



**Legislative Assembly for the  
Australian Capital Territory**

Standing Committee on Justice and  
Community Safety

# **Report into the Inquiry into Petition 32-21 (No Rights Without Remedy)**

Legislative Assembly for the Australian Capital Territory  
Standing Committee on Justice and Community Safety

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Approved for publication

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Report 7  
10th Assembly  
June 2022



# About the committee

## Establishing resolution

The Assembly established the Standing Committee on Justice and Community Safety on 2 December 2020. The Committee's areas of responsibility are:

- ACT Electoral Commission
- ACT Integrity Commission
- Gaming
- Minister of State (JACS reporting areas)
- Emergency management and the Emergency Services Agency
- Policing and ACT Policing
- ACT Ombudsman
- Corrective services
- Attorney-General
- Consumer affairs
- Human rights
- Victims of crime
- Access to justice and restorative practice
- Public Trustee and Guardian

You can read the full establishing resolution [on our website](#).

## Committee members

Mr Peter Cain MLA, Chair

Dr Marisa Paterson MLA, Deputy Chair

Mr Andrew Braddock MLA

## Secretariat

Ms Kathleen de Kleuver, Committee Secretary

Ms Miona Ikeda, Assistant Secretary

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## About this inquiry

Petition 32-21 (titled, 'No Rights Without Remedy') was presented to the Assembly on 23 November 2021, with 518 signatories. It was then referred to the Standing Committee on Justice and Community Safety for consideration under Standing Order 99A, as the petition had at least 500 signatures.

The Committee decided to inquire into the petition on 2 February 2022.

The [Terms of Reference](#) for the inquiry outline the terms of the petition.

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# Acronyms

<b>Acronym</b>	<b>Long form</b>
ACAT	ACT Civil and Administrative Tribunal
ACT	Australian Capital Territory
ACTCOSS	ACT Council of Social Service Inc.
AFP	Australian Federal Police
ALHR	Australian Lawyers for Human Rights Inc.
AMC	Alexander Maconochie Centre
Committee	Standing Committee on Justice and Community Safety
ICCPR	International Covenant on Civil and Political Rights
JACS	Justice and Community Safety Directorate
KPI	Key Performance Indicator
MLA	Member of the Legislative Assembly
QLD	Queensland
QTON	Question Taken on Notice

# Recommendations

## Recommendation 1

The Committee recommends that the ACT Government support and enact the terms of the petition to create a system that mirrors the current approach with respect to discrimination complaints.



# 1. Conduct of the inquiry

## Referral and decision to inquire

1.1. On 23 November 2021, Petition [32-21](#) was tabled in the Assembly, sponsored by Dr Marisa Paterson MLA, and signed by 518 signatories.<sup>1</sup>

1.2. The full terms of Petition 32-21 were:

The following residents of the ACT draw to the attention of the Assembly that although we are rightly proud of our *Human Rights Act 2004*, we are concerned that it does not contain an accessible complaints mechanism. The *Human Rights Act 2004* was drafted to protect individuals against violations of their human rights by government and government agencies but fails to provide an accessible way to make complaints about breaches.

Currently, there is no accessible way for people to enforce their rights under the *Human Rights Act 2004*. If a person's human rights are breached by ACT Government bodies or services, the only recourse available is to take a legal action to the Supreme Court. There are significant cost barriers associated with this type of legal action, and no ability to seek compensation for the harm done.

Your petitioners, therefore, request the Assembly to:

- Enable a complaint about any breach of the *Human Rights Act 2004* to be made to the Human Rights Commission for confidential conciliation; and
- If conciliation is unsuccessful, enable a complaint about a breach of the *Human Rights Act 2004* to be made to the ACT Civil and Administrative Tribunal for resolution.

This would transform the *Human Rights Act 2004* from being a largely theoretical document, to one which members of our community can use to ensure their human rights are protected.

1.3. The petition was referred to the Standing Committee on Justice and Community Safety under Standing Order 99A.<sup>2</sup> On 2 February 2022, the Committee resolved to inquire into and report on Petition 32-21. The Committee advised the Assembly of this decision through a 246A statement in the Assembly on 8 February 2022.<sup>3</sup>

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<sup>1</sup> ACT Legislative Assembly, *Minutes of Proceedings*, No 31, 23 November 2021, p 388.

