

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

Program: Australian Human Rights Commission

Question No. SBE16/035

Senator Watt asked the following question at the hearing on 18 October 2016:

Senator WATT: Professor Triggs, I have a few questions about funding to the commission. Earlier this year there were some media reports in which you raised concerns about the impact of a series of funding cuts on the commission, cuts under this government. Could you please outline the impact of these cuts, including in relation to the statutory obligations of the commission?

...

Senator WATT: So from within your relatively small annual budget of \$15 million you have had to find the funding for one extra commissioner—

Prof. Triggs: In effect, two.

Senator WATT: Two commissioners. You have had some of that money taken away for the royal commissioner. Presumably, there have been other funding cuts or efficiency dividends that have applied across the Public Service.

Prof. Triggs: That is correct.

Senator WATT: The net effect is that that is reducing the service provided to members of the public through your conciliation service.

Prof. Triggs: That is my view. We can demonstrate that, objectively, if you would like me to report to you—

Senator WATT: You mentioned a backlog in those complaints. Is there any time frame?

Prof. Triggs: I have been advised by the director of that unit that the numbers are increasing but I do not have those numbers at my fingertips. I can certainly get those figures for you, because that is the canary in the coalmine. It is a very good indication that we are slowly starting to slip backwards in our ability to handle these matters as quickly as we can. And you would be aware, of course, that some matters, particularly those in the public arena, are taking a great deal of time, on behalf of the staff.

Senator WATT: I would appreciate it, if you could take that on notice: the figures around the backlog, how long complaints are taking to get to conciliation and conclusion, and some of the more precise details about the funding cuts that you have been talking about.

Prof. Triggs: I would be very happy to do that.

Senator WATT: Apart from the impact on complainants and respondents, in these matters being prolonged, you mentioned that there is also a spillover effect into the courts. Resolving matters in conciliation keeps people out of court, which is a lot more expensive. Do you have any sense about what sort of impact that is placing on our courts and additional expenditure?

Prof. Triggs: By delaying the result, of course, we are actually delaying a matter going to the courts—so that is actually keeping it out of the courts, which perhaps would please the Federal Court. But it is hardly in the interests of justice for Australians. Can I stress that this is a very, very important part of access to justice in Australia. It costs the complainant nothing to make the complaint, and it costs the respondent nothing to deal with it. In that way, and because of confidentiality, these matters can be resolved with a very high rate of success through conciliation.

Senator WATT: Thank you. If you could take those few matters on notice, that would be much appreciated.

Prof. Triggs: Thank you very much.

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

The budgetary constraints faced by the Commission include the application of the portfolio wide efficiency dividend announced in December 2015, the costs associated with the reappointment of a separate Disability Discrimination Commissioner in May 2016 without the restoration of the funding cut instituted in the 2014-2015 budget, and the impact of a \$5.1 million budget cut over three years from 2015-16 to 2017-18, with funding re-directed to the Royal Commission into Institutional Responses to Child Sexual Abuse.

There are currently (at time of writing) 214 complaints in the backlog. This figure refers to complaints that have been accepted by the Commission but have not yet been allocated to an officer. The average time for complaint allocation is currently approximately 8 weeks. The length of time between allocation and conciliation (or finalisation) of a complaint depends on the circumstances of each individual complaint and the needs and interests of complainants and respondents.

82% of complaints received by the Commission in the 2015-2016 reporting year were resolved within six months and some much more quickly than that so that the average time from receipt to finalisation of a complaint is 3.8 months. This represents a slight increase from the previous reporting years (3.7 months in 2014-2015 and 3.4 months in 2013-2014) and includes the time that the complaint is in the backlog prior to allocation to an officer.