



Guide to external pathways in Australia to address workplace sexual harassment

October 2022

Disclaimer

The information in this guide is of a general nature only. Much of it has been summarised for simplicity and is not an exhaustive statement of the law or the jurisdictions and functions of the bodies mentioned. For more information about each of these bodies and their relevant jurisdictions, please visit their websites. This guide is not a substitute for independent professional advice. For tailored advice and support, please see the list of support services in Section 1 of the guide.



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Introduction

How to use this guide

This guide provides information about the external pathways in Australia for addressing workplace sexual harassment, including:

- a brief description of each agency's role
- the timeframes and costs involved for seeking help
- agency processes for handling workplace sexual harassment matters, including the average time taken (where available)
- potential rights of appeal if a person is unhappy with an outcome
- contact information and links to resources, including support services.

The guide is split into 5 sections:

- Section 1 lists support services, such as for legal assistance and crisis support
- Section 2 lists in alphabetical order anti-discrimination and human rights bodies
- Section 3 lists in alphabetical order workplace relations bodies
- Section 4 lists in alphabetical order workers' compensation bodies
- Section 5 lists in alphabetical order WHS regulators.

You can find state and territory-specific versions of this information on the [Respect@Work website](#). There is also a quick reference guide at the end of this document with each agency's contact information.

Parties impacted by a workplace sexual harassment matter (such as the worker who has experienced the sexual harassment, the person alleged to have engaged in the sexual harassment, and their employer) can use this guide to understand what the external pathways are and what to expect from them, as well as the services that may be available to provide additional support. Agencies and advocates can use this guide to inform their referrals, where relevant.

Note: Legislation may have changed following the publication date of this guide.



What is sexual harassment?

In Australia, the legal definition of sexual harassment differs between federal, state and territory jurisdictions.

In simple terms, sexual harassment means any unwelcome sexual behaviour that a reasonable person could anticipate may make another person feel offended, humiliated, intimidated, insulted or ridiculed in that situation. A 'reasonable person' can be taken to mean a neutral and unbiased observer.

Sexual harassment can be a single, one-off incident or an ongoing pattern of behaviour.

Sexually harassing behaviours include:

- unwelcome touching
- staring or leering
- suggestive comments or jokes
- sexually explicit pictures or posters
- unwanted invitations to go out on dates
- requests for sex
- intrusive questions about a person's private life or body
- unnecessary familiarity, such as deliberately brushing up against a person
- insults or taunts based on sex
- sexually explicit physical contact
- sexually explicit emails or SMS text messages.

Behaviours that amount to a criminal offence under criminal law can also constitute sexual harassment, such as actual or attempted sexual assault.

While sexual harassment may form part of other forms of harassing and inappropriate behaviour, such as bullying and discrimination, this guide is focused on workplace sexual harassment.

Workplace sexual harassment refers to sexual harassment which occurs at, or in connection to, work or in the course of employment. It is unlawful to engage in workplace sexual harassment.



For more information, please see the [Australian Human Rights Commission's 'Sexual Harassment' webpage](#).

Pathways for addressing workplace sexual harassment

Workers who have experienced workplace sexual harassment need clear, up-to-date, relevant and easily accessible information to help them come to terms with their experiences and to enforce their rights.

If a worker has experienced workplace sexual harassment, there are a range of options that may be available to them to address that behaviour. For example, they can report the behaviour directly to their supervisor or human resources area at work, in which case their employer or workplace will determine how the matter will be handled.

Alternatively, the worker may choose to have the matter handled by someone outside of their workplace. For example, they may decide to use an external pathway, such as making a formal complaint about the workplace sexual harassment to an external agency.

This guide focuses on information about the external agencies that may be able to assist a person affected by workplace sexual harassment.

The external pathways available to a person affected by workplace sexual harassment can include:

- seeking support, advice and advocacy from a range of different services, such as legal assistance and mental health and well-being support services
- lodging a sexual harassment complaint with an anti-discrimination and human rights body
- lodging an application with a workplace relations body, such as in relation to unfair dismissal or for a stop sexual harassment order
- lodging a workers' compensation claim if the workplace sexual harassment has caused mental or physical injury or illness
- reporting the sexual harassment as a work health and safety (WHS) issue to a WHS regulator
- reporting the sexual harassment to police if it involves criminal conduct.



Determining which external pathway is the best option

The external pathways which may be available to a person affected by workplace sexual harassment will depend on their individual circumstances.

Each external pathway has its own specific eligibility criteria. The matters each agency can accept and assist with, will depend on several elements, such as:

- the employment arrangement the person affected by the sexual harassment was in at the time (for example, whether they were a paid employee, independent contractor, unpaid volunteer)
- when the sexual harassment or resulting workplace injury occurred
- where the sexual harassment occurred (for example, geographical location)
- whether the person affected by the sexual harassment reported it to their employer and/or an external avenue
- whether the person affected by the sexual harassment is still employed in the workplace where the sexual harassment occurred
- what outcome the person affected by the sexual harassment is seeking (for example, financial compensation, an apology, job reinstatement, or a change to workplace culture through policies or training for staff)
- whether the person affected by the sexual harassment was penalised (such as having their employment terminated) for making a complaint about the sexual harassment.

If you have been affected by workplace sexual harassment, to assist you to better understand the impact of this eligibility criteria on your individual circumstances, please see the interactive tool available on the [Respect@Work website](#).

For advice and assistance from a lawyer or other advocate, please see Section 1 on support services.

Concurrent matters

A person who has experienced sexual harassment in the workplace and who wishes to seek help from an external avenue will need to elect which jurisdiction and body they are going to pursue their matter with. Generally, a person is not able to pursue the same matter in multiple jurisdictions at the same time.



As a result, if a person affected by workplace sexual harassment has already attempted to address the matter through an external avenue, this may impact whether other external avenues can also help. For example, if a person has made a complaint about the workplace sexual harassment to their state anti-discrimination body, they may be unable to make a complaint about the same conduct to the Australian Human Rights Commission.

This will ultimately be a matter to be determined by each external avenue when contacted by a person affected by workplace sexual harassment. The external avenue will determine an individual's eligibility to access their services based on the information provided, noting that this can be a complex process.

The exception to this is an application for a stop sexual harassment order, which can be made to the Fair Work Commission at the same time as addressing the matter through other avenues.

Support services

It can be difficult for a person affected by workplace sexual harassment to identify and navigate the support services that may be available to them. The support needs of victims and others affected by workplace sexual harassment may be varied and are often complex.

Victims and other people affected by workplace sexual harassment may need to access a range of services providing support, advice and advocacy in order to minimise harm and decrease the likelihood and severity of negative social, financial and psychological outcomes.

Section 1 of this guide lists support services that can provide:

- sexual harassment and sexual assault support services
- mental health and wellbeing assistance
- legal advice
- other advocacy services, such as union assistance
- support services for vulnerable workers, including indigenous workers, LGBTIQ+ workers, workers with disability and young workers
- police assistance.



Anti-discrimination and human rights bodies

The Commonwealth and each state and territory have an anti-discrimination and/or human rights body responsible for investigating and resolving complaints of discrimination, including complaints about workplace sexual harassment.

Generally, these agencies attempt to resolve complaints through the process of conciliation, whereby the parties come together to negotiate an outcome to the dispute with the assistance of an impartial conciliator.

Where disputes are resolved, the parties typically enter a written settlement agreement which can provide for outcomes such as the payment of compensation, an apology by the employer and/or persons accused of the harassment, job reinstatement and/or changes to workplace practices, such as the implementation of policies and/or training.

If a complaint is unresolved and proceeds to a court or tribunal process, the parties will typically be responsible for paying their own legal costs. A party may be ordered to pay the other party's costs if their matter is unsuccessful.

You can find more information about each anti-discrimination and human rights body in Section 2 of this guide.

Workplace relations bodies

In Australia, the national workplace relations system is established by the *Fair Work Act 2009* (Cth) (Fair Work Act) and covers the majority of private sector employees and employers. Other workers, such as most state public sector employees, are covered by the state workplace relations system. The Fair Work Commission, the Fair Work Ombudsman and relevant state-based workplace relations bodies are described below.

Fair Work Commission

The Fair Work Commission (FWC) is Australia's national workplace relations tribunal, established by the Fair Work Act. The FWC may be able to assist in workplace sexual harassment matters where it relates to an application lodged in respect of:

- an order to stop sexual harassment or an order to stop bullying and sexual harassment
- general protections
- unlawful termination



- unfair dismissal.

In some matters, the FWC can make binding orders which parties must comply with, such as requiring that ongoing sexually harassing behaviours discontinue. The types of orders the FWC can make will depend on the type of application lodged.

You can find more information about the FWC in Section 3 of this guide.

Fair Work Ombudsman

The Fair Work Ombudsman is Australia's national workplace relations regulator, established by the Fair Work Act. It provides employees and employers with information and advice about workplace entitlements and obligations.

The Fair Work Ombudsman can provide employees and employers with general information about protections from sexual harassment, prevention and managing sexual harassment in the workplace.

State-based workplace relations bodies

Employees not covered by Australia's national workplace relations system may be able to seek help from their relevant state workplace relations body, consisting of the:

- Industrial Relations Commission of New South Wales
- Queensland Industrial Relations Commission
- South Australian Employment Tribunal
- Tasmanian Industrial Commission
- Western Australian Industrial Relations Commission.

The Australian Capital Territory, Northern Territory and Victoria do not have their own workplace relations bodies as they are a part of the national workplace relations system.

Employees covered by the state workplace relations system are those who work in the:

- state public sector or for a non-constitutional corporation in local government or private industry in Western Australia
- state public sector or local government in New South Wales, Queensland or South Australia



- state public sector in Tasmania.

You can find more information about each tribunal in Section 3 of this guide.

Workers' compensation bodies

If the workplace sexual harassment a person experiences has caused them a physical or mental injury which has required medical or allied health treatment or time off work, then they may be able to claim workers' compensation.

The Commonwealth and each state and territory have workers' compensation bodies which may provide insurance to employers or regulate the operation of private insurers and self-insurers. Workers' compensation bodies may also be responsible for processing workers' compensation claims.

Workers' compensation is a no-fault system. This means a worker does not have to prove wrongdoing by their employer in order to make a claim. However, in order for the workers' compensation body to accept liability for the claim, typically the worker's injury should be directly connected with their work and cannot be the result of reasonable management action (such as performance management).

Workers' compensation outcomes can include payment of income compensation payments, medical expenses and/or a lump sum amount.

You can find more information about each workers' compensation body in Section 4 of this guide.

Work health and safety regulators

Commonwealth, state and territory work health and safety (WHS) laws impose a duty on employers to ensure the health and safety of their workers so far as is reasonably practicable, including with respect to the risk of sexual harassment. Under WHS laws, workers are also required to take reasonable care for their own health and safety and that of others while at work.

WHS regulators are responsible for monitoring and enforcing compliance with WHS laws. If a person is unsuccessful in their attempts to resolve a workplace sexual harassment matter within the workplace, they can request a WHS regulator to assist in resolving the issue. A WHS regulator may also intervene if a matter demonstrates that an employer may not be managing WHS risks to workers and others in the workplace.



WHS investigations provide outcomes focused on promoting a safe and healthy workplace and reducing the risks of further health or safety incidents, rather than providing a remedy to an individual worker. WHS regulators have a range of compliance tools, such as improvement notices, to direct a workplace to make safety or health improvements, or less commonly a prosecution may be undertaken, generally for the most serious cases.

You can find more information about each WHS regulator in Section 5 of this guide.



Section 1: Support services

Sexual harassment and sexual assault support services

1800RESPECT

1800RESPECT is a telephone and online counselling and support service for people who have experienced, or are at risk of experiencing, sexual, domestic or family violence, including workplace sexual harassment. You can contact 1800RESPECT on 1800 737 732 and find more information on the [1800RESPECT website](#).

State and territory assistance

There are support services available in each state and territory for people affected by sexual assault.

ACT:

- Canberra Rape Crisis Centre: <https://crcc.org.au/contact-us/>
- Canberra Sexual Health Centre: www.health.act.gov.au/services-and-programs/sexual-health/sexual-assault-care
- Service Assisting Male Survivors of Sexual Assault: <https://samssa.org.au/contact/>

NSW:

- Full Stop Australia's NSW Sexual Violence Helpline: <https://fullstop.org.au/contact-us>

NT:

- Sexual Assault Referral Centres: <https://nt.gov.au/wellbeing/hospitals-health-services/sexual-assault-referral-centres>

Queensland:

- Brisbane Rape & Incest Survivors Support Centre: <https://brissc.org.au/contact/>
- Sexual Assault Helpline: www.dvconnect.org/sexual-assault-helpline/

SA:

- Yarrow Place Rape & Sexual Assault Service: www.wchn.sa.gov.au/our-network/yarrow-place



Tasmania:

- Laurel House: <https://laurelhouse.org.au/contact/>
- Sexual Assault Support Service: <https://www.sass.org.au>

Victoria:

- Sexual Assault Crisis Line: www.sacl.com.au/contact-us/
- Centres Against Sexual Assault: <https://casa.org.au/contact-us/>

WA:

- Sexual Assault Resource Centre: www.kemh.health.wa.gov.au/other-services/sarc
- Waratah Support Centre: www.waratah.asn.au/view/contact-us

Mental health assistance

If you require mental health support, you may be able to access free mental health assistance from the below services.

Beyond Blue

Beyond Blue is a mental health and wellbeing support organisation, which provides information and support to persons affected by depression and anxiety. You can contact Beyond Blue for 24/7 advice and support on 1300 22 4636. You can find further contact information on the [Beyond Blue website](#).

Headspace

Headspace provides mental health and wellbeing support to young people aged 12 to 25 years. You can find contact information for Headspace on the [Headspace website](#).

Lifeline

Lifeline is Australia's leading suicide prevention service, which provides 24-hour crisis support to people experiencing personal crisis. You can contact Lifeline on 13 11 14. You can find further contact information on the [Lifeline website](#).

SANE

SANE offers connection and community to people with complex mental health issues including trauma. You can contact the SANE helpline on 1800 187 263 or at getsupport@sane.org. You can find more information on the [SANE website](#).



Suicide Call Back Service

The Suicide Call Back Service provides free professional 24/7 telephone and online counselling support to people at risk of suicide, concerned about someone at risk of suicide, bereaved by suicide and people experiencing emotional or mental health issues. You can contact the Suicide Call Back Service on 1300 659 467. You can find contact information on the [Suicide Call Back Service website](#).

State and territory assistance

There are mental health phone lines available in each state and territory which provide mental health support.

- **ACT:** Access Mental Health is a free telephone intake, referral and information service which operates 24 hours a day, 7 days a week to all residents of the ACT. You can call the service on 1800 629 354 and find more information on the [ACT Government Health website](#).
- **NSW:** The Mental Health Line operates 24 hours a day, 7 days a week and offers professional help, advice and referrals to local mental health services to everyone in NSW. You can call the service on 1800 011 511 and find more information on the [NSW Health website](#).
- **NT:** The Northern Territory Mental Health Line provides triaging and advice to people in mental health crisis. You can call the service on 1800 682 288 and find more information on the [NT Government website](#).
- **Queensland:** 1300 MH CALL is a confidential mental health telephone triage service that provides the first point of contact to public mental health services to Queenslanders. You can call the service on 1300 642255 and find more information on the [Queensland Government website](#).
- **SA:** The SA Health Mental Health Triage Service operates 24 hours a day, 7 days a week and provides advice and information to people experiencing a mental health emergency or crisis situation. You can call the service on 13 14 65 and find more information on the [SA Health website](#).
- **Tasmania:** The Mental Health Service Helpline operates 24 hours a day, 7 days a week and provides referral pathway into public system mental health services. You can call the service on 1800 332 388 and find more information on the [Tasmanian Government Department of Health website](#).



- **Victoria:** Head to Health provides access to trained mental health professionals who will assist in determining what support may best fit a person's needs. You can call the service on 1800 595 212 and find more information on the [Head to Health website](#).
- **WA:** The Mental Health Emergency Response Line is a 24-hour telephone service for people in the Perth metropolitan area experiencing a mental health crisis. You can call the service on 1300 555 788 and find more information on the [Government of Western Australia Mental Health Commission website](#).

Legal services

If you require legal advice, you may be eligible to access free legal assistance from the below services.

Community legal centres

Community legal centres (CLCs) are independent community organisations that offer free legal services to the public, depending on certain eligibility criteria. To find a CLC near you, please see the [Community Legal Centres Australia 'Find Legal Help' webpage](#).

JobWatch

JobWatch is an independent, not-for-profit employment rights community legal centre supporting workers in Queensland, Tasmania and Victoria with their rights at work. You can find contact information for JobWatch on the [JobWatch website](#).

Legal aid

Legal aid commissions can provide a range of services, including information, legal advice and representation in courts and tribunals. There is a legal aid commission in each state and territory and you can check your eligibility to access their services by contacting your relevant state or territory body.

For more information see:

- **ACT:** www.legalaidact.org.au/contact-legal-aid
- **NSW:** www.legalaid.nsw.gov.au/get-legal-help
- **NT:** www.legalaid.nt.gov.au/need-help/
- **Queensland:** www.legalaid.qld.gov.au/Get-legal-help
- **SA:** <https://lsc.sa.gov.au/contact>



- **Tasmania:** www.legalaid.tas.gov.au/need-help/
- **Victoria:** www.legalaid.vic.gov.au/contact-us
- **WA:** www.legalaid.wa.gov.au/get-legal-help

Workplace Advice Service

The Workplace Advice Service is run by the FWC to provide free legal help to employees and employers on employment issues that involve dismissal, general protections, bullying or sexual harassment at work. You can find more information about the Workplace Advice Service on the [Fair Work Commission website](#).

Other advocacy services

Union assistance

The Australian Unions Support Centre can provide free and confidential assistance to workers for all workplace issues, including in respect of their rights. You can find contact information on the [Australian Unions Support Centre website](#).

If you are a member of a union, you can contact your workplace union representative directly for support.

Working Women's Centres

Working Women's Centres are not-for-profit, community organisations that can provide information and support on work related issues to women employees and women who wish to work.

Working Women's Centres are available to workers in:

- **NT:** www.ntwwc.com.au/contact
- **Queensland:** <https://brq.org.au/working-women-qld/>
- **SA:** wwcsa.org.au/contact/

Aboriginal and Torres Strait Islander workers

The following services may be able to provide free legal assistance to Aboriginal and Torres Strait Islander peoples, including in respect of employment, discrimination and human rights matters:



- National Aboriginal and Torres Strait Islander Legal Services: www.natsils.org.au/
- Aboriginal Legal Service (ACT and NSW): www.alsnswact.org.au/
- Wirringa Baiya – Aboriginal Women’s Legal Centre (NSW): www.wirringabaiya.org.au/
- North Australian Aboriginal Justice Agency (NT): www.naaja.org.au/
- Aboriginal and Torres Strait Islander Women's Legal Services North Queensland: www.atsiwltnq.org.au/
- Victorian Aboriginal Legal Service: www.vals.org.au/
- Aboriginal Legal Rights Movement (SA): www.alrm.org.au/
- Tasmania Aboriginal Legal Service: <https://tals.net.au/>
- Aboriginal Legal Service of Western Australia Limited: www.als.org.au/

LGBTIQ+ workers

Counselling

The following services may be able to provide free counselling and support to LGBTIQ+ people:

- QLife (national service): <https://qlife.org.au/get-help>
- Meridian (ACT): www.meridianact.org.au/
- Uniting Communities Bfriend (SA): www.unitingcommunities.org/service/community-support/lgbtqiqa-support
- Working It Out (Tasmania): www.workingitout.org.au/
- Western Australian AIDS Council - LGBTIQ+ Youth Counselling (WA): www.waac.com.au/what-we-do/counselling/lgbtqiqa-plus/

Legal services

The following services may be able to provide free legal assistance to LGBTIQ+ people, including on employment, discrimination and human rights matters:

- Inner City Legal Centre (NSW): www.iclc.org.au/
- LGBTI Legal Service Inc (Queensland): <https://lgbtilegalservice.org.au/>
- Southside Justice (Victoria): <https://lgbtiqlegal.org.au/>



Workers with disability

The following services may be able to provide free legal assistance to persons with disability, including in respect of disability discrimination and human rights:

- Canberra Community Law (ACT): <https://canberracommunitylaw.org.au/>
- Australian Centre for Disability Law (NSW): <https://disabilitylaw.org.au/>
- Darwin Community Legal Service (NT): www.dcls.org.au/
- Cairns Community Legal Centre Inc (Queensland): www.cclc.org.au/
- Basic Rights Queensland: <https://brq.org.au/>
- South Australian Community Legal Centres: <https://saccls.org.au/>
- Launceston Community Legal Centre (Tasmania): www.lclc.net.au/
- Disability Discrimination Legal Service (Victoria): <http://ddlsaustralia.org/>
- Sussex Street Community Law Service (WA): www.sscls.asn.au/.

Young workers (people aged 25 and under)

Kids Helpline

Kids Helpline is a free, confidential 24/7 online and phone counselling service for young people aged 5 to 25. You can contact Kids Helpline on 1800 55 1800 or at admin@kidshelpline.com.au. You can find more information at: <https://kidshelpline.com.au/>.

Legal services

The following services may be able to provide free legal assistance to young people, including about workplace rights:

- Youth Law Australia: <https://yla.org.au/contact-us/>
- Young Workers Centre (Victoria): www.youngworkers.org.au/
- Young Workers Centre (ACT): <https://youngworkerscbr.org.au/>.



Police assistance

If you believe the workplace sexual harassment you have experienced involves criminal conduct, including actual or attempted sexual assault, you can report the matter to police.

The Police Assistance Line operates 24 hours a day, 7 days a week and allows the reporting of crime over the phone with the information being made immediately available to your local police. You can call the service on 131 444 and find more information on the [Report Crime webpage](#). In cases of emergency, please call 000.



Section 2: Anti-discrimination and human rights bodies

Australian Human Rights Commission

The Australian Human Rights Commission (AHRC) is Australia's National Human Rights Institution and is established by the *Australian Human Rights Commission Act 1986* (Cth). The AHRC investigates and conciliates discrimination and human rights complaints, including complaints of sexual harassment under the *Sex Discrimination Act 1984* (Cth) (Sex Discrimination Act).

