

Warning: This fact sheet includes real life cases with language or content that may offend.

## Student and racial insults

An Indian student studying hospitality at a college was called a 'f\*\*\*ing Indian', told to 'go back to your country, and called 'Rudi' (which is insulting in Punjabi) by the head trainer. The insults and abuse occurred in front of other people, including other trainers who laughed at the student when he was called 'Rudi'.

This student was also racially discriminated against and victimised. The tribunal awarded \$10,500 for pain, suffering, embarrassment and humiliation (\$3,500 each for vilification, discrimination and victimisation) and the college was ordered to refund fees of \$22,787.

*Singh v Shafston Training One Pty Ltd* [2013] QCAT 8

## Racial abuse over CB radio

A woman who speaks with a strong European accent was called 'wog', 'import', 'dago', 'truckie slut' and 'whore', and told to 'go home' over a CB radio channel. The man who made the comments also broadcast the woman's address as a place to go for sex.

The tribunal found that the man had racially vilified and sexually harassed the woman, and that he had encouraged others to do so too. The woman was awarded \$5,000 for the pain and suffering she experienced.

*Casey v Flanagan* [2011] QCAT 320

## Persistent abuse over CB radio

The woman (in the case above) also complained about another man who referred to her on various occasions as a 'dago', 'wog', 'slut', 'gypsy', and 'import', over the same CB radio channel.

The tribunal said this case was more serious than the earlier case because it continued for a longer period of time and was more persistent. The woman was awarded \$10,000 compensation, and the tribunal issued a restraining order for the man to stop the racial vilification and sexual harassment of the woman.

*Casey v Blume* [2012] QCAT 627



## Public abuse by neighbours

A same-sex couple experienced ongoing verbal abuse from mother and son neighbours. It included being called 'faggots' when neighbours were potentially able to hear and in front of the couple's landlord, and calling out to a tradesperson in the couple's driveway 'Make sure those poofs pay you, they have a habit of not doing that'.

The tribunal awarded the couple compensation of \$9,500 and \$11,500.

*Wilson and McCollum v Lawson* [2008] QADT 27

## Bumper sticker, website, report, pamphlet, and TV interview

A bumper sticker that said the only rights gays have is to die; and a website, report to council, pamphlet and a TV interview where homosexuals were referred to as sodomites who should be feared and rejected by society, were all found to be public acts inciting hatred, serious contempt for or severe ridicule of homosexuals.

The people who complained did not want compensation, and the tribunal ordered public apologies.

*Menzies v Owen* [2014] QCAT 661

## Letter to the editor

A local newspaper published an edited version of a letter to the editor headed 'POOFTERS BEWARE!!!' The published version of the letter said that three groups of vigilantes had been elected by local residents and homosexuals would be warned and told to leave the beaches. The editor noted the letter included threats of violence that he was not prepared to publish.

Both the newspaper and the person who wrote the letter were ordered to publish public apologies and to pay the costs of the GLBTI organisation that made the complaint.

*GLBTI v Wilks* [2007] QADT 27

## Threat of violence outside home

A transgender woman was woken by yelling from the footpath outside her home. A group of people, including a neighbour, were calling out abuse such as 'You f\*\*\*ing faggot, you have your f\*\*\*ing dick in a jar'. The neighbour then wrenched a wooden paling from the fence and shouted 'Has anyone got a box of matches to we can burn the f\*\*\*ing faggot's place down?'

This was gender identity vilification as well as sexual harassment. The tribunal also said this was a form of gang-style violence that amounted to the offence of serious vilification, which is punishable by imprisonment or fine.

The woman was terrified and experienced anxiety and stress, and she continued to feel unsafe around her home. The tribunal awarded compensation of \$15,000 (\$10,000 for vilification and \$5,000 for sexual harassment).

*Brosnahan v Ronoff* [2011] QCAT 439

## Accused of being a paedophile

A debt collector shouted abuse outside the home of a man who worked as a well-known 'drag queen'. The debt collector called the man a 'gutless wonder', a 'paedophile', asked if he had an weapons, and said he'd see him at The Wickham hotel.

Paedophilia is a characteristic often wrongly attributed to gay men, and The Wickham hotel was a well-known gay hotel.

The man was awarded compensation of \$3,000, which was on top of an undisclosed amount he received from the debt collector's employer at conciliation at the Commission.

*Peters v Constance* [2005] QADT 9

## Public interest exception

A candidate in a federal election distributed a pamphlet claiming that people who believe in the teachings of the Koran are prone to disobey the laws of Australia when they conflict with the teachings, to the extent of being prepared to commit murder.

The evidence at the hearing showed that the candidate had produced and distributed the pamphlets in good faith in order to persuade the electors that he deserved their vote. The tribunal said that the public has an interest in knowing the opinions of candidates, even when those opinions are unreasonable or plainly wrong.

The pamphlet was concise and written in moderate language, and only disseminated in the electorate. The tribunal was satisfied the candidate was entitled to the exception for public acts done reasonably and in good faith for a purpose in the public interest.

*Deen v Lamb* [2001] QADT 20

**For more information contact the Anti-Discrimination Commission Queensland on:**

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## Related links

- [Vilification fact sheet](http://www.adcq.qld.gov.au/resources/brochures-and-guides/fact-sheets/vilification)  
(<http://www.adcq.qld.gov.au/resources/brochures-and-guides/fact-sheets/vilification>)
- [Bystander action fact sheet](http://www.adcq.qld.gov.au/resources/brochures-and-guides/fact-sheets/bystander-action)  
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