

Get the facts: The Racial Discrimination Act



RECONCILIATION
AUSTRALIA

Reconciliation Australia and the Racial Discrimination Act

As the lead body on reconciliation in the nation, Reconciliation Australia promotes and facilitates reconciliation by building relationships, respect and trust between Aboriginal and Torres Strait Islander peoples and the wider Australian community.

Reconciliation Australia's *The State of Reconciliation in Australia report* found that 1 in 3 Aboriginal and Torres Strait Islander people experience high levels of racial prejudice and discrimination, which generates a devastating impact on their mental health.

Racial vilification can cause emotional and psychological harm, and reinforce other forms of discrimination and exclusion. 2016 marked the 40th anniversary of the Racial Discrimination Act.

Racial Discrimination Act - the facts

1. The Racial Discrimination Act 1975 (Cth) was a landmark in Australian race relations. It was a legislative expression of a new commitment to multiculturalism, and reflected the ratification by Australia of the *International Convention on the Elimination of All Forms of Racial Discrimination*.
2. The Act protects people across Australia from unfair treatment on the basis of their race, colour, descent, or national or ethnic origin in different areas of public life. It also makes racial vilification against the law.
3. The vast majority of claims under 18C are either conciliated through the Australian Human Rights Commission, or are withdrawn or dismissed. Many cases end with a simple apology. Racial hatred complaints comprise only a fraction of cases under the RDA dealt with by the Commission.
4. In 2015-16, the Commission received 77 complaints under section 18C, and 52 per cent of racial vilification complaints were resolved at conciliation. During this year, 12 per cent of complaints were withdrawn and only one complaint of racial hatred proceeded to court.
5. If conciliation fails at the Commission, a complaint can proceed to the Federal Court or Federal Circuit Court. This happens in a very small number of cases. In 2015-16, the Commission finalised 86 complaints about racial hatred. Only one complaint about racial hatred proceeded to court.
6. Sections 18C and 18D were introduced to the RDA in 1995 in response to recommendations of major inquiries including the *National Inquiry into Racist Violence*, the *Royal Commission into Aboriginal Deaths in Custody*, and the Australian Law Reform Commission's *Multiculturalism and the Law* report.
7. The Commission found that racial vilification can cause emotional and psychological harm, and reinforce other forms of discrimination and exclusion.
8. These inquiries found that targets of racist violence or harassment had little recourse to existing civil remedies under common law. The introduction of racial vilification provisions reflected a recognition that racial abuse and harassment could escalate to racial violence.
9. In 2014, the Australian Human Rights Commission launched the national anti-discrimination campaign *Racism. It Stops With Me.* to highlight its impact on the social and emotional well-being of Aboriginal people. It can be watched [here](#).¹ Reconciliation Australia are strong supporters of the campaign, taking the view that zero tolerance towards racism and discrimination will progress reconciliation.
10. *The Racism. It Stops With Me. campaign* aims to:
 - Ensure Australians recognise that racism is unacceptable
 - Give Australians the tools and resources to take practical action against racism
 - Empower individuals and organisations to prevent and respond effectively to racism²

¹ Australian Human Rights Commission- *Racism. It Stops With Me. 2014.* <https://www.youtube.com/watch?v=mtw5ZAAtbaY>

² *Racism. It Stops With Me.* - <https://www.humanrights.gov.au/our-work/race-discrimination/projects/national-anti-racism-strategy-and-racism-it-stops-me-campaign>