



ANNO VICESIMO QUINTO

ELIZABETHAE II REGINAE

A.D. 1976

No. 108 of 1976

An Act to prohibit discrimination on the ground of race; to repeal the Prohibition of Discrimination Act, 1966-1975; and for other purposes.

[Assented to 16th December, 1976]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. This Act may be cited as the "Racial Discrimination Act, 1976". Short title.

2. The following Acts and part of an Act are repealed:— Acts repealed.
the Prohibition of Discrimination Act, 1966; the Prohibition of Discrimination Act Amendment Act, 1970; so much of the second schedule to the Statute Law Revision Act, 1975, as amends the Prohibition of Discrimination Act, 1966-1970.

3. In this Act, unless the contrary intention appears— Interpretation.
"public place" means—
 - (a) premises in respect of which a licence is in force under the Licensing Act, 1967-1976;
 - (b) a place in which public entertainment is held;
 - (c) a shop;
or
 - (d) any other place to which the public ordinarily has access, whether upon payment or otherwise:

“race” of a person includes—

- (a) his nationality;
 - (b) his country of origin;
 - (c) the colour of his skin;
 - (d) his ancestry;
- or
- (e) the nationality, country of origin, colour of skin, or ancestry of any other person with whom he resides or associates,

and “racial” has a corresponding meaning:

“services” includes rights and privileges of any kind.

Act to bind
the Crown.

4. This Act binds the Crown.

Discrimination
to which this
Act applies.

5. (1) A person discriminates against another on the ground of his race if—

- (a) on the ground of his race;
- or
- (b) on the ground of an actual or imputed racial characteristic appertaining or attributed to that person,

he treats him less favourably than in identical or similar circumstances he treats or would treat a person of a different race.

(2) A person discriminates against another on the ground of his race where his decision to discriminate is motivated or influenced to a significant extent by—

- (a) the race of the person discriminated against;
- or
- (b) an actual or imputed racial characteristic appertaining or attributed to that person,

notwithstanding that other factors motivate or influence his decision.

Discrimination
in relation to
employment.

6. (1) A person shall not discriminate against another on the ground of his race—

- (a) in determining who shall be offered employment;
- or
- (b) in the terms on which he offers employment.

Penalty: Five hundred dollars.

(2) A person shall not discriminate against another on the ground of his race—

- (a) by denying him access or limiting his access to opportunities for promotion, transfer or training, or to any other benefits connected with employment;

or

- (b) by dismissing him, or subjecting him to any other detriment in respect of his employment.

Penalty: Two hundred dollars.

(3) This section does not apply to employment—

(a) within a private household;

or

(b) where the number of persons employed by the employer does not exceed three (disregarding any persons employed within his private household).

7. A person who offers or provides goods or services (whether for payment or not) to the public, or a section of the public, shall not discriminate against another on the ground of his race—

Discrimination in relation to goods and services.

(a) by refusing to supply the goods or provide the services;

or

(b) in the terms on which he supplies the goods or provides the services.

Penalty: Five hundred dollars.

8. A person shall not discriminate against another on the ground of his race—

Discrimination in relation to access to public places.

(a) by refusing him access to a public place;

or

(b) in the terms on which he permits him access to a public place.

Penalty: Five hundred dollars.

9. A person shall not discriminate against another on the ground of his race—

Discrimination in relation to accommodation.

(a) by refusing his application for accommodation;

(b) in the terms on which he offers him accommodation;

(c) by deferring his application, or according him a lower order of precedence on any list of applicants for that accommodation;

(d) by denying him access, or limiting his access to, any benefit connected with the accommodation;

or

(e) by evicting him or subjecting him to any other detriment.

Penalty: Five hundred dollars.

10. The Governor may, by regulation, exempt—

Exemptions.

(a) any person, or class of persons;

or

(b) any activity or class of activity,

from the provisions of this Act.

11. Where, in proceedings for an offence against this Act, the court—

Burden of proof.

(a) is satisfied beyond reasonable doubt that the defendant discriminated against another;

and

(b) is satisfied on the balance of probabilities that the defendant discriminated against that other person on the ground of his race, the offence shall be deemed to have been proved.

Summary
proceedings.

12. (1) Proceedings for offences against this Act shall be disposed of summarily.

(2) Proceedings for an offence against this Act shall not be commenced without the authority of the Attorney-General.

(3) An apparently genuine document purporting to be under the hand of the Attorney-General and to authorize the commencement of proceedings for an offence against this Act shall, in the absence of proof to the contrary, be accepted as an authority for the commencement of the proceedings as required by subsection (2) of this section.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. NICHOLLS, Governor