



Your Rights & Obligations

Each party to a complaint has certain rights and obligations to ensure the complaint process is handled fairly and within reasonable timeframes.

Complainants and respondents should remember that the Office of the Anti-Discrimination Commissioner (OADC) is an impartial body required to investigate complaints of discrimination and prohibited conduct under the *Anti-Discrimination Act 1998* (“the Act”).



your rights & Obligations

Complainants – Responsibilities

As a complainant, the complaint is your chance to state your position and provide relevant details of why you think you have been discriminated against. It is your responsibility to put clearly, concisely and responsibly your statement about the discrimination you believe you have experienced. If the complaint is accepted for investigation you are given a chance to comment on what the respondent says about your complaint. The respondent is not notified of a complaint until after it is accepted for investigation.

It is a complainant’s responsibility to ensure that:

- Your complaint is made in writing and signed by you and any other person making the complaint with you.
- You identify the person/s, group of people, or organisation that you believe has discriminated against you.
- You provide as much detail as possible about the alleged discrimination.
- You lodge your complaint in person, by post, or by other means that the Commissioner allows.
- If you provide supporting documentation ensure you send copies and retain originals.
- You provide requested information within the specified timeframe (usually 14 days).
- You provide clear and accurate information, which is not false or misleading.

During the investigation, the Commissioner may require you to provide specific information or documents under section 97 of the Act. It is your responsibility to comply with any such request or provide a reasonable explanation as to why you cannot comply.

Complainants and Respondents Rights -

You are entitled to confidentiality from this Office — the Act says the Commissioner must have regard to the desirability of maintaining confidentiality of all persons involved in the investigation of complaints. Your identity will not be revealed to anyone apart from the complainant or respondent, representatives or advocates, or to witnesses where information from witnesses is sought.

You are entitled to procedural fairness, including a chance to respond to a complaint or reply to a response — this may involve a longer investigation than you might have anticipated. It is important to get all the facts before reaching a conclusion.

Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone **1300 305 062 (local call)**
(03) 6233 4841

Facsimile **(03) 6233 5333**

TTY **(03) 6233 3122**

Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998.

Respondents — Responsibilities

Under the Act, you, as a respondent, are not required to provide a 'response' to a complaint. However, to ensure procedural fairness and natural justice, the Commissioner always asks for a response. It is your chance to state your position, what you believe is important and what happened, responding to what is stated in the complaint and adding your own statement.

It is a respondent's responsibility to ensure that:

- You reply within the specified timeframe (usually 14 days).
- You request an extension of time in writing from the Commissioner if you have good reasons for not being able to meet a timeframe.
- If you are not directly named as a respondent to the complaint, but are the responsible person in a company, business, organisation, club, agency etc that has been named as a respondent to the complaint, you respond for the organisation.
- The information and other documentation you provide is clear and detailed.
- If you provide supporting documents ensure you send copies and retain originals.
- You provide accurate information, which is not false or misleading.

If you choose not to provide a response, the Commissioner may still require you to provide specific information or documents under section 97 of the Act. It is your responsibility to comply with any such request or provide a reasonable explanation as to why you cannot comply.

Keeping the Commissioner up-to-date

It is your responsibility as a complainant or respondent to ensure that the OADC can contact you during the complaint process:

- Keep your contact details up-to-date – let the OADC know if you change address, phone number or email.
- If you are going away – interstate, overseas, on holiday, etc – let the OADC know the dates you will be absent and provide contact details.
- If you are ill and cannot reply to OADC correspondence, please try to make contact or ask someone else to make contact so that we know why you are not replying.
- If we haven't heard from you for some time, a determination could be made without all the input you believe is important.

Complainants and Respondents Rights -

The OADC cannot give legal advice, but you are entitled to procedural advice regarding any complaint you are involved in as complainant or respondent. You may seek outside legal advice or assistance from your lawyer or community legal centre at any stage of the complaint process.

If you have difficulties writing, you may get someone to help you, or you may contact the OADC to get assistance in completing your complaint or response.

You are entitled to write a complaint or put in a response in a language other than English. The OADC will arrange translation.

Please advise the office during the complaint process if you require special assistance or the service of an Interpreter/Auslan.