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## The complaint process

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

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- The Australian Human Rights Commission is an independent agency that investigates and resolves complaints about breaches of human rights.
- The Commission can only deal with complaints about breaches of human rights that are against the Commonwealth (or one of its agencies). Complaints must also be about something that could be a breach of particular international human rights instruments such as:
  - 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; and
  - the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.
- You can make a complaint no matter where you live in Australia.
- It doesn't cost anything to make a complaint and you don't need a lawyer to make a complaint.
- If you are not sure if you can make a complaint about something, you can contact the Commission's National Information Service by phone on **1300 656 419** or by email to [infoservice@humanrights.gov.au](mailto:infoservice@humanrights.gov.au). If we can't help you, we will try to refer you to someone who can.

### Making a complaint

- We can only accept written complaints. You can make a complaint online at [www.humanrights.gov.au/complaints/lodge-complaint](http://www.humanrights.gov.au/complaints/lodge-complaint). If you prefer, you can print off a complaint form, fill it in and post it to us at GPO Box 5218, Sydney NSW 2001 or fax it to 02 9284 9611. We can also send you a complaint form and if necessary, we can help you to write down your 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.
- Usually, we will contact the person or organisation you are complaining about (the respondent) and provide them with a copy of your complaint. We will ask for their comments and other information. We will let you know what they say about your complaint.
- In some cases, we may decide not to investigate or to stop investigating your complaint. If this happens, we will explain why.
- We may talk to you about trying to resolve the complaint by conciliation.

## Conciliation

- Conciliation is where we try to help you and the respondent, find a way to resolve the complaint.
- Conciliation usually takes place in a face-to-face meeting or in a meeting over the telephone. This is called a 'conciliation conference'. In some cases, complaints may be resolved through an exchange of letters and conversations with 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 discontinued, the President of the Commission will decide if there has been a breach of human rights.
- If the President is of the opinion that there has been a breach of human rights, the President may report the matter to the Federal Attorney-General. This report may include recommendations, for example, the President may recommend that the respondent change its policies or practices.
- 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)

**Disclaimer: The information on this fact sheet is only intended as a guide. It is not a substitute for legal advice.**