



SEXUALITY DISCRIMINATION AND VILIFICATION

What is sexuality discrimination?

It is treating you less favourably than someone else because you are heterosexual, lesbian, gay or bisexual.

Examples:

You and your partner are refused a motel room for the night because the manager says he doesn't 'want lesbians here'.

You don't get promoted at work because others might feel uncomfortable having a gay man as a boss.

The law that prohibits sexuality discrimination and vilification is the Queensland *Anti-Discrimination Act 1991*.

When and where can discrimination happen?

Unlawful discrimination on the basis of your sexuality can happen at work, school or college, in a shop or a restaurant, looking for accommodation, buying property, applying for credit, insurance or a loan, or dealing with tradespeople, businesses or state or local government.

What can I do about it?

You could talk to the person or people involved. Tell them you object to what they are doing, and ask them to stop. Often, this is enough.

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.

You could also phone or visit one of our offices. Our staff can give you information 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.

Include:

- your name, address for service and phone number
- a description of what happened, when and where
- who your complaint is about and their contact details and
- any other useful information.

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

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

Your complaint can be in any language as we will use translators if we need to.

What happens to my complaint?

Your complaint will be assessed to see if the conduct you describe may be illegal. If so, we will 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 is sexuality vilification?

Vilification is different from discrimination. Where 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 sexuality.

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

Example:

A political figure calls for all homosexuals to be banned from holding public office, because 'they're child molesters'. He also encourages his followers to start a campaign to remove those already in public office 'any way you can'.

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 sexuality? Or, 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.

Example:

A theatre shows a film made in Germany in the 1930s, depicting gay males as 'perverted and immoral'. (This would not be a case of vilification because it's shown in good faith for academic, artistic or research purposes in the public interest.)

Can I make a complaint?

Yes, you can make a complaint as an individual or one can be made on your behalf by a 'relevant entity'. This means organisations that promote the interests or welfare of people with your sexuality can make a complaint to the Commission.

What else do I need to know?

The Commission runs information sessions and training courses about anti-discrimination law. We also have brochures on a range of issues.