



# Human Rights and Social Justice Framework

2017-2021



Maribyrnong  
CITY COUNCIL

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## Mayors message

The City of Maribyrnong is a diverse and vibrant community that is experiencing significant population growth and change. This growth presents both opportunities and challenges to the liveability of local neighbourhoods.

It is important that Council actively embraces opportunities to improve health and wellbeing and reduce inequality for local residents, through advocacy on important issues and the provision of high quality community infrastructure, services and programs.

Human rights and social justice are fundamental to improving health and wellbeing and reducing inequality for local residents. This framework provides a foundation for Council's commitment to protect human rights and promote social justice in the City of Maribyrnong and aligns with the vision, principles and values of the Council Plan 2017-2021.

I encourage you to read this framework and help Council to support human rights and social justice in the City of Maribyrnong community.

**Cr Martin Zakharov, Mayor, City of Maribyrnong**



## CEO's Message

Maribyrnong City Council has a key role to play in supporting the development of a vibrant, liveable city that meets the diverse needs of local residents.

As Chair of Council's Human Rights and Social Justice Steering Group, I have worked with Steering Group members to develop this framework. The implementation of this framework provides a basis for Council to continue to demonstrate leadership in promoting a community that values diversity, reduces discrimination and disadvantage, and improves health and wellbeing.

I encourage you to read the framework and find out how Council supports human rights and social justice in the City of Maribyrnong.

**Stephen Wall CEO**

## ACKNOWLEDGEMENT

We acknowledge the Australian Aboriginal and Torres Strait Islander peoples of this nation. We acknowledge the people of the Kulin nation as traditional custodians of the lands on which Maribyrnong City Council is located and where we conduct our business. We are committed to honouring Australian Aboriginal and Torres Strait Islander peoples' unique cultural and spiritual relationships to the land, waters and seas and their contribution to society.



# What is human rights and social justice?

Human rights are the rights that belong to everyone. These rights are recognised as the basic standards required for governments and communities to operate in a respectful and peaceful manner.

Social justice is the pursuit of equal rights and equal opportunity for all people in our community. Social justice seeks to redress the impact that social and economic inequalities have on both the people experiencing it and the wider community.

## PURPOSE OF THE FRAMEWORK

The purpose of this framework is to provide a foundation for Council's commitment and actions to protect human rights and promote social justice in the City of Maribyrnong community. It aligns with the vision, principles and values of the Council Plan 2017-2021 and will apply to all of Council's laws, policies, programs and services.

The framework outlines Council's commitment to human rights and social justice which includes the four pillars for action: Compliance, Culture, Advocacy and Practice. The pillars form the basis for Council's actions to support the commitment.

The framework also provides cases studies under each pillar to demonstrate how Council is protecting human rights and promoting social justice in the municipality.



# Commitment to human rights and social justice

Maribyrnong City Council is committed to the key human rights and social justice values of freedom, respect, equity and dignity for all people living in the City of Maribyrnong.

Council will promote a community that values diversity and ensures that people are not discriminated against regardless of race, faith, ability, age, sexual orientation, gender identity or economic status.

Council will meet this commitment through four pillars for action:

## 1. Compliance

Upholding the *Charter of Human Rights and Responsibilities Act 2006* and other legislation relating to human rights.

## 2. Culture

Developing a culture of understanding of human rights and social justice across Council to support local communities.

## 3. Advocacy

Advocating to reduce discrimination and disadvantage, and improve health and wellbeing in the municipality.

## 4. Practice

Promoting equity of access to the municipality's services and public places.







## Appendix 1: Charter for Human Rights and Responsibilities Act 2006

The *Charter of Human Rights and Responsibilities Act 2006* (the Charter) is a law that sets out the basic rights, freedoms and responsibilities of all people in Victoria. It is about the relationship between government and the people it serves.

The Charter lets the Victorian community know about which rights the Victorian Government will protect, how it intends to do this, and what the consequences are for failing to do so. It gives public authorities rules and a framework within which to operate, and the community a language and principles with which to engage public authorities.

Public authorities such as Councils, police, hospitals and public schools must consider these rights when making decisions, creating laws, setting policies and providing services. The Charter provides a framework to assess actions by a public authority that may limit human rights.

