

BUTTERFLY FOUNDATION

CHARTER OF RIGHTS

Butterfly Foundation respects and fully commits to upholding the rights of all people, including our service users and program participants and their support people. We are also committed to ensuring you are aware of your rights and responsibilities and are supported to exercise them.

In supporting your rights, Butterfly Foundation complies with a range of international conventions and national legislation (detailed on the [Australian Human Rights Commission website](#)) as well as several state and territory requirements. This includes the *United Nations' Universal Declaration of Human Rights*; *United Nations' Convention on the Rights of the Child*; state and territory human rights, anti-discrimination, and equal opportunity legislation; and the [Australian Charter of Healthcare Rights](#).

Your Rights

You have the Right to:

- be treated with courtesy, dignity, and respect, regardless of your cultural background, gender identity, sexual orientation, intersex status, political or religious beliefs, disability or caring status, or other characteristics (including appearance), values, or beliefs,
- have your culture, diversity, values, and beliefs valued and supported,
- have control over, and make decisions about, your services,
- be listened to and understood,
- be informed about Butterfly Foundation, and the services you receive, in a way you understand,
- be included in your service delivery,
- be included in Butterfly Foundation's service development, and in decisions Butterfly Foundation makes that impact you and your service delivery,
- privacy and confidentiality, and to access and change information about you that is collected, held, and shared by Butterfly Foundation,
- timely, accessible, and effective services, including the ability to engage with other people with lived experience of eating disorders across the country
- safe and high-quality services and programs delivered by skilled and experienced staff,
- access services and programs that do not expose you to harm, abuse, or discrimination,
- easily give us feedback on our services and programs, or to make a complaint about our services, without fear of how you'll be treated,
- make choices that may involve personal risk ('dignity of risk') while also being supported in a safe way (Butterfly Foundation's duty of care), and
- have a person of your choice support you or speak on your behalf when you're interacting with us.

Our Responsibilities

It is our responsibility to:

- tell you about and uphold your rights,
- treat you fairly and with courtesy, dignity, and respect and without discrimination,
- provide services and programs in a way that promotes, upholds, and respects your rights,
- support you to make informed choices, exercise control, and maximise your independence in relation to the services and programs we provide,
- involve you in decisions about your supports, as well as our policies and procedures,
- provide services and programs that consider and respect your:
 - lifestyle,
 - cultural, linguistic, and religious background,
 - gender identity, sexual orientation, and intersex status,
 - disability or caring status,
 - access needs, and
 - personal preferences,
- protect your personal information and only use it for the right reasons,
- support you to provide us with feedback on our services and programs, including complaints,
- promptly address enquiries and complaints about the services you are receiving,
- support you to make choices that may involve personal risk ('dignity of risk') while supporting you in a safe way (our duty of care),
- tell you about and tell you how to connect with other services to help you interact with us, including advocates, interpreters, and translators, if needed,
- support you to have a person to speak on your behalf for any purpose, and
- provide safe and appropriate service delivery that supports your needs and goals.

Your Responsibilities

As our service user, we ask that you cooperate with us to:

- provide us with information that will help us to best support you,
- tell us if things change or you cannot keep an appointment or commitment,
- act respectfully and safely towards other people using the service or participating in the program, and towards our staff, and
- provide us with feedback about our services and programs and how we can improve.

Key Definitions

When these key terms are used in this Charter, we mean:

Carer (referenced in 'carer status') – people who provide care to those who need it, within the context of an existing relationship, such as a family member, a friend, or a community member. The demands of the role often go beyond what would normally be expected of these relationships. People who need help may also receive formal services from government and other organisations. Most informal carers are unpaid, although some may receive assistance through formal (paid) services. The type and level of care provided can vary considerably. This may relate to people's physical function, or whether they are living with a mental illness, an end-of-life health condition, older age, or disability. A carer might carry out many tasks that paid services would otherwise provide, to help someone with showering, eating, or shopping, provide in-home supervision, provide transport for moving about in the community, or carry out medical or therapeutic care.ⁱ

Cultural background - a person's ethnicity and ancestry.ⁱⁱ

Dignity of risk - each person's autonomy and self-determination to make their own choices, including the choice to take some risks in life.ⁱⁱⁱ

Disability – physical, intellectual, psychiatric, sensory, neurological, and learning disabilities, as well as physical difference and the presence in the body of disease-causing organisms, such as the HIV virus. It includes disabilities that people have now, had in the past, may have in the future, or which they are believed to have.^{iv}

Discrimination - discrimination happens when a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as 'direct discrimination'. It is also discrimination when an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as 'indirect discrimination'. Not all forms of discrimination are unlawful across Australia, including weight stigma and related discrimination. Butterfly Foundation recognises that appearance-related discrimination is harmful to people experiencing or at risk of experiencing eating disorders or body image issues.

Discrimination can be against the law if it is based on a person's:

- age,
- disability,
- race, including colour, national or ethnic origin or immigrant status,
- sex, pregnancy, marital or relationship status, family responsibilities, or breastfeeding, or
- sexual orientation, gender identity or intersex status.^v

Diversity - what makes each person unique and includes their backgrounds, personality, life experiences and beliefs. It is a combination of differences that shape our view of the world, our perspective, and our approach. It is also about recognising, respecting, and valuing differences in others based on ethnicity, gender, age, race, religion, disability, and sexual orientation.^{vi}

Duty of care - a legal obligation to avoid causing harm, that arises where harm is 'reasonably foreseeable' if care is not taken.^{vii}

Gender identity - A person's innate, deeply felt psychological identification of their gender, which may or may not correspond to the person's designated sex at birth. A person's gender identity may be different from their biological and physiological sex or sexual orientation and may change over their lifetime.

