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| Adopted at Council Ordinary Meeting on | 28 January 2020 | |
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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.¹

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

¹ Preamble to the *Human Rights Act 2019*

4. Regulatory Authority

Human Rights Act 2019

5. Human Rights Commitment

Ipswich City Council (Council) has considered the human rights protected under the *Human Rights Act 2019 (Qld)* (the Act) when adopting and/or amending this policy. When applying this policy, Council will act and make decisions in a way that is compatible with human rights and give proper consideration to a human right relevant to the decision in accordance with the Act.

6. 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.

7. 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.

8. Key Stakeholders

The following will be consulted during the review process:

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

9. 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.

10. 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).

11. Policy Owner

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