

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Human Rights Commission

Question No. SBE16/108

Senator Fawcett asked the following question at the hearing on 12 December 2016:

Senator FAWCETT: In that case, I will leave it, Senator Di Natale, until we come back to your flowchart. Can I just ask a different question then, Professor Triggs. You are very proud of the fact that some 76 per cent of complaints were conciliated. In some cases it was nearly 12 months—in fact, over 14 months—before a complaint was made, and then three days notice was given to people against which a complaint had been made for them to attend the conciliation. The request made of them was to pay \$5,000 so it would go away. If they had just rolled over and paid \$5,000, then this would have been ticked off as yet another successful conciliation. How many complaints have that kind of history behind them? Are you happy to disclose to the Senate how many of the complaints in that 76 per cent—

Prof. Triggs: I am very happy to, although many elements of your question are misconceived and inaccurate. But, if I could put that to one side for the moment, I can say that 98 per cent of the complaints coming to the commission are resolved under 12 months and most complaints, on average, are settled within 3.8 months. So any matter that is beyond 12 months is very unusual.

Senator FAWCETT: How many involve a payment?

Prof. Triggs: Some do. Most, particularly in relation to 18C, are resolved voluntarily between the parties on the basis of an apology. So most do not attract financial compensation. But I am very happy to take that question on notice and give you the exact details because we do have them in our documentation, as you can imagine, in preparation for this afternoon's inquiry. We have all of that information very readily at hand. The majority of matters are resolved within four months.

The answer to the honourable senator's question is as follows:

In 2015-16, the Commission successfully resolved 989 complaints.

A sample of one month of finalised complaints during this period indicates that of the 85 complaints that were resolved 29 involved a financial settlement as one of the outcomes agreed to by the parties to resolve the complaint.

The complaints which were resolved included complaints under the *Disability Discrimination Act 1992* (Cth), *Age Discrimination Act 2004* (Cth), *Racial Discrimination Act 1975* (Cth), *Sex Discrimination Act 1984* (Cth) and the *Australian Human Rights Commission Act 1986* (Cth). The majority of the complaints were in the area of employment.