



**ACT HUMAN RIGHTS
COMMISSION**

Australian Capital Territory

Operations Protocol 2025 - 28

April 2026

The Vision of the ACT Human Rights Commission is:

An inclusive community that respects and realises human rights and ensures access to justice for everyone

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Table of Contents

1. Overview and Structure of ACT Human Rights Commission.....	4
<i>President and Human Rights Commissioner</i>	<i>4</i>
<i>Dr Penelope Mathew.....</i>	<i>4</i>
<i>Public Advocate and Children and Young People Commissioner</i>	<i>5</i>
<i>Ms Jodie Griffiths-Cook.....</i>	<i>5</i>
<i>Discrimination, Health Services, Disability and Community Services Commissioner (DHSDCSC) and ACT Information Privacy Commissioner</i>	<i>5</i>
<i>Ms Karen Toohey.....</i>	<i>5</i>
<i>Victims Support and Victims of Crime Commissioner.....</i>	<i>6</i>
<i>Ms Juliette Ford.....</i>	<i>6</i>
2. Human rights and positive duty obligations	6
3. Introduction.....	7
4. How to access the Commission	7
5. Governance Framework.....	8
<i>Strategic Plan 2025-28.....</i>	<i>8</i>
<i>Client Service Charter 2023-25.....</i>	<i>9</i>
<i>Cultural Safety Charter – Ngattai yeddung: Listen good.....</i>	<i>9</i>
<i>Governance and Corporate Support Protocol 2025-28.....</i>	<i>9</i>
6. What happens at Commission meetings.....	10
<i>Agenda and Minutes.....</i>	<i>10</i>
<i>Voting.....</i>	<i>11</i>
<i>Statutory rules for meetings.....</i>	<i>11</i>
7. Advocacy.....	11
8. Systemic Reviews.....	13
9. Enquiries.....	15
10. Confidentiality	16
<i>Third Party Disclosure.....</i>	<i>16</i>
<i>Internal Discussions.....</i>	<i>16</i>
11. Children’s participation and engagement.....	16
<i>ACT Child Safe Standards Scheme.....</i>	<i>16</i>
<i>Ensuring the Commission is accessible to children and young people.....</i>	<i>17</i>
12. Services for Victims of Crime.....	17
<i>Concerns and Complaints.....</i>	<i>17</i>
<i>Victim Support ACT.....</i>	<i>18</i>
<i>Victim Services</i>	<i>18</i>

Volunteer Justice Program	18
Financial Assistance Scheme	19
ACT Intermediary Program	19
13. Complaints handled by the Commission.....	19
<i>Who can make a complaint?.....</i>	<i>20</i>
<i>Complaints dealt with by the Commission</i>	<i>21</i>
<i>Complaints referred within the Commission or to other agencies.....</i>	<i>21</i>
<i>Conciliation.....</i>	<i>21</i>
<i>Closure of a Complaint</i>	<i>22</i>
14. Commission-initiated consideration.....	22
<i>Recommendations and Adverse Comments.....</i>	<i>22</i>
15. Sharing Resources	23
<i>Communications/Media.....</i>	<i>24</i>
Branding	24
<i>Legal Support.....</i>	<i>24</i>
Advice to MLAs.....	25
16. Recruitment	25
APPENDIX 1: Commission meeting procedures	26
AMENDMENT HISTORY	28

1. Overview and Structure of ACT Human Rights Commission

The ACT Human Rights Commission (the Commission) is an independent agency established by the [Human Rights Commission Act 2005](#) (HRC Act) offering a range of services, including:

- oversight of systemic issues, review of laws, and advice to government and others regarding human rights compliance
- independent complaint handling covering a range of service providers, and discrimination matters
- advocacy for children, young people and adults experiencing vulnerability
- consultation with children and young people to enable their participating in decision-making about matters that affect them
- advocacy, information, therapeutic services and support to victims of crime
- community education, training and information about human rights.

The ACT was the first jurisdiction in Australia to enact a [Human Rights Act 2004](#) (HR Act), which provides an explicit statutory basis for respecting, protecting and promoting most civil and political rights, and some economic, social and cultural rights. Human rights are universal and enjoyed by everyone in the ACT regardless of gender, religious belief, nationality, race or any other status.

Human rights underpin all the Commission's activities in each area of our work. There are 8 distinct roles at the Commission, which are held by 4 Commissioners. Commission members are required to act in a way that promotes the collegiate nature of the Commission. The current members of the Commission are listed below.

President and Human Rights Commissioner

Dr Penelope Mathew

The President is responsible for the Commission's governance, finance, resources and corporate administration, with specific statutory functions for systemic matters and reporting obligations. The delivery of these functions is supported by the [Governance and Corporate Support Protocol 2024-28](#), which is developed every 3 years in collaboration with the Justice and Community Safety Directorate (JACS). See Part 4 – *Governance Framework* for further detail on the protocol.

The President of the Commission is also the Human Rights Commissioner. The role of the Human Rights Commissioner is to promote discussion and educate the community about human rights; to provide systemic oversight and advice to Government and others on compliance with human rights; to review the effect of Territory laws on human rights, including monitoring places of detention, and to seek leave to intervene in significant court and tribunal human rights cases.

Public Advocate and Children and Young People Commissioner

Ms Jodie Griffiths-Cook

The Public Advocate monitors and supports services provided to vulnerable individuals. These include children, young people and adults in the ACT community whose condition or situation makes them potentially vulnerable to abuse, exploitation or neglect, people living in community as well as those in care arrangements such as in mental health facilities, supported accommodation, children living in out of home care, or people in custody, and people experiencing vulnerability whose ability to pursue their own interests is diminished, either temporarily or permanently. The Public Advocate provides individual advocacy on a one-to-one face-to-face basis, as well as monitoring service provisions and developing changes or enhancement to programs.

The Children and Young People Commissioner:

- promotes the rights of children and young people
- consults with children and young people on issues that matter to them
- builds the capacity of services to protect and listen to children and young people, uphold their rights and seriously consider their views in decision-making
- provides advice to government and community agencies about how to improve service delivery for children and young people.

Discrimination, Health Services, Disability and Community Services Commissioner (DHSDCSC) and ACT Information Privacy Commissioner

Ms Karen Toohey

The Discrimination Commissioner deals with complaints about discrimination, vilification, sexual harassment or victimisation, and advocates on behalf of those who face discrimination.