Further details of the rights contained in the Charter, can be found on the Victorian Equal Opportunity and Human Rights Commission's (VEOHRC) website at: <http://www.humanrightscommission.vic.gov.au/the-charter/rights-under-the-charter>

**The Charter consists of 20 rights which cover four key areas: Freedom, Respect, Equality and Dignity. The rights are as follows:**

### **Your right to recognition and equality before the law (section 8)**

Everyone is entitled to equal and effective protection against discrimination, and to enjoy their human rights without discrimination.

### **Your right to life (section 9)**

Every person has the right to life and to not have their life taken. The right to life includes a duty on government to take appropriate steps to protect the right to life.

Your right to protection from torture and cruel, inhuman or degrading treatment (section 10)

People must not be tortured. People must also not be treated or punished in a cruel, inhuman or degrading way. This includes protection from treatment that humiliates a person. People must not be subjected to medical treatment or experiments without their full and informed consent.

### **Your right to freedom from forced work (section 11)**

A person must not be forced to work or be made a slave. A person is a slave when someone else has complete control over them.

### **Your right to freedom of movement (section 12)**

People can stay in or leave Victoria whenever they want to as long as they are here lawfully. They can move around freely within Victoria and choose where they live.

### **Your right to privacy and reputation (section 13)**

Everyone has the right to keep their lives private. Your family, home or personal information cannot be interfered with, unless the law allows it.

### **Your right to freedom of thought, conscience, religion and belief (section 14)**

People have the freedom to think and believe what they want, for example, religion. They can do this in public or private, as part of a group or alone.

### **Your right to freedom of expression (section 15)**

People are free to say what they think and want to say. They have the right to find, receive and share information and ideas. In general, this right might be limited to respect the rights and reputation of other people, or for the protection of public safety and order.

### **Your right to peaceful assembly and freedom of association (section 16)**

People have the right to join groups or unions and to meet peacefully.

### **Your right to protection of families and children (section 17)**

Families are entitled to protection. Children have the same rights as adults with added protection according to their best interests.

### **Your right to taking part in public life (section 18)**

Every person has the right to take part in public life, such as the right to vote or run for public office.

### **Cultural rights (section 19)**

People can have different family, religious or cultural backgrounds. They can enjoy their culture, declare and practice their religion and use their languages. Aboriginal persons hold distinct cultural rights.

### **Property rights (section 20)**

People are protected from having their property taken, unless the law says it can be taken.

### **Your right to liberty and security of person (section 21)**

Everyone has the right to freedom and safety. The right to liberty includes the right to not be arrested or detained except in accordance with the law. The right to security means that reasonable steps must be taken to ensure the physical safety of people who are in danger of physical harm.

### **Your right to humane treatment when deprived of liberty (section 22)**

People have the right to be treated with humanity if they are accused of breaking the law and are detained.



### **Rights of children in the criminal process (section 23)**

A child charged with committing a crime or who has been detained without charge must not be held with adults. They must also be brought to trial as quickly as possible and treated in a way that is appropriate for their age. Children are entitled to opportunities for education and rehabilitation in detention.

### **Your right to a fair hearing (section 24)**

A person has a right to a fair hearing. This means the right to have criminal charges or civil proceedings decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

### **Rights in criminal proceedings (section 25)**

There are a number of minimum guarantees that you have when you have been charged with a criminal offence. These include:

- » the right to be told the charges against you in a language you understand
- » the right to an interpreter if you need one; the right to have time and the facilities (such as a computer) to prepare your own case or to talk to your lawyer
- » the right to have your trial heard without too much delay
- » the right to be told about Legal Aid if you don't already have a lawyer
- » you are presumed innocent until proven guilty
- » you don't have to testify against yourself or confess your guilt unless you choose to do so.

### **Right not to be tried or punished more than once (section 26)**

A person will only go to court and be tried once for a crime. This means if the person is found guilty they will only be punished once. If they are found to be innocent they will not be punished.

### **Retrospective criminal laws (section 27)**

A person has the right not to be prosecuted or punished for things that were not criminal offences at the time they were committed.

