Charter of Human Rights and Responsibilities Act 2006*