



## TREATED UNFAIRLY

This sheet is intended to provide **general legal information** about the law in Queensland. It is not legal advice.

If you have a particular legal problem you should contact a solicitor for legal advice. At the end is a list of agencies that might be able to assist you, including legal agencies.

### What is discrimination?

Legal discrimination is where you are treated unfairly in certain areas of the law.

### If you are treated unfairly or differently from other people because:

- of your skin colour
- of your cultural background
- you are from a different country
- you have a physical or intellectual disability
- you have a physical or mental illness (including HIV/AIDS)
- you are LGBTIQ+
- of your gender
- you are young or old
- you are single or married
- you have a criminal record
- you are pregnant or breastfeeding
- you have particular religious or political ideas or beliefs
- you are in a trade union.

### AND this treatment happens:

- at work
- at school, college or university
- when getting goods or using services
- looking for accommodation
- getting into places or facilities
- joining clubs
- in advertisements
- when getting a loan
- when dealing with local councils or the government
- when dealing with superannuation or insurance
- if you are buying land.

### Examples of discrimination are:

- paying workers less money than workers from a different cultural heritage
- a school excluding a young woman because she is pregnant
- refusing to rent a flat to someone who has the HIV/AIDS virus
- refusing to let a gay child join their local sports team
- serving a Muslim person in a shop last although they were there first
- not allowing guide dogs onto premises.

### What is sexual harassment?

This is another sort of discrimination. This means that you are hassled in a sexual way and you do not like it. It can include someone suggesting or trying to get you to have sex, trying to touch you in a way you don't like, or displaying photographs that upset or offend you. Sexual harassment is against the law in Queensland.

### What can I do?

Some laws on discrimination are Australia wide laws and are dealt with by the Australian Human Rights Commission (AHRC). Other laws are Queensland laws and complaints go to the Queensland Human Rights Commission (QHRC). Not all discrimination is against the law. You will need to check with AHRC and QHRC to see what you can do in your situation. You can call the AHRC on **1300 369 711** and the QHRC on **1300 130 670**.

If you feel you are being treated unfairly or differently to others, you can talk to the person who is being unfair. Sometimes telling them how you feel may be enough to make them stop. You could ask

someone else to go with you when you talk to the person. If this doesn't work or you aren't able to talk to them, make sure you write down:

- what happened to you
- who the other person or agency was
- when and where it happened
- any other people who saw or heard it.

This will make it easier if you decide to make a complaint.

### **What is Stalking?**

Stalking is another form of harassment. It involves making a person fear that some violence may be done to them, their property or someone close to them.

Things that might make them scared include:

- being followed or watched;
- telephone calls which are threatening or keep happening even when the person has been asked not to call;
- interfering with their property, or
- leaving stuff around which they would find offensive.

It does not matter if the victim was afraid or suffered any harm. It only matters that the behaviour would typically cause people to feel afraid or suffer harm.

Stalking is a crime.

If you think this is happening to you, you should keep a record of what's going on with dates and times. You can report it to the police or talk to someone under '**Who can help?**' first to find out more.

### **Treated unfairly by Police or Security Officers?**

See the 'If I am Charged' Fact Sheet.

### **Centrelink?**

You should first talk with the person who made the decision. If you still disagree with the decision, you can make a complaint by filling in a 'Tell Us What You Think' comment card (available at the Centrelink Office) or phone the Centrelink Feedback and Complaints Line on 1800 132 468.

If you still do not agree, you can ask for an Authorised Review Officer to look at your case again. You should do this within 3 months of the original decision. If you still think you have been treated unfairly you can appeal to the Administrative Appeals Tribunal (AAT). You can fill in an appeal form (available at Centrelink) and then send it to the AAT at GPO Box 9955 Brisbane 4001, or phone on 1800 228 333.

The AAT is separate from Centrelink. If you want to appeal a decision, you should do this as soon as possible.

