

HUMAN RIGHTS PROCEDURE

OBJECTIVE

Banana Shire Council will to develop and deliver services that promote and respect their legal and human rights and enable them to exercise control like everyone else in the community. 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 will promote ethical, respectful and safe service delivery which meets, if not exceeds, legislative requirements and achieves positive outcomes for service users.

Banana Shire Council recognises supports and respects people's inherent human rights and the right to make decisions about and exercise control over their lives.

Banana Shire Council will respond to human rights complaints in accordance with the Human Rights Act 2019 and Councils Complaints Management Policy.

DEFINITIONS

Council	Banana Shire Council.
Councillors	Councillors include the Mayor, Deputy Mayor and other Councillors of Banana Shire Council, unless specifically identified.
CEO	Chief Executive Officer, Banana Shire Council.
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.
Services	Services provided to the community by Council, including libraries, the provision of community assistance and Community Resource Centre services.
Human Rights	Are rights inherent to all people regardless of nationality, place of residence, ethnic origin and religion etc.

ROLES & RESPONSIBILITIES

Councillors, Banana Shire Council	<p>Develop and adopt Human Rights Policy and Procedures and set the standard of services 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	<p>Lead the development of quality service culture that supports human rights of service users.</p> <p>Manage and monitor compliance with this policy.</p> <p>Support staff competence and compliance with this policy and procedure.</p>
Management	<p>Manage and monitor compliance with this policy.</p> <p>Act and make decisions compatibly with human rights.</p> <p>Support staff competence and compliance with this policy and procedure.</p>
Staff, volunteers, contractors and clients	<p>Comply with the Councils Human Rights Policy and Procedure.</p>

PROCEDURE

This procedure applies to all councillors, employees, contractors and volunteers of Banana Shire Council.

This procedure applies to interactions that occur when –

- Dealing with customers or community members when providing day to day services
- Processing and dealing with human rights complaints from the public
- Making decisions, interpreting and applying laws
- Developing policies and procedures in respect to Council services and operations
- Inducting new councillors, employees, contractors and volunteers

Protecting Human Rights and Prevention of Abuse and Neglect

Human rights have 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
- Cultural rights - Aboriginal peoples 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
- Retrospective criminal laws
- Right to education
- Right to health services

Recruitment and selection procedures will make specific reference to our values and our expectations of staff to uphold the rights of service users.

In accordance with the Queensland Government Blue Card Services requirements Council staff, contractors and volunteers (where relevant) who work with children and young people have appropriate statutory documentation including a **Blue Card or Exemption Card**.

Service Agreements issued through the Banana Shire Council will specifically include consideration of issues related to human and legal rights of service users.

Provision of Training

Dignity, respect and human rights underpin all practices undertaken by Banana Shire Council.

Banana Shire Council's orientation program for new councillors, staff, contractors and volunteers will contain information about Human Rights and their role and responsibility in applying the principles of fairness and human rights to the community members/service users they support.

Banana Shire Council will provide refresher training and additional training as required to help staff and volunteers maintain their understanding and roles and responsibilities in Human Rights.

Informing the Community of their Human Rights

Community Members 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.

Staff will provide support and encouragement to all service users to devise self-protective strategies and behaviours that take into account their individual and cultural needs.

Responding to a Concern

Where a staff member has concerns or makes an allegation about the infringement of the human rights of service users or of abuse, neglect or exploitation the subsequent complaint will be managed in accordance with the Human Rights Act 2019, Councils Complaints Management Policy and Procedure and any relevant policies and procedures.

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 complaints
3. Raising the Act in courts and tribunals

Internal Complaints

An individual must first raise a complaint directly with Council. Once forty-five (45) business days has elapsed the matter may be referred to the Queensland Human Rights Commission if the complaint has not been responded to, or if the individual is not satisfied with the response. An individual may make a human rights complaint to Council as follows:-

1. Verbally – either by a telephone call to council's call centre or by visiting Council's customer service centre. Council's Customer Call Centre number is: (07) 49929500

Council's Administration/Customer Service Centre addresses are –

- Banana Shire Council Administration Centre
62 Valentine Plains Road
Biloela Qld 4715
 - Moura Customer Service Centre
43 Gillespie Street
Moura Qld 4718
 - Taroom Customer Service Centre
Yaldwyn Street
Taroom Qld 4420
2. In writing – either by mail to the Chief Executive Officer, or via Council's enquiries email address or via Council's internet site.
 - The mailing address is:
The Chief Executive Officer
Banana Shire Council
PO Box 412
Biloela Qld 4715
 - Council's enquires email address is:
enquires@banana.qld.gov.au
 - Council's internet site is www.banana.qld.gov.au
Click on 'Contact us'

Independent Complaints

An individual or member of the public may also raise a complaint about human rights with the Queensland Human Rights Commission or another independent body. In order to accept complaints under the Act, the Queensland Human Rights Commission must be satisfied that:

- A complaint has first been made to the public entity alleged to have breached the Act.
- At least 45 Business days have elapsed since the complaint was made to the public entity.
- The complainant has not received a response to their complaint, or has received an inadequate response.

Further details on the Queensland Human Rights Commission complaint process can be found on their website.

Raising the Act in courts and tribunals

In some cases, the complaint can be taken to a court or tribunal. While individuals cannot make complaints directly to courts and tribunals for breaches of the Act, it is possible to raise breaches of the Human Rights Act in the process of a hearing based on another law.

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 service users from communities with 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.

CERTIFICATION


.....
CHIEF EXECUTIVE OFFICER
BANANA SHIRE COUNCIL

21/12/20
.....
DATE