

Complaint process and timelines

What happens when a complaint is made?

The Anti-Discrimination Commissioner decides to **accept** or **reject** a complaint.

The Anti-Discrimination Commissioner has **42 days** to make this decision.

A complaint is **accepted** if it shows a possible breach of the *Anti-Discrimination Act 1998* (Tas). A complaint is **rejected** if it does not show a possible breach of the Act.

What happens when a complaint is accepted?

The Anti-Discrimination Commissioner writes to the **complainant** (the person who made the complaint) and the **respondents** (the people/organisations the complaint is about) to tell them the complaint has been accepted.

The Anti-Discrimination Commissioner has **10 days** to send this letter.

Response to the complaint

The respondents are asked to provide a **response** to the complaint. The response is a chance for the respondents to tell their side of the story.

Respondents have **21 days** to provide a response.

Conciliation conference

A conciliation conference is usually held around **6 weeks** after the complaint is accepted.

A **conciliation conference** is a private meeting between the complainant and the respondents with a conciliator from Equal Opportunity Tasmania. The complaint is discussed and the complainant and respondents see if they can reach an agreement to sort out the complaint.

If an agreement is reached to sort out the complaint, it ends the complaint. If it isn't, the complaint is **investigated**.

Investigation

The complainant can make comments about the response.

The complainant and respondents can provide more information.

The Anti-Discrimination Commissioner can ask for more information from people.

Decision at the end of the investigation

After investigation, the Anti-Discrimination Commissioner decides to:

- **Dismiss** the complaint; or
- Have another **conciliation conference**, or
- **Refer** the complaint to the Anti-Discrimination Tribunal for inquiry (hearing).

The Anti-Discrimination Commissioner has to make this decision no more than **6 months** after the complainant and respondents have been told that the complaint was accepted.

If the complaint isn't sorted out by another conciliation conference, it is automatically **referred** to the Anti-Discrimination Tribunal for inquiry.

Referral

The Anti-Discrimination Commissioner has to send a **referral report** to the Anti-Discrimination Tribunal. This report sets out the complaint, issues, investigation materials etc.

The Anti-Discrimination Commissioner has **48 days** to send a referral report to the Anti-Discrimination Tribunal, complainant and respondents.

Once the Anti-Discrimination Commissioner sends the referral report to the Anti-Discrimination Tribunal, Equal Opportunity Tasmania has nothing else to do with a complaint.

What happens when a complaint is rejected or dismissed?

If a complainant doesn't agree with the Anti-Discrimination Commissioner's decision to **reject** or **dismiss** a complaint, they can ask the Anti-Discrimination Tribunal to **review** the decision.

The complainant has **28 days** from when they received the reasons for decision to ask for a review.

Equal Opportunity Tasmania

Phone: 1300 305 062 (in Tasmania) or (03) 6165 7515

E-mail: office@equalopportunity.tas.gov.au

Office: Level 1, 54 Victoria St, Hobart TAS 7000

Post: GPO Box 197, Hobart TAS 7001

www.equalopportunity.tas.gov.au