### **Court or Solicitor?**

If you think you were wrongly found guilty (that you believe you did not break the law) or that your sentence was unfair, you should talk to your lawyer immediately about an appeal, which means getting a (different) Judge to look at your case again.

If you think your solicitor has not done their best for you, talk to them about it. If you are still unhappy you can complain to the Queensland Law Society or talk to one of the agencies under '**Who can help?**' about this.

### **Youth Justice or Child Protection issues?**

If you think that you have done your best on a Probation Order or Community Service Order, but you are being taken back to court by your Youth Justice caseworker, make sure you see your lawyer again.

If you have a complaint about your treatment in the Detention Centre ask to speak to the manager or the official visitor or ask to contact your lawyer.

If you are in the Brisbane Youth Detention Centre or the West Moreton Detention Centre, the Youth Advocacy Centre lawyer may be able to visit you.

If you are in the care of Child Safety Services and have a complaint about what is happening to you, contact the Public Guardian or speak to a lawyer from the 'Who can help' section below.

**Who can help?**

The Child Guardian

The Office of the Public Guardian (OPG) helps to protect the rights of children and young people in care. The OPG deals with complaints about how children in the care of Child Safety are treated. The OPG promotes the rights, welfare, and views of young people in care. You can call them on 1300 653 187.

The Ombudsman

The job of the Ombudsman is to look at cases where people complain that a government department has treated them unfairly. It is important to try to sort the matter out first with the person or people who you think are treating you unfairly, but if this does not work then you can go to the Ombudsman. The Ombudsman can investigate for example, the decision of a principal to suspend or exclude a young person from a state school or bad treatment of a young person in detention. The Ombudsman do not investigate the police (see 'If I am Charged' Fact Sheet).

There is a State Ombudsman for decisions made by State Government bodies including Child Safety. Their phone number is 3005 7000 or 1800 068 908 (outside of Brisbane). The Commonwealth Ombudsman looks at decisions made by Commonwealth Government bodies call 1300 362 072. If you ring and tell them a bit about your matter, they will put you through to the right person.

**Who can help?**

Youth Advocacy Centre (YAC) <a href="http://www.yac.net.au">www.yac.net.au</a> .....	3356 1002
Hub Community Legal <a href="http://www.hubcommunity.org.au">www.hubcommunity.org.au</a> .....	3372 7677
Logan Youth & Family Legal Service <a href="http://www.yfs.org.au">www.yfs.org.au</a> .....	3826 1500
Legal Aid Queensland <a href="http://www.legalaid.qld.gov.au">www.legalaid.qld.gov.au</a> .....	1300 651 188
Aboriginal & Torres Strait Islander Legal Service <a href="http://www.atsils.org.au">www.atsils.org.au</a> .....	3025 3888 or (24hrs 7 days a week) 1800 012 255 (Free call)
Translating & Interpreting Services (24hrs) .....	131 450
Kids Help Line .....	1800 551 800
Australian Human Rights Commission (Complaints) .....	1300 369 711
Queensland Human Rights Commission .....	1300 130 670
Disability Discrimination Solicitors at: Basic Rights Legal Centre (also payment & pension advice) <a href="http://www.brq.org.au">www.brq.org.au</a> .....	1800 358 511
Refugee and Immigration Legal Service <a href="http://www.rails.org.au">www.rails.org.au</a> .....	3846 9300
Queensland Advocacy Inc <a href="http://www.qai.org.au">www.qai.org.au</a> .....	3842 4200
Office of the Public Guardian <a href="http://www.publicguardian.qld.gov.au">www.publicguardian.qld.gov.au</a> .....	1800 635 187
Fair Work Ombudsman <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a> .....	13 13 94
Office of Fair Trading <a href="http://www.qld.gov.au/jobs/entitlements">www.qld.gov.au/jobs/entitlements</a>	
Community Legal Centres (CLCs) see <a href="http://www.naclc.org.au">www.naclc.org.au</a> for your nearest CLC	

This sheet was last reviewed and updated in January 2024. The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.