

<b>Version Control and Objective ID</b>	Version No: 1	Objective ID: A6054072
<b>Approved by Council on</b>	28 January 2020	
<b>Date of Review</b>	28 January 2024	

### 1. Statement

Council is strongly committed to protecting and promoting human rights and to building a culture within council that respects and promotes human rights.

### 2. Purpose and Principles

The *Human Rights Act 2019* requires Council to act and make a decision in a way that is compatible with human rights. When making a decision Council must give proper consideration to a human right relevant to that decision.

The following principles underpin Council's commitment to human rights:

- the inherent dignity and worth of all human beings
- the equal and inalienable human rights of all human beings
- human rights are essential in a democratic and inclusive society that respects the rule of law
- human rights must be exercised in a way that respects the human rights and dignity of others
- human rights should only be limited after careful consideration and in a way that can be justified in a free and democratic society
- human rights have a special importance for the Aboriginal peoples and Torres Strait Islander peoples of Queensland as Australia's first people, particularly the right to self-determination.<sup>1</sup>

### 3. Strategic Plan Links

This policy aligns with the following iFuture 2021-2026 Corporate Plan themes:

- Vibrant and Growing
- Safe, Inclusive and Creative
- A Trusted and Leading Organisation

### 4. Regulatory Authority

*Human Rights Act 2019*

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<sup>1</sup> Preamble to the *Human Rights Act 2019*.

## 5. Scope

This policy applies to all councillors, council staff and a public entity to ensure they work in accordance with the *Human Rights Act 2019*.

Council will respond to human rights complaints in accordance with the *Human Rights Act 2019* and council's Complaints Management Framework.

## 6. Roles and Responsibilities

- (a) councillors, council staff and a public entity are required to act and make decisions in a way that is compatible with human rights
- (b) council staff responsible for responding to human rights complaints made under the *Human Rights Act 2019* will do so in accordance with the *Human Rights Act 2019*, Council's Complaints Management Framework and any relevant policies and procedures.

## 7. Key Stakeholders

The following will be consulted during the review process:

- Corporate Services
  - Legal and Governance
  - Complaints Management Unit
- Executive Leadership Team

## 8. Monitoring and Evaluation

The specific measures that will determine the success and effectiveness of the policy include:

- Broad staff participation in training that builds understanding of the requirements of the *Human Rights Act 2019*
- decrease of human rights complaints under the *Human Rights Act 2019*
- increased awareness within the community of human rights.

## 9. Definitions

**Human rights** has the meaning given in part 2, divisions 2 and 3 of the *Human Rights Act 2019* and include:

- recognition and equality before the law
- right to life
- protection from torture and cruel, inhuman or degrading treatment
- freedom from forced work
- freedom of movement
- freedom of thought, conscience, religion and belief
- freedom of expression
- peaceful assembly and freedom of association
- taking part in public life
- property rights
- privacy and reputation

- protection of families and children
- cultural rights – generally (enjoyment of culture, religion and language)
- cultural rights – Aboriginal and Torres Strait Islander peoples
- right to liberty and security of person
- humane treatment when deprived of liberty
- fair hearing
- rights in criminal proceedings
- children in the criminal process
- right not to be tried or punished more than once
- right not to be subject to retrospective criminal laws
- right to education
- right to health services

**function of a public nature** has the meaning given in section 10 of the *Human Rights Act 2019*. To decide whether a function of an entity is a function of a public nature, the following matters may be considered:

- is the function conferred under statutory provision
- is the function connected or generally identified with the functions of government
- is the function of a regulatory nature
- is the entity publicly funded to perform the function
- is the entity a government owned corporation.

The provision of:

- emergency services
- public health services
- public disability services
- public education
- public transport
- a housing service by a funded provider or the State under the *Housing Act 2003*

are functions of a public nature.

**public entity** has the meaning given in section 9(h) of the *Human Rights Act 2019* and includes an entity performing a **function of a public nature** for council (whether under contract or otherwise).

## 10. Policy Owner

The General Manager (Corporate Services) is the policy owner and the Legal and Governance (General Counsel) Manager is responsible for authorising and reviewing this policy.