

**FACT SHEET:**

---

## Responding to a complaint

A complaint against you may have been accepted by the Commission under:

- the *Anti-Discrimination Act 1991* (for unlawful discrimination, sexual harassment, vilification, or another contravention of the Act);
- the *Public Interest Disclosure Act 2010* (regarding actual or attempted harm caused to a complainant because they made a public interest disclosure); and/or
- the *Human Rights Act 2019* (for breaches of human rights by a public entity such as the Queensland Government, a local government in Queensland, or an organisation doing work of a public nature for the government or another public entity in Queensland).

When a complaint is lodged with the Commission, it is assessed to see whether it is covered by any of the above legislation.

We usually decide whether or not to accept a complaint within 28 days of receiving it, unless more information is needed to decide. If a complaint about you is lodged but not accepted, you won't be notified.

Accepting a complaint does NOT mean that the Commission has decided that you have breached the law. Accepting a complaint means that the allegations are covered by the Anti-Discrimination Act, Public Interest Disclosure Act or Human Rights Act.

If a complaint is accepted it means that the allegations made against you may involve unlawful conduct.

If a complaint has been made against you and it is accepted by the Commission, you will be provided with a copy of the complaint and given an opportunity to respond and resolve the complaint.

Our role is not to decide who is right or wrong but to help the parties resolve the complaint.

### Who a complaint can be about

Complaints about discrimination, sexual harassment, vilification, victimisation, and reprisals for public interest disclosures can be made against the individual person responsible for their behaviour, as well as their employer if the behaviour was work-related. This is called vicarious liability.

Complaints about human rights can be made about acts or decisions made by public entities on or after 1 January 2020. Public entities include Queensland government departments, local councils, and organisations providing services to the public on the government's behalf. Public entities also include employees of public entities when engaged in work .

## Options for responding to a complaint

When a complaint has been accepted and we have notified the complainant and the respondent, both parties may be directed to attend a compulsory conciliation conference on a specific date. The conference will generally be held around four to six weeks after the notification that the complaint has been accepted.

The conciliator might also decide the complaint is suitable for early resolution. This is where the conciliator speaks with the parties separately to try to resolve it rather than organising a conference.

If a complaint has been made about you (that is, you are a respondent), you have the option of:

- requesting an earlier conciliation conference than the date set; and/or
- writing a response to the complaint.

### Written response

It is not compulsory for respondents to provide a written response to a complaint made against them. However, a written response can sometimes help resolve complaints by providing an explanation that satisfies the complainant. If this is the case, a conciliation conference may no longer be necessary for the complaint to be resolved.

If you decide to provide a written response:

- Give your side of the story, especially if there is a reasonable explanation for what happened.
- Keep in mind that the complainant and other respondents will be reading your response.
- Suggest how you want to resolve the complaint.
- Give your phone number and address for service where you can be easily reached. This address for service will be given to all the complainants and any other respondents. If you want to keep your home address private, use an email address, a PO Box, the address of an organisation, lawyer or other reliable person.
- Tell us if you would prefer contact by email and give your details.
- Sign and date your response.

A copy of the response should be sent to:

- the complainant, at their address for service provided by the Commission; and
- all other respondents listed on the Commission's letter; and
- the Commission, including confirmation that you also sent it to the complainant.

## Privacy information for respondents

If you provide us with a response or submission in relation to a complaint that is covered by any of the Acts, we must inform the person who made the complaint, and also any other people and organisations who are the subject of the complaint, as soon as possible after receiving it. This will usually include providing the parties with a copy of your response and other documents.

If a complaint dealt with under the *Anti-Discrimination Act 1991* is resolved by written agreement, the Commission must file the agreement with the appropriate tribunal.

If a complaint dealt with under the *Anti-Discrimination Act 1991* is unable to be resolved through conciliation and is referred to a tribunal for hearing, we will provide your response and other documents to them.

If a complaint dealt with under the *Human Rights Act 2019* is resolved through conciliation, both parties will be provided with a notice stating the outcome of the resolution and that the complaint is finalised.

If a complaint dealt with under the *Human Rights Act 2019* is unable to be resolved through conciliation, we will provide the parties with a report about the substance of the complaint and the actions taken to try to resolve it. The report may also include details of the action the Commissioner considers the public entity should take to ensure its actions and decisions are compatible with human rights.

We may publish a case study or other information based on the complaint, but it will not include personal information about an individual or information identifying a business that is not a public entity.