

How to write a Disability Discrimination Complaint

In Queensland, if you believe you have been discriminated against because of your disability, you can make a complaint through two of different organisations. Regardless of which one you choose to go to, how you present the information in your complaint is very important. If a complaint contains clear and complete information, it has more chance of being accepted for assessment and resolution.

This Fact Sheet explains how to write a complaint about discrimination to the Anti-Discrimination Commission Queensland (ADCQ) or the Australian Human Rights Commission (AHRC).

Why is the Written Complaint so Important?

It is important to write your complaint as carefully as possible as it is **all** the information that is used to investigate your issue and whether discrimination has taken place, and was unlawful.

When is discrimination unlawful?

Sometimes you may have been treated unfairly but it is not against the law. The three basic requirements to prove when discrimination is unlawful are;

- Attribute – The grounds you are being discriminated on, i.e. Disability
- Area – That it occurred in a “relevant area” under the law, e.g. Employment
- Loss – That you suffered loss, damage or detriment

The discrimination must have occurred within the last 12 months (for more information on what makes the discrimination unlawful please see

the Basic Rights Qld (BRQ) website and the Fact Sheet *What is Disability Discrimination and When is it Against the Law?*)

Should I use the Commissions' Complaint Forms?

Both the Anti-Discrimination Commission and Human Rights Commission provide a Complaint Form which you can fill out and submit. You do not have to use this form, however we recommend that you do. It can help make sure you include all the essential information. The complaint forms are available on their websites (see the For More Information section of this Fact Sheet).

Details to Include

When you write your complaint, you should make sure you think about and include all the following information. Both the ADCQ & AHRC are looking for a clear, logical and focused complaint. You should include the following:

- **Your Details** - Provide all the contact details you can, so that you can be reached as easily as possible.

If you are acting on behalf of someone, include the name and contact details of the person discriminated against, along with your own details.

- **Details of your impairment** – what disability is relevant to the discrimination you are complaining about?
- **What happened** – Detail the events. Explain who did what, where they did it and when. It is useful to be able to provide a timeline of events.

Ensure you give a very clear description of how you were treated less favourably than someone without a disability, as this is required to prove unlawful discrimination.

- **What you would like to happen** – What do you hope to achieve from your complaint? What will resolve it? Would you like a policy change, financial compensation, or an apology?

You are able to request additional remedies when you go to conciliation but it is important to have a list of preferred outcomes prepared in advance.

Important things to remember

- You need to understand what discrimination is and when it is unlawful. Sometimes things are unfair but are not viewed legally as discrimination. Being able to explain the discrimination increases the likelihood your complaint will be investigated
- You must include all the relevant information about your issue in the complaint (known legally as “Full Disclosure”) because extra information will not be considered during its assessment
- Be Specific. It is important that you only include information that supports your complaint of discrimination. Including any other incidents of unfair treatment that do not relate to the event/issue you are complaining about can make the current issue unclear to the people reading it. Including irrelevant material could obscure the merits of your complaint
- Your complaint will be given to the organisation or people you are complaining about, so that they can respond to your issues/allegations.

For More Information

BRQ Fact Sheets

What is Disability Discrimination and when is it Against the Law?

How to Complain using the Queensland Anti-Discrimination Act

How to Complain using the Commonwealth Disability Discrimination Act

Conciliation Conferences

Websites

The following websites contain useful information about disability discrimination law and complaints.

Basic Rights Queensland www.brq.org.au

Anti-Discrimination Commission Queensland
www.adcq.qld.gov.au

Australian Human Rights Commission
www.hereoc.gov.au

Please Note:

This Fact Sheet contains general information only. It does not constitute legal advice. If you need legal advice please contact Basic Rights Qld on **3421 2510** or if outside of Brisbane on **1800 358 511**.

Basic Rights Qld is a community legal centre, which provides specialist advocacy and legal services in Social Security and Disability Discrimination in employment law, administration and policy.

We are independent of Centrelink and all assistance is free.

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www.brq.org.au