



Human Rights and Social Justice Framework 2017-2021

Contact: Malcolm Roberts-Palmer
Senior Social Policy and Research Officer
malcolm.roberts-palmer@maribyrnong.vic.gov.au

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Acknowledgement

In the Woi wurrung language of the traditional owners of the City of Maribyrnong 'wominjeka' means welcome and 'yurrongi' means to proceed. The City of Maribyrnong is welcoming of Indigenous Australians and intends to proceed its support and celebration of their people and culture.

We acknowledge that we are on traditional lands of the Kulin Nation. We offer our respect to the Elders of these traditional lands, and through them to all Aboriginal and Torres Strait Islander peoples past and present.

What is Human Rights and Social Justice?

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

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

Purpose of the Framework

The purpose of this framework is to provide a foundation for Council's commitment and actions to protect human rights and promote social justice in the City of Maribyrnong community. It aligns with the vision, principles and values of the Council Plan 2013-2017 and will apply to all of Council's laws, policies, programs and services.

The framework builds on the previous Human Rights and Social Justice Framework 2013-2016 and the work of Council's Human Rights and Social Justice Steering Group.

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

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

Commitment to Human Rights and Social Justice

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

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

Council will meet this commitment through four pillars for action:

- 1. Compliance**

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

- 2. Culture**

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

- 3. Advocacy**

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

- 4. Practice**

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

Council has developed an Annual Action Plan which outlines what activities will be undertaken each year to support the four pillars. A copy of the Action Plan is attached to the framework.

Pillars for Action and Case Studies

The four pillars for action form the basis for Council's commitment to human rights and social justice. This section outlines information about the four pillars. It also contains case studies which demonstrate how Council has implemented services, projects and policies that reflect the objectives of the four pillars.

Compliance

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

As a public authority, Council is required to comply with the requirements of the *Charter of Human Rights and Responsibilities Act 2006*. An outline of the 20 rights contained in the Charter is at Appendix 1. Council is also required to comply with other State and Federal legislation that relates to human rights. A list of this legislation is contained in Appendix 2.

The following are two case studies of how Council is complying with rights contained in the Charter.

Case Studies

Charter Training Workshops

Council has held training workshops for staff and management to raise awareness of the Charter. These workshops focus on Council's role as a public authority in complying with the rights contained in the Charter. They also focus on case studies that allow staff to gain a greater understanding of how the Charter applies to their day to day work.

VEOHRC Annual Charter Report

Council has to report to the Victorian Equal Opportunity and Human Rights Commission on how it has complied with the rights contained in the Charter. VEOHRC praised Council for demonstrating leadership and commitment to human rights in two of its annual reports on Local Government compliance with the Victorian Charter for Human Rights and Responsibilities. This included establishing the Council Human Rights and Social Justice Steering Group and implementing actions contained in the previous framework.

Culture

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

As part of the implementation of the previous framework, Council established the Human Rights and Social Justice Steering Group. This Steering Group is chaired by the CEO and has members from across Council's divisions.

The purpose of the Steering Group is to promote understanding of how different human rights and social justice issues impact on local communities in the City of Maribyrnong. The Steering Group also supports the development of best practice in this area, for the development and delivery of Council's policies, programs and services.

The following are three case studies that are examples of how Council is working towards a greater understanding of human rights and social justice issues.

Case Studies

Ngulu Yirramboi Mumilam - Aboriginal Cultural Competency Learning Program

Council is working with the Victorian Department of Health and Human Services and local Aboriginal Elders and leaders to develop and deliver learning opportunities that will build our Aboriginal cultural competency.

The training is designed to provide staff with a more in depth experience and insight into Aboriginal country, culture, history and current day experience. Local Aboriginal Elders, community leaders are the guides and present throughout the training.

The objective of the training is to develop a culturally competent workforce that can work effectively with Aboriginal communities, clients, families and carers in Western Melbourne. By building a better understanding of good practice in working with Aboriginal people, Council staff will be able to work more effectively with communities living here in the west.