<sup>2</sup> The standing orders and continuing resolutions of the Assembly, March 2021, standing order 99A, available at: [https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing\\_orders](https://www.parliament.act.gov.au/parliamentary-business/in-the-chamber/standing-orders/standing_orders).

<sup>3</sup> ACT Legislative Assembly, *Minutes of Proceedings*, No 37, 8 February 2022, p 470.

## Conduct of inquiry

- 1.4. On 2 February 2022, the Committee resolved to set a hearing date of 28 April 2022. The Committee agreed to invite public submissions, with a closing date of 7 April 2022.
- 1.5. On 4 February 2022, the Committee issued a media release inviting the community to participate in the inquiry by making a submission. The Committee also issued a media release on 28 April 2022 with information about the public hearing.
- 1.6. The Committee received 27 submissions which were published on the inquiry webpage and are listed at Appendix A.
- 1.7. A public hearing was held on 28 April 2022. The Committee heard evidence from witnesses listed in Appendix B. The [transcript](#) and video recording are available on the Assembly website.
- 1.8. Two questions were taken on notice during the hearing as listed in Appendix C.

## 2. The ACT's current system of managing human rights complaints

- 2.1. The ACT is a leading human rights jurisdiction in Australia and was the first State or Territory to introduce a legislative bill of rights.<sup>4</sup>
- 2.2. The ACT *Human Rights Act 2004* is designed to recognise fundamental civil and political rights of individuals in Territory law.<sup>5</sup> Public authorities must act consistently with human rights. If a public authority has acted in contravention of this, an individual who has been a victim of this contravention may start a proceeding in the Supreme Court against the public authority.<sup>6</sup>
- 2.3. Section 40C of the *Human Rights Act 2004*, is a stand-alone cause of action for a breach of human rights obligations by a public authority. If a person claims that a public authority has acted in contravention of section 40B, that person may start a proceeding in the Supreme Court against the public authority. A person can also rely on their rights to a claim against a public authority in other legal proceedings, for example in the ACT Civil and Administrative Tribunal (ACAT).<sup>7</sup>
- 2.4. The Human Rights Commission is able to deal with complaints where human rights issues are raised indirectly on complaints relating to discrimination, health services, disability and community services, services for older people, services for children and younger people, treatment of vulnerable people, victims' rights, occupancy disputes, retirement villages, and prohibited conversion practices.<sup>8</sup>
- 2.5. The ACT's current system of managing human rights complaints broadly divides complainants into three classes:
  - i) People with human rights complaints that fall under discrimination law, can settle with the decision maker and, if that is unsuccessful, seek independent conciliation through the ACT Human Rights Commission. The ACT Human Rights Commission can pass the case on to ACAT for a mandated remedy at the applicant's request if conciliation is unsuccessful.<sup>9</sup>

In 2020-21, 30 percent of all applications before the ACT Human Rights Commission and 1 percent of all applications before ACAT were discrimination cases.<sup>10</sup>
  - ii) People with human rights complaints in regard to health, disability, community services, and abuse of the vulnerable who can seek independent

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<sup>4</sup> ACT Government, *Submission 5*, p 3.

<sup>5</sup> Human Rights Bill 2003, [Explanatory Statement](#), 20 November 2003.

<sup>6</sup> *Human Rights Act 2004* (ACT), s 40B–40C, 10 March 2004.

<sup>7</sup> ACT Government, *Submission 5*, p 4.

<sup>8</sup> ACT Government, *Submission 5*, pp 4–5.

<sup>9</sup> Civil Liberties Australia, *Submission 19*, p 2.

<sup>10</sup> Civil Liberties Australia, *Submission 19*, p 2.

conciliation through the ACT Human Rights Commission, but if unsuccessful cannot access mandated remedies or compensation through ACAT.<sup>11</sup>

- iii) People with any other rights complaints do not access to either the ACT Human Rights Commission or ACAT and must rely on the regulatory or administrative goodwill of decision makers for remedies or take the case straight to the ACT Supreme Court.<sup>12</sup>