Many terms may be used to self-describe gender identity, for example:

- **Gender diverse** people are those whose gender expression differs from what is socially expected. This includes individuals who identify as **agender** (having no gender), as **bigender** (both woman and man) or as **non-binary** (neither woman nor man). There are a diverse range of non-binary gender identities such as **gender-queer**, **gender**

neutral, gender fluid and third gendered. Language in this space is still evolving and people may have their own preferred gender identities that are not listed here.

- **LGBTQIA+** – An acronym used to describe members of the lesbian, gay, bisexual, trans, intersex, queer, or questioning community. It is sometimes used to include allies or supporters of the LGBTQIA+ community. Other acronyms used to describe this community include LGBTIQ, or LGBTI+.
- **Transgender** (often abbreviated to 'trans') - An umbrella term referring to people whose gender identity and/or expression is different from cultural expectations based on the sex they were assigned at birth. A transgender person may identify specifically as transgender or as male or female, or outside of these categories. Being transgender does not imply any specific sexual orientation. Transgender people may identify as heterosexual, gay, lesbian, bisexual, pansexual, queer, or in other ways.^{viii}

Intersex – An umbrella term that describes people who have natural variations that differ from conventional ideas about 'female' and 'male' bodies. These natural variations may include genital, chromosomal and a range of other physical characteristics. Intersex is not about a person's gender identity. Around 1.7% of the population have atypical natural variations to their sex characteristics, but some people may not use the term intersex to describe themselves.^{ix}

Political belief - when someone:

- does, or does not, have political beliefs that are within the law,
- is, or is not, a member of a political party, or
- takes part in, or refuses to take part in, political action.^x

Religious belief – belief in not only the 'traditional' religious beliefs of the major religions, but also non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief.

Rights – moral or legal entitlements to have or be able to do something. Some rights are inalienable; they can never be taken away. Other rights are created by laws. Rights can describe things that we should all be able to access, such as the right to housing, healthcare, sanitation, and education. These rights are sometimes called social and economic rights because they describe what we need to have access to, to live with dignity. Rights can also describe actions that we should be free to do without interference by the government or other groups. This includes the right to practice a religion, to congregate in groups, to express our opinions and to protest. These rights are sometimes called civil and political rights because they describe what we need to be able to do to participate in society as free and active citizens.^{xi}

Human rights - rights that all people are entitled to, no matter who they are or where they live. They are protected by international law. They include social and economic rights, and civil and political rights.^{xii} Human rights recognise the inherent value of each person, regardless of background, where we live, what we look like, what we think or what we believe. They are based on principles of dignity, equality, and mutual respect, which are shared across cultures, religions, and philosophies. They are about being treated fairly, treating others fairly, and having the ability to make genuine choices in our daily lives.^{xiii}

Responsibilities - a person's ability to enjoy their human rights depends on other people respecting those rights. This means that human rights involve responsibility and duties towards other people and the community. Individuals have a responsibility to ensure that they exercise their rights with consideration for the rights of others. For example, when someone uses their right to freedom of speech, they should do so without interfering with someone else's right to privacy.^{xiv}

Sexual orientation - A person's sexual or emotional attraction to others. People express their sexuality in different ways. A person's sex or gender does not mean they have a particular sexual orientation, and vice versa.

Understood – Butterfly Foundation and its staff will genuinely endeavour to develop a deep and comprehensive understanding of each service user's lifestyle, cultural, linguistic, and religious background, gender identity, sexual orientation, intersex status, disability or caring status, access needs, and personal preferences, to provide an appropriate and responsive service.

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ⁱ Australian Institute of Health and Welfare (AIHW), *Informal carers*, accessed 27 January 2023, <https://www.aihw.gov.au/reports/australias-welfare/informal-carers>

ⁱⁱ Australian Human Rights Commission, *Leading for Change: A blueprint for cultural diversity and inclusive leadership revisited*, Australian Human Rights Commission, 2018

ⁱⁱⁱ Australian Government Department of Social Services (DSS), *National Standards for Disability Services*, Version 0.1, DSS, December 2013

^{iv} Based on the definition in the *Disability Discrimination Act 1992 (Cth)*

^v Australian Human Rights Commission, *Discrimination*, accessed 17 January 2023, <https://humanrights.gov.au/quick-guide/12030>

^{vi} State Government of Victoria, *What do we mean by diversity and inclusion?*, accessed 17 January 2023, <https://www.vic.gov.au/dpc-diversity-and-inclusion-strategy-2019-2021/what-do-we-mean-diversity-and-inclusion>

^{vii} Legal Services Commission South Australia, *Negligence; What is duty of care?* accessed 27 January 2023, <https://lawhandbook.sa.gov.au/ch01s05.php>

^{viii} Our Watch and Universities Australia, *Educating for Equality - Glossary of Key Terms and Definitions*, Our Watch, 2021

^{ix} Our Watch and Universities Australia, *Educating for Equality - Glossary of Key Terms and Definitions*, Our Watch, 2021

^x Victorian Equal Opportunity and Human Rights Commission, *Political Belief or Activity*, accessed 24 January 2023, <https://www.humanrights.vic.gov.au/for-individuals/political-belief-or-activity/>

^{xi} Parliamentary Education Office, *Rights in Australia*, accessed 27 January 2023, <https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/rights-in-australia/>

^{xii} Parliamentary Education Office, *Rights in Australia*, accessed 27 January 2023, <https://peo.gov.au/understand-our-parliament/how-parliament-works/system-of-government/rights-in-australia/>

^{xiii} Australian Human Rights Commission, *What are human rights?*, accessed 27 January 2023, <https://humanrights.gov.au/about/what-are-human-rights>

^{xiv} Australian Human Rights Commission, *An introduction to human rights*, accessed 27 January 2023, <https://humanrights.gov.au/our-work/education/introduction-human-rights>