



Victorian Equal Opportunity
& Human Rights Commission

Rights in focus

> Local government and the Charter
of Human Rights and Responsibilities





Victorian Equal Opportunity & Human Rights Commission

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Rights in focus: Local government and the Charter of Human Rights and Responsibilities

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Contents

| | |
|---|-----------|
| About this report | 2 |
| Introduction | 3 |
| Survey at a glance | 4 |
| 2011 survey of local government | 5 |
| Recognising the contribution of peak bodies | 6 |
| The Charter in Action | 8 |
| The Charter's positive impact | 9 |
| Planning, monitoring and coordination | 10 |
| The elected council | 11 |
| The administrative arm | 16 |
| Engaging the community | 18 |
| Third parties | 22 |
| The way forward | 23 |
| Identifying the barriers to implementation | 24 |

About this report



Introduction

The Charter of Human Rights and Responsibilities (the Charter) sets out the basic rights, freedoms and responsibilities of all people in Victoria.

It aims to foster a fairer, more inclusive community by requiring all public authorities to specifically consider human rights when they make laws, develop policies and provide services.

All public authorities in Victoria, including local government, have an obligation to respect and protect the human rights set out in the Charter.

These obligations, which came into force on 1 January 2008, require local government to act compatibly with human rights.

Under the Charter, local councils have an obligation to ensure that:

- all council decisions give proper consideration to human rights
- all actions, policies and services are compatible with human rights
- local laws are interpreted and applied consistently with human rights
- people who work on their behalf do so in a way that respects human rights.

As part of its annual reporting on the operation of the Charter, the Commission undertakes an online survey in cooperation with local government. The results from the 2011 survey are analysed in this report.

All 79 local councils responded to the Commission's survey this year. We are delighted to have received a 100 per cent response rate on the Charter's operations for the third year running.¹ It allows us to present a comprehensive picture of human rights implementation and progress in local government. It also demonstrates a strong commitment to accountability by the tier of government that works most closely with the Victorian community.

The 2011 survey followed the same methodology as the 2009 and 2010 surveys and is designed to mirror the format of the Victorian Local Governance Association's human rights toolkit, *From Compliance to Culture*.² In using this format, the Commission intends to reduce the reporting burden for councils that have adopted the 'Milestones' approach to human rights

implementation. The 'Milestones' approach aims to develop a more coordinated approach across local government towards human rights implementation and to develop indicators to measure substantive progress. It is an approach the Commission recommends that all councils follow.

This report has been structured to reflect local government's key areas of operation. It looks at the strategic approach taken by councils to implement human rights, as well as activities in relation to the elected council, the administrative arm of council and engagement with the community and third parties. This format also helps identify the degree to which human rights are becoming embedded across local government and the extent of the Charter's impact on organisational culture.

Each year the Commission reviews the operation of the Charter, including the steps taken by public authorities (councils) to uphold the rights set out in the Charter.

Four years after it came into effect, local councils across Victoria continued to report that the Charter is having a positive impact on the quality, accountability and responsiveness of many of their services.

They also highlighted the close synergy between the human rights principles of fairness, equity and community participation and the day-to-day work of councils.

The Commission's 2011 survey of local government indicates that, having become more familiar with the Charter, councils are making slower but, in some cases, more measured progress to integrate human rights principles into their policy making, decision making, service delivery and community engagement.

While there was significant activity by local government in previous years to implement a range of straightforward Charter-compliance initiatives, individual councils appear to now be considering more closely the rights and obligations of the Charter and what they mean in practice.

Building human rights principles into the way any organisation works and delivers its services is a complex and challenging undertaking. It requires time, and genuine consultation with the people and stakeholders with whom the organisation works.

1 In 2009, there were 79 responses but only 78 completed surveys. Murrindindi Shire Council was unable to provide the relevant information that year as they lost 40 per cent of the Shire in the February 2009 bushfires.

2 Available online at: <http://www.vlga.org.au/Resources/Human_Rights_Toolkit.aspx>.

This is especially true for local councils which, through their day-to-day work, touch the lives of a diverse range of people and communities, such as young children and families, people with disability, older people, and migrant and refugee communities.

The many vital services delivered by Victoria's councils can have a profound impact on the ability of people to enjoy the human rights set out in the Charter. The Commission understands this requires a steady, thoughtful approach in order that these rights be properly realised.

Of course, many individual councils across Victoria have made substantial progress towards implementing the Charter. A number have adopted best practice approaches to build a human rights culture across all parts of their organisation and in the way they engage their communities in decision making.

Our analysis indicates that the councils that have made the most significant strides in implementing the Charter fall into two broad categories: larger and/or better resourced councils and those councils operating in communities where there are high levels of diversity.

Some councils however, continue to face obstacles, such as limited resources and time constraints, which hamper their efforts to implement their Charter obligations. This was a particular concern for some smaller regional and rural councils.

A number of interface councils have also reported that they have had to cope with additional external pressures in the past year, such as large influxes of new residents.

In spite of these challenges, it is encouraging that local government continues to demonstrate a strong commitment to human rights leadership, with metropolitan, regional and rural councils spearheading a range of innovative programs, activities and partnerships within their communities.

In 2012 the Commission will develop new ways of working with Victorian councils to support them in their efforts to implement the Charter.

This will include establishing a community of practice, where councils that have made progress can share their knowledge and the benefits they have gained from integrating a human rights-based approach within their organisations.

We will also hold a forum on the Charter for all local government stakeholders, as well as publish a range of resources to provide councils with practical guidance.

Our goal is to ensure that all Victorian councils have the information, skills and support they need to translate the rights set out in the Charter into a reality for the people who live in, work in and visit their municipalities.

Survey at a glance

- **25 councils** have introduced a comprehensive plan to address human rights in all areas of their operation.
- **36 councils** have completed a review of all key strategic documents for Charter compliance and nearly one quarter have reviewed more than half their key strategic documents.
- **39 councils** have completed a review of local laws for Charter compliance.
- **23 councils** have completed a review of all their policies and procedures for Charter compliance.
- **49 councils** have established guidelines for developing new policies in compliance with the Charter.
- **Over two-thirds** of councils have reviewed, and amended where necessary, the way they deliver community services to comply with the Charter.
- **40 councils** were involved in human rights leadership projects, initiatives or local government sector networks.
- **50 councils** reported that they engage their community in all aspects of council decision making and actions.
- **26 councils** provided Charter-related training and information for councillors; 39 councils have provided training to more than 75 per cent of their councillors to date.
- **42 councils** provided human rights and Charter-related training for staff.
- **27 councils** provided information for the community on the Charter or human rights.
- **35 councils** included reference to the Charter in their procurement policies with third parties and **27 councils** included reference to the Charter in grants and funding policies.

2011 survey of local government

What councils say

“The Charter has resulted in an increased understanding of marginalised groups by the staff of Family and Children’s services, which has helped some parts of the community to better access services and receive improved care.” Moonee Valley City Council

“There has been an increased awareness of human rights through online training sessions and due to a new compulsory requirement for officers to consider the Charter when preparing their Council reports, policies and procedures.” Moreland City Council

“The Charter establishes ‘common good’ principles that establish the basis of equality and fairness for all. Human rights protections are an important way to set minimum standards for a society that is free and equal.” Brimbank City Council

“All council policies and council agenda papers reference the Charter and it has become part of the lens through which Council operates.” Wellington Shire Council

What councils have done

Boroondara City Council has developed a Human Rights Compatibility Assessment Tool to assist staff when reviewing decisions or policies in relation to its obligations under the Charter.

