



Schools as Safe Havens: Safe From Discrimination

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Introduction

My submission is for a non-peer reviewed presentation. The aim is to provide practical information to conference participants about the complaint procedures process at both the Human Rights Commission and the NSW Anti-Discrimination Board. Case studies and case law will be examined.

Context for schools

In light of the recent public debate about section 18C of the Racial Discrimination Act 1975, it is timely to once again to examine discrimination and harassment issues in a school context. The aim of course, is to work towards schools which are safe from discrimination.

In our society, schools are a microcosm of the society in which we live. That means, of course, that negative or unlawful behaviour in the broader community can often spill into schools in a damaging way. This behaviour must then be managed and potential legal actions may arise.

In my experience, despite all the potential legal difficulties for schools, most often they are actually a microcosm of a more just world and set a positive example for their students and the broader community. The more information schools have, the more likely it is that they will continue to operate in a just manner.

Proposed issues to canvass

1. The precise terms of s 18 C of the Racial Discrimination Act 1975 including some relevant case law.
2. A brief examination of discrimination laws relevant in schools plus relevant case law.
3. The operations of the complaint - handling procedures at the Human Rights Commission and the NSW Anti-Discrimination Board.
4. Case scenarios of published mediated settlements from the Australian Human Rights Commission