

MY RIGHTS : ANTI-DISCRIMINATION AND HEALTH COMPLAINTS LAWS FOR PEOPLE WITH HEPATITIS C

This resource was researched and written by Julia Cabassi, consultant to the Australian Hepatitis Council, and funded by the Commonwealth Department of Health and Ageing. The resource provides information only, and should not be relied on as legal advice.

If you would like more copies of this resource, or need more information about hepatitis C, contact your State or Territory Hepatitis Council.

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INTRODUCTION

Everyone has the right to be treated fairly and with respect. If you feel that you have been discriminated against or a health care provider has treated you unfairly, you can do something about it. This resource provides information on the complaint systems that anti-discrimination and health care complaint laws provide and will help you work out what to do, how to do it and where to get help.

This resource provides information about:

- anti-discrimination laws (chapter 1)
- health care complaint laws (chapter 2)
- how you can resolve your problem (chapter 3)
- how to make a anti-discrimination or health complaint (chapter 3)
- what happens once you do so (chapter 3).

You can contact the anti-discrimination/equal opportunity commission in your State and Territory for information about your rights under anti-discrimination/equal opportunity laws. The health care complaints commission in your State or Territory can help with information about your rights under health care complaint laws. They will talk through your problem with you and give you some ideas about how to handle the

problem yourself. Their contacts are listed in the contacts section.

This resource is a guide. It is not a substitute for legal advice. There are many differences between the State, Territory and Federal anti-discrimination laws and between State and Territory health care complaint laws. Working out which is the best agency to deal with your complaint depends on what happened in your particular circumstances.

So, if you decide you want to make a complaint, it's important to also get legal advice. Legal Aid Commissions and Disability Discrimination Legal Centres in each State and Territory can provide free legal advice. Their contacts are listed in the contacts section.

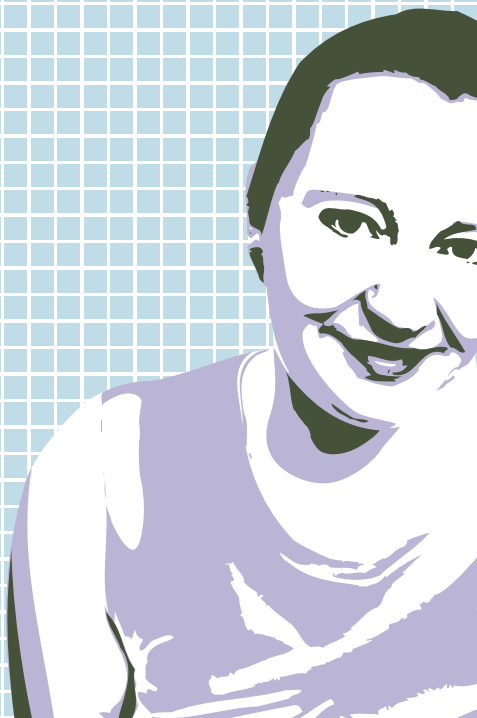
Knowing who to tell that you have hepatitis C can be difficult. Once people know that you have hepatitis C, they may discriminate against you or treat you unfairly. So, when you disclose that you have hepatitis C or if someone breaches your confidentiality by telling other people without your consent, this can lead to discrimination. This resource focuses on what you can do when you are discriminated against or treated unfairly.

If you need more information about disclosure, confidentiality and your right to privacy, contact your State or Territory Hepatitis Council for a copy of *My Choice to Tell* (see Contacts).

The examples in this resource are fictional, but they are based on the experiences of discrimination and unfair treatment many people reported to the NSW Anti-Discrimination Board's Enquiry into hepatitis C related discrimination in 2001.¹

1. Anti Discrimination Board of NSW, C-change: Report of the Enquiry into Hepatitis C Related Discrimination, November 2001.

ONE



CHAPTER ONE : YOUR RIGHTS UNDER ANTI-DISCRIMINATION LAW

WHAT IS DISCRIMINATION?

Generally, discrimination is when someone is treated unfairly because of a particular characteristic they have, such as having hepatitis C. Under Australian anti-discrimination laws hepatitis C is considered to be a 'disability' or 'impairment'.

Sometimes discrimination is obvious and sometimes it's harder to notice. You may feel you were not treated fairly or that a situation did not feel right. The first step in deciding whether to make a discrimination complaint is working out when unfair treatment will be considered unlawful discrimination.

If you feel a health care provider or service has treated you unfairly, even if it is not discrimination, you may be able to make a complaint under health care complaint laws (See Chapter 2).

In this chapter we look at:

- what 'discrimination' means under anti-discrimination law
- when hepatitis C discrimination is against the law
- what you can complain about under anti-discrimination laws
- when people are allowed to discriminate.

Anti-discrimination laws cover both direct and indirect discrimination.

Usually when people with hepatitis C are discriminated against, it is direct discrimination.

Direct discrimination occurs when a person with hepatitis C is treated less favourably than a person who does not have hepatitis C.

Example

Barbara attended a country hospital emergency department with a sprained ankle. When she told the treating doctor that she had hepatitis C, he refused to treat her.

ANTI-DISCRIMINATION LAWS IN AUSTRALIA

It is against the law to discriminate against a person because they have hepatitis C in many different areas of life such as:

- in employment
- in the provision of goods and services
- in education
- in the provision of accommodation.

All State and Territory anti-discrimination or equal opportunity laws make it against the law to discriminate against a person

because of their disability or impairment. It is also against the law to discriminate against a person because they are thought to have a disability or impairment but they don't. Hepatitis C is covered by the definition of disability or impairment under these laws.

Some State and Territory laws that deal with discrimination are called equal opportunity laws, rather than anti-discrimination laws. But they are basically the same kind of laws. In this resource, 'anti-discrimination laws' refers to both anti-discrimination and equal opportunity laws. There are anti-discrimination or equal opportunity commissions in each State and Territory. In this resource when we refer to anti-discrimination commissions, we are referring to both anti-discrimination and equal opportunity commissions.

Federal legislation also makes it unlawful to discriminate on the basis of a person's disability anywhere in Australia. It is called the Disability Discrimination Act or the DDA. The Human Rights and Equal Opportunity Commission (HREOC) handles complaints of disability discrimination made under the Disability Discrimination Act. The office of the HREOC is in Sydney, but the commission handles complaints from all over Australia.

Anti-discrimination laws around Australia

Federal

Disability Discrimination Act 1992

States & Territories

Anti Discrimination Act 1991 (NSW)

Discrimination Act 1991 (ACT)

Equal Opportunity Act 1995 (Vic)

Anti Discrimination Act 1998 (Tas)

Equal Opportunity Act 1984 (SA)

Equal Opportunity Act 1984 (WA)

Anti Discrimination Act 1991 (QLD)

Anti Discrimination Act (NT)

HEPATITIS C DISCRIMINATION

Hepatitis C is considered a disability or impairment in all State, Territory and Federal anti-discrimination laws.

