

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Program: Australian Human Rights Commission

Question No. SBE16/040

Senator Fawcett asked the following question at the hearing on 18 October 2016:

Senator FAWCETT: I accept and applaud the fact that the overwhelming majority of issues that you deal with in terms of, for example, employment et cetera, are very valid and they are a great case. I do have concerns—as you have obviously gathered—around 18C and the offend-type provisions. One area that I cannot find in your annual report in the tables in the annexes is further breakdown of how many of the complaints under the RDA relate to 18C as opposed to other sections.

Prof. Triggs: I will take that on notice. We did produce that for last year. I will obviously give you that information as soon as I possibly can. Perhaps I can reiterate—it is beyond your question, but I might take the opportunity if I may—and say that our statute requires us to accept any written allegation of a breach of these laws. We must accept those matters and we must embark on the process that I very briefly outlined to you at the beginning of this session.

The answer to the honourable senator's question is as follows:

In the 2015-2016 reporting year the Commission received 429 complaints under the RDA and 77 of those complaints raised allegations under section 18C of the RDA.

The table below gives a breakdown of the different grounds under the RDA that complaints raised.

RDA - Complaints received by ground 2015-2016

Racial Discrimination Act - Grounds	Number	Percentage
Colour	39	5
National origin	95	13
Ethnic origin	86	12
Descent	14	2
Race	401	54
Racial hatred	77	10
Immigrant status	7	1
Association	3	-
Victimisation	16	2
Incite unlawful act	5	1
Advertisements	-	-
Total*	743	100

* One complaint may raise multiple grounds

RDA - Complaints received by ground 2014-2015

Racial Discrimination Act - Grounds	Number	Percentage
Colour	64	6
National origin	112	11
Ethnic origin	100	9
Descent	29	3
Race	610	57
Racial hatred	116	11
Immigrant status	10	1
Association	4	-
Victimisation	24	2
Incite unlawful act	1	-
Advertisements	-	-
Total*	1 070	100