



# Making a complaint

The Australian Human Rights Commission is an independent body which investigates and resolves complaints about unlawful sex, race, disability and age discrimination, ILO III discrimination and breaches of human rights.

## What you can complain to us about

- **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 disability aids; assistance animals and association with a person with a disability.
- **Race discrimination** includes racial hatred and discrimination based on race, colour, descent, national or ethnic origin and immigrant status.
- **Age discrimination** includes discrimination based on being too young or too old.
- **ILO III discrimination** includes discrimination in employment based on religion, criminal record, trade union activity, political opinion and social origin.
- **Human rights** includes actions by or on behalf of the Commonwealth that are alleged to breach specific international human rights instruments, like the International Covenant on Civil and Political Rights, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities.

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 fill in a complaint form and post or fax it back to us or you can lodge a complaint online on our website [www.humanrights.gov.au](http://www.humanrights.gov.au).
- You can make a complaint in your preferred language and we can help you write down your complaint if this is 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 and provide them with a copy of your complaint. We may ask them to provide specific information and/or a response to your complaint. The information provided to the Commission in response to your complaint may contain personal, including sensitive, information about you.
- 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 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 emails and conversations with the conciliator.
- Complaints can be resolved in many different ways. For example, by an apology, a change of policy or compensation.

## Possible court action – sex, disability, race and age discrimination

- 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 may be able to take the matter to court. The court can decide if unlawful discrimination has happened.

- You have 60 days from when the Commission terminates the complaint to make an application to the Federal Circuit Court of Australia or the Federal Court of Australia.
- 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.

## **Decision/Report – ILO III discrimination and human rights**

- If the complaint is not resolved or discontinued for some other reason, the President of the Commission may decide if ILO III discrimination or a breach of human rights has occurred.
- If the President is satisfied that discrimination or a breach of human rights has occurred, the President may report the matter to the Federal Attorney-General. In the report, the President can recommend compensation for any loss or injury a person has experienced. The report may be tabled in Parliament.
- Examples of the President's decisions about discrimination and human rights are available on the Commission's website at <http://www.humanrights.gov.au/publications/reports-minister-under-ahrc-act>.

## **Where can I get more information?**

The Australian Human Rights Commission's contact details are:

### **Telephone**

National Information Service: 1300 656 419  
TTY: 1800 620 241  
NRS 133 677  
Fax: (02) 9284 9611

If you need an interpreter you can call **131 450** and ask to be connected to the Australian Human Rights Commission.

If you are deaf or have a hearing impairment you can contact us by TTY on 1800 620 241. If you are deaf or have a hearing or speech impairment you can also contact us through the National Relay Service (NRS) on 133 677. If you need an Auslan interpreter we can arrange this for you.

If you are blind or have a vision impairment we can provide information in alternative formats on request.

### **Post**

GPO Box 5218  
Sydney NSW 2001

### **Online**

Email: [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)

Website: [www.humanrights.gov.au](http://www.humanrights.gov.au)

You can make a complaint online by going to  
<http://www.humanrights.gov.au/complaints/lodging-your-complaint>.

### **General legal advice**

If you are thinking about making a complaint, you may want to get legal advice. There are community legal services that can provide free advice about discrimination and harassment.

You can contact a Legal Aid body (<https://www.nationallegalaid.org/for-individuals/>) or your closest community legal centre ([www.naclc.org.au/directory](http://www.naclc.org.au/directory)).

**Disclaimer: The information on this fact sheet is only intended as a guide. It is not a substitute for legal advice.**