Jurisdiction

All of Australia (subject to eligibility criteria)

Timeframe for lodging a complaint

There is no specific time frame in which a complaint must be lodged with the AHRC. However, the AHRC can terminate a complaint alleging sexual harassment if the complaint was lodged more than 24 months after the alleged acts, omissions or practices took place.

Cost to lodge a complaint

Free

Time taken to process a complaint

Generally, the process takes on average at least five months.

Making a complaint

A complaint can be made by a person (or persons) who believe they have experienced unlawful discrimination (including sexual harassment or sex-based harassment), or by a person or trade union on their behalf. The law outlines certain requirements for making a valid complaint of unlawful discrimination. These include that the complaint must: be in writing; allege acts that could be unlawful discrimination; and set out details of the alleged acts.

Workers in various employment arrangements can make a complaint of workplace sexual harassment, including unpaid workplace participants such as volunteers, interns and students and self-employed workers.



Dispute resolution process

Once received, the complaint will be subject to an assessment by the AHRC. If the AHRC decides not to investigate the complaint, the person will be provided with reasons for this decision and may be referred elsewhere.

If the AHRC accepts the complaint for investigation and/or conciliation, they will let the person or organisation who the complaint is about (the respondent(s)) know. The AHRC may also ask them for their side of the story.

Following this, a complaint may proceed to a conciliation process or conference facilitated by an AHRC conciliator. The AHRC is an impartial third party during the conciliation process. The conciliator's role is to assist the parties to consider different options to resolve the complaint and provide information about possible terms of settlement.

Outcomes from a conciliation will vary depending on the nature of the complaint and can include:

- an apology
- job reinstatement
- compensation for lost wages
- the respondent implementing certain actions, such as staff training or changes to, or development of, a workplace policy.

For the complaint to be resolved, the parties must agree to the outcomes.

When a complaint might be terminated

A complaint may be terminated if the AHRC considers:

- the alleged conduct is not unlawful discrimination
- the complaint was made more than 24 months after the alleged conduct
- an inquiry, or the continuation of an inquiry, into the complaint is not warranted
- a more appropriate remedy is available or has been pursued
- the complaint has already been dealt with, or could be dealt with, by another agency
- the complaint is trivial, vexatious, misconceived or lacking in substance
- there is no reasonable prospect of the matter being settled by conciliation.



What if a complaint is unresolved or has been terminated?

If the AHRC is satisfied that a complaint cannot be resolved, or one of the above reasons apply, the complaint will be terminated. After a complaint is terminated, the person affected may apply to the Federal Court of Australia or the Federal Circuit and Family Court of Australia to have the allegations decided by the court. Any application must be made within 60 days of date of the termination decision. In some situations, the person making the complaint may need to get the court's permission to take the matter to court.

If the court agrees to hear the matter and finds that unlawful discrimination (such as the workplace sexual harassment) has occurred, the court may make binding orders, which can include requiring the respondent: to perform any reasonable act to redress any loss or damage suffered; to pay the applicant compensation for any loss or damage suffered; or employ or re-employ the person. The court can award costs against either party in the proceedings.

Contact information

- Website: <https://humanrights.gov.au/>
- Email: infoservice@humanrights.gov.au
- National Information Service: 1300 656 419

Resources

- [Complaint forms](#)
- [Making a complaint fact sheet](#)
- [Translated versions of the Making a complaint fact sheet](#)
- [Auslan: Information about making a complaint](#)
- [Unlawful discrimination - Information for people making complaints](#)
- [Complaints under the Sex Discrimination Act fact sheet](#)
- [Responding to a complaint fact sheet](#)
- [Understanding conciliation fact sheet](#)

ACT Human Rights Commission

The ACT Human Rights Commission (ACTHRC) can investigate and conciliate complaints about discrimination. This includes complaints of sexual harassment under Part 5 of the *Discrimination Act 1991* (ACT) (Discrimination Act).



Jurisdiction

Australian Capital Territory

Timeframe for lodging a complaint

A complaint should be lodged within two years of the date the alleged conduct occurred. This timeframe can be extended in certain circumstances.

Cost to lodge a complaint

Free

Making a complaint

A complaint can be made by a person who believes they have experienced workplace sexual harassment or by their agent.

Dispute resolution process

A complaint should be lodged in writing, though the ACTHRC can accept verbal complaints. Once a complaint is received, it will be assessed by the ACTHRC. If the ACTHRC cannot help, the person will be referred elsewhere.

If the ACTHRC accepts the complaint, they'll let the person who the complaint is about (the respondent) know. The ACTHRC may also ask them for their side of the story. More information may also be sought from the person making the complaint (the complainant).

Following this, a complaint may proceed to a conciliation process or conciliation conference facilitated by an ACTHRC conciliator. At conciliation, the parties attempt to find a way to resolve the complaint.

Outcomes from a conciliation can include:

- an apology, statement of regret, or acknowledgement of distress
- improved communication pathways
- an agreement to introduce changes to workplace practices or policies
- a commitment to train relevant staff,
- re-instatement to a job, or an offer of employment
- financial compensation for monetary loss or injury to feelings.

To be resolved, both parties must voluntarily agree to any outcomes.



When a complaint might be finalised

A complaint may be finalised if the ACTHRC considers:

- the matter has been resolved through conciliation
- the complainant has failed to comply with a request for information, documents etc or required attendance
- the complainant wishes to withdraw the complaint
- conciliation is unlikely to succeed
- the complainant has been given a reasonable explanation and no further action is needed
- it is frivolous, vexatious or not made honestly
- it raises matters that were, or are being, dealt with by a court, tribunal or the ACTHRC
- it lacks substance
- it has been referred to the ACT Civil and Administrative Tribunal (ACAT)
- it has been dealt with to the ACTHRC's satisfaction
- it has been referred under s 52A to another statutory office holder
- it has otherwise been resolved.

What if a complaint is unresolved or a party is unhappy with the outcome?

A person may request the ACTHRC to refer the complaint to the ACAT within 60 days of the complaint being finalised to have the ACAT hear and determine the matter. If the ACAT hears the matter and finds that an unlawful act (the workplace sexual harassment) has occurred, it may order the respondent to:

- not repeat or continue the unlawful act
- perform a stated reasonable act to redress any loss or damage suffered by the complainant
- pay compensation to the complainant for any loss or damage suffered because of the unlawful act.

ACAT is a 'no costs' jurisdiction, meaning that each party pays their own legal costs.



Contact information

- Website: <https://hrc.act.gov.au/>
- Email: human.rights@act.gov.au
- Phone: (02) 6205 2222
- Enquiries: <https://hrc.act.gov.au/contact-us/>

Resources

- [ACTHRC discrimination complaint form](#)
- [Information for people making complaints](#)
- [Information for people responding to complaints](#)
- [About conciliation](#)
- [Examples of sexual harassment complaint outcomes](#)

Anti-Discrimination NSW

Anti-Discrimination NSW (ADNSW) handles complaints of discrimination covered by the Anti-Discrimination Act 1977 (NSW) (Anti-Discrimination Act), which includes complaints of sexual harassment. ADNSW assist parties to a complaint to find a way of resolving the matter according to the law.

Jurisdiction

New South Wales

Timeframe for lodging a complaint

Generally, a complaint should be lodged within 12 months of the date the alleged conduct occurred. However, ADNSW takes a flexible approach to this timeframe, which can be extended.

Cost to lodge a complaint

Free

Time taken to process a complaint

Generally, the process takes approximately 5 months. ADNSW must keep the parties updated about the progress of the investigation at least every 90 days.



Making a complaint

A complaint can be made by a person (or persons) who believe they have experienced unlawful discrimination (including sexual and sex-based harassment), or by their agent. Workers in various employment arrangements can make a complaint of workplace sexual harassment, including volunteers and unpaid trainees.

Dispute resolution process

A complaint should be lodged in writing. Once received, the complaint will be subject to a preliminary assessment by ADNSW. ADNSW may refer a person where appropriate to another service.

If ADNSW accepts the complaint, they'll let the person who the complaint is about (the respondent) know. ADNSW may also ask them for their side of the story. More information may also be sought from the person making the complaint (the complainant).

Following this, a complaint may proceed to a conciliation conference facilitated by an ADNSW conciliator. At conciliation, both parties attempt to find a way to resolve the complaint. Outcomes from a conciliation can include an apology or statement of regret, a commitment to train relevant staff, or financial compensation. To be binding, both parties must voluntarily agree to any outcomes.

When a complaint might be terminated

A complaint may be terminated if ADNSW considers:

- it is frivolous, vexatious, misconceived or lacking in substance
- no part of the alleged conduct could amount to a contravention of the Anti-Discrimination Act or regulations
- the nature of the alleged conduct alleged is such that further action is not warranted
- another more appropriate remedy has been, is being, or should be, pursued
- the subject-matter of the complaint has been, is being, or should be, dealt with by another person or body
- the respondent has taken appropriate steps to remedy or redress the conduct, or part of the conduct, complained of
- it is not in the public interest to take any further action in respect of the complaint or any part of the complaint.



What if a complaint is unresolved or a party is unhappy with the outcome?

If a complaint is not resolved by conciliation, the complainant may request, within 21 days, for ADNSW to refer the matter to the NSW Civil and Administrative Tribunal (NCAT).

If NCAT finds the complaint substantiated in whole or in part, it may make an order:

- that the respondent pay the complainant damages not exceeding \$100,000
- that the respondent not continue or repeat any unlawful conduct
- that the respondent perform any reasonable act or course of conduct to redress any loss or damage suffered by the complainant
- that the respondent publish an apology or a retraction (or both)
- declaring void in whole or part any contract or agreement made in contravention of the Anti-Discrimination Act or regulations
- declining to take any further action in the matter.

Each party pays their own costs in matters before NCAT. However, NCAT can order a party to pay the other party's costs if there are special circumstances to warrant this.

Contact information

- Website: <https://antidiscrimination.nsw.gov.au/>
- Email: complaintsadb@justice.nsw.gov.au
- Phone: (02) 9268 5555 or 1800 670 812
- Mail: Locked Bag 5000, Parramatta NSW 2124

Resources

- [How to make a complaint webpage](#)
- [Translated versions of the ADNSW complaint form](#)
- [How we handle your complaint webpage](#)
- [Conciliation conferences webpage](#)
- [Sexual harassment fact sheet](#)
- [Sexual harassment complaint case studies](#)



Equal Opportunity Tasmania

Equal Opportunity Tasmania (EOT) aims to foster a society free of discrimination, prejudice, bias and prohibited conduct by administering the *Anti-Discrimination Act 1998 (Tas)* (Discrimination Act). EOT investigates complaints of discrimination, including in respect of workplace sexual harassment.

Jurisdiction

Tasmania

Timeframe for lodging a complaint

A complaint should be lodged within 12 months of the date the alleged conduct occurred. This timeframe can be extended in certain circumstances.

Cost to lodge a complaint

Free

Time taken to process a complaint

Once a complaint is accepted, EOT has six months to complete its investigation of the complaint. However, this timeframe can be extended with the consent of the person making the complaint.

Making a complaint

A complaint can be made by a person (complainant) who believes they have experienced sexual harassment or, with the complainant's consent, by another person, agent or trade union on their behalf. Workers in various employment arrangements can make a complaint of workplace sexual harassment, including unpaid workplace participants (such as interns, volunteers and work experience students).

Dispute resolution process

A complaint should be lodged in writing to EOT via the paper form or [online form](#). Once the complaint is lodged, it will be subject to a preliminary assessment by EOT, who must accept or reject the complaint within 42 days. If EOT cannot investigate the complaint, the complaint may be referred elsewhere.

If the complaint is accepted, EOT will inform the respondent of the complaint and request their response. Early resolution will generally be attempted between the parties. EOT ensures a safe process for complainants alleging sexual harassment, with adjustments



made to the process as required. If the complaint remains unresolved, it will progress to an investigation.

At the end of the investigation, EOT will decide whether the complaint should be dismissed, Conciliated or referred to the Tasmanian Civil and Administrative Tribunal (Anti-Discrimination Stream) (TasCAT) for inquiry.

When a complaint might be terminated

EOT may reject a complaint if:

- the complaint is trivial, vexatious, misconceived or lacking in substance
- the complaint does not relate to discrimination or prohibited conduct
- the complainant has commenced proceedings in a commission, court or tribunal which may order remedies similar to those available under the Discrimination Act
- a person other than the complainant has commenced proceedings in a commission, court or tribunal in relation to the same subject matter of the complaint
- a more appropriate remedy is reasonably available
- the complaint has already been dealt with by the EOT Commissioner, a State authority or a Commonwealth statutory authority
- the complaint may be more effectively or conveniently dealt with by a State authority or a Commonwealth statutory authority
- the complaint relates to conduct that is within the scope of an exemption.

What if a complaint is unresolved or a party is unhappy with the outcome?

If a complainant is unhappy with the dismissal of the complaint after investigation, they can, within 28 days of notification of the decision, request the TasCAT review that decision.

If TasCAT finds that a complaint is substantiated, it may order that:

- the respondent must not repeat or continue the discrimination or prohibited conduct
- the respondent must redress any loss, injury or humiliation suffered by the complainant
- the respondent must re-employ the complainant
- the respondent pay compensation to the complainant
- the respondent pay a specified fine not exceeding 20 penalty units
- a contract or agreement be varied or declared void in whole or part



- the respondent apologise to the complainant and make any retractions the Tribunal considers appropriate
- no further action be taken in the matter
- any other order it thinks appropriate.

Each party pays their own costs in matters before TasCAT. However, TasCAT can order a party to pay the other party's costs if it considers it appropriate to do so.

Contact information

- Website: equalopportunity.tas.gov.au
- Email: office@equalopportunity.tas.gov.au
- Phone: 1300 305 062
- Text message: 0409 401 083
- Post: GPO Box 197, Hobart TAS 7001
- Physical address: Level 1, 54 Victoria Street, Hobart Tasmania 7000
- [Online enquiry form](#)

Resources

- [Online complaint form](#)
- [Complaints process webpage](#)
- [Complaint process flowchart](#)

Northern Territory Anti-Discrimination Commission

The Northern Territory Anti-Discrimination Commission (NTADC) aims to eliminate discrimination by raising awareness about individual's rights and responsibilities under the Anti-Discrimination Act 1992 (NT). The NTADC assesses, evaluates and conciliates complaints of discrimination, including in relation to workplace sexual harassment.

Jurisdiction

Northern Territory



Timeframe for lodging a complaint

A complaint should be lodged within 12 months of the date the alleged conduct occurred. This timeframe can be extended in certain circumstances.

Cost to lodge a complaint

Free

Timeline taken to process a complaint

Generally, the NTADC finalises the majority of complaints within 6 months.

Making a complaint

A complaint can be made by a person (complainant) who believes they have experienced sexual harassment, or by a person authorised by the NTADC on the complainant's behalf (such as a lawyer, guardian, friend etc). Workers in various employment arrangements can make a complaint of workplace sexual harassment.

Dispute resolution process

A complaint should be lodged in writing to the NTADC. Once the complaint is lodged, it will be subject to an assessment by the NTADC, who must accept or decline the complaint within 60 days, though they aim to make a decision within 10 days. If the NTADC cannot assist the complainant, they will aim to refer them elsewhere.

If the complaint is accepted, the NTADC will inform the respondent of the complaint and list the matter for a compulsory conciliation. This can be done face to face, in separate rooms, remotely, by phone or by direct negotiation.

When a complaint might be declined

The NTADC may decline a complaint if:

- no further action can be taken (for example, there is a lack of cooperation by the complainant, either party has died, or the NTADC has been unable to contact either party)
- it is frivolous or vexatious, trivial, misconceived or lacking in substance, or fails to disclose prohibited conduct
- there are concurrent proceedings in a court or tribunal
- the complainant applies to withdraw it
- a complainant has lost interest in continuing with their complaint.



What if a complaint is unresolved or a party is unhappy with the outcome?

If a complaint is not resolved by conciliation, the complainant may request, within 21 days, for the Commissioner of the NTADC to evaluate the complaint. During this process, the NTADC will ask both parties to provide any evidence and documents which assist in the evaluation of the complaint.

The NTADC will then determine whether there is a reasonable prospect of success if the complaint is heard by the NT Civil and Administrative Tribunal (NTCAT). If so, the NTADC will refer the matter to the Tribunal for hearing. Once referred to NTCAT, the NTADC Commissioner must give NTCAT and parties a report about the complaint within 60 days.

If NTCAT finds the complaint is substantiated, it may order:

- the respondent not to repeat or continue the prohibited conduct
- the respondent pay the complainant or another person compensation for loss or damage not exceeding \$60,000
- the respondent to do specified things (for example, employ, reinstate or re-employ, promote or move a person) to redress loss or damage (for example, embarrassment, humiliation, and intimidation) suffered by the complainant or any other person
- void all or part of an agreement made in connection with the prohibited conduct.

Each party pays their own costs in matters before NTCAT. However, NTCAT can order a party to pay the other party's costs in exceptional circumstances and may order an unsuccessful party to pay the successful party for unavoidable costs associated with the case, such as application fees, service fees and search fees.

Contact information

- Website: <https://adc.nt.gov.au/>
- Email: antidiscrimination@nt.gov.au
- Phone: 1800 813 846
- Mail: LMB 22, GPO Darwin NT 0801
- Physical address: Level 9, 22 Mitchell Street, Darwin NT 0800
- [Interpreter services](#)



Resources

- [Online complaint form](#)
- [Sexual Harassment webpage](#)
- [For employers webpage](#)

Office of the Commissioner for Equal Opportunity, South Australia

The South Australian Office of the Commissioner for Equal Opportunity (OCEO) is responsible for preventing certain kinds of discrimination based on sex, race, disability, age or various other grounds. Under the 1984 (SA) (Equal Opportunity Act), the OCEO can help people resolve discrimination, sexual harassment or victimisation complaints.

Jurisdiction

South Australia

Timeframe for lodging a complaint

A complaint should be lodged within 12 months of the date the alleged conduct occurred. This timeframe can be extended in certain circumstances.

Cost to lodge a complaint

Free

Time taken to process a complaint

Generally, the process takes between approximately two to three months.

Making a complaint

A complaint can be made by a person (the complainant) who believes they have experienced sexual harassment. If the complainant has an intellectual disability, the complaint may be made on their behalf by a person who is, in the opinion of the OCEO Commissioner, a suitable representative of their interests. Workers in various employment arrangements can make a complaint of workplace sexual harassment.

Dispute resolution process

A complaint should be lodged in writing to the OCEO. Once the complaint is lodged, the OCEO must give a written summary of the complaint to the person who the complaint is



about (the respondent). If the complaint is accepted, it will be subject to a preliminary investigation by the OCEO. If the OCEO cannot assist, the complainant will be referred elsewhere. Otherwise, the complaint will progress to conciliation.

Outcomes agreed to at conciliation can include:

- a private or public apology
- changes to policies and procedures
- equal opportunity training
- job re-instatement
- compensation for financial loss or injury to feelings.

When a complaint might be terminated

The OCEO may decline a complaint if:

- it is frivolous, vexatious, misconceived or lacking in substance
- the complainant has died, is unable to be contacted, does not want to proceed, or otherwise has evidenced a lack of interest in proceeding, or has unreasonably refused or failed to cooperate
- there is no reasonable prospect of an order being made by the South Australian Civil and Administrative Tribunal (SACAT) or of an order being made that is more favourable to the complainant than offers refused by the complainant in conciliation proceedings
- a criminal investigation is being conducted, or a person has been or is to be charged with a criminal offence, in relation to the same subject matter as the complaint.

What if a complaint is unresolved or a party is unhappy with the outcome?

If a complaint is unresolved by conciliation, the complaint can be referred to the SACAT for determination. In some cases, the OCEO can arrange and pay for a lawyer to assist the parties if a complaint is referred to the SACAT.

If the SACAT is satisfied that the respondent has breached the Equal Opportunity Act, it may order the respondent:

- pay compensation to a person for loss or damage arising from the breach
- refrain from further contravention of the Act
- perform specified acts with a view to redressing loss or damage arising from the contravention or remedying a discriminatory or unlawful act.



Each party pays their own costs in matters before SACAT. However, SACAT can order a party to pay the other party's costs in certain circumstances, such as if the matter involves complicated legal issues or if a party has behaved unreasonably.

Contact information

- Website: www.equalopportunity.sa.gov.au
- Email: OCEO@sa.gov.au
- Mail: GPO Box 464, Adelaide SA 5001
- Phone: (08) 7322 7070
- TTY: phone 133 677 and ask for AGD on 1800 177 076
- Speak and Listen: phone 1300 555 727 and ask for AGD on 1800 177 076
- Internet Relay: connect to the [National Relay Service](#) and ask for AGD on 1800 177 076
- [Online enquiries form](#)

Resources

- [Complaint process](#)
- [Making a complaint fact sheet](#)
- [Responding to a complaint fact sheet](#)
- [What is conciliation fact sheet](#)
- [Online complaint form](#)

Queensland Human Rights Commission

The Queensland Human Rights Commission (QHRC) is an independent statutory body established under the Anti-Discrimination Act 1991 (Qld) (Anti-Discrimination Act). The QHRC handles complaints about discrimination, vilification, victimisation and sexual harassment under that Act.

Jurisdiction

Queensland



Timeframe for lodging a complaint

A complaint should be lodged within one year of the date the alleged conduct occurred. This timeframe can be extended in certain circumstances.

Cost to lodge a complaint

Free

Time taken to process a complaint

Generally, the QHRC assesses complaints, on average, within 28 days from receipt, with a majority of complaints finalised within six months.

Making a complaint

A complaint can be made by a person or persons (the complainant) who believe they have experienced sexual harassment, or by an agent or person authorised by the QHRC on the complainant's behalf. As the Anti-Discrimination Act makes sexual harassment unlawful in all areas of public life, workers in all employment arrangements can make a complaint of workplace sexual harassment.

Dispute resolution process

A complaint should be lodged in writing to the QHRC. Once the complaint is lodged, it will be subject to a preliminary assessment by the QHRC, who must accept or decline the complaint within 28 days. If the QHRC cannot assist the complainant, they will be referred elsewhere.

