



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

JACS No. 53

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

JEREMY HANSON CSC MLA (CHAIR), MARISA PATERSON MLA (DEPUTY CHAIR), JO CLAY MLA

Inquiry into referred 2019–20 Annual and Financial Reports and Budget Estimates 2020-21
ANSWER TO QUESTION ON NOTICE

Asked by Mrs Elizabeth Kikkert MLA: To ask the Discrimination, Health Services, Disability and Community Services Commissioner

In relation to: **Complaints received by the Discrimination, Health Services, Disability and Community Services (DHSDCS) Commissioner for 2019-20**

Ref: Budget Statements D, Disability, Output class 1.5 Protection of Rights

1. For each year since the establishment of the DHSDCS Commissioner, how many complaints received concerned:
 - a. People living with disability and who are Aboriginal/Torres Strait Islander;
 - b. People living with disability and who are culturally and linguistically diverse (CALD);
 - c. People living with disability and who are 60 years or older;
 - d. People living with disability and who are aged between 26–59 years;
 - e. People living with disability and who are aged between 16–25 years;
 - f. People living with disability and who are aged between 12–15 years;
 - g. People living with disability and who are below 12 years of age?
2. For each year since the establishment of the DHSDCS Commissioner, how many complaints received concerned:
 - a. Services for people living with disability;
 - b. Disability service providers;
 - c. The NDIA;
 - d. Services for disability carers;
3. For each year since the establishment of the DHSDCS Commissioner, how many complaints received concerned:
 - a. People with disability;
 - b. Carers of people with disability;
 - c. Abuse, neglect or exploitation of people with a disability?
4. Out of the 829 complaints received by the Commissioner in 2019–20, how many complaints were successfully resolved?
 - a. What is the current status of the remaining complaints?
5. Have there been any complaints made against the Commissioner? If so, when and what was the nature of each complaint?



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6. For each year since the establishment of the DHSDCS Commissioner, how many complaints received concerned:
 - a. Discrimination;
 - b. Health Services;
 - c. Disability;
 - d. Community Services?
7. How many complaints were received during the months of December 2020 and January 2021?
8. Out of all complaints received by the Commissioner from 1 July 2020 until 31 January 2021, how many complaints concerned:
 - i. Discrimination;
 - ii. Health Services;
 - iii. Disability;
 - iv. Community Services?

Ms Karen Toohey: The answer to the Member's question is as follows:—

1. The Commission implemented a new database in July 2020. Some of the data sought could not be recorded in the previous database and so we are not able to provide this data. We anticipate more comprehensive data collection from 2020/21 with the implementation of new database.

Demographic information is collected on a voluntary basis as it is not required to be provided to access the complaint process and is only relevant to establishing jurisdiction of a complaint eg a disability discrimination complaint must identify the nature of the disability.

- People living with disability and who are Aboriginal/Torres Strait Islander; Not available
- People living with disability and who are culturally and linguistically diverse (CALD); Not available
- People living with disability and who are 60 years or older; Not available
- People living with disability and who are aged between 26–59 years; Not available
- People living with disability and who are aged between 16–25 years; Not available
- People living with disability and who are aged between 12–15 years; Not available
- People living with disability and who are below 12 years of age? Not available



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2.

	2019-2020	2018-2019	2017-2018	2016-2017
Services for people living with disability	See below	See below	See below	See below
Disability service providers	10	23	27	18
The NDIA*	2	2	9	8
Services for disability carers**	0	0	0	0

* it was confirmed by case law in 2019/20 that the HRC does not have jurisdiction to accept complaints regarding the NDIA.

**Often complaints from carers are about services for the person with a disability they are caring for or supporting so a carer is often a complainant rather than the aggrieved person.

3.

	2019-2020	2018-2019	2017-2018	2016-2017
People with disability (disability service complaints, disability discrimination & vilification complaints)	104	99	91	58
Carers of people with disability*				
Abuse, neglect or exploitation of people with a disability	2 (commenced 14/5/ 2020)	N/A	N/A	N/A

- We are not able at this stage to report separately on carer complaints as complaints from carers are often about a service provided to a person with a disability lodged by the carer. Discrimination complaints received on the ground of carer, kinship, parent and family responsibility are not recorded in such a way we can disaggregate carer complaints from kinship and family responsibility complaints for the above reporting years.

4. 287 complaints were successfully conciliated



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Note that a large number of complaints that we jointly manage with the Australian Health Practitioner Registration Authority (AHPRA) are generally not matters we can attempt to conciliate as they are subject to a decision on regulatory action by AHPRA.

259 complaints remain open at the end of the 2019/20 financial year reporting period, noting that not all of those complaints were received in the 2019/20 financial year.

5 One complaint has been made about the Commissioner which related to a complainant's concerns she had dealings with the Commissioner in a different organisation over two decades prior to her complaint being lodged with the ACT Human Rights Commission in 2019.

Three other complaints have been received about the Commissioners handling of individual complaints. Two relate to delay and one relates to a decision by the Medical Board and the Commissioner not to take regulatory action in a complaint about a registered practitioner.

6.

	2019-2020	2018-2019	2017-2018	2016-2017
Discrimination	208	166	166	78
Health Services	574	451	418	387
Disability	9	21	26	18
Community Services (including older people, vulnerable people complaints, and CYP complaints)	35	45	23	18

7. December 2020 72 complaints received
January 2021 76 complaints received

8.

Discrimination	113
Health Services	343
Disability	5
Community Services (including older people, vulnerable people and children & young people complaints)	29



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Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:

A handwritten signature in dark ink, appearing to read "Karen Toohey".

Date:

8/3/2021

By the Discrimination, Health Services, Disability and Community Services Commissioner, Ms Karen Toohey