Knox City Council has taken a lead role in conducting forums in relation to the National Disability Insurance Scheme and Multi Purpose Taxi Program, along with a mobility forum/study.

The City of Whittlesea and Greater Shepparton City Council are both delivering a pilot program (Localities Embracing and Accepting Diversity – LEAD) aimed at improving community understanding and acceptance of cultural diversity and reducing race-based discrimination.

A number of councils have developed or reviewed their Action and Inclusion Plans, including Ararat Rural City Council, Golden Plains Shire Council, Indigo Shire Council and Surf Coast Shire Council.

Some councils have developed innovative approaches to promote community involvement in decision-making, such as conversation tents (Port Phillip City Council), listening posts and local ideas days (Brimbank City Council) and street meetings and BBQs (Stonnington City Council).

Obstacles to implementing the Charter

A lack of resources, time constraints and the need for more support and training continue to be the main barriers that councils face to effective implementation of the Charter.

Smaller councils, councils with fewer resources and councils who were not early adopters of Charter compliance strategies have the greatest difficulties in implementing measures to meet their human rights obligations.

Recognising the contribution of peak bodies

The Victorian Local Governance Association (VLGA) and the Municipal Association of Victoria (MAV) are the two peak non-profit organisations that represent the local government sector. Local Government Victoria (LGV), a division of the Department of Planning and Community Development, provides support to local government, while Local Government Professionals (LGPro) focuses on the specific professional development needs of the diverse population working in local government.³

VLGA President Cr Samantha Dunn said, “the VLGA believes that the Charter has made a real difference to the lives of many Victorians and has had a positive impact on the policies and practices of local governments.”⁴

In 2011, these peak bodies continued to provide leadership and support to local councils by promoting best-practice human rights approaches and strategies. The following initiatives are of note.

- VLGA provided ongoing support through the human rights toolkit, *From Compliance to Culture*, which provides a practical framework for local government to implement the Charter
- VLGA and MAV made submissions and gave evidence to the Scrutiny of Acts and Regulations Committee (SARC) Review of the Charter. Both argued that the Charter has provided significant benefits to local government and called for its expansion
- VLGA, along with the Australian Centre for Human Rights Education at RMIT, conducted workshops in March 2011 in south-west Victoria for councillors and officers in local government and community organisations. The workshops discussed impediments to being involved in human rights for people in rural and regional areas, how regional and rural communities in Victoria can best influence policy on human rights and how local communities can be engaged in human rights issues
- VLGA, in conjunction with the Australian Centre for Human Rights Education at RMIT and the Victorian Council of Social Service, hosted a series of participatory workshops between July and December 2011 called ‘Making Human Rights Real’ (see page 9 of this report)
- MAV continues to support work undertaken by local government to advance human rights, including: promoting cultural diversity and reducing race and ethnic discrimination; preventing violence against women; creating a more inclusive community for people with disability; promoting positive ageing and preventing elder abuse; and community development and health promotion to address social inequity
- LGV reports that *Social Procurement: a Guide for Victorian Local Government*, which assists councils in their efforts to procure with positive social impacts, and *Guidelines for Local Laws*, a collection of resources to help local government achieve best practice in local law making, continue to be used by many local councils.

³ The Commission would like to thank MAV, VLGA and LGPro for promoting the Commission’s survey through its local government networks. The Commission would particularly like to thank MAV for their assistance in following up on outstanding surveys.

⁴ VLGA media release 15 March, 2012.

Making Human Rights Real

Between July and December 2011, the VLGA, the Australian Centre for Human Rights Education at RMIT University and the Victorian Council of Social Service hosted a series of workshops across Victoria to help people build their understanding of human rights and the connection to everyday concerns. The project also aimed to provide participants with the tools to develop a human rights-based approach to service delivery and policy development in their organisation.

The workshops used case studies to highlight the practical nature of human rights and to explore different ways to make human rights real for people in local communities.

They were designed for representatives from the community and local government sectors, including managers, service delivery workers, board members, councillors, advocates and members of vulnerable groups.

Workshops were held in Geelong, Dandenong, Melton, Mildura, Bendigo, Traralgon, Wangaratta, Warrnambool, Melbourne, Broadmeadows, Ballarat and Bairnsdale.

The project was funded by a grant from the Australian Government Attorney-General's Department to provide human rights education to the community. Human rights education is the centrepiece of the national human rights framework, which was introduced in 2011.



The Charter in action



The Charter's positive impact

Councils continue to send a common message to the Commission that the work of local government and the Charter are closely aligned. Councils comprise the tier of government that works most closely with the Victorian community on a day-to-day basis and they made the point that their 'core business' has long included a focus on protecting and promoting the rights of citizens in their municipality.

A number of councils said that the Charter complements and reinforces their existing values and service standards with concrete legal obligations. **Banyule City Council** noted that:

"... the Charter certainly complements other policies and plans of Council which support and promote better service delivery to the people who live in, work in and visit the city. Also, on some occasions citing the Charter and the rights to be considered has helped to gain more fully the cooperation of service units in resolving customer complaints. For example, a protracted complaint over issues impacting on a resident's ability to easily access their property was looked at differently once staff in that area were reminded that they needed to consider a person's property rights under the Charter."

Applying the Charter more consistently across local government can help deliver improvements to the services provided by councils and the way in which they engage with their communities.

For example, the transition within **Hume City Council** from compliance with the Charter to an organisation-wide human rights culture is supported by Council's Social Justice Charter, a 'living document' that incorporates a Citizens Bill of Rights. The Charter has helped strengthen the human rights culture within Council and supported its ongoing initiatives and commitment to reporting and accountability, including the development of its Human Rights Implementation Plan.

Many examples were provided by councils about the ways in which the Charter has made a positive difference in the last 12 months to the people who live in, work in or visit their municipality:

Councils also said the Charter had helped to increase staff awareness of citizens' human rights and this understanding had flowed through to improvements in service delivery. For example, **Moonee Valley City Council** explained that:

"The Charter has resulted in an increased understanding of marginalised groups by the staff of Family and Children's services, which has helped some parts of the community to better

access services and receive improved care, for example those in the Flemington area. Wingate Ave Maternal and Child Health Centre now uses a model with an extra nurse specialising in complex care which results in increased access to services and programs for disadvantaged families."

Mount Alexander Shire Council noted that promoting equitable access to services is a fundamental principle of decision making by Council officers and that there is a focus within Council to improve access to services among disadvantaged, socially isolated and geographically isolated members of their community.

Moreland City Council observed that there "has been an increased awareness of human rights through online training sessions and due to a new compulsory requirement for officers to consider the Charter when preparing their Council reports, policies and procedures".

Nillumbik Shire Council sees the Charter as providing "the community with another avenue to follow if they feel that a council decision or service infringes on a right." However, the Council also noted that it has only received one human rights complaint to date.

Strengthening the community voice in local government is often cited as one of the greatest impacts of the Charter. **Yarra City Council** reported "the majority of Council's services and activities incorporate principles of equal opportunity, access and inclusion."

