**Review of Rejection Procedures**

This information sheet deals with procedures after a complaint is rejected by the Anti-Discrimination Commissioner (the Commissioner) and is referred to the Tasmanian Civil and Administrative Tribunal (TASCAT) for review. It also provides answers to questions that commonly arise.

For more detailed information see the TASCAT website, Anti-Discrimination Stream: [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au).

**What happens after a rejected complaint is referred to TASCAT for review?**

TASCAT is separate and independent from Equal Opportunity Tasmania (EOT) and the Anti-Discrimination Commissioner. Unless the matter is referred back to EOT and the Commissioner, their role is now complete.

The review process is managed by TASCAT.

The steps that are taken by TASCAT are as follows:

1. TASCAT will give notice of a telephone conference before a conciliator. This conference is a chance for discussions to take place concerning your complaint including, any further material you would like the Member who will determine the matter to consider as well as a date and location for the review hearing or alternatively whether you would prefer the Member to make a decision on all of the documents provided by you.
2. Once the matter is referred to a Member, they may hold a formal directions conference with you to ensure the matter is ready for a formal hearing or for a decision to be made on the papers.
3. After the Member has conducted a formal hearing or has reviewed the documents you have provided, the Member will deliver a decision as to whether the Commissioner made a correct decision.

**Do I need to be represented by a lawyer?**

A significant percentage of parties in the Anti-Discrimination Stream are not legally represented. The telephone and directions conferences are relatively informal and are conducted in such a manner to be readily understood by the parties involved. At any stage a party is entitled to seek clarification of matters that are raised to ensure they understand any obligations that are imposed upon them concerning procedural matters.

# Documents and Witnesses

**Obtaining access to the documents**

The documents that were provided to EOT and the Commissioner are available to you. You may request copies of any of the documents by contacting:

TASCAT

General Division – Anti-Discrimination Stream

38 Barrack Street

HOBART TAS 7000

Ph: (03) 6166 4750

Fax: (03) 6173 0203

Email: [antidiscrimination@tascat.tas.gov.au](mailto:antidiscrimination@tascat.tas.gov.au)

# The Review Hearing

You are responsible for the presentation of your case at the review hearing.

It is important to bear in mind that the Member will take into account the Commissioner’s reasons for decision and the information which is presented during the review hearing in making their decision. Information that you want the Member to know about - from a witness or in a document - must be presented by you in your case.

You have the burden of proving that the Commissioner did not make the correct decision.

**Informality and Efficiency**

TASCAT is to conduct a hearing with as little formality and as expeditiously as the requirements of the legislation allow and a proper consideration of the matters before TASCAT permit.

**Natural Justice**

TASCAT is not bound by the rules of evidence but must observe the rules of natural justice and procedural fairness.

**Impartial**

TASCAT is impartial and objective. Accordingly, Members and staff cannot provide legal advice to any party about their case. However, questions about procedure and questions seeking clarification of TASCAT’s processes may be asked of staff in the Anti-Discrimination Stream and the Members during the proceedings.

# Particular needs or services

Any person with a disability that may in any way affect their ability to engage in the hearing process or who may require the assistance of an interpreter, should advise TASCAT staff in the Anti-Discrimination Stream of this as early as possible in order that steps may be taken to assist that person.

# Other Information and Contact Details

For other information, contact a lawyer, or see the website at: [www.tascat.tas.gov.au](http://www.tascat.tas.gov.au).

Decisions of the Tribunal can also be accessed on this website.

In relation to questions concerning TASCAT’s processes, contact

TASCAT

General Division – Anti-Discrimination Stream

38 Barrack Street

HOBART TAS 7000

Ph: (03) 6166 4750

Fax: (03) 6173 0203

Email: [antidiscrimination@tascat.tas.gov.au](mailto:antidiscrimination@tascat.tas.gov.au)

You may also put your questions to the Tribunal Member during the proceedings.