

Instructions for completing**Complainant's contentions on referral
under the *Anti-Discrimination Act 1991*****General instructions****Contentions may be lodged**

In person: Queensland Civil and Administrative Tribunal, Level 11, Bank of Queensland Building, 259 Queen Street, Brisbane QLD 4000, or at any Magistrates Court outside of the Brisbane CBD.

By mail: QCAT, GPO Box 1639, Brisbane 4001

Some documents may be lodged by fax or email. For more information call 1300 753 228 or visit www.qcat.qld.gov.au

PART A COMPLAINANT'S AND RESPONDENT'S DETAILS

- More than one complainant and respondent may be named in an application. If there is insufficient space for the names of either applicant or respondent you may attach additional pages with similar details.
- If the complainant or respondent is not an individual then the correct name must be used, for example:
 - a company name
 - a business name regardless of whether it is registered under the *Business Names Act 1962*
 - a State agency name, for example Queensland Government department.
- Your address will be the address at which documents are given to you, unless you indicate your representative's address as your address for notices.
- Any change in your address for notices must be filed in the tribunal and given to all other parties.

Representative's details

If you want your representative's address as the address for notices, please complete your representative's details.

If you want your representative to represent you in any proceedings before the tribunal you must complete the form *Application for leave to be represented*. Generally the tribunal expects people to represent themselves. It may not grant your request.

You are not required to seek leave if:

- you are a child or a person with impaired capacity
- your case is a disciplinary case
- an Act or the Rules state that you may be legally represented.

Instructions for completing (continued)

PART B COMPLAINANT'S CONTENTIONS

You may wish to include the following:

- a background of the relationship between the parties
- describe what happened OR confirm that you are relying on the facts set out in the complaint
- explain why you believe the respondent has discriminated against you with reference to the relevant sections of the *Anti-Discrimination Act 1991* (see below)
- set out what has happened to you as a result of the discrimination, for example, psychological injury, loss of income, hurt and humiliation

It will be helpful for you to look at your complaint that you made to the Anti-Discrimination Commissioner when you are preparing your contentions, to ensure that your contentions are consistent with your complaint and no new allegations of discrimination are raised.

You must only refer to the facts alleged in the complaint to the Anti-Discrimination Commission Queensland. You cannot raise new allegations of discrimination in the contentions.

The reasons may include, but are not limited to, the following (all section references are to the *Anti-Discrimination Act 1991*):

- whether you say the discrimination was direct or indirect pursuant to section 9
- if direct, explain why the discrimination is direct according to the meaning of "direct discrimination" in section 10
- if you say the discrimination is (or is also) indirect, explain why the discrimination is indirect according to the meaning of "indirect discrimination" in section 11
- if you are claiming that a person is liable for the acts of their workers or agents, explain why you believe this to be so, in terms of section 133
- if you are claiming that you were sexually harassed, explain why you believe you were sexually harassed within the meaning set out in section 119
- in the case of a complaint that includes a contention that you cannot obtain or are less able to obtain access to or use of any place or thing, why you do not have full access or use of that place or thing now and why any alteration you propose to the means of access or use will better provide access or use to you
- in the case of a complaint that includes a contention of vilification explain why you have been vilified in terms of section 124A(1)
- in the case of a complaint that includes a contention that you have been the subject of victimisation why you have been victimised in terms of section 130.

PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL

If you are seeking an order for the payment of money, include the basis on which the amount claimed has been calculated and the documents if any supporting the claim.

If you are seeking an order for costs include the reasons for which the order is sought having regard to the *Queensland Civil and Administrative Tribunal Act 2009* and the *Queensland Civil and Administrative Tribunal Rules 2009*.

Complainant's contentions on referral under the *Anti-Discrimination Act 1991*

Refer to attached instructions at the front of this application prior to filling out this form.

For office use onlyCase number: Date: Registry: Sent to: **PART A COMPLAINANT'S DETAILS****Case number****Name** (complainant's own contact details must be supplied)

Title

Given name/s

Surname/Family name

Company**ABN****Address****Postcode****Telephone**

Home

Business

Mobile

Fax**Email**

PART A **COMPLAINANT'S DETAILS** *(continued)*

Representative's details *(if applicable)*

- Tick if you want this to be your address for notices
- Tick if you want your representative to represent you in proceedings before the tribunal *(see Part A of the instructions – you may be required to seek the tribunal's leave for this to happen by making an application under the form Application for leave to be represented). The tribunal may not give you leave to be represented.*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company

<input type="text"/>	ABN	<input type="text"/>
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Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

<input type="text"/> ()	<input type="text"/> ()	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

<input type="text"/> ()

Email

<input type="text"/>

PART A RESPONDENT'S DETAILS *(continued)*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company

<input type="text"/>	ABN	<input type="text"/>
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Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

<input type="text"/>

Email

<input type="text"/>

Representative's details *(if applicable)*

Name

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Title</i>	<i>Given name/s</i>	<i>Surname/Family name</i>

Company

<input type="text"/>	ABN	<input type="text"/>
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Address

<input type="text"/>		
<input type="text"/>	Postcode	<input type="text"/>

Telephone

<input type="text"/>	<input type="text"/>	<input type="text"/>
<i>Home</i>	<i>Business</i>	<i>Mobile</i>

Fax

<input type="text"/>

Email

<input type="text"/>

PART B COMPLAINANT’S CONTENTIONS
If insufficient space here, please attach additional pages.

Please state the reason(s) why you believe that the allegations contained in your complaint that was referred by the Anti-Discrimination Commission to the tribunal amount to a contravention of the *Anti-Discrimination Act 1991*, and why the orders set out in Part C (below) should be made by the tribunal in your favour.

PART C DETAILS OF WHAT YOU SEEK FROM THE TRIBUNAL
If insufficient space here, please attach additional pages.

I want the tribunal to make the following order/s:
Insert orders sought in numbered paragraphs.

PART D CHECKLIST AND SIGNATURE

- I have completed all questions on the form according to the instructions
- I have provided the correct number of copies of the form and attachments (as directed by the tribunal)
- I am ready to proceed

Interpreter

Is an interpreter required?

- Yes No

If YES, please specify language

Warning

Section 216 of the *Queensland Civil and Administrative Tribunal Act 2009* makes it an offence for a person to knowingly give the registry documents containing false or misleading information.

Maximum penalty for such an offence – \$10,000.

SIGN AND DATE HERE

The information in this application is true to the best of my knowledge.

Complainant/s sign here

Date

If more than one complainant is named all must sign the application.