

# The *complaint* process

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

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 pregnancy, marital status, breastfeeding and family responsibilities.
- **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 Complaint Information Service by phone on **1300 656 419** or by email to **complaintsinfo@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**)
- 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.
- 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.



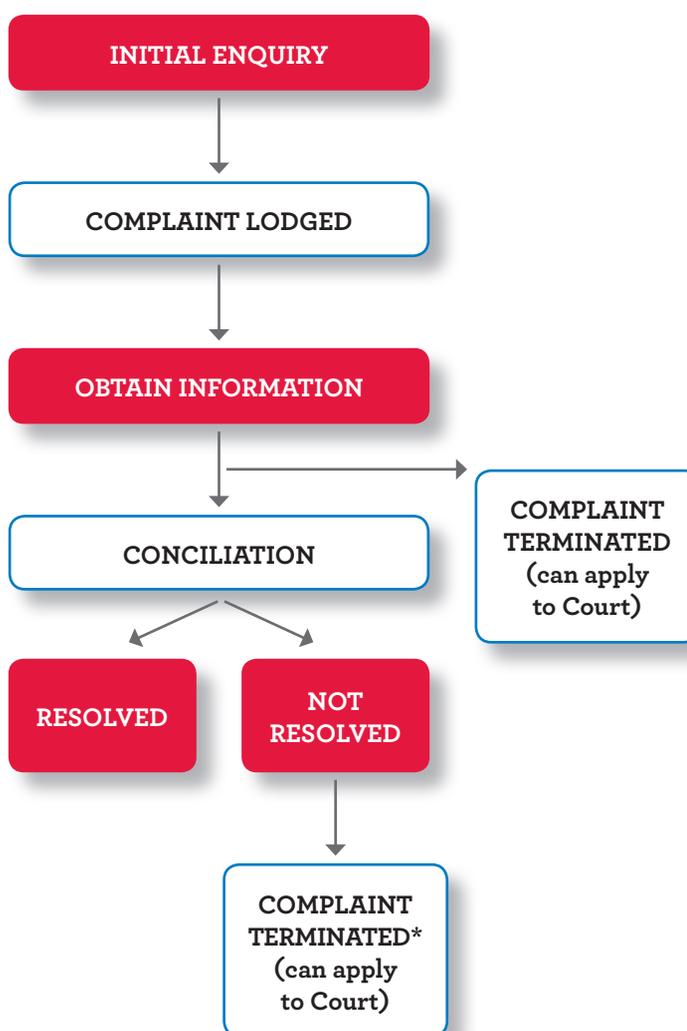
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Human Rights  
Commission**

*everyone, everywhere, everyday*

## 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 Magistrates Court 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.

## The complaint process



\*The Commission may ask for further information before terminating the complaint.



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### Complaint Information Service

**telephone** 1300 656 419 or (02) 9284 9888

**web** [www.humanrights.gov.au/complaints\\_information](http://www.humanrights.gov.au/complaints_information)

**email** [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)