In South Australia, the definition of 'impairment' in the *Equal Opportunity Act 1984* does not cover people discriminated against because of hepatitis C if they do not have any symptoms. So, if you were discriminated against in South Australia because you have hepatitis C, but you do not have any symptoms or illnesses because of hepatitis C, you would need to make a complaint to the Human Rights and Equal Opportunity Commission under the Federal *Disability Discrimination Act*.

DRUG USE DISCRIMINATION

Most people with hepatitis C in Australia were infected through unsafe injecting drug use, and people with hepatitis C are often discriminated against because of the link between hepatitis C and injecting drug use. This can happen whether or not you have ever injected drugs.

It is unclear whether drug 'dependence' or assumed 'dependence' is considered a disability and whether anti-discrimination laws cover it. If you are discriminated against because of your past, assumed or actual drug use, this *may* be disability discrimination. However, there could be better options, like making a complaint under health care complaints laws. It's important that you get legal advice about the best option for you.

WHAT YOU CAN COMPLAIN ABOUT UNDER ANTI-DISCRIMINATION LAWS

It's against the law to discriminate against a person with hepatitis C or thought to have hepatitis C in many different contexts such as in employment, in the provision of goods and services, in education, in

the provision of accommodation, and by clubs.

Anti-discrimination laws only cover discrimination that occurs in public life. The law doesn't cover things said or done in private, like offensive remarks by a family member.

It is important to get advice about whether your State or Territory anti-discrimination laws cover your situation or whether it would be better to make a complaint under the Federal *Disability Discrimination Act*. There are differences between State, Territory and Federal laws – eg. trainees and volunteers are protected under some State and Territory anti-discrimination laws but not under others.

EMPLOYMENT

Anti-discrimination laws cover all kinds of employment relationships. You can complain if you are discriminated against when you apply for a job, or are a current employee, a contract worker or in a partnership.

Some examples of discrimination at work are:

- refusing to employ a person with hepatitis C, even if they can do the job
- offering employment with less favourable conditions than the employer would offer to a person without hepatitis C

- denying a person with hepatitis C a promotion or access to training, because they have hepatitis C
- letting work colleagues harass a person with hepatitis C, such as excluding a person from a team meeting or calling the person offensive names
- dismissing a person because they have hepatitis C.

There are some exceptions, and some times when it may not be against the law to discriminate against you in employment. So, it's important to seek legal advice (See Exceptions - when is it lawful to discriminate?).

Example: Denied promotion

Ashley works as a graphic designer. Her boss, Margo, often gave Ashley good feedback about her work and encouraged Ashley to think about taking on a management role.

Ashley started to feel very tired and weak at work and took sick leave to get her energy back. Ashley worried that her boss would think she was not pulling her weight and decided to tell Margo that she had hepatitis C and that from time to time she has bouts of fatigue. Margo appeared disturbed by the news and asked whether Ashley could manage her job. Ashley said she'd be fine but she felt uneasy about Margo's reaction. She reminded Margo that she had not taken more sick leave

than anyone else at work and that she had only taken half of her sick leave entitlement for the year.

Over the next few months Ashley's health improved considerably. Her liver function tests were normal and she had much more energy. However, her working relationship with Margo had soured. Margo was much less interested in her work and gave Ashley little or no feedback, often allocating work to her by email rather than speaking to her directly, as she used to do.

In January 2003, a twelve-month position was advertised within the company as a manager. Ashley applied for the position. Another employee, George, was appointed to the position. He had been with the company six months and had only two years experience as a designer, while Ashley had seven years experience and had been with the company for two years.

Ashley asked Margo why she didn't get the position. Margo said that she didn't think her work had been up to standard and that she was concerned that Ashley would not be able to handle the stress of the job because of her health. Ashley decided to make a discrimination complaint.

Hints about this case study

- It is not necessary to show that the discriminatory conduct was the only reason for not offering

Ashley the job. If one of the reasons Ashley was not offered the position was because she has hepatitis C, then this could be discrimination.

- Ashley's health had improved considerably, so it does not seem likely that the employer would be able to show that Ashley could not do the job because of her health.

CAN I BE MADE TO HAVE A PRE-EMPLOYMENT MEDICAL?

An employer has the right to ask you to have a pre-employment medical assessment, but they can only do this to work out if you can do the particular job you are applying for. In most cases having hepatitis C will not be relevant to your ability to do most jobs.

It may be discrimination if:

- you are required to undergo a pre-employment medical, and
- the assessment discloses that you have hepatitis C, and
- having hepatitis C is not relevant to the job, and
- you are not offered the job.

The problem with these cases is that it is often hard to show that you were refused employment because you have hepatitis C. However, you may be able to complain because the information about your hepatitis C status was requested at all (see

Requesting information used to discriminate).

PROVISION OF GOODS AND SERVICES

It is against the law to discriminate against a person because they have hepatitis C when they are trying to get access to or when receiving most kinds of goods and services.

Anti-discrimination laws cover discrimination by all sorts of different service providers such as health care providers including dentists, doctors, nurses, hospital staff and physiotherapists. It also covers services provided by insurance companies, local councils, lawyers, government departments and local councils.

Discrimination in the provision of goods and services can take many forms including:

- refusing to provide the goods or services
- making it more difficult for a person with hepatitis C to get the goods or services than a person who does not have hepatitis C, such as asking you to pay more or to wait longer than a person who doesn't have hepatitis C
- discriminating in the manner in which the service is provided, such as treating a person with hepatitis C rudely or harassing the person in the course of providing a service.

Example: Providing services on less favourable terms

John was to have a knee operation. Dr Jamieson, John's specialist, had told him to arrive early at the hospital and that he expected that the operation would all be over by lunchtime. Dr Jamieson knew that John had hepatitis C and he had made a note of this on the front of John's file.

The anaesthetist saw John's file and advised the hospital staff that John would have to wait until the end of the day to reduce the risk of hepatitis C transmission to other patients (standard infection control procedures should be used for everyone so as to avoid any risk of hepatitis C transmission). John waited all day. Other surgery ran overtime and they could not get to him that day, so he was sent home. He waited a further three weeks before he was rescheduled for surgery, and again he was required to wait until the end of the surgery list on that day.

EDUCATIONAL SETTINGS

It is against the law to discriminate against a person with hepatitis C in educational settings. This applies to primary and secondary schools, colleges, universities, TAFE, and other bodies that provide education or training.

Discrimination in educational settings can include:

- refusing an application for admission as a student
- offering admission on less favourable terms or conditions than the educational authority would offer to a person without hepatitis C
- denying a student with hepatitis C access, or limiting their access to any benefit provided by the educational authority
- expelling the student
- harassment of a student with hepatitis C by other students or the staff of the educational authority (see Harassment immediately below).

HARASSMENT

Harassment is any behaviour that is humiliating, offensive, intimidating, insulting or ridiculing. It is against the law to harass a person because they have hepatitis C or are thought to have hepatitis C. Harassment is a form of discrimination in all areas covered by anti-discrimination laws including at work, at your local club and at school or university.

Under anti-discrimination laws in some States such as Tasmania and under Federal law, harassment because of a person's disability is specifically banned. In other States and Territories it is not covered

specifically, but courts and tribunals have found that harassment on the basis of a person's disability is a form of discrimination and so is covered by anti-discrimination laws.

