

# Policy – Council – Human Rights & Responsibilities

<b>Date amended:</b>	May 2021
<b>Date of next review:</b>	May 2025
<b>Adopted by:</b>	Council
<b>Date adopted:</b>	18 May 2021
<b>Responsible officer:</b>	Manager People & Culture

## 1 PURPOSE AND SCOPE

Victoria adopted the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) with effect from 1<sup>st</sup> January 2008. 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 Act applies to the Victorian Public Sector, including local government.

This Policy provides guidance to staff on the implementation of the Charter, which provides a framework to help public authorities strike a balance between protecting the rights of all Victorians and other competing public interests. This means that a person's individual right is not absolute and might need to be balanced with another person's rights (e.g. a person's right to freedom of expression would need to be balanced with another person's right to privacy).

It is Council's, and all persons representing Council, to act compatibly with the Charter and give proper consideration to human rights when making decisions.

### 1.1 Charter relationship to other laws

The *Charter of Human Rights and Responsibilities Act 2006* is an overarching law. This means that any obligations within this Act apply to all other Victorian laws or regulations and must comply with the Charter in their provisions.

Development of law must be assessed to ensure compliance with the Charter. Where conflict does exist between a law, regulation, policy or direction and the Charter, the Charter takes priority.

## 2 POLICY

Pyrenees Shire Council is committed to the principles contained within the Charter of Human Rights and Responsibilities and will ensure that it is considered when making laws, setting policies and providing services.

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In this commitment, Council will respect, protect and promote human rights in all its spheres of influence and will consider the 20 rights and 4 basic principles contained with the Charter as summarised below:

Principle	Associated Human Rights
<b>Freedom</b>	<ul style="list-style-type: none"> <li>• Freedom from forced work</li> <li>• Freedom of expression</li> <li>• Right to a fair hearing</li> <li>• Right to peaceful assembly and freedom of association</li> <li>• Rights to criminal proceedings</li> <li>• Protection from retrospective criminal laws</li> <li>• Freedom of movement</li> <li>• Property rights</li> <li>• Right to liberty and security of person</li> <li>• Freedom of thought, conscience, religion and belief</li> <li>• Right not to be tried or punished more than once</li> </ul>
<b>Respect</b>	<ul style="list-style-type: none"> <li>• Right to life</li> <li>• Protection of families and children</li> <li>• Cultural rights, including recognition of the distinct cultural rights of the Aboriginal People of Victoria</li> </ul>
<b>Equality</b>	<ul style="list-style-type: none"> <li>• Recognition and equality before the law</li> <li>• Entitlement to participate in public life</li> </ul>
<b>Dignity</b>	<ul style="list-style-type: none"> <li>• Protection from torture and cruel, inhuman or degrading treatment</li> <li>• Protection of privacy and reputation</li> <li>• Humane treatment when deprived of liberty</li> <li>• Appropriate treatment of children in the criminal process</li> </ul>

### 3 IMPLEMENTATION OF THE CHARTER

Council will implement processes to ensure that all new policies make explicit reference to the above rights and that existing policies are progressively reviewed to include that reference. This reference is included within current policy and procedure templates.

Council will maintain 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.

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## 4 REFERENCES

- Charter of Human Rights & Responsibilities Act 2006
- Pyrenees Shire Charter of Human Rights – Guidelines 2016

### 4.1 Related Commonwealth Legislation

- Age Discrimination Act 2004
- Crimes Act 1914
- Disability Discrimination Act 2005
- Human Rights & Equal Opportunity Commission Act 1986
- Racial Discrimination Act 1975
- Sex Discrimination Act 1984

### 4.2 Related Victorian State Legislation

- Local Government Act 2020
- Children, Youth & Families Act 2005
- Crimes Act 1958
- Disability Discrimination Act 2006
- Equal Opportunity Act 2010
- Freedom of Information Act 1982
- Privacy and Data Protection Act 2014
- Mental Health Act 2014
- Occupational Health & Safety Act 2004
- Racial & Religious Tolerance Act 2001
- Gender Equality Act 2020

## 5 VERSION HISTORY

Version Number	Issue date	Description of change
1.0	18.042017	Initial release
2.0	18.05.2021	Review within 12 months of a general local government election Updated legislative references and other minor changes

### 5.1 Policy Review and consultation

All Policies must be reviewed within 4 years. This Policy will be reviewed in a 4-year cycle and within 12 months after a local government general election.

This Policy has been developed and to our best understanding is compliant with the Victorian Charter of Human Rights and Responsibilities Act 2006.

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