

Making a complaint

I've made a complaint - what happens now?

First, we check to see whether it is covered by the *Equal Opportunity Act 1984* (SA). The Act prohibits certain types of unfair treatment, but not all unfair treatment. Only if your complaint is covered by the Act can the Equal Opportunity Commission help you. If it is not covered, we will let you know. If we cannot help, but we think another agency may be able to, we will give you their contact details.

Please note: If we accept or decline your complaint, we will send copies of your complaint, and other attachments forming part of your complaint, to those who you are complaining about.

We will not send your personal contact details to those who you are complaining about.

What happens if my complaint is covered by the Act?

In that case, we will write to the person you have complained about, sending your complaint and asking for their point of view. To keep things moving, we may also reserve a date for a possible conciliation meeting.

There are two sides to every story. Sometimes the other person's answer shows that the complaint is not covered by the Act or for other reasons should not be taken further. Any documents the other person gives us will be shown to you and you can tell us your point of view about them.

What's the next step?

If the other person's response does not convince us to close the case, we will usually go ahead with a conciliation meeting. At this meeting, we will try to help you and the other person work out an agreement to solve the complaint. There is a separate fact sheet about conciliation, explaining how to prepare and what to expect at the meeting. Make sure you read this carefully well before the meeting date.

If there are problems in bringing you and the other person together in a meeting, we can arrange to conduct conciliation in other ways.

If conciliation succeeds, we will ask both you and the other person to sign an agreement. This brings the complaint to an end.

What if conciliation fails?

If conciliation fails, you need to consider whether you want the case to go on to the South Australian Civil and Administrative Tribunal (SACAT) for a hearing and decision. Some people decide to withdraw their complaint at this stage, while others are keen to go on to a formal hearing.

If you do wish to go ahead, then we will consider whether your case is strong enough for the Commissioner to refer it to the South Australian Civil and Administrative Tribunal (SACAT) for hearing. If the Commissioner believes it is, she will send the case to the Tribunal and you can ask her to help with your legal representation there. It is up to the Commissioner whether and how much to help.

If the Commissioner does not think your case is strong enough, she will write to let you know that she does not intend to refer the case to the Tribunal. You still have a right to take the case there yourself. You need to write back within three months asking her to send the case to the Tribunal. It is then your responsibility to conduct the case.

More information about the Tribunal's process is available at: sacat.sa.gov.au/types-of-cases/equal-opportunity

Need more information?
Want to make a complaint?

**Contact the Equal Opportunity
Commission of South Australia**



Government of South Australia
Equal Opportunity Commission

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GPO BOX 464, Adelaide SA 5001

Phone: (08) 8207 1977

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