If the QHRC accepts the complaint, they'll let the person who the complaint is about know. The QHRC may also ask them for their side of the story. More information may also be requested from the complainant. For accepted complaints, the complaint will proceed to conciliation.

When a complaint might be terminated

The QHRC may decline a complaint if:

- it is frivolous, trivial or vexatious, misconceived or lacking in substance
- there are concurrent proceedings in a court or tribunal
- the subject of the complaint may be effectively or conveniently dealt with by another entity
- the subject of the complaint has been adequately dealt with by another entity



- a complainant has lost interest in continuing with their complaint
- the complainant withdraws their complaint.

What if a complaint is unresolved or a party is unhappy with the outcome?

If a complaint is not resolved by conciliation, the complainant may request that the matter be referred to the Queensland Industrial Relations Commission (QIRC) for determination. More information about the QIRC can be found in section 3 of this Guide.

Generally, each party to a proceeding before the QIRC must pay their own costs. However, the QIRC can order a party to pay all or part of the other party's costs if the QIRC considers it in the interest of justice to do so.

Contact information

- Website: <https://www.qhrc.qld.gov.au/>
- Email: enquiries@qhrc.qld.gov.au
- Phone: 1300 130 670
- For TTY users, phone 133 677 and ask for 1300 130 670
- For Speak & Listen users, phone 1300 555 727 and ask for 1300 130 670
- For Internet Relay users, connect to the [National Relay Service](#) and ask for 1300 130 670

Resources

- [Making a complaint fact sheet](#)
- [Responding to a complaint fact sheet](#)
- [Online complaint form](#)
- [For advocates fact sheet](#)

Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission (VEOHRC) is an independent organisation which assists Victorians to resolve discrimination complaints, including in respect of workplace sexual harassment.

Jurisdiction

Victoria



Timeframe for lodging a complaint

A complaint should be lodged within 12 months of the date the alleged conduct occurred. Discretion is also used to accept complaints where the incident occurred over 12 months prior to lodgement.

Cost to lodge a complaint

Free

Timeline taken to process a complaint

Generally, the VEOHRC finalises a majority of complaints within 6 months.

Making a complaint

A complaint can be made by a person (complainant) who believes they have experienced sexual harassment or by a person on the complainant's behalf if they are unable to bring a dispute because of a disability or if consent has been provided by the complainant. Workers in various employment arrangements can make a complaint of workplace sexual harassment.

Dispute resolution process

A complaint should be lodged in writing to the VEOHRC. Once the complaint is lodged, it will be subject to preliminary assessment by the VEOHRC. During this process, the complainant may be asked to provide additional information. If the VEOHRC cannot assist, the complainant will be referred to an appropriate body.

If the complaint is accepted, a VEOHRC conciliator will speak to the complainant about what outcome they're seeking. The conciliator will then have discussions with the person who the complaint is about (the respondent), after which the complaint may proceed to conciliation.

Outcomes agreed to at conciliation can include:

- an apology from the respondent
- financial compensation
- the complainant being given their job back
- a statement of service or a reference
- access by the complainant to a job opportunity or service they were refused access to
- a promise to change or stop behaviour
- new or updated equal opportunity policies



- equal opportunity training for the respondent.

When a complaint might be declined or closed

The VEOHRC may decline a complaint if:

- the matter has been adequately dealt with by a court or tribunal
- the matter involves subject matter that would be more appropriately dealt with by a court or tribunal
- the complainant has initiated proceedings in another forum
- it is not appropriate to provide or to continue to provide dispute resolution
- the complainant or the respondent has decided to withdraw.

What if a complaint is unresolved or a party is unhappy with the outcome?

A complainant can make an application to the Victorian Civil and Administrative Tribunal (VCAT) to determine the matter, even if they have not brought the dispute to the VEOHRC for resolution.

If VCAT finds that the respondent has contravened a relevant provision of the *Equal Opportunity Act 2010* (Vic), it may order that the respondent:

- refrain from committing any further contravention of the Act
- pay compensation
- do something specific to redress any loss, damage or injury suffered as a result of the contravention
- has contravened a provision of the Act but decline to take any further action
- has not contravened a provision of the Act and the application be dismissed in full or in part.

In a VCAT case, the general rule is that each party pays its own costs. However, VCAT can order a party to pay the other party's costs if VCAT is satisfied it is fair to do so.

Contact information

- Website: www.humanrights.vic.gov.au/
- Email: enquiries@veohrc.vic.gov.au
- Phone: 1300 292 153
- Physical address: Level 3, 204 Lygon Street, Carlton Vic 3053



- Speak and Listen users can phone the National Relay Service (NRS) on 1300 555 727 and ask for 1300 292 153.
- For SMS relay, use 0423 677 767 and ask for your message to be relayed to 1300 292 153.
- Internet Relay users can connect to NRS on the [Make an Internet Relay call](#) page then use the number 1300 292 153.
- Video Relay users can connect to NRS and use the number 1300 292 153. For instructions, visit the [Make a Video Relay call](#) page
- For Captioned Relay calls, visit the [Make a Captioned Relay call](#) page and use the number 1300 366 356.
- For more help you can email the [NRS Helpdesk](#) or call 1800 555 660.

Resources

- [Sexual harassment webpage](#)
- [About dispute resolution](#)
- [What happens when I make a complain](#)
- [What happens when a complaint is made against me](#)
- [Online complaint form](#)

Western Australian Equal Opportunity Commission

The Western Australian Equal Opportunity Commission (WAEOC) is responsible for the administration of the *Equal Opportunity Act 1984 (WA)* (Equal Opportunity Act). The WAEOC investigates and conciliates complaints of discrimination, including in respect of workplace sexual harassment.

Jurisdiction

Western Australia

Timeframe for lodging a complaint

A complaint should be lodged within 12 months of the date the alleged conduct occurred. This timeframe can be extended in certain circumstances.



Cost to lodge a complaint

Free

Time taken to process a complaint

Generally, the process takes approximately five to six months.

Making a complaint

A complaint can be made by a person (complainant) who believes they have experienced sexual harassment on their own behalf as well as the behalf of others, or by a trade union on their behalf. Based on the scope of s 24 of the *Equal Opportunity Act*, unpaid workplace participants (such as volunteers, interns and students) may be unable to make a complaint of workplace sexual harassment to the WAEOC.

Dispute resolution process

A complaint should be lodged in writing to the WAEOC. Once the complaint is lodged, it will be subject to preliminary assessment by the WAEOC. If the WAEOC cannot assist, the complainant will be referred elsewhere.

If the WAEOC accepts the complaint, they'll let the person who the complaint is about know. The WAEOC may also ask them for their side of the story. The WAEOC will investigate the complaint, after which the complaint may proceed to conciliation.

When a complaint might be dismissed

The WAEOC may dismiss a complaint if:

- it's frivolous, vexatious, misconceived or lacking in substance
- relates to an act that is not unlawful under the *Equal Opportunity Act*
- it is withdrawn
- the complainant is not pursuing, or has abandoned, the complaint.

What if a complaint is unresolved or a party is unhappy with the outcome?

The complainant may, within 21 days, request the WAEOC to refer the complaint to the State Administrative Tribunal (SAT) for determination. The WAEOC can also refer a complaint to the SAT if it considers that complaint cannot be resolved by conciliation, conciliation has been unsuccessful, or the nature of the complaint is such that it should be referred to the SAT.

If the SAT finds the complaint substantiated, it may order:



- the respondent to pay compensation to the complainant not exceeding \$40,000
- the respondent be enjoined from continuing or repeating any conduct in breach of the Act
- the respondent to perform any reasonable act or course of conduct to redress any loss or damage suffered by the complainant
- void in whole or in part any contract or agreement made in contravention of the Act
- decline to take any further action in the matter.

Generally, parties before SAT pay their own costs. SAT can order that one party pay another party's costs, having regard to the conduct of the parties and the nature of the matter. However, these costs orders are rare.

Contact information

- Website: www.wa.gov.au/organisation/equal-opportunity-commission
- Translated versions of the website can be found at: www.wa.gov.au/organisation/equal-opportunity-commission
- Email: eoc@eoc.wa.gov.au
- Phone: 1800 198 149
- Physical address: Albert Facey House, 469 Wellington Street, Perth WA 6000

Resources

- [Sexual harassment fact sheet](#)
- [Complaint process fact sheet](#)
- [Online complaint and enquiry form](#)



Section 3: Workplace relations bodies

Fair Work Commission

The Fair Work Commission (FWC) is Australia's national workplace relations tribunal, established by the *Fair Work Act 2009*.

The FWC may be able to assist in workplace sexual harassment matters where sexual harassment is relevant to an application lodged in respect of:

- an order to stop sexual harassment or an order to stop bullying and sexual harassment (stop sexual harassment order)
- general protections
- unlawful termination
- unfair dismissal.

Jurisdiction

All of Australia (subject to eligibility criteria). Refer to the FWC website for further information on eligibility.

Cost to lodge an application

The cost to lodge an application with the FWC changes on 1 July each year. The current cost can be found at www.fwc.gov.au/apply-or-lodge/fees-and-costs. Application fees can be waived in cases of serious financial hardship.

Generally, parties to proceedings before the FWC or a court pay their own costs. The FWC or a court can order a party to pay the other party's costs in certain circumstances. For example, if a party acts unreasonably or the matter was commenced vexatiously.

When an application might be dismissed

The FWC has discretion to dismiss an application on its own initiative or where another party has applied to dismiss the application. Examples of circumstances where the FWC may dismiss an application include where the application:

- is not made in accordance with the Fair Work Act
- is frivolous or vexatious
- has no reasonable prospects of success.



Contact information

- Website: www.fwc.gov.au/
- Phone: 1300 799 675
- [Online enquiry form](#)
- [Language help for non-English speakers](#)

Stop sexual harassment orders

A stop sexual harassment order is an order the FWC can make to prevent ongoing sexual harassment at work. The order can be issued following a single instance of sexual harassment.

Making an application

A person (applicant) can apply for a stop sexual harassment order if they:

- are a worker (unless they are a member of the Defence Force)
- work in a constitutionally covered business
- are still connected to the workplace where the conduct occurred, and
- reasonably believe they have experienced sexual harassment at work.

A worker is any individual who performs work in any capacity, including:

- an employee
- a contractor or subcontractor
- a small business owner who works in business
- an employee of a contractor or subcontractor
- an employee of a labour hire agency
- an outworker
- an apprentice or trainee
- a student on work experience
- a volunteer.

A workplace is a constitutionally-covered business if it is:

- a constitutional corporation, including:



- proprietary limited (Pty Ltd) companies
- foreign corporations
- trading or financial corporations formed within the Commonwealth of Australia
- the Australian Government
- a Commonwealth authority, which means:
 - a body corporate established for a public purpose by or under a Commonwealth law, or
 - a body corporate incorporated under a Commonwealth, state or territory law where the Commonwealth has a controlling interest in that body
 - a body corporate incorporated in a territory of Australia
 - a business or organisation conducted principally in a territory of Australia, or a place acquired by the Commonwealth for public purposes.

The alleged sexual harassment must have occurred when the worker was at work. A worker can be at work even when they're working away from the work premises.

Timeframe for lodging an application

There is no timeframe for a worker to lodge an application. However, the worker must still have a connection to the workplace where the alleged conduct occurred. This is because an application to stop sexual harassment cannot succeed where there is no future risk of sexual harassment at work by the person or persons accused of the sexual harassment.

Time taken to process an application

The FWC must start to deal with an application for an order to stop bullying or sexual harassment (or both) within 14 days after the application is made.

Dispute resolution process

Once an application for a stop sexual harassment order is lodged, the FWC will contact the applicant to explain the process and next steps.

The FWC will internally review the application to ensure it is complete and valid, and confirm the applicant's intention to proceed. If the application is accepted, the FWC will serve the application on the applicant's employer/principal and any person named in the application (that is, the person or persons accused of the sexual harassment).



To resolve the matter, the FWC may hold a conciliation or mediation, conference or formal hearing. Conciliation or mediation is an informal, voluntary and private discussion to help parties identify issues and reach agreement to resolve the dispute.

Outcomes of a conciliation can include:

- changes in work arrangements, including in lines of reporting
- an apology
- commitments to investigate a complaint or engage an external investigator
- implementation of staff training
- review and updating of policies and procedures
- increased transparency in complaints reporting
- conducting a safety risk assessment of the workplace.

If conciliation or mediation is unsuccessful, the application may proceed to a preliminary conference before a member of the FWC to see if the matter can be resolved. If a preliminary conference is unsuccessful, the matter may be listed for a determinative conference (held in private) or a hearing (generally conducted in public) where the presiding member will determine whether or not to make an order to stop sexual harassment.

What if the application is unresolved or a party is unhappy with the outcome?

A person may, within 21 days and with the FWC's permission, appeal a decision of the FWC. The FWC must grant permission for the appeal if satisfied it is in the public interest to do so. This is a discretionary assessment and permission is typically granted if there is an arguable case of appealable error.

If a person does not comply with a stop sexual harassment order, enforcement of the order can be sought through proceedings in the Fair Work Division of the Federal Circuit and Family Court of Australia, the Fair Work Division of the Federal Court of Australia or an eligible State or Territory Court. Failure to comply with a stop sexual harassment order may result in the court imposing a pecuniary penalty or making other orders.

You can also [contact the Fair Work Ombudsman](#) for help.

Resources

- [Sexual harassment webpage](#)
- [Stop sexual harassment order benchbook](#)



- [Stop sexual harassment order application form](#)

General protections

The general protections provisions of the Fair Work Act protect workplace rights. Under these laws, a worker is protected from harmful action (adverse action) by their employer where that action is taken for a prohibited reason.

Making an application

A general protections application can be lodged by an employee or prospective employee (such as a job applicant) who has been subjected to adverse action by their employer or prospective employer:

- for exercising, or proposing to exercise, or to prevent the employee exercising, a workplace right (such as making a complaint about workplace sexual harassment)
- because of their sex (noting that workplace sexual harassment may constitute a form of sex discrimination).

Adverse action by an employer can include:

- dismissing the employee
- injuring the employee in their employment
- altering the employee's position to the employee's prejudice
- discriminating between the employee and other employees of the employer
- not hiring someone.

Some of the general protections also extend to independent contractors and prospective employees, but not volunteers.

In the case of independent contractors, adverse action can include:

- ending or refusing to enter into a contract with an independent contractor
- discriminating against an independent contractor in the terms and conditions offered to them
- altering an independent contractor's position to their detriment
- refusing to make use of an independent contractor's services
- refusing to supply goods or services to an independent contractor.



Timeframe for lodging an application

For general protections applications involving dismissal, the application must be lodged within 21 days of the dismissal taking effect. This timeframe can only be extended in exceptional circumstances.

For general protections applications not involving dismissal, the application can be lodged up to six years after the incident.

Dispute resolution process

The FWC has separate processes for dealing with general protections applications depending on whether the adverse action taken by the employer involved dismissal of the worker.

For applications not involving dismissal

Once an application is lodged with the FWC, it will be checked to ensure it is complete and valid and to confirm the applicant's intention to proceed. If the application is accepted, it will be listed for a conference. If the respondent does not agree to participate in a conference, or the dispute is unresolved after a conference, the applicant may choose to apply to a court to deal with the matter.

Alternatively, the applicant can choose to go straight to court, rather than first making an application with the FWC.

For applications involving dismissal

Once an application is lodged with the FWC, it will be checked to ensure it is complete and valid and to confirm the applicant's intention to proceed. If the application is accepted, it will be listed for a conference.

At the conference, an independent conciliator will guide the discussion to help both sides resolve the issues and avoid a more formal court hearing. If successful, the matter will be resolved with the parties agreeing to terms of settlement. If the dispute is not resolved by conference, a FWC Member will determine whether the parties have made reasonable attempts to resolve the matter. If the FWC Member is not satisfied of this, a supplementary conference may be held.

If the FWC Member is satisfied that all reasonable attempts to resolve the dispute have been unsuccessful, they will issue a certificate. The applicant has 14 days from when the certificate was issued, to either:

- make a general protections application to a court to have the dispute determined, or



- if both parties to the dispute agree, apply to the FWC to arbitrate the matter.

An applicant cannot do both.

FWC arbitration

If both parties agree to the FWC arbitrating a general protections dismissal dispute, there will be a formal hearing involving the examination and cross-examination of witnesses.

Following arbitration, the FWC can order:

- reinstatement of the person
- payment of compensation
- payment for remuneration lost
- continuity of the person's employment
- the period of the person's continuous service with the employer be maintained.

What if a party is unhappy with the Commission's decision?

If a party is unhappy with the FWC's arbitration decision, they may, within 21 days and with the FWC's permission, appeal the decision of the FWC. The FWC must grant permission for the appeal if satisfied it is in the public interest to do so. This is a discretionary assessment and permission is typically granted only if there is an arguable case of appealable error.

General protections court applications

Court applications can be made for general protections applications involving and not involving dismissal. However, in the case of a dismissal dispute, the applicant must go to the FWC first.

If the court is satisfied a person has contravened, or proposes to contravene, the general protections provisions, it may make any order it considers appropriate, including ordering an injunction, compensation or reinstatement.

If a person does not comply with an order to pay the applicant compensation or to reinstate them, enforcement of the order can be sought through proceedings in the Fair Work Division of the Federal Circuit and Family Court of Australia (FCFCoA) or Federal Court of Australia (FCA). Failure to comply with an order may result in the court imposing a pecuniary penalty or making other orders.

You can also [contact the Fair Work Ombudsman](#) for help.



Resources

- [About the general protections laws](#)
- [General protections benchbook](#)
- [Fair Work Commission application form \(general protections application involving dismissal\)](#)
- [Fair Work Commission application form \(general protections application not involving dismissal\)](#)
- [FCFCoA application form \(general protection application involving dismissal\)](#)
- [FCFCoA application form \(general protections application not involving dismissal\)](#)
- [FCA application form \(Form 79\) \(general protection application involving dismissal\)](#)
- [FCA application form \(Form 81\) \(general protection application not involving dismissal\)](#)

Unlawful termination

Unlawful termination occurs when an employer ends a person's employment, and the reason is or includes a reason that is prohibited by the Fair Work Act (for example, because of your sex, sexual orientation, marital status etc). Unlawful termination provisions protect people who are not entitled to make a general protections dismissal application.

Making an application

Unlawful termination claims can be made by employees who are not in the national system, national system employees who are not entitled to make a general protections application or industrial associations entitled to represent the industrial interests of such employees.

Timeframe for lodging an application

A worker must lodge an application within 21 days after the employment was terminated. This timeframe can only be extended in exceptional circumstances.

Dispute resolution process

Once an application is lodged with the FWC, it will be checked to ensure it is complete and valid and to confirm the applicant's intention to proceed. If the application is accepted, it will be listed for a conference.

At the conference, an independent conciliator will guide the discussion to help both sides resolve the issues and avoid a more formal court hearing. If successful, the matter will be resolved with the parties agreeing to terms of settlement. If the dispute is not resolved by



conference, a FWC Member will determine whether the parties have made reasonable attempts to resolve the matter. If the FWC Member is not satisfied of this, a supplementary conference may be held.

If the FWC Member is satisfied that all reasonable attempts to resolve the dispute have been unsuccessful, they will issue a certificate. The applicant has 14 days from when the certificate was issued, to either:

- make an unlawful termination application to a court, to have the dispute determined, or
- if both parties agree, apply to the FWC to arbitrate the matter.

An applicant cannot do both.

FWC arbitration

If both parties agree to the FWC arbitrating an unlawful termination dispute, there will be a formal hearing involving the examination and cross-examination of witnesses.

Following arbitration, the FWC can order:

- reinstatement of the person
- payment of compensation
- payment for remuneration lost
- continuity of the person's employment
- the period of the person's continuous service with the employer be maintained.

What if a party is unhappy with the Commission's decision?

If a party is unhappy with the FWC's arbitration decision, they may, within 21 days and with the FWC's permission, appeal the decision of the FWC. The FWC must grant permission for the appeal if satisfied it is in the public interest to do so. This is a discretionary assessment and permission is typically granted only if there is an arguable case of appealable error.

Unlawful Termination court applications

If the court is satisfied a person has contravened the unlawful termination provisions, it may make any order it considers appropriate, including ordering an injunction, compensation or reinstatement.

If a person does not comply with an order to pay the applicant compensation or to reinstate them, enforcement of the order can be sought through proceedings in the Fair Work Division of the Federal Circuit and Family Court of Australia (FCFCoA) or Federal Court of



Australia (FCA). Failure to comply with an order may result in the court imposing a pecuniary penalty or making other orders.

You can also [contact the Fair Work Ombudsman](#) for help.

Resources

- [Unlawful termination webpage](#)
- [General protections benchbook](#) (see specifically the unlawful termination section)
- [Fair Work Commission application form](#)
- [FCFCoA application form](#)
- [FCA application form \(Form 80\)](#)

Unfair dismissal

The unfair dismissal provisions in the Fair Work Act may arise in relation to workplace sexual harassment if the alleged harasser or victim of the workplace sexual harassment has been dismissed.

An unfair dismissal is one where the FWC finds that:

- the employee was dismissed
- their dismissal was harsh, unjust or unreasonable
- the dismissal was not a case of genuine redundancy, and
- the dismissal was not consistent with the Small Business Fair Dismissal Code if the employee was employed by a small business (fewer than 15 employees).

An act of workplace sexual harassment can be considered serious misconduct and may constitute a valid reason for the harasser's dismissal.

If an employee who is the victim of workplace sexual harassment is dismissed by their employer for reasons connected to the harassment (for example, making a complaint about the sexual harassment), the employee may be able to make an application for unfair dismissal. Additionally, the dismissal could also be in breach of the general protections provisions of the Fair Work Act. If the person is eligible for either an unfair dismissal application or general protections dismissal application, they must consider which of the two options will deliver the best possible outcome. Legal advice may be required to make this decision.



Making an application

A dismissed employee of a national system employer can make an application if:

- they've completed the minimum employment period (one year if working for a small business or six months for all other employers), and
- a modern award or enterprise agreement covers their employment, or they earn below the high income threshold (changes 1 July each year, see www.fwc.gov.au/high-income-threshold).

