



## FACT SHEET #5

# COMPLAINTS PROCESSES: Addressing disability discrimination

### Overview

The Commonwealth's *Disability Discrimination Act 1992* (the DDA) makes it against the law to treat a person unfairly because of their disability. People who are relatives, friends and carers of people with a disability are also protected by the DDA.

It is also against the law for a person to contravene a Disability Standard (DDA Section 32). The Disability Standards for Education require that people with disability can access and participate in education on the same basis as people without disability. The Standards also require that education providers make reasonable adjustments to enable participation and that students with disability should not be victimised or harassed.

If you believe you have been unlawfully discriminated against because of a disability you may be able to make a complaint.

### Options

There are a number of ways to make a complaint in relation to school education.

#### 1. School or education authority

Education authorities in each state or territory and non-government schools have complaints policies. At an individual school level you can make a complaint to teachers or the principal. If possible it is best to try and resolve the issue early at the local level.

If the issue cannot be resolved at the school level you may decide to complain to the relevant education authority. You should either check their website or make a phone call to find out the best process. Attached are links to relevant information for each authority.

If you are not satisfied about actions, decisions or conduct of staff of state or territory government authorities such as government departments and statutory bodies, including schools, you can raise this with the Ombudsman in your state or territory.

#### 2. Anti-discrimination boards

Most states and territories have anti-discrimination and/or human rights and equal opportunity legislation. People who wish to lodge a complaint about disability discrimination can choose to complain under the relevant state or territory legislation.

Alternatively, complaints can be made under the Commonwealth's DDA to the Australian Human Rights Commission.

#### 3. Australian Human Rights Commission

Federal anti-discrimination law says that people can make complaints to the Commission about

disability discrimination. The Australian Human Rights Commission is an independent body that investigates and resolves complaints about unlawful discrimination.

The Commission has a range of information on making a complaint as follows:

- complaints under the DDA
- the complaint process
- overview of conciliation
- unlawful discrimination—understanding and preparing for conciliation.

More information is available on the [Complaints section of the Commission’s website](http://www.humanrights.gov.au/complaints-information) (<http://www.humanrights.gov.au/complaints-information>).

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 [complaintsinfo@humanrights.gov.au](mailto:complaintsinfo@humanrights.gov.au)

## Process

Each of the organisations identified in this fact sheet has its own process for making a complaint. For more information on the process in your state or territory, please visit the relevant website. Website addresses are provided in Table 1.

Some general tips for preparing for the complaints process include:

- decide which organisation to register a complaint with
- call or email the organisation to see if you are able to make a complaint and to check what you need to do
- write down the details of the complaint, including who was involved what happened and when. Indicate whether you have tried to raise the concern with either the person or the school involved or anyone else
- you may also seek assistance or advice from discrimination legal centres which operate in some states and territories.

<b>Victoria department website and contact phone number</b>	<b>Victoria education authority: link to information on complaints processes</b>	<b>Victorian anti-discrimination agency</b>
<a href="#">Department of Education and Early Childhood Development</a> Phone: +61 3 9637 2000	<a href="http://www.education.vic.gov.au/about/contact/Pages/complainschool.aspx">http://www.education.vic.gov.au/about/contact/Pages/complainschool.aspx</a>	Victorian Human Rights Commission <a href="http://www.humanrightscommission.vic.gov.au/">http://www.humanrightscommission.vic.gov.au/</a>

