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Canberra community calls for accessible human rights complaint mechanism

The ACT Council of Social Service (ACTCOSS) yesterday made a submission to the Justice and Community Safety Committee calling on the ACT Government to implement the recommendations made in the *No Rights Without Remedy* petition. The petition proposes to provide an accessible complaint mechanism to Canberrans who have had their human rights breached. ACTCOSS joins a coalition of Canberran and Australian community organisations, including Australian Lawyers for Human Rights (ALHR), the Human Rights Legal Centre (HRLC) and Civil Liberties Australia (CLA), in supporting it.

ACTCOSS supports the petition's proposal to protect vulnerable community members' human rights by:

- Enabling a complaint about any breach of the Human Rights Act to be made to the ACT Human Rights Commission (ACTHRC) for confidential conciliation, and if conciliation is unsuccessful, enabling a complaint about a breach of the Human Rights Act to be made to the ACT Civil and Administrative Tribunal for resolution.
- Increasing the resourcing of the ACT Human Rights Commission and the ACT Civil and Administrative Tribunal to respond to requests.

Dr Emma Campbell, ACTCOSS CEO said: "If the Government is serious about its commitment to the protection of human rights, then they must give the ACT Human Rights Commission the necessary power to initiate inquiries and deal with complaints.

"Currently complaints about human rights breaches must be taken to the Supreme Court, a process which is prohibitively expensive, lengthy and inaccessible to most Canberrans, especially those experiencing disadvantage," said Dr Campbell.

Hugh de Kretser, Executive Director of the Human Rights Law Centre, said: "The ACT's Human Rights Act was ground-breaking when it was created almost 20 years ago and paved the way for Victoria and Queensland to introduce similar laws. But it needs reform. It should be far simpler and easier for people to protect their rights. Rights must have remedies. There must be an accessible complaint and enforcement mechanism. With these sensible, practical changes, the ACT can lead once again on protecting human rights."

Chris Stamford, National Manager for Human Rights Acts at Civil Liberties Australia echoed that: "The ACT Government is very clear about its aim to put human rights at the foundation of a jurisdiction that is sustainable, liveable and fair. The *No Rights Without Remedy* petition offers the best way to remove the inequities that are preventing that from happening. It will also provide leadership to other Australian jurisdictions as they consider introducing or developing their own human rights legislation."

Dr Campbell continued: "Aboriginal and Torres Strait Islander peoples, culturally and linguistically diverse people, people with disabilities, people with mental ill-health, and those on low incomes are simultaneously those most vulnerable to breaches of their human rights, and those least able and least likely to access the current remedies.

"Without access to funding, sufficient time and complex legal support, vulnerable community members are disempowered by, neglected, and excluded from the complaints system."

Kerry Weste, President of Australian Lawyers for Human Rights (ALHR) shared support for the petition: "The addition of an accessible complaints mechanism in the ACT Human Rights Act would enable the ACT to meaningfully hold all behaviours up to the standards set out in the ACT Human Rights Act. It would mean that people whose rights have been breached can obtain meaningful solutions that make a real difference in their everyday life.

"The people of the ACT need easier, cheaper and simpler pathways to make a complaint if the ACT Human Rights Act is to realise its true potential to protect and promote all of our human rights," said Ms Weste.

"ACTCOSS encourages the immediate consideration and implementation of the requests of the *No Rights Without Remedy* petition and proposal as a means to redress injustice and deficits in human rights accountability in the ACT. The development of better complaints processes for human rights breaches is an important step in bridging the gaps in accessible services for vulnerable and disadvantaged Canberrans," concluded Dr Campbell.

ACTCOSS advocates for social justice in the ACT and represents not-for-profit community organisations.

**For more information or comment, please contact
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