



Our Ref: EOC 1317/2025
Enquiries: [REDACTED]

Confidential

Hanyu LIU
Email: [REDACTED]

Dear Ms Liu

Complaint of impairment discrimination

I have accepted your matter as a complaint under the *Equal Opportunity Act 1984* and have appointed, [REDACTED], to assist me to investigate the matter. The role of this officer is to impartially investigate the complaint. They do not act on your behalf, or on behalf of the party you have lodged the complaint against.

The officer will contact you in due course to discuss your complaint and may ask for additional information from you.

In the meantime, please read the enclosed guide that explains how complaints are handled by the Commission and the possible outcomes of your complaint. Please contact the officer if you have any questions about this process.

To help in the resolution of your complaint, please

- keep copies of all relevant documents,
- ensure you can locate any witnesses who are willing to support your case,
- let us know of any changes to your contact details in writing, by telephone on (08) 9216 3900 or, if you are in a regional area, please ring us on 1800 198 149.

I look forward to your assistance with the investigation of this matter.

Yours sincerely

for Commissioner for Equal Opportunity

29 October 2025

Complaint Process

Investigation

The Equal Opportunity Commission (Commission) investigates complaints of unlawful discrimination, harassment and victimisation, by obtaining information relevant to the allegations made by the complainant. The Commission may request information such as dates of specific incidents, documents, CCTV, audio and video recordings, medical information relevant to the complaint and witness statements. It is the responsibility of the party who has witnesses to obtain witness statements. The investigation is impartial and may continue throughout the complaint resolution process.

Under the *Equal Opportunity Act 1984* (the Act) the Commissioner for Equal Opportunity (Commissioner) has the power to compel complainants and respondents to provide information, produce documents and attend conferences.

The Commissioner may dismiss a complaint at any stage if satisfied the complaint is misconceived, frivolous or vexatious, lacks substance, or relates to an act that is not unlawful by reason of a provision of the Act.

Onus of proof

Under the Act, the complainant has to prove the discrimination, harassment or victimisation happened.

The Act provides for exceptions and where the respondent relies upon an exception under the Act, the respondent has to prove the exception applies to the circumstances in which it has been used.

Confidentiality

The Commissioner and Commission staff are required by the Act to protect the confidentiality of all complaints. This means that information about a complaint cannot be revealed to the media or any third party by the Commissioner or Commission staff. Parties to a complaint (including their representatives), or those required to provide evidence about the complaint, are encouraged to maintain confidentiality since this can assist resolution.

Victimisation

It is unlawful for anyone to threaten, harass or subject a person to a detriment because they have made a complaint or intend to make a complaint under the Act. This protection is also afforded to anyone giving evidence about a complaint, or to someone who complains about unlawful discrimination, harassment or victimisation even if they have not made a complaint to the Commission.

Conciliation

Where the Commissioner has not dismissed a complaint and is of the opinion the complaint may be resolved, a Conciliation Officer endeavours to resolve the complaint by conciliation. The Conciliation Officer is impartial and does not represent or advocate for either party.

How are complaints resolved?

Resolution may be achieved through an exchange of correspondence or by a conciliation conference which the parties attend.

Conferences may be conducted face-to-face, by a teleconference or by videoconference.

Conferences give parties the opportunity to discuss their views on the complaint to see if a mutual resolution can be achieved. In all conferences, the discussions are 'without prejudice' to enable the complainant and respondent to speak freely.

Who comes to the conference?

In most cases both the complainant and respondent attend in person. A friend or support person may also attend. In certain circumstances, either party can be represented by an agent or a solicitor or counsel (see section 92 of the Act attached). If representation is by an agent, only the agent attends. A solicitor or counsel must have leave of the Commissioner to participate.

Preparing for the conference

- Consider all the issues and think about the other party's perspective
- Have some options for how you think the complaint may be resolved
- Be prepared to negotiate
- Consider if you need to obtain legal, financial or other advice prior to the conference.

Possible outcomes from resolution

Some outcomes the complainant and respondent may agree to include:

- Providing an apology
- Making available something that was previously refused, such as accommodation, admission to a course or access to a venue
- Introducing or improving equal opportunity policies and practices
- Compensation for a specific loss e.g. income
- Compensation for emotional harm e.g. pain and suffering.

