

# HUMAN RIGHTS POLICY

<b>Policy Number:</b>	2.1.3
<b>Approved by</b>	Council
<b>Date Approved/Effective</b>	December 2022
<b>Date of Next Review:</b>	December 2023
<b>Applicable to Unit(s):</b>	Organisation
<b>Responsible Officer:</b>	Manager People and Capability
<b>Related Policies</b>	Equal Opportunity, Anti-Discrimination and Harassment Policy Privacy and Data Protection Policy Public Interest Disclosures Policy
<b>Related Documents:</b>	Nil
<b>Statutory Reference:</b>	<i>Charter of Human Rights and Responsibilities Act 2006</i>

## OVERVIEW

Victorian legislation requires Council to adhere to the fundamental human rights of all people, including employees, Councillors, contractors, customers and volunteers when making decisions, creating local laws, setting policies and providing services.

## THE POLICY

Wellington Shire Council recognises that human rights are accompanied by responsibilities and are committed to upholding the human rights principles as outline in the *Charter of Human Rights and Responsibilities Act 2006 (Vic)* by:

- recognising and protecting the **freedom** of all persons;
- promoting and encouraging **respect** for all persons;
- promoting **equality** amongst all persons; and
- recognising and protecting the **dignity** of all persons.

The Charter requires that all public authorities, including Councils, comply with the 20 specific rights protected under it. These broadly relate to four basic principles;

### Freedom

- Your right to freedom from forced work (*section 11*)
- Your right to freedom to movement (*section 12*)
- Your right to freedom of thought, conscience, religion and belief (*section 14*)
- Your right to freedom of expression (*section 15*)
- Your right to peaceful assembly and freedom of association (*section 16*)
- Property rights (*section 20*)
- Your right to liberty and security of person (*section 21*)
- Your right to a fair hearing (*section 24*)
- Rights in criminal proceedings (*section 25*)
- Right not to be tried or punished more than once (*section 26*)
- Protection from retrospective criminal laws (*section 27*)

## Respect

- Your right to life (*section 9*)
- Your right to protection of families and children (*section 17*)
- Cultural rights, including recognition that human rights have a special importance for Indigenous peoples (*section 19*)

## Equality

- Your right to recognition and equality before the law (*section 8*)
- Your right to taking part in public life (*section 18*)

## Dignity

- Your right to protection from torture and cruel, inhuman or degrading treatment (*section 10*)
- Your right to privacy and reputation (*section 13*)
- Your right to humane treatment when deprived of liberty (*section 22*)
- Rights of children in the criminal process (*section 23*)

## Breaches of Human Rights Policy

Where an issue or concern arises in regard to a breach of human rights, all allegations are treated confidentially, seriously and empathetically. Each case will be dealt with individually and all complaints should be referred in the first instance to the Manager People and Capability.

All steps will be undertaken to ensure the complainant, including staff members specifically, will not be penalised or disadvantaged because of raising genuine concerns or complaints relating to a breach of the human rights charter.

External complaints can be referred to the Australian Human Rights Commission or the Victorian Equal Opportunity and Human Rights Commission. These bodies can investigate and help resolve complaints of discrimination, sexual harassment and racial vilification. The Victorian Equal Opportunity and Human Rights Commission can also help people resolve complaints about religious vilification.

## REVISION HISTORY

VERSION	MAJOR / MINOR UPDATE	SUMMARY OF CHANGES
1.0	Minor update	Updated Responsible Officer title