**Complaint by Ms Prior against Queensland University of Technology & ors**

**Chronology**

**Key events**

May 2013: Facebook posts that Ms Prior complains about are published.

May 2014: One year later, Ms Prior makes a complaint to the Australian Human Rights Commission. The Commission suggests that it may be appropriate for Ms Prior to only pursue her complaint against QUT and not against the students.

June 2014: Ms Prior’s lawyers say that they are in negotiations with QUT about a possible resolution of the complaint against all respondents. They ask the Commission not to provide her application to the students or to list the matter for conciliation until those discussions have concluded. QUT agrees with this course.

May 2015: While the parties are negotiating in good faith, negotiations have slowed and the Commission decides to intervene and set the matter down for a conciliation conference.

June 2015: Ms Prior confirms for the first time that she intends to pursue her complaint against the individual students. The Commission requires the students to be notified. QUT says that it wants to be responsible for notifying the students. A conciliation conference is set in six weeks’ time.

July 2015: QUT tells the Commission that it is in the process of notifying the students. On 28 July 2015 QUT sends copies of Ms Prior’s complaint to each of the students by email and registered post.

3 August 2015: A conciliation conference is held. Two of the students attend. The matter cannot be resolved by conciliation.

25 August 2015: The Commission’s inquiry is terminated on the basis that there is no reasonable prospect of the matter being settled by conciliation.

October 2015: Ms Prior commences proceedings in the Federal Circuit Court.

March 2016: The Federal Circuit Court hears an application to strike out the proceedings against three remaining students. Judgment is reserved.

November 2016: The Federal Circuit Court dismisses the proceedings against the three students.