Through its Neighbourhood Renewal program, **Central Goldfields Shire** has implemented a number of initiatives to ensure that the voices of disadvantaged community members are heard on the issues that are important to them. For example, the community house committee meets on a regular basis to discuss issues and implement its own solutions to the issues that affect its area. In addition, flood recovery efforts have centred on ensuring that residents are consulted on the re-establishment of their towns and services. This has involved extensive consultation through community meetings and a designated flood recovery committee involving a number of residents from the affected towns.

Campaspe Shire Council reported that the Community Planning strategic review had increased community participation in the planning processes of Council and allowed Council to provide more formal support of project management of community-initiated projects.

Councils also noted that the Charter helps to reinforce their commitment to transparent decision making. Many respondents shared the sentiments of **Port Phillip Council**:

“Council is committed to open and transparent decision making and ensuring the community is involved and has input into decision making.”

Whitehorse City Council reported that residents, employees or visitors to the city enjoy amenities, services and decision making that has been developed, managed and conducted in accordance with Charter principles and for the ‘greater good’ of the community.

Planning, monitoring and coordination

Achieving genuine cultural change within local government requires human rights principles to be integrated across all aspects of councils’ operations.

To date, 25 councils have established a comprehensive plan to include human rights principles and considerations in all areas of their operations.

Of this number, 18 councils have also developed a process for monitoring and reviewing their human rights implementation plan. This figure is an increase from 16 councils in 2010 and 14 councils in 2009.

Taking a strategic approach ensures that human rights programming is sustainable and properly integrated into the council’s processes. It also helps to consolidate and coordinate human rights initiatives being undertaken in each part of the organisation and builds in an ongoing process for review and improvement.

Some councils, particularly smaller ones, told the Commission that they struggle to find the resources – including staff, technical knowledge and funding and assistance they need to integrate human rights into their strategic planning. There are a number of useful publications and toolkits – such as *From Compliance to Culture*, produced by the VLGA – which provide councils with clear direction and practical strategies.

Hume City Council, for instance, has developed a comprehensive Human Rights Implementation Plan based on the VLGA toolkit. Its plan identifies the key tasks required for a whole-of-council approach

to human rights implementation, identifies the resources needed, allocates responsibility for each task and identifies the council-specific outcomes. In addition, the Commission offers education programs and tailored support to assist councils seeking to establish a comprehensive human rights plan to guide their operations.

Assigning responsibility for the Charter

Within individual councils, responsibility for human rights implementation and Charter compliance largely rests in the operational areas of governance and corporate services or, to a lesser extent, in the areas of community services, planning, human resources and organisational development. Two councils have established a human rights working group to lead these activities, while 13 councils have allocated responsibility to a senior management team.

In general, responsibility for Charter-related activities largely rests with a single individual. These individuals are commonly senior managers (described in responses as ‘manager’, ‘general manager’, ‘executive manager’ or ‘director’), although a significant number of chief executive officers are also engaged in this work, either individually or through a senior management team. Other individual staff members who are responsible for overseeing Charter compliance include ‘officer’, ‘coordinator’, ‘planner’, ‘team leader’ or ‘adviser’. These may also be senior staff, as the reported role titles do not explain the level of seniority of the position.

It is encouraging that the majority of councils appear to place responsibility for Charter compliance at a management level, which allows an organisation-wide perspective to be brought to the issues. While establishing a human rights working group represents good practice, the Commission understands the differences that exist between councils and the need to have a structure that is appropriate to local requirements and the councils’ resources. Nonetheless, having the chief executive officer or another senior executive lead the council’s work on the Charter – with implementation occurring through an internal coordination and development process across the organisation – ensures an effective, whole-of-council approach.

The elected council

The elected council is responsible for governance and setting the strategic direction for all activities delivered by council. Building human rights into the day-to-day work of local government is significantly enhanced by guidance from the elected council and through its clear support for human rights principles and initiatives.

Key strategic documents

Reviewing key strategic documents for compliance with the Charter helps to embed human rights in the values and philosophy of a council.

Key strategic documents encompass all council-wide documents that provide the framework for council policies and service delivery. They can include the Council Plan, the Strategic Resource Plan and the Code of Conduct for Councillors, as well as other documents such as the council's Community Plan or Vision Statement.

Approximately half of the councils (36) surveyed in 2011 have completed a review of all their key strategic documents and nearly one quarter have reviewed more than half of their key strategic documents, a similar result to 2010. In addition, the number of councils that have reviewed less than 25 per cent of their key strategic documents has decreased from 17 in 2010 to 12 in 2011.

As these results indicate, a large majority of councils have reviewed at least some of their key strategic documents and the Charter continues to influence the development of these materials.

A large majority of councils reported that their existing strategic documents were consistent with the Charter and that only minimal changes, if any, were required. However, a number of councils said that the review process had helped build greater awareness about human rights principles within their organisations and had highlighted their direct relevance to the council's day-to-day work with the community.

For example, **Nillumbik Shire Council** said the Charter was "one of many legislative requirements the Council takes into account" when it performs its annual review of key documents, such as its Annual Plan, Strategic Resource Plan and Budget. However, it also noted that consideration of the Charter had encouraged Council to rethink the way it conducts its public consultation processes.

Other councils reported that human rights obligations had been considered in relation to a variety of key strategic documents, including council plans, codes of conduct, meeting procedures and community engagement guidelines.

Banyule City Council said it now includes a heading in the Council reports so that officers have to assess and comment on relevant human rights issues.

Moonee Valley City Council reviewed a number of key strategic documents, including the Council Plan 2009-13 and its mid-term progress report on the MV2020 Community Vision, which included consideration of the Charter.

The Moreland City Council Human Rights Working Group recently invited the Commission to review the Council Plan 2009-2013, the Community Consultation and Engagement Policy and the Responsible Gaming Strategy 2010-2014. Once this collaborative process is completed, the Working Group will review the Council's remaining key strategic documents.

In some instances, the review process has led councils to undertake significant initiatives that embed human rights principles right across their planning and operations.

For example, **Stonnington City Council** has developed a Human Rights Initiatives and Milestones Plan. The plan identifies a number of human rights milestones, including the preparation of a human rights implementation plan, review of local laws, training for councillors and a review of policies and procedures. The plan also identifies the persons responsible, the resources required, the timeline and the expected outcomes.

Darebin City Council: Comprehensive review of its key strategic documents

Darebin City Council developed a number of new strategies in 2011 that have included reference to human rights and consideration of the Charter in the development process.

The Equity and Inclusion Policy (2012–2015), and its associated action plans adopts a rights-based approach, with the Charter a key element that informs and supports the activities of Council.

The objective of the policy is for Council to: “Work with and for the Darebin community in a way that recognises and acts to change the multiple and complex ways in which discrimination and poverty create barriers that limit people’s rights and abilities to achieve their full potential and a life of dignity and wellbeing.” Human rights is one of the six interlinked and mutually reinforcing principles that guide the policy.

Human rights principles also provide a cornerstone for the Darebin Community Health and Wellbeing Plan 2009– 2013 and the Darebin Food Security Policy 2010. In addition, the Charter will help guide a number of other policies that are currently in the development stage.

Local laws

Half of all councils (39) have now completed a review of local laws, continuing the steady progress being made in this area. Five councils had completed a review of local laws in 2007, rising to 17 in 2008, 30 in 2009 and 35 in 2010.

