



# *Anti-Discrimination Board of NSW*

## **Discrimination complaint form**

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### **Can the Anti-Discrimination Board investigate your complaint?**

The NSW Anti-Discrimination Board can only investigate your complaint if it is covered by the NSW Anti-Discrimination law. This means if you've been treated unfairly or harassed because of your:

- sex (including pregnancy and breastfeeding);
- race (including ethno-religious background);
- age;
- marital or domestic status;
- actual or presumed homosexuality;
- actual or presumed disability;
- actual or presumed transgender status;
- actual or presumed carers' responsibilities (in employment only).

The Board can also handle complaints if you have been treated unfairly or harassed because of the sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability or transgender status of one of your relatives, friends or work colleagues.

The NSW anti-discrimination law only covers certain areas of public life. This means the unfair treatment or harassment must have occurred in one of the following areas:

- employment;
- state education;
- provision of goods and services;
- rental accommodation;
- registered clubs.

### **Sexual harassment**

The Board can also handle a complaint if you have been sexually harassed in any of these areas of public life, and in some other specific circumstances. Sexual harassment is sexually related behaviour that you do not want, and a reasonable person would expect you to be offended, humiliated or intimidated by it.

### **Vilification**

You can complain if you, or people like you, have been vilified in public because of your:

- race;
- ethno-religious background;
- homosexuality;
- transgender status;
- HIV status.

Vilification means something which happened publicly and is serious enough to incite hatred, severe contempt or ridicule of you, or people like you, because of one or more of the things listed above.

### **Victimisation**

You can complain if you have been treated unfairly because you have made a complaint about these types of discrimination, harassment or vilification. This also applies if someone thinks you might make a complaint, or you helped someone else with a complaint.

### **What can the Anti-Discrimination Board do?**

The Board **can**:

- investigate complaints about the things listed on this page;
- help you and the other side find a way to solve the problem.

The Board **can't**:

- take sides;
- decide whether discrimination happened or not;
- give you legal advice.

Our service is free and confidential, and you don't need a lawyer.

## Is there a time limit?

The Anti-Discrimination Act says that if the discrimination or harassment happened more than 12 months ago, the Board can refuse to investigate your complaint. However this is not automatic. If your complaint is about events which happened more than 12 months ago, please explain why there was a delay in lodging your complaint.

## How do I complain?

You have to make a complaint in writing. You can fill out this form, or you can write us a letter or an email giving all the information that we ask for in this form. The addresses to send your complaint to are on page 9.

You can make a complaint in any language, or in Braille. We will have the complaint translated free of charge. If you need help writing a complaint, you can ask a friend or relative or someone at your local community centre to write it for you. You can also telephone us if you still need help.

Some other people can make a complaint on your behalf, including a carer, a trade union or an organisation that represents people in your situation (for example an ethnic community group, a pensioners group or a disability association). Making a complaint on your behalf is different from helping you to write your own complaint. If someone else complains on your behalf, you must be named in the complaint and you must sign and date it.

You can also make a complaint on behalf of a person who can't make their own complaint (for example a child, a person with a disability or someone who is in prison). If this person can't sign the complaint, please contact our Enquiry Service for more information.

## What will the Anti-Discrimination Board do with my complaint?

We will contact you by phone or letter within two weeks of getting your complaint. We will also contact you to get any other information we need, explain

what we can and can't do, and discuss how we will handle your complaint. We will not talk to the person or organisation you are complaining about — known as the respondent(s) — until we have contacted you.

Please note that a copy of your complaint and any related documents will be provided to the respondent. This is so that they can reply to your complaint.

We must give the respondent your name, and we will send your contact details to the respondent unless you do not agree to this — see page 4. **Please also refer to the privacy statement on page 9.**

## More information

The Anti-Discrimination Board can give you more information about:

- whether your situation is covered by NSW anti-discrimination law;
- how to fill in this form;
- the complaint process.

To get this information you can:

- contact our **Enquiry Service** (see page 9);
- visit our **website** at <http://www.antidiscrimination.justice.nsw.gov.au/>
- ask for our more detailed **factsheets** on the types of discrimination, harassment and vilification listed on page 1, and on making a complaint.

