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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 agency that 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.
  - **Race discrimination** includes racial hatred and discrimination based on colour, descent, national or ethnic origin and immigrant status.
  - **Disability discrimination** includes discrimination based on physical, intellectual, sensory, learning and psychiatric disabilities; diseases or illnesses; medical conditions; work-related injuries; and past, present and future disabilities. It also includes discrimination based on association with a person with a disability and use of a carer, assistant, assistance animal and/or disability aid.
  - **Age discrimination** includes discrimination based on being too young or too old.
- You can make a complaint no matter where you live in Australia.
- It doesn't cost anything to make a complaint and you don't need a lawyer to make a complaint.
- If you are not sure 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). If we can't help you, we will try to refer you to someone who can.

### Making a complaint

- We can only accept written complaints. You can make a complaint online at [www.humanrights.gov.au/complaints/lodge-complaint](http://www.humanrights.gov.au/complaints/lodge-complaint). If you prefer, you can print off a complaint form, fill it in and post it to us at GPO Box 5218, Sydney NSW 2001 or fax it to 02 9284 9611. We can also send you a complaint form and if necessary, we can help you to write down your complaint.
- Your complaint must be about something that could be unlawful discrimination.

- 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.
- Usually, we will contact the person or organisation you are complaining about (the respondent) and provide them with a copy of your complaint. We will ask for their comments and other information. We will let you know what they say about your complaint.
- Sometimes, we may also need to contact other people you have mentioned in your complaint and provide them with information about your complaint.
- In some cases, we may decide not to investigate or to stop investigating your complaint. If this happens, we will explain why.
- We may talk to you about trying to resolve the complaint by conciliation.

## **Conciliation**

- Conciliation is where we try to help you and the respondent, find a way to resolve the complaint.
- Conciliation usually takes place in a face-to-face meeting or in a meeting over the telephone. This is called a 'conciliation conference'. In some cases, complaints may be resolved through an exchange of letters 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**

- The Commission does not have the power to decide if what you are complaining about is unlawful discrimination.
- However, if your complaint is not resolved or is finalised for some other reason, you may be able to take the matter to the Federal Court of Australia or the Federal Circuit Court. The court can decide if what you are complaining about is unlawful discrimination.
- You have 60 days from when the Commission finalises the complaint to make an application to the court. In some cases, you will need to get the court's permission to take the matter to court.
- The Commission cannot take the matter to court for you or help you present your case in court. So you may need to talk with a lawyer or legal service if you want to go to court.

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