

In respect of rights



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Contact Us

To make a complaint or get information, contact the office or visit the website. Please note, the office cannot give legal advice.

Office of the Anti-Discrimination Commissioner
Level 1, 54 Victoria Street, Hobart, Tasmania 7000
GPO Box 197, Hobart, Tasmania 7001

Telephone
Ph: 1300 305 062 (local call)
Ph: (03) 6165 7515
Fax (03) 6233 5333

Web SMS: 0409 401 083

National Relay Service
TTY users: 133 677 then ask for 1300 305 062
Speak and Listen users: 1300 555 727 and ask for 1300 305 062

E-mail
antidiscrimination@justice.tas.gov.au

Website
www.antidiscrimination.tas.gov.au

Please let the office know before an appointment if you need assistance or the services of an interpreter.

Invitation to all readers
Readers who have particular topics they wish to know more about or

From the Anti-Discrimination Commissioner

On 25 March 2014, the Attorney-General, Senator the Hon George Brandis QC, released an exposure draft Bill on proposed amendments to the Federal *Racial Discrimination Act 1975*. The Attorney-General has called for submissions on the draft by 30 April 2014.



The amendments are to remove the current protection in section 18C against racially offensive, insulting or humiliating conduct and replace it with a prohibition on racially intimidating or vilifying conduct. The amendments also removes the current exception (a defence that can be argued in response to a complaint) in section 18D and replacing with it a new exception (defence) that means it will not be unlawful to engage in vilifying or intimidating conduct if it is done through *'words, sounds, images or writing spoken, broadcast, published or otherwise communicated in the course of participating in the public discussion of any political, social, cultural, religious, artistic, academic or scientific matter.'*

You can read about the proposed amendments and review the wording of the amendment bill and find out how to make a submission here: <http://www.ag.gov.au/Consultations/Pages/ConsultationsonamendmentstotheRacialDiscriminationAct1975.aspx>

My office is preparing a submission that will raise concerns that the proposed amendment does not provide sufficient protection against racist behaviour that causes very real harm to many people in our community and does not provide an appropriate balance between protection from racism and freedom of expression.

Robin Banks
Anti-Discrimination Commissioner

Update from the Office

United Nations Day for the Elimination of Racial Discrimination and Harmony Day report

On 21 March, the Office of the Anti-Discrimination Commissioner worked with Hobart City Council and other organisations to bring together a broad range of activities to both acknowledge the United Nations Day for the Elimination of Racial Discrimination and celebrate Harmony Day.

Staff members collected 'Racism Stops with Me' pledges from the people attending events both at the Elizabeth Street Mall and at the City Hall activities. The number of people pledging 'Racism Stops with Me' clearly demonstrates the commitment and support of the Tasmanian community for the message that racism is not acceptable nor will it be tolerated within our community.

We live in a multi-cultural community in which everyone should be welcome and accepted regardless of skin colour, language, culture or country of birth and has the right to be treated

any items that you would like to include in the next issue are encouraged to contact the Editor.

Any comments and feedback about the newsletter to ensure it is a useful resource and information-sharing tool for our readers is welcomed.

Newsletter Editor
Roz Smart
E-mail roz.smart@justice.tas.gov.au

language, culture or ethnicity, or sex and has the right to be treated fairly and free from discrimination. For further information on the national anti-racism strategy please go to:

<http://www.humanrights.gov.au/national-anti-racism-strategy-and-racism-it-stops-me-campaign>



Staff from the Office of the Anti-Discrimination Commissioner on United Nations Day for the Elimination of Racial Discrimination and Harmony Day collecting 'Racism stops with me' pledges in the Elizabeth Street Mall



The 'I pledge that "Racism stops with me"' signature board in the Elizabeth Street Mall on the United Nations Day for the Elimination of Racial Discrimination and Harmony Day.

FAQs - Discrimination and young people

Is there an age limit to make a complaint to the Anti-Discrimination Commissioner?

- No.
- The Act says that a person who has been discriminated against can lodge a complaint, so a child can make a complaint themselves. However, this may be difficult for a child or young person.
- The Act also says that a person can complain on behalf of someone else who has been discriminated against.
- So a child or young person's parents or guardians may complain on their behalf.
- There are also other circumstances in which a person may make a complaint on behalf of the person who has been discriminated against: an adult with an intellectual disability may be unable to make their own complaint. However, if the person is unable to make the complaint themselves because of their disability, then a parent/guardian, carer, organisation or advocate may complain on their behalf.
- If a person is making a complaint on behalf of another person, they need to explain why they are making the complaint as the complaint cannot proceed without the Commissioner's approval.

What if I am being discriminated against at school, can I make a discrimination complaint to the Commissioner?

