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## 1. Purpose

The Victorian Charter of Human Rights and Responsibilities Act 2006 is a law that protects the human rights of all people in Victoria. The first part of the Charter commenced 1 January 2007 and as of 1 January 2008 all public authorities are obliged to act compatibly with the Charter. The Charter will increase transparency in decision making affecting people's rights, and assure the public that their rights are being taken into account by the courts, the parliament and public authorities in the provision of services.

The Charter was implemented because some basic human rights such as freedom of expression, freedom of religion and protection against cruel, inhuman and degrading treatment previously had no clear legal protection. Many of the rights found in the Charter are found in other legislation such as the *Equal Opportunity Act 1995*, *Crimes Act 1958*, and *Racial and Religious Tolerance Act 2001*.

All employees of the public sector have legal responsibilities involving decision making process and professional behaviour. For Nillumbik Shire Council this is not just about compliance, but a commitment to human rights culture within Council.

This Human Rights and Responsibilities Guidelines explains these principles and how they apply to councillors, council officers and contractors.

## 2. Objectives

Council's objectives are to:

- act in a fair, transparent and equitable manner
- encourage compliance with the Charter
- support others to act compatibly with the Charter
- respect and promote human rights
- utilise the human rights principles to improve customer service to the community

Council's values in the Council Plan 2007-2011 also underpin how we work with each other, our partners and our community and how we plan for and deliver services.

Council's values are:

### **Respect**

We value our community and each other.

### **Collaborative leadership**

We work with each other and the community to achieve our goals.

### **Integrity**

We aim to be honest, open and fair in everything we do.

**Diversity**

We embrace the strength which diversity brings to our community.

**Accountability**

We take responsibility for our actions.

**Innovation**

We will encourage better ways of doing things.

**3. References**

The organisation will be guided in its implementation of these guidelines by the principles enshrined in the:

- *Charter of Human Rights and Responsibilities Act 2006.*
- *Crimes Act 1958*
- *Equal Opportunity Act 1995*
- *Freedom of Information Act 1982*
- *Information Privacy Act 2000*
- *Occupational Health and Safety Act 1985*
- *Public Administration Act 2004*
- *Public Sector Management and Employment Act 1998*
- *Racial and Religious Tolerance Act 2001*
- *Whistleblowers Protection Act 2001*

**Commonwealth**

- *Crimes Act 1914*
- *Disability Discrimination Act 1992*
- *Human Rights and Equal Opportunity Commission Act 1986*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*

**4. Definitions**

Key terms used in these guidelines are:

**Charter**

The *Charter of Human Rights and Responsibilities Act 2006*.

**Human Rights**

The human rights are set out in Part 3 of the Charter. These are primarily civil and political rights derived from the ICCPR (*International Covenant on Civil and Political Rights 1966*). The Charter also includes cultural rights including distinct cultural rights of Aboriginal person. The Charter does not seek to give effect to the ICESCR (*International Covenant on Economic, Social and Cultural Rights 1966*).

Human rights are the basic rights that belong to all of us because we are human beings. They have been recognised around the world as the basic standards required for governments, societies and communities to operate in a respectful and peaceful manner.

Human rights are the foundation for freedom, justice, peace and respect, and are an essential part of any democratic and inclusive society that respects the rule of law, human dignity and equality.

### **Public authorities**

Public authorities includes public servants, Victoria Police, local councils, and ministers, as well as non-government organisations performing public functions on behalf of government.

### **Reasonably limited**

It is important to understand that the Charter allows for all of the 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 Charter. Reasonable limitation involves balancing act between the rights of the individual and the rights of the community.

Limits of rights must be:

- Reasonable
- Justified
- Proportionate
- Rational
- Balanced

### **Victorian Equal Opportunity and Human Rights Commission**

Replaces the Victorian Equal Opportunity Commission. The new Commission will have an expanded role to include monitoring and review of the Charter, and providing education on the Charter and human rights in Victoria.

### **Dialogue model**

The Charter is based on a 'dialogue model' whereby the government, courts and parliament have specific roles to ensure that human rights standards are protected and promoted.

This means that Government must take into account the Charter when developing policies, new legislation and service delivery. All new Bills introduced into parliament require a statement explaining whether they are compatible or incompatible.