Many councils follow a legislative review cycle where local laws are reviewed periodically as a matter of course. Under the *Local Government Act 1989*, local laws are valid for 10 years and must then be re-enacted.⁵

Some councils reported to the Commission that a lack of resources had prevented them from undertaking a specific review of their local laws for Charter compatibility but that they intend to do so as part of their regular review process. As a result, we would expect that there will be a growing number of councils completing this review process each year.

Whether or not it is linked to this broader review cycle, the Commission continues to urge councils to undertake a human rights review of their local laws. This process ensures that all laws are compatible with the Charter and that the council is operating in a way that respects human rights. It also helps to equip councils with the skills and practice, to ensure that human rights are considered when new laws are being drafted or existing laws are amended.

In 2011 a number of councils reported considering the Charter when reviewing and amending local laws.

Horsham Rural City Council has two local laws: the Processes of Municipal Government (Procedures for Meetings) and General Local Law. The General Law was completely reviewed in 2011, including consideration of human rights impacts.

Hobsons Bay City Council amended its Community Local Law to prohibit smoking on beaches and in children’s playgrounds. When considering the introduction of this local law, legal advice indicated that the smoking prohibition did not offend any of the rights set out in the Charter.

While most councils reported that no amendments were required following their review of local laws, some said that they took the opportunity to bolster the human rights protection provided by the laws.

Boroondara City Council, for example, reviewed its Meeting Procedure Local Law in 2011. Even though it was assessed as being fully compatible with the Charter, improvements were made where the law engaged specific Charter rights, including the right to freedom of expression and the right to participate in the conduct of public affairs, directly or through freely chosen representatives. In general, however, the changes ensure the Chairperson retains sufficient discretion to apply the provisions of the Local Law in a manner that is not disproportionate to Charter rights.

⁵ *Local Government Act 1989*, s122

A number of councils noted that they are either currently undertaking reviews or due to start them in the near future, with an assessment of Charter compatibility to be undertaken at that time. For instance, **Maribyrnong City Council** has recently commenced a formal review of its Local Laws and **Darebin City Council** will review its Local Laws at the end of 2012.

Ararat Rural City Council is currently undergoing a review of its Local Laws and specific reference to the Charter has been included in the Local Laws Community Impact Statement 2011, which reads:

“Council is mindful of the Charter of Human Rights and Responsibilities as an important reference in the development of Local Laws and Council, as a public authority, appreciates its obligation to ensure that the provisions of the Local Laws are interpreted and applied consistently with human rights. In assessing the new Local Laws with the principals of the Charter the review panel in the main found the Local Laws to be compliant however to ensure that both the spirit and the letter of the Charter were addressed, a clause was inserted into each Local Law to facilitate a review in relation to decisions made in accordance with the Local Law.”

Most councils consult with the community when developing new laws procedure. The Guidelines for Local Laws⁶ strategy and manual produced by LGV supports this approach. It recommends that councils prepare a Local Law Community Impact Statement, which includes consideration of the Charter. The Commission encourages local government to adopt this strategy as best practice.

More than 70 per cent of councils (56) said that they have put in place a procedure or guidelines for drafting new local laws to ensure that they are compliant with the Charter. This is up from approximately two-thirds of councils (50) in 2010 and half of all councils in 2009.

Councillors

Elected councillors who understand the Charter and the legal obligations it places on them can play a key role in ensuring that a human rights perspective is integrated into council policy frameworks and local laws.

Approximately half of Victorian councils reported in 2011 and 2010 that more than 75 per cent of their councillors had received training on the Charter (39 councils in 2011; 42 councils in 2010).

However, in 2011 one-third of councils (25) reported that less than 25 per cent of their councillors had received training to date on their obligations under the Charter.

This potentially means that a significant number of councillors are not fully aware of their human rights obligations, such as the requirement to give proper consideration to the Charter when making decisions. At the least, it suggests that a number of councils have yet to take steps to ensure that their councillors are aware of their legal obligations. Considering the decision-making responsibility of these positions, and the potential liability issues that it raises, the Commission urges local government to ensure that all councillors receive appropriate training on the Charter in the next 12 months.

As part of our education role under the Charter, the Commission can assist councils in this process by providing training, support, advice and information.

During 2011, 26 councils provided training and information to councillors to ensure they understood their obligations under the Charter. The three most common methods used were induction training for new councillors (13 councils), ongoing professional development for incumbent councillors (14 councils), and providing written information (11 councils).

The survey highlighted a significant increase last year in the number of councils providing ongoing professional development for incumbent councillors, which is an encouraging development.

Human rights leadership

Local government continues to demonstrate a strong commitment to human rights leadership in communities across Victoria. Over the past 12 months there was an increase in the number of councils that reported involvement in projects, initiatives or local government networks that demonstrate human rights 'leadership' (40 councils in 2011, up from 35 councils in 2010).

A number of councils highlighted their participation in projects related to housing. Two of these councils, **Brimbank City Council** and **Maribyrnong City Council**, have set up groups or teams to look into the issues surrounding rooming houses. Maribyrnong City Council has also established a rooming house management protocol, which has been used a model for other councils, especially inner-urban local government authorities.

⁶ The full suite of Local Laws resources is available at www.localgovernment.vic.gov.au.

Other human rights initiatives or projects reported by local government include: social justice charters; interfaith networks; district leadership programs; rooming house action groups; supporting women in local government; preventing violence against women; youth networks or councils; multicultural committees; disability advisory committees or advocacy groups; Aboriginal partnerships or action plans; and cultural diversity initiatives.

Some notable examples include:

Moonee Valley City Council held a Child Friendly Cities forum in June 2011.

It was initiated by UNICEF's concepts focusing on the UN Convention on the Rights of the Child and involved departments across Council. In February 2011, Council also hosted "Transforming the Human Spirit", an exhibition at the Avondale Heights Library and Learning Centre which highlighted the importance of respecting human rights and the abolition of nuclear weapons.

The **Corangamite Shire Youth Council** promotes and advises on young people's needs and ideas through the development and implementation of youth-focused projects, such as KEVIN (Keeping Everyone Vitally Informed Now) and Youth Space. The Youth Council is comprised of 12 young people from across the Corangamite Shire, representing each of the six secondary schools in the Shire.

Mount Alexander Shire Council has commenced a three-year project to increase community input into community plans. Council has a community transport officer to consult and advocate on transport matters to support residents to participate in community life. Council officers are actively involved in ways to enable community members to access community services across the Shire. As part of this, Council has mapped local services and made the findings available for the community and service providers to promote equal access.

Stonnington City Council has established a Charter of Human Rights webpage⁷, which includes links to council programs and activities that support human rights, such as community transport initiatives, the active living program,

social support groups and cultural meals program. It also links to Council policies and committees involving human rights, including the Council Older Persons Strategy, Cultural Diversity Policy (2009–12) and the Reconciliation Action Plan.

During 2011 a number of councils made submissions to the **Scrutiny of Acts and Regulation Committee's Four-Year Review of the Charter**, including Brimbank City Council, City of Yarra, City of Darebin, Manningham City Council, Maribyrnong City Council, Hume City Council, Whitehorse City Council, the City of Port Phillip, Yarra Ranges Council, Greater Dandenong City Council, the City of Stonnington and Wyndham City Council. Although the councils differed in the detail and focus of their submissions, all supported the Charter and most called for its expansion.