2.6. ACT Policing are not subject to the ACT's *Discrimination Act 1991*. The Human Rights Commission noted that the ACT is the only jurisdiction where this is the case, although they are still subject to federal human rights legislation.<sup>13</sup> The ACT Police told the Committee that the Australian Federal Police (AFP) which serves the ACT, is subject to Commonwealth human rights oversight. In addition, complaints regarding discrimination are handled under normal AFP complaints processes, or through the ACT or Commonwealth Ombudsman as well as a number of other avenues.<sup>14</sup>

2.7. The ACT Ombudsman was established by the *Ombudsman Act 1989* (the Act). Under the Act, the ACT Ombudsman has statutory roles to investigate complaints from individuals, groups or organisations about the administrative actions of ACT Government agencies. The emphasis of ACT Ombudsman work is on considering complaints and achieving remedies, where appropriate, with a broader focus on improving public administration for the ACT community.<sup>15</sup> The ACT Ombudsman works under a relationship protocol with the Human Rights Commission and where a complaint involves issues relevant to both the ACT Ombudsman and the Human Rights Commission. In such cases, the complaint is managed by either the ACT Ombudsman or the Human Rights Commission depending on the issue.<sup>16</sup>

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<sup>11</sup> Civil Liberties Australia, *Submission 19*, Civil Liberties Australia, p 2.

<sup>12</sup> Civil Liberties Australia, *Submission 19*, p 2.

<sup>13</sup> Dr Helen Watchirs, ACT Human Rights Commission, *Proof Committee Hansard*, 28 April 2022, p 25

<sup>14</sup> Deputy Commissioner Gaughan, ACT Policing, *Proof Committee Hansard*, 28 April 2022, p 42.

<sup>15</sup> ACT Ombudsman, *Submission 24*, p 3.

<sup>16</sup> ACT Ombudsman, *Submission 24*, p 4.

### 3. Key issues considered by the Committee

#### Problems with the current system

- 3.1. The petition received strong support from most submissions and witnesses. Many submissions received by the Committee raised concerns that proceedings in the Supreme Court are not sufficiently accessible across the ACT community and there should be easier, less expensive, and simpler ways to make a complaint:

There are significant cost barriers associated with this type of legal action, and - for most people - bringing a legal complaint to the Supreme Court can be an extremely intimidating, complex and inaccessible process.<sup>17</sup>

...complaints are not always resolved at conciliations, and the costs and delays involved in commencing a proceeding in the Supreme Court are significant barriers for many complainants, particularly vulnerable people who are from low socioeconomic backgrounds, culturally or linguistically diverse, or in detention centres.<sup>18</sup>

We have long advocated for the inclusion of an accessible complaints mechanism in the *Human Rights Act 2004* to ensure the ACT is a human rights jurisdiction in practice, as well as in name.<sup>19</sup>

The Supreme Court is beyond the financial reach of most human rights complainants, is not designed for quick and efficient decision making and is not able to mandate compensation.<sup>20</sup>

#### Impacts on human rights of vulnerable people

- 3.2. In their submission, ACT Council of Social Service Inc. (ACTCOSS) highlighted the impact the current system had on the vulnerable, particularly those with disabilities and low-income backgrounds.<sup>21</sup> Advocacy for Inclusion also noted that people with disabilities face additional burdens when pursuing justice for human rights violations.<sup>22</sup>
- 3.3. In their submission, Canberra Community Lawyers provided de-identified case studies of scenarios where pursuing a matter through the Supreme Court would be challenging and where a more simple, accessible human rights complaints system would be more achievable.<sup>23</sup> This included:
- a) “Trisha” – a public housing resident with cognitive and mental health disabilities living with a disabled mother who was moved into aged care, leaving Trisha as an

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<sup>17</sup> Australian Lawyers for Human Rights Inc., *Submission 15*, p 6.

<sup>18</sup> ACT Law Society, *Submission 13*, p 2.

<sup>19</sup> Canberra Community Lawyers, *Submission 10*, p 2.

<sup>20</sup> Civil Liberties Australia, *Submission 19*, p 1.

<sup>21</sup> ACT Council of Social Service Inc., *Submission 11*, p 2.

<sup>22</sup> Advocacy for Inclusion, *Submission 23*, p 2.

<sup>23</sup> Canberra Community Lawyers, *Submission 10*, pp 2–6.

unapproved resident facing homelessness with limited options to have that decision reviewed.