The Health Services Commissioner considers complaints about the provision of health services and services for older people, and complaints about contraventions of the [Health Records \(Privacy and Access\) Act 1997](#). The Commissioner also promotes improvements in the provision of health services and services for older people, the rights of users of health services and services for older people, and an awareness of the rights and responsibilities of users and providers of health services and services for older people.

The Disability and Community Services Commissioner considers complaints about the provision of services for people with disability and/or their carers. The Commissioner also promotes improvements in the provision of services for people with disability and their carers, the rights of users of services for people with disability and their carers, and an awareness of the rights and responsibilities of users and providers of disability services. The Disability and Community Services Commissioner also considers complaints about alleged breaches of human rights, vulnerable person complaints about abuse, neglect or exploitation of older people and adults with a disability, occupancy dispute complaints, retirement village complaints, victims of crime complaints, sexuality and gender identity conversion practice complaints, services for children and young people including complaints regarding alleged breaches of child safe standards.

From 1 July 2024 the DHSDCSC also holds the role of ACT Information Privacy Commissioner and carries out functions under the ACT's [Information Privacy Act 2014](#) including handling complaints, providing information and training about the legislation and undertaking policy work relevant to the legislation.

Victims Support and Victims of Crime Commissioner

Ms Juliette Ford

The Victims of Crime Commissioner seeks to ensure the provision of efficient and effective services for victims of crime in the ACT. The Commissioner advocates for the interests of victims of crime (both individual and systemic advocacy), consults on and promotes reforms to meet the needs or priorities of victims of crime, develops educational and other programs to promote awareness of the interests of victims of crime, and advises the ACT Attorney-General on matters in relation to victims of crime in the ACT. The Commissioner is the intermediaries administrator and so has oversight of the ACT Intermediary Program's service provision.

The Commissioner also monitors and promotes compliance the Charter of Rights for victims of crime and ensures concerns and formal complaints about non-compliance with the Charter are dealt with promptly and effectively.

The Victims Services Scheme provides access for victims of crime to counsellors and other therapeutic supports to assist their recovery from the impact of crime. The Victims of Crime Financial Assistance Scheme, Victim Support ACT provides advice and assistance regarding prosecution and court processes, restorative justice, and circle sentencing. It also assists victims in making Victim Impact Statements and assists victims in claiming reparation or financial assistance from the ACT Government.

2. Human rights and positive duty obligations

All public authorities in the ACT have obligations under the Human Rights Act 2004 to act compatibly with human rights and to give proper consideration to human rights when making decisions. The Human Rights Commission has various functions overseeing and advocating for human rights. Importantly, the Commission is also itself a public authority under the Human Rights Act. Commissioners and employees must therefore act compatibly with human rights protected in the Human Rights Act and think about relevant human rights before acting and when making decisions.

In addition to human rights obligations under the Human Rights Act, the Commission also has positive duty obligations under the Discrimination Act 1991. The Commission must make reasonable adjustments to accommodate employees and clients with particular needs arising from an attribute protected under the Discrimination Act. Protected attributes include disability, sex, race, nationality, colour, age, gender identity, accommodation status, employment status, subjection to family violence, religion, immigration status, carer, parent or kinship status and sexuality. The Commission must take reasonable and proportionate steps to eliminate all forms of discrimination in relation to these attributes, as well as in relation to sexual harassment and unlawful vilification.

3. Introduction

The President of the Human Rights Commission must develop and publish an Operations Protocol every 3 years¹, after consulting with the other Commissioners. This Protocol is available on the Commission's website at www.hrc.act.gov.au and it provides information about a range of issues including:

- how to access the Commission's services
- information on relevant Governance documents
- what happens at Commission meetings
- how we undertake advocacy functions
- how we report on systemic matters
- how enquiries and complaints generally will be received by the Commission
- how complaints are dealt with within the Commission
- how complaints are referred within the Commission, or to other complaint handling entities
- how we deal with Commission-initiated considerations.

4. How to access the Commission

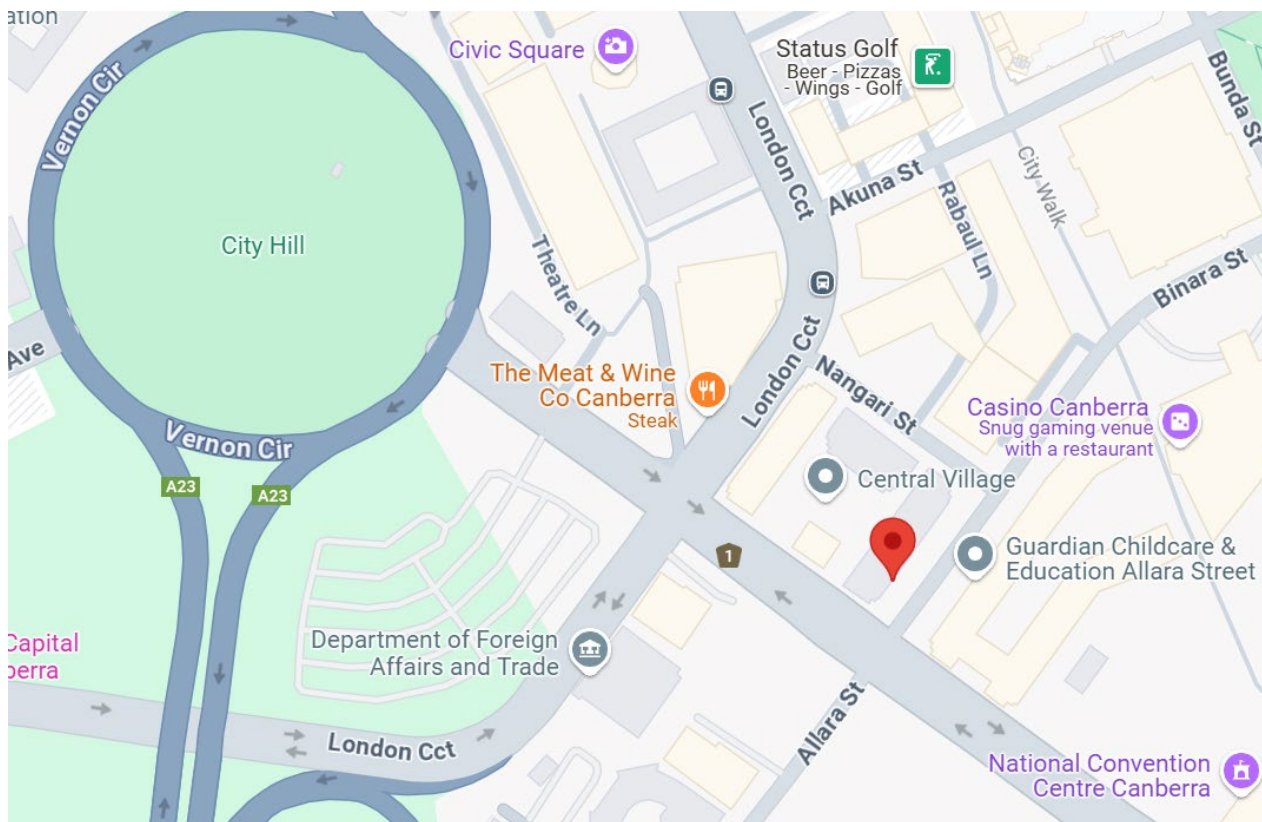
The Commission is committed to making any reasonably needed adjustments so that you can engage with us. This includes the use of interpreters, assistive technology and involving support people of your choosing.