Racism It Stops With Me Campaign

Maribyrnong City Council is an official supporter of the Australian Human Rights Commission's Racism It Stops With Me campaign. The campaign aims to reduce racism and the negative effects it has on individuals and the broader community. During consultation for Council's 2012-2017 Multicultural Policy, 26 per cent of respondents identified racism as a top five issue. As well as supporting and celebrating multiculturalism, the purpose of the policy to 'help reduce racial and religious discrimination' and commits Council to 'leading opportunities that address racial and religious discrimination'.

Phoenix Youth Services Hip Hop program, Raw Elements created the track 'Stops with Me', as part of Council's support for the campaign. Members of the program were awarded a Human Rights Award by Human Rights Commissioner Tim Soutphommasane in March 2015.

Climate Change

Council is the fourth local government organisation in Victoria and the sixth in Australia, to become Carbon Neutral or Zero Carbon. Council has achieved this through the following actions:

- An Energy Performance Contract to improve the energy efficiency of Council's four biggest buildings
- Energy efficiency upgrades at a number of Council's buildings as part of the empowering Maribyrnong Program and Council's energy efficiency program.
- Installed 170kW of solar power on various Council buildings.
- Changeover of 4,148 street lights to energy efficient street lights.
- Installed a cogeneration plant and completed energy efficiency upgrades at the Maribyrnong Aquatic Centre.
- Purchased accredited carbon offsets to enable Council to offset remaining Council emissions. Examples of carbon offsets include reforestation projects, renewable energy development and energy efficiency programs.

Council is now encouraging the community to reduce their emissions to zero by 2021. The Turn It Down campaign asks the community to check and re-think their energy use including checking temperatures associated with heating, hot water and refrigeration. This will assist in reducing emissions and also utility costs, which represent a significant proportion of a budget for low income households in the City of Maribyrnong.

Advocacy

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

Council advocates to the State and Federal Government's on behalf of the City of Maribyrnong community through a number of methods:

- Submissions to government inquiries
- Meetings with government ministers and representatives
- Represent Council in forums and local government bodies such as the Municipal Association Victoria (MAV) and the Victorian Local Government Association (VLGA).
- Partnerships with other local government and industry groups such as Inner Melbourne Action Plan (IMAP).
- Supporting programs and events such as 16 Days of Activism, Refugee Week and the Maribyrnong Inclusive Recognition Awards (MIRA).

The following are three case studies are examples of Council's advocacy work to support the community.

Case Studies

Trucks and Inner West Project

Trucks have become a major source of air and noise pollution in the City of Maribyrnong, given the proximity of the municipality to Port Melbourne.

The Trucks and the Inner West Project is a partnership of Council, Environmental Protection Agency Victoria, Department of Health and VicRoads. The partnership aims to address the issues of safety, noise, air quality and increasing truck movements in Footscray and Yarraville, through extensive community engagement and research. Council has an important role to play in advocating on behalf of its residents who are exposed to unprecedented levels of truck traffic and the associated noise and air pollution.

Council has made three submissions to the Federal and State governments on both noise and air pollution issues in Maribyrnong, suggesting a number of solutions to address the social and health inequalities facing Maribyrnong residents. The following are links to the three submissions: https://www.maribyrnong.vic.gov.au/Page/Page.aspx?Page_Id=11389

http://www.maribyrnong.vic.gov.au/Page/Page.aspx?Page_Id=11390

Truck curfews were introduced by VicRoads in early 2015 on Somerville Road Yarraville and Moore Street Footscray. The curfews for Somerville Road are 8am to 9.30am and 2.30pm to 4pm on school day only and 8pm to 6am Monday to Saturday and 1pm Saturday to 6am Monday. The curfew for Moore Street is set at 8pm to 6am Monday to Saturday and 1pm Saturday to 6am Monday.

There are over 2000 children enrolled at four schools along Francis Street and Somerville Road. There are also a number of childcare centres and kindergartens impacted by noise and pollution. At the level of 70db outside during school hours, studies conclude that learning and reading abilities may be affected.

Traffic counts undertaken in mid 2015 indicated that 75 per cent fewer trucks were travelling on Somerville Road during school times and 41 per cent fewer trucks were using Moore Street at night.

In July 2016, the truck curfew was extended to Francis Street Yarraville during school terms on weekdays, making for a healthier and safer trip to school for Wembley Primary School students. The curfew time for Francis Street is the same as for Moore Street.