## **5. Background - The Charter**

The *Charter of Human Rights and Responsibilities Act 2006* recognises only the rights of people, it does not include corporations or entities. The Charter is a form of insurance to ensure human rights are a priority for the government when making laws and decisions and when providing service. The Charter assists public authorities to strike a balance between protecting the rights of Victorians and other competing public interests.

The Charter will increase transparency in decision making affecting people's rights, and will assure the public that their rights are being taken into account by the courts, the parliament and public authorities.

There are twenty rights in the Act that fall under four key principles of freedom, respect, equality and dignity. (see **Attachment A** for further detail).

The four basic principles and rights cover:

### **Freedom**

- Freedom from forced work
- Freedom of movement
- Freedom of thought, conscience, religion and belief
- Freedom of expression
- Right to peaceful assembly and freedom of association
- Property rights
- Right to liberty and security of person
- Fair hearing
- Rights in criminal proceedings
- Right not to be tried and punished more than once
- Protection from retrospective criminal laws

### **Respect**

- Right to life
- Protection of families and children
- Cultural rights, including recognition that human rights have a special importance for the Aboriginal people of Victoria

### **Equality**

- Recognition and equality before the law
- Entitlement to participate in public life (including voting)

### **Dignity**

- Prohibition on torture and cruel, inhuman or degrading treatment
- Protection of privacy and reputation
- Humane treatment when deprived of liberty
- Appropriate treatment of children in the criminal process

## **5.1 Limitations**

All rights contained within the Charter must be read in light of the general limitations clause contained in Section 7 of the Charter.

s.7(2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including –

- (a) the nature of the right; and
- (b) the importance of the purpose of the limitation; and
- (c) the nature and extent of the limitation; and
- (d) the relationship between the limitation and its purpose; and
- (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

## **6. Charter principles**

### **6.1 Compliance and responsibilities**

All Council employees must take the Charter into account when developing and implementing Council guidelines, policies, local laws, procedures, decisions and services and ensure they are compatible with the Charter.

All statutory provisions (eg. laws, regulations) are to be interpreted so far as is possible in a way that is compatible with human rights. If laws or regulations can be understood in a number of ways, the Charter requires that the interpretation that takes human rights into account should be preferred.

#### **Service delivery officers**

- Must be aware of any changes to policies and procedures in their work area.
- When making decisions and/or exercising discretion it should be done so in accordance with the Charter.
- Are to raise with their Manager any potential limitations on human rights that they believe are unreasonable.

#### **Policy officers**

- Must consider relevant human rights when developing policy. This should include undertaking a human rights impact assessment (see form **Attachment B**) for new policies and considering whether any proposed limitations on rights are reasonable.
- Review existing policies and procedures for Charter compatibility, particularly if overarching legislation or regulations are amended to be compatible with the Charter.
- Legal policy staff will need to develop statements of compatibility for all new legislation and human rights certificates for all new statutory rules.

#### **All Officers**

All Council employees have key responsibilities that apply and they include:

- Encourage compliance with the Charter
- Support each other to act compatibly with the Charter
- Respect and promote human rights

## 6.2 Decision making

It is important to understand that the Charter allows for all of the 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 Charter. Deciding what is reasonable is a matter of balancing the rights of the individual and the rights of the community.

All statutory provisions (eg. laws, regulations) are to be interpreted so far as is possible in a way that is compatible with human rights. If laws or regulations can be understood in a number of ways, the Charter requires that the interpretation that takes human rights into account should be preferred.

During the decision making stage deciding what is reasonable limitation is a matter of balancing the rights of the individual and the rights of the community.

- Rights need to be balanced against each other
- Rights need to be balanced against other competing public interest

Limitations on rights must be reasonable, justified, proportionate, rational, and balanced.

## 6.3 Service delivery

All officers will be expected to deliver services that are consistent with human rights.

Council officers are required to continually review and improve service delivery and ensure transparent decision making by promoting a human rights culture.

When services are reviewed and, where necessary, improved to be compatible with human rights the changes made will bring direct benefit to members of the community.

## 7. Implementation

This part of the Charter of Human Rights and Responsibilities Guidelines outlines Council's organisational procedures.

### 7.1 Finding of unlawful action

A person who believes their human rights have been violated by a public authority cannot seek damages for this under the Charter.

However, if a person is able to go to court or apply to a tribunal under another law (an existing cause of action), a claim can be added that the public authority (Council) acted unlawfully because they breached the Charter. If the court or the tribunal finds there has been unlawful activity, they may be able to stop further activity.