Our [Client and Other Services Charter 2023-25](#) and our [Cultural Safety Charter, Ngattai yeddung: Listen good](#) are designed to help the Commission provide clients, staff and colleagues with a safe, nurturing and positive environment. Further detail on these charters is below and they are available on our website at <https://hrc.act.gov.au/>

The Commission is located at 56 Allara Street, Canberra ACT (map below) with reception located at the Allara Street entrance.

Appointments can also be made by phone or email, Monday to Friday between 9.00am-5:00pm by phoning (02) 6205 2222, or emailing to human.rights@act.gov.au.

¹ Section 18C Human Rights Commission Act 2005



5. Governance Framework

The Commission's Values - **Independent, Respectful, Collaborative, Integrity** and, **Innovative** guide the day-to-day actions, behaviours and decisions in the delivery of services to the community. As well as this Operations Protocol, the Commission is required under the HRC Act to develop other governance documents, details of which are set out below.

Strategic Plan 2025-28

Our *Strategic Plan 2025-28* sets out our Vision, Purpose, Values, Capabilities and strategic priorities and is available on our website at <https://hrc.act.gov.au/>

Our **Mission** is to achieve our **Vision** of *'an inclusive community that respects and realises everyone's human rights and ensures access to justice for everyone.'*

Our **Priorities** over the next 3 years are to:

- **Build and enhance strong partnerships with Aboriginal and Torres Strait Islander peoples** and organisations in the ACT region to promote respect for, protection of and fulfilment of their rights
- **Enhance our education and outreach** programmes to improve understandings of rights and promote compliance



Our Values

INDEPENDENT

We are courageous, providing a frank and fearless independent voice in challenging inequality and injustice

RESPECTFUL

We respect and support people of all identities and experiences

COLLABORATIVE

We empower and actively engage others within and beyond the Commission

INTEGRITY

We respect privacy, and act with compassion and integrity, always aiming for the highest quality outcomes

INNOVATIVE

We continuously innovate, gathering evidence to evaluate and improve, and we are open to change

- **Champion the rights, safety and wellbeing of children and young people** including leading implementation of the ACT Child Safety Standards Scheme and advocating for increased investment in early intervention and diversionary programs/services for young people at risk, and their families/carers
- **Improve service delivery and protection of ACT community members** through the effective response to individual concerns and complaint handling, systemic investigations, submissions to parliamentary inquiries and effective engagement with key stakeholders
- **Pursue a rights-based approach for victims of crime** including positive duties to effectively advocate for victims' rights and support recovery from the impacts of crime
- **Advocate for additional rights in the Human Rights Act** with a focus on socio-economic rights, and pursue other improvements in key pieces of legislation within our mandates.

Client Service Charter 2023-25

The Commission believes that all people deserve to be treated with dignity, and we are committed to ethical, prompt, respectful and helpful client service. Our *Client Service Charter 2023-25* was developed under the HRC Act² and explains what clients can expect from the Commission, how we provide services and how to offer feedback to help improve our services.

The charter also explains what clients can do to help the Commission treat them well and how to make a complaint if they are unhappy with a Commission decision or service. Information on the charter, in Easy English, is available on our website at <https://hrc.act.gov.au/>

A review of the Client Services Charter, including a community consultation period, is occurring in 2026.

Cultural Safety Charter – Ngattai yeddung: Listen good

The Cultural Safety Charter is designed to help the Commission provide clients, staff and colleagues with a safe, nurturing and positive environment where Aboriginal and Torres Strait Islander people are respected. The cultural and spiritual values accepted by Aboriginal and Torres Strait Islander peoples are supported by the Commission's values, processes and policies to enable culturally safe services. You can access the charter on our website at <https://hrc.act.gov.au/>

Governance and Corporate Support Protocol 2025-28

The Commission developed a *Governance and Corporate Support Protocol 2025-28*³ in 2024 which talks about our respective roles and responsibilities as an independent statutory authority and the relationship with JACS who assist the Commission by providing some corporate support functions, such as financial accounting, auditing, human resources, information management and technology support. You can access our Governance and Corporate Support Protocol at <https://hrc.act.gov.au/>

² Section 18B Human Rights Commission Act 2005

³ Section 18A Human Rights Commission Act 2005

6. What happens at Commission meetings

The Commissioners meet at least once a month for approximately 90 minutes⁴. Similarly, a monthly meeting of the Senior Directors is held, as well as regular team meetings with staff.

The President, all Commissioners, and the Senior Director Governance and Corporate Support (as minute-taker), should normally be present at Commission meetings. Quorum is met if 3 Commissioners holding office are present⁵, and attendance may be via telephone or video-link if necessary. The Director of Finance and Administration provides a report on budget and financial management issues. Staff members may be invited to the Commission meeting to address a proposal that the Commissioners will be making a decision about (e.g. the Communications Officer).

Agenda and Minutes

The draft agenda and meeting papers are circulated to Commission members at least 3 days prior to the meeting.

