



RACE DISCRIMINATION AND VILIFICATION Aboriginal and Torres Strait Islander Peoples

What is race discrimination?

Race discrimination is being treated less fairly than someone else because you're Aboriginal or Torres Strait Islander. This treatment may be illegal.

Examples:

You've been singled out for 'dirty jobs' at work because you're the only Aboriginal staff member.

You were refused a house rental because the last Aboriginal people 'got too far behind with the rent'.

A staff member in an upmarket clothes shop, follows you round the racks, but ignores non-Aboriginal shoppers.

A taxi driver makes you pay the fare up-front, but takes payment from non-Indigenous people at the end of the trip.

The law that prohibits race discrimination is the Queensland *Anti-Discrimination Act 1991*.

When and where can discrimination happen?

Unlawful discrimination on the basis of your race can happen at work, school or college, at a public venue, in a shop, looking for a house to rent or buy, applying for credit, insurance or a loan, or dealing with tradespeople, businesses or state or local government.

What is vilification based on race?

Vilification is different from discrimination. While discrimination is about unfair treatment, vilification is a public act that incites others to hate you or your group (or have serious contempt for, or severely ridicule you) because of your race.

This sort of hatred can show up in a number of ways including through speech, leaflets, graffiti, websites, and public abuse or media remarks.

Examples:

Someone paints 'death to all blacks, Jews and Muslims' on the building where you work.

A group prints a card for their members which is a 'License to shoot Aborigines'.

NOTE: It is a criminal offence, if either you and/or your property are threatened with physical harm.

How can I tell if it's vilification?

You'd need to show a few things to make out a complaint of vilification.

Did it happen publicly?

In other words, apart from those involved, could other people see it, hear it or read it? If it happened in private, it's not vilification.

Could it incite hatred (serious contempt or severe ridicule) of you because of your race?

How serious was it? Serious enough to have an impact on other people? If the act was fairly minor, or a light-hearted joke, it's not vilification.

Was it something that could be seen as free speech, and therefore legal?

The law allows for free speech to be protected, and says that things like fair reports, discussions or debates, or material used in parliament, courts, tribunals or other government inquiries are not vilification.

What can I do about it?

You could:

- deal with it yourself by talking to the person or people involved
- if the behaviour happened at work, ask your manager, union representative or contact officer what you might do. If your workplace has a process for dealing with complaints, you could lodge a complaint with your employer.
- give us a ring or visit one of our offices. We can talk to you about the law and explain how complaints are handled.

How do I make a complaint?

Write down the details of what happened to you in a letter, get a complaint form from our website (www.adcq.qld.gov.au) or call one of our offices for a form.

You can also contact Aboriginal and Torres Strait Islander staff in our Brisbane and Cairns offices by calling tollfree 1300 130 670 or TTY 1300 130 680.

Include:

- your name, address for service and phone number
- what happened, when and where

- who the complaint was about and their contact details and
- any other useful information.

A complaint of vilification can also be lodged on your behalf by an organisation that works for the interests or welfare of Aboriginal and Torres Strait Islander people.

Your complaint must be lodged with the Commission within twelve months of the discrimination or vilification happening.

The Commission's service is free. However, you may have to pay for any legal or other advice you decide to get.

What happens to my complaint?

Your complaint will be assessed to see if the behaviour you describe is illegal. If so, we may arrange a meeting with both you and the person or people you have complained about to discuss the issues and try to come to some agreement. The Commission will not take sides or represent anyone.

If you can't agree, the complaint may be referred to the Anti-Discrimination Tribunal, which will hold a public hearing and make a decision based on the evidence.

What else do I need to know?

We run information sessions about the law. We also have leaflets on other issues.

There is a federal *Racial Discrimination Act 1975*, which is administered by the Human Rights and Equal Opportunity Commission, phone 1300 656 419.