## Appendix 2: Other Legislation relating to human rights and social justice

### STATE LEGISLATION

#### Equal Opportunity Act 2010

This Act provides protections from discrimination in public life in Victoria. This includes providing avenues for people to resolve discrimination disputes and outlines VEOHRC's role in helping government, business and the community to identify and eliminate discrimination.

<http://www.humanrightscommission.vic.gov.au/the-law/equal-opportunity-act>

#### Racial and Religious Tolerance Act 2002

This Act prohibits behaviour that incites or encourages hatred, serious contempt, revulsion or severe ridicule against another person or group of people because of their race and/or religion.

<http://www.humanrightscommission.vic.gov.au/the-law/racial-and-religious-tolerance-act>

#### Public Health and Wellbeing Act 2008

Under this Act, the function of a Council is to seek to protect, improve and promote public health and wellbeing within the municipal district and to apply the 'precautionary principle' to preventing and controlling public health risk.

<https://www2.health.vic.gov.au/about/legislation/public-health-and-wellbeing-act>

#### Local Government Act 1989

The primary objective of this Act is for Local Government 'to endeavour to achieve the best outcomes for the local community having regard to the long term and cumulative effects of decisions'.

<http://www.dpc.vic.gov.au/index.php/local-government/complaints-and-investigations/jurisdiction-and-authority/local-government-act-1989>

#### Disability Act 2006

This Act aims to reaffirm and strengthen the rights of people with disability which is based on the recognition that this requires support across the government sector and in the community.

<http://www.dhs.vic.gov.au/for-individuals/disability/your-rights/disability-act-2006>

#### Multicultural Victoria Act 2011

This Act establishes the principles of multiculturalism in Victoria and is the basis for the establishment of the Victorian Multicultural Commission.

<http://www.multicultural.vic.gov.au/about-us/legislation/multicultural-victoria-act-2011>

### **Family Violence Protection Act 2008**

The Act includes a range of initiatives to better protect those subject to family violence, usually women and children, and to make perpetrators accountable for their actions.

<http://www.vgso.vic.gov.au/content/family-violence-protection-act-2008>

### **Privacy and Data Protection Act 2014**

This Act aims to strengthen the protection of personal information and other data that is held by the Victorian Public Sector.

[http://www.austlii.edu.au/au/legis/vic/num\\_act/padpa201460o2014317/](http://www.austlii.edu.au/au/legis/vic/num_act/padpa201460o2014317/)

### **Climate Change Act 2010**

This Act recognises that Victoria's climate is changing and introduces a duty that requires local government to consider climate change when developing a public municipal health and wellbeing plan.

[http://www.austlii.edu.au/au/legis/vic/consol\\_act/cc2010109/](http://www.austlii.edu.au/au/legis/vic/consol_act/cc2010109/)

### **Environment Protection Act 1970**

This Act has a basic philosophy of preventing pollution and environmental damage by setting environmental quality objective and establishing programs to meet them. Over the years, the Act has evolved to keep pace with the world's best practice in environment protection regulation and to meet the needs of the community.

<http://www.epa.vic.gov.au/about-us/legislation/acts-administered-by-epa>

## **FEDERAL LEGISLATION**

### **Racial Discrimination Act 1975**

This Act makes it against the law to discriminate against a person because of their race, colour, descent, national or ethnic origin or immigration status.

<https://www.humanrights.gov.au/our-work/legal/legislation>

### **Sex Discrimination Act 1984**

This Act protects people from unfair treatment on the basis of their sex, sexual orientation, gender identity, intersex status, marital or relationship status, pregnancy and breastfeeding. It also protects workers with family responsibilities and makes sexual harassment against the law.

<https://www.humanrights.gov.au/our-work/legal/legislation>



### **Age Discrimination Act 2004**

This Act makes it illegal to treat a person unfairly based on their age.

<https://www.humanrights.gov.au/our-work/legal/legislation>

### **Disability Discrimination Act 1992**

This Act makes it illegal to discriminate against a person with a disability and promotes equal rights, equal opportunity and equal access for people with disabilities.

<https://www.humanrights.gov.au/our-work/legal/legislation>

### **Fair Work Act 2009**

This Act provides a safety net of minimum entitlements in Australian workplaces and prevents discrimination against employees.

<https://www.fairwork.gov.au/about-us/legislation>



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