Employees who are in the national system include:

- all employees in Victoria (with limited exceptions in relation to State public sector employees), the Northern Territory and the Australian Capital Territory
- all employees on Norfolk Island, the Territory of Christmas Island and the Territory of Cocos (Keeling) Islands
- those employed by private enterprise in New South Wales, Queensland, South Australia and Tasmania
- those employed by local government in Tasmania
- those employed by a constitutional corporation in Western Australia (including Pty Ltd companies) – this may include some local governments and authorities
- those employed by the Commonwealth or a Commonwealth authority
- waterside employees, maritime employees or flight crew officers in interstate or overseas trade or commerce.

Unpaid workplace participants (such as volunteers, interns and work experience students) are unlikely to be eligible to make an unfair dismissal application.

Timeframe for lodging an application

A worker must lodge an application for unfair dismissal within 21 days of their dismissal taking effect. This timeframe can only be extended in exceptional circumstances.

Dispute resolution process

Once an application is lodged with the FWC, it will be checked to ensure it is complete and valid and to confirm the applicant's intention to proceed. If the application is accepted, it will be listed for a conference. If the employer (respondent) believes the FWC does not have jurisdiction to consider the application or that the applicant is ineligible to make the application, the respondent can lodge a jurisdictional objection. The FWC may resolve a



jurisdictional objection at a jurisdictional hearing. If the objection is upheld by the FWC, the application will be dismissed. If the objection is dismissed, the application will proceed to a conciliation.

At the conference, an independent conciliator will guide the discussion to help both sides resolve the issues and avoid a more formal court hearing. If conciliation is successful, the matter will be settled with the terms of settlement as agreed to by the parties. If conciliation is unsuccessful, the matter will proceed to arbitration before a FWC Member.

To determine if a dismissal is unfair, the FWC must consider if the dismissal was harsh, unjust or unreasonable, including:

- whether a valid reason for the dismissal existed relating to the employee's capacity or conduct (including in respect of the safety and welfare of other workers)
- whether the employee was notified of that reason
- whether the employee was given an opportunity to respond
- any unreasonable refusal to allow the employee to have a support person present to assist at any discussions relating to the dismissal
- if the dismissal related to unsatisfactory performance—whether the employee was warned about their performance before the dismissal
- the size of the employer's enterprise
- the degree to which human resources expertise is lacking in the enterprise
- any other matters the FWC considers relevant.

If the FWC is satisfied that the applicant was unfairly dismissed, it can order:

- their reinstatement
- continuity of their employment (that the applicant is considered to have remained an employee during the period between their dismissal and reinstatement)
- payment of compensation
- payment for lost remuneration.

If a person does not comply with an order of the FWC, enforcement of the order can be sought through proceedings in the Fair Work Division of the (FCFCoA) or (FCA). Failure to comply with an order may result in the court imposing a pecuniary penalty or making other orders.



What if a party is unhappy with the Commission's decision?

A person may, within 21 days and with the FWC's permission, appeal a decision of the FWC. The FWC must grant permission for the appeal if satisfied it is in the public interest to do so. This is a discretionary assessment and permission is typically granted only if there is an arguable case of appealable error.

Resources

- [Unfair dismissals webpage](#)
- [Unfair dismissals benchbook](#)
- [Unfair dismissal application form](#)

Industrial Relations Commission of New South Wales

The Industrial Relations Commission (IRC) of New South Wales is established under the *Industrial Relations Act 1996* with conciliation and arbitral functions, including deciding claims of unfair dismissal. An unfair dismissal claim may arise in relation to workplace sexual harassment if the alleged harasser or victim of the workplace sexual harassment has been dismissed.

Jurisdiction

New South Wales

Timeframe for lodging an application

An application for unfair dismissal should be lodged within 21 days from the date on which the dismissal took effect. If it is made later than that, the applicant (the person who has been dismissed) must provide reasons why the claim is late.

The IRC will consider the following when deciding whether to allow a late application:

- the reason for, and the length of, the delay
- any hardship that may be caused to the applicant or the employer if the application is or is not rejected
- the conduct of the employer relating to the dismissal.



Cost to lodge an application

As of 22 July 2022, it costs an \$91.00 fee to lodge an unfair dismissal application. Fees can be waived in certain circumstances, including financial hardship. For more information please see: <https://irc.nsw.gov.au/irc/practice-and-procedures/fees.html>.

Generally, parties before the IRC pay their own costs. The IRC can order a party to pay another party's costs, however, such orders are rare.

Time taken to process an application

Generally, it takes between two to nine months for the IRC to finalise an unfair dismissal matter, with a majority of applications finalised within six months.

Making an application

An unfair dismissal claim can be made by a NSW state public sector or local government employee who is:

- covered by a State industrial award or enterprise agreement, or
- award free and earns no more than \$162,000.

An unfair dismissal claim may not be able to be made by:

- employees of private sector employers if dismissed after 1 January 2010
- apprentices or trainees
- independent contractors
- employees on a three month probation period if determined in advance
- some casual employees
- employees on contracts of employment for a specified period of time less than six months
- employees engaged under a contract of employment for a specific task.

Dispute resolution process

To make a claim, applicants must complete an application form. The application can be lodged online, in person or by mail by the applicant or by their solicitor, agent or union representative.

Once an application is submitted to the IRC, the applicant will be provided with a date, time and location for conciliation. In the Sydney Metropolitan area, most cases are listed for



conciliation within three weeks of receipt of the application. Where the workplace is located outside the Sydney Metropolitan area, cases may take slightly longer to progress.

The IRC will provide the applicant's employer (respondent) with a copy of the application and details for the first conciliation. The employer will be required to submit their response to the application within 10 days of receipt. The employer's response is an opportunity for the respondent to give details of their position in respect of the applicant's claim.

Conciliation is an important first step in resolving an unfair dismissal claim - it is very important that both parties attend. The purpose of conciliation is to try and resolve a claim by agreement without proceeding to a full hearing. The outcome of conciliation may be a settlement between the parties on agreed terms.

If a claim is not settled by conciliation, it will proceed to an arbitration hearing where a member of the IRC will hear evidence and make a decision that is binding on the parties. A claim may not proceed to arbitration unless all reasonable attempts to settle it by conciliation have been made.

Where the IRC upholds a claim for unfair dismissal, it may order an employer to:

- reinstate the employee to their former position
- re-employ the employee in another position that the employer has available
- provide back pay and other entitlements owing from the time of the dismissal, where reinstatement or re-employment is ordered
- compensate the employee by ordering payment of an amount not exceeding the remuneration of the employee during the six months before the dismissal, where reinstatement or re-employment is considered impracticable
- not dismiss the employee, where dismissal has been threatened.

What if a party is unhappy with the IRC's decision?

If a party is unhappy with the arbitration decision, they can apply to appeal the matter before a Full Bench of the IRC. The decision or purported decision of the IRC on appeal may only be challenged through judicial review by the Supreme Court of NSW.

For proceedings at court, the general rule is that 'costs follow the event'. That is, the unsuccessful party is ordered to pay the costs of the successful party. It is at the discretion of the court to make such orders as to costs that the court considers fair and reasonable in the circumstances.



Contact information

- Website: www.irc.nsw.gov.au/
- Phone: 02 8688 3516
- Interpreter Service: 131 450
- Mail: PO Box 927, Parramatta NSW 2124
- Physical address: Level 10, 10-12 Smith Street, Parramatta NSW 2150

Resources

- [Unfair dismissal online application form](#)
- [Employer's response to unfair dismissal application form](#)
- [Guide to conciliation](#)
- [Guide on 'What happens if conciliation fails?'](#)
- [Guide to preparing for arbitration](#)

Queensland Industrial Relations Commission

The Queensland Industrial Relations Commission (QIRC) is an independent tribunal established under the *Industrial Relations Act 2016* (Qld) (Industrial Relations Act). The QIRC's functions include hearing work-related complaints of alleged unlawful discrimination, including workplace sexual harassment, referred by the Queensland Human Rights Commission (QHRC), as well as deciding general protections and unfair dismissal claims.

Jurisdiction

Queensland

Cost to lodge an application

Free. Generally, each party to a proceeding before the QIRC must pay their own costs. However, the QIRC can order a party to pay all or part of the other party's costs if the QIRC considers it in the interest of justice to do so.

What if a party is unhappy with the QIRC's decision?

If a party disagrees with a decision of the QIRC, they may appeal the decision to the Industrial Court of Queensland (ICQ). This must be done within the appeal period, being 21 days from the date that the decision was released.



Generally an appeal to the ICQ can only be made on two grounds:

- an error of law (meaning that the QIRC Member may have misapplied the law or a legal principle to the facts)
- an excess, or want, of jurisdiction (meaning that the QIRC Member may have made a decision that is not within their power to make).

Usually, parties must pay their own costs in matters before the ICQ. However, the ICQ can order a party to pay the other party's costs in certain situations.

Contact information

- Website: <https://www.qirc.qld.gov.au/>
- Email: qirc.registry@qirc.qld.gov.au
- Phone: 1300 592 987
- Mail: GPO Box 373, Brisbane Qld 4001
- Physical address: Level 21, Central Plaza 2, 66 Eagle St, Brisbane Qld 4001

Anti-Discrimination and bullying

Timeframe for lodging an application

A person may apply to the QIRC to review a decision of the QHRC within 28 days of being notified that the matter has lapsed with the QHRC.

Making an application

If a person (complainant) has made a complaint to the QHRC about unlawful discrimination, including workplace sexual harassment, and is unhappy with the outcome, they may request for the Commissioner of the QHRC to refer the matter to the QIRC for determination. The complainant may also request referral to the QIRC if the QHRC has not finished dealing with their complaint (whether conciliated or unconciliated) after 6 months.

Process before the QIRC

As a first step, the QIRC may hold a conciliation conference between the parties. If conciliation is unsuccessful, the matter will proceed to a formal hearing. If the QIRC finds the complaint substantiated, it may order that:

- the person or entity who the complaint is about (the respondent) does not commit a further contravention of the *Anti-Discrimination Act 1991* (Qld)



- the respondent pay compensation to the complainant
- the respondent to do specified things to redress loss or damage suffered by the complainant
- the respondent to make a private apology or retraction
- the respondent to make a public apology or retraction
- the respondent to implement programs to eliminate unlawful discrimination
- a party pay interest on an amount
- part or all of an agreement made in connection with a contravention of the Act be voided.

Resources

- [Anti-Discrimination and bullying webpage](#)
- [Anti-Discrimination Guide](#)
- [Application form for review of a decision by the Human Rights Commissioner](#)

General protections

As outlined in Chapter 8 of the Industrial Relations Act, the purpose of general protections are to:

- protect workplace rights and freedom of association
- provide protection from workplace discrimination and effective relief for persons who have been discriminated against, victimised or otherwise adversely affected as a result of unfair treatment.

An employer must not take any 'adverse action' against an employee, because that employee has a workplace right or has exercised or proposes to exercise a workplace right (such as making a complaint of workplace sexual harassment).

Adverse actions taken against an employee or prospective employee by an employer might include:

- dismissing the employee
- discriminating between employees
- altering the position of the employee to their disadvantage
- refusing to employ the prospective employee



- offering the prospective employee different (and unfair) terms and conditions, compared to others.

Timeframe for lodging an application

For a general protections application involving dismissal, the application should be lodged within 21 days of the dismissal taking effect. For a general protections application involving adverse action other than dismissal, the application should be made within six years of the adverse action. The QIRC may allow applications to be submitted after these timeframes if satisfied there are exceptional circumstances for the delay.

Making an application

An employee or prospective employee (applicant) who believes their employer or prospective employer (respondent) has taken adverse action against them for a protected reason, may make a general protections application to the QIRC. This includes circumstances where an employee believes they have been dismissed or otherwise subjected to negative consequences by their employer for making a complaint about, or proposing to make a complaint about, workplace sexual harassment. The definition of 'employee' includes outworkers, apprentices and trainees.

Process before the QIRC

Once an application for general protections is lodged by a worker (or their advocate), a copy will be provided to the respondent who must provide a response to the application within 10 business days. The matter will then proceed to a conciliation conference held before a Member of the QIRC. If conciliation is unsuccessful, a certificate is issued by the QIRC and the matter may proceed to arbitration.

At arbitration, the QIRC can make orders:

- for reinstatement of the applicant if they have been dismissed
- for the payment of compensation to the applicant
- for payment of an amount to the applicant for remuneration lost
- to maintain the continuity of the applicant's employment
- to maintain the period of the applicant's continuous service with the employer
- granting an interim or other injunction or make any other order it considers appropriate to prevent, stop, or remedy the effects of, a contravention of the Industrial Relations Act.



Resources

- [What is a general protection?](#)
- [How do I make an application about the general protections?](#)
- [Practice Direction Number 4 of 2021 on General Protections](#)
- [General Protections application form](#)

Unfair dismissal

Timeframe for lodging an application

An unfair dismissal application should be made within 21 days of the dismissal taking effect.

Making an application

A worker (applicant) who believes they have been unfairly dismissed by their employer can make a reinstatement application to the QIRC. Generally, the QIRC can only deal with applications from dismissed Queensland state and local government employees.

The QIRC does not deal with unfair dismissal claims concerning Queensland workers dismissed from privately owned companies, the Commonwealth Public Service, or by a state or local government of another Australian state or territory.

A dismissed worker may also be ineligible to make an application in the following circumstances:

- if on probation (generally, dismissed within the first three months of employment)
- if a short-term casual (worked for their employer for less than a year)
- if engaged for a specific period or task.

Should any of these circumstances apply the worker should seek further advice about their eligibility.

Process before the QIRC

Once an application for reinstatement is received, the QIRC will provide a copy of the application to the applicant's former employer (the respondent). The QIRC will issue a Direction Orders which is a formal document outlining how the application will progress, such as when documents are to be provided by the parties and when they will need to attend a conference or hearing. The Direction Orders should be complied with by both parties.



A conference will be scheduled which will be chaired by a Member of the QIRC. The purpose of the conference is to enable the parties to further explain their respective positions and the facts around the dismissal. The QIRC may assist the parties by reviewing, refining and/or narrowing the issues. Conferences are not adversarial, meaning that it is not about 'winning' the conference. However, the conference may assist the parties to reach an agreement and/or settlement.

If the matter is not resolved at conference, the QIRC will issue a certificate and the applicant has six months from the receipt of that certificate to take action should they wish to proceed to a hearing. Hearings are formal and conducted in a court room. Witnesses are called, documents are tendered as evidence and parties make submissions (arguments).

After the hearing has finished, the Member who heard the matter will not make a decision immediately, but will 'reserve' their decision, meaning that the decision and the reasons for that decision will be provided to the parties at a later date, in writing, and will also be published on the Supreme Court Library website (unless a suppression order has been issued).

The outcome of an application depends upon whether the QIRC determines an employee was unfairly dismissed. A dismissal is considered to be 'unfair' if it was harsh, unjust, or unreasonable. If the QIRC finds that the applicant was unfairly dismissed, the QIRC may make orders that the respondent reinstate, re-employ or compensate the applicant.

Resources

- [Unfair dismissal webpage](#)
- [Unfair dismissal and reinstatement application guide](#)
- [Application for reinstatement form](#)
- [Employer response to application for reinstatement form](#)

South Australian Employment Tribunal

The South Australian Employment Tribunal (SAET) is a statutory independent tribunal that resolves workplace-related disputes and issues, including deciding claims of unfair dismissal. An unfair dismissal claim may arise in relation to workplace sexual harassment if the alleged harasser or victim of the workplace sexual harassment has been dismissed.

Jurisdiction

South Australia



Timeframe for lodging an application

An application for unfair dismissal should be lodged within 21 days from the date the dismissal took effect. If this timeframe is missed, SAET may deal with the application if there are exceptional circumstances that caused the delay.

A dismissal generally takes effect on the last day that the dismissed employee worked. However, an employer may continue to pay wages during a period of notice on termination but not require the employee still attend work. In this case, the dismissal takes effect at the end of the notice period.

Cost to lodge an application

Free. At any stage during proceedings, SAET can make an order for a party to pay another party's costs. SAET may have regard to any factors it considers relevant, including the conduct of the parties.

Time taken to process an application

Generally, SAET resolves a majority of unfair dismissal applications within three months.

Making an application

An unfair dismissal application can be made if:

- the employee is employed by the South Australian State Government, a State Government business enterprise, or the local government sector
- the employee was dismissed at the initiative of their employer, were forced to resign because of the actions of their employer, or their employer substantially changed the basis of their employment.

A dismissed employee may not be able to make an unfair dismissal application if they are:

- on probation
- a casual worker
- an apprentice
- are a non-award employee whose remuneration immediately before the dismissal took effect is \$153,990 or more a year, from 1 January 2022 are covered by an award that makes specific rules concerning unfair dismissal.

If the dismissed employee's employer is within the private sector, the non-government social and community services sector, the Commonwealth Public Service or is a university, the Fair Work Commission has jurisdiction to deal with the claim.



Dispute resolution process

A dispute before SAET is resolved through agreement at a conference, conciliation or mediation, or through a decision at a hearing.

After an application has been lodged, SAET aims to schedule a conciliation conference within four weeks. The conciliation conference is an attempt for the parties to try to settle the matter by agreement. It is informal and private with each party given an opportunity to explain their position.

Both parties must attend the conference, during which the SAET Commissioner may speak to each party separately to explore and develop settlement options.

In order for a dismissal to be 'unfair', SAET must find that, on the balance of probabilities, the dismissal was harsh, unjust or unreasonable. If SAET decides the employee was unfairly dismissed, SAET can make a number of orders, including that the dismissed worker:

- be re-employed to the same position
- be re-employed in a different position or capacity
- receive compensation (not more than six months' remuneration or \$76,995, whichever is the greater).

If the employee was dismissed from the public sector for misconduct, SAET may order that they are re-employed but receive some disciplinary action for their misconduct.

What if a party is unhappy with SAET's decision?

If a party is unhappy with the SAET's decision, they can, within 28 days of the decision, lodge an appeal to the Full Bench of the South Australian Employment Court (SAEC). The SAEC can order a party to pay the other party's costs if the Court is of the opinion it is just to do so in the circumstances.

Contact information

- Website: <https://www.saet.sa.gov.au/>
- Email: saet@sa.gov.au
- Phone: (08) 8207 0999
- Mail: PO Box 3636, Rundle Mall SA 5000
- Physical address: Level 6 Riverside Centre, North Terrace, Adelaide SA 5000



Resources

- [Unfair dismissal application form](#)
- [What you can expect webpage](#)

Tasmanian Industrial Commission

The Tasmanian Industrial Commission (TIC) is the workplace relations tribunal for Tasmania established under the *Industrial Relations Act 1984* (Tas). The TIC's role is predominately related to the Tasmanian State Service and is to conciliate and arbitrate to resolve industrial disputes, including termination of employment.

A Termination of Employment claim may arise in relation to workplace sexual harassment if the alleged harasser or victim of the workplace sexual harassment has been dismissed.

Jurisdiction

Tasmania

Timeframe for lodging an application

A Termination of Employment application should be lodged within 21 days after the date of termination. However, if the application is lodged after this timeframe, the dismissed employee (the applicant) can present reasons at the hearing as to why exceptional circumstances prevented the application being made within the time limit.

Cost to lodge an application

It is free to lodge an application. However, parties are responsible for their own costs of attending and being represented at a conference or hearing, regardless of the outcome.

Making an application

A state public sector employee in Tasmania who believes their employment has been unfairly terminated may make an application to the TIC. An employee is any person who is or was engaged to work part-time or full-time employment and includes a former employee.

Dispute resolution process

Depending upon the nature of the matter and the parties involved, a Termination of Employment application will be dealt with by the TIC either by conciliation conference or a hearing, or a combination of both.



A conciliation conference is a discussion, with the assistance of a TIC Commissioner, to try to resolve the dispute between the parties. If the dispute is unable to be resolved through conciliation, the matter may proceed to a formal hearing.

The proceedings will be relatively formal (but not legalistic) and will be recorded. The TIC Commissioner will hear submissions from the parties in support of their position. This is where parties argue their case. Evidence may be presented, which can be in the form of witnesses and/or documents. The TIC Commissioner will usually ask questions of both parties in order to clarify matters or to find out more information.

The TIC Commissioner will issue a decision, based upon the merits of the case, after considering all of the evidence and submissions from the parties. The decision will be issued in writing, and will be provided to both parties. Usually, the decision contains an Order in settlement of the dispute, for example, the TIC Commissioner may order that compensation be paid or that an employee be reinstated.

What if a party is unhappy with the decision?

If a party is unhappy with the TIC's decision, they can, within 21 days of the decision, lodge an appeal to the Full Bench of the TIC. On the hearing of an appeal, the Full Bench may order one or more of the following outcomes:

- confirm, revoke or vary the decision
- make a decision dealing with the subject-matter of the decision appealed against
- direct the TIC Commissioner whose decision is appealed against, or another TIC Commissioner, to take further action to deal with the subject-matter of the decision in accordance with the directions of the Full Bench.

Contact information

- Website: www.tic.tas.gov.au/
- Email: tic@justice.tas.gov.au
- Phone: (03) 6165 6770
- Mail: GPO Box 1108, Hobart TAS 7001
- Physical address: Level 7, NAB House, 86 Collins Street, Hobart TAS 7000

Resources

- [Application form](#)



Western Australian Industrial Relations Commission

The Western Australian Industrial Relations Commission (WAIRC) is an independent tribunal established under the *Industrial Relations Act 1979 (WA)* that deals with workplace relations matters in the state of Western Australia. The WAIRC aims to prevent and settle industrial or employment disputes, including in relation to workplace sexual harassment, by assisting the parties in dispute through a conciliation process to reach an agreement. If the dispute cannot be resolved by agreement, the WAIRC may arbitrate the matter by hearing and making a legally binding ruling.

Jurisdiction

Western Australia

Cost to lodge an application

It costs a fee to lodge an application with the WAIRC, for more information see: www.wairc.wa.gov.au/about-us/fees/. At any stage during proceedings, the WAIRC can make an order for a party to pay another party's costs but not for legal fees.

Contact information

- Website: www.wairc.wa.gov.au/
- Phone: (08) 9420 4444
- Mail: Locked Bag 1, Cloisters Square, Perth WA 6850
- [Online enquiry form](#) (scroll to the bottom of the webpage)

What if a party is unhappy with a decision by the WAIRC?