The **City of Port Phillip** said the Charter provided a clearer framework for Council to fulfil its mandate to promote and provide for the human rights of the people of Port Phillip and better justify human rights-based services and activities.

Wyndham City Council stated that the Charter had assisted it to actively consider human rights in its every day work and that it seeks to build a culture of human rights.

Brimbank City Council supported the Charter because of its essential democratic value to the people of Brimbank: "The Charter establishes 'common good' principles that establish the basis of equality and fairness for all. Human rights protections are an important way to set minimum standards for a society that is free and equal."

Manningham City Council said the benefits of the Charter to the local government and community had been significant and that any associated costs had been manageable.

The **City of Yarra** noted that the short time frame for presenting submissions to the Committee had prevented it from consulting with the local community regarding how the Charter has benefitted society and called for continued resourcing and support to implement the Charter and evaluate its success, particularly in poorer communities.

⁷ See: <<http://www.stonnington.vic.gov.au/your-council/charter-of-human-rights/>>

Whittlesea City Council: Localities Embracing and Accepting Diversity (LEAD)

Building on its strong track record of supporting cultural diversity, the City of Whittlesea is trialling a new approach to prevent and reduce race-based discrimination. The Localities Embracing and Accepting Diversity (LEAD) Project, a four-year pilot funded by VicHealth, aims to promote positive attitudes and behaviours towards diversity in the wider community through the implementation of a series of tailored initiatives across a number of settings.

Combining evidence-based strategies (targeting individuals, organisations and the wider community); strong partnerships with local organisations and the communities affected by discrimination; and, ongoing monitoring and evaluation, LEAD aims to bring about long-lasting cultural change.

The project involves supporting local partners, such as retailers, workplaces, schools, local media, and Council, to create fairer, more welcoming and inclusive environments. A community-wide social marketing campaign and other communications activities have also been implemented.

The LEAD Project is a partnership between VicHealth, the Department of Immigration and Citizenship, *beyondblue: the national depression initiative*, the Victorian Equal Opportunity and Human Rights Commission, the Cities of Whittlesea and Greater Shepparton and the Municipal Association of Victoria.



The faces of the Whittlesea See Beyond Race (LEAD) campaign – Rashminder Singh, Iden Diwan, Jordan Yarran, Christine Lai and Edward Lamptey.

Moreland City Council: Human rights in action

During 2011 Moreland City Council has been involved in broad range of projects, networks and initiatives that demonstrate human rights leadership in the community, including:

- Undertaking a 'female friendly' audit process of all sports clubs and pavilions within the municipality
- Initiating RecAssist, a program to help different community groups overcome barriers to participation and access opportunities to be involved in sport and physical activity
- Developing the Moreland CALDCOM Storyboards, which provides newly-arrived migrants with information to help them feel at home in Australia
- Investing in research, policy development, advocacy and community awareness with the aim of creating a responsible gambling environment
- Hosting Dance Sister Dance, an innovative girls-only dance event, developed by a group of young women from Moreland with the support of Council officers, and members of Ladyfingers, a Brunswick-based girls DJ crew
- Running a wide range of youth services to work with disengaged young people, connect young women with female mentors and employment opportunities, provide life skills for newly-arrived migrant and refugee young people and support young people from non-English speaking communities to take up leadership roles.

Moreland City Council Youth Services also continues to support a number of A.R.A.B (Anti Racism Action Band) initiatives, including Northern Trax, a series of performance installations along the Upfield Train line involving 200 young people from 50 cultural backgrounds, the majority of whom come from Moreland. The group is based in Fawkner and was established in 2004 as a creative response to the racial vilification of young Arabic people in Melbourne's north.

The administrative arm

The actions of the administrative arm of local government are critical to progress in building human rights considerations into the daily work of councils.

Following the introduction of the Charter in 2007, there was significant activity by councils to implement a number of Charter-compliance initiatives.

Our analysis indicates that while implementation appears to be slowing on some indicators, many of the core areas of a human rights approach, such as improved community engagement, are already embedded in current practice. Furthermore, it appears that many councils are moving into a new phase that requires them to consider more closely the rights and obligations of the Charter.

The Commission understands that this is a complex process that requires considerable analysis, thinking and consultation to make sure that human rights principles are genuinely reflected in the way councils operate, deliver services and engage with their communities.

To support this, in 2012 the Commission will develop new ways of working with councils

to support them in their efforts to identify and implement appropriate and effective strategies and processes.

Review of policies and procedures

The Charter requires that all public authorities in Victoria act compatibly with human rights. As part of this process, it is recommended that councils undertake a comprehensive review of their policies and procedures to ensure that they are meeting their legislative obligations and that these requirements are clear to staff delivering services to the community.

In 2011, just over a quarter of councils (23) reported that they had completed a review of all their policies and procedures for Charter compatibility. This is a slight increase on 2010 (21) and 2009 (19).

In addition, a number of councils noted that the review had been a valuable exercise, providing them with an opportunity to closely consider the human rights dimensions of their work and embed human rights principles within their day-to-day operations. This in turn had helped to build greater awareness of human rights issues within the organisation.

Colac Otway Shire Council said that while it had not made changes to its policies the Council had developed “a greater awareness of the need to consider the Charter”.

Some changes made by councils to their policies and procedures were minor, such as revising the language to recognise human rights. In other cases, the changes have been more substantial.

Benalla Rural City Council changed its Staff Induction, Staff Code of Conduct and Human Resources Policies and Procedures to reflect the obligations of Council’s employees under the Charter.

Cardinia Shire Council updated its Enterprise Agreement, which now has the objective to “provide a safe, satisfying work place that respects human rights and is free from harassment, bullying and unlawful discrimination, in which all employees are afforded and given respect and are treated fairly and with dignity in all aspects of employment”.

A number of councils said they have regular cycles for reviewing their policies and procedures and now include human rights considerations in this process:

“All policies reviewed are given consideration to the Charter via templates.” **Greater Dandenong City Council.**

“Council policies are reviewed every 12 months, including for compliance with the Charter. No policies required amendment.” **Wellington Shire Council.**

“All policies reviewed every two years by council and include human rights consideration.” **Wodonga Council.**

A total of 49 councils (62 per cent) reported that they now have procedures or guidelines in place to develop new policies in compliance with the Charter. Some examples of good practice include:

Boroondara City Council has developed a Human Rights Compatibility Assessment Tool to assist staff when reviewing decisions or policies in the context of the Charter. The assessment tool and associated information highlight the importance of giving detailed consideration to human rights issues in advance of Council decision making to facilitate a comprehensive evaluation process.

Stonnington City Council has developed a seven-step process to assess whether a policy, report, plan or procedure is compliant with the Charter. This includes identifying rights that might be raised; carrying out an analysis under section 7 of the Charter if the proposed plan, procedure, policy or report limits, restricts or interferes with a human right and whether that limit is reasonable; and modifying the policy where necessary. All parts of the review process must be documented and a statement of compatibility with the Charter prepared

Just over one quarter of councils (22) have a specific human rights policy. This is a slight increase on the figure for 2010 (20). While the title, length, content and detail of each policy varies, most include an outline of the Charter and the rights it protects; an explanation of the obligations placed on public authorities, including local government; and a statement of the council’s intent or commitment.

