

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

Question No. 177

Senator Barnett asked the following question at the hearing on 24 May 2007:

93% of complaints were finalised within 12 months, what was the nature of the complaint for the remaining 7% and what was the cause of their delay?

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

Of the 7% of complaints that were more than 12 months old when they were finalised 3% were lodged under the *Age Discrimination Act 2004*, 36% were lodged under the *Disability Discrimination Act 1992*, 24% were lodged under the *Human Rights and Equal Opportunity Commission Act 1986* regarding complaints of alleged breaches of human rights and discrimination in employment, 21% were lodged under the *Racial Discrimination Act 1975* and 16% were lodged under the *Sex Discrimination Act 1984*.

Specific information on reasons why complaints may take longer than 12 months to finalise is not retained. Complaints may take longer than 12 months to finalise because:

- they are complex and require detailed investigation and exchange of information between the parties
- where there is a delay in finalising an investigation or setting a matter down for conciliation due to availability of the parties or legal representation
- where there is a complex conciliation process and there is extended negotiation over terms of resolution or the parties do not wish to finalise a matter until there is some evidence of compliance with terms of settlement such as where there is a requirement for building works or development or implementation of a return to work/school program
- where there are delays in the process due to parties availability such as travel or health reasons.