

# WHAT DOES THE LAW SAY?

Everyone has the right to think or believe what they want.

But treating people unfairly because of where they come from or the colour of their skin is never okay. A lot of the time, it's against the law.

The **Racial Discrimination Act 1975** is Australia's first anti-discrimination law. It aims to promote equality between people of different backgrounds.

The law protects everyone in Australia from unfair treatment on the basis of their race, including: colour, descent, national or ethnic origin and immigrant status. It covers different areas of everyday life, including:

- education
- going to public places
- buying goods or using services
- employment
- renting or buying a place to live.

The Racial Discrimination Act also protects us from **racial hatred**.

This happens when someone does something in public that insults, humiliates or intimidates people because of their racial background. It could include yelling comments, making speeches, putting up signs or handing out flyers, as well as material published online.

There are also laws in every Australian state and territory to protect people from racial discrimination.

## RESOLVING COMPLAINTS

In 2011-12, the Australian Human Rights Commission received 477 complaints from people about racial discrimination and racial hatred (18% of all complaints received). We also received over 2,250 enquires.

The Australian Human Rights Commission resolves complaints through a process called conciliation. This is where the people involved in a complaint talk through the issues with someone impartial and settle the matter on their own terms.



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The Australian Human Rights Commission received a complaint about a page on a social networking site that had offensive comments and pictures about Aboriginal people. The complaint was resolved when the social networking site agreed to block access to the page in Australia.

Conciliation is a very successful way to resolve complaints. It also helps people to better understand the issues and to come up with solutions that they can all agree on. This could include an apology, getting a job back, being paid compensation or changing a policy.

If a complaint can't be resolved through conciliation, the person who has been discriminated against can choose to go to court.

A Maori man who worked for a building company complained to his boss about his co-workers. He said they used racially offensive terms.

After that his co-workers refused to work with him. This led to him being made a casual, and eventually, not being offered any more work.

Through conciliation, his employer agreed to pay financial compensation, provide him with a written reference and arrange anti-discrimination training for staff.

Too often people don't report incidents of racism or discrimination. Some people don't know where to go. Others don't bother because they think nothing will happen.

### DON'T LET RACISM GO UNCHALLENGED.

If racism happens to you, find out what you can do in the "What can you do?" factsheet.

If you see racism happening at school, in public or online, stand up to it. There's lots of safe ways that you can help. Find out more in the "What you can do?" factsheet.

You can also contact us to discuss a situation and talk through your options. We can help you make a complaint if that's what you want to do. For more information about making a complaint, go to: [www.humanrights.gov.au/complaints-under-racial-discrimination-act](http://www.humanrights.gov.au/complaints-under-racial-discrimination-act) or phone 1300 656 419.



The quotes above were obtained through the Commission's consultations with the Australian community. Some names and ages have been changed to protect the privacy of the people involved.



Australian  
Human Rights  
Commission



Australian Government  
Department of Families,  
Housing, Community Services  
and Indigenous Affairs