For instance, the policy developed by **Stonnington City Council**:

“... recognises and respects that everyone has the same human rights entitlement to allow them to participate in, and contribute to, society and our community. We recognise that all persons have equal rights in the provision of, and access to, Council services and facilities. We recognise that, at times, such rights may be limited, insofar as to strike a balance between individual rights and the protection of public interest.”

Moreland City Council: Comprehensive review of policies and procedures

In the past 12 months, Moreland City Council has reviewed or introduced 32 Council- or CEO- approved policies and procedures, all in accordance with the Charter. Some of these policies, such as the Moreland Family Violence Prevention Strategy 2011–2015, which aims to prevent family violence and reduce its impact on the Moreland community, includes substantial references to the Charter.

In early 2011 the Moreland City Council Human Rights Working Group introduced a new section into Council’s policy template entitled “Human Rights Consideration”, which states that the implications of the report have been assessed in accordance with the requirements of the Charter.

It goes on to explain that “Council needs to review policies; procedures and the local law (already being reviewed) to ensure they are compatible with the Charter and will need to ensure staff have an understanding of the Charter and can promote human rights through its interaction with the public”.

By contrast, the human rights policy of the **Pyrenees Shire Council** is a brief document that states that the Council is “wholly committed to the principles within the Charter of Human Rights and Responsibilities and will ensure that it is taken into consideration when making laws, setting policies and providing services”. It also refers readers to the Pyrenees Shire Charter of Human Rights – Guidelines 2010 for further information.

Nillumbik Shire Council has prepared comprehensive Human Rights and Responsibilities Guidelines, which provide detailed guidance for staff to comply with their obligations under the Charter. For example, the Guidelines require officers to consider relevant human rights when developing policy, including undertaking a human rights impact assessment for new policies and considering whether any proposed limitations on rights are reasonable. They also oblige all council employees to “respect and promote human rights”. Detailed human rights policies such as these often include a description of the rights in the Charter and templates for conducting assessments.

Brimbank City Council and **Hume City Council** have both developed broader Social Justice Charters, while **Bass Coast Shire Council** has established a Charter of Human Rights and Responsibilities – Complaints Handling Procedure, which is “designed to deal with any complaint received by Council in relation to Council not meeting its obligations under the *Charter of Human Rights and Responsibilities Act 2006*”.

Staff

Council employees often have direct and regular contact with members of their communities. Each one has a legal responsibility to undertake their activities in a way that respects human rights.

It is therefore essential that all members of staff are aware of their responsibilities under the Charter and have the necessary training and information to meet these obligations.

In 2011 there was a small increase in the number of councils who refer to these requirements in the Code of Conduct for staff and position descriptions for council employees; up from 43 councils in 2010 to 45 councils in 2011.

More than half of Victoria’s councils (42) provided human rights training for staff in 2011. As in 2010, induction programs for new staff were the most common form of training (more than 80 per cent in both years).

Yarra City Council reported that it includes “reference to the subject of human rights and equal opportunity in our staff induction programs. This information is supported by inclusion of reference to appropriate contacts officers across the organisation for staff to obtain assistance on the subject should the need arise.”

Other methods of delivering human rights training include via the Council intranet; e-learning programs; incorporating discussion of the Charter in equal opportunity training and workplace behaviour training; ongoing awareness and information sessions; staff in policy development; information in the staff newsletter; and regular emails outlining Charter obligations.

As in 2010 more than half of all Victorian councils provided training on the Charter for management staff. For example, **Darebin City Council** ran a training and information session at the Darebin Staff Leadership Forum for all management staff in May 2011. The Charter is also available on the Darebin Council e-learning centre.

In 2011 18 councils reported that 75-100 per cent of their total staff had received Charter training to date, while 30 councils reported that less than 25 per cent of their staff had received training.

While it is understandable that councils will prioritise training for management and other positions that are likely to have the greatest impact on meeting their human rights obligations, councils must be mindful that every employee is a public authority with specific obligations under the Charter.

Engaging the community

Many local councils have established strategies to engage with the communities they serve and to listen to the views of those who are directly affected by their decisions.

This process of community participation helps inform and improve decision making and can build greater levels of public trust and confidence in government.

In 2011 local government continued to perform well in the area of engaging with and involving the community. Over two-thirds of councils have reviewed the way they deliver community services, a figure similar to that in 2010.

Over 60 per cent of councils (50) engage their community in all aspects of council decision making and actions, although this figure represents a decline from previous years.

Service delivery

Over two-thirds of councils have reviewed, and amended where necessary, the way they deliver community services. The following examples highlight instances where a human rights analysis has led to changes in the last 12 months.

Maribrynong City Council reviewed a number of community service policies, including: Preventing Violence against Women Strategy; Food Security Policy; CCTV / Public Safety camera system (ensuring strong privacy provisions and external audit functions); Citizen Engagement Framework; and a bisexual, lesbian, transgender, intersex and queer reference group.

Port Phillip City Council has developed a draft Social Justice Charter.

Southern Grampians Shire Council commenced implementation of its Active Service Model, with Council's Community Arts Officer working closely with Southern Grampians and Glenelg Primary Care Partnership on projects that focus on socio-economic disadvantage.

A number of councils reported that they have reviewed or developed their **Action and Inclusion Plans**, including Ararat Rural City Council, Golden Plains Shire Council, Indigo Shire Council and Surf Coast Shire Council.

Complaints processes are a particularly important way of monitoring the effectiveness of service delivery by local government.

A number of councils have reviewed and amended their **complaints handling processes**, including Glen Eira City Council, Buloke Shire Council, Corangamite Shire Council, Greater Bendigo City Council, Greater Dandenong City Council, Hume City Council, Manningham City Council and Moonee Valley City Council.

Bass Coast Shire Council has developed a Charter of Human Rights and Responsibilities complaints handling procedure specifically for complaints to Council about its human rights obligations.

In addition, **Moonee Valley City Council** has a dedicated page on its website outlining its Service Standards and Complaints Resolution Protocol.

While a number of other councils said they had not made changes to the way they deliver community services, they did note that human rights issues are taken into consideration.

Community engagement

Local government again performed strongly in the area of community engagement, with 50 councils (63 per cent) reporting that they engage the community in all aspects of council decision making and actions.

This figure reflects the clear commitment among councils to understanding and responding to the concerns of the communities they serve. However, it does represent a decline from 57 councils (72 per cent) in 2010 and 61 councils (77 per cent) in 2009.

The Commission acknowledges that it can be a challenging task to genuinely engage and promote participation among the diverse communities that councils serve, especially with groups that experience significant barriers to participation.

In 2012 we will continue to support and encourage local government in their efforts, including through establishing a community of practice where councils can share experiences and effective approaches.

The most common strategies used by councils to involve the community in some or all aspects of decision making included public consultation processes (78 councils), advisory groups (72 councils) and targeted strategies for engaging with marginalised groups in the community (66 councils).

Thirty-three councils reported other strategies to involve the community (although some of these overlap with the three listed above) including: committees, community reference groups, regular council newsletters, ward meetings, local area planning workshops, community forums, village committees, public question time at council meetings, community surveys, community action plans, community engagement policies and guidelines, targeted mail outs, peak body input; and media releases.

Community consultation

Councils reported on the different ways they engaged with the community through public consultation processes in 2011.