Example: Harassment at work

Some of Paula's work mates have been making offensive remarks about her because they have found out she has hepatitis C. Dan said loudly to Nancy in the staffroom, in front of other staff members, 'Don't drink out of that cup, you'll get what Paula's got'.

Paula felt humiliated, isolated, upset and angry about the way she was being treated and spoke with her manager, Jan about it. Jan spoke with Don and Nancy and told them not to harass Paula and told them basic information about hepatitis C transmission. Despite this, Don and Nancy continued to make offensive comments and Paula again raised her concerns with Jan. Jan did not take the matter any further. Paula decided to make a complaint.

VILIFICATION

Vilification is a public act that encourages others to hate or seriously ridicule a person or group of people, in this case because they have or are thought to have hepatitis C. A public act can include comments made on the radio, printed materials including

newspapers, pamphlets and posters in public places, banner and televisions broadcasts.

Only the Tasmania *Discrimination Act* makes it against the law to vilify a person or group of people on the basis of their disability. No other State or Territory anti-discrimination laws prohibit disability vilification.

VICTIMISATION

It is against the law to treat a person unfairly because they have said that they might make a complaint of discrimination or because they have made a complaint of discrimination.

Example - Victimisation

Madhu made a discrimination complaint because she was being harassed at work. When her manager found out about Madhu's complaint, he gave her the worst shifts and the hardest cleaning tasks, which had previously been shared by everyone.

REQUESTING INFORMATION USED TO DISCRIMINATE

The Federal *Disability Discrimination Act* and anti-discrimination laws in the ACT, Victoria, Western Australia, Queensland and the Northern Territory all make it against the law to ask a person for information on which discrimination may be based. It may not be discriminatory to ask for the information if the person

seeking it can show they needed the information for a reason that was not discriminatory.

There is no provision like this under anti-discrimination laws in NSW, Tasmania, and South Australia, but you could make a complaint under the Federal *Disability Discrimination Act*. You should also seek legal advice about your privacy rights.

WHEN DO I HAVE TO DISCLOSE HAVING HEPATITIS C?

Generally, you are not required to disclose your status to your employer, dentist or anyone else.

However, there are some cases where you do need to disclose, like when you are applying for insurance or in some very specific kinds of employment. An example of this is if you are a health care worker with hepatitis C and your work involves 'exposure prone procedures'. You may need to disclose that you have hepatitis C to your employer and not do that kind of work. If you think this might be relevant to you, get advice from your Hepatitis Council or union.

If you want to know more about disclosure, confidentiality and your right to privacy, contact your State or Territory Hepatitis Council for a copy of *My Choice to Tell* (see *Contacts*).

EXCEPTIONS - WHEN IS IT LAWFUL TO DISCRIMINATE?

While it is against the law to discriminate against a person because they have hepatitis C in a wide range of areas of public life, there are exceptions. These exceptions vary under the different State, Territory and Federal laws. These exceptions can be complex and depend on the facts in your case, so it is important to get legal advice.

This section looks at two kinds of exceptions that may make it lawful to discriminate against a person with hepatitis C in some circumstances.

PUBLIC HEALTH EXCEPTION

Generally, it is lawful to discriminate against a person with hepatitis C if it is necessary to protect public health, eg. it is necessary to discriminate against people with hepatitis C by not allowing them to donate blood.

If an employer or service provider discriminates against you to protect the health of the public, they would need to show that they did this because it was necessary.

Case study: Is it necessary to protect public health?

David has hepatitis C and works in a childcare centre. When David's employer found out that David has hepatitis C, David was sacked from his job. His boss Debbie said she was sorry to see him go because he was a good worker, but she had to think of the health and safety of the children first.

David made a complaint saying he had been discriminated against at work. The childcare centre management tried to argue that it was necessary to discriminate against David in order to protect health and safety of the children.

This argument would be unlikely to succeed because the best way to protect the health of the public is to make sure that standard infection control practices are always followed.

INSURANCE EXCEPTION

Insurance is a commercial activity. For an insurance company to decide whether to insure you, they need to weigh up the financial risks. To do this they can ask for information about your health and you are required to tell them, so they can decide how much of a risk there is that you will get sick in the future.

Generally, under anti-discrimination laws, it would be against the law for an insurance company to refuse insurance to all people with hepatitis C.

But insurance companies can discriminate against a person with hepatitis C if:

- the discrimination is based on relevant research (known as actuarial and statistical data) and
- the discrimination is reasonable based on other relevant factors.

So, an insurer can't refuse to sell you life insurance just because you have hepatitis C antibodies. They need to take into account more information, eg. if you have antibodies to hepatitis C but have no viral activity there may be no justification for refusing to insure you.

However, if the latest research and a person's medical history shows they are more likely to get sick in future because of hepatitis C, then the insurer may be entitled to rely on this exception and refuse to insure them or charge them a higher insurance premium.

Example: Insurance exception

Alleda applied for life insurance. Her health is good and her liver functions tests are normal. She provided a medical report to the

insurer. The specialist's report stated that her prognosis was good but Alleda's application was rejected. She contacted the insurance company and asked them why. She was told that it was company policy to refuse to provide life insurance to applicants with hepatitis C.

The insurer would need to show that their decision to refuse Alleda life insurance was based on:

- *up to date research or medical opinion that took into account the latest advances in hepatitis C treatment medicine and*
- *Alleda's medical records.*

If Alleda's prognosis is good and the company routinely refuses all people with hepatitis C, without regard to current research and information about their health, then this would be discrimination.

Complaints about discrimination in the provision of life insurance, including insurance for continuing disability, should be made to the Human Rights and Equal Opportunity Commission under the *Disability Discrimination Act*.

TWO



CHAPTER TWO : YOUR RIGHTS UNDER HEALTH CARE COMPLAINTS LAWS

HEALTH COMPLAINT LAWS IN AUSTRALIA

In all States and Territories, except South Australia, there are specific health care complaint laws and health care complaints commissions. These commissions are responsible for handling health care complaints (see Contacts). In South Australia, there are no specific health care complaint laws, but there are other options for making health care complaints (see Who and what can you complain about).

You have a right to complain if you are treated unfairly or are unhappy with the quality of service you have received from an individual health care worker or health care service. This includes unfair treatment that may or may not be covered by anti-discrimination laws.

The commissions in each State and Territory have different names including the Health Service Commission, Health Care Complaints Commission, and Health Rights Commission (see Contacts). In this resource, we refer to all these agencies generally as ‘health care complaints commissions’.

PURPOSE OF HEALTH COMPLAINT LAWS

The health care complaints commissions focus on protecting the health and safety of the community by making sure that health care providers and services maintain proper standards of care and have the necessary skills and expertise. Handling complaints is just one part of the role of health complaint laws.