**If you find it hard to speak in English, you can phone us through the Telephone Interpreter Service – the number is 131 450.**

**About you**

Title eg. Mr/Ms \_\_\_\_\_

First name \_\_\_\_\_

Last name \_\_\_\_\_

Are you complaining on behalf of someone else? \_\_\_\_\_

If yes, what is their name? \_\_\_\_\_

What is your relationship to that person? \_\_\_\_\_

**Your Name:** \_\_\_\_\_

**Your contact details**

Your address \_\_\_\_\_  
\_\_\_\_\_

Suburb \_\_\_\_\_ Postcode \_\_\_\_\_

Telephone      home \_\_\_\_\_

work \_\_\_\_\_

mobile \_\_\_\_\_

fax \_\_\_\_\_

TTY \_\_\_\_\_

Email address \_\_\_\_\_

**We will send your address, phone number and email contact details to the other party or parties unless you do not agree. If you do not want your contact details to be provided to the other party or parties, please tick this box. ☐**

**Your Name:** \_\_\_\_\_

**When did the discrimination or harassment happen?**

It began on \_\_\_\_\_

It finished on \_\_\_\_\_

Is it still going on? (please circle)      YES/NO

If the discrimination or harassment happened more than 12 months ago, the Anti-Discrimination Board may refuse to investigate your complaint. If your complaint is about matters which happened more than 12 months ago, please explain why there was a delay in lodging your complaint.

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**Who do you think has discriminated against you?**

Person's name \_\_\_\_\_

What is this person's relationship to you? \_\_\_\_\_  
(for example your boss, real estate agent, shopkeeper etc)

Their address \_\_\_\_\_

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Their phone number \_\_\_\_\_

The organisation they work for \_\_\_\_\_

The organisation's address \_\_\_\_\_

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The organisation's phone number \_\_\_\_\_

The head of the organisation (if you know) \_\_\_\_\_

This person's position \_\_\_\_\_

(for example Managing Director, Chief Executive Officer etc)

*Please note that if you want to complain about an individual person's behaviour, we will also need details about the organisation that employs that person.*

[illegible]

[illegible]

**\*The form must be signed**



**CHECKLIST**

**Please make sure you have:**

- **put your name on each page;**
- **given your contact details correctly;**
- **considered whether to tick the boxes on pages 4 and 9;**
- **answered all the relevant questions on the form;**
- **signed and dated the form on page 8;**
- **read and understood the privacy statement on this page.**

**Return this form to:**

The President, Anti-Discrimination Board of NSW  
at one of the following addresses:

**Parramatta**

Level 7, 10 Valentine Avenue, Parramatta NSW 2150  
PO Box W213, Parramatta Westfield NSW 2150  
Phone (02) 9268 5555 ■ Fax (02) 9268 5500

**Wollongong**

84 Crown Street, Wollongong NSW 2500  
PO Box 67, Wollongong NSW 2520  
Phone (02) 4267 6200 ■ Fax (02) 4267 6261

**Newcastle**

Suite 5, Level 5, 400 Hunter Street,  
Newcastle NSW 2300  
Phone (02) 4903 5300 ■ Fax (02) 4929 7952

**Email**

Email your completed form to:  
complaintsadb@justice.nsw.gov.au

**Enquiries**

Phone: (02) 9268 5544 or toll free 1800 670 812  
(if you are calling from outside Sydney)  
Email enquiries: adbcontact@justice.nsw.gov.au  
Telephone interpreter service: 13 14 50

**Website**

www.antidiscrimination.justice.nsw.gov.au

**Privacy statement**

Personal information provided to the Anti-Discrimination Board is protected under privacy legislation, including the *Privacy and Personal Information Protection Act 1998 (NSW)* and the *Health Records and Information Privacy Act 2002 (NSW)*.

The Board uses the personal information you provide in this form and in other communications with the Board to assist it to perform its statutory function of investigating complaints of unlawful discrimination. This means that a copy of the complaint and other relevant information will be provided to the respondent(s). By lodging your complaint with the ADB, you are consenting to the Board using all of the relevant information you have provided to fulfil its statutory functions of investigation and conciliation.

For details of the Board's collection and use of your personal information and your rights in regard to information held about you by the Board, please visit our website or phone us and ask for a copy of our Privacy Management Document.

The Board may be asked to help with academic research. We do not allow researchers to publish or disclose personal information which could identify a person, but we may sometimes allow them to look at documents that have identifiable personal information on them.

**If you do not want your documents to be used for academic research, please tick this box.** ☐