

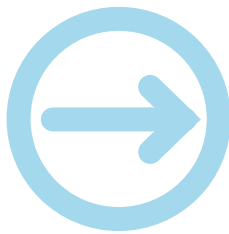


What is race discrimination?

Race discrimination occurs when someone is treated less favourably than another person or is denied the same opportunities as another person because of their race.

Race includes:

- a) colour;
- b) nationality;
- c) descent;
- d) ethnic, ethno-religious or national origin; and
- e) status of being, or having been, an immigrant.



Example of direct discrimination

Following a job interview, Tony is told that he was not successful because 'he may not fit into the workplace culture due to his racial background'. Tony felt that this was unfair so he lodged a complaint of discrimination on the ground of race.

Where is it unlawful to discriminate?

The *Anti-Discrimination Act 1998* ("the Act") prohibits race discrimination in the following areas:

Employment – this includes paid or unpaid, casual, permanent or temporary employment.

Education and Training – at schools, colleges, universities or other educational institutions where education and training is provided.

Provision of facilities, goods and services – this includes access and use of public places, transportation and travel and private or government service providers.

Accommodation – this includes residential housing and business accommodation ie. rental property, hotel, motel, boarding house or caravan.

Membership and activities of clubs – being a member of a club and participating in activities associated with the club.

Direct race discrimination

Direct race discrimination takes place if a person treats another person on the basis of their race or imputed race less favourably than a person without that attribute or characteristic (who is of a different race).

For direct discrimination to take place it is not necessary:

- that race be the sole or dominant ground for the unfavourable treatment; or
- that the person who discriminates regards the treatment as unfavourable; or
- that the person who discriminates has any particular motive in discriminating.

race Discrimination

Example of direct discrimination

Leonie is from Sudan. Leonie responds to a rental advertisement and makes an appointment to view the property. Upon arrival she is told, "I'm sorry but the place has already been let". Leonie notices that the place continued to be advertised in the paper immediately after and in the weeks following her appointment.



Contact Us

To lodge a complaint or seek further information, contact the office or visit the website. Please note the office is unable to provide legal advice to parties of a complaint.

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

Telephone **1300 305 062 (local call)**
(03) 6233 4841

Facsimile **(03) 6233 5333**

TTY **(03) 6233 3122**

Email **antidiscrimination@justice.tas.gov.au**

www.antidiscrimination.tas.gov.au

Disclaimer: This information is intended to provide a general understanding of the Anti-Discrimination Act 1998. To maintain confidentiality case examples are not based on actual complaints lodged with this office.

Indirect race discrimination

Indirect race discrimination takes place if a person imposes a condition, requirement or practice, which is unreasonable in the circumstances and has the effect of disadvantaging a member of a group of people who share a particular attribute (race) more than a person who is not a member of that group.

When is it lawful to discriminate?

In certain circumstances, race discrimination is permitted. The following exceptions apply:

Clubs for persons of certain races

A person may discriminate against another person on the ground of race in relation to the use of any benefit provided by a club -

- (a) to preserve a minority culture; or
- (b) to prevent or reduce any disadvantage that may be suffered by a member of that race.

Employment based on race

A person may discriminate against another person on the ground of race in relation to employment if the discrimination is based on a genuine occupational qualification or requirement in relation to a particular position.

Cultural and religious places

A person may discriminate against another person on the ground of race in relation to places of cultural or religious significance if the discrimination -

- (a) is in accordance with -
 - (i) the customs of the culture; or
 - (ii) the doctrines of the religion; and
- (b) is necessary to avoid offending the cultural or religious sensitivities of any person of the culture or religion.

Example of indirect discrimination

A real estate agent requires all prospective tenants to have 3 sets of references from former landlords before being considered. This requirement may disadvantage some new arrivals to Australia, who by reason of their living conditions prior to moving to Australia (eg living in a refugee camp), do not have rental references. This may be unreasonable in the circumstances if applicants in this group are not given the chance to provide any other information to support their application, such as personal references, and can show they can pay the rent.

Where a person/organisation argues that it is exempted from the requirements of the Act because an exception applies, it is up to the person/organisation to prove the exception applies.

Further information is also available on other topics including incitement to hatred on the grounds of race.

Example of lawful discrimination

An organisation may employ an Aboriginal field worker to work with indigenous communities.

If you are unsure whether your complaint involves race discrimination, you can contact the Office of the Anti-Discrimination Commissioner and/or arrange an appointment with an Investigation Officer.

Please advise the office prior to an appointment if you require special assistance or the services of an Interpreter/Auslan.