Health care complaint laws provide guiding principles for the delivery of health care or say that the health care complaints commission can develop

HEALTH CARE COMPLAINT LAWS AROUND AUSTRALIA

States & Territories

Health Care Complaints Act 1993 (NSW)

Community and Health Services Complaints Act 1993 (ACT)

Health Services (Conciliation and Review) Act 1987 (Vic)

Health Complaints Act 1995 (Tas)

Ombudsman Act 1972 (SA)

Health Services (Conciliation and Review) Act 1995 (WA)

Health Rights Commission Act 1991 (QLD)

Health and Community Services Complaints Act (NT)

codes of health rights. These codes tell you about the standard of service you can expect from health care providers. To find out more about this, contact your State or Territory health care complaints commission or check their website (see Contacts). This chapter focuses on health care complaints.

CO-REGULATION - HEALTH PROVIDER REGISTRATION BODIES AND THE HEALTH CARE COMPLAINTS COMMISSIONS

Health care complaints commissions often work with health registration bodies, such as medical, nursing and chiropractors registration boards, to maintain health care standards and address complaints about health care providers.

In each State and Territory there are registration boards for different health care professionals such as doctors, nurses, chiropractors, occupational therapists, psychologists and physiotherapists. These boards register properly trained personnel and work to ensure that these registered professionals maintain proper standards of conduct and competence.

Some registration boards can hold disciplinary inquiries into the conduct of a practitioner and in serious cases, a health provider can be de-registered if they have engaged in serious misconduct.

When you complain to a health care complaints commission, the relevant registration board will be told of your complaint and they will be involved in deciding whether they or the health care complaints commission will investigate the complaint. You can also make a complaint against a health care provider that is not registered with a health registration body. For more information, see Who and what you can complain about.

COMPLAIN DIRECTLY TO YOUR HEALTH CARE PROVIDER FIRST

Usually, you must try to resolve the complaint directly with the health care provider or service before you make a complaint to the health care complaints commission.

It's a good idea to contact the health care complaints commission in your State or Territory (see Contacts). They'll discuss your problem with you and give you advice about how to complain directly to the health care provider or service. If the problem isn't resolved, you can then make a complaint to the health care complaints commission.

WHO AND WHAT YOU CAN COMPLAIN ABOUT

WHAT KIND OF HEALTH SERVICES CAN YOU COMPLAIN ABOUT?

Generally, you can complain about the professional conduct of any person or agency providing a health service in all States and Territories, except South Australia. This conduct covers a wide variety of different health care providers and services including services provided in a hospital, community health centre, private clinic and pharmacy, among other settings. It can also include complaints about particular practitioners such as a doctor, dentist, nurse, physiotherapist, occupational therapist, pharmacist, psychologist, and practitioners of naturopathy, acupuncture and in other alternative health care fields. Some health care complaint laws also cover social work, welfare, and leisure services where these services are part of a health service.

In South Australia, there are no specific health care complaint laws. However, you can complain about public health care services to the Office of the State Ombudsman. This office has a Consumer Health Complaints Unit. If you want to make a complaint against a private

health care provider, you will need to contact the relevant registration board, such as the Medical Board (doctors), the Nurses Board, or the Chiropractors Board. The Ombudsman's office can advise you of which Board to contact.

If you are in any doubt about whether the person or organisation you want to make a complaint about is covered by the health complaint laws in your State or Territory, contact your health care complaint commission, or in South Australia, the Ombudsman's office (see Contacts). In this chapter, any reference to health care complaints commissions also refers to health complaints made to the South Australian Ombudsman's Office.

WHAT CAN YOU COMPLAIN ABOUT?

You can complain about conduct by a health care provider or service such as:

- being refused a service
- failing to treat you in a professional manner
- denying you the right to make informed choices about your health, such as testing you for hepatitis C without your consent
- unfair treatment in how the service was provided

- inadequate care such as failing to provide information about your treatment options
- inappropriate behaviour such as harassing you
- inadequate diagnosis such as providing incorrect information about hepatitis C transmission or failing to provide pre and post test counselling
- denying or restricting your access to your health records kept by the provider.

Unlike anti-discrimination laws, it does not matter whether any of the above treatment was because you have hepatitis C, or are thought to have hepatitis C, or use illicit drugs, or have ever used illicit drugs or are assumed to have done so.

Many State and Territory health complaint commissions also deal with complaints about breaches of your confidentiality by a health care provider or service. For more information on disclosure, confidentiality and right to privacy, contact your State or Territory Hepatitis Council for a copy of *My Choice to Tell* (see *Contacts*).

If a health care provider in Western Australia refuses you services, it's important to note that you can only complain about the refusal by a public provider. If you're not sure whether this applies to you, check with the Western Australian Office of Health Review (see *Contacts*).

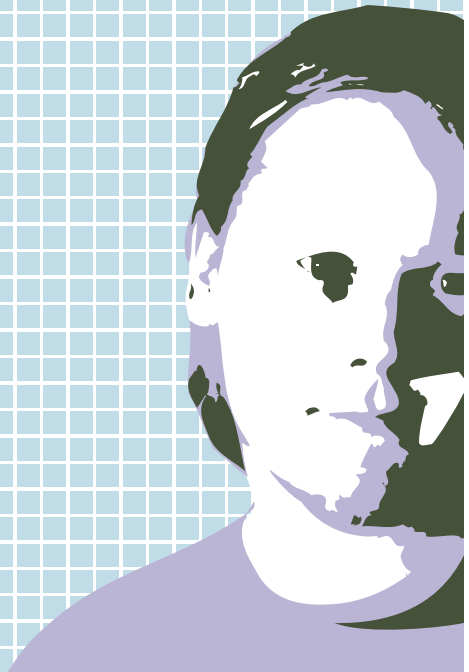
Example:

Sawat goes to her doctor because she's tired all the time. Her doctor, Dr Macey tests her for a range of different things, but does not tell her that he was testing her for hepatitis C. When Sawat returned to get the results Dr Macey seemed very uncomfortable, even though he had been her doctor for three years. He tells her she has hepatitis C. He seems angry and said he thought she must be really stupid to get herself in this situation and she should wake up to herself. Sawat was shocked and upset by both the news of the diagnosis, but also humiliated and intimidated by Dr Macey's manner. She started to cry. Dr Macey told her there was not much point in their continuing the consultation and she'd just have to live with the tiredness. Sawat walked out.

Sawat could complain about:

- *testing without her informed consent*
- *lack of pre and post test counselling*
- *unprofessional manner*
- *inadequate care such as failing to confirm the diagnosis by further tests and if the diagnosis was confirmed, considering what treatment options were available to her.*

THREE



CHAPTER THREE : WANT TO TAKE ACTION?

WHY COMPLAIN?

Being discriminated against or treated unfairly can make you feel angry, hurt, humiliated, isolated, anxious and upset. It can be hard to know what to do about the problem.

Doing something about discrimination when it happens can make you feel stronger and it can also lead to changes that can benefit other people.

You need to decide whether you will complain about being discriminated against or being treated unfairly. The decision must be right for you. It's best to decide when you understand the different options that are open to you.

GET ADVICE AND INFORMATION EARLY ON

Even if you don't think you want to make a discrimination or health care complaint, it can be helpful to know what your rights are under these laws. All anti-discrimination and health care complaints commissions provide telephone information and advice.

