



---

# The complaint process

## for complaints about breaches of human rights by the Commonwealth

---

The Australian Human Rights Commission is an independent body which investigates and resolves complaints about discrimination and breaches of human rights.

The Commission can only deal with complaints about breaches of human rights where they are against the Commonwealth (or one of its agencies) and they allege a breach of specific international human rights instruments including:

- the International Covenant on Civil and Political Rights
- the Convention on the Rights of the Child
- the Convention on the Rights of Persons with Disabilities
- the Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief.

You can make a complaint no matter where you live in Australia and it doesn't cost anything to make a complaint. The steps in the complaint process are outlined below.

### Make an enquiry

- If you are unsure if you can make a complaint about something, you can contact the Commission's Complaint Information Service by phone on **1300 656 419** or by email to [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au)
- We can send you a complaint form to start the process.
- If we can't help you, we will try to refer you to someone who can.

### Make a complaint

- A complaint must be in writing. You can lodge a complaint online at [www.humanrights.gov.au/complaints/lodge-complaint](http://www.humanrights.gov.au/complaints/lodge-complaint). You can also fill in a complaint form and post or fax it to us.

- You can make a complaint in your preferred language and we can help you write down your complaint if necessary.
- You do not need a lawyer to make a complaint.
- If we cannot deal with your complaint, we will explain why.

## **Investigation**

- We will contact you to talk about your complaint and we may ask you to provide more information.
- Generally, the Commission will contact the person or organisation you are complaining about, provide them with a copy of your complaint and ask for their comments and other relevant information. We will let you know what they have said in response to your complaint.
- In some cases we may decide not to continue to deal with your complaint. If this happens, we will explain why.
- We may talk to you about trying to resolve the complaint by conciliation.

## **Conciliation**

- Conciliation means that we try to help you and the person or organisation you are complaining about try to find a way to resolve the matter.
- Conciliation can take place in a face-to-face meeting called a 'conciliation conference' or through a telephone conference. In some cases complaints can be resolved through an exchange of letters or by passing messages through the conciliator.
- Complaints can be resolved in many different ways. For example by an apology, a change of policy or compensation.

## **Decision**

- If the complaint is not resolved or discontinued for some other reason, the President of the Commission will decide if there has been a breach of human rights. This might involve the President holding a public hearing where each side presents their version of events and answers questions.
- If the President is satisfied that a breach of human rights has occurred, the President may report the matter to the federal Attorney-General. In the report, the President can recommend compensation for any loss or injury a person has experienced. The report may be tabled in Parliament.
- Examples of the President's decisions about breaches of human rights are available on the Commission's website at [www.humanrights.gov.au/legal/humanrightsreports/index.html](http://www.humanrights.gov.au/legal/humanrightsreports/index.html)