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<p>Essentials</p>  <p>Read me first</p>	<p>The City of Ballarat <i>Community Local Law 2017</i> (the Local Law 2017) includes a clause relating to activities in a municipal building. This procedure will guide Authorised Officers in the application of <i>Clause 74.3.6</i> of the Local Law 2017.</p> <p>Clause 74.3.6 reads as follows:</p> <p><i>74.3 Unless authorised by the Council or an Authorised Officer or Delegated Officer, a Person must not in a Municipal Building:</i></p> <p><i>74.3.6 except for a child under the age of six (6) years in the care of a responsible person, and for a carer providing assistance to a person with a disability, enter or use any dressing room, shower, convenience or other area in a Municipal Building which has been appropriated for Persons of the opposite gender.</i></p> <p>This procedure outlines how this clause is to be applied by Authorised Officers of the City of Ballarat, to ensure that this clause is not applied to discriminate against non-binary persons or the gender with which the person identifies, or where enforcement would be inconsistent with the human rights of non-binary and transgender persons under the <i>Charter of Human Rights and Responsibilities Act 2006</i> and the <i>Equal Opportunity Act 2010</i>, in situations where they seek access to Council facilities that are gendered, such as bathrooms.</p>
<p>Context</p> 	<p>The Local Law 2017 is administered and enforced by Authorised Officers at the City of Ballarat, with the broad objective to protect the community and ensure the good governance in the local area.</p> <p>This procedure applies to Authorised Officers tasked with administering and enforcing the Local Law 2017, specifically Compliance Officers, Local Laws Officers and other Authorised Officers within Regulatory Services that have delegated authority to do so.</p>
<p>Purpose</p> 	<p>The purpose of this procedure is to ensure all Authorised Officers with authority to administer and enforce Clause 74.3.6 of the Local Law 2017 apply a consistent and non-discriminatory approach when considering whether enforcement of this Clause is necessary.</p>

<p>Requirements</p> 	<p>In the administration and enforcement of clause 74.6.3 of the Local Law 2017, Authorised Officers must treat clause 74.3.6 as:</p> <ol style="list-style-type: none"> a. having no application to, and therefore not being enforceable against, non-binary persons; b. being interpreted so that ‘gender’ is understood and applied as being ‘the gender with which a person identifies’; and c. not applicable or enforceable where that application or enforcement would be inconsistent with the human rights of non-binary and transgender persons under the <i>Charter of Human Rights and Responsibilities Act 2006</i> and the <i>Equal Opportunity Act 2010</i> in situations where they seek access to Council facilities that are gendered, such as bathrooms.
<p>Accountability</p> 	<p>Managers/Supervisors Managers/Supervisors are responsible for:</p> <ul style="list-style-type: none"> • Ensuring that Authorised Officers who administer and enforce clause 74.3 of the Local Law 2017 receive and understand this procedure; • Reviewing the application of the Clause of 74.3 of the Local Law 2017 to ensure adherence to this procedure; and • Investigating any concerns raised in relation to the application of this procedure. <p>Delegated Authorised Officers Delegated Authorised Officers are responsible for:</p> <ul style="list-style-type: none"> • Adhering to this procedure; • Raising concerns relating to the application of this procedure and clause 74.3 of the Local Law 2017; • Communicating the application of this procedure to community members as required.
<p>Supporting Documents and References</p> 	<p>Acts <i>Charter of Human Rights and Responsibilities Act 2006</i> <i>Equal Opportunity Act 2010</i> <i>Fines Reform Act 2014</i> <i>Gender Equality Act 2020</i> <i>Infringements Act 2006</i> <i>Local Government Act 1989</i> <i>Local Government Act 2020</i> <i>Sentencing Act 1991</i> <i>Summary Offences Act 1966</i></p> <p>Council Related Documents <i>Community Local Law 2017</i></p>