Buloke Shire Council holds 'fire shed' meetings, community recovery meetings in all district towns and other community consultation sessions as appropriate.

Corangamite Shire Council has commenced a program of community consultation to develop community plans for all 11 towns.

Frankston City Council held three local area workshops in Carrum Downs, South Frankston and Langwarrin.

Horsham Rural City Council has established a range of strategies to engage the community in its decision making and activities, including fire recovery events and activities which provide opportunities to bring affected communities together and strengthen community ties

Indigo Shire Council has run 11 community forums and moves the Council meeting to a different shire town each month. There are also dedicated community engagement officers who undertake a range of activities.

Knox City Council has taken a lead role in conducting forums in relation to the National Disability Insurance Scheme and Multi Purpose Taxi Program, along with a mobility forum/study.

Monash City Council is working with residents, community groups, sports clubs, community service providers and businesses to develop Community Action Plans for Mulgrave and Notting Hill.

South Gippsland Shire Council holds monthly council meetings and public presentation sessions in Nyora. Daytime and night-time public presentation sessions are held in Council Chambers. Community consultation sessions on the Council's Annual Plan are held in remote areas throughout the shire so everyone in the community can have their say.

A number of other councils reported using innovative approaches to involve the community in decision-making, such as conversation tents (**Port Phillip City Council**), listening posts and local ideas days (**Brimbank City Council**) and street meetings and barbeques (**Stonnington City Council**). **Yarriambiack Shire Council** councillors and approximately 12 staff visit all 13 townships for a barbeque and information exchange with an emphasis on listening to the community.

Two councils said they used social media to communicate with the community. **Surf Coast Shire Council** uses Twitter to engage residents in discussion of local issues, while **Knox City Council** has invested in social media forums to open up dialogue and promote community events and activities. Knox City Council also promotes key events for community participation on its website and publishes weekly updates in local papers to highlight relevant community matters.

City of Casey: Community Consultation Projects

In 2011 the City of Casey undertook a broad range of community engagement strategies to seek feedback on issues important to the people who live in, work in and visit the municipality.

An extensive community consultation program was held in February 2011 to help Council improve **services that support mothers with babies to breastfeed**. More than 460 surveys were received from mothers living in the City of Casey. Following the survey, a focus group was held with interested mothers to explore a number of the issues raised in greater detail.

A telephone survey of 500 residents was carried out in June 2011 to determine **community awareness, usage and attitudes towards the Western Port area**, which the Ramsar Convention on Wetlands has identified as a site of international conservation importance.

Feedback from the community was instrumental in developing the Casey **Arts Development and Facilities Plan**. More than 1000 surveys were received during the consultation period in February 2011. The responses played an important role in helping Council to identify the key issues and prioritise strategies to meet community needs.

In addition, an extensive community consultation program in March 2011 was integral to the process of developing a **Children's Plan** for the municipality, which will guide and assist Council to plan quality services and programs for families with children up to nine years of age.

Mildura Council: Human rights projects

Mildura Council is an example of a local council placing human rights in a community context with great results. The council is a member of the Mallee Human Rights Collective, a community collaboration involving local organisations such as the Department of Justice, Mallee Family Care, Sunraysia Mallee Ethnic Communities Council, Sunraysia Community Health Services, the Mildura Arts Centre and La Trobe University.

Council's Social Inclusion Officer Catherine Kelly said the aim of the collective is to increase awareness and understanding of human rights throughout the local community. With a goal of reaching a broad cross-section of the community, the council has expanded on their day-to-day services and participated in a range of events during its Human Rights Festival in December 2011.

These projects included:

- supporting and screening a locally made short film about human rights,
- participating in the community forum, "Rights in the Region",
- running a media campaign, which included "hijacking" the local newspaper's "Word on the Street" vox pops to ask human rights questions,
- reaching into local schools to educate students on the importance of placing human rights at the forefront of decision making.

Catherine puts the success of the human rights activity in Mildura to the fact that while it's supported by Council, the collective is community-owned.

"Funding is of course important but perhaps even more so is getting people together and helping local people understand more about these issues. When we went around town to do the vox pops it was amazing how many people assumed only the government was responsible for human rights – imagine if people could all see what part they have to play."

The Mallee Human Rights Collective plans to hold a number of events throughout 2012, in addition to one week of events in December.

Advisory groups

Councils reported that they had established or maintained a number of advisory groups or committees which aim to engage the community in council discussions and decision-making. Some of these groups are specifically designed to involve members of the community who have traditionally been disenfranchised from council processes, while others are more general in nature.

Monash City Council carried out extensive public consultations and consultations with relevant Council Advisory Committees on a number of issues, including banning smoking in public places, footpath trading, vegetation protection and environmental protection.

Glen Eira City Council currently has 12 advisory committees (including a Community Consultation Advisory Committee) that act as steering committees to assist Council identify the needs of the community and make recommendations in relation to specific areas of Council's work.

Cardinia Shire Council has township committees in all major townships which advise Council on town-specific issues.

Yarriambiack Shire Council has eight Progress Associations which meet monthly and at least two Councillors and two staff members attend each meeting.

Moreland City Council has a broad range of advisory committees and reference groups, including in relation to disability, housing, family violence and the Indigenous community.

A number of councils have adopted some form of community engagement policy, framework and/or strategy including Banyule City Council, Brimbank City Council, Darebin City Council, East Gippsland Shire Council, Greater Bendigo City Council, Greater Shepparton City Council, Horsham Rural City Council, Hume City Council, Knox City Council and Surf Coast Shire Council.

Hume City Council: The Community Engagement Framework and Planning Guide

The Community Engagement Framework and Planning Guide, developed by Hume City Council, seeks to establish a consistent approach to community engagement. It provides guidance on when and how to undertake engagement activities and what steps and processes should be considered.

Specifically, the framework aims to:

- Ensure community views are understood and considered when developing Council plans, strategies, policies and service delivery
- Ensure the community has the opportunity to participate in the conduct of Council through inclusive and equitable engagement practices
- Strengthen community connectedness by creating opportunities for the community to get involved with, and have their say on, matters which are important to them
- Improve the relationship and level of trust between the community and Council by ensuring the community is informed about and involved in Council activities
- Enhance the coordination, planning and promotion of Council's community engagement activities
- Strengthen feedback and communication from Council so the community knows when and how their input has been considered to inform decisions.

The Charter provides one of the legislative foundations for Council's approach to community engagement.

Providing information to the community

In 2011, a third of councils (27 councils) provided information on the Charter or human rights to their communities, slightly down from 2010 (29 councils) and 2009 (33 councils).

The most common way of providing information was through the council website (20 councils). Other popular approaches included distributing brochures and other materials (10 councils), putting information in the Council newsletter (nine councils) and providing information at a community event (eight councils).

Some councils also provided Charter-related information through their annual report; disability action plan; client handbook; community engagement framework; and accessible events guidelines.

Moonee Valley City Council reported that it flies the United Nations flag on International Human Rights Day (10 December) and **Moreland City Council** has established a Human Rights Education Working Group which develops and disseminates information.

Third parties

Whenever a local council uses contractors or other third parties to perform public functions on its behalf, the council should take steps to ensure that these functions are carried out in a manner that is consistent with the Charter.

In 2011, 35 councils included reference to human rights and Charter considerations in their procurement policies, compared with 34 councils in 2010.

