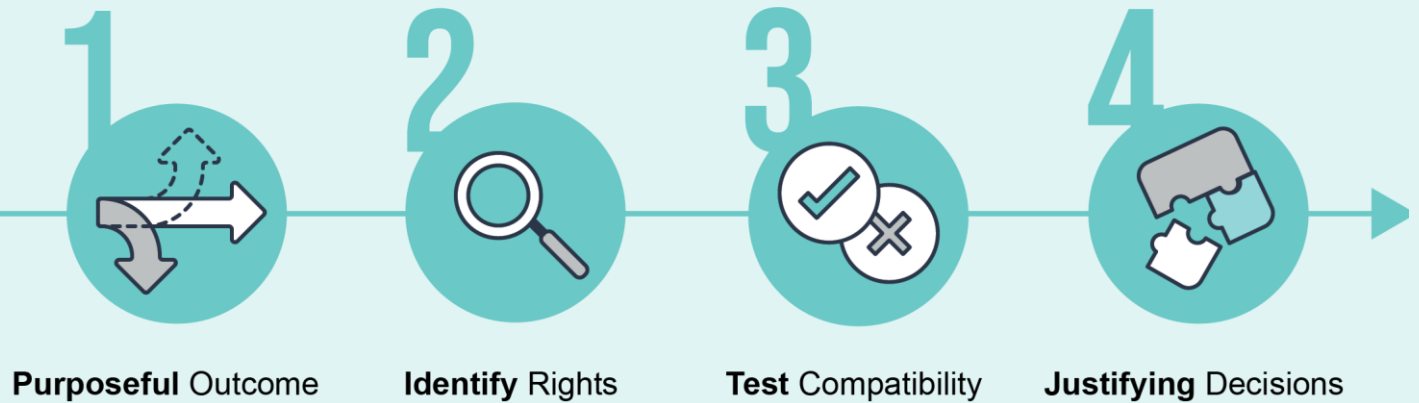


Proper Consideration

Proper consideration involves factoring in individual circumstances and a person's human rights when making significant service delivery decisions.

The consideration process helps you to meet your obligations as a public entity by demonstrating that you thought carefully about relevant human rights and you can explain the decision you took.



Purposeful Outcome

It is important to align your decision making with a clear and legitimate purpose. The purpose should support the aims and objectives of your service while being specific to the person's needs and goals.



Identify Rights

Take the time to think about each person involved in the situation and identify all relevant human rights involved ('engaged'). By identifying how strongly human rights are engaged in the decision you can consider the impact of your actions **before** deciding which course of action to take.



Test Compatibility

Now that you have decided on a course of action, there are five key questions you can ask to check if you are acting compatibly with human rights:

Is it lawful? What law or regulation allows you to limit a person's rights?

Is there a purpose? Does the proposed limitation on human rights achieve a legitimate purpose?

Is it rational? Will the action or decision you intend to take effectively achieve your purpose?

Is it necessary? Is this the least restrictive way to achieve your purpose?

Is it fair and balanced? Do the benefits outweigh the harm caused by the limitation?

If you answer **No** to **any** of these questions, then it is likely you are not acting compatibly with human rights and you should reconsider your decision.



Justifying Decisions

Human rights should only be subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom. This step requires you to record your decision and explain the human rights-limiting actions you take. You should acknowledge the expected outcome of your decision or action on the human rights of all people involved and capture the factors you considered when making the decision.