Where the complaint is not resolved

If the complaint is not resolved the Commissioner will review the complaint file and may request additional information from either or both parties; dismiss the complaint; or refer the matter to the State Administrative Tribunal (Tribunal). If the complaint is dismissed, the complainant may have the matter referred to the Tribunal.

If the matter is referred to the Tribunal, the Commissioner provides a report to the Tribunal. Information shared at the conciliation conference is not included in this report and evidence of anything said or done in the course of conciliation proceedings is not admissible in subsequent proceedings before the Tribunal.

Equal Opportunity Act

Resolving complaints by conciliation – S.91

- (1) Where the Commissioner is of the opinion that a complaint other than a complaint that the Commissioner has dismissed under section 89, may be resolved by conciliation, the Commissioner shall endeavour to resolve the complaint by conciliation.
- (2) The Commissioner may, by notice in writing, require the complainant and the respondent, or either of them, to appear before the Commissioner, either separately or together, for the purpose of endeavouring to resolve the complaint by conciliation.

Representation in conciliation proceedings – S.92

- (1) A complainant or respondent in conciliation proceedings before the Commissioner -
 - (a) is entitled to appear personally or, subject to section 91(2), by an agent other than a solicitor or counsel; or
 - (b) may, by leave of the Commissioner, be represented by a solicitor or counsel.
- (2) No person other than a solicitor or counsel is entitled to demand or receive any fee or reward for representing a party in conciliation proceedings before the Commissioner.

Failure to attend conciliation proceedings or conference – S.157

- (1) A person who has been given a notice under section 91 to appear before the Commissioner for the purpose of endeavouring to resolve a complaint by conciliation shall not, without reasonable excuse, fail to appear as required by the notice.

Penalty:

- (a) in the case of a natural person - \$1 000; or
- (b) in the case of a body corporate - \$5 000.

- (2) A person who has been given a direction under section 87 to attend a conference shall not, without reasonable excuse -

- (a) fail to attend as required by the direction; or
- (b) fail to attend and report from day to day unless excused, or released from further attendance, by the person presiding at the conference.

Penalty:

- (a) in the case of a natural person - \$1 000; or
- (b) in the case of a body corporate - \$5 000.

Referring complaints to Tribunal – S.93

- (1) Without prejudice to the Commissioner's powers under section 89, where the Commissioner -
 - (a) is of the opinion that a complaint cannot be resolved by conciliation; or
 - (b) has endeavoured to resolve a complaint by conciliation but has not been successful in such endeavours; or
 - (c) is of the opinion that the nature of a complaint is such that it should be referred to the Tribunal,

the Commissioner shall refer the complaint to the Tribunal together with a report relating to the investigation made by the Commissioner into the complaint.
- (2) When a complaint is referred to the Tribunal under subsection (1), the Commissioner -
 - (a) shall, if the complainant requests the Commissioner to do so, either personally or by counsel or representative assist the complainant in the presentation of the case of the complainant to the Tribunal; and
 - (b) may, if the complainant requests the Commissioner to do so and the Commissioner considers it appropriate in all the circumstances (including the financial circumstances of the complainant) to do so, make such contribution towards the cost of witness and other expenses as is necessary to enable the complainant to call or give, or to call and give, evidence before the Tribunal.
- (2a) The Commissioner may, in making a contribution under subsection (2)(b), make the contribution subject to such conditions as the Commissioner thinks fit.
- (2b) If a condition to which the making of a contribution is subjected under subsection (2a) requires the complainant to repay to the Commissioner in circumstances specified in that condition the whole or any part of the contribution made under subsection (2)(b) and those circumstances arise, the Commissioner may recover that whole or part from the complainant by action in a court of competent jurisdiction as a debt due to the Commissioner.
- (3) Evidence of anything said or done in the course of conciliation proceedings under section 91 shall not be admissible in subsequent proceedings before the Tribunal.

[Section 93 amended by No. 40 of 1988 s.18; No. 74 of 1992 s.27.]