Items to be considered and, if necessary, voted on at Commission meetings include:

- endorsement of minutes of previous meetings
- financial report – Director Finance and Administration
- corporate reporting – Senior Director, Governance and Corporate Support
 - staffing and recruitment
 - workplace health and safety
 - risk and audit (including business continuity planning, risk registers etc)
 - media and community engagement
 - information and communication technology (website and case management system)
 - Cultural Safety Charter and Social Inclusion Plan implementation
 - updates on submissions and interventions undertaken by the Commission
- policy and procedure updates – Senior Director, Governance and Corporate Support
- freedom of information – Senior Director, Governance and Corporate Support
- quarterly updates on implementation of the priorities of the Strategic Plan
- any other business.

Draft Minutes are provided to Commission members for approval within 5 working days of the meeting. The Commission members should provide amendment or approval within 5 working days of receipt.

⁴ Section 30 Human Rights Commission Act 2005

⁵ Section 32 Human Rights Commission Act 2005

Voting

The President presides at all meetings at which they are present⁶. If the President is not in attendance, the Commissioners may elect someone else to preside⁷. Questions arising at a meeting are determined by a majority of the President and Commissioners present and voting. The President has a deliberative vote and, in the event of an equality of votes, has a casting vote (or where the President is absent, the member presiding).

Statutory rules for meetings

Division 3.9 of the HRC Act sets out the Commission meeting rules, which are attached to this Operations Protocol at **Appendix 1**.

7. Advocacy

There are 2 main types of advocacy performed by Commissioners, systemic and individual:

- **Systemic advocacy** occurs where Commissioners advocate on behalf of a group of people experiencing vulnerability to achieve an outcome that is in the interests of many people in the community. This usually means facilitating change in the way a service is provided so that service improvements can benefit people both now and in the future. It can involve conducting an investigation and/or evidence-based research, which can then inform and influence legislative and policy reform, programs and practices to improve the outcomes and opportunities for people experiencing vulnerability.
- **Individual advocacy** occurs where Commissioners advocate on behalf of an individual person to achieve an outcome that upholds their rights and is in their interests, such as providing or obtaining services, or changing the way services are provided. Individual advocacy may be undertaken in different ways and includes brokering services such as counselling, and attending court or a tribunal hearing, participating in case conferences or meetings, convening multi-agency panel meetings or by negotiating with, fostering and supporting agencies to achieve improved services that uphold the rights and interests of people experiencing vulnerability, and who may be subject to abuse or exploitation.

All Commissioners perform advocacy roles, but 2 Commissioners have specific statutory advocacy roles – the **Public Advocate and Children and Young People Commissioner**; and the **Victims of Crime Commissioner**. Referrals for individual advocacy can be made by contacting the Commission, and a member of the relevant team will be allocated to assist you.

The **Public Advocate and Children and Young People Commissioner** has legislative responsibility under the HRC Act for promoting, protecting, upholding and advocating for the rights and interests of people in the ACT who are experiencing vulnerability. This role extends to all persons whose situation or condition gives rise to a need for protection from abuse, exploitation or neglect, or a combination of those things, such as people involved with mental health services, disability services and children and young people with child youth protection services.

⁶ Section 31(1) Human Rights Commission Act 2005

⁷ Section 31(2) Human Rights Commission Act 2005

The **Public Advocate** has the following advocacy functions⁸ for people with disability, and children and young people:

- fostering the provision of services and facilities
- supporting the establishment of organisations that support people living with disability and children and young people
- encouraging the development of programs benefitting people living with disability
- promoting the protection of people from abuse and exploitation.

The role of the **Children and Young People Commissioner**⁹ is to:

- promote the implementation of the Child Safe Standards by providers of services children and young people, and encourage providers to uphold the standards
- consult with children and young people in ways that promote their participation in decision-making
- listen to and seriously consider the views of children and young people
- ensure the Commissioner and Human Rights Commission is accessible to children and young people
- be sensitive to the linguistically and culturally diverse backgrounds of children and young people.

The **Victims of Crime Commissioner** engages in systemic and individual advocacy¹⁰ for victims of crime through the following advocacy functions:

- advocating for the interests of victims of crime
- advocating for the interests of affected people under the *Mental Health Act 2015*
- consulting on and promoting reforms to meet the needs or priorities of victims of crime
- to monitor and promote compliance with victims' rights
- developing educational and other programs to promote awareness of the interests of victims of crime
- ensuring victims receive the information and assistance they need
- to encourage and facilitate cooperation between agencies involved in the administration of justice with respect to victims
- advising the Minister on matters in relation to the interests of victims of crime.

The Victims of Crime Commissioner is also responsible for trying to resolve concerns in relation to a breach of a victim right contained in the *Charter of Rights for Victims of Crime*.

⁸ Section 27B Human Rights Commission Act 2005

⁹ Section 19B (3) Human Rights Commission Act 2005

¹⁰ Section 11 Victims of Crime Act 1994

8. Systemic Reviews

A systemic review looks into broader system-wide issues in areas such as justice, health, children, disability, community, older persons and other services, as well as places of detention. A systemic review can take several forms, and there may be overlap in the statutory powers under which it is performed by Commissioners.

Commission-initiated considerations which do not always involve systemic issues are further elaborated on in part 13 – Commission-initiated consideration.

The Commission and President will consider the following issues when identifying matters for systemic review:

- whether the issue involved a limitation of rights under the HR Act
- where the Minister has directed the Commission to review a matter
- whether the issue is relevant to the work of more than one Commissioner, and may be a focus for collaboration between Commissioners
- where a third-party report is warranted (see part 13 – Commission-initiated review)
- whether the issue is a matter of public importance, or involves serious public safety or other public interest issues for example violence
- the detriment potentially suffered by individuals if the Commission did or did not take such action
- the vulnerability of the group affected, for example children, people with certain types of disability, or detainees
- where the issue is a matter affecting the system for the protection of the rights of users of prescribed services (or a class of user) as a whole, rather than a matter affecting an individual
- whether it is a matter affecting the system for the provision of prescribed services (or a class of prescribed services) as a whole, rather than a matter affecting an individual
- the scope of the systemic review and the capacity, including available resources, of the Commission to undertake that review.