- b) “Peter” – an indigenous detainee at the Alexander Maconochie Centre (AMC) with mental health disabilities and severely disadvantaged background, facing human rights limitations due to his behaviour, who is unlikely to be able to make a complaint to the Supreme Court.
- c) “Kaylee” – a 14-year-old former detainee at Bimberi with behavioural problems who on release is unwelcome at her local high school and unable to make a complaint about her lack of human rights to suitable education.
- d) “Ryan” – a detainee at the AMC on the path to reform after overcoming his alcohol addictions but has lost his ACT Housing while incarcerated, and therefore has no home to be paroled to, with no accessible complaint mechanism.

### Alignment with international human rights law principles

3.4. The Australian Lawyers for Human Rights (ALHR) told the Committee that having a more accessible complaints mechanism will bring the ACT more into alignment with international human rights law principles.<sup>24</sup>

3.5. The ACT Bar Association also told the Committee that:

...under the International Covenant on Civil and Political Rights 1966 (ICCPR) which is scheduled to the *Human Rights Act 2004* (ACT) it is important to note that States Parties (of which Australia is one) undertake an obligation (Article 2) to develop judicial remedies to vindicate the fundamental rights and freedoms set out in the ICCPR.<sup>25</sup>

### Costs of pursuing litigation in the Supreme Court

3.6. Legal Aid ACT also raised in its submission that while the Supreme Court allows litigants to represent themselves, its formalities and processes make it difficult for a lay person to adequately do so. The ACAT is better suited to self-represented litigants and not bound by the same rules of evidence meaning it can inform itself as it considers appropriate. In making its submission, Legal Aid ACT also suggested that there should be no ACAT fees to ensure that more vulnerable people will have access to human rights breaches.<sup>26</sup>

3.7. The Australian Lawyers Alliance noted the substantial costs and stress of pursuing litigation. Initiating an ACT Supreme Court case costs an estimated \$1,544 per case with less than half of civil cases settled within 12 months.<sup>27</sup> They also noted such plaintiffs are likely to be vulnerable individuals with complex trauma histories, and victims of crime such as family violence.

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<sup>24</sup> Australian Lawyers for Human Rights Inc., *Submission 15*, p 7.

<sup>25</sup> ACT Bar Association, *Submission 27*, p 6.

<sup>26</sup> Legal Aid ACT, *Submission 26*, pp 2–3.

<sup>27</sup> Australian Lawyers Alliance, *Submission 12*, p 5. (Figure amended by ALA, 17 May 2022).

## Experience in other jurisdictions

3.8. Some witnesses used arrangements in Queensland (QLD) to highlight how complaint mechanisms had worked in that state to provide an example of what could be achieved in the ACT. Under the *QLD Human Rights Act*, (Part 4 Division 2), victims of a breach of human rights can make a complaint to the QLD Human Rights Commission.<sup>28</sup>

3.9. ALHR tendered the following example of a successful resolution to a breach of human rights possible in QLD:

A woman who had mobility issues made a complaint about the limited number of accessible parks at a bus terminal and being issued with a number of fines for parking in other places. She said that on two occasions the bus driver refused to engage the ramp, requiring her to struggle up and down the bus stairs.

The complaint was resolved on the basis that the transport service agreed to conduct an internal review of its policies and procedures about the use of ramps, and to provide a copy to all bus drivers employed by it. Employees were also required to attend training on the Anti-Discrimination Act and the Human Rights Act, and an internal training module on human rights and improving services to people with disability was introduced.<sup>29</sup>

3.10. In Victoria, the Ombudsman is able to handle complaints to lead to informal resolution.<sup>30</sup>

3.11. New Zealand and Canada also have more straightforward means of seeking resolutions to complaints through their respective Human Rights Commissions and tribunals. The United Kingdom has also introduced arrangements allowing matters to be heard in a British court rather than the European Court of Human Rights in Strasbourg, France.<sup>31</sup>

## Concerns about the petition

### Refuting that the existing Human Rights legislation is theoretical

3.12. The petition states that the changes proposed:

...would transform the *Human Rights Act 2004* from being a largely theoretical document, to one which members of our community can use to ensure their human rights are protected.

3.13. However, the Minister for Human Rights refuted this:

The *Human Rights Act* actively influences us. Section 40B in particular creates a specific obligation for public authorities to act consistently with human rights.

