



Tara Cheyne MLA

Assistant Minister for Economic Development

Minister for the Arts

Minister for Business and Better Regulation

Minister for Human Rights

Minister for Multicultural Affairs

Member for Ginninderra

Mr Tom Duncan
Clerk
ACT Legislative Assembly
London Circuit
CANBERRA ACT 2601

Our ref: LEG:2021/00150

8 February 2022

Dear Mr Duncan

Thank you for your letter of 23 November 2021, regarding petition 32-21 lodged by Dr Marisa Paterson MLA. The petition requests that the Assembly enable a complaint about any breach of the *Human Rights Act 2004* to be made to the ACT 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 (ACAT) for resolution.

The ACT has a proud human rights record, being the first State or Territory in Australia to introduce a legislative charter of human rights and the first to include a stand-alone cause of action for a breach of human rights obligations by a public authority. Since the introduction of the Human Rights Act, the Government has continued to review and improve protections in the Act. This Government is committed to building and strengthening the culture of human rights across the ACT and welcomes the interest of the community in these issues.

The ACT Human Rights Commission can currently investigate and conciliate complaints about a wide range of matters, including discrimination, health services, services for older people, abuse and neglect of vulnerable people, services for children and young people, services for people with disability, and the charter of rights for victims of crime. In considering complaints where the respondent is a government agency or other public authority, the Discrimination, Health Services

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601

 +61 2 6205 0100

 cheyne@act.gov.au

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and Disability and Community Services Commissioner can consider the human rights obligations of those organisations in seeking to resolve complaints and in making recommendations for service improvements.

The Government is currently undertaking work on a number of priority areas relating to human rights, which were commitments made in the Parliamentary and Governing Agreement for the 10th Legislative Assembly. These priority areas include a commitment to review the *Discrimination Act*; and considering the introduction of a right to a healthy environment into the Human Rights Act. The Government is also committed to establishing an Aboriginal and Torres Strait Islander Children's Commissioner to better protect the rights of Aboriginal and Torres Strait Islander children and families.

The Government's view is that expanding access to remedies under the Human Rights Act merits consideration, and may contribute to the human rights culture in the Territory. The Government notes, however, that proposals put forward in the petition to expand complaints mechanisms under the *Human Rights Act* would have financial implications and require more detailed policy consideration.

The Government welcomes the referral of this petition to the Standing Committee on Justice and Community Safety into this issue, and the potential consideration of these issues by the Committee.

Sincerely



Tara Cheyne MLA
Minister for Human Rights