While all Commissioners can undertake reviews, the President has explicit statutory functions in relation to systemic reviews, including:

- reporting to the Minister and other relevant entities regarding a report arising from a Minister's direction¹¹
- an own-initiative report to the Minister¹² about any matter of public importance related to the Commission, its functions or a matter that may be complained about
- a Commission-initiated report¹³ – where the Commission elects to undertake a consideration of a matter that could be the subject of a complaint, or any other matter relevant to the

¹¹ Section 17 and section 18(2)(b)(i) Human Rights Commission Act 2005

¹² Section 87 and section 18(2)(b)(iv) Human Rights Commission Act 2005

¹³ Section 84 and section 18(2)(b)(iii) Human Rights Commission Act 2005

Commission's functions. In practice, the DHSDCSC has carriage of these matters, subject to information sharing, and approval by the President

- reporting to the Minister and other appropriate entities about a review arising from the complaints jurisdiction of the Commission¹⁴. In practice, the DHSDCSC has carriage of these matters, subject to information sharing, and approval by the President
- providing a third party a report¹⁵ that arises from a complaint consideration process, where such a report is in the public interest, as well as other specific criteria. In practice, the DHSDCSC has carriage of these matters, subject to information sharing, and approval by the President

The President may also report in writing to the Minister about:

- a matter of public importance relating to the Commission, including how the Commission handles complaints under the Act
- a matter affecting the system—
 - for the protection of the rights of users of prescribed services (or a class of user) as a whole, rather than a matter affecting an individual; and
 - for the provision of prescribed services (or a class of prescribed services) as a whole, rather than a matter affecting an individual¹⁶.

The HRC Act¹⁷ defines a 'prescribed service' as a:

- health service
- disability service
- service for children and young people
- service for older people
- service for victims of crime.

The President will consult with other Commissioners and take into account the factors listed above in considering such a systemic review.

Similarly, Commissioners have separate specific functions to advise on systemic matters including the:

- Victims of Crime Commissioner's functions under the Victims of Crime Act to advise the Minister on matters relating to the interest of a victim
- DHSDCSC's functions to promote the right of people to be free from unlawful discrimination and related functions
- Public Advocate's functions to promote the protection of people living with disability and children and young people, and related functions

¹⁴ Section 14(1)(d) and section 18(2)(a) Human Rights Commission Act 2005

¹⁵ Section 83 and section 18(2)(b)(iii) Human Rights Commission Act 2005

¹⁶ Section 18 (2)(c) Human Rights Commission Act 2005

¹⁷ Section 6A Human Rights Commission Act 2005

- Human Rights Commissioner’s functions regarding providing advice to government on matters relevant to the operation of the HR Act and to review the effect of territory laws on human rights¹⁸.

Generally, individual Commissioners can instigate systemic reviews or advice using their existing resources, although, as a courtesy, all other Commissioners will be notified prior to a systemic review commencing. With the consent of the relevant Commissioner, resources may be provided from one area of the Commission to another. This is further discussed in shared resources (see part 14 – Sharing resources).

The President will generally make the findings of a systemic review public and in some cases, it will be tabled in the Legislative Assembly by the Minister (for example a human rights audit under section 41 of the HR Act). However, publication will not always occur and will be determined by how best to address the issues identified and the legislative powers used to conduct the review.

9. Enquiries

Anyone can contact the Commission with an enquiry. Reception staff will seek basic information so that they can direct the enquiry to the most appropriate part of the Commission. Depending on the nature of your enquiry, you may be directed to any of the 4 Commissioner’s teams that make up the Commission:

- President and Human Rights Commissioner
- Public Advocate and Children and Young People Commissioner
- Discrimination, Health Services, Disability and Community Services Commissioner and Information Privacy Commissioner
- Victims of Crime Commissioner.

The amount of information provided about the enquiry to reception staff is up to the person. The person can choose not to provide information about why they are making an enquiry; however, without providing basic information it is hard for reception staff to direct the call within the Commission.

The Commission staff may ask questions about your enquiry and if you require any reasonable adjustments be made for you when engaging with the Commission.

This information is used by us to help you with any assistance or accommodation you may require, such as an interpreter, and is reported in our databases to generally monitor the accessibility of our services. A hearing loop is available in our reception, interview and conference room areas, and we strive to make our premises fully accessible. You are also entitled to reasonable assistance from our staff to put a complaint in writing. If you need help in filling out our forms, you can ask for an appointment with one of our intake officers. More information about the Commission is available on the website at <https://hrc.act.gov.au/>

Reception staff are not able to provide information about a matter that the Commission is handling to a third party. All media enquiries are directed to the media team at humanrightsmedia@act.gov.au

¹⁸ Section 41 Human Rights Act 2004

10. Confidentiality

Third Party Disclosure

Consistent with our Privacy Policy¹⁹, personal information collected by the Commission is not released to third parties, unless disclosure is permitted. Our Privacy Policy is available on the website at <https://hrc.act.gov.au/>

Personal information will generally only be released to third parties when consent is provided to share the information, or otherwise permitted, or required, under relevant legislation including:

- [Information Privacy Act 2014](#)
- [Health Records \(Privacy and Access\) Act 1997](#)
- [Children and Young People Act 2008](#)
- [Victims of Crime Act 1994](#)
- [Victims of Crime \(Financial Assistance\) Act 2016](#)
- [Human Rights Commission Act 2005](#).

Internal Discussions

The Commission may share the information a person provides to us *within* the Commission, including for the purposes of:

- assessing the best area of the Commission to handle your enquiry
- determining if you have already contacted the Commission about your matter
- informing other areas of our work including systemic reviews and commission-initiated considerations.

11. Children's participation and engagement

ACT Child Safe Standards Scheme

From 1 August 2024, changes to the ACT HRC Act 2005 made it mandatory for all organisations providing services for children and young people to commence implementing the ACT Child Safe Standards Scheme (the Scheme).

The ACT Children and Young People Commissioner (CYPC) has legislative responsibility for implementation of the Scheme by working with organisations and sectors to raise awareness and build their capability in promoting and protecting the rights, safety, and wellbeing of children and young people. This includes providing information, resources, support, and training that builds on existing child safety measures and supports organisations to improve practices to better promote and protect the rights, safety, and wellbeing of children and young people. The CYPC will apply a continuous improvement approach across all relevant sectors, while leveraging existing regulatory powers and

¹⁹ <https://www.hrc.act.gov.au/privacy/privacy-policy>

compliance measures to support long-term cultural change. A formal review is required in year 5 of implementation.