And I will note though to a large extent how that is realised and is in a way that is frontloaded. And by that, I mean that human rights considerations occur in

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<sup>28</sup> Australian Lawyers for Human Rights Inc., *Submission 15*, p 10.

<sup>29</sup> Australian Lawyers for Human Rights Inc., *Submission 15*, p 13.

<sup>30</sup> ACT Human Rights Commission, *Submission 6*, p 2.

<sup>31</sup> Australian Lawyers for Human Rights Inc., *Submission 15*, pp 17–19.

formulating policy and legislation and in scrutiny, so really, right at the outset. Essentially, we prevent rights infringing laws being enacted in the first place and we are strengthening agencies' understanding of and engagement with this all the time.<sup>32</sup>

- 3.14. A submission from Bill Swannie put forward that the human rights legislation is specifically intended to confine proceedings in respect of breaches to the Supreme Court and not provide for damages, but rather the intention is to protect human rights through parliamentary scrutiny and statutory interpretation.<sup>33</sup>
- 3.15. The Committee noted this, however, when considering this alongside the need for improved access to human rights remedies, felt the petition had merit.

## Complexity

- 3.16. The Minister for Human Rights regarded the changes put forward in the petition as a significant reform, noting in regard an appeal avenue to ACAT:
- a) It was novel – no other human rights jurisdiction has a stand-alone cause of action for a breach of human rights to be heard by a tribunal;<sup>34</sup>
  - b) Potential for overlap in matters being considered by different courts;<sup>35</sup> and
  - c) The tribunal is a public entity when acting in an administrative capacity and therefore must comply with provisions directed at public entities to act and make decisions in a way that is compatible with human rights.<sup>36</sup>
- 3.17. The Committee also noted this but did not find that the arguments based on novelty provided sufficient evidence to not support the petition. The Committee is of the view that the ACAT are suitably skilled and experienced at handling such complexity and any changes would only require minor transition arrangements.

## Resourcing

- 3.18. The Minister for Human Rights raised concerns about the level of resourcing required to implement the terms of the petition, based on the potential for a rise in cases that could arise which would be required to be managed by the Human Rights Commission and ACAT. Costs involved in building expertise in the ACAT were also raised.<sup>37</sup>
- 3.19. The ALHR submitted that there are already institutions and infrastructure in place to enable complaints to be made through the ACT Human Rights Commission.<sup>38</sup> Legal Aid ACT

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<sup>32</sup> Tara Cheyne MLA, Minister for Human Rights, *Proof Committee Hansard*, 28 April 2022, p 15.

<sup>33</sup> Bill Swannie, *Submission 16*, p 2.

<sup>34</sup> ACT Government, *Submission 5*, p 9.

<sup>35</sup> Gabrielle McKinnon, Senior Director, Legislation, Policy and Programs, Justice and Community Safety Directorate, *Proof Committee Hansard*, 28 April 2022, p 17.

<sup>36</sup> ACT Government, *Submission 5*, p 10.

<sup>37</sup> Tara Cheyne MLA, Minister for Human Rights, *Proof Committee Hansard*, 28 April 2022, p 18.

<sup>38</sup> Australian Lawyers for Human Rights Inc., *Submission 15*, p 7.



also considered the ACAT to be suitably equipped for hearing human rights cases noting that they already had jurisdiction for some human rights breaches.<sup>39</sup>

- 3.20. Legal Aid ACT provided the view that based on the history of anti-discrimination cases brought in the ACT, a vast majority are swiftly resolved at the ACT Human Rights Commission stage or in the early stages at the ACAT with a full hearing rare.<sup>40</sup> This view was also supported by the Human Rights Law Centre.<sup>41</sup>
- 3.21. The ALHR pointed to data in their submission taken from the QLD Human Rights Commission showing that there were 75 allegations in finalised complaints and 28 allegations in accepted and finalised complaints in 2019-20,<sup>42</sup> and 621 allegations in finalised complaints and 138 allegations in accepted and finalised complaints in 2020-21.<sup>43</sup> These numbers are relatively small in terms of their population.
- 3.22. The Human Rights Commission advised the Committee that in 2020-21 there were 218 discrimination complaints dealt with by the Commission. Of these 55 (25 percent) were successfully conciliated and 29 (13 percent) referred to ACAT. In 2020-21, the Commission finalised 80 percent of matters within the timeliness KPI benchmark of 250 days.<sup>44</sup> Of discrimination cases before the ACAT in 2020-21, 45 percent were resolved before proceeding to a hearing.<sup>45</sup> The Human Rights Commission also shared the view that proportionately there is unlikely to be a significant increase in new complaints under the proposed arrangements,<sup>46</sup> and also that ACAT already has experience in *Human Rights Act* matters.<sup>47</sup>
- 3.23. The Committee considered that based on this evidence there were unlikely to be large numbers of human rights complaints resulting in a substantial increase in resources, and the ACAT would be likely to have the expertise to manage these cases. The Committee also noted that hearing such cases in the Supreme Court was likely to come at a much higher cost.

