



Inquiry into Annual and Financial Reports 2023–2024

Answer to question on notice

Asked by: Mr Peter Cain MLA

Addressed to: Minister for Human Rights

Reference: Attorney- General

Hearing: 19/02/2025

In relation to: No Rights Without Remedy

Question received: 25/02/2025

Answer Due: 05/03/2025

1. How did the ACT Human Rights Commission facilitate the implementation of the new human rights complaints' pathway since 11 June 2024?
2. What has been its impact so far?
3. Have any complaints been brought before the Commission since the pathway commenced?
4. If so, what was the nature of these complaints?
5. Does the government anticipate a particular number of complaints to be lodged with the Commission this financial year?
6. If so, what measures have been taken to prepare for this?
7. Would the government support establishing a pathway for human rights complaints to be accessible through ACAT?
8. Would an ACAT pathway complement the new conciliation pathway through the Commission?
9. What steps would the Commission need to take to support the establishment of an ACAT pathway for human rights complaints?

Ms Tara Cheyne MLA: The answer to the Member's question is as follows:

1. [How did the ACT Human Rights Commission facilitate the implementation of the new human rights complaints' pathway since 11 June 2024?](#)

The complaint pathway is being promoted through the Human Rights Commission (HRC) website, promotional material distributed to the community, community engagement activities and print and radio ads alongside other complaint jurisdictions the HRC administers.

HRC has co-convened with JACS a community of practice within ACT government to support directorates with the implementation of the human rights complaint pathway.

HRC has undertaken a number of public information sessions about the human rights complaint mechanism and will be undertaking more of these information sessions in 2025.

2. [What has been its impact so far?](#)

The complaint process is raising awareness with community and within ACT government of the need for proper consideration of human rights in decision making by Directorates.

The HRC generally endeavours to resolve complaints through conciliation processes where appropriate including complaints of alleged breaches of human rights.

In a number of matters the HRC has made observations or recommendations to address issues related to proper consideration of human rights identified in the complaints.

3. [Have any complaints been brought before the Commission since the pathway commenced?](#)

As at 28 February 2025 the HRC has received 65 complaints alleging a breach of human rights.

4. [If so, what was the nature of these complaints?](#)

The complaints raise a range of human rights issues across various ACT Directorates and agencies carrying out functions on behalf of the ACT Government including humane treatment when deprived of liberty, privacy and reputation, right to education, cultural rights, protection of family and children and recognition and equality before the law.

5. [Does the government anticipate a particular number of complaints to be lodged with the Commission this financial year?](#)

Based on numbers received to date, the HRC anticipates between 80-100 complaints by end of the 2024/25 financial year.

6. [If so, what measures have been taken to prepare for this?](#)

The HRC continues to monitor complaint numbers across the various complaint jurisdictions administered by the HRC and triage matters to ensure appropriate priority is applied.

7. [Would the government support establishing a pathway for human rights complaints to be accessible through ACAT?](#)

Yes. The ACT Government has committed to ensuring that anyone who believes their human rights have been breached by a public authority can seek remedies through the ACT Civil and

Administrative Tribunal. JACS is currently undertaking policy analysis of these issues and will consult closely with key stakeholders including ACAT and the HRC.

8. [Would an ACAT pathway complement the new conciliation pathway through the Commission?](#)

Yes. As part of the current conciliation pathway, the HRC cannot determine whether a public authority has breached its duties under the *Human Rights Act 2004*. Where a human rights complaint is not appropriate for, or cannot be resolved by conciliation, a pathway to ACAT would provide a prompt, accessible and affordable forum for determination of related disputes.

An ACAT pathway already exists for discrimination complaints made to the HRC, certain older people service complaints, occupancy dispute complaints and conversion practice complaints under Part 4 of the *Human Rights Commission Act 2005*. A further ACAT pathway for matters that are conciliated would add to these pre-existing pathways and is under active consideration by government.

9. [What steps would the Commission need to take to support the establishment of an ACAT pathway for human rights complaints?](#)

As mentioned above, because an ACAT pathway currently exists for a number of the HRC's complaint pathways, limited implementation would be required to support the proposed introduction of a further ACAT pathway.

This would include amending public facing information and templates, working with ACAT to ensure appropriate referral pathways are in place, and supporting any associated legislative reform required to introduce an ACAT pathway.

The HRC's human rights complaints and conciliation jurisdiction has only been operational since July 2024. Initial feedback from the HRC's experience (e.g. number, type and complexity of complaint) will also be important in informing the development of the new pathway to ACAT.

Approved for circulation to the Standing Committee on Legal Affairs

Signature:



By the Minister for Human Rights, Ms Tara Cheyne MLA

Date:

7/3/25