The Ombudsman can also investigate whether an administrative action is incompatible with a human right.

## 7.2 Complaints procedure

Nillumbik Shire Council will take seriously and resolve any complaints made internally or by external clients.

### Internal

All internal complaints will be dealt with through the implementation of the internal grievance procedures. These procedures are available to assist all employees who are also protected by the Charter. Managers and the Human Rights Contact Officer are available to provide further details, support and advice.

It is important to raise the issue of any potential or possible breach as soon as practicable.

### Making a formal complaint

If someone feels that their human rights have been breached or limited by Council, they may make a complaint to Council's Human Rights Officer by telephone (03) 9433 3312 or preferably in writing to PO Box 476, Greensborough 3088. The complaint will be investigated as soon as possible, but no later than five (5) business days and they will be provided with a written response.

Where possible the following information should be provided in writing:

- Your name, address and contact details
- Name, address, contact details of the individuals and/or
- Details in chronological order about
  - What happened to you?
  - When did it happen?
  - Who was involved? Witnesses?
  - Where did it happen?
- Relevant written documentation (letters etc) can be attached or referred to in your letter.
- Provide evidence to support your complaint.
- Explain how the situation has affected you. What detriment have you suffered?
- Let us know what you want to resolve this complaint.

### Seeking assistance from the Equal Opportunity and Human Rights Commission

If you choose to, you may seek further information or assistance from the Equal Opportunity and Human Rights Commission. They are located at Level 3, 380 Lonsdale Street, Melbourne.

Their advice line number is 9281 7111 or 1800 134 142 (toll free).

The advice line is open:

Weekdays: 9am-5pm

Wednesdays: 9am-2pm and from 4pm-5pm.

Via email: [information@veohrc.vic.gov.au](mailto:information@veohrc.vic.gov.au)

If you are not satisfied with Council's resolution or decision-making process regarding your human right complaint you may decide to lodge a complaint with the Equal Opportunity and Human Rights Commission, who have a formal process in place to determine whether they can hear the case. The Commission is not a tribunal or court. They will help people to resolve complaints by mutual agreement.

### **7.3 Accountabilities**

#### **Chief Executive Officer**

The Chief Executive Officer is to ensure through the Human Rights Officer and Managers that Nillumbik Shire Council is acting compatibly with the Charter and that Councillors are also taking into account the Charter when making decisions and providing advice to the community.

#### **Group Managers, Managers, and Supervisors**

Managers to comply with the Charter must:

- Identify areas of concern for their section
- Implement actions to comply with the Charter for those areas identified of concern.
- Educate and train all of their staff
- Review policies and key service deliveries
- Support and inform related agencies and entities (those bodies performing functions of a public nature on behalf of Council).
- Review existing relationships with non-government organisations.

Ongoing for managers and supervisors to:

- Act as role models
- Encourage discussion of human rights
- Genuinely consult and seek feedback from staff.

#### **Human Rights Officer**

Council has appointed an existing member of staff to be designated as the Human Rights Officer as per Council's sub delegations to whom all enquiries/complaints about Human Rights will be referred. The officer will also provide advice and options to staff on human rights issues as required.

The Human Rights Officer will ensure the organisation acts compatibly with the Charter and that the Council's Charter of Human Rights Action Plan is implemented to ensure Council complies with the Charter.

#### **All employees**

All Council employees are obliged to act compatibly with human rights. All officers must take the Charter into account when developing and implementing Council guidelines, policies, local laws, procedures, decisions and services and ensure they are compatible with the Charter.

## **Contract Officers**

Council Contract Officers must ensure all contractors performing or acting on behalf of Council are made aware of the Charter and comply with the Charter if performing activities on Council's behalf.

## **Contractors and other entities performing work for Council**

The Charter defines public authority and makes it clear that it includes a wide range of organisations providing services of a public nature. This could include private sector organisations under contract.

### **7.4 Strategies to 'Think Charter'**

All employees share responsibility for the implementation of the Charter and should use the following strategies to 'Think Charter':

- a) What are the human rights raised by this situation?
- b) Whose rights are they?
- c) How are they being limited or restricted?
- d) Is there any justification for them being limited or restricted?
- e) Are there any practical ways to reduce the limitation?
- f) What do other people think?

