

Our Ref: Ferrara - BNE5415593

Private and Confidential

10 January 2022

Reece Ferrara

Sent by email to: Reece.Storme@protonmail.com

Dear Reece Ferrara

COMPLAINT BY: REECE FERRARA

The Commission has received the complaint. A copy of your complaint is attached.

What we do first

When we receive a complaint we read through all the information provided to decide whether it is something that we are able to deal with. At this stage we are assessing your complaint and will decide whether we need any further information from you before we can decide if it comes within our jurisdiction.

We have experienced an increase in complaint numbers since the commencement of the Human Rights Act 2019 and associated with the Covid-19 pandemic. Accordingly, the time to notify you of an assessment decision for your complaint has been extended and it may take up to 6 months to contact you. On behalf of the Commission I apologise for this delay.

When a complaint takes longer to deal with

Delays also happen when we need to seek further information from you and/or the respondents to your complaint, or when we need to research the law about the issues you have raised. These actions take time, but we will try to complete them as quickly as possible. We will let you know if it will take more time to assess your complaint and how long it will take.

Human rights complaints

You may have a human rights complaint if you are alleging that a public entity has acted or made a decision that is incompatible with the human rights set out in the Human Rights Act 2019. Public entities include Queensland government departments and statutory bodies, local government, and organisations that perform public functions.

If you have a human rights complaint you must try to resolve it with the public entity before you can complain to the Commission. This means you must first complain to the public entity about the action or decision that you are complaining about. It is helpful to inform the public entity that you consider the action or decision is not compatible with your human rights.

If are making a human rights complaint to the Commission and you have not complained about your human rights to the public entity, please do that now. The public entity has 45 business days to try to resolve the complaint. If the complaint is not resolved in that time, you need to let us know and send us a copy of the complaint and any response you have received.

Working it out or changing your mind

If you are able to resolve the complaint, or decide not to continue with the Commission process, please let us know.

Getting Advice

If you have not had legal advice, now is a good time to seek some help as organising legal assistance does take some time. Legal advice is not essential when making a complaint, however it is often very useful. The law is quite complex and legal advice can help you make sure that you have chosen the best option for complaint.

Free legal advice is available from Legal Aid on Tel: 1300 65 11 88 or from one of the community legal centres listed on our website at www.qhrc.qld.gov.au/complaints/advice-and-assistance-with-complaints.

Alternatively, the Queensland Law Society can refer you to a private lawyer. You can contact them on Tel: 1300 367 757. It may be helpful to take this letter with you when you seek legal advice. It may be helpful to take this letter with you when you seek legal advice.

If you want further options for legal assistance, please ring our enquiry line on 1300 130 670.

Statistics

It would help us if we could gain a little more information about you. Please find attached a Statistics Form. Completing this form is voluntary and any information you provide on this form will only be used for research and to improve our services. This information will not form part of your complaint and will not be shared with other parties. If you choose to complete this form, please return it to our office.

Enclosed is our Privacy Notice which you should also read.

Important information

Attached to this letter is our Notice to Complainant which contains some important information about what the Queensland Human Rights Commission does, what our responsibilities are and what your responsibilities are. Please read this carefully.

We will read and assess the complaint you have made and will contact you again shortly.

If you have any questions, please contact us on 1300 130 670.

Yours sincerely



**Delegate for the Queensland Human Rights Commissioner
Brisbane Office**

Enclosures:

1. Copy of your Complaint
2. Statistics Form
3. Notice to Complainants
4. Privacy Notice

STATISTICS FORM

This form is voluntary. If you choose to complete this form, please return it to our office.

Please mark which applies:

Gender

- ☐ Male
- ☐ Female
- ☐ Other

Age group

- ☐ Under 15
- ☐ 15 - 19
- ☐ 20 - 24
- ☐ 25 - 34
- ☐ 35 - 44
- ☐ 45 - 54
- ☐ 55 - 64
- ☐ Over 65

Aboriginal and Torres Strait Islander Status

- ☐ Aboriginal
- ☐ Aboriginal and Torres Strait Islander
- ☐ Torres Strait Islander
- ☐ Neither

Country of Birth

How many years have you lived in Australia

For example 2 months, 5 years etc.