RESOLVING THE PROBLEM YOURSELF

Every situation is different and the steps you can take to resolve the problem will depend upon your situation. Not all situations require making complaints under anti-discrimination or health care complaint laws and there are different approaches to consider.

You could:

- talk to the person concerned directly and let them know that their conduct is affecting you and outline your concerns
- talk to your boss, the manager of the club or service about your concerns
- find out whether the service, club, or your workplace has a complaints policy and procedure - use those procedures to resolve your complaint
- talk to your union, your manager or another member of staff to get advice or support on what you could do to address your concerns in the workplace
- talk to the local Hepatitis Council.

Usually, you need to try to resolve the complaint directly with the health care provider or service *before* making a written complaint to the health care complaints commission in your State

or Territory. It's a good idea to discuss your problem with the health care complaints commission in your State or Territory (see Contacts). They'll help you decide how best to do this.

If you can't resolve the problem, you can make a complaint to the health care complaints commission in your State or Territory. Some commissions will help you prepare your complaint and many have fact sheets to help you prepare your complaint, and explain what happens once you complain. These are available on their websites or you can call and ask to be sent the information (see Contacts).

THINGS TO THINK ABOUT WHEN DECIDING WHETHER TO MAKE A COMPLAINT

Making a complaint can be demanding. If you are thinking about making a complaint, it's a good idea to make sure you have the support of someone close to you – a friend, partner, or family member. It can be useful to have someone who you can talk to about the process and your feelings about it.

You can also contact the Hepatitis Council in your State or Territory. They can help you think through your

options and refer you to agencies that can help. Some Hepatitis Councils also provide ongoing support if you decide to make a complaint (see Contacts).

It's also important to remember that sometimes anti-discrimination and health care complaints commissions can help you resolve the problem quickly. Most anti-discrimination and health care complaints are resolved before or as a result of conciliation. For more information on conciliation see [What is conciliation?](#)

One frustration about making anti-discrimination or health complaints is that it can be a slow and time-consuming process. In some cases you can ask for your complaint to be expedited or 'fast tracked' if you are going to be sacked or if you are being harassed and it is affecting your health.

GET INFORMATION AND LEGAL ADVICE BEFORE YOU MAKE A COMPLAINT

Anti-discrimination or health care complaints commissions in your State or Territory are a useful resource. You can contact them to discuss your problem or get more information to help you decide if want to make a complaint.

Even if you decide you want to make a complaint, it can be helpful to contact the anti-discrimination or health care complaints commission in your State or Territory before making the complaint. They will discuss your situation, let you know whether you are likely to be covered by the laws they administer and give you information about how to make a complaint.

This resource is only a guide. If you're thinking about making a complaint, get legal advice so you know which option is best for you. There may be other options that you can consider such as privacy and unfair dismissal laws. This resource provides contacts for Legal Aid Commissions and Disability Discrimination Legal Centres in each State and Territory. These agencies provide free legal advice.

If you decide to make a discrimination complaint - get legal advice about whether it is better for you to complain under the laws in your State or Territory or under the Federal Disability Discrimination Act. For example, some types of complaint, such as life insurance or complaints by commonwealth employees, need to be made under the Federal *Disability Discrimination Act*.

WHO CAN COMPLAIN

If you think you have been discriminated against because you have hepatitis C, or are unhappy about the health service you have received, you can make the complaint yourself. If you want someone to complain on your behalf, you'll need to check with your anti-discrimination or health care complaints commission about who can do this.

TIME LIMITS – WHEN TO MAKE A COMPLAINT

Most anti-discrimination laws and health care complaint laws require that you make your complaint within a set time period. These periods vary, so you need to check with the commission in your State or Territory.

Under some anti-discrimination and health care complaint laws, your complaint may be accepted outside the time period if you have a good reason for the delay. It is always better to complain within the time period because you risk your complaint being rejected. Even if your complaint is accepted, the process for deciding whether to accept your late complaint can delay the investigation.

PREPARING YOUR COMPLAINT

The Human Rights and Equal Opportunity Commission, all State and Territory anti-discrimination commissions, and most health care complaints commissions have a standard form to help you prepare your complaint.

DISCRIMINATION COMPLAINTS

You must make your discrimination complaint in writing. Usually, no special format is required, although in the ACT, you must use the form provided by the ACT Human Rights Office. They can send it to you and it's also available on their website.

HEALTH CARE COMPLAINTS

Usually you need to make your complaint in writing. Some State and Territory health care complaints commissions say you can make a complaint over the telephone, although this usually needs to be followed up in writing. Some health complaints commissions will help you prepare your complaint.

No special format is required except in NSW. The NSW Health Care Complaints Commission cannot undertake a formal investigation unless your complaint is in the form of a statutory declaration. The NSW Health Care Complaint Commission

can send you the form you should use and it's available on their website.

TIPS ON PREPARING A COMPLAINT

- Remember to include your name, address and telephone number
- Include the name(s) and address of the person(s) and/or organisation you are complaining about
- Describe important background information – i.e. if you are making a complaint about discrimination in employment, what your job is, how long you have worked there
- Say what happened to you in the order in which it happened. Be specific– eg. rather than saying, “I am being harassed”, say what the person who is harassing you is actually doing, when and how often
- Include the dates that significant events happened or general timeframes if you don't know the exact dates – eg. if the harassment has been going on over a period of time, state how many weeks or months, and give specific examples of what has happened
- If you are complaining under anti-discrimination laws, you need to say that you think you are being discriminated against because you have hepatitis C or are assumed to have hepatitis C

- If you tried to resolve the complaint, outline what you have done and what happened – eg. complained to your boss about harassment by your co-worker, the complaint was investigated, but the harassment has continued
- If you had any problems because you made a complaint, include this information as well – eg. after you made a complaint to your boss, you were given less interesting work and excluded from team meetings
- Remember to sign and date your complaint.

LODGING A COMPLAINT

There are no special requirements for lodging a discrimination complaint or health care complaint – you simply post your complaint to the relevant commission. Your complaint is formally lodged when the commission receives your complaint. If you want to complain by facsimile or email, you need to check with the commission about whether they accept complaints this way.

Once your complaint has been made, you can withdraw your complaint at any time.

ABOUT THE COMPLAINTS PROCESS

There are differences in the anti-discrimination and health care complaint laws in each State and Territory. There will also be differences in the ways that each commission handles complaints. Most commissions provide fact sheets about their complaint processes which are available on their website, or you can contact your commission.

DISCRIMINATION COMPLAINTS PROCESS

Anti-discrimination or equal opportunity commissions are the agencies responsible for investigating discrimination complaints.

The person investigating your complaint (sometimes called a ‘conciliation officer’ or an ‘investigator’) is independent. They do not represent you or the person you have made the complaint against. Their role is to help you:

- understand what anti-discrimination law covers
- put your point of view forward
- try to reach an agreement on how best to resolve your complaint.

Usually, the anti-discrimination complaint process involves:

- assessment
- investigation
- conciliation.

Each of these steps is described below.

HEALTH CARE COMPLAINTS PROCESS

The type of complaints can vary significantly, from a concern about poor communication on the one hand to serious professional misconduct on the other, and the approach taken to a particular complaint will depend upon the nature of the complaint.

