

# HUMAN RIGHTS POLICY

## SCOPE

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This policy applies to all Councilors, Employees, Contractors, Volunteers, Clients and Customers of Banana Shire Council.

## LEGISLATION

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*Australian Human Rights Commission Act 1986 (Cth)*  
*Human Rights Act 2019 (QLD)*  
*Local Government Act 2009*  
*Local Government Regulation 2012*

*Disability Services Act 2006*  
*Disability Discrimination Act 1992 (Cth)*  
*Age Discrimination Act 2004 (Cth)*  
*Child Safe Organisations Act 2024 (Qld)*

## OBJECTIVE

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This policy seeks to outline Banana Shire Council's responsibilities in applying the *Human Rights Act 2019* to:

- Act and make decisions in a way that is compatible with human rights.
- When making decisions, give proper considerations to any human right relevant to that decision.
- Build a culture that respects and promotes human rights.
- Promote a dialogue about the protection and promotion of human rights.

## DEFINITIONS

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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.

## POLICY

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Banana Shire Council (Council) is committed to:

- Respecting, protecting, and promoting the human rights of individuals.
- Complying with applicable legislation that supports human rights.
- Ensuring that human rights are considered when making, interpreting and applying laws.
- Providing a fair, safe and healthy working environment for Council employees that is free from unlawful discrimination, harassment, bullying or victimisation.
- Being an inclusive employer, promoting and valuing diversity within our workforce, among our customer, suppliers and in the communities in which we operate.
- Respecting our customers' privacy and protect their personal information.

When delivering services (as defined above), Council will:

- 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 Council has processes in place to manage these issues if they arise.
- 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 clients and customers.
- Recognise, support and respect 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.
- Respect cultural diversity by ensuring 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.
- Council will develop connections with culturally appropriate organisations and groups to influence the meaningful participation of people with disabilities.
- Ensure that any service agreements issued through Banana Shire Council specifically include consideration of issues related to human and legal rights of service users.

## Protected Human Rights

All individuals in Queensland have human rights. The Act protects twenty-three (23) fundamental human rights as listed 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 17 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 of 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 (section 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 33 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)

## Children's Human Rights

Council recognises that children are entitled to special protection and support to ensure their safety, wellbeing, and healthy development. In accordance with the *Child Safe Organisations Act 2024* (Qld) which requires government entities to implement the Child Safe Standards to protect children from harm and promote their best interests - and guided by the United Nations Convention on the Rights of the Child, Council commits to upholding and promoting the human rights of all children who engage with our services, spaces, programs, and personnel.

Council acknowledges children as active rights-holders and commits to creating environments where their rights are understood, respected, and embedded in decision-making processes. This includes ensuring:

- Fair and equitable treatment.
- Participation in decisions affecting them.
- Safety, protection, and wellbeing.
- Access to spaces that support learning, play, and development.
- Privacy and personal information protection.
- Identity, belonging, and cultural safety.
- Access to help, support, and protection when needed.

## Considering Human Rights in Decision Making

Under the Act, section 58(1), it is unlawful for a public entity:

- a) to act or make a decision in a way that is not compatible with human rights; or
- b) in making a decision, to fail to give proper consideration to a human right relevant to the decision.

Councillors and Council employees are therefore required to act and make decisions at all times in a way that is compatible with human rights. When making a decision, Council must give proper consideration to any human right relevant to that decision.

Council acknowledges that the Act allows for any of the human rights to be reasonably limited: just because a human right is impacted by a decision or action does not mean that the decision or action is incompatible with the Act or invalid.

Deciding what is reasonable is a matter of balancing the rights of the individual and the rights of the community. Section 13 of the Act provides guidance for deciding whether a limit on a human right is reasonable and justifiable.

Council will follow the Queensland Human Rights Commissions approach for assessing the compatibility of decisions or policies, shown in Attachment 1.

## Human Rights Complaints

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.

Human rights complaints will be managed in accordance with Council's Human Rights Procedure and the Complaints Management Policy and Procedure.

## ROLES AND RESPONSIBILITIES

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Councillors	<ul style="list-style-type: none"><li>• Act and make decisions compatibly with human rights.</li><li>• Be familiar with the organisation's legislative requirements regarding human rights.</li></ul>
CEO	<ul style="list-style-type: none"><li>• Provide leadership and oversight to ensure Council meets its obligations under the Act.</li><li>• Promote a culture that respects and supports human rights.</li><li>• Manage and monitor compliance with this policy.</li><li>• Support training and awareness for staff and Councillors.</li></ul>

Directors and Managers

Embed human rights into their areas of responsibility, by:

- Ensuring that services, programs and operational decisions are delivered in a way that is compatible with human rights.
- Identify and manage human rights risks within their areas of responsibility.
- Consider human rights in reports, projects, policies and procedures.
- Support staff through guidance, supervision and training.