The ACT Scheme goes beyond child sexual abuse to cover all forms of potential harm to children and young people. There is also a focus on children and young people's rights and wellbeing, placing emphasis on genuine engagement with, and valuing of, children and young people.

Ensuring the Commission is accessible to children and young people

The Commission is committed to a child-safe, child-friendly Canberra. The Commission has statutory functions to consult with children and young people in ways that promote their participation in decision-making, and to listen to and seriously consider the views of children and young people. The Commission is also committed to ensuring the Commission is accessible to children and young people, and to being sensitive to the cultural diversity of children and young people.

The more that we encourage children and young people to be vocal about issues that matter, the more likely it is that children and young people will feel that they will be listened to if they raise concerns about things that they personally experience. Giving children and young people a voice is the first step to empowering them; to giving them the strength to speak out about both societal issues and about personal issues.

When children and young people feel valued, know their rights, and are empowered to communicate their views, they learn to trust their own judgment and make good choices, even when adults are not there to protect them. They are also more likely to trust that when they raise concerns, these concerns will be taken seriously and acted on. The Commission affirms a child or young person has the right to participate in all aspects of social life and the shared understanding that empowering them to do so will have positive effects on the broader Australian community.

The Commission encourages approaches both from children and young people directly, and from those supporting children and young people.

12. Services for Victims of Crime

The Commission is also committed to ensuring the provision of efficient and effective services for victims of crime in the ACT and monitoring and promoting compliance with the *Charter of Rights for Victims of Crime*. The Victims of Crime Commissioner's role includes advocating for the interests of victims as well as overseeing Victim Support ACT (VSACT) services.

The Commissioner is a member of the ACT Domestic Violence Prevention Council, chairs the ACT Family Violence Intervention Program Coordinating Committee and is a member of the ACT Victims Advisory Board.

Concerns and Complaints

The [Victims of Crime Act 1994](#)²⁰ outlines of the rights of victims of crime and the obligations of justice agencies when engaging with victims of crime. The Victims of Crime Commissioner must try to resolve concerns raised by a victim in relation to non-compliance by a justice agency with their rights. The Victims

²⁰ Section 4 Victims of Crime Act 1994

of Crime Commissioner can advocate on behalf of the victim of crime to the justice agency to try to ensure compliance.

A victim can raise a concern with the Commissioner by contacting VSACT. Existing clients of VSACT can speak to their case coordinator about their rights and any concerns they have about their rights being upheld by a justice agency. Complaints about a justice agency, including VSACT, can be made to the DHSDCSC and Information Privacy Commissioner. You can contact the Commissioner on Vocc@act.gov.au to raise a victims rights concern.

Victim Support ACT

VSACT helps people who have experienced a crime in the ACT. This includes victims, their families and people who witness a crime. All VSACT services are free and confidential, with the main services including:

- support and advocacy from our staff
- support through the Volunteer Justice Program
- Financial Assistance Scheme.

Victim Services

We support victims of crime and their families in many ways including:

- counselling
- helping you with your rights in the criminal justice system
- giving you information about reporting crime to police and supporting you to make a report
- giving you information about what to expect at court and supporting you at court
- helping you to apply for financial assistance
- helping you prepare a Victim Impact Statement for court and/or supporting you with your engagement with the Office of Director of Public Prosecutions
- helping you access other services that will support your recovery from crime.

You do not need to report a crime to police to get help from VSACT.

Most people contact VSACT by phone on (02) 6205 2222 for an initial conversation with an intake team member. Sometimes you will be referred to VSACT by the police or another agency. Someone from VSACT will call you to have a chat about what supports you might need.

If you would prefer to speak to someone face-to-face, you can also attend the office (see part 3 – How to access the Commission).

Volunteer Justice Program

The Victims of Crime Commissioner is required under Regulations to develop and maintain a volunteer program to assist victims. The Volunteer Justice Program can help if you need support attending court to give evidence or apply for a Family Violence Order or a Personal Protection Order, meeting with police or prosecutors, preparing a victim impact statement or applying for financial assistance. Support through

the Volunteer Justice Program is delivered by highly skilled, trained and experienced volunteers. The Program has won awards at the 2023 and 2024 Volunteering ACT Awards ceremonies.

If you are interested in volunteering with the Program, please contact victimsupportintake@act.gov.au

Financial Assistance Scheme

Financial assistance is available to victims of crime in the ACT to help pay for goods and services that they need to help them recover as well as in some cases a payment to recognise the harm that a victim has suffered as a result of the crime. You may be eligible to receive financial assistance if you had an injury (physical or psychological) because of a violent crime. You may also be able to receive financial assistance if you are related to someone who has experienced crime.

To access some payments a report to police is required, although victims of family, domestic and sexual violence are not required to report to police to access immediate need and economic loss payments.

If you would like more information about how to apply for the Financial Assistance Scheme you can phone VSACT or email victimsupportintake@act.gov.au. We can send you an application pack or help you to find the online application form. If you would like assistance to complete an application, one of our trained volunteers can meet with you or assist you over the phone. Some people also choose to get legal advice when they are making a Financial Assistance Scheme Application. Free advice is available from agencies including Legal Aid ACT.

ACT Intermediary Program

The ACT Intermediary Program is available to vulnerable victims, witnesses, suspects and accused. The Intermediary Program offers an impartial service to facilitate the communication of vulnerable people when speaking with police, lawyers and when being questioned at court. The Victims of Crime Commissioner is the legislated 'administrator' of the Program, but the program operates independently with intermediaries being impartial 'officers of the court'. More information about the ACT Intermediary Program is available on the website at <https://www.hrc.act.gov.au/intermediaries>

13. Complaints handled by the Commission

We believe that all people deserve to be treated with dignity and respect. Like all public servants in the ACT, our staff have obligations under the HR Act to take human rights into account in their decision-making and actions. The Commission provides an independent, fair and accessible process for the resolution of complaints.

