

Governance Local Law 2022

Human Rights Charter
Assessment of Compatability

The *Victorian Charter of Human Rights and Responsibilities Act 2006* provides that it is unlawful for a public authority, including a Council, to act in a way that is incompatible with a human right or, in making a decision, to fail to give proper consideration to a relevant human right.

In accordance with section 28 of the Charter of Human Rights and Responsibilities¹ ("**the Charter**"), this statement of compatibility is made with respect to Casey City Council's proposed Governance Local Law 2022.

The Casey City Council's Governance Local Law 2022 is compatible with the human rights protected by the Charter.

The following rights in the Charter have been considered:

	What human rights are impacted? <i>List each right</i>	What does this right mean?	Council's Assessment
1	Freedom of thought, conscience and belief	Section 14 of the Charter means that every person has the right to freedom of thought, conscience, religion and belief. This means they are free to think and believe what they want and to share their thoughts publicly. The Charter applies to public authorities in Victoria, such as state and local government departments and agencies, and people delivering services on behalf of the government	<p>Council's Governance Rules (the Rules) make provisions for members of the public and Councillors to be removed from Council Meetings if they are being disruptive or unruly, or otherwise creating a risk to public safety. The proposed Governance Local Law 2022 supports the Rules and whilst the Rules are not intended to restrict the expression of opinions, if such expression is disruptive or creates a risk to health and safety, the Governance Local Law 2022 will come into effect.</p> <p>It is Council's assessment that the document under review imposes a reasonable limit on this human right.</p>

¹ Human Rights Victoria: Your rights under the Charter

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2	Freedom of expression	Section 15 of the Charter protects a person's right to have your own opinion, to seek and receive information, and to express themselves. These rights come with responsibilities – to respect the rights and reputation of others and not risk public safety. The Charter applies to public authorities in Victoria, such as state and local government departments and agencies, and people delivering services on behalf of the government.	<p>The Rules make provisions for members of the public and Councillors to be removed from Council Meetings if they are being disruptive or unruly, or otherwise creating a risk to public safety. The proposed Governance Local Law 2022 supports the Rules and whilst the Rules are not intended to restrict the expression of opinions, if such expression is disruptive or creates a risk to health and safety, the Governance Local Law 2022 will come into effect.</p> <p>It is Council's assessment that the document under review imposes a reasonable limit on this human right.</p>
3	Peaceful assembly and freedom of association	Section 16 of the Charter protects a person's right to gather for a common purpose or to pursue common goals, such as protesting, gathering or meeting, whether in public or in private. The Charter applies to public authorities in Victoria, such as state and local government departments and agencies, and people delivering services on behalf of the government.	<p>The Rules make provisions for members of the public and Councillors to be removed from Council Meetings if they are being disruptive or unruly, or otherwise creating a risk to public safety. The proposed Governance Local Law 2022 supports the Rules and whilst the Rules are not intended to restrict the expression of opinions, if such expression is disruptive or creates a risk to health and safety, the Governance Local Law 2022 will come into effect.</p> <p>It is Council's assessment that the document under review imposes a reasonable limit on this human right.</p>
4	Take part in public life	Section 18 of the Charter protects a person's right to take part in public life, whether directly or through a representative. It also protects their right to vote in state and local council elections, and to access public services. The Charter applies to public authorities in Victoria, such as state and local government departments and agencies, and people delivering services on behalf of the government.	<p>The Rules make provisions for members of the public and Councillors to be removed from Council Meetings if they are being disruptive or unruly, or otherwise creating a risk to public safety. The proposed Governance Local Law 2022 supports the Rules and whilst the Rules are not intended to restrict the expression of opinions, if such expression is disruptive or creates a risk to health and safety, the Governance Local Law 2022 will come into effect.</p> <p>It is Council's assessment that the document under review imposes a reasonable limit on this human right.</p>

	What human rights are impacted? <i>List each right</i>	What does this right mean?	Council's Assessment
5	Property Rights	Section 20 of the Charter protects a person's right to not be deprived of their property, including land, possessions and shares. The Charter applies to public authorities in Victoria, such as state and local government departments and agencies, and people delivering services on behalf of the government.	<p>The execution of a document sealed by a Council is to be attested by such persons as the Council determines.</p> <p>The proposed Governance Local Law 2022 sets out the requirements for the use of the Council's Common Seal and denotes that it must be kept and used as authorised by the Council. It also sets out the penalties if a person uses the Common Seal of the Council or any device resembling the Common Seal without the authority of Council.</p> <p>It is Council's assessment that the document under review imposes a reasonable limit on this human right.</p>