

**The Anti-Discrimination Commission (ADC) handles all complaints confidentially and fairly. It does not take sides. In most cases complaints are resolved through conciliation by helping the Parties to reach an agreement.**

## Introduction

These guidelines explain the complaint handling procedure for complaints of discrimination and other conduct prohibited under the NT *Anti-Discrimination Act* 1992 (the Act).

Once a complaint has been lodged with the ADC, the person who has complained is known as the Complainant and the individual, agency or organisation against whom the complaint is made is known as the Respondent. The person handling the complaint (the Delegate/Conciliator) has powers under the Act which have been delegated by the Commissioner.

The role of the ADC staff is to assist with the handling of the complaint; to be impartial; and, if possible, to resolve the complaint by conciliation i.e. by agreement between the parties.

All complaints are treated confidentially.

## Procedure

### 1. Complaint Accepted or Declined



Complaints must be in writing and must be lodged within 12 months of the alleged discriminatory conduct taking place, although, where appropriate, complaints can be accepted out of time.

Once the ADC has received a written complaint, the first step is to decide if the complaint is covered by the Act. The Delegate has 60 days in which to decide whether to accept or decline a complaint (usually this decision is made within 2 weeks). A complaint may be declined if it is frivolous, vexatious, trivial, lacking in substance, misconceived, or fails to disclose any prohibited conduct. This first stage is a low threshold test and initial acceptance of a complaint does not mean that the ADC has found that discrimination has occurred.

### 2. Respondent Notified



If the complaint is accepted, the Respondent will be notified in writing of the allegations which have been made; the relevant sections of the *Anti-Discrimination Act* 1992; and the name of the Delegate who has been appointed to conciliate and possibly evaluate the complaint.

### 3. Conciliation

Where a complaint is accepted the ADC can direct parties to attend a compulsory conciliation. An impartial conciliator will be appointed by the ADC to conduct this.

The role of the Conciliator is to be impartial, to provide expert advice and suggestions regarding possible resolutions of the complaint, and to assist the parties in reaching agreement to resolve the complaint.

Conciliation conferences can occur at any time in the complaint handling process by direction of the ADC or at the request of the parties.

### 3. Representation

A party is not entitled to legal representation or an advocate. Authority must be obtained from the ADC for representation during the complaint process and at any conciliation.

### 4. Evaluation

If a matter does not settle at an early compulsory conciliation, the complainant may elect within 21 days of the matter not settling to have their matter evaluated for a hearing before the Northern Territory Civil and Administrative Tribunal. At the evaluation stage the role of the Conciliator is that of impartial fact finder, investigating both sides of the complaint.



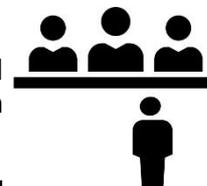
During an evaluation, the conciliator may ask for:

- More detailed information.
- Witness details or statements.
- Documentary support for the complaint.

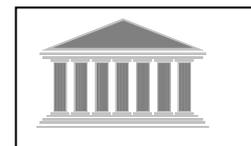
Investigations are carried out as informally and as quickly as possible. Many complaints are settled at this stage as a result of negotiations between the parties with the help of the conciliator.

### 5. Hearing

Following an evaluation a matter maybe referred to the Northern Territory Civil and Administrative Tribunal to determine whether or not there has been discrimination or other prohibited conduct.



Hearings are usually open to the public. If the Tribunal decides that unlawful discrimination has occurred orders can be made, including to cease prohibited conduct; to pay damages (up to maximum of \$60,000); to apologise; to undertake training; to amend policy and procedures.



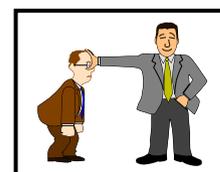
### 6. Appeals

All final decisions of the Northern Territory Civil and Administrative Tribunal can be appealed against to the Supreme Court.

### Victimisation

Victimisation (unfair treatment of a person for making a complaint or providing information in a complaint) is prohibited under the Act.

Victimisation can be the subject of a separate complaint, and, if proven, can attract compensation, even if the original complaint of discrimination fails.



#### FOR FURTHER INFORMATION CONTACT



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Anti-Discrimination Commission

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