It's important to remember that the health care complaints commission in your State or Territory will advise you about the process they propose to follow once they have considered your complaint.

Health care complaints commissions tend to conduct formal investigations only when a complaint is complex or serious. In less serious or complex matters, they are more likely to help the parties to resolve the matter through conciliation or other informal strategies. Sometimes conciliation will be attempted first, and a formal investigation may follow if necessary.

ASSESSING & INVESTIGATING COMPLAINTS

When the commission receives your complaint, they'll contact you to let you know that they have received your complaint and explain what the process involves. They may also ask you for more information.

An officer of the anti-discrimination or health care complaints commission will be appointed and they will be responsible for handling your complaint. They will consider if your complaint is covered by the laws the commission administers, and if the complaint has been made within the time limit. The steps after this vary depending on whether you have made a discrimination or health care complaint, so we consider what happens next separately.

DISCRIMINATION COMPLAINTS

Assessment

If you delayed making your complaint, sometimes the commission has to decide whether you have a good reason for this and you may be asked for more information.

If your complaint is made within the time limit, the commission decides whether to accept or terminate your complaint (sometimes called 'declining' a complaint).

If your complaint is terminated or declined, the commission must tell you why and whether you can appeal their decision or take your complaint straight to the relevant court or tribunal. If your complaint is terminated, it's important to get legal advice about your options.

If your complaint is accepted, sometimes the commission will formally notify you that your complaint has been accepted. Once your complaint is accepted, your complaint will be investigated. Throughout this process you will be known as the 'complainant' and the person or organisation you have complained about is known as the 'respondent'. Both of you may be referred to as 'the parties' to the complaint. The person handling your complaint is usually called the investigator or the conciliation officer.

Investigation

Usually, the investigation involves the exchange of written information between you, the person or organisation you have complained about and the commission. Sometimes if the investigator thinks that you and the respondent might want to resolve the matter, they can quickly arrange a conciliation conference.

Usually, the investigator will write to the respondent and tell them that you have made a complaint, explain what your complaint is about and

enclose a copy of your complaint. The respondent is then given the opportunity to provide a written response to your complaint within a certain time. The investigator will send you a copy of the reply and you will be given an opportunity to respond to anything the respondent has raised, again within a certain time. Both the complainant and respondent may need to answer questions or provide more information to the investigator during the investigation.

Once all the necessary information has been gathered, the investigator will usually prepare a report to the President or Commissioner about the complaint. The President or Commissioner then decides whether to hold a conciliation conference. In most cases complaints are referred to conciliation (see What is conciliation?).

HEALTH CARE COMPLAINTS

Taking into account the nature of your complaint, the officer of the commission will decide how best to deal with your complaint and contact you to let you know how they propose to handle your complaint. If the complaint is about a registered health care provider, health care complaints commissions work with the relevant health practitioner registration board to decide whether the commission or the board will handle the complaint.

The initial stage of the health care complaint process includes an investigation to work out the best way to handle the complaint.

Once the officer has contacted you, they will contact the respondent and advise them that you have made a complaint and explain what the complaint is about. Often this will be done in writing and a copy of your complaint will be provided. The respondent is given the opportunity to provide a written response and the officer will send you a copy of the respondent's reply. You will be given the opportunity to respond to anything the respondent has raised within a set timeframe.

Sometimes it is necessary for the commission to seek further information. This might involve getting access to your medical records, with your consent, and may involve getting an expert opinion.

The commission may:

- help you complain directly to the health provider or advise you how to do it, if you have not already done so
- help resolve the matter informally
- refer the complaint to conciliation (see What is conciliation?)
- investigate the complaint (see Formal investigations or hearings)
- refer the complaint to the relevant health practitioner registration boards

- refer to another authority for action
- take no further action.

If the commission decides not to take any action on your complaint, they will tell you why they are doing this and whether you can appeal this decision.

WHAT IS CONCILIATION?

Most complaints are resolved by conciliation. Both anti-discrimination and health care complaints commissions can refer your complaint for conciliation.

A conciliation conference involves a 'round table' structured discussion between you and the person or representative of the organisation you have complained about. An independent conciliator who is often the officer who has been handling your complaint leads the conference. Conciliation conferences are usually face-to-face meetings, although they can be done by teleconference.

The conciliator will set ground rules about how the discussion will proceed, make sure both you and the respondent have an opportunity to tell each side of the story, help both of you to discuss options and reach agreement on how to resolve your complaint.

Usually, the parties are not legally represented. If you want to be represented by a lawyer, your union, or you would like to bring along a person for support, you need to seek permission from the commission before the conference. Anything said during conciliation is confidential and can't be used if the matter is formally investigated (health care complaints) or goes to a court or a tribunal (discrimination complaints).

RESOLUTION OF DISCRIMINATION COMPLAINTS

Discrimination complaints can be resolved in many ways including by the respondent agreeing to:

- provide a private or public apology
- giving you your job back, or giving you access to a club, a service etc.
- change a discriminatory policy or practice
- provide anti-discrimination and harassment training to staff or the workplace or service
- financial compensation for pain and suffering and/or loss of income.

If your complaint is not resolved at conciliation, you will need to decide whether you wish to take your complaint to court (see Formal investigations or hearings).

RESOLUTION OF HEALTH CARE COMPLAINTS

Health care complaints can be resolved in many ways, including the respondent agreeing to:

- provide an apology
- changing the way services are provided
- changing policies or practices
- undertake training or professional development to address lack of knowledge or skills
- provide training or professional development to address lack of knowledge or skills to staff of the service
- financial compensation
- referral of the complaint to the appropriate registration board.

If the parties cannot reach agreement or significant issues emerge during conciliation that need to be formally investigated, the conciliator may end the conciliation conference.

The conciliator will report to the Commissioner on the progress of the complaint and recommend whether or not the Commission should formally investigate the complaint, or what other action should be taken. Sometimes, where serious issues emerge during conciliation, the complaint may be referred for formal investigation even though the parties have settled the complaint.

TIPS ON PREPARING FOR CONCILIATION

It's important to remember that the conciliator is impartial and is there to help you and the respondent talk about what happened and try and resolve your complaint. Also, keep in mind that everything said in the conciliation conference is confidential.

You'll be given the opportunity to outline your complaint – it's a good idea to prepare a summary beforehand of what you want to say. Try and keep this to about five to ten minutes. You do not have to include everything that happened, because the respondent will already have a copy of your complaint.

Just as it is important for you to be able to speak without being interrupted, you will also need to listen carefully to what the respondent says, even if you disagree with what they are saying. Make notes of anything you want to respond to, as you'll be given a chance to respond to anything you disagree with.

It's important to remain calm. This can be difficult when you are confronted with a person or representative of an organisation with which you are in conflict. However, staying calm is likely to make the conciliation conference much more productive because it is:

- more likely that the respondent will listen to what you are saying

- less likely they will respond defensively
- more likely that the conciliation conference will enable you both to reach agreement about how to resolve the complaint.