Council is advocating on behalf of residents for curfews on Francis Street to be brought forward to 6pm and for stricter enforcement and monitoring of curfew compliance.

Council is also advocating for the best outcome for longer term solutions such as the Western Distributor project preferred design and alignment and associated truck bans.

Housing Affordability in Braybrook

Housing affordability is a key issue in the City of Maribyrnong and particularly in Braybrook, which has 19.3 per cent of the social housing in the municipality. Council has been advocating for affordable housing renewal in Braybrook through the Housing Strategy and the Revitalising Braybrook Strategy and Action Plan.

Council has undertaken a number of actions to promoting affordable housing renewal in Braybrook including:

- Made a submission to the Senate Economics and References Committee Inquiry into Housing Affordability. This submission identified Braybrook as being an area of high concentration of social housing and called for increased State and Federal funding to support affordable housing development and housing diversity.
- Organising a consultation forum with social housing and community service providers to consider opportunities for affordable housing development in Braybrook.
- Writing to the State Housing Minister and Shadow Housing Minister to explore further opportunities to rejuvenate current public housing stock in Braybrook with modern sustainable housing designs and materials.

In September 2016, the State Government announced \$60 million in funding towards a social housing pipeline program aiming to boost social housing through partnerships with

the housing sector and private construction companies. An expression of interest process will be in November 2016 and Braybrook is one of seven locations targeted for this program.

Gambling Advocacy Campaign Plan 2015/16

Gambling causes significant harm across the City of Maribyrnong community. The Gambling Advocacy Campaign Plan was introduced by Council in August 2015 to support Council's policy implementation and enhance its advocacy efforts.

Since the adoption of the Campaign Plan Council has undertaken a number of key actions to support its implementation including:

- Joining the Alliance for Gambling Reform which is a national collaboration of organisations with a shared concern about the harmful impacts of gambling in Australia.
- Promoting the National Alliance for Gambling Reform film "Ka Ching" in the City of Maribyrnong community including holding a community screening of the film at the Sun Theatre in Yarraville on 30 November 2015.
- In August 2015, the Mayor Cr Nam Quach and the CEO Stephen Wall held a meeting with advisors to the Victorian Minister for Gambling the Jane Garrett to discuss Council's position on gambling. This included raising concerns over the location of residential dwellings on gaming venue sites following the VCAT approval of a residential development on the Edgewater Club site in Maribyrnong.
- Promoting the Dare to Connect North West Program. Dare To Connect is a free 10 week program that aims to offer regular gamblers recreational and educational alternatives to at risk gambling.
- Supporting the HealthWest Reducing Gambling Frequency Project which aims to provide gambling alternatives to seniors groups from different cultural backgrounds, living in the Western region.

Practice

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

Council promotes equity of access by developing community infrastructure and programs and policies that support local communities in the City of Maribyrnong, to access and connect with learning, cultural and information technology resources. The following three case studies reflect how Council supports this approach.

Case Studies

Braybrook Hub Development

Braybrook is the fourth most disadvantaged suburb in Melbourne, with more than the twice the unemployment rate of Greater Melbourne.

In March 2015, the new \$12.5 million Braybrook Community Hub opened to the public. Council funded the majority of the redevelopment, with the State Government contributing \$3.4 million. The hub development is a key action of Council's Revitalising Braybrook Action Plan which aims to improve the wellbeing of Braybrook residents.

The hub features a new library and cafe, community centre and spaces, cohealth community health services, maternal and child health services, Melbourne City Mission early years centre, a sports pavilion, Braybrook Men's Shed, Braybrook Community Garden, public art installations and the Australian College of Optometry.

The hub offers a number of programs including arts and craft, children's programs and health and wellbeing programs.

In the 2015 calendar year, the hub had 76,207 people visit the centre. This has included 8,267 people participating in activities and programs.

The Maribyrnong Strategy for Children 2015-2018

The Maribyrnong Strategy for Children 2015-2018 is the City of Maribyrnong's third strategic plan for children. It provides a foundation for collaboration with local partner organisations and a planning tool for the delivery of services to children in the City of Maribyrnong. This includes maternal and child health, immunisation programs, playgroups (both community run and supported), central registration for child care services (centre based and family day care services), three and four year old kindergarten programs, toy libraries and primary schools.

