

Racial Hatred Act

Information Sheet

Human Rights and Equal Opportunity Commission [The Racial Hatred Act - Information Sheet](#).

The Racial Hatred Act

The Racial Hatred Act introduced in October 1995 extends the coverage of the Racial Discrimination Act to allow people to complain about offensive or abusive behaviour based on racial hatred.

What is unlawful?

Unlawful racially offensive behaviour can include public acts based on the race, colour, national or ethnic origin of a person or group of people which are likely to **offend, insult, humiliate or intimidate**.

Unlawful offensive behaviour *might* include:

- writing racist graffiti in a public place
- wearing Nazi insignia in a public place
- making racist speeches at a public rally
- placing racist posters or stickers in a public place
- racist abuse in a public place
- offensive racist comments in a publication

How to work out if the offensive behaviour is unlawful?

If you feel that you have been insulted or abused because of your race, it is important to check the following before making a complaint:

Did it happen publicly?

The act must have occurred in a place to which the general public is invited or has access e.g. shops, public transport, workplace or a sporting venue. *If the act happened in a private telephone conversation or in a private place such as someone's home, it is not unlawful.*

How serious was it?

The act must have caused you or a group of people to feel offended, insulted, humiliated or intimidated. (If the act was relatively trivial, it is probably not unlawful.)

Is it an acceptable type of free speech and therefore legal?

The Racial Hatred Act says that the following things are not unlawful if '*done reasonably and in good faith*':

- **an artistic work or performance** - (For example, a play in which racist attitudes are expressed by a character.)
- **an academic publication, discussion or debate** - (For example, discussing and debating public policy such as immigration, multiculturalism, or affirmative action for migrants.)
- **a fair or accurate report on a matter of public interest** - (For example, a fair report in the media of an act of racial incitement or racially offensive conduct.)
- **an act that is an expression of a person's genuine belief.**

Taking action against racial hatred

If you have been the target of racially offensive behaviour there are a number of things you can do about it:

- talk directly to the person or organisation responsible for the behaviour;
- seek the assistance of an organisation which represents your racial, ethnic or national group;
- for complaints about media stories or broadcasts, complain to the Australian Broadcasting Authority; the Advertising Standards Council for advertisements; or the Press Council for newspaper stories. You can also complain to the Editor or Manager of the media organisation.
- for complaints about neighbours, approach the Community Justice Centres to assist in resolving the problem;
- **if threatened with violence or violently attacked go to the police or a Chamber Magistrate to seek an apprehended violence order to prevent further violence.**

If these approaches are not suitable, you can complain to the **Human Rights and Equal Opportunity Commission** which is responsible for the Racial Hatred Act. The Commission is an independent body that deals with discrimination and general human rights issues. No fee is charged for receiving, investigating and handling complaints.

For further information, or to make a complaint, contact:

The Human Rights and Equal Opportunity Commission
GPO Box 5218 Sydney
New South Wales 2001

Complaints Information Line
(02) 9284 9800
Switchboard (02) 9284 9600
Charge free: 1800 021 199

TTY: 1800 620 241

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