### **7.5 Minimising risk of breaching the Charter of Human Rights**

Our commitment to the Charter will be achieved by implementing a Human Rights Action Plan which involves educating all Council employees of their rights and responsibilities and informing and promoting human rights within the Nillumbik community.

Nillumbik Shire Council is further committed to ensuring all staff adhere to these guidelines in their dealings with the community and external clients/providers.

Council's Human Rights Officer will also be available to advise on how the Charter applies in cases where there is uncertainty and provide the organisation with updates on human right issues that will impact on local government.

### **7.6 Review**

Council will review these guidelines from time to time to ensure alignment with other related documents. The guidelines will also be reviewed and amended where necessary following the Parliamentary review of the Charter in October 2011.

## 8. Related documents

Privacy Policy and Guidelines  
Staff Code of Conduct  
OHS-P307 Risk Management  
OHS-P304 Issue Resolution  
Governance Code incorporating Code of Conduct  
Public Administration Act 2004  
Risk Management Policy  
Equal Opportunity & Anti Bullying & Violence Policy

Relevant legislation includes, but is not limited to:

### Victorian

Crimes Act 1958  
Equal Opportunity Act 1995  
Freedom of Information Act 1982  
Information Privacy Act 2000  
Occupational Health and Safety Act 1985  
Public Administration Act 2004  
Public Sector Management and Employment Act 1998  
Racial and Religious Tolerance Act 2001  
Whistleblowers Protection Act 2001

### Commonwealth

Crimes Act 1914  
Disability Discrimination Act 1992  
Human Rights and Equal Opportunity Commission Act 1986  
Racial Discrimination Act 1975  
Sex Discrimination Act 1984

## 9. Further information

If you have any queries about the Charter of Human Rights and Responsibilities Guidelines, please contact Council's Human Rights Officer (telephone (03) 9433 3312), or through Council's web site at <http://www.nillumbik.vic.gov.au>.

Further information can also be obtained by the Victorian Equal Opportunity and Human Rights Commission website [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au).

## 10. Useful sites

Victorian Department of Justice – human rights page (including link to the Charter)  
[www.justice.vic.gov.au/humanrights/](http://www.justice.vic.gov.au/humanrights/)

The Victorian Equal Opportunity and Human Rights Commission website has very useful information regarding human rights [www.humanrightscommission.vic.gov.au](http://www.humanrightscommission.vic.gov.au).

The Human Rights Law Resource Centre has a range of useful information about the Charter and human rights more broadly. Their site is at [www.hrlrc.org.au](http://www.hrlrc.org.au)

ACT Human Rights Office (including ACT court decisions involving human rights)  
[www.hro.act.gov.au](http://www.hro.act.gov.au)

Report of the ACT Bill of Rights Consultative Committee, Towards an ACT Human Rights Act (May 2003) [www.jcs.act.gov.au/prd/rights/reports.html](http://www.jcs.act.gov.au/prd/rights/reports.html)

The Human Rights Act: <http://www.opsi.gov.uk/ACTS/acts1998/19980042.htm>

## Attachment A: Charter rights explained

### Rights protected by the Charter

Please note that all rights contained within the Charter must be read in light of the general limitations clause contained in Section 7 of the Charter.

**s.7(2) A human right may be subject under law only to such reasonable limits as can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom, and taking into account all relevant factors including:**

- (a) the nature of the right; and
- (b) the importance of the purpose of the limitation; and
- (c) the nature and extent of the limitation; and
- (d) the relationship between the limitation and its purpose; and
- (e) any less restrictive means reasonably available to achieve the purpose that the limitation seeks to achieve.

### Freedom

#### s.11 Freedom from forced work

A person must not be held in slavery or servitude.

A person must not be made to perform forced or compulsory labour other than work or service as a result of a court order; during emergency situations; or as part of normal civil obligations.

#### s.12 Freedom of movement

People have the right to enter and leave Victoria, to move freely within it and to freely choose where to live.

#### s.14 Freedom of thought, conscience, religion and belief

People have the right to freedom of thought, conscience, religion and belief.

This includes the freedom to choose a religion or belief, and the freedom to demonstrate the religion individually or as part of a community and in public or private.

A person must not be coerced or restrained in a way that limits their freedom to have or adopt a religion or belief in worship, observance, practice or teaching.

**s.15 Freedom of expression**

People have the right to hold opinions without interference.

