

Charter of Human Rights Victoria (Policy)

Version 4.0

This policy has been adopted by:

Name of Company	Adoption Date
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1. INTRODUCTION

The Charter of Human Rights and Responsibilities Act 2006 (the Charter) is a Victorian 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 requires public authorities, such as Victorian state and local government departments and agencies, and people delivering services on behalf of government, to act consistently with the human rights in the Charter. Community Housing (Vic.) Ltd. (CHVL) is a public authority under this definition.

2. AIM

CHVL is committed to upholding the Charter of Human Rights and Responsibilities and will follow procedures that consider our ‘customers’ human rights as outlined in the Act.

3. DEFINITIONS

Term/ Abbrev.	Meaning
Customer	Generic term used to refer to a renter/tenant, applicant or other person receiving services from CHVL

4. PRINCIPLES OF CHVL’S CHARTER OF HUMAN RIGHTS POLICY

The Charter requires public authorities to act compatibly with human rights, and to consider human rights when developing policies, making laws, delivering services and making decisions.

CHVL will at all times exhibit fairness in its dealing with customers and any issues arising during the tenancy, CHVL will ensure that customers (and/or their advocates) are given an opportunity for input and to explain their perspective before any action is taken.

Twenty fundamental human rights are protected in the Charter and recognise that, as human beings, we have basic rights, including the right to be treated equally, to be safe from violence and abuse, to be part of a family and to have our privacy respected.

In certain circumstances, some rights may be limited. However, this must be necessary and reasonable and there must be clear reasons for the decision.

5. RIGHTS LISTED UNDER THE CHARTER

CHVL at all times administers its services to protect all the rights of Victorians in accordance with this Act.

A comprehensive view of all Rights under can be found at the Victorian Legislation and Parliamentary Documents website:

[http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e9200e23be/54D73763EF9DCA36CA2571B6002428B0/\\$FILE/06-043a.pdf](http://www.legislation.vic.gov.au/Domino/Web_Notes/LDMS/PubStatbook.nsf/f932b66241ecf1b7ca256e9200e23be/54D73763EF9DCA36CA2571B6002428B0/$FILE/06-043a.pdf)

CHVL protects these rights by applying procedural fairness in all its dealing with customers. The pertinent sections of the *Charter of Human Rights and Responsibilities* as they relate to CHVL are:

Recognition and equality before the law (Section 8)

Every person has the right to be recognized as a person before the law and to enjoy their human rights without discrimination. Everyone is equal before the law and is entitled to equal protection without discrimination, as well as the right to effective protection against discrimination. Measures taken to assist or advance individuals or groups disadvantaged by discrimination do not count as discrimination.

Protection from torture and cruel, inhuman or degrading treatment (section 10)

Everyone has the right to not be tortured, treated or punished in a cruel, inhuman, or degrading way.

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 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 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.

6. HOW CHVL AIMS TO ACHIEVE THESE POLICY PRINCIPLES

CHVL will identify the impact of potential eviction process on the customers' human rights during each step of the process. This will be achieved by adhering to the Warrant Request with Human Rights procedures.

Staff taking action in line with this policy must:

- Understand the objective and rationale of the actions they are taking;
- Consider the impact of a proposed action on the renter's Charter rights;
- Consider whether the proposed impact is balanced, proportionate and necessary to achieve the objectives of the organisation;
- Choose the least restrictive measure available.

Should the need arise for CHVL to limit a persons human rights, it will be done so under the following conditions:

- it is lawful, necessary, reasonable, and proportionate;
- it considers the nature of the human rights and the importance of limitations upon it;
- CHVL will ensure that any less restrictive actions reasonably available have been explored.

7. RELATED RESOURCES

7.1. CHL Group References

CHL Customer Promise
Child Safety Policy
Customer Participation Policy
Customer Information Management Procedure
Hardship Policy
Privacy Policy
Sustaining Tenancies Policy
Working with Aboriginal and Torres Strait Islander Peoples Policy
Warrant of Possession Procedure (Vic.)
Warrant of Possession Form
Victorian Tenancy Operations Manual

7.2. External References

Victorian Housing Registrar's Regulatory Framework
Residential Tenancies Act 1997
Charter of Human Rights and Responsibilities Act 2006

8. MONITORING AND REVIEW

This policy is maintained and managed by the CHL Group's Chief Operations Officer.

This document should be reviewed and revised periodically and/or as required. The period between reviews must not exceed three years. This document remains valid until such time that a new version is published

Review History

Document reference	Date Approved	Version	Reason for review	Review frequency	Owner	Approver(s)
POLHOUAUSNATHRV202504	20 March 2025	4.0	Scheduled review	Every three years	Chief Operations Officer	CEO, CGO, CPO, COO, CFO, GIO, CDO, CSO
POLHOUAUSVICCHR202303	February 2023	3.0	Scheduled review	Every two years	National Operations Manager	National Operations Manager
POLHOUAUSVICCHR202102	July 2021	2.0	Scheduled review	Every two years	National Operations Manager	National Operations Manager
POLHOUAUSVICCHR201901	February 2019	1.0	New policy	Every two years	National Operations Manager	National Operations Manager