This strategy builds on the achievements of previous plans and has strengthened the partnership approach with local community service organisations and schools who collaborate with Council to deliver the actions in this strategy for children from birth to 12 years of age.

The strategy is based on consultation with over 700 children aged 2 to 12 in the City of Maribyrnong. In giving children a voice the strategy places their needs at the centre of

creating the conditions for a good life in the City of Maribyrnong. This consultation findings were underpinned the Australian Research Alliance for Children and Youth (ARACY) Nest Action framework. This includes key result areas: Loved and Safe, Having Material Basics, Being Healthy, Learning, and Participating.

She's Game – Gender Equity in Sport

Sport has been identified as a key platform for promoting gender equity and preventing men's violence against women. Despite this, there are many social, cultural, and environmental factors that prevent or discourage women from participating in sport or physical activity.

She's Game is a project that acknowledges and understands that overcoming these barriers is a key step in increasing women's participation in sport, not just as athletes but as committee members, coaches and volunteers and in other administration roles. She's Game commenced in February 2015 and ran for 15 months to June 2016. It has four key project actions:

- Action 1: Face to Face education - She's Game worked intensively with four clubs in the municipality, most of which were clubs from traditionally male sports.
- Action 2: Research - The research found that some of the barriers to women's participation in sport include physical activity schedules not being convenient, physical activity costing too much and it taking up too much time.
- Action 3: Policy Development - Updating Council policies that further prioritise the inclusion and participation of women and girls in sport, including Council's 10 year Sports Development Strategy.
- Action 4: Sustainability - Council has built on the work of the She's Game program through the following actions:
 - Running a small grants program to fund projects aimed at increasing female participation, inclusion and safety in local clubs.
 - Undertaking capital works upgrades to increase facility capacity and increase female friendly change rooms.
 - Encouraging women to participate in physical activity through the Active Maribyrnong programs such as Spring Into Summer, which seeks to address the barriers that exist for many women in accessing traditional organised sport.
 - undertaking further research that takes account of different cultural and social and economic backgrounds of women who participate in physical activity in the City of Maribyrnong.

Appendix 1: Charter for Human Rights and Responsibilities Act 2006

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

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

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

Further details of the rights contained in the Charter, can be found on the Victorian Equal Opportunity and Human Rights Commission's (VEOHRC) website at:

<http://www.humanrightscommission.vic.gov.au/the-charter/rights-under-the-charter>

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

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

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

Your right to life (section 9)

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

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

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

Your right to freedom from forced work (section 11)

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

Your right to freedom of movement (section 12)

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

Your right to privacy and reputation (section 13)

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

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

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

Your right to freedom of expression (section 15)

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

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

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

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

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

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

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

Cultural rights (section 19)

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

Property rights (section 20)

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

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

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

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

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

Rights of children in the criminal process (section 23)

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

Your right to a fair hearing (section 24)

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

Rights in criminal proceedings (section 25)

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

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

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

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

Retrospective criminal laws (section 27)

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

Appendix 2: Other Legislation relating to Human Rights and Social Justice

State Legislation

Equal Opportunity Act 2010

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

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

Racial and Religious Tolerance Act 2002

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

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

Public Health and Wellbeing Act 2008

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

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

Local Government Act 1989

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

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

Disability Act 2006

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

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

Multicultural Victoria Act 2011

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

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

Family Violence Protection Act 2008

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

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

Privacy and Data Protection Act 2014

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

http://www.austlii.edu.au/au/legis/vic/num_act/padpa201460o2014317/

Climate Change Act 2010

The *Climate Change Act 2010* recognises that Victoria's climate is changing and introduces a duty that requires local government to consider climate change when developing a public municipal health and wellbeing plan.

http://www.austlii.edu.au/au/legis/vic/consol_act/cca2010109/

Environment Protection Act 1970

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

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

Federal Legislation

Racial Discrimination Act 1975

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

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

Sex Discrimination Act 1984

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

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

Age Discrimination Act 2004

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

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

Disability Discrimination Act 1992

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

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

Fair Work Act 2009

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

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