

CORPORATE SERVICES

No. of Pages - 2

8.4 Adoption of Policy – Protecting Human Rights

ATTACHMENTS	Draft Protecting of Human Rights Policy
RESPONSIBLE OFFICER	Director Corporate Services

SUMMARY

The Charter of Human Rights and Responsibilities Act 2006 places a responsibility on public authorities to ensure that they do not, in their actions, unreasonably limit, restrict or impinge on the specified human rights of individuals or groups as defined under the Act. This requirement is in addition to not discriminating against any individual or group on the basis of a protected attribute under any anti-discrimination legislation (State or Federal).

This paper proposes that Council adopts a Policy on Protecting Human Rights as a symbol of its commitment to the Charter.

BACKGROUND

The intent of the Act is to ensure that Human Rights are considered as an integral part of Council decision making. It further seeks to ensure that if a decision or action of Council will adversely impact on or limit the Human Rights of any individual or group, the decision should be justified and the limitations should be reasonable and unavoidable ie alternative actions should be considered.

It is the responsibility of individual Councils to determine how this will be achieved, giving due consideration to the local decision making context. That being said, as a minimum, Council needs to be able to demonstrate transparently that it has implemented the requirements of the Act and is acting in accordance with its principles and provisions.

While this Council has taken some initial steps to implement the Act, there has not until now been a coordinated program to ensure compliance. This matter was considered at a recent Senior Leadership Team meeting, and it was agreed that local implementation should be as practical as possible, while still achieving the intent and purpose of the Act in a way which is integrated and consistent with other established procedures.

In this context, it was agreed that:

1. Approval of Council should be sought for the adoption of a Human Rights Policy statement (Attachment 1).
2. A commitment to the policy and protection of Human Rights will be included in future re-drafts of the Codes of Conduct for Councillors and staff.

3. Awareness raising and compliance training will be incorporated into CLT Leadership development, induction, corporate training programs and the Staff Handbook.
4. Human Rights considerations will be built into all Local Laws, policies and procedures, as appropriate, and as reviewed.

All Council policies and procedures will be reviewed in accordance with a phased program of activity over the next 12 month period.

It is clear that the overwhelming majority of Council's day-to-day activities and service delivery programs will not restrict or impinge any individual's or group's Human Rights. However, there will be occasions when a policy or decision will, and, indeed, on occasions must, limit or impinge on the Human Rights of an individual or group to protect or enhance the public interest. The important consideration is to strike a balance between individual rights and protecting the public interest.

STATUTORY REQUIREMENTS

The Human Rights and Equal Opportunity Commission of Victoria is required to report annually to Parliament on the implementation of the Act. Local government is seen by the Commission as "critical to the success of the Charter" and Councils' actions will be scrutinised and closely monitored. The Commission will report on their view of how well Councils are complying with the Act. Failure to achieve, or adequately address the requirements of the Act would result in Council being named in the report to Parliament.

FINANCIAL CONSIDERATIONS

As the proposed approach to implementation involves integration with already established Council procedures, there should be no direct additional cost associated with implementing the requirements of the Act.

RECOMMENDATION

That Council:

1. ***Adopt the proposed policy statement on Human Rights as outlined in Attachment 1.***
2. ***Commit to future reviews of the policy statement every four years, within six months of an election.***

Attachment 1

PROTECTING HUMAN RIGHTS POLICY

Yarra Ranges Shire Council is committed to the protection and preservation of the Human Rights of its residents and ratepayers, employees and visitors to the Shire. All Council decisions, policies and actions 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 and employees of and visitors to the Shire of Yarra Ranges.

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.

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Cr Len Cox, Mayor

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Glenn Patterson, CEO

Date: ____/____/____