## ACT Policing concerns

- 3.24. ACT Policing is operated by a federal agency operating under contract to the ACT. In their submission, ACT Policing raised concerns that implementing the terms of the petition would have a detrimental impact on them, noting that existing arrangements in place for ACT Policing are complex because of the interactions between the ACT legal system and the Federal legal system. It was also noted that there were already an extensive number of

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<sup>39</sup> Legal Aid ACT, *Submission 26*, p 4.

<sup>40</sup> Legal Aid ACT, *Submission 26*, p 5.

<sup>41</sup> Human Rights Law Centre, *Submission 9*, p 6.

<sup>42</sup> Queensland Human Rights Commission, *Putting people first: the first annual report on the operation of Queensland's Human Rights Act, 2019-20*, December 2020.

<sup>43</sup> Queensland Human Rights Commission, *Balancing life and liberty: the second annual report on the operation of Queensland's Human Rights Act, 2020-21*, November 2021.

<sup>44</sup> ACT Human Rights Commission, *Supplementary Submission 6a*, p 1.

<sup>45</sup> ACT Human Rights Commission, *Supplementary Submission 6a*, p 2.

<sup>46</sup> ACT Human Rights Commission, *Supplementary Submission 6a*, p 3.

<sup>47</sup> ACT Human Rights Commission, *Supplementary Submission 6a*, p 6.

existing complaint mechanisms and oversight bodies in place including the Victims Charter. Therefore, the value of an additional process was queried.<sup>48</sup>

- 3.25. In contrast, the Human Rights Commission considered that ACT Policing should be included in the proposed arrangement.<sup>49</sup>
- 3.26. The Committee noted that there were already existing human rights complaint avenues currently available in respect of ACT Policing, the complexity involved in applying the proposal in view of the interaction between the ACT and federal legal arrangements, and the lack of evidence to show that there was an identified problem or gap in this area that needed addressing. Therefore, the Committee is of the view that in implementing the proposal in the petition, similar arrangements as currently apply in respect of discrimination cases should be put in place so as to not bring ACT Policing under the new arrangements.

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<sup>48</sup> ACT Policing, *Submission 14*, pp 3–6.

<sup>49</sup> ACT Human Rights Commission, *Supplementary Submission 6a*, pp 4–5.

## 4. Conclusions

- 4.1. The Committee believes that the existing mechanism for pursuing human rights breaches is in need of change and supports the proposed changes in Petition 32-21. The current system is not accessible for victims of human rights breaches who in many cases are the more vulnerable in our society and are often self-represented despite not being equipped to do so in the Supreme Court.
- 4.2. The Committee heard that there could be some resourcing issues due to a need to introduce confidential conciliations through the Human Rights Commission, and referrals to the ACAT for resolution.
- 4.3. There were consistent messages from the legal profession and advocates that the need for resourcing is not likely to be significant. The Committee considers that the ACAT has sufficient expertise to manage the cases and that the likely number of new cases is unlikely to be significant. Conversely the costs including impacts on vulnerable individuals in pursuing a remedy through the Supreme Court and the costs to the Supreme Court are significant.
- 4.4. The Committee acknowledged that ACT Policing already has many processes that adequately enable complaints, including those in regard to human rights breaches, to be dealt with appropriately. Therefore, in supporting the petition, the Committee considers that the current approach to discrimination issues could be applied to human rights issues, resulting in no change for ACT Policing.
- 4.5. This report has made one recommendation in relation to the Committee's inquiry.

### Recommendation 1

The Committee recommends that the ACT Government support and enact the terms of the petition to create a system that mirrors the current approach with respect to discrimination complaints.

