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## The complaint process

### for complaints about sex, race, disability and age discrimination

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The Australian Human Rights Commission is an independent body which investigates and resolves complaints about unlawful sex, race, disability and age discrimination.

- **Sex discrimination** includes sexual harassment and discrimination based on sex, gender identity, intersex status, pregnancy, marital or relationship status, breastfeeding, family responsibilities and sexual orientation.
- **Disability discrimination** includes discrimination based on physical, intellectual, sensory, learning and psychiatric disabilities; diseases or illnesses; medical conditions; work related injuries; past, present and future disabilities; and association with a person with a disability.
- **Race discrimination** includes racial hatred and discrimination based on colour, descent, national or ethnic origin and immigrant status.
- **Age discrimination** includes discrimination based on being too young or too old.

You can make a complaint no matter where you live in Australia and it doesn't cost anything to make a complaint. The steps in the complaint process are outlined below.

### Make an enquiry

- If you are unsure if you can make a complaint about something, you can contact the Commission's National Information Service by phone on **1300 656 419** or by email to [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)
- We can send you a complaint form to start the process.
- If we can't help you, we will try to refer you to someone who can.

### Make a complaint

- A complaint must be in writing. You can lodge a complaint online at [www.humanrights.gov.au/complaints/lodge-complaint](http://www.humanrights.gov.au/complaints/lodge-complaint). You can also fill in a complaint form and post or fax it to us.

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- For your complaint to be valid, it must be reasonably arguable that the events you want to complain about are unlawful discrimination and you must provide sufficient details about your allegations.
- You can make a complaint in your preferred language and we can help you write down your complaint if necessary.
- You do not need a lawyer to make a complaint.
- If we cannot deal with your complaint, we will explain why.

## **Investigation**

- We will contact you to talk about your complaint and we may ask you to provide more information.
- Generally, the Commission will contact the person or organisation you are complaining about, provide them with a copy of your complaint and ask for their comments and other relevant information. We will let you know what they have said in response to your complaint.
- The Commission may need to contact people who you have made adverse allegations about in your complaint and provide them with the parts of the complaint that relate to them.
- In some cases we may decide not to continue to deal with your complaint. If this happens, we will explain why.
- We may talk to you about trying to resolve the complaint by conciliation.

## **Conciliation**

- Conciliation means that we try to help you and the person or organisation you are complaining about try to find a way to resolve the matter.
- Conciliation can take place in a face-to-face meeting called a 'conciliation conference' or through a telephone conference. In some cases complaints can be resolved through an exchange of letters or by passing messages by phone or email through the conciliator.
- Complaints can be resolved in many different ways. For example by an apology, a change of policy or compensation.

## **Possible court action**

- The Commission does not have the power to decide if unlawful discrimination has happened.
- If your complaint is not resolved or is discontinued for some other reason, you can take the matter to court. The court can decide if unlawful discrimination has happened. You have 60 days from when the Commission finalises the complaint to make an application to the Federal Court of Australia or the Federal Circuit Court of Australia.

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- In certain circumstances, a complainant can only make an application to the court if the court has granted them leave to do so.
- The Commission cannot take the matter to court for you or help you present your case in court.
- You may need to talk with a lawyer or legal service if you want to go to court.