



HUMAN RIGHTS POLICY

1. Scope

The Human Rights Policy (this 'Policy') applies to all Councillors, employees, volunteers and contractors of McKinlay Shire Council.

2. Purpose

This Policy is to assist all areas of Council to meet our human rights obligations. As a public entity, Council must:

- a) act or make a decision in a way that is compatible with human rights; and
- b) give proper consideration to human rights.

3. References (legislation/related documents)

Legislative references

Human Rights Act 2019
Local Government Act 2009
Local Government Regulations 2012

Related documents

Councillor Code of Conduct
Employee Code of conduct
Queensland's Human Rights Act 2019: A guide for public entities (Queensland Human Rights Commission)

4. Definitions

To assist in interpretation, the following definitions shall apply:

Council McKinlay Shire Council.

Human Rights The rights stated in part 2, divisions 2 and 3 of the Human Rights Act 2019.

The Act Human Rights Act 2019.

5. Policy Statement

Council is committed to building a culture within the organisation that respects and promotes human rights.

Human rights will be taken into consideration when delivering services, applying policies and creating new laws. The Act requires Council to act and make decisions 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.

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5.1 Objectives of the Act

The main objectives of the Act are:

- a) to protect and promote human rights; and
- b) to help build a culture in the Queensland public sector that respects and promotes human rights; and
- c) to help promote a dialogue about the nature, meaning and scope of human rights.

5.2 Protected human rights

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 17 of the Act);
- 4) Right to freedom from forced work (section 18 of the Act);
- 5) Right of 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 (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); and
- 23) Right to health Services (section 37 of the Act).

5.3 Act compatibly with human rights

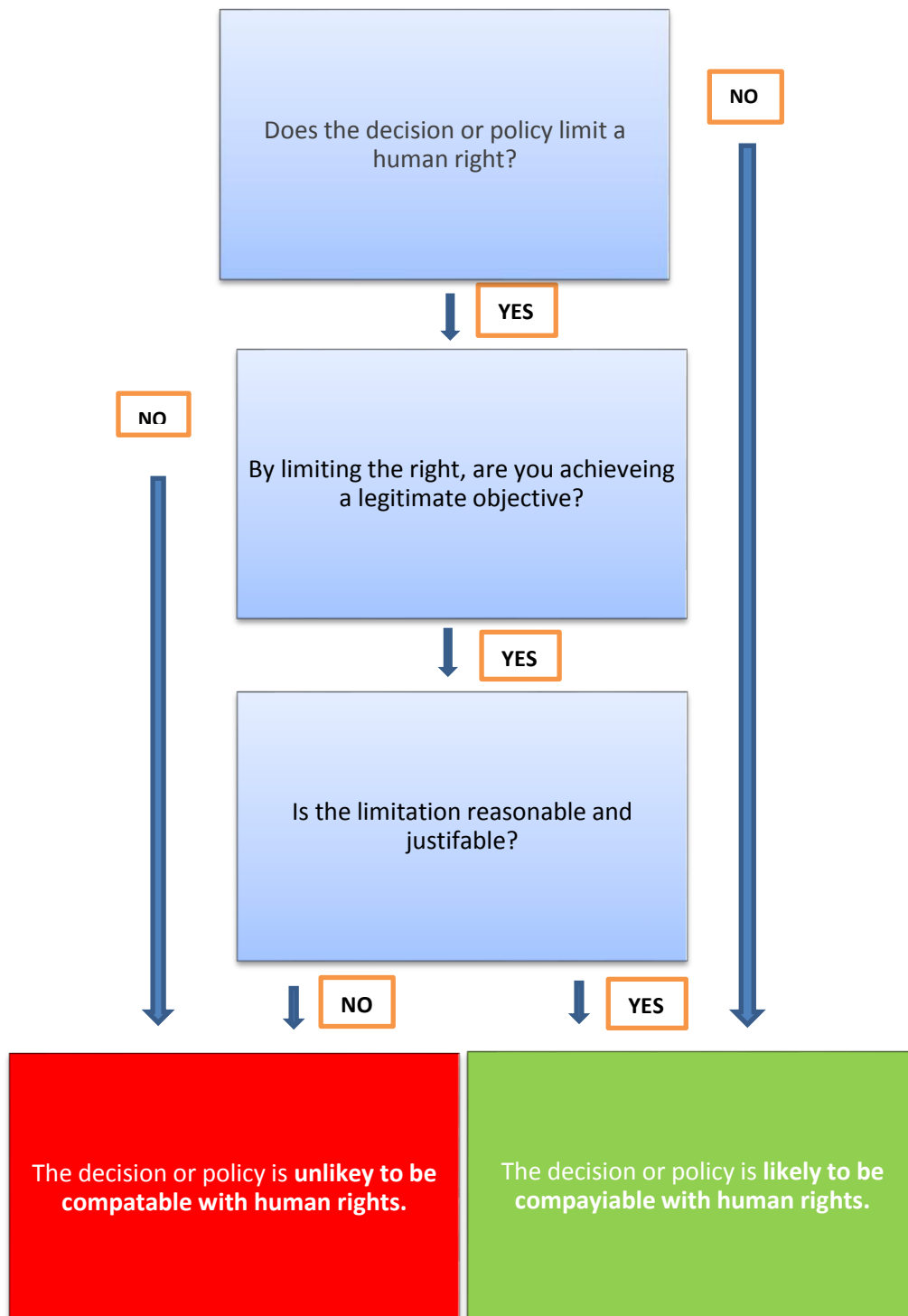
One of the key requirements of the Act is that actions, decisions or statutory provision must be compatible with human rights.