- 4.6. The Committee would like to thank the Australian Lawyers for Human Rights, Canberra Community Law, ACT Bar Association, the Human Rights Commission, Civil Liberties Australia, Legal Aid ACT, ACT Policing, ACT Ombudsman, and the Minister for Human Rights for their appearances as part of this inquiry. The Committee would also like to thank those who assisted in the provision of Hansard transcription, broadcasting, and secretarial services for the inquiry.

Mr Peter Cain MLA

Chair, Standing Committee on Justice and Community Safety

22 June 2022

## Appendix A: Submissions

No.	Submission by	Received	Published
1	Emmanuel Ezekiel-Hart	22/02/22	30/03/22
2	Maryquinette Nduka	22/02/22	30/03/22
3	Meridian	15/03/22	30/03/22
4	Confidential	26/03/22	30/03/22
5	ACT Government	07/04/22	13/04/22
6	ACT Human Rights Commission	07/04/22	13/04/22
6a	ACT Human Rights Commission (supplementary)	13/05/22	19/05/22
7	QLD Council for Civil Liberties	07/04/22	13/04/22
8	Green Law	07/04/22	13/04/22
9	Human Rights Law Centre	07/04/22	13/04/22
10	Canberra Community Law	07/04/22	13/04/22
11	ACT Council of Social Service Inc.	07/04/22	13/04/22
12	Australian Lawyers Alliance	07/04/22	13/04/22
13	ACT Law Society	07/04/22	13/04/22
14	ACT Policing	07/04/22	13/04/22
15	Australian Lawyers for Human Rights Inc.	07/04/22	13/04/22
16	Bill Swannie	06/04/22	13/04/22
17	Amnesty International ACT/SNSW	06/04/22	13/04/22
18	Nicholas Bulbeck	06/04/22	13/04/22
19	Civil Liberties Australia	04/02/22	13/04/22
20	Mark Chenery	04/04/22	13/04/22
21	Nyakor Mabor	31/03/22	13/04/22
22	Environmental Defenders Office	07/04/22	13/04/22
23	Advocacy for Inclusion	05/04/22	13/04/22
24	ACT Ombudsman	12/04/22	13/04/22
25	ACT Disability, Aged and Carer Advocacy Service	12/04/22	13/04/22
26	Legal Aid ACT	19/04/22	27/04/22
27	ACT Bar Association	26/04/22	27/04/22

# Appendix B: Witnesses

Thursday, 28 April 2022

## Australian Lawyers for Human Rights

- **Ms Sophie Trevitt**, ACT Convenor

## Canberra Community Law

- **Ms Naomi Gould**, Senior Litigation Solicitor

## ACT Bar Association

- **Dr Douglas Hassall**, Barrister-at-Law

## Minister for Human Rights

- **Ms Tara Cheyne MLA**, Minister for Human Rights
- **Ms Gabrielle McKinnon**, Senior Director, Legislation, Policy and Programs, Justice and Community Safety Directorate

## ACT Human Rights Commission

- **Dr Helen Watchirs OAM**, President and Human Rights Commissioner
- **Ms Karen Toohey**, Discrimination, Health Services, and Disability and Community Services Commissioner

## Civil Liberties Australia

- **Dr Kristine Klugman OAM**, President
- **Mr Bill Rowlings**, Chief Executive Officer
- **Mr Chris Stamford**, Campaign Manager

## Legal Aid ACT

- **Mr Derek Schild**, Head of General Practice

## ACT Policing

- **Deputy Commissioner Neil Gaughan**, Chief Police Officer for the ACT
- **Mr Peter Whowell**, Executive General Manager Corporate

## ACT Ombudsman

- **Ms Penny McKay**, A/g ACT Ombudsman
- **Ms Louise Macleod**, A/g Deputy Ombudsman
- **Ms Symone Andersen**, A/g Senior Assistant Ombudsman, Program Delivery Branch

## Appendix C: Questions Taken on Notice

### Questions Taken on Notice (QTONs)

No.	Date	Asked of	Subject	Response received
1	28/04/22	ACT Policing	Oversight of ACT Police under the Victims of Crime Commissioner and Human Rights Charter	24/05/22
2	28/04/22	ACT Policing	Data on the level of complaints received that have a human relations element	24/05/22