

**FACT SHEET:**

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# Making a complaint

## Who can complain?

Anti-discrimination and human rights laws protect everyone in Queensland. You don't have to be a resident, a citizen, or have a particular visa status to make a complaint.

However, discrimination, sexual harassment, and human rights complaints can only be made by someone personally affected by a situation.

If someone cannot make a complaint themselves – such as a child or a person with disability – we may authorise someone, such as a parent or guardian, to make a complaint on their behalf. Contact our enquiry line on 1300 130 670 before making a complaint on behalf of someone else to check if it is possible for you to do so.

Complaints about vilification because of your race, religion, sexuality, or gender identity may be made by a 'relevant entity'. This could be a community group or support organisation for people from those communities.

## Complaints about discrimination

Not all treatment which seems unfair is against the law. The discrimination must have happened because of your:

- age
- sex
- race
- religion
- sexuality
- gender identity
- impairment
- family responsibilities
- breastfeeding
- parental status
- relationship status
- pregnancy
- political belief
- trade union activity
- lawful sexual activity
- sex characteristics (from 29 April 2024)
- association with someone with at least one of the grounds listed above.

If the discrimination is not because of one of these grounds, it is not covered by the Anti-Discrimination Act, and we can't accept a complaint about it.

If the discrimination is because of one of these grounds, it must have happened in one of the following areas of public life to be covered by the Act:

- work
- education
- goods and services
- superannuation and insurance
- accommodation
- disposition of land
- club membership and affairs
- administration of state laws and programs
- local government, between members

If your complaint is about one of these areas, proceed to the form to lodge your complaint.

If your complaint isn't related to your treatment in one of these areas, it is not something we are able to deal with.

## Complaints about sexual harassment

Under Queensland law, sexual harassment is unlawful anywhere it happens. You can make a complaint to us.

## Complaints about human rights

If you believe that your human rights have not been given proper consideration by a public entity, you must complain directly to the agency before you can make a complaint to us. You can find information about public entities on our website at <https://www.qhrc.qld.gov.au/your-rights/human-rights-law/what-is-a-public-entity>. Public entities include:

- state government departments and agencies
- public service employees
- Queensland Police Service and other emergency services
- State Government Ministers
- public schools
- public health services, including hospitals
- local governments, councillors, and council employees
- organisations providing services of a public nature

The following entities are NOT covered by the Human Rights Act:

- federal government departments and agencies
- private businesses (unless they are providing services on behalf of the state – for example, a public housing service)
- decisions by courts and judges.

Under Queensland law, specific human rights are protected.

The rights protected by law are:

- recognition and equality before the law
- right to life
- protection from torture and cruel, inhuman or degrading treatment
- freedom from forced work
- freedom of movement
- freedom of thought, conscience, religion and belief

- freedom of expression
- peaceful assembly and freedom of association
- taking part in public life
- property rights
- privacy and reputation
- protection of families and children
- cultural rights – generally
- cultural rights – Aboriginal peoples and Torres Strait Islander peoples
- liberty and security of person
- humane treatment when deprived of liberty
- fair hearing
- rights in criminal proceedings
- rights of children in the criminal process
- right not to be tried or punished more than once
- retrospective criminal laws
- right to education
- right to health services

If your complaint involves one or more of these rights, and is about a public entity, it may be covered by the Human Rights Act and we can deal with it – however, you must make a complaint to the public entity first. The agency has 45 business days to provide a response. You should make a genuine effort to resolve your complaint with the agency before you lodge a complaint with us.

## Complaints about vilification

For a matter to be considered vilification under Queensland law, it has to:

- have happened in public
- be capable of inciting hatred, contempt or severe ridicule
- of someone on the grounds of their race, religion, sexuality, gender identity, or, from 29 April 2024, their sex characteristics.

If you believe someone has vilified you, but on other grounds – for example, your age or your disability – you can't lodge a vilification complaint with us, but you may be able to make a discrimination complaint.

## Other types of complaints

We can deal with complaints about:

- reprisal for a public interest disclosure
- victimisation
- discriminatory advertising
- unnecessary questions
- requesting or encouraging a contravention

## How do I complain?

You must put your complaint in writing. This means sending a letter or email, filling out a complaint form online, or printing out and completing a complaint form and returning it to us.

If you need help to put your complaint in writing, we will try to connect you with a service that can help you. In some cases, we may be able to help you fill out the form.

If you have difficulty writing your complaint in English, your complaint can be in any language, as we use translators where needed.

## Do I need a lawyer?

We can help you with information about your rights and what the law says, but we can't give you advice about your complaint or advocate on your behalf.

You don't need a lawyer to make a complaint, or participate in a conciliation conference, but some people find it useful to get legal advice about their complaint.

Things you might consult a lawyer about are if your complaint fits under the law, or what outcomes you can expect.