If a party is not satisfied with a decision of the WAIRC, whether in respect to a stop bullying or sexual harassment application or an unfair dismissal claim, they may be able to, within 21 days of the decision, appeal the decision to the Full Bench.

Generally, the grounds of appeal need to demonstrate clearly that the original decision:

- did not properly account for the evidence at the hearing
- erred in the application of the relevant law (which includes case law).

The Full Bench may make any order as to costs it considers appropriate but must not award costs for legal fees unless the other party has committed a serious contravention or brought the proceedings frivolously or vexatiously.



Given the legal complexity of most appeals, it is recommended that the party seeking to appeal the decision seek independent legal or industrial advice before lodging their appeal.

Stop Bullying or Sexual Harassment Application

A stop bullying or sexual harassment application is an application made by a worker (applicant) because the worker reasonably believes that they have been bullied or sexually harassed at work by an individual or group of individuals.

Timeframe for lodging an application

There is no time limit for making a stop bullying or sexual harassment application.

Time taken to process an application

The WAIRC must start to deal with an application for an order to stop bullying or sexual harassment within 14 days after the application is made, per s 51BK(1) of the *Industrial Relations Act 1979* (WA).

Making an application

The WAIRC can deal with a stop bullying or sexual harassment application from a public sector worker as well as a private sector worker, where their employer is unincorporated (that is, where their employer is a partnership, sole trader, or corporation that does not substantially engage in trading or financial activities. This includes some local governments and not-for-profit organisations.

Dispute resolution process

After the applicant has lodged a stop bullying or sexual harassment application, the WAIRC will check that it contains all the required information and if the form is complete, send a copy to their employer and/or the person they allege has engaged in bullying and/or sexual harassment (respondent).

The first stage of the process is usually for the WAIRC to assist the parties to reach agreement. If the matter goes to a hearing the parties will have an opportunity to provide background and supporting documents.

The WAIRC can only make an order to stop bullying and/or sexual harassment if there is a risk that the applicant will continue to be bullied or sexually harassed at work by the particular individual or group. Accordingly, orders cannot be made where there is no risk of the bullying behaviour or sexual harassment continuing, for example if the respondent or applicant is no longer working at the workplace where the alleged bullying or sexual harassment occurred.



The WAIRC is unable to award compensation in bullying or sexual harassment matters.

Resources

- [Information for Parties and Representatives](#)
- [Stop bullying or sexual harassment – information for employees](#)
- [Responding to a stop bullying or sexual harassment application](#)
- [Application form for an Order to Stop Bullying or Sexual Harassment \(or Both\)](#)
- [Fact sheet about conciliation conferences](#)
- [Fact sheet about hearings](#)

Unfair dismissal

An unfair dismissal claim may arise in relation to workplace sexual harassment if the alleged harasser or victim of the workplace sexual harassment has been dismissed.

Timeframe for lodging an application

An application should be made within 28 days of the date of dismissal, unless the WAIRC decides that it would be unfair not to accept the application.

Making an application

The WAIRC can only deal with unfair dismissal applications from private sector employees where the employer is unincorporated (that is, where the employer is a partnership, sole trader, or is a corporation which does not substantially engage in trading or financial activities). This includes some local governments and non-for profit organisations.

The WAIRC cannot deal with an unfair dismissal application from a private sector employee where the employer is a trading, financial or foreign corporation (a 'constitutional corporation'), or the Commonwealth government. Claims of unfair dismissal by many government employees are dealt with by the Public Service Appeal Board.

To make an unfair dismissal application, the dismissed worker (applicant) will need to show they:

- were an employee
- have been dismissed from your employment
- were employed by a State system employer



- their contract of employment was for a salary less than the amount prescribed by the Commission
- their dismissal was harsh, oppressive or unfair.

Employees on probation or who are employed for less than three months, or employees employed to provide domestic services in a private home, may make a claim of unfair dismissal but, in deciding whether a dismissal was unfair, the WAIRC will take these factors into account.

The WAIRC cannot determine an unfair dismissal application if:

- the dismissed worker was a government officer or another type of government employee
- the dismissed worker's employment was not covered by an industrial instrument and their salary is greater than the prescribed salary cap (see: www.wairc.wa.gov.au/resources/maximum-salary-level-for-lodging-certain-claims/).

Dispute resolution process

After the applicant submits their application, the WAIRC will check the form to make sure that it contains all the required information and if the form is complete, provide a copy of it to their former employer. If the employer intends to respond to the claim, they must provide a response to the application within 21 days of being provided a copy.

The matter will then proceed to a conciliation conference conducted by a WAIRC Commissioner who will help the parties to resolve their employment dispute. The purpose of the conciliation is to explore whether an agreement can be reached between the parties, not to decide who is right or wrong.

Conciliation conferences are private and are conducted on a 'without prejudice' basis. This means that what is discussed at a conciliation conference cannot be used against one of the parties if the matter goes to hearing. This allows the parties to explore possible settlement options without fear of the other side using any offers or concessions made at the conference as an admission to various aspects of a claim. The conference is not recorded, and no transcript is produced. Any visual or audio recording is strictly prohibited. An agreement may be reached during or after the conference, the parties have control over the outcome before the matter reaches the hearing stage.

Agreement may be reached during or after the conference. If agreement is not reached, the WAIRC may hold further conferences depending on the circumstances, or list the matter for hearing. A hearing is where the WAIRC receives arguments and evidence from both parties



and makes a binding decision on a matter. There are two types of hearings: interlocutory or preliminary hearings and substantive hearings.

Interlocutory or preliminary hearings

There may be issues that have to be determined by the WAIRC before the merits or substance of an application can be dealt with. These preliminary (or interlocutory) matters may relate to an issue with the applicant's claim that needs to be resolved before the rest of the matter can proceed, such as an application for discovery of documents.

Some examples of preliminary issues include:

- whether the Commission has jurisdiction to deal with the application;
- whether the employee is under the salary cap; or
- whether the Commission can accept an application that was made out of time.

There may be one or more interlocutory hearings before the substantive hearing to deal with preliminary or procedural issues.

Substantive hearing

A substantive hearing is where the WAIRC hears and determines the substance or merits of the employment or industrial issues in dispute. If the applicant's unfair dismissal application is successful, the WAIRC can award reinstatement or compensation up to a maximum of 6 months of the applicant's remuneration.

If the former employer does not comply with the WAIRC's order, the applicant can apply to the Industrial Magistrates Court to have the order enforced. The Industrial Magistrates Court, in addition to making a number of other orders, can also impose a penalty of up to \$13,000 on the employer for non-compliance with the WAIRC's order.

Resources

- [Unfair dismissal – information for employees](#)
- [Responding to an unfair dismissal application](#)
- [Fact sheet about conciliation conferences](#)
- [Fact sheet about hearings](#)



Section 4: Workers' compensation bodies

Comcare

As the national work health safety and workers' compensation authority, Comcare's legislated functions include securing the health and safety of workers and workplaces. Comcare has a workers' compensation role in respect of workplace sexual harassment where that conduct has resulted in an injury or illness to the worker.

Jurisdiction

Commonwealth employees, parliamentarians and employees of Comcare's self-insured licensees, can apply for workers' compensation. For a list of the corporations that are self-insured with Comcare, please see the [Comcare website](#).

Timeframe for lodging a claim

A claim should be lodged as soon as practicable after an employee becomes aware of their injury.

Cost to lodge a claim

Free

Time taken to process a claim

Generally, a majority of claims are determined within 60 days.

Making a claim

A compensation claim can be made where an employee has sustained a work-related injury (physical or mental) which results in death, incapacity for work, or impairment.

A 'work-related' injury can include while the employee was away from work but undertaking work-related business or travelling for work.

Claims management process

The workers' compensation claim should be submitted by the employee in written form and include a medical certificate from a legally qualified medical practitioner.

The claim is then provided to the employer to provide their details. Once the claim is completed, the claim is assessed to determine if liability is accepted. Liability is assessed on



the basis of whether the claim satisfies the relevant criteria under the *Safety, Rehabilitation and Compensation Act 1988* (Cth).

If the claim is accepted, support and financial assistance may be provided to the employee (such as medical treatment, rehabilitation, income support, care and household services, aids and travel costs). If liability is not accepted, the claim is declined.

When a claim might be declined

In certain circumstances, Comcare may not pay compensation for an injury. This includes an injury:

- that is a result of reasonable administrative action taken (or not taken) in a reasonable manner in respect of the employee's employment, such as performance managing the employee
- intentionally self-inflicted
- caused by the serious and wilful misconduct of the employee, unless the injury results in death, or serious and permanent impairment
- where a wilful and false representation is made.

A claim may also be denied because:

- the claimant is not considered an employee
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts
- the employee has already recovered workers' compensation for the same injury at the state or territory level or under common law.

What if a party is unhappy with the outcome?

A party may request a reconsideration of a liability determination within 30 days from the date of the decision. The determination will be reconsidered by an independent review officer who will either affirm, vary or revoke the original determination.

If a party disagrees with the reviewable decision, within 60 days they can apply to the Administrative Appeals Tribunal (AAT) to determine the matter. AAT processes include conciliation, where the Tribunal has the discretion to make or decline to make a decision on the terms agreed to by the parties. If conciliation is unsuccessful, the Tribunal can formally determine the matter.



In matters before the AAT, costs usually follow the successful party. If a decision of the respondent (the party responding to the appeal) is varied or set aside, the costs of the applicant (the party who brought the appeal) are often covered by the respondent.

Contact information

- Website: www.comcare.gov.au/
- Email: general.enquiries@comcare.gov.au
- Phone: 1300 366 979
- Translation and interpreter service: 13 14 50
- Mail: GPO Box 9905, Canberra ACT 2601

Resources

- [Workers' compensation claims webpage](#)
- [Workers' compensation online claim form](#)
- [Online claim lodgement user guide](#)

icare NSW

icare is a NSW government agency which provides workers' compensation insurance to many public and private sector employers in NSW and their workers.

Jurisdiction

New South Wales

Timeframe for lodging a claim

A claim should be lodged as soon as possible after the date of injury and, in any event, within 6 months of the date of injury (or up to 3 years for an injury causing death or serious and permanent disablement).

Cost to lodge a claim

Free

Time taken to process a claim

Generally, liability for the claim will be determined within 21 days (or 1 month for claims in respect of a lump sum compensation payment). While liability is being determined, a



worker may be entitled to provisional payments for medical expenses within 7 calendar days of lodging their claim.

Making a claim

A worker who suffers a personal injury (including any impairment of their physical or mental condition) arising out of or in the course of work, can make a claim.

Broadly speaking, a worker is a person who has entered into or works under a contract of service or a training contract with an employer.

Volunteers can also lodge a claim with icare if they have suffered an injury or illness while undertaking an authorised activity as a volunteer with certain state government and other volunteer agencies.

It is important to note that not all employers are covered for workers compensation by icare. Your employer will advise you if they are self-insured or have a policy through a specialised insurer.

Claims management process

As soon as practicable after a worker suffers a work injury, they must notify their employer of that injury. Within 48 hours of that notification, the employer must notify icare of the worker's injury.

Once a worker has made their claim, their employer must forward the claim to icare within 7 days. For NSW government employees, the employer will make the claim on the worker's behalf. For all other workers, if their employer has not notified their icare of the worker's injury, the worker can lodge the claim with icare directly. In most cases, icare will determine liability within 7 business days of being notified and must do so within 21 days.

When a claim might be denied

icare will not pay compensation for an injury that is:

- a heart attack or stroke, unless the nature of work results in significantly greater risk
- proved to be solely attributable to the serious and wilful misconduct of the worker, unless the injury results in death or serious and permanent disablement
- intentionally self-inflicted
- a psychological injury if the injury was wholly or predominantly caused by reasonable action taken by the employer (for example, with respect to transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal).



A claim may also be denied because:

- the claimant is not considered a worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts
- the worker has already recovered damages from their employer (for example, as part of a settlement agreement) in respect of the same injury.

What if a party is unhappy with the outcome?

If a party to the claim wishes to dispute the determination of liability, they can lodge a dispute with icare. icare will review the matter and decide whether to affirm, change or withdraw the decision.

If liability for the claim remains disputed, a party can lodge an application with the Personal Injury Commission (PIC) to determine the matter.

Initially, PIC will attempt to resolve the dispute by inviting both parties and their representatives to attend a teleconference. If the parties cannot resolve the matter at this stage, it will proceed to a conciliation conference. If the dispute is not resolved at the teleconference or conciliation conference, it will progress to a formal arbitration hearing where PIC will decide the dispute.

A party may request to appeal a decision by PIC. The decision will be internally reviewed by PIC's President or a deputy president, with the member either confirming or revoking the decision. If either party is aggrieved by the determination made by the member, they can appeal to the NSW Court of Appeal on grounds that the law was applied incorrectly.

Generally, in matters brought before court, 'costs follow the event'. That is, the unsuccessful party will usually be order to pay the costs of the successful party.

Contact information

- Website: <https://www.icare.nsw.gov.au/>
- Email: piclaims@icare.nsw.gov.au
- Phone: 13 77 22
- Mail: GPO Box 4052, Sydney NSW 2001



Resources

- [Workers' compensation claims webpage](#)
- [Injury notification online form](#)
- [Report an injury or incident lodgement form](#)

NT WorkSafe

NT WorkSafe (NTWS) is a division under the Department of Attorney-General and Justice responsible for workers' compensation in the Northern Territory.

Workers' compensation in the NT is a privately underwritten scheme in which approved insurers and self-insurers carry the financial risk and are responsible for managing the workers' compensation claims process.

Jurisdiction

Northern Territory

Timeframe for lodging a claim

To be entitled to compensation, a worker must notify their employer of the injury:

- as soon as practicable
- in any event, no more than 6 months after the date of injury
- before the worker has voluntarily left the employment in which they were injured.

Cost to lodge a claim

Free

Time taken to process a claim

Generally, a claim decision should be made within 10 business days from the date the claim is received.

Making a claim

A Territory worker who suffers an injury (physical or mental) within or outside the Territory which results in, or materially contributes to, their death, impairment, or incapacity, is entitled to compensation payable by their employer.



A worker is any person who works under a contract, and includes employees, as well as volunteers assisting emergency and fire services.

Claims management process

The worker (claimant) must provide their compensation claim to their employer and provide a medical certificate of capacity within 28 days.

Within 3 business days of receiving the claim, the employer must complete the claim form and provide it to their insurer or NTWS for self-insured employers. A worker may lodge their claim directly with the insurer/NTWS if their employer fails to return the completed claim form, refuses to receive the claim, cannot be identified, found or is dead, is a corporation which has been wound up, or is uninsured.

The insurer/NTWS has 10 business days from when the employer received the claim to accept, defer accepting or dispute liability of the claim. Where liability is accepted, weekly payments to the worker should be commenced within 3 business days after liability is accepted or as soon as practicable for compensation other than weekly payments.

If the insurer/NTWS disputes liability, the claimant may, within 90 days, apply to NTWS for the matter to be mediated.

Within 7 days after receiving an application for mediation, NTWS must refer the dispute to a mediator. Within 21 days after receiving a referral, a mediator must attempt to resolve the dispute between the parties. As part of the mediation, NTWS will require the parties to provide all written medical reports and documents relevant to the claim.

What if a party is unhappy with the outcome?

If mediation is unsuccessful to resolve a dispute about a workers' compensation decision, the claimant may, within 28 days after receiving a certificate issued by the mediator, apply to the Work Health Court for recovery of the compensation they believe they are entitled to.

The Court may make, vary or revoke a determination of a party's entitlement to compensation, and can order:

- costs
- where the employer has caused unreasonable delay in accepting a claim for or paying compensation:
 - interest on compensation.
- where the employer would otherwise be entitled to have costs awarded to them, order that costs not be awarded.



When a claim might be denied

Compensation is not payable for an injury that is:

- a result of management action taken (or not taken) on reasonable grounds and in a reasonable manner by or on behalf of the worker's employer
- deliberately self-inflicted
- attributable to the worker's serious and wilful misconduct.

A claim may be denied because:

- the claimant is not considered a Territory worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts.

If worker's compensation is cancelled or reduced, the worker should be given 14 days' notice in advance except where:

- the worker returns to work or dies
- the worker fails to provide a medical certificate of capacity within the time requested
- the worker is deemed fit for work
- the worker fails to return to work
- the worker's claim is fraudulent
- the cancellation/reduction is court ordered.

Where worker's compensation is cancelled or reduced, the claimant may request mediation and, if unsuccessful, can apply for the matter to be resolved by the Work Health Court.

Contact information

- Website: <https://worksafe.nt.gov.au/>
- Phone: 1800 250 713
- Email: datantworksafe@nt.gov.au

Resources

- [Workers' compensation webpage](#)
- [Making a claim video](#)
- [Workers' compensation claim form](#)



- [Workers guide to workers' compensation](#)
- [Employers guide to workers' compensation](#)

ReturnToWork SA

ReturnToWork SA (RTWSA) is responsible for providing work injury insurance and regulating the South Australian Return to Work scheme. RTWSA provides insurance to protect South Australian businesses and their workers in the event of a work injury and to support recovery and return to work. Crown and self-insured employers are also a significant part of the Return to Work Scheme and they have direct responsibility and management of work injury claims in their workplaces.

Jurisdiction

South Australia

Timeframe for lodging a claim

A claim should be lodged within six months of the date of injury.

Cost to lodge a claim

Free

Time taken to process a claim

Generally, a majority of claims for physical injuries are determined within 10 business days of receipt. However, claims for mental health injuries are more complex in nature and take longer to establish whether or not the worker is eligible for assistance.

Making a claim

A worker may make a claim for compensation for an injury (physical or mental) that arises from their employment.

A worker is a person who performs work under a contract of service (as defined by the *Return to Work Act 2014*). Certain volunteers, such as those volunteering with the SA Country Fire Services, SA State Emergency Services and in marine rescue, may be entitled to access workers' compensation. It's unlikely, however, that other unpaid workplace participants (such as interns and work experience students) are covered.



Claims management process

Within 24 hours, or as soon as practicable, after a worker suffers a work injury, the worker must notify their employer of the injury. Within five business days of the date of injury the employer, if not self-insured, must forward the injury notification to their claims agent.

Once this has happened, a worker can lodge a compensation claim with their employer, or their employer's claims agent. On receipt of the claim, the compensating authority may undertake investigations and inquiries to determine claim liability. This may include requiring the worker to attend an examination by an independent health practitioner.

If an employer disputes the claim, an investigation into the grounds on which the employer disputes the compensability of the injury will be conducted.

Following these processes, a determination will be made whether to accept or reject the claim.

What if a party is unhappy with the outcome?

If a party is unhappy with the claim determination, they may, within one month of that decision, request a review of that decision by the South Australian Employment Tribunal. When an application is made to the Tribunal, the compensating authority is requested by the Tribunal to reconsider the determination first.

The compensating authority must, within 10 business days, make its reconsideration decision to either confirm or vary the original decision. If a party is unhappy with the reconsideration decision, the matter will proceed before the Tribunal.

If the matter is not settled at conciliation, the Tribunal will consider the matter and can:

- affirm, vary, or set aside the decision and substitute its own decision
- send the matter back to the decision-maker for reconsideration
- make any other orders it considers appropriate, including in relation to costs.

When a claim might be denied

Compensation is not payable for:

- a psychiatric injury that is the result of reasonable action taken in a reasonable manner by the employer to transfer, demote, discipline, counsel, retrench or dismiss the worker or a decision not to renew or extend a contract of service



- a psychiatric injury that is the result of a decision of the employer, based on reasonable grounds, not to award or provide a promotion, transfer or benefit in connection with the worker's employment
- a psychiatric injury that is the result of reasonable administrative action taken in a reasonable manner by the employer in connection with the worker's employment
- an injury which arises in the course of the worker's involvement in a social or sporting activity that doesn't form part of their employment nor is undertaken at their employer's direction or request
- an injury wholly or predominantly attributable to the serious and wilful misconduct of the worker or the influence of alcohol or a drug voluntarily consumed by the worker.

A claim may also be denied because:

- the claimant is not considered a worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts.

Contact information

- Website: <https://www.rtwsa.com/>
- Email: info@rtwsa.com
- Phone: 13 18 55
- Physical address: 400 King William Street, Adelaide SA 5000 Australia
- [General enquiry online form](#)

Resources

- [Reporting an injury or making a claim](#)
- [Claim Frequently Asked Questions](#)
- [Request a call back](#)
- [Claim form](#)

WorkCover Queensland

WorkCover Queensland (WCQ) provides workers' compensation insurance to Queensland businesses and workers.



Jurisdiction

Queensland

Timeframe for lodging a claim

A claim should be lodged within 6 months of the date of injury.

Cost to make a claim

Free

Time taken to process a claim

WorkCover aims to make a decision on claims in 20 business days or less, per s 134(2) of the Workers' Compensation and Rehabilitation Act 2003 (Qld).

Making a claim

A worker who suffers a personal injury (including a psychiatric or psychological injury) arising out of, or in the course of, their employment can make a claim. A worker is a person who works under a contract and is an employee for the purpose of assessment for PAYG withholding.

Claims management process

The worker should inform their employer of their workplace injury. The employer must notify their insurer within eight business days of becoming aware of the injury.

The worker must lodge their claim with the employer's insurer in the approved form, along with work capacity certificate from their treating doctor.

The insurer must determine the claim within 20 business days, where practical. If the insurer proposes to reject the claim, an internal review must first be conducted by a person senior to the person who proposes to make the claim decision.

Following the internal review, the insurer will decide whether to accept or reject the claim.

When a claim might be denied

Compensation is not payable for an injury if:

- intentionally self-inflicted
- caused by the serious and wilful misconduct of the worker, unless it results in death or injury and/or could result in a degree of permanent impairment of greater than 50%



- a psychiatric or psychological disorder arising out of, or in the course of reasonable management action (RMA) taken in a reasonable way by the employer in connection with the worker's employment, or the expectation or perception of RMA (such as a decision to transfer, demote, discipline, redeploy, retrench or dismiss the worker).

A claim may be denied because:

- the claimant is not considered a worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts.

What if a party is unhappy with the outcome?

