

HUMAN RIGHTS AND EQUAL OPPORTUNITY COMMISSION

RACE DISCRIMINATION CASES: TABLE 2

HEARING MATTERS COMPLETED AND DECIDED: 01.06.87 TO 7.05.01

All of the cases below can be accessed on scaleplus
<http://scaleplus.law.gov.au/html/rdadec/browse/TOC.htm>

Result Key: *s25X:* Application made under s25X RDA that complaint be dismissed as frivolous, vexatious, misconceived, lacking in substance or relates to an act that is not unlawful.
 * : Preliminary issues considered in separate decision

Dec. No.	Name of Matter	Inquiry Commissioner	Date	Complaint Type	Result
1	Maynard v. Neilson & Cerny	President (Einfeld)	01.06.87	Service (Hotel)	\$5,000
2	Ellenbogen v. Commissioner of Taxation	President (Einfeld)	22.01.88	Income tax Assessment	Dismissed
3	Hercules v. Qld Dept. of Community Services	President (Einfeld)	24.10.88	Employment (Dismissal)	Dismissed
4	Ellenbogen v. Federated Municipal & Shire Council Employees Union of Australia & Ors	President (Einfeld)	03.03.89	Employment (Union)	Dismissed
5	Carson & Ors v. The Minister of Education (Qld) & Ors	President (Einfeld)	02.06.89	Education	Jurisd. Issue
6	Vel v. Dept. of Defence	President (Einfeld)	Hearing: 19.05.89 & 14.06.89	Employment (Dismissal)	s25X App Refused
7	Williams v. The State of South Australia & Tiddy	Inquiry Commissioner (O'Connor)	Hearing: 31.07.89 - 04.08.89	Employment	Dismissed

8	Ardeshirian v. Robe River Iron Associates	President (Wilson)	18.05.90	Employment	\$10,000
9	Warwrowski v. Australian Maritime College & Ors	President (Wilson)	08.06.90	Employment	Dismissed
10	White & White v. Gollan	President (Wilson)	19.06.90	Service (Hotel)	\$2,000 & \$1,000
11	Howson v. Telecom Australia	President (Wilson)	06.11.90	Employment	Dismissed
12	Petersen v. Delacey & Ors	Inquiry Commissioner (O'Connor)	13.12.90	Service (Hotel)	\$1,000 & Apology
13	Mungaloon & Ors v. Stemron Pty Ltd & Victor James Masterton	Inquiry Commissioner (O'Connor)	13.12.90	Service (Hotel)	\$1,000 each (3) & Apology
14	Tabua v. Stemron Pty Ltd & Victor James Masterton	Inquiry Commissioner (O'Connor)	13.12.90	Service (Hotel)	\$1,200 & Apology
15	Whiting v. Delacey & Ors	Inquiry Commissioner (O'Connor)	13.12.90	Service (Hotel)	\$1,000 & Apology
16	Williams v. Delacey & Ors	Inquiry Commissioner (O'Connor)	13.12.90	Service (Hotel)	Dismissed
17	Gutchen v. Delacey & Ors	Inquiry Commissioner (O'Connor)	13.12.90	Service (Hotel)	\$1,000 & Apology
18	Vel v. Dept. of Defence *	President (Wilson)	31.12.90	Employment (Dismissal)	Dismissed
19	Kallios v. Suburban Taxi Service Pty Ltd & Suburba	Inquiry Commissioner (Bryce)	29.04.91	Employment	Dismissed
20	Mitchell v. Castrisios	Inquiry Commissioner (O'Connor)	24.06.91	Service (Function Ctr)	Dismissed
21	Gadian v. Inghams Enterprises Pty Ltd	Inquiry Commissioner (Bryce)	16.08.91	Employment	Dismissed
22	Scott & Wood v. Venturato Investments Pty Ltd	Inquiry Commissioner (O'Connor)	23.08.91	Service (Hotel)	\$1,200 each (2) & Apology

23	Mead v. Southern Districts Football League Inc.	President (Wilson)	20.11.91	Denied Due Process	Dismissed
24	Assal v. Dept. of Health, Housing & Community Services.	President (Wilson)	Nov 1991	Employment	Dismissed (s25X)
25	Tsambourakis v. CSIRO	Inquiry Commissioner (Castan)	03.02.92	Employment (Promotion)	Dismissed (s25X)
26	Cronin v. Dept. of Social Security	President (Wilson)	04.02.92	Employment (Promotion)	Dismissed
27	Aboriginal Students Support & Parents Awareness Committee Traeger Park Primary School v. Minister for Education, Northern Territory of Australia	Inquiry Commissioner (Carter)	26.02.92	Service (Closure of School)	Dismissed
28	Henderson v. NBL Management Ltd & the Australian Basketball Federation Inc.	Inquiry Commissioner (Worthington)	25.05.92	Sport	Dismissed
29	Maynard v. Best	Inquiry Commissioner (Nettlefold)	02.07.92	Service (Accomod.)	Dismissed
30	Hayes v. Western Road Liners (Parkes) Pty Ltd, trading as Trans City Express Coaches	Inquiry Commissioner (Nettlefold)	28.08.92	Service (Bus)	Dismissed
31	Zollschan v. Deakin University	Inquiry Commissioner (Nettlefold)	03.09.92	Employment (Selection Policy)	Dismissed
32	Toledo v. Eastern Suburbs Leagues Club Ltd	President (Wilson)	14.12.92	Service (Club Entry)	Dismissed
33	Lauro v. Dr Graeme Sorby-Adams	President (Wilson)	17.12.92	Service (Medical)	Dismissed (s25X)
34	Surti v. State of Queensland	Inquiry Commissioner (Bryce)	22.02.93	Employment	Dismissed
35	Nagasinghe v. Adelaide Medical Centre for Women & Children	President (Wilson)	12.03.93	Employment (Selection Policy)	Dismissed (s25X)