Within the Commission the DHSDCSC deals with complaints about:

- human rights
- services for children and young people services
 - child safe standards
 - schools
 - child protection services
- health records
- health services (including Victim Support ACT)

- individual health practitioners
- veterinary practitioners
- discrimination on the basis of:
 - race
 - age
 - disability
 - family violence
 - immigration status
 - sexual harassment
 - carer or parent status
 - vilification
 - sexuality
 - positive duty
 - and more
- retirement villages
- occupancy
 - occupancy dispute
 - education occupancy providers
- sexuality and gender identity conversion practices
- privacy
- Charter of Rights for Victims of Crime
- Code for health workers
- services for older people
 - residential aged care
 - home care
- Vulnerable person
 - Abuse, neglect or exploitation
 - person over 60 or adult with disability.

Who can make a complaint?

You can make a complaint to the Commission directly, or in some cases on behalf of someone else. Parents, carers or guardians can make a complaint on behalf of their children or a person they have guardianship for. The Commission can also authorise a person to act on your behalf if we are reasonably satisfied that you are not able to make a complaint yourself, and you are unable to authorise somebody else to do it for you. If the complaint is about discrimination, the incident must have happened to you or the person on whose behalf you are complaining.

Complaints are usually made in writing, and the complaint forms are available on the Commission's website at <http://hrc.act.gov.au/complaints/>. Commission staff can help put the complaint in writing. If you, or someone else, need help filling out the complaint form please make an appointment, and a staff member will assist you (see part 3 – How to access the Commission).

When handling complaints, the Commission follows the principles of natural justice, which means that:

- the person who handles the complaint is impartial and unbiased
- the person or organisation the complaint is about has the right to know about the complaint and to provide a response to your allegations
- the complainant and where appropriate the person or organisation the complaint is about have the right to know the information that the Commission relies on to make decisions.

Complaints dealt with by the Commission

To decide if the complaint falls within the Commission's jurisdiction, Commission staff will ask if the issue occurred in the ACT, when it happened, what happened, and what you would like as an outcome.

When the Commission accepts a complaint for consideration, it will be handled by a staff member, who will contact you about the matter and decide how best to progress the complaint.

During the complaint process the Commission can ask the complainant, or anyone involved in the complaint to provide information, eg clinical records or other documentation. There are times when the Commission may issue a formal direction for someone to provide information or documents that are relevant to the complaint.

The person handling the complaint will provide information to all parties when a decision has been made at the conclusion of the process.

Complaints referred within the Commission or to other agencies

If the Commission forms the view that a complaint needs to be referred to another Commissioner, the complainant will be contacted. Commission staff will explain why the decision was made and ask permission to refer the matter to the other Commissioner (see Part 9 – Confidentiality).

There may be times when the Commission cannot investigate a complaint because it is outside the Commission's jurisdiction. If that occurs, Commission staff will contact the complainant and explain why referring the complaint to another agency is appropriate. For example:

- a discrimination complaint relating to a Commonwealth agency in the ACT may be referred to the Australian Human Rights Commission
- a complaint relating to a matter that occurred in another State or Territory may be referred to the corresponding complaint handling body in that State or Territory or to the Australian Human Rights Commission.

Conciliation

The Commission generally works with parties to a complaint to try to resolve it through conciliation.

Information about the complaint conciliation process can be found on our website at <https://www.hrc.act.gov.au/complaints/conciliation>

Closure of a Complaint

If a discrimination, retirement village, occupancy dispute, sexuality and gender identity conversion practice complaint is closed because it has not been successfully resolved, the Commission must offer the complainant the option to take their complaint to the ACT Civil and Administrative Tribunal (ACAT). A complaint can only be referred to ACAT if the complainant agrees. If a Privacy complaint is not able to be resolved the Commissioner may form a view about whether it is reasonably likely a breach of privacy has occurred and provide the complainant with a notice they can lodge an application in the Magistrates Court for a range of remedies including compensation.

The Commission aims to have a resolution to a complaint within 70 days from receipt of the complaint. That timeframe may be extended if there are delays in the provision of information, or more information is required. If conciliation is used or attempted to reach a resolution, the timeframe for resolution is within 250 days.

14. Commission-initiated consideration

The Commission can look into matters on its own initiative and commence an investigation. Commission-initiated considerations will generally be managed by the DHSDCSC and team.

A commission-initiated consideration does not have an individual complainant, as the Commission becomes the complainant²¹. Factors the Commission considers in assessing if a commission-initiated consideration should occur include whether the:

- matter raises systemic issues, or may significantly affect an individual
- matter raises serious public safety or other public interest issues
- matter has a particular impact on a vulnerable group of people
- outcome available as a result of the Commission looking into a matter on its own initiative.

The HRC Act requires that a commission-initiated consideration must, as far as practicable, be conducted as if it were a consideration of a complaint. Therefore, commission-initiated considerations will generally be managed by the DHSDCSC and team. The DHSDCSC may, where appropriate, notify the President of a commission-initiated consideration. As with systemic reviews, resources may be provided from another area of the Commission with the prior consent of that Commissioner.

Recommendations and Adverse Comments

At the conclusion of a complaint about a service, or a commission-initiated consideration, a report may be written which may include recommendations. The person or agency that the recommendation relates to must provide a response to the Commission about the actions taken to comply with the recommendations.

If the Commission makes a recommendation, it must state a reasonable time within which the action should be taken. It can be an offence if the person or agency fails to tell the Commission what action has been taken about the recommendation. The Commission can publish or report about an entity's failure to

²¹ Section 49(2) Human Rights Commission Act 2005

do something recommended or attend an interview or provide information to the Commission. However, prior to doing so, the Commission must give the entity a written notice that:

- give details of the entity's failure to which the notice relates
- explain that the Commission proposes to publish the entity's name and details of the entity's failure
- invites submissions about the proposed publication within the time stated in the notice (not less than 2 weeks after the day the entity is given the notice).

There may be times when the outcome of a complaint or commission-initiated consideration may include adverse comments about a person. Before the adverse comment is included in a report, the Commission will contact the person to advise them of the intention to make the adverse comment and provide that person an opportunity to respond.

15. Sharing Resources

The Commission strives at all times to act collegiately and share expertise and resources across teams to further the strategic aims of the organisation. This is particularly so for the President's team whose functions are to support the work of the whole organisation.

The President's Team includes central coordinated corporate functions including:

- governance - coordination, freedom of information, policy and procedure development, risk and audit, emergency management
- administration - delivery of reception services, building management, travel
- finance – budget, reporting payroll, invoice processing
- human resources – training coordination, leave reporting, workplace health and safety, social inclusion, Commission induction
- communications - media coordination, events, publications including annual report
- information technology - case management system, information security and asset management, website
- Aboriginal and Torres Strait Islander cultural liaison.