If a party contests a claim decision, they can have the matter reviewed by the Workers' Compensation Regulator (WCR) who will confirm, vary, set aside or substitute the decision.

If a party is dissatisfied with the decision by the WCR, they can appeal the decision at the Industrial Relations Commission (IRC). The IRC will conduct a formal hearing of both sides and will confirm, vary, set aside or substitute the decision. Generally, parties before the IRC pay their own costs. The IRC can order a party to pay another party's costs, however, such orders are rare.

A decision by the IRC can be appealed to the Industrial Court of Queensland (ICQ). The Court can rehear the evidence and any additional evidence if ordered by the Court. Usually, parties must pay their own costs in matters before the ICQ. However, the ICQ can order a party to pay the other party's costs in certain situations. The Court's decision is final.

Contact information

- Website: www.worksafe.qld.gov.au/about/who-we-are/workcover-queensland
- Phone: 1300 362 128
- Mail: GPO Box 2459, Brisbane Qld 4001

Resources

- [Claim process](#)
- [Online claim lodgement portal](#)
- [Claim form](#)



WorkCover WA

WorkCover WA is the government agency responsible for regulating and administering the workers' compensation scheme in Western Australia under the *Workers' Compensation and Injury Management Act 1981 (WA)*.

Jurisdiction

Western Australia

Timeframe for lodging a claim

Generally, within 12 months of the date of injury. However, a claim will not automatically be declined due to a delay in the claim being made.

Cost to make a claim

Free

Claim decision timeframe

Upon receipt of a claim, workers' compensation insurers have 14 days to accept or dispute the claim. An insurer may also 'pend' a claim to seek further information before making a claim decision.

Making a claim

A worker who suffers a personal injury by accident or disease arising out of or in the course of their employment, may make a claim. This includes any physical or mental ailment, disorder, defect, or morbid condition, whether of sudden or gradual development. For a disease, employment must also be a significant contributing factor to the disease.

A worker is any person:

- who has entered into or works under a contract of service or apprenticeship with an employer
- to whose service any industrial award or industrial agreement applies
- engaged by another person under a contract for service under specific circumstances.

Claims management process

The worker must notify their employer as soon as practicable after suffering a work injury. The worker must lodge their claim form and first certificate of capacity with their employer.



Within five business days of receiving the claim, the employer must complete their part of the form and forward the claim to their insurer.

Within 14 days after receiving the claim, the insurer must accept or deny liability, or place the claim on hold if more information is required to make a claim decision.

If a pending claim is still undecided after 10 days, the claim is deemed to be in dispute and the worker can request the insurer to make a decision. If the claim is still unresolved, the worker may lodge an application with the WorkCover WA Conciliation and Arbitration Services (CAS) to resolve the dispute.

When a claim might be denied

Compensation is not payable for an injury that is attributable to:

- the worker's voluntary consumption of alcohol or drugs, or both, which impairs the worker's proper functioning, unless the injury has serious and permanent effects or results in death
- the worker's failure, without reasonable excuse, to use protective equipment, clothing or accessories provided by their employer for the worker's use, unless the injury has serious and permanent effects or results in death
- other serious and wilful misconduct, unless the injury has serious and permanent effects or results in death
- mental injury caused wholly or predominately by management action taken on reasonable grounds and in a reasonable manner by or on behalf of the worker's employer.

A claim may be denied because:

- the claimant is not considered a worker
- the injury is not deemed work-related
- the medical diagnosis does not fully or accurately reflect the facts.

What if a party is unhappy with the outcome?

A party can bring a dispute about a claim before the CAS. In the first instance, an attempt will be made to resolve the dispute by agreement with the assistance of a Conciliation Officer.

At the private conciliation conference, each party is given the opportunity to present their position and support it with evidence and other information. The Conciliation Officer does



not determine the outcome of the dispute but will facilitate the parties to come to an agreement.

If conciliation is unsuccessful, a party can apply within 28 days to the Arbitration Service to have the dispute arbitrated. An Arbitrator will make a binding determination on the dispute. For instance, an Arbitrator can confirm, vary or revoke the insurer's claim decision.

There is no fee required to lodge an application for conciliation or arbitration.

In limited circumstances, a party can, within 28 days of the arbitration decision, appeal that decision at the District Court of Western Australia. For proceedings before a court, costs are always at the discretion of the court. However, the general rule is that 'costs follow the event'. That is, the unsuccessful party is ordered to pay the costs of the successful party.

Contact information

- Website: www.workcover.wa.gov.au/
- Phone: 1300 794 744
- Mail or in person: 2 Bedbrook Place, Shenton Park WA 6008
- Online enquiry: www.workcover.wa.gov.au/contact-us/

Resources

- [Making a claim webpage](#)
- [Resolving a dispute webpage](#)
- [Frequently Asked Questions for workers](#)
- [Frequently Asked Questions for employers](#)
- [Workers' compensation claim form](#)

WorkSafe ACT

WorkSafe ACT (WSACT) is the regulator for workers' compensation in the ACT. The ACT workers' compensation scheme is not run by the ACT Government and is instead privately-owned and operated with insurers approved by WSACT offering workers' compensation coverage to employers in the ACT.

Jurisdiction

Australian Capital Territory



Timeframe for lodging a claim

A claim should be lodged within 3 years of the date of injury.

Cost to make a claim

Free

Time taken to process a claim

Generally, a claim decision must be made within 28 days after the day of receipt.

Making a claim

A worker who suffers a physical or mental injury (including stress), or aggravation, acceleration or recurrence of a pre-existing injury, arising out of or in the course of their employment can make a claim. A worker is any individual who has entered into or works under a contract of service with an employer.

Claims management process

A worker must give notice to their employer of their work injury as soon as possible. Within 48 hours of being notified of the injury, the employer must notify their insurer.

The worker can make a claim for compensation to their employer which should be accompanied by a medical certificate from a doctor. Within 7 days of receiving the claim, the employer must send the claim to their insurer who will investigate the claim.

Within 28 days, the insurer must determine liability of the claim. If the insurer does not determine the claim in this time, the claim will be deemed to be accepted.

When a claim might be denied

Compensation is not payable if the injury is caused by:

- an intentionally self-inflicted injury
- the worker's serious and wilful misconduct, unless the injury results in the death or serious and permanent disablement
- the worker voluntarily being under the influence of alcohol or prescription drugs
- the worker being imprisoned
- the worker's engagement in a professional sporting activity
- a mental injury (including stress) that is completely or mostly caused by reasonable action taken, or proposed to be taken, by or on behalf of an employer (for example,



transfer, demotion, promotion, performance appraisal, discipline, retrenchment or dismissal).

A claim may be denied because:

- the claimant is not considered a worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts.

What if a party is unhappy with the outcome?

If there is a dispute about a claim, either party can ask for a conciliator to undertake a conciliation conference to resolve the issue. If an agreement is reached on the dispute, the parties must, with the help of the conciliator, record the agreement in writing. If no agreement is reached, either party may file an application for the matter to be arbitrated.

The arbitration can be decided by a representative committee if one has been set up. Alternatively, the committee may refer the matter to the ACT Magistrates Court. If there is no representative committee, a party may apply directly to the Court for arbitration.

In an arbitration, the Court has the power to require the attendance of witnesses and the production of documents. The unsuccessful party to the arbitration may be ordered by the Court to pay the other party's costs. Any party to the arbitration may appeal the decision to the Supreme Court. For proceedings before a court, the general rule is that 'costs follow the event'. That is, the unsuccessful party is ordered to pay the costs of the successful party.

Contact information

- Website: <https://www.worksafe.act.gov.au/>
- Email: worksafe@worksafe.act.gov.au
- Mail: PO Box 158, Canberra ACT 2601
- Phone: 13 22 81
- Translating and interpreter service: 13 14 50
- If you are deaf, or have a hearing impairment or speech impairment, call 13 36 77 and then ask for 13 22 81 or visit www.relayservice.gov.au
- Speak and Listen users phone 1300 555 727 and ask for 13 22 81
- Internet relay users connect to the [National Relay Service](http://www.nrelayservice.gov.au) and ask for 13 22 81



Resources

- [Making a claim webpage](#)
- [Workers' compensation webpage](#)
- [Guidance note on employer's workers' compensation obligations](#)

WorkSafe Tasmania

Workers' compensation in Tasmania is a privately underwritten scheme in which approved insurers and self-insurers are responsible for managing the workers' compensation claims process.

The WorkCover Tasmania Board (the Board) provides advice to the relevant Minister on Tasmania's workers' compensation scheme and monitors the effectiveness of the Scheme (among other functions).

WorkSafe Tasmania manages the workers' compensation scheme on behalf of the Board.

Jurisdiction

Tasmania

Timeframe for lodging a claim

Generally, a claim should be lodged within six months of the occurrence of injury.

Cost to make a claim

Free

Time taken to process a claim

Generally, a worker should be informed of the status of their claim within 28 days. However, their employer has 84 days to dispute liability to pay compensation.

Making a claim

A worker who suffers an injury or disease (including a psychiatric or psychological injury) arising out of or in the course of their employment can make a claim. A worker is someone who works under a contract of service or a training agreement, and includes casual employment, volunteer police, fire-fighters, ambulance workers and other prescribed volunteers.



Claims management process

A worker must notify their employer as soon as possible after suffering a work injury. The employer then has 14 days to advise the worker they may have a right to make a claim.

To commence a claim a worker must lodge their workers compensation claim form and medical certificate from a medical practitioner on the approved form with their employer.

The employer must inform their insurer of the claim within three business days and must complete and forward the claim to their insurer within five business days.

Once an employer receives a claim, they must, even if they intend to dispute liability, start:

- making weekly payments of compensation if the worker is totally or partially incapacitated for work
- start paying for medical and associated expenses up to \$5,000 unless the claimed expenses are unreasonable or unnecessary.

The employer has 84 days to dispute liability. However, the employer must inform the worker about the status of the claim within 28 days of receiving the claim. If the employer disputes liability, the matter should be referred to the Tasmanian Civil and Administrative Tribunal (TasCAT).

When a claim might be denied

Compensation is not payable for an injury that:

- occurs while a worker is travelling between their home and work (unless the injury occurs during travel that their employer tells, asks or authorises them to make)
- occurs during an absence from the workplace that was not authorised, directed or requested by their employer
- is caused by a worker's serious or wilful misconduct, unless the injury results in their death or serious and permanent incapacity
- was intentionally self-inflicted.

A claim may be denied because:

- the claimant is not considered a worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts.



What if a party is unhappy with the outcome?

If a claim is disputed and is referred to the TasCAT, it will deal with the matter through a conciliation process. The first stage of conciliation is conducted by telephone with the parties. The second stage is a face-to-face conciliation conference to facilitate a resolution of the issues in dispute.

If a claim is unresolved at the conclusion of the conciliation process, the Tribunal will hold an arbitrated hearing to resolve the matter. Each party pays their own costs in matters before TasCAT. TasCAT can order a party to pay the other party's costs if it considers it appropriate to do so.

[Worker Assist Tasmania Inc.](#) provides free and independent advice about workers compensation, rehabilitation and return-to-work for injured workers. They can be contacted on 1300 027 747.

Contact information

- Website: <https://worksafe.tas.gov.au/topics/compensation>
- Email: wstinfo@justice.tas.gov.au
- Mail: PO Box 56, Rosny Park Tas 7018
- Phone (inside Tasmania): 1300 366 322
- Phone (outside Tasmania): (03) 6166 4600
- Speak and Listen users: Phone 1300 555 727 then ask for 1300 135 513
- TTY users: Phone 133 677 then ask for 1300 135 513

Resources

- [General enquiry form](#)
- [Who can claim workers' compensation](#)
- [How to make a workers' compensation claim](#)
- [For employers – what to do with a workers' compensation claim](#)
- [Claim form](#)
- [Guide to workers' compensation in Tasmania](#)



WorkSafe Victoria

WorkSafe Victoria (WSV) is responsible for workers' compensation and the rehabilitation of injured workers in Victoria under the *Accident Compensation Act 1985 (Vic)* and the *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*.

Jurisdiction

Victoria

Timeframe for lodging a claim

- For claims for weekly payments, as soon as practicable after the date of injury
- For claims for medical and like services, within six months of the date of injury
- For death claims, within two years of the date of death.

Cost to make a claim

Free

Time taken to process a claim

A decision regarding claim liability must be determined within 28 days of a complete claim form being received. For work-related mental injuries, the worker's entitlement to provisional payments will usually be determined within five business days of claim receipt. Provisional payments cover the costs of reasonable treatment and services, such as consultations with doctors, psychologists, psychiatrists, medications and travel costs.

Making a claim

A worker who suffers an injury (physical or mental) arising out of, or in the course of, any employment can make a claim. A worker is any individual who performs work for an employer or who agrees to perform work at the employer's direction, instruction or request, whether under a contract of employment or otherwise. It includes coverage of work experience students but does not extend to volunteers.

Claims management process

A worker must notify their employer of a workplace injury within 30 days of the date of injury. The worker must lodge their claim in an approved form with their employer. The employer must acknowledge receipt of the claim as soon as reasonably practicable and forward the completed claim to their insurer within 10 days. The insurer must determine claim liability within 28 days.



When a claim might be denied

Compensation is not payable for an injury:

- that was deliberately or wilfully self-inflicted
- attributable to the worker's serious and wilful misconduct (including, but not limited to, being under the influence of liquor or drugs)
- caused by a transport accident involving a motor vehicle driven by the worker if the worker is convicted of drink or drug driving offences
- that is a pre-existing injury and disease, which the worker did not disclose to their employer
- that is a mental injury caused wholly or predominately by management action taken on reasonable grounds and in a reasonable manner by or on behalf of the worker's employer.

A claim may be denied because:

- the claimant is not considered a worker
- the injury is not deemed sufficiently work-related
- the medical diagnosis does not fully or accurately reflect the facts.

What if a party is unhappy with the outcome?

If a party disputes the claim decision, they may refer the dispute for conciliation by the Accident Compensation Conciliation Service (ACCS).

If the dispute is resolved, ACCS will issue a certificate outlining the agreement between the parties. If conciliation is unsuccessful, the ACCS may give binding directions or recommendations, or may decline to give directions or recommendations.

Generally, each party bears their own costs of conciliation at ACCS. However, the worker's reasonable transport expenses to and from the conciliation conference and any loss of income incurred by attending the conciliation conference may have to be reimbursed.

If the conciliator certifies that the worker has taken all reasonable steps to settle the dispute, the worker may:

- have the matter independently reviewed and determined by the Workers Compensation Independent Review Service (WCIRS)
- make an application to commence court proceedings at the County Court for liability disputes or at the Magistrates Court for other issues such as access to claims



documents, claims for reimbursement of expenses, and discriminatory conduct against a worker.

The WCIRS is a free service with no legal costs payable regardless of the outcome. For proceedings before a court, the general rule is that 'costs follow the event'. That is, the unsuccessful party is ordered to pay the costs of the successful party.

Contact information

- Website: www.worksafe.vic.gov.au/
- Mail or in person: 1 Malop Street, Geelong VIC 3220
- Phone: 1800 136 089
- [Translation and interpreting service form](#)
- National relay service: 1300 555 727
- [Online enquiry form](#)

Resources

- [Before you make a WorkCover claim webpage](#)
- [Before your employee submits a claim webpage](#)
- [After you have submitted your employee's claim webpage](#)
- [Worker's injury claim form](#)



Section 5: Work health and safety regulators

Interventions by work health and safety (WHS) regulators are focused on providing outcomes which promote a safe and healthy workplace and reduce the risks of further health or safety incidents. WHS investigations are not focused on providing remedies to individual workers (such as financial compensation or an apology).

Comcare

Comcare administers the *Work Health and Safety Act 2011 (Cth)* (WHS Act) and *Work Health and Safety Regulations 2011 (Cth)* (WHS Regulations) and is the national regulator for work health and safety (WHS) in the Commonwealth jurisdiction.

As the national regulator, Comcare has regulatory functions and powers, including to enforce compliance with WHS laws. This includes in respect of workplace sexual harassment where the alleged conduct constitutes a WHS risk to workers.

Jurisdiction

Under the WHS Act, Comcare is the regulator for employers in the Commonwealth WHS scheme, who are primarily comprised of:

- Commonwealth departments and agencies
- national companies licensed under the SRC Act
- members of the Australian Defence Force when not at war, including reservists and cadets.

When to report a WHS issue

A person can report a WHS issue or concern to Comcare once parties have made reasonable attempts to resolve the matter internally within the workplace.

Cost to report

Free

Reporting a WHS issue

The WHS Act imposes a duty on employers to eliminate or manage hazards and risks to the health and safety of workers at work, including to prevent workplace sexual harassment. Any party to a WHS issue – including workers, officers, employers, witnesses and worker



representatives – may commence a WHS dispute resolution procedure within their workplace, including in relation to workplace sexual harassment as a possible breach of a WHS duty.

Dispute resolution procedure

Where an issue or conflict arises which may cause physical or psychological harm to individuals in the workplace, a party may raise it as a WHS issue for resolution by informing the other parties:

- that there is an issue to be resolved
- the nature and scope of the issue.

Where an issue or conflict is raised, all parties must make reasonable efforts to achieve timely, final and effective resolution of the matter. If the issue is resolved in the workplace, details of the issue and its resolution should be set out in a written agreement if a party requests this.

If a WHS issue remains unresolved, a party may ask Comcare to appoint an inspector to attend the workplace to assist in resolving the issue. Comcare may respond by conducting a workplace inspection under the WHS Act. If the inspection identifies serious non-compliance with the WHS Act, the inspector can enforce compliance by issuing notices requiring corrective actions to the employer.

The WHS Act does not provide outcomes for individual complainants. In undertaking its functions under the WHS Act, Comcare's focus is to monitor and enforce compliance with the WHS Act and Regulations.

When a WHS issue might not be investigated

Comcare may decide not to become actively involved in a worker's individual complaint where it considers the complaint may be better addressed by other means. This includes consideration as to whether Comcare is the relevant agency to pursue the outcome a worker is seeking from their complaint.

Comcare is most likely to intervene where significant harm has occurred or where serious deficiencies exist in an organisation's WHS systems, which may expose workers to an increased risk of workplace sexual harassment.

An incident of workplace sexual harassment may not meet the threshold under the WHS Act for a notifiable incident (that is, require mandatory reporting). This obligation is triggered only in circumstances where workplace conduct creates a risk of death or serious injury or illness.



What if a party is unhappy with the outcome?

An employer, a worker or their WHS representative may apply to Comcare for review of a WHS decision (such as the decision to issue or cancel a notice). Alternatively, it may be possible for the worker to apply for this decision to be reviewed by the FWC.

Generally, parties to proceedings before the FWC pay their own costs. However, the FWC can order a party to pay the other party's cost if satisfied in certain circumstances, such as if a party acts unreasonably or the matter was commenced vexatiously.

A prosecution for an offence under the WHS Act or WHS Regulations can only be brought by the Commonwealth Director of Public Prosecutions, Comcare or an inspector with the written authorisation of Comcare.

The penalties for a WHS offence vary, but may include fines of up to \$3 million for body corporates and up to \$600,000 and/or 5 years' imprisonment for individuals for Category 1 offences.

The court can also make orders:

- to publicise the offence, its consequences and the penalty imposed
- requiring the offender to remedy any matter caused by the offence that is within the offender's power to remedy
- requiring the offender to undertake a project for the general improvement of WHS.

Generally, a WHS prosecution will only proceed if there is a reasonable prospect of conviction.

Contact information

- Website: www.comcare.gov.au/
- Phone: 1300 366 979
- Email: whs.help@comcare.gov.au
- [Online enquiry form](#)
- Mail address: GPO Box 9905, Canberra ACT 2601
- TTY users call 133 677 then ask for 1300 366 979
- Speak and Listen users call 1300 555 727 then ask for 1300 366 979
- Internet relay users connect to the National Relay Service (NRS) then ask for 1300 366 979



- Video relay users can choose the available NRS video relay contact on Skype and ask for 1300 366 979
- SMS relay users call 0423 677 767 and ask for 1300 366 979.
- Translation and Interpreting Service (TIS National): 131 450

Resources

- [Workplace sexual harassment webpage](#)
- [Practical guidance for workers](#)
- [Practical guidance for managers and supervisors](#)
- [Practical guidance for employers](#)
- [Regulatory guidance for employers on their WHS responsibilities](#)

NT WorkSafe

NT WorkSafe (NTWS) is a division under the Department of Attorney-General and Justice and is the WHS Regulator in the Northern Territory.

Jurisdiction

Northern Territory

When to report a WHS issue

A person can report a WHS issue to NTWS after reasonable attempts are made to resolve the matter internally within the workplace.

Cost to report

Free

Reporting a WHS issue

Under the *Work Health and Safety (National Uniform Legislation) Act 2011 (NT)*, an employer has a legal responsibility to manage hazards and risks in the workplace, including to eliminate or minimise psychosocial risks so far as is reasonably practicable (including workplace sexual harassment).

A worker who experiences workplace sexual harassment can report the conduct as a WHS issue to NTWS. The definition of worker does not include individual contractors, volunteers and Commonwealth employees.



Dispute resolution procedure

A party to a WHS issue may raise the matter within the workplace and reasonable attempts should be made to resolve the complaint internally. If the issue remains unresolved, a party may contact NTWS for assistance, and may request that an inspector be appointed to conduct an inspection of the workplace.

During a workplace visit, the inspector may:

- inspect or examine any part of the workplace
- observe or search any part of the workplace
- take photographs or film anything at the workplace
- request a person or persons to produce certain documents
- obtain copies of documents
- undertake enquiries or conduct surveys to assess the degree of risk
- talk to managers, supervisors, workers and others when an incident has occurred
- enquire into circumstances and probable causes of workplace incidents
- seize things as part of the investigation at the workplace.

After an inspection, the inspector may take enforcement action against the employer, such as issuing an improvement or prohibition notice.

When a WHS issue might not be investigated

NT WorkSafe does not:

- provide mediation, counselling or victim support
- handle grievances with a workplace's organisational and management practices
- handle matters where workers feel upset or undervalued at work
- have the authority to take sides
- have the authority to provide legal advice about any proceedings or claims
- become involved in the specific details of the alleged harassing activities
- discuss remuneration or compensation
- solve the problem (this responsibility ultimately rests with the workplace parties).