It's also important to seek legal advice about your settlement options, so you are realistic about what you can expect in the circumstances of your case. When it comes to deciding what you want to settle your complaint, you need to be flexible, realistic and willing to negotiate. But it's also good to be clear about what your bottom line is when it comes to reaching a settlement.

Conciliation check list

Before the conciliation conference:

- Discuss any questions you have with the conciliator before the conference
- If you want to bring along a support person, friend, lawyer or union representative ask the conciliator before the day of your conciliation conference
- Prepare a summary of what you want to say
- Make a list of the issues you think the respondent will raise and what you want to say in response to those issues
- Get legal advice to help you decide what you might seek to settle your complaint

- Decide what outcome you want to settle your complaint.

FORMAL INVESTIGATIONS OR HEARINGS

FORMAL ANTI-DISCRIMINATION HEARINGS

If your complaint is not resolved at the conciliation conference, you will need to decide whether to take your complaint to court.

Complaints made to State and Territory commissions are usually referred to a tribunal for a hearing. If a complaint has been made under the *Federal Disability Discrimination Act*, then the person will need to make an application to have their case heard either by the Federal Court or the Federal Magistrates Court.

The relevant court or tribunal will hear all the evidence and make a decision about whether the respondent has discriminated against you. If the court or tribunal finds discrimination has occurred, they can order the respondent to take action to stop the discrimination, prevent the discrimination from being repeated and pay you compensation.

If you want to take your complaint to court or a tribunal, you will need legal advice.

FORMAL HEALTH CARE COMPLAINT HEARINGS

If the commission decides to formally investigate your complaint, this will often be because the issues you raised are serious, complex, or that the complaint raises problems that will affect other service users.

The purpose of the investigation is to work out what happened, whether the things you have complained about did occur and if they did, what action needs to be taken to address the concerns.

The investigation process is likely to include:

- the exchange of written information between you, the respondent and the commission
- gathering relevant policies or professional standards relevant to the complaint
- obtaining expert opinions
- gathering written statements from witnesses
- hearing evidence from witnesses.

The Commissioner considers all the information, including any professional standards or code of practice relevant to the complaint and prepares a report of the investigation. The report usually includes:

- conclusions about what has occurred

- whether the Commissioner considers that the issues you have raised have been proved and if so,
- what action the respondent needs to take to address the problems and improve the service in future.

The outcomes of investigation can include:

- an explanation of what happened and what went wrong
- changes to improve the way services are provided
- changes to policies or practices which contributed to the complaint arising
- referral of the issue for action to the relevant health registration board
- recommendations to the health minister such as changes to government policy or law reform.

GLOSSARY

Complainant – the person who makes a complaint.

Conciliation – a structured discussion, assisted by an independent conciliator, to help you and the respondent to resolve the complaint.

DDA – Disability Discrimination Act 1992.

Harassment – conduct that is humiliating, offensive, intimidating, insulting or ridiculing.

Respondent – the person or organisation you are complaining about.

The parties – the person making the complaint and the person/organisation against which the complaint is made are often referred to as ‘the parties’ to the complaint.

Victimisation – treating a person unfairly because they have said that they have been discriminated against, might make a complaint of discrimination, or because they have made a complaint of discrimination.

Vilification – a public act that encourages others to hate or seriously ridicule a person or group of people, in this case because they have or are thought to have hepatitis C.

CONTACTS

AUSTRALIAN CAPITAL TERRITORY

ACT Hepatitis C Council

Ph: (02) 6253 9999
 Fax: (02) 6253 9992
 Email: info@acthepc.org
 Website: www.acthepc.org

ACT Human Rights Office

Ph: (02) 6207 0576
 TTY: (02) 6207 0525
 Fax: (02) 6207 0587
 Email: human.rights@act.gov.au
 Website: www.hro.act.gov.au/hr1.htm

Community and Health Services Complaints Commissioner

Ph: (02) 6205 2222
 TTY: (02) 6205 1666
 Fax: (02) 6207 1034
 Email: health.complaints@act.gov.au
 Website: www.act.gov.au/complaints

Disability Discrimination Legal Service

Ph: (02) 6247 2018
 TTY: (02) 6247 2018

Legal Aid Commission of ACT

Ph: (02) 6243 3411
 Telephone Advice and Information
 Line: 1300 654 314
 Website: www.legalaid.canberra.net.au

NEW SOUTH WALES

Hepatitis C Council of New South Wales

Ph: (02) 9332 1853
 Hep C Helpline: (02) 9332 1599
 (Sydney callers only)
 Toll free: 1800 803 990
 (NSW country callers)
 Fax: (02) 9332 1730
 Email: hccnsw@hepatitisc.org.au
 Website: www.hepatitisc.org.au

Anti Discrimination Board of NSW

The ADB has offices in Sydney, Newcastle and Wollongong
 Ph: (02) 9268 5544
 Toll free: 1800 670 812 (NSW only)
 TTY: (02) 9268 5522
 Fax: (02) 9268 5500
 Website: www.agd.nsw.gov.au/adb.nsf/pages/index

NSW Health Care Complaints Commission

Ph: (02) 9219 7444
 Toll Free: 1800 043 159 (NSW only)
 TTY: (02) 9219 7555
 E-mail: hccc@hccc.nsw.gov.au
 Website: www.hccc.nsw.gov.au

NSW Disability Discrimination Legal Centre

Ph: (02) 9310 7722
 Toll free: 1800 800 708
 TTY: (02) 9310 4230

Legal Aid Commission, NSW

There are many metropolitan and regional offices in NSW
 Ph: (02) 9219 5000
 (Head Office, Sydney)
 TTY: (02) 9219 5037
 Website: www.legalaid.nsw.gov.au

LawAccess NSW

Ph advice: 1300 888 529
 TTY: 1300 889 529
 Website: www.lawaccess.nsw.gov.au

NORTHERN TERRITORY

Northern Territory AIDS & Hepatitis Council

Ph: (08) 89411711
 Fax: (08) 89412590
 Email: info@ntac.org.au
 Website: www.ntac.org.au

Anti-Discrimination Commission, Northern Territory

Ph: (08) 8999 1444
 Toll free: 1800 813 846
 TTY: (08) 8999 1466
 Fax: (08) 8981 3812
 Email: Administration.ADC@nt.gov.au
 Website: www.nt.gov.au/justice/adc/index800.html

Health & Community Services Complaints Commission, Northern Territory

Ph: (08) 8999 1969
 Toll Free: 1800 806 380
 Fax: (08) 8999 1828
 Email: hccsc.omb@nt.gov.au
 Website: www.nt.gov.au/omb_hccsc/HCCSC/welcomehh.htm

Darwin Community Legal Service (specialist advice on disability discrimination issues)

Ph: (08) 8982 1111
 Toll free: 1800 812 953
 TTY: (08) 8982 1177
 Email: info@dcls.org.au
 Website: www.dcls.org.au

Legal Aid Commission, Northern Territory

Offices in Darwin, Katherine, and Alice Springs
 Telephone Information Service (toll free): 1800 019 343
 Website: www.ntlac.nt.gov.au