- Yes, if you think you are being discriminated against or subjected to other conduct that is unlawful under the Act then you can make a complaint about it to the Commissioner.
- Discrimination is only unlawful if it is on the basis of personal characteristic listed in the Act and has happened in connection with an area of activity listed. For information about the personal characteristics (called 'attributes' in the Act) go to: http://www.antidiscrimination.tas.gov.au/information_on_the_act/what_sort_of_discrimination_is_against_the_law

The areas of activity listed in the Act are:

- Employment (paid and unpaid)
- **Education and training**
- Provision of facilities, goods and services
- Accommodation (all types)
- Membership and activities of clubs
- Administration of any State Government law or program
- Tasmanian industrial awards, enterprise agreements or industrial agreements

Danielle is 18, she found a house to rent that she really likes, but the real estate agency have told her that she is too young to apply. Is this lawful?

- The Act makes it unlawful to discriminate in connection with accommodation, which includes rental accommodation.
- If the agency has a policy (written or verbal) that only people over a certain age can apply, this is unfavourable treatment of everyone younger than that age.
- Unfavourable treatment on the basis of age is a form of unlawful discrimination.
- The real estate agent or property owner may be making stereotyped assumptions about younger people, such as that they will throw wild, drunken parties and damage the house.
- However, a person of any age might be a bad tenant, or an excellent tenant. To check whether or not they are good tenants, references, either rental or personal, can be asked for from all applicants. Care should be taken, however, not to require only previous rental referees, as younger people and people from other countries may not have such references and to require them might be indirect discrimination.

If age discrimination is unlawful, why can't a 16-year-old go to a bar and drink alcohol?

- While in this situation a 16-year-old is being treated differently to a person who is older than 18, it is not unlawful to exclude them from drinking alcohol in a bar. This is because the Act says that it is not unlawful to discriminate against a person if the discrimination is necessary to comply with a Tasmanian or Commonwealth law.
- The Tasmanian *Liquor Licensing Act 1990* makes it an offence to sell liquor to a person under the age of 18 years. In order to comply with the *Liquor Licensing Act* it is necessary to discriminate against people under the age of 18.

If a person thinks they have been discriminated against on the basis of age they can call the Office of the Anti-Discrimination Commissioner on 6165 7515 or 1300 305 062 and ask to speak to or meet with an enquiries officer or they can visit the website www.antidiscrimination.tas.gov.au.

Case Summary

While looking for a case summary to go with this month's FAQs we came across this article. It seemed fitting to include this rather than a case summary.

This treatment of a student would be likely to be unlawful discrimination under the Tasmanian Act.

US Christian school says eight-year-old student not feminine enough

Read more: <http://www.smh.com.au/world/us-christian-school-says-eightyearold-student-not-feminine-enough-20140327-zqndx.html#xzz2xaNQ0rj8>

Complaint resolution

Age and gender discrimination in connection with employment

A complainant alleged age and gender discrimination in employment. He travelled from the mainland to Tasmania for a job interview with the respondent. He alleged that a person who interviewed him misconstrued comments he made about working in the '70s and what female employees were allowed to do at that time. The complainant believed he wasn't given the job because of sexist and age reasons. The respondents asserted that he wasn't selected because he wasn't the best candidate. The complaint was resolved at an early resolution meeting with the respondent agreeing to reimburse the complainant for his travel costs to Tasmania to attend the interview.

Disability and family responsibilities discrimination in connection with accommodation

The complainants, a mother and daughter on holiday in Tasmania, alleged discrimination on the basis of disability and family responsibilities in connection with accommodation. Both have disabilities and the daughter is also the carer for her mother. The complaint was about a tourist accommodation provider. One aspect of the complaint was that the accommodation did not include disability accessible rooms with a water view despite this being a key attraction of the location. Only rooms with a garden view were accessible. Other concerns were raised about the distance from the car park to the rooms, emergency egress and the lack of a railing in the swimming pool. The complaint was resolved at conciliation with the respondents agreeing to pay compensation to the complainants of \$4,500 each.

OADC Training News



Due to demand we are running one more **FREE Update and awareness of the Tasmanian *Anti-Discrimination Act* and amendments** session in April. If you don't yet know enough about the *Anti-Discrimination Act 1998* and/or are not up to speed on the amendments that came into effect on 1 January 2014 please register to attend.

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Let's Get Together project

We are excited to be working in partnership with A Fairer World on the development of a broad-based diversity education school program called, **Let's Get Together**.

The program is being piloted at Rose Bay High School this month for Grade 8 students and once completed will be suitable for students in Grade 5 through to Grade 10 classes. Within the program will be a session on rights and responsibilities under discrimination law delivered by the OADC.

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State-wide training

Apart from a short visit with Tas Ports in 2013, it has been five years since we last offered on **King Island**. We are excited to announce that Louise Adams will be spending a week in May facilitating discussions on discrimination, harassment and bullying in one of Tasmania's more remote locations.

