



# 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 gay or lesbian
- 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

## 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 Anti-Discrimination Commission Queensland (ADCQ). Not all discrimination is against the law. You will need to check with AHRC and ADCQ to see what you can do in your situation. You can call the AHRC on **1300 656 419** and the ADCQ on **3247 0900** or **1300 130 670** if you are outside Brisbane.

If you feel you are being treated unfairly or differently to others, it may be best to try to talk to the person who is being unfair, if you feel able to do this. Sometimes telling them how you feel may be enough to make them stop. You could ask someone else to go with you

- 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 non-white workers less money than white workers
- a school excluding a young woman who is pregnant
- refusing to rent a flat to someone who has the HIV/AIDS virus
- not allowing an adult gay male into a sports club
- serving a Muslim person in a shop last although they were there first
- not allowing guide dogs onto premises.

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 is 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; 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 criminal offence.

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?**

You can complain to the Commissioner of Police (3364 6464), make a complaint in person at a police station or through <https://forms.police.qld.gov.au/launch/feedback>. The Commissioner must investigate any complaint against a police officer. You can also complain to the Crime & Corruption Commission (3360 6060) which is not part of the police service. It is a good idea to write down exactly what happened. If you were hurt try to get to a hospital or to a doctor as soon as possible and take colour photographs of any injuries.

### **Treated unfairly by Security?**

You should complain straight away to the Manager of the place you are in such as a nightclub or the Centre Manager if it happened at a shopping centre. If you are at South Bank go to the Corporation's Management Office (near the 'Plough Inn' on the site) and complain to the manager.

You may need to put your complaint in writing later so you should write down everything you can remember about the incident, including the time and date, any witnesses and what happened. If you were hurt by the security officer, try to get to a hospital or doctor as soon as possible and take colour photographs of any injuries.

You can also complain to the police and the Office of Fair Trading (13 13 04).

The Office of Fair Trading must investigate the complaint and the security officer could lose their job if Fair Trading is satisfied they acted in a way which is against the law. This could include being found guilty of a criminal offence, such as assaulting you.

You should do this as soon as possible after a problem occurs.

### **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 Customer Relations Line on 1800 050 004.

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 Social Security Appeals Tribunal (SSAT). You can fill in an appeal form (available at Centrelink) and then send it to the SSAT at GPO Box 9943 Brisbane 4000, or phone on 1800 011 140.

The SSAT 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 (you believe you did not break the law) or that your sentence was unfair, you should talk to your solicitor immediately about an appeal, which means getting a (different) Judge to look at your case again.

If you think your solicitor has not done his or her 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 solicitor again.

If you have been released from a Detention Centre on a Conditional Release Order, but your Youth Justice caseworker has had you put back into detention and you think it is unfair; or 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 solicitor. If you are in the Brisbane Youth Detention Centre, the Youth Advocacy Centre solicitor can visit and you can ask to see them.

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 solicitor from the **'Who can help?'** section below.

### **Who can help?**

#### *The Child Guardian*

If you are a young person and have problems with, or complaints about, State Government services, such as foster care, then you can contact the Public Guardian. The Public Guardian has specific responsibilities to support children and young people in the Child Protection System including running the Community Visitor program for children in out-of-home care. They deal with complaints about how children in the care of Child Safety are

treated. The Guardian has a responsibility to promote the rights, welfare and views of young people in care. You can call them on Freecall 1800 661 533.

### The Ombudsman

'Ombudsman' is Swedish for 'protector or defender of citizen's rights'. The job of the Ombudsman is to look at cases where people complain that a government department has treated them unfairly. This could include, for example, the decision of a Principal to suspend or exclude a young person from a state school. However, it does not include the police (see above). 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 doesn't work then you can go to the Ombudsman.

There is a State Ombudsman for decisions made by State Government bodies including Child Safety. Their phone number is 3229 5116. 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.

If you are not sure whether or not your matter is one for the Children's Commission or the Ombudsman, ring one of the offices and they will tell you.

### **Who can help?**

Youth Advocacy Centre (YAC) <a href="http://www.yac.net.au">www.yac.net.au</a> .....	<b>3356 1002</b>
Youth Legal Advice Hotline.....	<b>1800 527 527</b>
Hub Community Legal <a href="http://www.communitylegal.org.au">www.communitylegal.org.au</a> .....	<b>3372 7677</b>
YFS Legal <a href="http://www.yfs.org.au">www.yfs.org.au</a> .....	<b>3826 1500</b>
Legal Aid Queensland <a href="http://www.legalaid.qld.gov.au">www.legalaid.qld.gov.au</a> .....	<b>1300 651 188</b>
Aboriginal & Torres Strait Islander Legal Service <a href="http://www.atsils.org.au">www.atsils.org.au</a> .....	<b>3025 3888 or</b> <i>(24hrs 7 days a week) 1800 012 255 (Free call)</i>
Translating & Interpreting Services (24hrs) .....	<b>131 450</b>
Kids Help Line .....	<b>1800 551 800</b>
Australian Human Rights Commission (Complaints).....	<b>1300 656 419</b>
Anti-Discrimination Commission QLD.....	<b>1300 130 670</b>
Disability Discrimination Solicitors at: Basic Rights Legal Centre (also payment & pension advice) <a href="http://www.brq.org.au">www.brq.org.au</a> .....	<b>1800 358 511</b>
Refugee and Immigration Legal Service <a href="http://www.rails.org.au">www.rails.org.au</a> .....	<b>3846 9300</b>
Queensland Advocacy Inc <a href="http://www.qai.org.au">www.qai.org.au</a> .....	<b>3842 4200</b>
Office of the Public Guardian <a href="http://www.publicguardian.qld.gov.au">www.publicguardian.qld.gov.au</a> .....	<b>1800 661 533</b>
Fair Work Ombudsman <a href="http://www.fairwork.gov.au">www.fairwork.gov.au</a> .....	<b>13 13 94</b>
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 2020 The Youth Advocacy Centre does not accept responsibility for any action or outcome as a result of anyone relying on the information provided.