Staff, volunteers,  
contractors, clients and  
customers

- Act in a way that is consistent with this policy and the Human Rights Procedure.
- Raise concerns of potential human rights issues through appropriate channels.
- Participate in training and awareness activities as required.

This Council Policy acknowledges the importance of fundamental human rights.

Council is committed to recognising and protecting these rights when creating policies and procedures that shape the frameworks, standards, behaviors, and actions of the Banana Shire Council.

An assessment of this Policy determined that it does not limit or affect any human rights under the *Human Rights Act 2019*.

## Reference Documents

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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

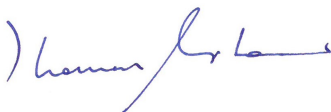
## PROCEDURE

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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

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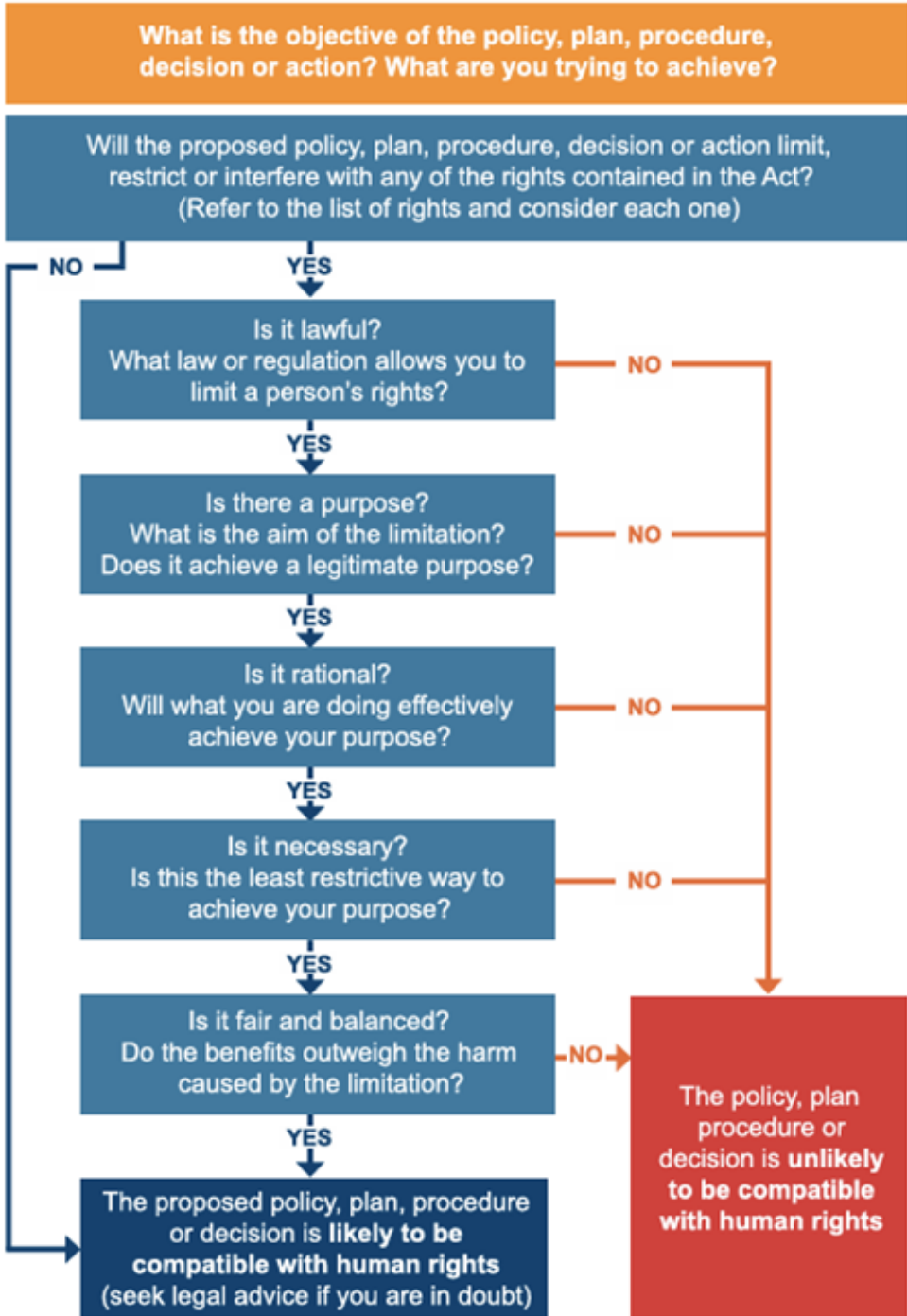
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**CHIEF EXECUTIVE OFFICER**  
**BANANA SHIRE COUNCIL**

26 May 2026

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**DATE**



## Assessing for compatibility with human rights



More information and resources for public entities are available at [www.qhrc.qld.gov.au](http://www.qhrc.qld.gov.au).