

Discrimination complaints: choosing a forum

If you believe you have been discriminated against, you can pursue a complaint under the *Disability Discrimination Act 1992* (Cth) (DDA), *Anti-Discrimination Act 1991* (Qld) (ADA) or *Human Rights Act 2019* (Qld) (HRA). For more information on what discrimination is, see the **What is discrimination factsheet**.

This factsheet does not include information about the making a complaint under the HRA. For this information, see the **Human Rights Act 2019 (Qld) factsheet**.

First steps

Making a formal complaint is not always the best option, especially where you want to maintain a relationship (such as employer/employee situations). Sometimes talking or writing to the person or organisation is the quickest and easiest way to resolve your concerns. Be clear about what the person or organisation can do to solve the complaint.

Choosing a forum – Commonwealth or state?

If you are unable to resolve the complaint informally, or you don't want to, you can pursue a complaint under either Commonwealth or state legislation (but not both).

The Australian Human Rights Commission (AHRC) investigates complaints under the DDA and the Queensland Human Rights Commission (QHRC) investigates complaints under the ADA and HRA. There is no cost for making a complaint to either the AHRC or QHRC.

A complainant (someone who makes a complaint) should consider the following when determining which forum to make a complaint:

- The definition of 'disability' under the DDA compared to the definition of 'impairment' under the ADA.
- The areas of protected activity, noting there are further protected areas under the DDA.
- Whether the Disability Standards and Guidelines are applicable, which are enforceable only under the DDA.
- Whether the complaint is against a Commonwealth or state public sector, in which case the complaint may have to be made under the DDA or ADA, respectively.
- Time limits for making a complaint.
- Remedies available.

Further resources

- [Queensland Human Rights Commission](#)
- [Australian Human Rights Commission](#)
- [Fair Work Commission](#) (workplace discrimination)
- [Disability Standards](#)
- [Department of Education](#) (education discrimination)
- [Queensland Law Handbook](#) published by Caxton Legal Centre Inc.
- [Legalpedia Queensland](#) hosted by LawRight

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