



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

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)

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

Dear Justice and Community Safety Committee,

Via email: LACommitteeJCS@parliament.act.gov.au

Advocacy for Inclusion welcomes the opportunity to make a submission into the inquiry into petition 32-21 (No Rights Without Remedy). We urge the ACT Government to provide an accessible complaints mechanism for Canberrans who believe their human rights have been breached. We are requesting our submission be published in full on the website, including our name.

Advocacy for Inclusion (AFI) is an independent not-for-profit advocating for the rights of all people with disability. AFI supports the voice of people with disabilities, their rights, wills, and preferences both at the individual, self and systemic advocacy levels. We are a declared public authority under the Human Rights ACT 2004

As per the 'No Rights Without Remedy' petition we ask the ACT Government:

- Enable complaints about any breach of the Human Rights Act 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 to be made to the ACT Civil and Administrative Tribunal for resolution.

We are strong supporters of the Human Rights Act in the ACT and are proud of the role the ACT plays in leading the country on human rights compliance. However, we are concerned that there are key deficiencies in the Act that means the ACT is a human rights jurisdiction in name alone.

People with disabilities are extremely vulnerable to human rights abuses, experiencing violence, abuse, neglect, and exploitation at a far higher rate than the general population. This discrimination and abuse occur in all settings and aspects of life.

Corollary to this, people with disabilities face additional burdens when pursuing justice for human rights violations. Pursuing legal action within the Supreme Court is a costly and complicated process, especially for people with disabilities, who face additional barriers to accessing the legal system. These factors, combined with the inability of complainants to seek financial compensation to cover costs, presents an often-insurmountable barrier for people with disability to access justice in the ACT.

The ACT human rights commission is far better placed to remedy breaches of the human rights ACT, and already hears complaints regarding discrimination, abuse, neglect, or exploitation of people with disability in the ACT. We support the petition's call for the establishment, and resourcing, of a two-tiered

complaints mechanism. This proposed model uses the existing infrastructure of the Human Rights Commission and the ACT Civil and Administrative Tribunal to provide a no-cost, simple pathway for individuals to make complaints.

We already know these pathways work for the community, as they are currently in utilization for other complaints, and our organisations are experienced in assisting our clients / community members in navigating these processes.

AFI asks the ACT government to continue to lead Australia as a human rights jurisdiction by ensuring we have an accessible complaints mechanism and access to justice for Canberrans with disability. We strongly urge the Committee to recommend to Government the implementation of the petition demands in full, with adequate resourcing.

Yours sincerely,

Advocacy for Inclusion