



FACT SHEET:

Differences between complaints under the *Anti-Discrimination Act 1991 (ADA)* and the *Human Rights Act 2019 (HRA)*

Issues	Complaints under <i>Anti-Discrimination Act 1991 (ADA)</i>	Complaints under <i>Human Rights Act 2019 (HRA)</i>
Do I need to make a prior complaint?	No – Unless you're a prisoner or you're on a community corrections order and your complaint is about a prison.	Yes – Before we can deal with a complaint under the HRA, you must: first complain to the organisation you have the issue with; and wait 45 business days. If they don't respond in that time, or their response has been inadequate, then you can lodge a complaint with us.
Is there a time limit on making a complaint?	Yes – Complaints should be made within a year of the issue being complained about. This can be extended if there is a good reason to accept the complaint.	Yes – Complaints should be made within a year of the issue being complained about. This can be extended if there is a good reason to deal with the complaint. Complaints under the HRA can only be made about things which have happened since 1 January 2020.
Will the Qld Human Rights Commission (QHRC) try to resolve my complaint?	Yes – We will usually try to resolve your complaint through a private conciliation conference.	Yes – We may try to resolve your complaint through a private conciliation conference or by talking separately with each of the parties.

Is it possible for me to get compensation for what has been done to me?	<p>Yes –</p> <p>You may be able to get compensation by:</p> <p>reaching an agreement in conciliation which includes compensation; or</p> <p>referring an unresolved complaint to a tribunal, and, if the tribunal finds there has been a breach of the Act, seeking compensation.</p>	<p>It is unlikely that compensation will be agreed at a conciliation conference, as there is no avenue for compensation in a tribunal if your complaint is unresolved.</p> <p>However, there is nothing that prevents reaching an agreement in conciliation that includes payment of money.</p>
Can agreements reached through conciliation be enforced?	<p>Yes –</p> <p>Agreements are filed in the relevant tribunal, which is:</p> <ul style="list-style-type: none"> • for work related complaints - the Qld Industrial Relations Commission (QIRC); or • for all other complaints –the Qld Civil and Administrative Tribunal (QCAT). 	<p>Yes, but –</p> <p>Agreements may be enforceable through the courts, but this may be difficult and expensive.</p>
If my complaint is not resolved can I get a public hearing?	<p>Yes –</p> <p>You have the right to refer your complaint for a public hearing in the relevant tribunal, which is:</p> <ul style="list-style-type: none"> • for work related complaints – the QIRC; or • for all other complaints –the QCAT. 	<p>No –</p> <p>There is no right to refer a complaint for hearing under any circumstances.</p> <p>If there is no agreement to resolve the complaint, we will make a report for you and the other parties. In some cases we may publish the report. The report may include details of action the commissioner considers the other party should take to ensure its acts and decisions are compatible with human rights.</p>
Can the tribunal also consider breaches of the other Act when deciding my complaint?	<p>Yes –</p> <p>If the same events are a possible breach of both the ADA and the HRA, the tribunal can decide both issues, but cannot award compensation for breach of HRA.</p>	<p>No –</p> <p>There is no right to a hearing under any circumstances.</p>
Can I withdraw my complaint at any time?	<p>Yes –</p> <p>If a complaint is withdrawn you cannot make another complaint about the same events and the complaint ends.</p>	<p>Yes –</p> <p>If a complaint is withdrawn it ends.</p>