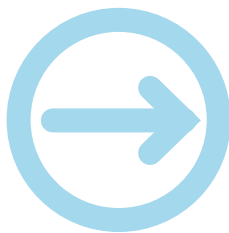




inciting hatred



Inciting Hatred

Have you been shouted at in the street, and told to 'go back home where you came from'?

On your way into church, the synagogue or the mosque, have you been confronted by a group of passers-by yelling out: 'religion controls the masses and religious fanatics should be eliminated'?

Have you been severely ridiculed because of your disability in a pamphlet distributed to the public?

**This may be incitement to hatred.
It is unlawful.**

Under the *Anti-Discrimination Act 1998* ("the Act") a person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of race, religious belief or activity, disability, sexual orientation or lawful sexual activity.

Inciting hatred occurs when:

- A person does a public act;
- An ordinary reasonable person would understand from the public act that they are being prompted to feel hatred, serious contempt or severe ridicule about a person or group;
- The conduct is on the ground of race, religious belief or activity, disability, sexual orientation or lawful sexual activity;
- Incitement to hatred, serious contempt or severe ridicule also occurs where the inciter assumes or imputes that someone has the attribute, even if they don't, and incites hatred against them.

Example

Phillip's neighbour yells extremely derogatory comments to him about being gay and that all gays are deviant, even though Phillip isn't homosexual.

This may be imputed inciting hatred on the ground of sexual orientation.

Example

In a leaflet distributed around a neighbourhood, comments are made that ‘all blacks are racially inferior and carry disease’.

This may be inciting hatred on the ground of race.



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.

What is a public act?

A **public act** includes any form of communication to the public, any conduct observable by the public and the distribution of any matter to the public. This includes words, actions, publications and other things said or done in public:

- In a place where others can hear or see, for example, abuse shouted from a private backyard, right next to a public park, footpath or street;
- In a shop, mall, park, street, bus, service outlet, foyer of a bank, government department or business;
- In a private organisation where members of the public are invited or may be around to hear – for example, a club, playgroup or parents and citizens or friends meeting;
- By posting signs or billboards or distributing leaflets;
- By presenting a radio or television program;
- Posting comments on a website.

Remember – conduct in **private** cannot be ‘incitement to hatred’ because it is not public. However, it may be ‘discrimination’ or other ‘prohibited conduct’ if it occurs in an area of activity covered by the Act, such as employment, education and training, the provision of facilities, goods or services, accommodation, or membership and activities of clubs.

The incitement must be on the ground/s of:

Race

Including:

- Colour;
- Nationality;
- Descent;
- Ethnic, ethno-religious or national origin;
- Status of being, or having been, an immigrant.

Disability

Including:

- Physical disability;
- Mental disability;
- Total or partial loss of a part of the body;
- Illness or disease;
- Malfunction, malformation or disfigurement;
- Learning and behavioural disorders;
- Reliance on devices such as hearing aids, canes or guide-dogs.

Sexual Orientation or Lawful Sexual Activity

Including:

- Heterosexuality;
- Homosexuality;
- Bisexuality;
- Transsexuality;
- Engaging in a lawful sexual activity with someone (i.e. consensual sexual intercourse).

Religious Belief, Affiliation and/or Activity

Including:

- Holding or not holding a religious belief or view;
- Attending or not attending religious services or festivals;
- Taking part or not taking part in religious rituals and customs;
- Wearing or not wearing garments associated with a religious belief or affiliation or activity (i.e. wearing a hijab).

Please refer to other brochures on religious belief or affiliation and religious activity, sexual orientation and lawful sexual activity, race and disability for more information.

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