



# Office of the **Anti-Discrimination Commissioner**

## Information for respondents

### Getting a complaint

If a complaint is made against you it is normal that you may feel upset or confronted. The complaint process may be unfamiliar, and you may not agree with what has been said in the complaint.

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

You will get:

- A letter from the Commissioner.
- A copy of the complaint.
- A copy of the Assessment decision and reasons for decision. This sets out why the Commissioner decided to accept the complaint 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) (the Act). The Commissioner does not make any findings against you.
- Information brochures.

The Commissioner will ask you for a response to the complaint. The response is your opportunity to have your say about what happened.

### 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 OADC. 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 Tasmanian Civil and Administrative Tribunal for inquiry (hearing).

The Tribunal is completely separate from OADC. 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.

## **Victimisation**

It is against the law to treat any person badly because they have been involved in a complaint under the Act. This is called victimisation.

If you have any questions, or need assistance with the process, contact your Investigation and Conciliation Officer via the details below:

**Office of the Anti-Discrimination Commissioner**

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

**E-mail:** [complaints@antidiscrimination.tas.gov.au](mailto:complaints@antidiscrimination.tas.gov.au)

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

**Post:** GPO Box 197, Hobart TAS 7001

[www.antidiscrimination.tas.gov.au](http://www.antidiscrimination.tas.gov.au)