Contact information

- Website: <https://worksafe.nt.gov.au/>



- Email: ntworksafe@nt.gov.au
- Phone: 1800 019 115
- Mail: GPO Box 1722, Darwin NT 0801

Resources

- [Bullying and harassment webpage](#)
- [Preventing workplace violence guide](#)

SafeWork NSW

SafeWork NSW is the WHS regulator in New South Wales. SafeWork NSW provides advice to workers, workplaces and the general community about workplace safety.

Jurisdiction

New South Wales

When to report a WHS issue

A person can report a WHS issue to SafeWork NSW if attempts to resolve the matter internally within the workplace are inappropriate or unsuccessful.

Cost to report

Free

Reporting a WHS issue

Under WHS laws, employers have a primary duty of care for the health and safety of everyone in the workplace, including workers and visitors.

A worker who experiences workplace sexual harassment can report the matter as a WHS issue to SafeWork NSW. The definition of worker includes employees, contractors, subcontractors, labour hire employees, trainees, volunteers and work experience students.

Dispute resolution procedure

If a worker has a WHS issue, they can try to resolve it within their workplace by:

- reporting the issue verbally to their supervisor or manager
- reporting the issue through the workplace's hazard reporting procedures
- raising the issue with the health and safety representative



- raising the issue with management through their union representative.

If none of the above courses of action are appropriate or successful, the worker can contact SafeWork NSW by phone, email or anonymously via its 'Speak Up' app, for assistance. Once a worker raises an issue with SafeWork NSW, it will be treated as a 'request for service' (RFS) and allocated a unique identification number. Within 1 business day of receiving an RFS, SafeWork NSW will assess any issues raised and determine the appropriate response in accordance with its *National compliance and enforcement policy*.

In response to an RFS, SafeWork NSW may:

- refer the matter if it's outside its jurisdiction
- ask for more information if insufficient information was provided
- if the issues raised are assessed as low risk, send an administrative response to the worker's employer drawing attention to the matters for action, as required (generally occurs within 3 business days)
- conduct a verification visit to assess what action the employer took after receiving the administrative response (generally occurs within 3 months)
- have an inspector visit the workplace if the issues raised are of a moderate to high risk (generally occurs within 1 business day for high risks and 3 to 5 business days for moderate risks).

SafeWork NSW may undertake an investigation to:

- determine exactly what caused the incident
- the lessons learnt to improve workplace safety and prevent future injuries,
- whether prosecution is warranted.

When a WHS issue might not be investigated

SafeWork NSW will not consider a WHS issue if it is outside its jurisdiction. The response SafeWork NSW takes will depend on its assessment of the level of risk the matter presents within the workplace.

What if a party is unhappy with the outcome?

A person can request in writing that SafeWork NSW start a prosecution if:

- they believe a category 1 or 2 offence under the Work Health and Safety Act 2011 (NSW) has occurred



- at least 6 months (but not more than 18 months) have passed following the incident and SafeWork NSW has not commenced a prosecution.

A category 1 offence occurs when a person has a health and safety duty, and without reasonable excuse engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and the person engages in the conduct with gross negligence, or is reckless as to the risk to an individual of death or serious injury or illness. Prosecutions for a category 1 offence are rare.

A category 2 offence occurs where a person has a health and safety duty and fails to comply with that duty, and the failure exposes an individual to a risk of death or serious injury or illness.

SafeWork NSW will provide a written response to a prosecution request within 3 months, and advise whether an investigation has been completed, and if a prosecution will be brought. If a decision is made not to prosecute, SafeWork NSW must provide the reasons for that decision. Following this, a person can ask the NSW Director of Public Prosecutions to further consider the matter.

Contact information

- Website: <https://www.safework.nsw.gov.au/>
- Phone: 13 10 50
- Mail: Locked Bag 2906, Lisarow NSW 2252
- Voice calls or TTY call 133 677 and ask for 13 10 50
- Speak and listen service call 1300 555 727 and ask for 13 10 50
- SMS relay service on 0423 677 767 and type 13 10 50
- Make an internet relay call and type 13 10 50
- [‘Speak Up’ anonymous reporting](#)

Resources

- [Sexual harassment webpage](#)
- [Code of Practice - Managing psychosocial hazards](#)



SafeWork SA

SafeWork SA is the WHS regulator in South Australia. SafeWork SA investigates workplace incidents and enforces WHS laws in South Australia.

Jurisdiction

South Australia

When to report a WHS issue

A person can report a WHS issue to SafeWork SA after attempts have been made to resolve the matter internally within the workplace.

Cost to report

Free

Reporting a WHS issue

An employer has a primary duty to ensure, so far as is reasonably practicable, that the health and safety of their workers is not put at risk. This duty applies to all participants in the workplace, including employees, clients, visitors, customers and volunteers.

A worker who experiences workplace sexual harassment can report the matter as a WHS issue to SafeWork SA. The definition of worker includes employees, contractors, subcontractors, labour hire employees, trainees, volunteers and work experience students.

Dispute resolution procedure

Where a worker raises a WHS concern, all parties must meet or communicate with each other to help resolve the issue internally, having regard to the:

- immediacy of the risk
- number and location of workers affected
- resolution measures, either temporary and/or permanent, that should be implemented and who will be responsible.

If the WHS issue is resolved, details of the matter and the resolution should be set out in a written agreement, if any party to the issue requests it. If an agreement is prepared, all parties should be satisfied that the agreement accurately reflects the resolution, and a copy should be provided to everyone involved.



Where a WHS issue is unresolved, a party may contact SafeWork SA for assistance, including by lodging a psychological risk complaint and requesting that an inspector be appointed.

Once a complaint is lodged, SafeWork SA will review the information provided and an inspector will contact the worker to discuss their allegations. Details of the complaint will be provided to the worker's employer, however, the complainant's details will remain anonymous to the employer.

If a SafeWork SA inspector decides to visit the workplace, they may:

- inspect the workplace
- speak to the manager, or person in control of the workplace, workers or the health and safety representative
- review health and safety documentation
- speak to the employer about identified hazards and the controls the employer has in place.

Following an inspection, the inspector may issue:

- an improvement notice directing a person or organisation to undertake corrective action for an identified risk
- a prohibition notice directing the cessation of any activity that creates an immediate risk to the health or safety of workers, visitors, or members of the public
- an expiation notice (an on-the-spot fine) for an identified breach of relevant WHS laws.

When a WHS issue might not be investigated

SafeWork SA will not consider a WHS issue if it is outside its jurisdiction. Complaints are prioritised according to the risk to the health and safety of people in the workplace.

During an investigation, SafeWork SA must remain impartial and will not:

- advocate for an individual
- become involved in the details of a workplace conflict
- provide legal advice
- mediate between persons involved
- secure an apology or compensation
- remove an alleged bully from the workplace.



What if a party is unhappy with the outcome?

A person impacted by a decision of a SafeWork SA inspector may seek an internal review of that decision. Applications for review of a decision about an improvement, prohibition or non-disturbance notice, should be lodged within 14 days. SafeWork SA will review all material and decide within 14 days whether to confirm, vary or set aside the original decision. A person impacted by that decision may request an external review through the South Australian Employment Tribunal (SAET).

At any stage during proceedings before the SAET, the Tribunal can make an order for a party to pay another party's costs. In making the order, SAET may have regard to any factors it considers relevant, including the conduct of the parties.

A person may ask SafeWork SA to bring a prosecution if:

- they believe a category 1 or 2 offence under the *Work Health and Safety Act 2012 (SA)* has occurred
- no prosecution has been brought between six to twelve months after the event has occurred.

A Category 1 offence occurs when a person has a health and safety duty, and without reasonable excuse engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and the person is reckless as to the risk to an individual of death or serious injury or illness.

A Category 2 offence occurs where a person has a health and safety duty and fails to comply with that duty, and the failure exposes an individual to a risk of death or serious injury or illness.

SafeWork SA will provide a written response to a prosecution request within 3 months and advise whether an investigation has been completed, and if a prosecution will be brought. If a decision is made not to prosecute, SafeWork SA must provide the reasons for that decision.

Following this, a person can ask the SA Director of Public Prosecutions (DPP) to further consider the matter. Within 1 month, the DPP will consider the request and advise SafeWork SA in writing as to whether the DPP considers that a prosecution should be brought.

Contact information

- Website: www.safework.sa.gov.au/
- Email: help.safework@sa.gov.au



- Phone: 1300 365 255
- Mail: GPO Box 465, Adelaide, SA 5001
- [Online enquiry form](#)

Resources

- [Sexual harassment webpage](#)
- [Sexual harassment advice for workers](#)
- [Sexual harassment advice for employers](#)
- [Psychological risk complaint form](#)
- [Free advisory service for small to medium businesses request form](#)

Workplace Health and Safety Queensland

Workplace Health and Safety Queensland (WHSQ) is the WHS regulator in Queensland. WHSQ's functions include securing and monitoring compliance with WHS duties using enforcement options, investigating WHS incidents and complaints and providing information to stakeholders on managing WHS risks.

Jurisdiction

Queensland

When to report a WHS issue

Generally, workers are encouraged to make attempts to resolve a WHS issue internally before reporting the issue to WHSQ. However, WHSQ may accept notification of and respond to a WHS issue even if attempts to resolve the matter internally within the workplace have not been made.

Cost to report

Free

Reporting a WHS issue

Under WHS laws, an employer is required to do all they reasonably can to prevent sexual harassment from occurring at work, the same as for other risks to health and safety.



A worker who experiences workplace sexual harassment can report the matter as a WHS issue to WHSQ. The definition of worker includes employees, contractors, subcontractors, labour hire employees, trainees, volunteers and work experience students.

Dispute resolution procedure

A WHS concern may initially be raised by a worker:

- with their health and safety representative, who should then raise the issue with the employer or a representative of the employer (for example, a supervisor)
- directly with their employer or their employer's representative
- with their representative (for example, union representative), who should then raise the matter with the employer or a representative of the employer.

Where the WHS issue is resolved during initial discussions, the parties should make a record of their agreement. If the matter remains unresolved, a party may commence a formal issue resolution procedure by telling each other party that there is an issue to be resolved and the nature and scope of the issue.

As soon as parties are told of the issue, all parties must meet or communicate with each other to attempt to resolve the issue using the employer's (or default) issues resolution procedure.

In discussing the WHS issue, the parties should consider:

- the degree and immediacy of risk to workers or others
- the number and location of workers or others
- what measures are required to resolve the issue (both temporary and permanent)
- who will be responsible for implementing the resolution of the issue
- an agreed timeframe for when measures to resolve the issue will be implemented.

If the issue is resolved, the details of the issue and the resolution should be set out in writing, if a party requests this, with a copy given to each party. If the issue remains unresolved, a party may ask WHSQ to appoint an inspector to attend the workplace and assist in resolving the issue.

During an inspection, the inspector may:

- inspect or examine any part of the workplace
- observe or search any part of the workplace
- take photographs or film anything at the workplace



- request a person or other persons to produce certain documents
- obtain copies of documents
- undertake enquiries or conduct surveys to assess the degree of risk or standards of health and safety
- talk to managers, supervisors, workers and other people when an incident has occurred
- enquire into circumstances and probable causes of workplace incidents
- seize things as part of the investigation at the workplace.

If the inspector identifies a contravention or risk, they are empowered to direct compliance by various means, including by issuing:

- infringement notices (on the spot fines)
- prohibition notices (requiring an immediate action to cease or alter a workplace activity)
- improvement notices (to remedy a contravention of the law).

What if a party is unhappy with the outcome?

If a person is unhappy with the decisions or actions taken by WHSQ in relation to a matter, they can make an application to have the decision reviewed internally. If the matter remains unresolved or the person remains unhappy with the review outcome, they may refer the matter to the Queensland Industrial Relations Commission (QIRC) for external review.

In dealing with a dispute, the QIRC may:

- consider the matter by means of mediation, conciliation or arbitration and make any order it considers appropriate for the prompt settlement of the dispute
- review a decision made by an inspector to use their compliance powers to assist in resolving the dispute (such as if an inspector issues an improvement notice to assist with resolving a dispute, the QIRC can review the inspector's decision and confirm, vary or set aside the inspector's decision)
- decide not to deal with a dispute, and order costs if they consider the matter to be frivolous, vexatious, misconceived or lacking substance.

Contact information

- Website: www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland
- Phone: 1300 362 128
- Mail: GPO Box 69, Brisbane Qld 4001



Resources

- [Workplace sexual harassment resources webpage](#)
- [Raising a workplace safety concern online form](#)

WorkSafe ACT

WorkSafe ACT (WSACT) is the WHS regulator in the ACT. WSACT's functions include monitoring and enforcing compliance with the *Work Health and Safety Act 2011* (ACT).

Jurisdiction

Australian Capital Territory

When to report a WHS issue

A person can report a WHS issue to WSACT after reasonable efforts have been made to resolve the matter internally within the workplace.

Cost to report

Free

Reporting a WHS issue

Under WHS laws, employers have a duty to provide and maintain a healthy and safe working environment. WSACT recognises that sexual harassment is a psychosocial hazard that can cause psychological or physical harm.

A worker who experiences workplace sexual harassment can report the matter as a WHS issue to WSACT.

Dispute resolution procedure

Before reporting the issue to WSACT, a worker should attempt to first resolve the matter within their workplace, such as by:

- speaking to their supervisor or manager
- speaking with their health and safety representative
- speaking to their union representative
- following the applicable workplace grievance process, if available.



If the matter remains unresolved, a party may report the issue to WSACT, including by making a psychological hazard complaint. Within 5 business days of receiving a complaint, a WSACT inspector will contact the complainant. The inspector may conduct an inspection of the workplace in order to determine compliance with the Work Health and Safety Act 2011 (ACT).

During an inspection, an inspector can:

- require answers to questions
- require the production of documents
- seize items for use as evidence of an offence, and
- issue improvement and prohibition notices.

When a WHS issue might not be investigated

In determining which complaints or reports to investigate and in deciding the level of resources to be deployed, WSACT considers:

- the severity and scale of potential or actual harm
- the seriousness of any potential breach of the law
- the duty holder's compliance history, including such matters as prior convictions and notices issued
- its strategic enforcement priorities
- the practicality of achieving results,
- the wider relevance of the event.

WSACT does not:

- advocate for an individual
- become involved in the details of a workplace conflict
- provide legal advice
- mediate between persons involved
- secure an apology, compensation, or removal of an alleged perpetrator from the workplace.

What if a party is unhappy with the outcome?

If a party disputes a decision by WSACT, they can request an internal review of that decision. A party can also apply to the ACT Civil and Administrative Tribunal (ACAT) for a



formal review of the decision or lodge a complaint with the ACT Ombudsman. ACAT is a 'no costs' jurisdiction, meaning that each party pays their own legal costs. The ACT Ombudsman is a free service and cannot award costs.

Contact information

- Website: www.worksafe.act.gov.au/
- Email: worksafe@worksafe.act.gov.au
- Mail: GPO Box 158, Canberra ACT 2601
- Phone: 13 22 81
- [Translating and Interpreter Service](#) (TIS): 13 14 50
- If you are deaf or have a hearing or speech impairment, call 13 36 77 and ask for 13 22 81 or visit www.relayservice.gov.au to make an internet relay or captioned relay call
- Speak and Listen users phone 1300 555 727 and ask for 13 22 81
- Internet relay users connect to the [NRS](#) and ask for 13 22 81

Resources

- [Report a workplace concern or issue online form](#)
- [Managing Work-related Sexual-Harassment Plan 2021-23](#)

WorkSafe Tasmania

WorkSafe Tasmania (WST) is the WHS regulator in Tasmania. WST provides information, education and advice, and monitors and enforces compliance with WHS laws.

Jurisdiction

Tasmania

When to report a WHS issue

A person can report a WHS issue to WST after reasonable efforts have been made to resolve the matter internally within the workplace.

Cost to report

Free



Reporting a WHS issue

An employer must manage the hazards associated with the health and safety risks of workplace sexual harassment. This includes sexual harassment between workers and from other people at the workplace like customers and clients. A worker who experiences workplace sexual harassment can report the matter as a WHS issue and can commence an internal dispute resolution process.

Dispute resolution procedure

The parties to a WHS issue must make reasonable efforts to achieve a timely, final and effective resolution of the issue through internal discussion and the use of an agreed issue resolution procedure.

If the matter is unresolved, a party may request that WST appoint an inspector to attend the workplace to help resolve the issue. A party can do this by lodging a complaint with WST via its online feedback form or calling the WST Helpline. Details of the reasonable efforts that have been made to resolve the matter will be required when making a request for an inspector to be appointed.

Within 10 business days of receiving a complaint, WST will decide on the most appropriate action by assessing the information provided and the circumstances of the request, and by considering its compliance policy which outlines its compliance priorities.

If a workplace attendance is undertaken, an inspector may:

- inspect or examine any part of the workplace
- observe or search any part of the workplace
- ask for certain documents to be produced
- obtain copies of documents
- make enquiries or conduct surveys to assess the degree of risk or standards of WHS
- talk to managers, supervisors, workers and other people when an incident has occurred
- enquire into circumstances and probable causes of an incident
- seize things as part of the investigation.

Following an inspection, an inspector may issue improvement, prohibition or non-disturbance notices to enforce compliance.



When a WHS issue might not be investigated

In determining which complaints or reports to investigate and in deciding the level of resources to be deployed, WST considers:

- the severity and scale of potential or actual harm
- the seriousness of any potential breach of the law
- the duty holder's compliance history, including such matters as prior convictions and notices issued
- its strategic enforcement priorities
- the practicality of achieving results,
- the wider relevance of the event.

WST does not:

- become involved in the details of a workplace conflict
- provide legal advice or counselling
- mediate between persons involved
- secure an apology, compensation, removal of an alleged perpetrator from the workplace, or order the employer to discipline or terminate the employment of the alleged perpetrator.

What if a party is unhappy with the outcome?

Issues resolution

If a party, whose interests are affected by a decision, is unhappy with the decision of an inspector who has been appointed to assist with a WHS issue, the party can request, within 14 days, a review of that decision. The inspector's decision will be internally reviewed by WST who may uphold or set aside the decision. If a party is dissatisfied with an internal review decision, they can apply to the Administrative Appeals Division of the Magistrates Court of Tasmania for an external review.

Each party is to pay their own costs in proceedings before the Administrative Appeals Division of the Magistrates Court of Tasmania. However, at any stage of proceedings the Court can order a party to pay the other party's costs if the Court is satisfied it is fair to do so.



Investigation of a suspected breach of WHS laws

A person who believes a category 1 or 2 offence under the *Work Health and Safety Act 2012* (Tas) has occurred and WST has not commenced a prosecution within six to twelve months of the offence occurring, may request WST to commence a prosecution.

A Category 1 offence occurs when a person (a natural person or a legal entity such as a corporation) has a health and safety duty, and without reasonable excuse engages in conduct that exposes an individual to whom that duty is owed to a risk of death or serious injury or illness, and the person is reckless as to the risk to an individual of death or serious injury or illness. Prosecutions for a Category 1 offence are rare.

A Category 2 offence occurs where a person has a health and safety duty and fails to comply with that duty, and the failure exposes an individual to a risk of death or serious injury or illness.

Within three months, WST will provide a written response to the prosecution request and advise whether an investigation has been completed, and if a prosecution will be brought. If it is decided not to prosecute, WST must provide the reasons for that decision.

Following this, a person may request WST refer the matter to the Tasmanian Director of Public Prosecutions (DPP) for consideration. The DPP will consider the matter and advise WST in writing within 1 month as to whether the DPP considers that a prosecution should be brought.

Contact information

- Website: <https://worksafe.tas.gov.au/>
- Email: wstinfo@justice.tas.gov.au
- Mail: PO Box 56, Rosny Park TAS 7018
- Phone: 1300 366 322
- Speak and Listen users: phone 1300 555 727 and ask for 1300 135 513
- TTY users: phone 133 677 and ask for 1300 135 513
- Internet relay users: connect to the [National Relay Service \(NRS\)](#) and ask for 1300 135 513
- [Online enquiry form](#)

Resources

- [Workplace sexual harassment webpage](#)



- [WST advisory service for small businesses](#)

WorkSafe Victoria

WorkSafe Victoria (WSV) is the WHS regulator in Victoria. To ensure safer workplaces, WSV conducts inspections, campaigns, education programs, targeted interventions, guidance, warnings, enforcement and prosecutions.

Jurisdiction

Victoria

When to report a WHS issue

A worker can report a WHS issue to WSV at any time.

Cost to report

Free

Reporting a WHS issue

Employers, employees and others have specific duties relating to work-related gendered violence (including work-related sexual harassment) under the *Occupational Health and Safety Act 2004 (Vic)* and the *Equal Opportunity Act 2010 (Vic)*. A worker who experiences workplace sexual harassment can report the matter as a WHS issue to the WSV advisory service.

Dispute resolution procedure

After receiving a report of a WHS issue, WSV may conduct an investigation if the matter reveals a suspected contravention(s) of the WHS laws administered by WSV. Following an investigation, a WSV lawyer will conduct a legal review to consider the available evidence and decide whether enforcement action, such as filing charges or issuing a caution, should be taken.

If WSV forms a belief on reasonable grounds that a person has contravened a law it administers, it may decide to send a letter of caution to that person instead of commencing a criminal prosecution. The purpose of a letter of caution is to deter any future offending by drawing the duty-holder's attention to the nature of the legal obligation and the circumstances said to give rise to a breach of the obligation, and the consequences that may arise from any future offending.



In some circumstances, a person may offer to make an 'enforceable undertaking' which is a written commitment by a person to do certain things in a set timeframe.

WSV may get advice from, or consult with, the Victorian Director of Public Prosecutions when considering whether there is sufficient evidence to support enforcement action, which enforcement action to take and whether the enforcement action is in the public interest. If WSV decides not to begin a prosecution, it will provide as much information as possible about its decision.

When a WHS issue might not be investigated

To determine whether an investigation should be commenced, WSV will assess the matter against criteria, including the:

- objective seriousness of the matter
- likelihood that a prosecution could be commenced at the conclusion of the investigation
- availability of resources to conduct an investigation.

What if a party is unhappy with the outcome?