**Detailed chronology**

| **Date** | **Event** |
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| 28 May 2013 | Three non-indigenous men enter the computer lab in the Oodgeroo Unit at the Garden Point campus of the Queensland University of Technology.  Ms Cindy Prior, the administration officer of the unit, asks the men whether they are indigenous. The men say they are not. Ms Prior asks them to leave the unit.  Later that day, a number of messages are posted on a Facebook page called ‘QUT Stalker Space’ in relation to this incident. The messages include:   * ‘Just got kicked out of the unsigned Indigenous computer room. QUT stopping segregation with segregation…?’ * ‘That is more retarded than a Women’s Collective.’ * ‘Equality for Indigenous students, for example, would not be giving them a room away from everyone else. That implies two things: They need extra resources because they have special needs; and they can’t study around people who are not like them. It’s not exactly flattering.’ * ‘I wonder where the white supremacist computer lab is.’ * ‘… today’s your lucky day, join the white supremacist group and we’ll take care of your every need.’ * ‘ITT niggers’ * ‘By [that] logic it’s also fine to start a KKK Klub.’ * ‘… it’s white supremacist, get it right. We don’t like to be affiliated with those hill-billies.’ * ‘How did the aboriginal gentleman gain entry to university? … Through the window. Sorry I had to say it.’   Ms Prior emails her supervisor and expresses her concern about these posts. |
| 29 May 2013 | QUT contacts the students apparently responsible for the posts and asks them to take them down. QUT says that all but one agreed to do so and the other denied being the author of the comments posted under his name. This post was also subsequently removed, although QUT does not know who removed it. |
| 30 May 2013 | Ms Prior emails QUT and says that the Facebook posts described above and other posts since then have caused her stress, and that she has safety concerns about returning to work. |
| June 2013 | Ms Prior and QUT discuss the way in which her concerns had been handled by QUT. These matters are still the subject of proceedings in the Federal Circuit Court. |
| 23 December 2013 | Ms Prior makes a complaint to QUT through her lawyers Slater & Gordon, pursuant to QUT’s Grievance Resolution Procedures. |
| 27 May 2014 | A year after the Facebook posts, Ms Prior makes a complaint to the Commission through her lawyers Slater & Gordon.  The Commission may terminate complaints alleging unlawful discrimination if they are lodged more than 12 months after the conduct took place.  Ms Prior’s complaint is made against QUT, two staff members of QUT and seven students of QUT. Address details are provided for only five out of seven of the students. |
| 30 May 2014 | The Commission calls Slater & Gordon. Slater & Gordon confirm that they have already provided a copy of the complaint to QUT and the two staff members.  The Commission notes that Ms Prior has not provided it with address details for all of the students and suggests that it may be appropriate for Ms Prior to only pursue her complaint against QUT and not against the students.  The Commission then emails Slater & Gordon and asks whether Ms Prior wants to pursue her complaint against the students. |
| 2 June 2014 | Slater & Gordon writes to the AHRC and says that:   * they have provided a copy of Ms Prior’s application to QUT * they are presently in discussions with the lawyers for QUT in relation to a possible resolution of Ms Prior’s complaint * they therefore request that no action be taken by the Commission to serve the application on the students or to list the matter for conciliation until those discussions have concluded * QUT agrees with this course.   QUT has subsequently said that Ms Prior’s ‘focus the AHRC complaint [when it was made] and up until June 2015 appeared to be primarily with QUT, not the students’. |
| June 2014 –  March 2015 | Private negotiations take place between the lawyers for Ms Prior and Minter Ellison, the lawyers for QUT. They exchange a number of settlement proposals which, if accepted, would resolve the matter for all parties including QUT staff and the students.  On 30 January 2015, the lawyers for Ms Prior say that QUT had accepted a settlement proposal from Ms Prior, but subject to a deed proposed by QUT. That deed would have entirely resolved the complaint, including against the students. Ultimately the terms of this deed could not be agreed. |
| March 2015 | Ms Prior terminates her retainer with Slater & Gordon and engages Susan Moriarty & Associates. |
| 5 May 2015 | It appears to the Commission that the private negotiations are not progressing. The Commission calls the lawyers for each of Ms Prior and QUT to try to move the matter forward.  The Commission seeks confirmation from Ms Prior about whether she wants to pursue her complaint against the students.  QUT tells the Commission that if Ms Prior wants to pursue her complaint against the students, QUT would like to manage the process by which the students are notified of the complaint. |
| 23 June 2015 | The Commission calls QUT and says that it will set the matter down for a conciliation conference in August in Brisbane. QUT again says that if Ms Prior decides to pursue her complaint against the students then QUT would like to manage the process by which the students are notified of the complaint.  The Commission sends emails to the lawyers for Ms Prior and QUT seeking confirmation that they and their clients are available to attend a conciliation conference in Brisbane on 3 August 2015, in six weeks’ time.  The email to Ms Prior’s lawyers seeks confirmation about whether she still wishes to pursue her complaint against the individual students. |
| 24 June 2015 | Ms Prior confirms for the first time that she wishes to pursue her complaint against the students. She also confirms that she will attend the conciliation conference on 3 August 2015.  The Commission confirms with QUT that Ms Prior wants to pursue her complaint against the students. The Commission says that the parties are free to try to resolve the matter prior to the conciliation conference, but that if the conciliation conference is to proceed the Commission requires the students to be notified. |
| 7 July 2015 | QUT tells the Commission that it is in the process of notifying the students.  QUT confirms that it is available to attend the conciliation conference on 3 August 2015. |
| 21 July 2015 | Ms Prior sends a settlement proposal to QUT. |
| 21 July 2015 | QUT again tells the Commission that it is in the process of notifying the students of the conciliation conference, ‘but would like to confirm the date it will go ahead before we do so’. |
| 22 July 2015 | The Commission calls QUT and QUT confirms participation in the conciliation conference scheduled for 3 August 2015. |
| 28 July 2015 | QUT asks the Commission to postpone the conciliation conference. The Commission advises that it is not possible to postpone the conference and says that if the face to face conciliation conference is taken out of the Commission’s visit to Brisbane the next week then conciliation would have to take place by way of a phone conference or a shuttle conciliation instead.  QUT sends emails and letters by registered post to each of the students enclosing a copy of Ms Prior’s complaint, a cover letter from QUT and a guide from the Commission dealing with understanding and preparing for conciliation.  QUT tells the Commission that it will pass on information, as soon as it comes to hand, about whether each of the students will be attending the conference. |
| 29 July 2015 | QUT confirms that two of the students have responded to say that they will be attending the conference. QUT says that it is attempting to arrange a further discussion with each of them in advance. |
| 3 August 2015 | A conciliation conference takes place in Brisbane. Two of the students attend along with Ms Prior and her lawyer and representatives of QUT and their lawyers. The matter cannot be resolved at the conciliation conference. |
| 25 August 2015 | The Commission terminates Ms Prior’s complaint on the ground that it was satisfied that there was no reasonable prospect of the matter being settled by conciliation.  If Ms Prior wants to make an application to the Federal Circuit Court or the Federal Court she has 60 days to do so. |
| 20 October 2015 | Ms Prior makes an application to the Federal Circuit Court alleging unlawful discrimination. The Commission has no involvement in this decision or in the subsequent proceedings.  Ms Prior privately negotiates settlements with three of the students. The Commission is not involved in any of these negotiations.  Ms Prior does not serve the proceedings on one of the students. |
| 11 March 2016 | The Federal Circuit Court hears an application to strike out the proceedings against the remaining three students. Judgment is reserved. |
| 5 April 2016 | Ms Prior, QUT and the three remaining students are required to participate in court ordered mediation in front of a Registrar of the Federal Circuit Court. The proceedings are unable to be resolved in the course of this mediation. |
| 4 November 2016 | The Federal Circuit Court dismisses the proceedings against the remaining three students.  *Prior v Queensland University of Technology & Ors (No 2)* [2016] FCCA 2853  The proceedings against QUT and two QUT employees continue. |
| 29 November 2016 | Ms Prior files applications for an extension of time to appeal, and for leave to appeal against the decision to dismiss her claim against the three students. |
| 9 December 2016 | The Federal Circuit Court finds that the proceedings against the students were not ‘hopeless and bound to fail’ in refusing to order costs against Ms Prior’s lawyer.  *Prior v Queensland University of Technology & Ors (No 3)* [2016] FCCA 3399 at [15]-[19]. |
| 16 December 2016 | Justice Dowsett in the Federal Court hears the applications by Ms Prior for an extension of time to appeal, and for leave to appeal against the decision to dismiss her claim against the three students.  Judgment is reserved. |

The contents of this chronology have been prepared based on:

* documents made public during the course of Federal Circuit Court proceedings
* documents released by the Commission pursuant to freedom of information requests
* public statements made by parties involved in the complaint before the Commission and the Federal Circuit Court proceedings.