

Discrimination

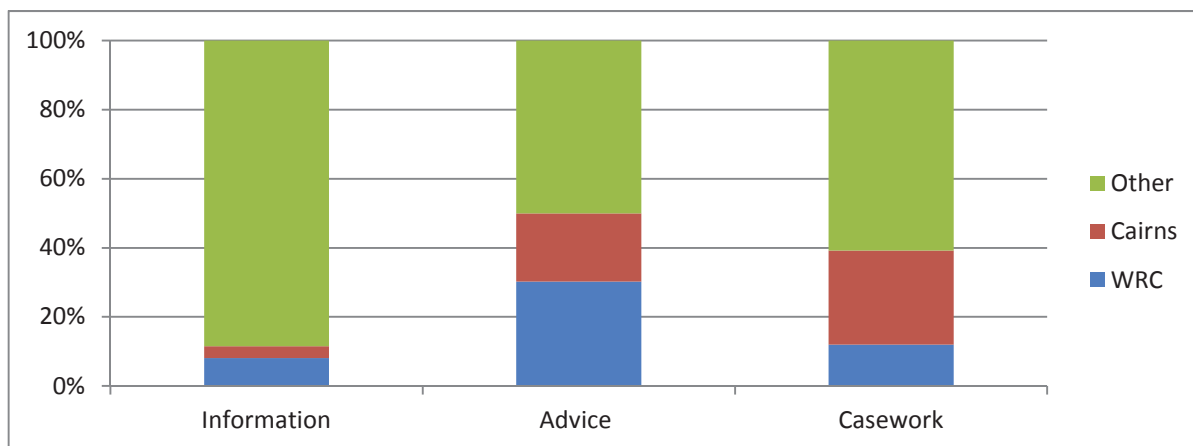
Conversation starter: TBC

People who are subject to discrimination have a number of options available to them, including:

- Complaints to the Australian Human Rights Commission (**AHRC**), an independent Commonwealth statutory organisation with responsibility for administering the following federal laws: *Age Discrimination Act 2004*; *Disability Discrimination Act 1992*; *Australian Human Rights Commission Act 1986*; *Sex Discrimination Act 1984*; and, *Racial Discrimination Act 1975*. The Australian Government has recognised the complexity of this framework, and sought to consolidate and harmonise these laws. This has been subject to significant political debate.
- Complaints to the Anti-Discrimination Commission Queensland (**ADCQ**), an independent statutory authority which administers the *Anti-Discrimination Act 1991* and has offices in Brisbane, Rockhampton, Townsville and Cairns.
- Complaints to the Fair Work Ombudsman, who can help people who believe they are being discriminated against at work. The discriminatory adverse action provisions of the *Fair Work Act 2009* are extremely broad in scope, not differentiating between direct or indirect, inadvertent or deliberate discrimination.

Given the complexity of the system¹¹, and the number of Queenslanders who face discrimination,¹² it is surprising that it makes up such a small percentage of Queensland CLCs' work. In 2012-13, 'discrimination' accounted for only 0.52% of information activities (209), 0.6% of advices (344), and 1.63% of casework (125). The ADCQ accepted 396 complaints in 2011-12, while the AHRC received 440 complaints from Queensland (of a total of 2,610).

Specialist CLSP funding is provided to Welfare Rights Centre and Cairns CLC (approximately \$77,000 each) to provide disability discrimination legal services, and these two centres provide 50% of advices and 39% of casework:



Discrimination comprises less than 5% of the work of all 'other' centres' advice and casework.

For WRC's adult clients in this area, 40% of clients' main income was social security payments; 71% had incomes <26K and 13% had no income. A high number of clients have lives in which the disability discrimination is just one part of a compounding mix of legal and social problems and disadvantage.

¹¹ ADCQ only accepted 57% of complaints in 2011-12; other complaints were outside its jurisdiction.

¹² In 2010, the ABS [suggested](#) that more than one-quarter (27%) of Aboriginal and Torres Strait Islander people aged 15 years and over had experienced discrimination in the last 12 months; a 2012 ABS [report](#) revealed approximately 67,300 (19%) women employees perceived experiencing some level of discrimination in the workplace while pregnant; the Melbourne Institute reports 8.5% of applicants and 7.5% of employees in their [2013 study](#) report being discriminated against, particularly on the basis of age and gender; in 2011 the ABS [reported](#) that people with disability have a low rate of labour force participation (around 54%, compared to 83% for people without disabilities) and Year 12 attainment was around 25% for people with disabilities, compared to just over 50% for people without disabilities.