A person can request, within 14 days, for an independent internal review of a decision made by a WSV inspector in response to a WHS issue. In most circumstances, WSV must complete the internal review within 14 days and provide its decision in writing, including the reasons, findings and evidence used to come to the decision.

If a person is unhappy with WSV's decision following the independent internal review, they can apply to the Victorian Civil and Administrative Tribunal (VCAT) within 14 days to review that decision. In a VCAT case, the general rule is that each party bears its own costs. However, VCAT can order a party to pay the other party's costs if VCAT is satisfied it is fair to do so.

Contact information

- Website: <https://www.worksafe.vic.gov.au/>
- Phone: 1800 136 089
- Physical address: 1 Malop Street, Geelong VIC 3220

Resources

- [Work-related sexual harassment: Know your rights \(for workers\) webpage](#)
- [Work-related sexual harassment: Know your responsibilities \(for employers\) webpage](#)



- [A guide for employers: Work-related gendered violence including sexual harassment](#)
- [Psychosocial hazard fact sheet: Work-related gendered violence including sexual harassment](#)

WorkSafe WA

WorkSafe WA is the WHS regulator in WA.

Jurisdiction

Western Australia

When to report a WHS issue

A person can report a WHS issue to WorkSafe WA after attempts have been made to resolve the matter internally within the workplace.

Cost to report

Free

Reporting a WHS issue

Employers have a primary duty of care to ensure, so far as is reasonably practicable, the health and safety of their workers while they are at work by eliminating risks to health and safety.

A worker who experiences workplace sexual harassment can report the matter as a WHS issue to WorkSafe WA. The definition of worker includes employees, contractors, subcontractors, labour hire employees, self-employed workers, trainees, volunteers and work experience students.

Dispute resolution procedure

The parties to a WHS issue should attempt to resolve the matter internally through a consultative process. Where consultation in the workplace has not resolved the problem, a party may report the matter to WorkSafe WA and request an inspector's intervention.

Once a complaint is made, WorkSafe WA will assess the information and classify the matter in line with its investigation criteria. Not all complaints will result in an investigation by an inspector. If an inspector needs more information to clarify the concerns, they may contact the reporting party to ask some questions and discuss the complaint.



If an investigation takes place and reveals non-compliance with WHS laws, WorkSafe WA may take enforcement action, including issuing improvement or prohibition notices, prosecution action, other sanctions or a combination of these.

When a WHS issue might not be investigated

To maintain a proportionate response, WorkSafe WA devotes most of its investigation resources to the most serious circumstances. WorkSafe WA cannot investigate all issues of non-compliance or incidents it is notified of.

In selecting which matters to investigate and in deciding the level of resources to be used, WorkSafe WA will consider the:

- severity and scale of potential or actual harm
- seriousness of any potential breach of the law
- duty holder's compliance history, including such matters as prior convictions and notices issued
- high risk and strategic enforcement priorities
- practicality of achieving results
- wider relevance of the event, including matters of significant community concern or emerging issues
- nature and quality of information provided
- knowledge of the effectiveness of any consultative mechanism used at the workplace.

WorkSafe WA adopts the Western Australian Director of Public Prosecution's principles that a proposed prosecution must disclose a prima facie case and should be in the public interest before it can proceed. That is, if the available evidence is believed by the court, is it capable of proving, beyond reasonable doubt, all the elements of the relevant offence.

The most common reason that WorkSafe WA does not proceed with a recommended prosecution is that there is no prima facie case. There may be evidence capable of proving some of the elements of the offence, but not all. This is not enough to proceed. Where the available material does not support a prima facie case, the prosecution will not proceed.

What if a party is unhappy with the outcome?

If a party (applicant) is unhappy with a decision of a WorkSafe WA inspector, they can request an internal review of that decision. After considering a request for a review, WorkSafe WA will communicate the outcome to the applicant. If the applicant does not



agree with WorkSafe WA's decision, they can seek an external review of the decision by the Work Health and Safety Tribunal (WHST).

An application to the Tribunal should be lodged with the Western Australian Industrial Relations Commission within the timeframes specified in the *Work Health and Safety Act 2020 (WA)* and the *Work Health and Safety (General) Regulations 2022 (WA)* for the type of decision being reviewed.

Each party pays their own costs before the WHST, including legal costs if a party decides to engage a lawyer or paid agent to represent them.

- Contact information
- Website: www.commerce.wa.gov.au/worksafe
- Email: wscallcentre@dmirs.wa.gov.au
- Phone: 1300 307 877
- Mail: Locked Bag 100, East Perth WA 6892
- Physical address: Mason Bird Building, 303 Sevenoaks Street, Cannington WA 6107

Resources

- [Mentally healthy workplace resources](#)
- [Mentally healthy workplaces codes of practice](#)



Quick reference guide

Agency	Description	Contact information
NATIONAL		
Australian Human Rights Commission	The Australian Human Rights Commission investigates and resolves complaints of discrimination and breaches of human rights, including complaints of sexual harassment under the <i>Sex Discrimination Act 1984</i> (Cth).	<ul style="list-style-type: none"> • Website: https://humanrights.gov.au/ • Email: infoservice@humanrights.gov.au • National Information Service: 1300 656 419
Comcare	<p>As the national work health and safety (WHS) and workers' compensation authority, Comcare's legislated functions include securing the health and safety of workers and workplaces. Comcare has a workers' compensation role in respect of workplace sexual harassment where that conduct has resulted in an injury or illness to the worker.</p> <p>Comcare administers the <i>Work Health and Safety Act 2011</i> (Cth) and <i>Work Health and Safety Regulations 2011</i> (Cth) and is the national regulator for WHS in the Commonwealth jurisdiction.</p>	<ul style="list-style-type: none"> • Website: www.comcare.gov.au/ • Email: general.enquiries@comcare.gov.au or whs.help@comcare.gov.au • Phone: 1300 366 979 • Mail: GPO Box 9905, Canberra ACT 2601 • Online enquiry form • Translation and interpreter service: 13 14 50 • Teletypewriter (TTY) users call 133 677 and ask for 1300 366 979 • Speak and Listen users call 1300 555 727 and ask for 1300 366 979



	<p>Comcare has regulatory functions and powers, including to enforce compliance with WHS laws. This includes in respect of workplace sexual harassment where the alleged conduct constitutes a WHS risk to workers.</p>	<ul style="list-style-type: none">• Internet relay users connect to the National Relay Service (NRS) and ask for 1300 366 979• Video relay users can choose the available NRS video relay contact on Skype and ask for 1300 366 979• SMS relay users call 0423 677 767 and ask for 1300 366 979
Fair Work Commission	<p>The Fair Work Commission (FWC) is Australia’s national workplace relations tribunal, established by the Fair Work Act. The FWC may be able to assist in workplace sexual harassment matters where sexual harassment is relevant to an application lodged in respect of:</p> <ul style="list-style-type: none">• an order to stop sexual harassment or an order to stop bullying and sexual harassment (stop sexual harassment order)• general protections• unlawful termination• unfair dismissal.	<ul style="list-style-type: none">• Website: www.fwc.gov.au/• Phone: 1300 799 675• Online enquiry form• Language help for non-English speakers
Fair Work Ombudsman	<p>The Fair Work Ombudsman can provide employees and employers with general information about protections from sexual harassment, prevention and managing sexual harassment in the workplace.</p>	<ul style="list-style-type: none">• Website: www.fairwork.gov.au/• Phone: 13 13 94



- Mail: Fair Work Ombudsman, GPO Box 9887, insert your capital city and state/territory

AUSTRALIAN CAPITAL TERRITORY (ACT)

ACT Human Rights Commission

The ACT Human Rights Commission can investigate and conciliate complaints about discrimination. This includes complaints of sexual harassment under Part 5 of the *Discrimination Act 1991 (ACT)*.

- Website: <https://hrc.act.gov.au/>
- Email: human.rights@act.gov.au
- Phone: (02) 6205 2222
- Enquiries: <https://hrc.act.gov.au/contact-us/>

WorkSafe ACT

WorkSafe ACT (WSACT) is the WHS and workers' compensation regulator in the ACT. WSACT's functions include monitoring and enforcing compliance with the *Work Health and Safety Act 2011 (ACT)*.

In the ACT, workers' compensation is not run by the ACT Government and is instead privately-owned and operated with insurers approved by WSACT offering workers' compensation coverage to employers in the ACT.

- Website: www.worksafe.act.gov.au
- Email: worksafe@worksafe.act.gov.au
- Mail: PO Box 158, Canberra ACT 2601
- Phone: 13 22 81
- [Translating and Interpreter Service \(TIS\)](#): 13 14 50
- If you are deaf or have a hearing or speech impairment, call 13 36 77 and ask for 13 22 81 or visit www.relayservice.gov.au to make an internet relay or captioned relay call
- Speak and Listen users phone 1300 555 727 and ask for 13 22 81



- Internet relay users connect to the [National Relay Service](#) and ask for 13 22 81

NEW SOUTH WALES (NSW)

Anti-Discrimination NSW	Anti-Discrimination NSW (ADNSW) handles complaints of discrimination covered by the <i>Anti-Discrimination Act 1977</i> (NSW), which includes complaints of sexual harassment. ADNSW assist parties to a complaint to find a way of resolving the matter according to the law.	<ul style="list-style-type: none">• Website: https://antidiscrimination.nsw.gov.au/• Email: complaintsadb@justice.nsw.gov.au• Phone: (02) 9268 5555 or 1800 670 812• Mail: Locked Bag 5000, Parramatta NSW 2124
icare NSW	icare is a NSW government agency which provides workers' compensation insurance to many public and private sector employers in NSW and their workers.	<ul style="list-style-type: none">• Website: www.icare.nsw.gov.au/• Email: piclaims@icare.nsw.gov.au• Phone: 13 77 22• Mail: GPO Box 4052, Sydney NSW 2001
Industrial Relations Commission of New South Wales	The Industrial Relations Commission of New South Wales is established under the <i>Industrial Relations Act 1996</i> (NSW) with conciliation and arbitral functions, including deciding claims of unfair dismissal.	<ul style="list-style-type: none">• Website: http://www.irc.nsw.gov.au• Phone: 02 8688 3516• Interpreter Service: 131 450• Mail: PO Box 927, Parramatta NSW 2124• Physical address: Level 10, 10-14 Smith Street, Parramatta NSW 2150



SafeWork NSW

SafeWork NSW is the WHS regulator in NSW. SafeWork NSW provides advice to workers, workplaces and the general community about workplace safety.

- Website: www.safework.nsw.gov.au/
- Phone: 13 10 50
- Mail: Locked Bag 2906, Lisarow NSW 2252
- Voice calls or TTY call 133 677 and ask for 13 10 50
- Speak and listen service call 1300 555 727 and ask for 13 10 50
- SMS relay service on 0423 677 767 and type 13 10 50
- Make an internet relay call and type 13 10 50
- [‘Speak Up’ anonymous reporting](#)

NORTHERN TERRITORY (NT)

Northern Territory Anti-Discrimination Commission

The Northern Territory Anti-Discrimination Commission (NTADC) aims to eliminate discrimination by raising awareness about individual’s rights and responsibilities under the *Anti-Discrimination Act 1992* (NT). The NTADC assesses, evaluates and conciliates complaints of discrimination, including in relation to workplace sexual harassment.

- Website: <https://adc.nt.gov.au/>
- Email: antidiscrimination@nt.gov.au
- Phone: 1800 813 846
- Mail: LMB 22, GPO Darwin NT 0801
- Physical address: Level 9, 22 Mitchell Street, Darwin NT 0800
- [Interpreter services](#)



NT WorkSafe

NT WorkSafe is a division under the Department of Attorney-General and Justice responsible for WHS regulation and workers' compensation in the NT.

Workers' compensation in the NT is a privately underwritten scheme in which approved insurers and self-insurers carry the financial risk and are responsible for managing the workers' compensation claims process.

- Website: <https://worksafe.nt.gov.au/>
- Email: datantworksafe@nt.gov.au
- Mail: GPO Box 1722
Darwin NT 0801
- Phone: 1800 019 115

QUEENSLAND

Queensland Human Rights Commission

The Queensland Human Rights Commission (QHRC) is an independent statutory body established under the *Anti-Discrimination Act 1991* (Qld). The QHRC handles complaints about discrimination, vilification, victimisation and sexual harassment under that Act.

- Website: <https://www.qhrc.qld.gov.au/>
- Email: enquiries@qhrc.qld.gov.au
- Phone: 1300 130 670
- For TTY users, phone 133 677 and ask for 1300 130 670
- For Speak & Listen users, phone 1300 555 727 and ask for 1300 130 670
- For Internet Relay users, connect to the [National Relay Service](#) and ask for 1300 130 670



Queensland Industrial Relations Commission	The Queensland Industrial Relations Commission (QIRC) is an independent tribunal established under the <i>Industrial Relations Act 2016</i> (Qld). The QIRC's functions include hearing work-related complaints of alleged unlawful discrimination, including workplace sexual harassment, referred by the Queensland Human Rights Commission, and deciding general protections and unfair dismissal claims.	<ul style="list-style-type: none">• Website: www.qirc.qld.gov.au/• Email: qirc.registry@qirc.qld.gov.au• Phone: 1300 592 987• Mail: GPO Box 373, Brisbane Qld 4001• Physical address: Level 21, Central Plaza 2, 66 Eagle St, Brisbane Qld 4001
WorkCover Queensland	WorkCover Queensland provides workers' compensation insurance to Queensland businesses and workers.	<ul style="list-style-type: none">• Website: www.worksafe.qld.gov.au/about/who-we-are/workcover-queensland• Phone: 1300 362 128• Mail: GPO Box 2459, Brisbane Qld 4001
Workplace Health and Safety Queensland	Workplace Health and Safety Queensland (WHSQ) is the WHS regulator in Queensland. WHSQ's functions include securing and monitoring compliance with WHS duties using enforcement options, investigating WHS incidents and complaints and providing information to stakeholders on managing work health and safety risks.	<ul style="list-style-type: none">• Website: www.worksafe.qld.gov.au/about/who-we-are/workplace-health-and-safety-queensland• Phone: 1300 362 128• Mail: GPO Box 69, Brisbane Qld 4001



SOUTH AUSTRALIA (SA)

Office of the Commissioner for Equal Opportunity, South Australia

The South Australian Office of the Commissioner for Equal Opportunity (OCEO) is responsible for preventing certain kinds of discrimination based on sex, race, disability, age or various other grounds. Under the *Equal Opportunity Act 1984 (SA)*, the OCEO can help people resolve discrimination, sexual harassment or victimisation complaints.

- Website: www.equalopportunity.sa.gov.au
- Email: OCEO@sa.gov.au
- Mail: GPO Box 464, Adelaide SA 5001
- Phone: (08) 7322 7070
- TTY: phone 133 677 and ask for AGD on 1800 177 076
- Speak and Listen: phone 1300 555 727 and ask for AGD on 1800 177 076
- Internet Relay: connect to the [National Relay Service](#) and ask for AGD on 1800 177 076
- [Online enquiries form](#)

ReturnToWork SA

ReturnToWork SA (RTWSA) is responsible for providing work injury insurance and regulating the South Australian Return to Work scheme. RTWSA provides insurance to protect SA businesses and their workers in the event of a work injury and to support recovery and return to work. Crown and self-insured employers are also a significant part of the Return to Work Scheme and they have direct responsibility and management of work injury claims in their workplaces.

- Website: <https://www.rtwsa.com/>
- Email: info@rtwsa.com
- Phone: 13 18 55
- Physical address: 400 King William Street, Adelaide SA 5000 Australia
- [General enquiry online form](#)



SafeWork SA	SafeWork SA is the WHS regulator in SA. SafeWork SA investigates workplace incidents and enforces WHS laws in SA.	<ul style="list-style-type: none">• Website: www.safework.sa.gov.au/• Email: help.safework@sa.gov.au• Phone: 1300 365 255• Mail: GPO Box 465, Adelaide, SA 5001• Online enquiry form
South Australian Employment Tribunal	The South Australian Employment Tribunal is a statutory independent tribunal that resolves workplace-related disputes and issues, including deciding claims of unfair dismissal.	<ul style="list-style-type: none">• Website: www.saet.sa.gov.au/• Email: saet@sa.gov.au• Phone: (08) 8207 0999• Mail: PO Box 3636, Rundle Mall SA 5000• Physical address: Level 6 Riverside Centre, North Terrace, Adelaide SA 5000

TASMANIA

Equal Opportunity Tasmania	Equal Opportunity Tasmania (EOT) aims to foster a society free of discrimination, prejudice, bias and prohibited conduct by administering the <i>Anti-Discrimination Act 1998</i> (Tas). EOT investigates complaints of discrimination, including in respect of workplace sexual harassment.	<ul style="list-style-type: none">• Website: equalopportunity.tas.gov.au• Email: office@equalopportunity.tas.gov.au• Phone: 1300 305 062• Text message: 0409 401 083• Post: GPO Box 197, Hobart TAS 7001
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		<ul style="list-style-type: none">• Physical address: Level 1, 54 Victoria Street, Hobart Tasmania 7000• Online enquiry form
Tasmanian Industrial Commission	<p>The Tasmanian Industrial Commission (TIC) is the industrial tribunal for Tasmania established under the <i>Industrial Relations Act 1984</i> (Tas). The TIC's role is predominately related to the Tasmanian State Service and is to conciliate and arbitrate to resolve industrial disputes, including claims of unfair dismissal.</p>	<ul style="list-style-type: none">• Website: https://www.tic.tas.gov.au/• Email: tic@justice.tas.gov.au• Phone: (03) 6165 6770• Mail: GPO Box 1108, Hobart TAS 7001• Physical address: Level 7, NAB House, 86 Collins Street, Hobart TAS 7000•
WorkSafe Tasmania	<p>WorkSafe Tasmania (WST) is the WHS regulator in Tasmania. WST provides information, education and advice, and monitors and enforces compliance with WHS laws.</p> <p>In Tasmania, workers' compensation is a privately underwritten scheme in which approved insurers and self-insurers are responsible for managing the workers' compensation claims process.</p>	<ul style="list-style-type: none">• Website: https://worksafe.tas.gov.au/ (WHS) or https://worksafe.tas.gov.au/topics/compensation (workers' compensation)• Email: wstinfo@justice.tas.gov.au• Mail: PO Box 56, Rosny Park Tas 7018• Phone: 1300 366 322 (inside Tasmania) or (03) 6166 4600 (outside Tasmania)• Speak and Listen users: Phone 1300 555 727 then ask for 1300 135 513• TTY users: Phone 133 677 and ask for 1300 135 513



The WorkCover Tasmania Board (the Board) provides advice to the relevant Minister on Tasmania's workers' compensation scheme and monitors the effectiveness of the Scheme (among other functions). WorkSafe Tasmania manages the workers' compensation scheme on behalf of the Board.

- Internet relay users: connect to the [National Relay Service](#) and ask for 1300 135 513
- [Online enquiry form](#)

VICTORIA

Victorian Equal Opportunity and Human Rights Commission

The Victorian Equal Opportunity and Human Rights Commission is an independent organisation which assists Victorians to resolve discrimination complaints, including in respect of workplace sexual harassment.

- Website: www.humanrights.vic.gov.au/
- Email: enquiries@veohrc.vic.gov.au
- Phone: 1300 292 153
- Physical address: Level 3, 204 Lygon Street, Carlton Vic 3053
- Speak and Listen users can phone the National Relay Service on 1300 555 727 and ask for 1300 292 153.

WorkSafe Victoria

WorkSafe Victoria (WSV) is the WHS regulator in Victoria and is responsible for workers' compensation and the rehabilitation of injured workers in Victoria under the *Accident Compensation Act 1985 (Vic)* and the *Workplace Injury Rehabilitation and Compensation Act 2013 (Vic)*. To

- Website: www.worksafe.vic.gov.au
- Mail or in person: 1 Malop Street, Geelong VIC 3220
- Phone: 1800 136 089
- [Translation and interpreting service form](#)
- National relay service: 1300 555 727



ensure safer workplaces, WSV conducts inspections, campaigns, education programs, targeted interventions, guidance, warnings, enforcement and prosecutions.

- [Online enquiry form](#)

WESTERN AUSTRALIA (WA)

Western Australian Equal Opportunity Commission

The Western Australian Equal Opportunity Commission (WAEOC) is responsible for the administration of the *Equal Opportunity Act 1984 (WA)*. The WAEOC investigates and conciliates complaints of discrimination, including in respect of workplace sexual harassment.

- Website: www.wa.gov.au/organisation/equal-opportunity-commission
- Translated versions of the website: www.wa.gov.au/organisation/equal-opportunity-commission
- Email: eoc@eoc.wa.gov.au
- Phone: 1800 198 149
- Physical address: Albert Facey House, 469 Wellington Street, Perth WA 6000

Western Australian Industrial Relations Commission

The Western Australian Industrial Relations Commission (WAIRC) is an independent tribunal established under the *Industrial Relations Act 1979 (WA)* that deals with industrial matters in the state of Western Australia.

The WAIRC aims to prevent and settle industrial or employment disputes, including in relation to workplace

- Website: www.wairc.wa.gov.au/
- Phone: (08) 9420 4444
- Mail: Locked Bag 1, Cloisters Square, Perth WA 6850
- [Online enquiry form](#) (scroll to the bottom of the webpage)



sexual harassment, by assisting the parties in dispute through a conciliation process to reach an agreement. If the dispute cannot be resolved by agreement, the WAIRC may arbitrate the matter by hearing and make a binding ruling.

WorkCover WA

WorkCover WA is the government agency responsible for regulating and administering the workers' compensation scheme in WA under the Workers' Compensation and Injury Management Act 1981 (WA).

- Website: www.workcover.wa.gov.au/
- Phone: 1300 794 744
- Mail or in person: 2 Bedbrook Place, Shenton Park WA 6008
- [Online enquiry](#)

WorkSafe WA

WorkSafe WA is the WHS regulator in WA.

- Website: www.commerce.wa.gov.au/worksafe
 - Phone: 1300 307 877
 - Email: wscallcentre@dmirs.wa.gov.au
 - Mail: Locked Bag 100, East Perth WA 6892
 - Physical address: Mason Bird Building, 303 Sevenoaks Street, Cannington WA 6107
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Further information

Website: respectatwork.gov.au