

HUMAN RIGHTS POLICY

Policy Number:	2.1.3
Approved by	Council
Date Approved/Effective	December 2025
Date of Next Review:	December 2028
Applicable to:	Councillors, Council employees and temporary staff, volunteers, contractors and consultants engaged by Council
Responsible Officer:	Manager People and Capability
Related Policies	Community Engagement Policy Equal Opportunity and Anti-Discrimination Policy Respect in the Workplace (Bullying, Harassment & Discrimination) Policy
Related Documents:	The Charter of Human Rights and Responsibilities: A guide for Victorian public sector workers, Victorian Equal Opportunity & Human Rights Commission Employee Code of Conduct Model Councillor Code of Conduct
Statutory Reference:	<i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Local Government Act 2020</i> <i>Disability Act 2006</i> <i>Equal Opportunity Act 2010</i> <i>Fair Work Act 2009</i> <i>Freedom of Information Act 1982</i> <i>Gender Equality Act 2020</i> <i>Information Privacy Act 2000</i> <i>Racial and Religious Tolerance Act 2001</i> <i>Sex Work Act 1994</i>

OVERVIEW

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

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 outlined in the *Charter of Human Rights and Responsibilities Act 2006* (the Charter) 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:

Freedom

- Right to freedom from forced work (*section 11*)
- Right to freedom to movement (*section 12*)
- Right to freedom of thought, conscience, religion and belief (*section 14*)
- Right to freedom of expression (*section 15*)
- Right to peaceful assembly and freedom of association (*section 16*)
- Property rights (*section 20*)
- Right to liberty and security of person (*section 21*)
- 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

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

Equality

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

Dignity

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

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 that 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:

- 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.
- 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.
- Limitations on rights are to be reasonable, justified, proportionate, rational and balanced.

Applying the Charter of Human Rights

It is unlawful for Councillors, employees and those engaged by Council to act in a way that is:

- incompatible with a human right that is in the Charter, or
- in making a decision, fail to give proper consideration to a person's human rights.

Proper consideration of relevant human rights forms part of our decision making process. It requires:

- a genuine and real assessment
- understanding in general terms the possible impact of our decisions and actions on a person's human rights
- the balancing of any competing interests or obligations.

Complaints

The Charter outlines the human rights protected by law in which Council must consider these when making decisions, creating laws, setting priorities and providing services within Council. In order to comply with its obligations under the *Local Government Act 2020* and maintain the trust and confidence of the community, it is critical that Council and Councillors maintain the highest possible standards of good governance, integrity, ethical behaviour and conduct.

Where an issue or concern arises regarding human rights, these can be reported using the following procedure and the matter will be addressed in accordance with Council's Complaints Handling Policy.

Procedure on how to make a complaint

A person can make a complaint in several ways:

Mail: Wellington Shire Council
PO Box 506
SALE VIC 3850

Telephone: 1300 366 244

Email: enquiries@wellington.vic.gov.au

Website: www.wellington.vic.gov.au

In person: Wellington Shire Council

Sale Service Centre – Council Headquarters
18 Desailly Street, Sale VIC 3850
Operating Hours: Monday to Friday 8.30am – 5.00pm

Yarram Service Centre
156 Grant Street, Yarram VIC 3971
Operating Hours: Monday, Tuesday, Thursday, Friday 10.00am to 2.00pm

Complaints can be referred directly 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	DATE	SUMMARY OF CHANGES
1.0	December 2022	Updated Responsible Officer title.
1.1	December 2023	Date of Next Review updated to December 2024. Minor formatting changes.
1.2	December 2024	Date of Next Review updated to December 2025. Updated related policies. New section: Applying the Charter of Human Rights. New related document: The Charter of Human Rights and Responsibilities: A guide for Victorian public sector workers, Victorian Equal Opportunity & Human Rights Commission. Further information added on raising concerns in relation to human rights.
1.3	December 2025	Date of Next Review updated to December 2028 (every three years). Additions to Statutory Reference.