To ensure the organisation can meet its strategic goals, all Commissioners should be kept informed of how resources are being utilised across the organisation. Commissioners will, as far as practicable, notify all Commissioners about:

- media liaison, in advance where possible
- social media messages (coordinated through the media team where possible)
- meetings and correspondence with Ministers and Directors-General
- advice requests from Members of the Legislative Assembly.

The Commission strives at all times to act collegially, however if there is a disagreement as to the allocation of resources, this is settled at a meeting of the Commissioners (see Part 5 – What happens at Commission meetings).

Communications/Media

The President will endeavour to make centralised resources available for communication and media activities. This will include managing whole-of-commission branding. The Commission's *Governance and Corporate Support Protocol* with JACS requires the President to notify the Minister and Directorate of media contact. To facilitate this, Commissioners will inform the President and relevant members of the team of any media liaison.

The media and communications team can be contacted by email at humanrightsmedia@act.gov.au

Branding

The HRC Act and Victims of Crime Act contemplate individual Commissioners roles including promotion of specific functions and services. Commissioners may elect to use individual brands, consistent with the overall Commission-brand and key messages. However, communication and correspondence referring to, or signed by, more than 2 Commissioners should be presented under the Human Rights Commission branding.

Legal Support

The Commission's *Governance and Corporate Support Protocol* with JACS requires the President to provide advice on behalf of the Commission to JACS in relation to draft Cabinet Submissions²². The Protocol also notes that it is desirable for the President, on behalf of the Commission, to provide the Director-General with an information copy of any brief or other material submitted to the Minister.

Many law reform and policy proposals will also engage human rights. As well as obligations to act and make decisions consistently with human rights as a public authority,²³ the HRC Act also places a specific obligation on the Commission to act in accordance with human rights²⁴ when exercising its functions. Any legislative or policy proposal advanced by the Commission will satisfy the minimum requirements for compatibility with the HR Act

Therefore, the Human Rights Commissioner's legal team provides coordination and legal policy support including:

- assessing Cabinet Submissions that come to the Commission for comment on compatibility with the HR Act and for issues that are relevant to other Commissioners
- coordinating responses to Cabinet Submissions and government proposals to be signed-off by the President
- providing advice, education, training and support on human rights issues
- providing initial and general advice on legal issues as they arise (noting that formal advice should be sought from the Government Solicitor's Office).

To assist in this work, Commissioners will make the Human Rights Commissioner's legal team aware of requests for education on the HR Act, proposals regarding law reform or policy changes, or requests for

²² Clause 2.2.3 of the Governance and Corporate Support Protocol 2025-28

²³ Part 5A of the Human Rights Act

²⁴ Section 15 of the Human Rights Commission Act

advice from MLAs. This includes proposals they initiate, or that come to their attention from outside the organisation.

Advice to MLAs

Under the Commission's *Governance and Corporate Support Protocol* with JACS, the President may, on behalf of the Commission, provide human rights advice on legislative or policy proposals directly to Members of the Legislative Assembly without the need to notify the Attorney-General, the Minister for Justice or JACS²⁵. If the President or Commission provides formal written advice on a draft Bill to any Member of the Assembly, it will normally be posted on the Commission website at the appropriate time²⁶.

16. Recruitment

Commissioners will be responsible for recruitment of staff within their own teams, in consultation with the Director of Finance and Administration to confirm such recruitment is within their funding envelope. As required under ACT Government legislation and policies, where Commissioners chair recruitment panels, the President must sign off as delegate.

²⁵ Clause 2.2.3 of the Governance and Corporate Support Protocol 2025-28

²⁶ Clause 2.2.3 of the Governance and Corporate Support Protocol 2025-28

APPENDIX 1: Commission meeting procedures

30 Time and place of commission meetings

- (1) Meetings of the commission are to be held when and where it decides.
- (2) However, the commission must meet at least once each month.
- (3) The president may call a meeting of the commission.
- (4) The president, when calling a meeting, must give the other members reasonable notice of the time and place of the meeting.

31 Presiding member at meetings

- (1) The president presides at all meetings at which the president is present.
- (2) If the president is absent, the member chosen by the members present presides.

32 Quorum at meetings

Business may be carried on at a meeting of the commission only if at least 3 members of the commission are present.

33 Voting at meetings

- (1) At a meeting of the commission each member has a vote on each question to be decided.
- (2) A question is decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has the deciding vote.

34 Individual with more than 1 role

- (1) This section applies if—
 - (a) a person holds 2 or more positions under this Act; and
 - (b) the person is a member of the commission because of each of the positions.

Example²⁷

The disability and community services commissioner may be appointed as the health services commissioner.

- (2) The person is only entitled to 1 vote at commission meetings.
- (3) In working out whether 3 members are present at a meeting for section 32 (Quorum at meetings), the number of members is taken to be the number of individuals who are members.

35 Conduct of meetings etc

- (1) A meeting may be held using a method of communication, or a combination of methods of communication, that allows a commission member taking part to hear what each other member taking part says without the members being in each other's presence.

Examples

a phone link, a satellite link, an internet or intranet link

²⁷ An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, section 126 and section 132).

- (2) A commission member who takes part in a meeting conducted under subsection (1) is taken, for all purposes, to be present at the meeting.
- (3) A resolution is a valid resolution of the commission, even if it is not passed at a meeting of the commission, if—
 - (a) notice of the resolution is given under procedures decided by the commission; and
 - (b) all members agree, in writing, to the proposed resolution.
- (4) The commission must keep minutes of its meetings.

AMENDMENT HISTORY

Version	Issue Date	Amendment Details	Author (Position)
0.1	25 March 2025	Consultation draft	Senior Director, Governance and Corporate Support
0.2	10 April 2025	Commissioner edits	Senior Director, Governance and Corporate Support
0.3	5 May 2025	Commissioner edits	Senior Director, Governance and Corporate Support
0.4	13 May 2025	President edits	Senior Director, Governance and Corporate Support
0.5	4 July 2025	Information Privacy Commissioner appointment	Senior Director, Governance and Corporate Support
1.0	23 April 2026	Victims of Crime Commissioner appointment and change to access	Senior Director, Governance and Corporate Support