People have the right to freedom of expression which includes the right to seek, receive and impart information and ideas except when lawful restrictions are reasonably necessary to respect the rights and reputation of others or for the protection of national security, public order, public health or public morality.

**s.16 Right to peaceful assembly and freedom of association**

People have the right to assemble peacefully.

People have the right to freely associate with others and to form and join trade unions.

**s.20 Property rights**

A person must not be deprived of his or her property except in accordance with law.

**s.21 Right to liberty and security of person**

Every person has the right to liberty and security.

A person must not be subjected to arbitrary arrest and detention.

A person must not be deprived of his or her liberty, except on grounds established by law, and in accordance with procedures established by law.

A person arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and promptly informed about any proceedings to be brought against him or her.

A person arrested or detained on a criminal charge must be promptly brought before a court and tried within reasonable time after arrest or detention. If not, that person must be released.

A person awaiting trial must not be automatically detained in custody. His or her release may be subject to guarantees to appear for trial or for any other stage of the judicial proceeding.

Any person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of the detention. The court must make a decision on the application without delay and order the release of the person if it finds that the detention is unlawful.

A person must not be imprisoned only because of his or her inability to perform a contractual obligation.

**s.24 Fair hearing**

A person charged with a criminal offence or a party to a civil proceeding has the right to have the charge or proceeding decided by a competent, independent and impartial court or tribunal after a fair and public hearing.

A court or tribunal may exclude the media and public from all or part of a hearing if permitted to do so by a law other than the Charter.

All judgements or decisions made by a court or tribunal in a criminal or civil proceeding must be made public unless this is not in the best interests of a child or is permitted by a law other than the Charter.

**s.25 Rights in criminal proceedings**

A person charged with a criminal offence has the right to be presumed innocent until proved guilty according to law.

A person charged with a criminal offence is entitled without discrimination to the following minimum guarantees:

- (a) to be informed promptly and in detail of the nature and the reason for the charge in a language or, if necessary, a type of communication that he or she speaks or understands; and
- (b) to have adequate time and facilities to prepare his or her defence and to communicate with a lawyer or adviser chosen by him or her; and
- (c) to be tried without unreasonable delay; and
- (d) to be tried in person, and to defend himself or herself personally or through legal assistance chosen by him or her or, if eligible, through legal assistance provided by Victorian Legal Aid; and
- (e) to be told, if he or she does not have legal assistance, about the right, if eligible, to legal assistance; and
- (f) to have legal aid provided if the interests of justice require it, without any costs payable by the accused person if he or she does not have sufficient means to pay for the assistance; and
- (g) to examine, or have examined, witnesses against him or her unless otherwise provided for by law; and
- (h) to obtain the attendance and examination of witnesses on his or her behalf under the same conditions as witnesses for the prosecution;
- (i) to have the free assistance of an interpreter if he or she cannot understand or speak English; and
- (j) to have the free assistance of assistants and specialised communication tools and technology if he or she has communication or speech difficulties that require such assistance; and
- (k) not to be compelled to testify against himself or herself or to confess guilt.

A child charged with a criminal offence has the right to a procedure that takes into account the child's age and the desirability of promoting the child's rehabilitation.

Any person convicted of a criminal offence has the right to have the conviction and sentence reviewed by a higher court in accordance with law.

#### **s.26 Right not to be punished more than once**

A person must not be tried or punished more than once for an offence in respect of which he or she has already been finally convicted or acquitted in accordance with law.

#### **s.27 Protection from retrospective criminal laws**

A person must not be found guilty of a crime if the behaviour was not against the law at the time they engaged in it. If a penalty is imposed for a crime, it must not be greater than the penalty that applied at the time the offence was committed. If a penalty for an offence is reduced after a person committed the offence but before the person is sentenced, that person is eligible for the reduced penalty. These points do not apply to offences under international law.

### **Respect**

#### **s.9 Right to life**

Every person has the right to life and the right not to be arbitrarily deprived of life.

#### **s.17 Protection of families and children**

Families, as the fundamental group unit of society, are entitled to be protected by society and by the State.

Children have the right, without discrimination, to such protection as is in their best interests and is needed by them by reason of being a child.

#### **s.19 Cultural rights**

People with particular cultural, religious, racial or linguistic background have the right to enjoy their culture, declare and practise their religion and use their language.