The OADC provides State-wide training and Roz and Louise are often on the road with an average of 220+ travel hours each year. If you would like us to come to your location, please contact us on 03 6165 7515 or roz.smart@justice.tas.gov.au.

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Training Calendar

The January - June 2014 training calendar is available on the OADC

The current 2016-2017 training calendar is available on the OLTSC website where you will also find the form to register for training courses, detailed course information, prices and the fee policy, and contact details http://www.antidiscrimination.tas.gov.au/education_and_training

If you are interested in attending any of our other training courses or booking in-house training, please contact our trainers roz.smart@justice.tas.gov.au or louise.adams@justice.tas.gov.au

April and May Training Calendar

Update and awareness of the Tasmanian *Anti-Discrimination Act* and amendments

Hobart

Monday 14 April, 9:00 - 11:00 am

FREE

Workplace Support / Contact Officer Networking Meeting

Hobart

Monday 26 May, 9:00 am - 12:00 pm

Launceston

Tuesday 27 May, 12:30 - 3:30 pm

FREE

Local News

Book now for The Vagina Monologues

"Heart stoppingly powerful"
The Scotsman

"Laugh-out-loud funny and deeply poignant"
The Independent

"Spellbinding, funny and almost unbearably moving ... It is both a work of art and an incisive piece of cultural history; a poem, a polemic, a performance, a balm and benediction"
Variety



A group of local women is performing Eve Ensler's internationally renowned show in Hobart and all funds raised will go to local organisations involved in the V-Day campaign to stop violence against women and girls:

- Hobart Women's Shelter, in its work to support women and girls escaping violence: <http://www.hobartwomensshelter.org.au/>; and
- A Fairer World - Tasmanian Centre for Global Learning, in its work of empowering schools and the Tasmanian Community to take action for social justice, peace and a sustainable world future: <http://www.afairerworld.org/>

When: **Saturday 12 April, 7:00 pm** (doors open at 6:00 pm for drinks and market stalls)

Where: Stanley Burbury Theatre, University of Tasmania, Churchill Avenue, Sandy Bay, Hobart

Cost: \$25 and \$15 concession (plus special ticket packages: Gold Business Pack and Friends Night Out Pack that include lots of extras)

Tickets can be booked online at: <http://www.trybooking.com/75835>

Note: The performance includes explicit language.

If you can't get along to the event but want to support the work, please visit <http://www.afairerworld.org/>

National News



Everyday Racism App

All Together Now, the University of Western Sydney, Deakin University and Melbourne University have developed a world-first mobile phone app - *Everyday Racism* - which challenges players to live a week in the life of an Aboriginal man, a Muslim woman, an Indian student or just yourself.

<http://alltogethernow.org.au/news/campaigns/everydayracism/>

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Rant Against Racism Competition

ENTER AND WIN

Racism. It Stops with Me and the Anti-Hate campaigns have joined forces to promote the good stuff people do to show they don't accept racism in the community.

Tell us how you stood up to racist behaviour using wit, humour, anger or just by quietly making your point and you will be in the draw to win a prize.

Remember, every time we ignore a hateful comment we are supporting it. We are allowing the minority to speak on our behalf, hurting our friends and dividing our community.

So enter now and share your story!

<http://www.rantagainstracism.com.au/>

All entries will be posted online at www.antihate.vic.gov.au and the top 5 entries will each receive a \$100 JB HiFi voucher.

Winners will be notified and entries will be published on 1 July 2014.

World News

The UK doing good things

Not only has the UK recently passed laws to allow same-sex marriage, a group in the UK has also recently launched a powerful new 60-second film titled *No Bystanders* http://nobystanders.org.uk/?dm_i=FBX,2A86Z,2EDG34,8BMWJ,1.

The film shows how prejudice and bullying escalates if left unchallenged. From playground teasing to grown-up violence, the film shows the shattering effect of prejudicial slurs – including homophobia, racism, anti-Semitism, sexism, transphobia and disablist taunts.

Play by the Rules



Some jokes aren't funny. And if they're about someone's race they can be **against the law**



www.playbytherules.net.au

Play by the Rules is supported by the Australian, State and Territory Governments



The **Play by the Rules** website is an excellent resource for all things sport related. The website provides information on; safety, fairness, inclusion, team selection and discrimination and covers topics such as managing risks and complaints. The Play by the Rules website also provides promotional materials, toolkits and interactive scenarios, to have a look go to <http://www.playbytherules.net.au/>.

Play by the Rules has an online interactive bi-monthly magazine. To subscribe go to <http://pbtr.com.au/>. Play by the Rules will send you the magazine every two months with full features, news items and much more.

Awareness days in April



National Youth Week

4 - 13 April 2014

<http://www.youthweek.com/>

World Health Day

7 April 2014

<http://www.who.int/campaigns/world-health-day/2014/en/>

International Pay it Forward Day

24 April 2-14

<http://payitforwardday.com/>

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