

Information for complainants

What happens after you make a complaint?

When you make a complaint, the Anti-Discrimination Commissioner decides whether the complaint should be accepted or rejected for investigation. This decision is based only on the information in the complaint. The complaint is accepted if there is a 'possible' breach of the *Anti-Discrimination Act 1998* (Tas) and there are no grounds to reject it. The Commissioner does not make any findings against the respondents.

The Commissioner and Equal Opportunity Tasmania (EOT) staff are impartial and do not represent parties to a complaint. EOT staff can help you with the complaint process but can't give advice. An Investigation and Conciliation Officer from EOT will be assigned to the complaint. You can contact this person about the complaint.

If your complaint is accepted for investigation, you will get:

- A letter from the Commissioner.
- A copy of the complaint.
- A copy of the Assessment decision and reasons for decision (setting out why your complaint was accepted for investigation).
- Information brochures.

The Commissioner also sends these documents to the respondents. The Commissioner will ask the respondents for a response to the complaint, which will be sent to you. You may not agree with what has been said in the response. It is normal that you may feel upset or confronted.

Conciliation

A conciliation conference will usually be scheduled early on. This is because the sooner the parties can talk about the issues, the easier it can be to resolve them.

A conciliation conference is a private and confidential meeting for the parties to talk and listen to each other about the issues raised in a complaint and try and sort it out, with the help of a Conciliator from EOT. It is not a hearing. The Conciliator is not a judge and cannot make findings.

Benefits of conciliation include:

- It is a quick and easy way to sort the complaint out.
- The parties have control over the outcome.
- It is informal and parties do not interrogate each other or give evidence.
- The Conciliator will try and assist all parties to resolve the complaint.
- The Conciliator may talk with the parties about the strengths and weaknesses to help them make an informed decision.
- You can have a support person or advocate come with you.
- Many people choose not to have a lawyer.

It is useful if you can think about different ways the complaint may be able to be resolved.

If the parties are able to resolve the complaint through conciliation, a record is made of what the parties agreed to do. The complaint is then closed.

Process if complaint does not resolve by conciliation

If the parties cannot resolve the complaint by conciliation, the Commissioner will investigate the complaint.

The parties will have an opportunity to provide more information and may be asked to answer questions from the Investigation and Conciliation Officer.

When the investigation is completed the Commissioner will decide whether to:

- dismiss the complaint;
- have another conciliation; or
- refer the complaint to the Anti-Discrimination Tribunal for inquiry (hearing).

The Tribunal is completely separate from EOT. It is a more legalistic process. You and other witnesses may be called to give evidence. The hearing may be public and decisions of the Tribunal are usually published.

If you have any questions, or need assistance with the process, contact your Investigation and Conciliation Officer on 6165 7515 or 1300 305 062 or e-mail: complaints@equalopportunity.tas.gov.au.

Equal Opportunity Tasmania

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