

HUMAN RIGHTS POLICY

SCOPE

This policy applies to all councilors, employees, contractors, volunteers, clients and customers of Banana Shire Council.

LEGISLATION

Disability Discrimination Act 1992 (Cth)
Australian Human Rights Commission Act 1986 (Cth)
Human Rights Act 2019 (QLD)
Local Government Act 2009
Local Government Regulation 2012 (QLD)
Disability Services Act 2006

Reference Documents

United Nations Convention on the Rights of Persons with Disabilities 2006
United Nations Declaration of Human Rights 1948
Banana Shire Council Customer Service Charter
Local Government Association of Queensland, Human Rights Act 2019 – A Guide for Local Government, Circular, 10 December 2019
Queensland Human Rights Commission, Queensland's Human Rights Act 2019: A guide for Public Entities

OBJECTIVE

As a public entity Banana Shire Council is committed to protecting and promoting human rights by ensuring that human rights are considered when making, interpreting and applying laws, developing policies and providing services to the community as outlined in the Queensland Human Rights Act 2019.

Banana Shire Council will seek to ensure each person receives a service that promotes and respects their legal and human rights and enables them to exercise control over the services they access and how these services are delivered. Services will be provided in an environment that ensures people are free from discrimination, abuse, neglect and exploitation and Banana Shire Council has processes in place to manage these issues if they arise.

Banana Shire Council management, staff and volunteers promote ethical, respectful and safe service delivery which meets, if not exceeds, legislative requirements and achieves positive outcomes for clients and customers.

Banana Shire Council recognises supports and respects people's inherent human rights and their right to make decisions about and exercise control over their access to services and to the extent feasible the medium they use to access services.

DEFINITIONS

Council	Banana Shire Council
Councillors	Councillors include the Mayor, Deputy Mayor, and other Councillors of Banana Shire Council, unless specifically identified.
Human Rights	Are rights inherent to all people regardless of nationality, place of residence, ethnic origin and religion etc. and are based on principles of freedom, respect, equality and dignity.
CEO	Chief Executive Officer, Banana Shire Council
Services	Services provided to the community by Council, including libraries, the provision of community assistance and Community Resource Centre services.
Council Staff / Workers	Includes employees, contractors, volunteers and all others performing work on behalf of Council.
Manager / Supervisor	Includes persons appointed to positions with responsibility for staff management.
Blue Card	A card issued by Blue Card Services to provide eligibility for a person to work in the areas of child-related work covered by the Commission for Children and Young People and Child Guardian Act.
Exemption Cards	Exemptions cards are only held by police officers with the Queensland Police Service and teachers registered with the Queensland College of Teachers—and only required for work outside of a person's professional duties.

ROLES & RESPONSIBILITIES

Councillors, Banana Shire Council	<p>Develop and adopt policies and procedures to respect and protect and set the standard of service for the organisation.</p> <p>Act and make decisions compatibly with human rights.</p> <p>Be familiar with the organisation's legislative requirements regarding human rights.</p>
CEO	Lead the development of quality service culture that supports human rights of service users.

Manage and monitor compliance with this policy.

Support staff competence and compliance with this policy and procedure.

Management

Manage and monitor compliance with this policy.

Act and make decisions compatibly with human rights.

Support staff competence and compliance with this policy and procedure.

Staff, volunteers,
contractors, clients and
customers

Comply with the Human Rights Policy and Procedure.

POLICY

Protecting Human Rights and Prevention of Abuse and Neglect

All individuals in Queensland have human rights. The Act protects twenty-three (23) fundamental human rights as outlined below –

1. Right to recognition and equality before the law (section 15 of the Act)
2. Right to life (section 16 of the Act)
3. Right to protection from torture and cruel inhuman or degrading treatment (section 19 of the Act)
4. Right to freedom from forced work (section 18 of the Act)
5. Right to freedom of movement (section 19 of the Act)
6. Right to freedom of thought, conscience, religion and belief (section 20 of the Act)
7. Right to freedom of expression (section 21 of the Act)
8. Right to peaceful assembly and freedom of association (section 22 of the Act)
9. Right to take part in public life (section 23 of the Act)
10. Property rights (section 24 of the Act)
11. Right to privacy and reputation (section 25 of the Act)
12. Right to protection and families and children (section 26 of the Act)
13. Cultural rights – generally (section 27 of the Act)
14. Cultural rights – Aboriginal peoples and Torres Strait Islanders peoples (section 28 of the Act)
15. Right to liberty and security of persons (sections 29 of the Act)
16. Right to humane treatment when deprived of liberty (section 30 of the Act)
17. Right to fair hearing (section 31 of the Act)
18. Rights in criminal proceedings (section 32 of the Act)
19. Rights of children in the criminal process (section 34 of the Act)
20. Right not to be punished more than once (section 34 of the Act)
21. Protection from retrospective criminal laws (section 35 of the Act)
22. Right to education (section 36 of the Act)
23. Right to health services (section 37 of the Act)

Provision of Training

Dignity, respect and human rights underpin all practices, services, decisions, training and policy undertaken by Banana Shire Council.

Informing the Community of their Human Rights

Members of the community are able to access information around their rights and how Banana Shire Council upholds these rights including how to provide feedback or make a complaint. This information can be found on the Banana Shire Council website. A printed copy of this information can be provided upon request.

Responding to a Concern

Where a staff member has concerns or makes an allegation about the infringement of the human rights of community members or of abuse, neglect or exploitation, Banana Shire Council will adhere to the procedures outlined in the Banana Shire Council Human Rights Procedure.

If an individual or member of the public believes that Council has breached their human rights obligations, they have the right to complain and seek remedies. There are several ways that an individual can make a complaint under the Act:

1. Internal complaints
2. Independent complains
3. Raising the Act in courts and tribunals

Respecting Cultural Diversity

Staff are to ensure that services are provided with sensitivity to and an awareness of the cultural beliefs and practices of service users from of Aboriginal and Torres Strait Islander people, their families and communities and culturally and linguistically diverse backgrounds.

Communication about this policy should be done in a way that suits each individual with regard to their cultural background, e.g. if required, the use of interpreter, or easy English documents.

Banana Shire Council will develop connections with culturally appropriate organisations and groups to influence the meaningful participation of people with disabilities.

PROCEDURE

Procedures as approved and issued by the Chief Executive Officer, and subject to further revision, amendment and issue under the authority of the Chief Executive Officer.

CERTIFICATION



**CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL**

21/11/20
DATE