QUEENSLAND

Hepatitis C Council of Queensland

Ph: (07) 3229 3767
 Toll free: 1800 648 491 (Queensland country callers)
 Fax: (07) 3229 9305
 Email: hepcq@hepatitisc.asn.au
 Web: www.hepatitisc.asn.au

Anti-Discrimination Commission, Queensland

Offices in Brisbane, Rockhampton, Townsville and Cairns.
 Ph State-wide: 1300 130 670
 TTY (Statewide): 1300 130 680
 Fax: (07) 3247 0960
 Email: info@adcq.qld.gov.au
 Website: www.adcq.qld.gov.au

Health Rights Commission, Queensland

Ph: (07) 3234 0272
 Toll free: 1800 077 308 (within Queensland)
 TTY Deaflink: (07) 3225 2559
 Fax: (07) 3234 0333
 Website: www.hrc.qld.gov.au

Welfare Rights Legal Centre (Specialist advice on disability discrimination issues)

Ph: (07) 3847 5532
 TTY: (07) 3847 5533

**Cairns Community Legal Centre
(Disability Legal Advocacy
Service for Far North Queensland)**

Ph: (07) 4031 7688
Toll free: 1800 650 197
(DLAS clients only)
TTY: (07) 4031 7179
Website: www.cclci.com.au

**Legal Aid Commission of
Queensland**

Ph: 1300 65 11 88
Website: www.legalaid.qld.gov.au

SOUTH AUSTRALIAN

**Hepatitis C Council of South
Australia**

Ph: (08) 8362 8443
Toll free: 1800 021 133
(SA country callers)
Fax: (08) 8362 8559
Email: admin@hepccouncilsa.asn.au
Website: www.hepccouncilsa.asn.au

**South Australian Equal
Opportunity Commission**

Ph: (08) 8207 1977
Toll free: 1800 188 163
Fax: (08) 8207 2090
Email: eoc@agd.sa.gov.au
Website: www.eoc.sa.gov.au/public

**State Ombudsman of South
Australia**

Consumer Health Complaints Unit
Ph: (08) 8226 8699
Toll free: 1800 182150
Email: contact@ombudsman.sa.gov.au
Website: www.ombudsman.sa.gov.au/index.php?page=complaints

**Central Community Legal Centre
(State-wide specialist advice
on disability discrimination
issues provided by the Disability
Discrimination Service)**

Ph: (08) 8342 1800

**Legal Services Commission,
South Australia**

There are a number of offices in
South Australia
Ph: 1300 366 424
TTY: (08) 8463 3691
Website: www.lsc.sa.gov.au

TASMANIA

**Tasmanian Council on AIDS,
Hepatitis and Related Diseases**

Ph: (03) 6234 1242
Toll free: 1800 005 900
Fax: (03) 6234 1630
Email: mail@tascard.org.au

**Anti Discrimination Commission,
Tasmania**

Ph: (03) 6224 4905/6233 4817
 Free call: 1800 632 716 (outside
 Hobart)
 Fax: (03) 6233 5333
 Email: AntiDiscrimination@justice.tas.gov.au
 Website: [www.justice.tas.gov.au/
 adc/adcfrofrontpage.htm](http://www.justice.tas.gov.au/adc/adcfrofrontpage.htm)

**Office of the Health Complaints
Commission, Tasmania**

Ph: (03) 6233 6348
 Toll free: 1800 001 170 (outside
 Hobart)
 Fax: (03) 6233 8966
 Email: health.complaints@justice.tas.gov.au
 Website: [www.justice.tas.gov.au/
 health_complaints/home.
 html](http://www.justice.tas.gov.au/health_complaints/home.html)

**Launceston Community Legal
Centre (State-wide specialist
advice on disability discrimination
issues)**

Ph: (03) 6334 1577
 Toll free: 1800 066 019
 TTY: (03) 6334 1949

**Legal Aid Commission of
Tasmania**

Offices in Hobart, Launceston,
 Devonport & Burnie
 Ph: (03) 6233 8383 (Hobart)
 Ph: 1300 366 611
 Website: www.legalaid.tas.gov.au

VICTORIA

Hepatitis C Council of Victoria

Ph: (03) 9380 4644
 Toll free: 1800 703 003 (Victorian
 country callers)
 Fax: (03) 9380 4688
 Email: hepcvic@vicnet.net.au
 Website: www.hepcvic.org.au

**Equal Opportunity Commission of
Victoria**

Complaints Advice Line:
 (03) 9281 7100
 Toll free: 1800 134 142
 TTY: (03) 9281 7110
 Fax: (03) 9281 7171
 Email: eoc@vicnet.net.au
 Website: www.eoc.vic.gov.au

**Office of the Health Services
Commissioner, Victoria**

Ph: (03) 8601 5200
 Toll Free: 1800 136 066
 TTY: 1300 550 275
 Fax: (03) 8601 5219
 Email: hsc@dhs.vic.gov.au
 Website: [www.health.vic.gov.au/hsc/
 index.htm](http://www.health.vic.gov.au/hsc/index.htm)

**Disability Discrimination Legal
Service**

Ph: (03) 9602 4877
 Toll free: 1800 651 275 (Country
 Victoria only)
 TTY: (03) 9602 4135
 Website: www.ddls.org.au

Legal Aid Commission of Victoria

There are a number of metropolitan and regional offices in Victoria

Ph: (03) 9269 0234 (Head Office, Melbourne)

Website: www.legalaid.vic.gov.au

WESTERN AUSTRALIA**Hepatitis Council of Western Australia**

Ph: (08) 08 9227-9800

(Information and Support)

Toll Free: 1800-800-070

Fax: (08) 9227 6545

Email: hepcwa@highway1.com.au

Website: www.hepatitiswa.com.au

Commissioner for Equal Opportunity, Western Australia

Enquiry Unit: (08) 9216 3934

Toll free: 1800 198 149

TTY: (08) 9216 3936

Fax: (08) 9216 3960

Email: eoc@equalopportunity.wa.gov.au

Website: www.equalopportunity.wa.gov.au

Office of Health Review, Western Australia

Ph: (08) 9323 0600

Toll free: 1800 813 583

Fax: (08) 9221 3675

Website: www.healthreview.wa.gov.au

Sussex St Legal Centre

(Statewide specialist advice on disability discrimination issues)

Ph: (08) 9470 2676

TTY: (08) 9470 2831

Website: www.sscls.asn.au

Legal Aid Commission of Western Australia

There are a number of offices in Western Australia

Infoline: 1300 650 579

TTY: 1800 241 216

Website: www.legalaid.wa.gov.au

COMMONWEALTH**Human Rights and Equal Opportunity Commission (Federal)**

Ph: (02) 9284 9600

Complaints Infoline:

1300 656 419

TTY: 1800 620 241

(02) 9284 9611

E-mail: complaintsinfo@hreoc.gov.au

Website: www.hreoc.gov.au

Telephone Interpreter Service (TIS), National

Ph: 131 450

(Many of the agencies listed in this contacts directory will have arrangements with the TIS and can either arrange for a telephone interpreter free of charge or pay for the cost of a telephone interpreter)