Aboriginal people have the right to enjoy their cultural identity and culture. They have the right to maintain their language, kinship ties, and their distinctive spiritual, material and economic relationship with the land and waters and other resources with which they have a connection under traditional laws and customs.

### **Equality**

#### **s.8 Recognition and equality before the law**

Every person has the right to equal recognition and protection before the law. Everyone is entitled to equal and effective protection against discrimination, and to enjoy human

rights without discrimination. This applies regardless of a person's age, gender, race, disability, sexual orientation, religion, marital status and a range of other personal characteristics (attributes are the same as under the Equal Opportunity Act 1995).

### **s.18 Taking part in public life**

Every person has the right and should have an opportunity to participate in the conduct of public affairs, directly or through freely chosen representatives, without discrimination.

Eligible persons have the right and should have the opportunity to vote, to be elected and to have access to the Victorian public service and public office, without discrimination.

## **Dignity**

### **s.10 Protection from torture and cruel, inhuman or degrading treatment**

A person must not be tortured, treated or punished in a cruel, inhuman or degrading way, or subjected to medical or scientific experimentation or treatment without his or her full, free and informed consent.

### **s.13 Protection of privacy and reputation**

A person has the right not to have his or her privacy, family, home or correspondence unlawfully or arbitrarily interfered with and the right not to have his or her reputation unlawfully attacked.

### **s.22 Humane treatment when deprived of liberty**

Persons deprived of liberty must be treated with humanity and with respect for their inherent human dignity.

An accused person who has been detained must be segregated from those convicted of offences, except where reasonably necessary.

An accused person detained must be treated in a way appropriate for a person not convicted.

### **s.23 Appropriate treatment of children in the criminal process**

An accused child detained or a child detained without charge must be segregated from all detained adults.

An accused child must be brought to trial as quickly as possible.

A child convicted of an offence must be treated in a way that is appropriate for his or her age.

### Attachment B: Policy initiative impact template

Once you have completed a draft policy, guidelines, strategy, local law, or procedure you should undertake the following Human Rights Impact Assessment.

This involves the following:

1. Consider whether the draft proposal raises human rights. Identify each human right under the Charter that the proposal might impact upon.
2. Consider the scope of each human right raised by the proposal. At this stage you should take into account any specific limitations or express exceptions that appear in the section providing the right.
3. Consider whether the proposal, limits, restricts or interferes with the scope of the right.
4. Consider whether that limitation or restriction is reasonable and demonstrably justified. You will need to identify all of the reasons why the limitation or restriction on the right is justified.
5. Modify the proposal so that it is compatible. If you are unable to do this you will need to justify and give reasons as to the nature and extent of the incompatibility.

Section and human right in the Charter of Human Rights 2006	Part of the policy that impacts on the right	Consideration of compatibility (Does it limit the right and explain the reasons why it is reasonable)	Other
8. Recognition and equality before the law			
9. Right to life			
10. Protection from torture & cruel, inhuman/degrading treatment			
11. Freedom from forced work			
12. Freedom of movement			
13. Privacy and reputation			
14. Freedom of thought, conscience, religion and belief			
15. Freedom of expression			

Section and human right in the Charter of Human Rights 2006	Part of the policy that impacts on the right	Consideration of compatibility (Does it limit the right and explain the reasons why it is reasonable)	Other
16. Peaceful assembly and freedom of association			
17. Protection of families and children			
18. Right to take part in public life			
19. Cultural rights			
20. Property rights			
21. Right to liberty and security of person			
22. Humane treatment when deprived of liberty			
23. Rights of children in the criminal process			
24. Right to a fair hearing			
25. Rights in criminal proceedings			
25(1) Right to be presumed innocent			
25(2) Minimum guarantees in criminal proceedings			
25(3) Rights of children in criminal proceedings			
25(4) Right to review of conviction and sentence			
26. Right not to be tried or punished more than once			
27. Retrospective criminal laws			

**If the draft policy, strategy, procedure or guidelines does not restrict any of the above human rights you can then insert the statement below into your document:**

Human Rights Charter Compatibility Statement

In accordance with section 28 of the Charter of Human Rights, the <Name> [Policy or Strategy or Local Law] is assessed as being compatible with the human rights protected by the charter. This assessment is based on a Statement of Compatibility of the Human Rights protected by the Charter that are relevant to the Policy.