Primary language

This is your first language.

For example: Spanish, Creole, English etc.

Occupation

For example: welder, dancer, unemployed, student etc.

Your home postcode

Ferrara - BNE5415593

NOTICE TO COMPLAINANTS

What the Queensland Human Rights Commission does do

1. We do act independently and free from control by other government bodies.
2. We do act in a way that is fair to all parties.
3. We do refer you to an organisation that can advise and assist you, if you need it.
4. We do accept complaints we think come under the laws we administer.
5. We do generally try to resolve complaints that we have accepted.
6. We do generally give all parties all written information you provide about the complaint.
7. We do tell all parties about the law and how it may apply.
8. We do help all parties to resolve a complaint in a way which is consistent with the law.
9. We do decide who can participate in a conciliation conference.
10. If your complaint comes under the *Anti-Discrimination Act 1991* or *Public Interest Disclosure Act 2010*, we do usually give you the choice to refer your complaint for a public hearing, if it isn't resolved.

What the Queensland Human Rights Commission does not do

1. We do not accept complaints we don't think come under the laws we administer.
2. We do not have to try to conciliate every complaint we get or every complaint we accept.
3. We do not accept complaints made after 1 year unless there is a good reason.
4. We do not act for particular parties or organisations.
5. We do not give legal advice or provide lawyers but we can refer you for free legal advice.
6. We do not decide whether a party did breach the laws we administer.
7. We do not enforce conciliation agreements but will tell you if and how you can.

The responsibilities of the Queensland Human Rights Commission

WE are responsible for:

- MANAGING your complaint professionally, efficiently and fairly
- DECIDING whether to accept or lapse your complaint
- GIVING you reasons for our decisions
- INFORMING you about what is happening
- EXPLAINING the law and how it applies to your complaint
- TELLING you what options, if any, you have to progress your complaint
- TREATING you with respect

Your responsibilities when you make a complaint

YOU are responsible for:

- PROVIDING us with clear written information about your complaint
- GIVING us all relevant information at the beginning
- INFORMING us if new things happen after making your complaint
- TELLING us if you no longer want to continue with your complaint
- KEEPING us informed of your current contact details
- COOPERATING with us and responding to our requests
- TREATING us and the other parties to the complaint with respect

PRIVACY NOTICE

To Complainants

The Queensland Human Rights Commission (the Commission) collects your personal information for the purposes of determining whether your complaint comes under the *Anti-Discrimination Act 1991*, *Public Interest Disclosure Act 2010*, or *Human Rights Act 2019* (the Act), and if so, to try to resolve your complaint.

If your complaint is covered by one of the Acts, the Commission must inform the people and organisations the subject of your complaint as soon as possible after receiving it. This will usually include providing all parties with a copy of your complaint, your address for service and other documents you provide to the Commission.

For complaints being dealt with under the *Anti-Discrimination Act 1991*

If the complaint is resolved by written agreement, the Commission must file the agreement with the Queensland Industrial Relations Commission (QIRC) if your complaint is work related, or with the Queensland Civil and Administrative Tribunal (QCAT) for all other complaints. If the complaint is referred to QIRC or QCAT, the Commission will provide them with your complaint and other documents.

The Commission will generally give the respondents all written information you provide about the complaint.

For complaints being dealt with under the *Human Rights Act 2019*

With your consent, the Commission may refer your complaint to another more appropriate agency to deal with. If this happens, the Commission will usually send a copy of your complaint and all other documents you have provided, to the other agency.

If the complaint is resolved by written agreement, the Commission will provide all parties with a copy of the agreement. If the complaint is resolved but no written agreement is signed, the Commission will provide all parties with a notice setting out the outcome of the complaint.

If the complaint is not resolved, the Commission will provide all parties with a report on the complaint and the actions taken to try to resolve it.

The Commission may publish a case note or report based on your complaint, but it will not include your name or any identifying information.

Statistics

Statistics about you may be used for research, to improve service delivery and to recommend changes to laws, policies and procedures. In using this information, your name and other identifying details will remain confidential.