An action, decision or provision will be compatible with human rights if:

- a) it does not limit a human right; or
- b) it limits a human right only to the extent that is reasonable and demonstrably justifiable in accordance with the Act.

Section 13 of the Act provides guidance for deciding whether a limit on a human right is reasonable and justifiable.

Council has adopted the following approach tabled below to assess the compatibility of decisions or policies.



5.4 Human Rights Complaints

If an individual 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, which includes:

- Internal complaints;
- Independent complaints; and
- Raising the Act in courts and tribunals.

5.4.1 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:

- a) Verbally – either by a telephone call to Council’s call centre or by visiting Council’s Administration centre. Council’s phone number is:

- 07 4746 7166

Council’s Administration centre address is:

- 29 Burke Street, Julia Creek

- b) In writing – either mailed 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

McKinlay Shire Council

PO Box 177

Julia Creek QLD 4823

Council’s enquiries email address is:

reception@mckinlay.qld.gov.au

Council’s internet site is: www.mckinlay.qld.gov.au

Council’s Human Rights complaint management process is outline in Appendix 1: Complaints handling flowchart.

5.4.2 Independent complaints

An individual 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.

5.4.3 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.

5.5 Remedies

Where there is a breach of the Act, a person cannot claim financial compensation. However, where the complaint is not resolved, the Queensland Human Rights Commission can make recommendations regarding actions required of the respondent to uphold human rights.

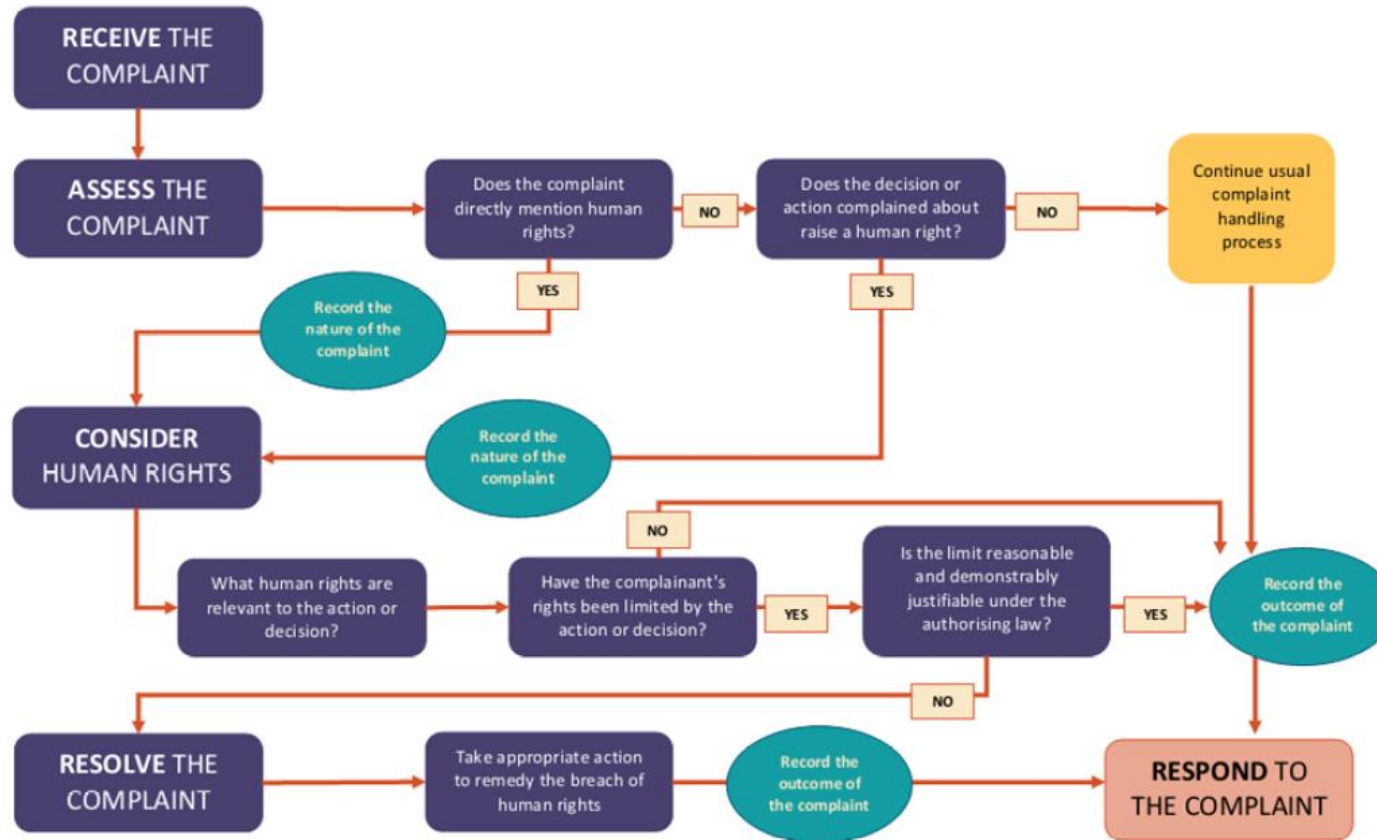
6. Changes to this Policy

This Policy will be reviewed when any of the following occur:

- 1) The related information is amended or replaced; or
- 2) Other circumstances as determined from time to time by the Council.

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Appendix 1: Complaints handling flowchart





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