

# How to apply the Charter to your work

The *Charter of Human Rights and Responsibilities Act 2006* requires all public authorities in Victoria to act compatibly with human rights and give proper consideration to human rights before making a decision. To carry out these responsibilities, public authorities should:

## step one

### Identify relevant rights

**Check the list on the back of this guide to see what rights are relevant to your situation.**

## step two

### Consider whether rights are being limited by your action or inaction

**Will your decision limit or interfere with the relevant rights you've identified?**

**NO** – If rights are not being limited, you are acting compatibly with human rights.

**YES** – If human rights are being limited, you should move to step 3.

## step three

### To lawfully limit a right you must:

#### Be authorised

What law or regulation allows you to limit a person's rights? If you can't identify a law or regulation then you may not be able to limit rights.

#### Be justified and proportionate

Determine whether your limitation of a person's rights is justified and proportionate in the circumstances, taking into account all relevant factors, including:

- a. the nature of the right/s:** What does the human right/s protect? What are the values that underpin the right?
- b. the importance of the purpose for the limitation:** What is your purpose for limiting a human right? What are you trying to achieve by your action or inaction?
- c. the nature and extent of the limitation:** How are you limiting a human right? What are the consequences for the person whose right/s you are limiting?
- d. is there a relationship between the limitation and your purpose?** Is your action or inaction tailored to achieve your purpose? Is it proportionate? If so, you may be lawfully limiting a human right. If not, you may be breaching the Charter.
- e. Are there less restrictive means reasonably available to achieve your purpose?** Is there another way to achieve your purpose that won't limit a person's human rights as much? If so, you should take the less restrictive option.

# Rights under the Charter

## Section 8:

The right to recognition and equality before the law

## Section 9:

The right to life

## Section 10:

The right to protection from torture and cruel, inhuman or degrading treatment

## Section 11:

The right to freedom from forced work

## Section 12:

The right to freedom of movement

## Section 13:

The right to privacy and reputation

## Section 14:

The right to freedom of thought, conscience, religion and belief

## Section 15:

The right to freedom of expression

## Section 16:

The right to peaceful assembly and freedom of association

## Section 17:

The right to protection of families and children

## Section 18:

The right to take part in public life

## Section 19:

Cultural rights, including Aboriginal cultural rights

## Section 20:

Property rights

## Section 21:

The right to liberty and security of person

## Section 22:

The right to humane treatment when deprived of liberty

## Section 23:

Rights of children in the criminal process

## Section 24:

The right to a fair hearing

## Section 25:

Rights in criminal proceedings

## Section 26:

The right to not be tried or punished more than once

## Section 27:

The right to protection from retrospective criminal laws.



## Quick guide to the Charter

Helping you apply Victoria's Charter of Human Rights and Responsibilities

For more information, please visit our website at [humanrightscommission.vic.gov.au](http://humanrightscommission.vic.gov.au)