A good place to start is to contact Legal Aid Queensland and ask to be booked into a Discrimination Advice Clinic.

Aboriginal and Torres Strait Islander people can also access a First Nations Advice Clinic through Legal Aid Queensland. Any of our team can book you into one of these clinics – our contact details are listed on our website at <https://www.qhrc.qld.gov.au/contactus>.

The following Community Legal Centres also provide assistance with making a discrimination complaint:

- Caxton Legal Centre: 07 3214 6333 or [www.caxton.org.au](http://www.caxton.org.au).
- Basic Rights Queensland: 07 3847 5532 or 1800 358 511 or [www.brq.org.au](http://www.brq.org.au).
- Queensland Advocacy Inc (for people who have mental illness, intellectual disability, or cognitive impairment): 07 3844 4200 or 1300 130 582 or [www.qai.org.au](http://www.qai.org.au).
- Cairns Community Legal Centre: 07 4031 7688 or 1800 062 608 or [www.cclc.org.au](http://www.cclc.org.au).
- Townsville Community Law: 07 4721 5511 or [www.townsvillecommunity.law](http://www.townsvillecommunity.law).

To find more community legal centres, see the Community Legal Centres Queensland website at [www.communitylegalqld.org.au](http://www.communitylegalqld.org.au) or call 07 3392 0092.

To find a private lawyer, you can call the Queensland Law Society on 1300 367 757 or visit [www.qls.com.au/findasolicitor](http://www.qls.com.au/findasolicitor).

## What should I include in my complaint?

For us to be able to assess your complaint and see if it is something we are able to deal with, you need to include enough information about what happened to you. Make sure you include details like who was responsible, where, when and when, and what happened.

When lodging a complaint, we ask that you do NOT provide:

- more than 20 pages including attachments
- zip files or drop boxes
- links to follow (we do not follow links)

You also need to give us your name and contact details. It is not possible to make a complaint anonymously.

Be aware that everything you send us as part of your complaint will be sent to the person or organisation you are complaining about, including the address you give for the delivery of mail. If you want to keep your home address private, you can use an email address, a PO Box, or the address of an organisation, lawyer, or other reliable person.

## Can I withdraw my complaint?

Yes. You can withdraw a complaint at any stage.

## What happens with my complaint?

**Assess:** We assess your complaint to decide if, on the basis of what you have said, there may have been a contravention of the Anti-Discrimination Act, the Human Rights Act, or the Public Interest Disclosure Act.

**Accept or reject:** If we accept your complaint, a complaint handler will contact you to explain what will happen next. We will send a copy of your complaint to the respondent (the person or people that your complaint is about) and they will have an opportunity to respond. If we don't accept your complaint, we will write to you explaining the reasons for our decision.

**Conciliate:** Most complaints are resolved through the conciliation process. You and the respondents will be directed to attend a conciliation conference in which you will be asked to talk about your complaint and the impact it has had on you. The respondents will be asked to listen to you without interrupting, and will have the opportunity to talk about the complaint in a respectful way. The process is managed by an impartial conciliator from the Commission who ensures the process is fair to everyone.

**Refer:** If your complaint isn't resolved through conciliation, you may ask for it to be referred to a tribunal to be decided. This may involve a hearing similar to a court.

## What is the Commission's role?

The Commission is impartial and will not take sides. Our role is not to decide who is right or wrong but to help people resolve complaints.

The Commission's role is to:

- work to ensure that everyone puts forward their point of view, is listened to, and feels safe
- assist everyone reach agreement about how to resolve the complaint
- ensure the process is fair

A conciliator from the Commission will manage your complaint and be available to provide information and explain the process, but will not advocate on your behalf.

Many complaints are resolved through the conciliation process. This involves bringing all the parties together (in person, by phone, or online) at a conciliation conference to discuss the issues and try to resolve them.

We are not a court or tribunal, and don't have the power to decide if discrimination, harassment, or limitations on human rights have happened.

Read more about conciliation conferences on our 'All about conciliation' fact sheet, available from our website at <https://www.qhrc.qld.gov.au/resources/fact-sheets>.

If you want someone to advocate for you in the complaints process, you should get legal advice or other support - see the 'Do I need a lawyer?' information further up on this fact sheet.

## Privacy information for people making a complaint

If you make a complaint and it is accepted, a copy of it will be given to the respondent (person or organisation you are complaining about). This includes the address for delivery of mail you provide us with. If you want to keep your home address private, you can use an email address, a PO Box, or the address of an organisation, lawyer, or other reliable person.

Otherwise, your personal information will generally be treated confidentially.

Read our privacy notice for more information about how we use and disclose your personal information, at [www.qhrc.qld.gov.au/privacy](http://www.qhrc.qld.gov.au/privacy).

If you have any concerns about your privacy, talk to the conciliator who is managing your complaint, or call our enquiry line on 1300 130 670.