



**LEGISLATIVE ASSEMBLY**  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY  
Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair),  
Mr Andrew Braddock MLA

## Submission Cover Sheet

Inquiry into Petition 32-21 (No Rights Without Remedy)

**Submission Number: 01**

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**From:** [REDACTED]  
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The Chairman, the reasons why you should oppose this amendment of the ACT HUMAN RIGHTS Act 2004 in the way it is presented.

the real fact and situation about the amendment to be understood:

Remember this is about human rights and complaint under the human rights Act 2004,

Human right is a public interest matter as declaration inhere vindication of the complainant and the public and it's interest to end such abuses and breaches.

So the bait offered or put forward is "confidential conciliation" if that is the true concern the alternative dispute resolution arm of the supreme Court can do that.  
The purpose of the amendment has many migrants especially Black people wary.

Those who usually appear in the Supreme Court and bring to light the oppression and breaches of human rights by instrumentalities of government are Black people and migrants.

It has not been easy with them but great jurisprudence is made available by the actions in the supreme Court

Most of them are in prison, by stroke of luck someone inside the prison will inform them that they have rights breached under the Human rights Act 2004 and that can be heard by the Supreme Court.

By the requirements that application be made directly to the supreme Court, the complainant have some degree of protection and deterrence for those involved in breaches of human rights.

The advocate of the amendment may have been ignorant to what appears to be the success for the wrongdoers and those who breached human rights evident in closing discrimination matters through the commissioner and preventing the hearing of the matter in ACAT through application by the affluent and oppressing machine to dismiss the claim against them;

In the Commission the wrongdoers deliberately avoid conciliation by refusing to attend the invitation of the commissioner, because they know that they can make application to dismiss the human rights claim against them in the ACAT which they cannot do in the commission.

Example in 2016 and 2020 the ACT law society was invited under the discrimination Act 1991, they refused to attend conciliation and the commissioner did not compel them to attend.

Rather the commissioner refer the matter to the ACAT on request of the complainant.

Immediately the matter arrived ACAT, the wrong doer have the power and connection, they made application to dismiss the claims against them to avoid their conduct coming to the public, and ACAT(Tribunal) will oblige to their demand. So the benefit that there will be private conciliation does not in fact exist for a sector of the public.

So if the amendment is successful for the Human rights Act as in the Discrimination Act,

it will be the end of having important human rights matters come to the public,

and the public interest in the jurisprudence will be lost because there will be extreme limitation to cases coming to the supreme Court, yet no justice for the complainant,

and the deterrence that is available will be lost too, and more human rights will be breached in the ACT with impunity.

So as citizens and people of migrant background I urge you to fight against the amendment for the protection of your children and children children, I urge you to stand up now before it's too late.

The discrimination Act 1991 should be amended to prevent the wrongdoers who refused to attend conciliation in the Commission from making application to dismiss the claim against them in ACAT and expressly prevent ACAT from attending to such application of referral from the Commissioner.

The supreme Court avenue should remain and as alternative if the amendment must be made to the Human rights Act 2004 the above protection compelling the Commissioner to bring the wrongdoers to the conciliation, and prevent application to dismiss the human rights claim in the ACAT other than hearing it must be put in place.

That ACAT must abide by the rules of the Human rights Act as an authorising law.

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