The number of councils that included human rights and Charter considerations in their grants and funding policies also remained roughly steady (27 councils in 2011, compared with 28 councils in 2010), as did the number of councils that provided support to contracted or funded agencies to assist them to meet their Charter obligations (12 councils in 2011, compared with 14 councils in 2010).

The most common way that councils provided support to contracted or funded agencies was by including Charter compliance considerations in tender requirements (54 per cent) and through building Charter compliance requirements into the terms of relevant contracts and funding agreements (46 per cent). Other approaches included providing information online and through information sessions.

Darebin City Council has a designated Human Rights Officer who provided regular information and support regarding Charter obligations to external agencies and funded organisations, as well as to departmental staff.

Monash City Council included Charter-related advice in information sessions for community grants program funding. The Council is also due to review tender specifications and contracts in relation to their Charter requirements.

The way forward



Identifying the barriers to implementation

In the 2011 survey, local governments expressed a strong commitment to human rights and the importance of the Charter in their day-to-day work and operations.

It is clear that a number of councils have developed best practice approaches to build a focus on human rights across all parts of their organisation and in the way they engage their communities in decision making.

As mentioned earlier in this report, our analysis of councils' responses shows that those councils that have made significant strides to implement the Charter tend to be more established and well resourced or operate in areas where there are strong local drivers for broad engagement, such as communities with high levels of diversity.

However, a number of councils also told us that they faced obstacles that hinder their efforts to fully implement the Charter within their organisations, including limited resources, time constraints and the need for more support and training.

The feedback we received through our survey indicates that smaller councils, councils with fewer resources and councils who had experienced external pressures from natural disasters or swift growth are not as advanced.

Towong Shire Council summed up the concerns and frustrations of a number of small, non-metropolitan councils:

We are a very small rural Council and our resources (financial and people) are minimal. We do not have dedicated employees for many functions (for example; OHS or HR, risk management, etc) and so many functions (such as integration of the Charter) are 'tacked' onto someone's role, someone who already has more than a full time position. As a result, whilst we do the very best and we take the matter seriously, we just don't have the resources that could ensure a full and complete integration of the Charter into our work and this is very frustrating.

The challenges created by limited time and resources were echoed by **Yarriambiack Shire Council**:

"Our major challenges is that we are a small rural municipality with limited resources and in reality there is a lot of things we unfortunately cannot do or achieve but we do put a significant emphasis on community engagement, customer service and advocating on behalf of our communities. With the quite recent appointment of an experienced HR person I am confident that we will progressively improve in respect to this critical area."

Some councils, such as **Mount Alexander Shire Council**, expressed the view that the Charter added an additional layer of compliance that detracted from service delivery:

"The drive to provide training on a specific Charter, rather than on a broader issue of access and equity seems misplaced. The message is on Council complying, rather than delivering services that meet the needs of the whole community to ensure equity. This message to an already over regulated and over compliance focused sector (driven by the State Government) is unnecessary and not helpful."

Campaspe Shire Council also noted that there "are constant reviews of Council services and processes with competing priorities which makes it difficult to address and progress specific requirements". To address this, Council has adopted a policy of ensuring all its decisions consider the Charter, which it believes is the most effective and holistic way to comply with the Charter.

Whitehorse City Council shared the view that monitoring and implementing Charter requirements can be time consuming and can divert resources from other local government responsibilities.

However, **Baw Baw Shire Council** felt that the major challenge was not integrating the Charter into council operations but rather building understanding within and among councils of the need for the Charter review and reporting requirements, over and above the other reporting and review requirements placed on local government by the State Government and its agencies.

Despite its strong record on human rights leadership over a number of years (see page 18 of this report), **Moreland City Council** also raised concerns about the level of Charter awareness:

"There is still low awareness of the principles of the Charter across the Council. There is no support from the State Government in facilitating its integration or funding to support training of council officers or interested public."

Whitehorse City Council made a similar point, highlighting the need to build greater awareness of the Charter among contractors, as well as the community more broadly:

"Whitehorse is of the view that successful integration of the charter into the work of local government could be hindered by a lack of awareness of the charter and associated legislation by suppliers, contractors (particularly the construction industry) the general community or where target groups are difficult to engage with or receive feedback from or during consultation."

However, a number of councils reported having few problems integrating the Charter into their operations, as the Charter aligned closely with existing Council values and service standards or their existing processes already encapsulated Charter principles.

For example, **Stonnington City Council** reported that the Charter is now firmly embedded in the organisation: "It is part of the way we operate, where everyone has fair and equal access, representation and input."

Greater Bendigo City Council observed that "while the Charter is not specifically referenced in some processes and in our communication with the community, the fundamentals of the Charter are inherent in everything we do".

Supporting progress in 2012

Despite some of the challenges they can face, it is clear that Victoria's local councils are making genuine progress to implement the Charter and build human rights principles into the way they work and engage with their communities.

The Commission's research, coupled with our regular discussions with councils, indicates that the early momentum generated through implementing the first range of Charter-compliance initiatives has begun to slow as more detailed plans are developed and implemented.

Putting in place these more complex changes requires time, thinking and consultation. The Commission also understands that council representatives – especially those with direct responsibility for Charter implementation plans and strategies – are seeking more support, training and information to assist them in their efforts.

In 2012 the Commission will develop new ways of working with and supporting local councils and peak bodies in their ongoing efforts to implement a human rights-based approach in the way they work.

We will continue our current program of providing information, education and training for councils, along with our regular review of the steps being taken by Victoria's public authorities to comply with the Charter.

Hume City Council was one of a number of councils in 2011 that highlighted the practical benefit of the contribution made by the Commission:

"The Commission's independent Annual Report to the Attorney-General on the operation of the Charter has been a valuable process to highlight the areas of Council that are functioning well and where resources are required to support the

adoption of a human rights culture. Support by the Commission through initiatives such as the 'Human Rights Matters Locally Project' and toolkits have been very useful in assisting Council develop policies and practice, however the resourcing and staff time to continue this work is a considerable challenge for a rapidly growing municipality such as Hume City."

We will also draw on feedback and comments provided by councils in this year's survey to develop new ways of sharing Charter-related information and examples of good practice.

For example, it was suggested that the Commission could establish a dedicated local government section on its website to publish examples of successful programs and activities undertaken by councils, policy templates and other information and resources developed by individual councils and peak bodies.

In the coming year, we will also develop a range of additional resources to provide councils with practical guidance, as well as hold a forum for local government on the Charter.

The forum will bring individual councils and peak bodies together to share ideas, identify good practice and discuss strategies to continue the progress that has been made in advancing human rights in communities across Victoria.

An important aspect of the forum will be to hear the experiences and perspectives of metropolitan, regional and rural councils and the different ways in which the Charter can be used to deliver better outcomes for their respective communities.

The forum will also be a starting point for a community of practice, where councils can ask questions, exchange information and share the benefits they have gained from integrating a human rights-based approach into their organisations.

As the tier of government that works most closely with the community, local councils have a vital role to play in building understanding and respect for many everyday human rights.

The Charter is a critical tool that can help shape the activities and services of councils in a way that can make human rights a reality for the diverse people and communities who live in, work in and visit their municipalities.

The Commission will seek to provide the support, advice and encouragement that councils need as they work to fully implement the Charter.



Victorian Equal Opportunity
& Human Rights Commission

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| | |
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