36	Miljkovic v. Boral Besser Masonry Ltd	President (Wilson)	31.03.93	Employment (Harassment)	Dismissed
37	Ellul & Kermanidis v. Public Transport Corporation	Inquiry Commissioner (Castan)	08.07.93	Employment	Dismissed
38	Bull & Bull v. Kuch & Kuch	Inquiry Commissioner (Castan)	19.07.93	Service (Accomod.)	\$20,700 & Apology
39	Sekhon v. Ballarat University College	Inquiry Commissioner (O'Connor)	30.07.93	Education	Dismissed
40	Murray v. Forward & Merit Protection Review Agency	Inquiry Commissioner (Wilson)	17.09.93	Employment (Selection Policy)	Dismissed
41	anger v. Correctional Services Division - Dept. of Justice (Vic) & Attorney General of the Commonwealth	Inquiry Commissioner (Wilson)	12.10.93	Denied Due Process	Dismissed
42	Bell v. ATSIC & Gray & Brandy	Inquiry Commissioner (Castan)	22.12.93	Employment	\$12,500 & Apology
43	Colakovski v. Delphin & Ors	Inquiry Commissioner (Nettlefold)	03.03.94	Police action	Dismissed
44	Laher v. Barry James Mobile Cranes Pty Ltd	Inquiry Commissioner (Nettlefold)	03.03.94	Employment	\$1,000
45	Power v. Hyllus Maris Aboriginal Community School Inc.	Inquiry Commissioner (Nettlefold)	18.04.94	Employment	Dismissed
46	Woomera Aboriginal Corporation v. Ross Edwards & Petra Edwards	Inquiry Commissioner (Nettlefold)	07.04.94	Service (Accomod.)	Liability only (see 17.11.94)
47	Lofti v. Dept. of Primary Industry & Australian Quarantined & Inspection Service	Inquiry Commissioner (Carter)	29.04.94	Employment	Dismissed
48	Nagasinghe v. Adelaide Medical Centre for Women & Children	Inquiry Commissioner (Worthington)	30.06.94	Employment (Selection Policy)	Dismissed (s25X)

49	Keller v. Aust. National Audit Office	President (Wilson)	03.08.94	Employment (Opportunity)	Dismissed
50	Parker v. Devenish Primary School Council	Inquiry Commissioner (Castan)	15.08.94	Employment (Selection Policy)	Dismissed
51	Ssali v. C.S.I.R.O.	Inquiry Commissioner (Crennan)	19.08.94	Employment	s25X App Refused
52	Djokic v. Sinclair & Central Qld Meat Export Co. Pty Ltd.	President (Wilson)	24.08.94	Employment	\$11,000 (See also SDA claim)
53	Tamanivalu v. Western Aust. Rugby Union	President (Wilson)	29.08.94	Sport	Dismissed
54	Woomera Aboriginal Corporation v. Ross Edwards & Petra Edwards *	Inquiry Commissioner (Nettlefold)	17.11.94	Service (Accomod.)	Public Apology
55	Thirunavukarasu v. Eriksson & Ors	Inquiry Commissioner (Wolfe)	29.12.94	Employment	Dismissed
56	Vella v. Department of Employment, Vocational Education, Training & Industrial Relations (C	Inquiry Commissioner (Wolfe)	13.01.95	Employment	\$1,000
57	Iliopolis & Ors v. Cox & Directorate of School Education (Victoria)	Inquiry Commissioner (Wolfe)	23.01.95	Employment	Dismissed
58	Daniels v. Queensland Nursing Homes Pty Ltd	Inquiry Commissioner (Wolfe)	24.01.95	Employment	\$7,500
59	Ssali v. C.S.I.R.O.	Inquiry Commissioner (Crennan)	08.02.95	Employment	\$10,500
60	Frances Willaims v. Portland City & Farm Sales & Geoffrey Baxter	Inquiry Commissioner (Nettlefold)	02.03.95	Service (Accomod.)	Dismissed
61	Dr Siddiqui v. Australian Medical Council and Commonwealth Minister for Health	President (Wilson), & Inquiry Commissioners (Dean and Hastings)	07.08.95	Employment (Selection Policy)	\$50,000
62	Mark Tocigl v. AITCO Pty Ltd t/a AAdelaide Casino≡	President (Wilson)	18.12.95	Service (social)	\$2,500

63	Farshad Tajpoury v. Casey College of Technical and Further Education	Inquiry Commissioner (Webster)	19.12.95	Education	s25X dismissed
64	Maria D=Souza v. Peter Geyer & Directorate of School Education Victoria	Inquiry Commissioner (Keim)	25.03.96	Employment	Dismissed
65	Azim Eksiry v. Cantwells Real Estate Pty Ltd	Inquiry Commissioner (Webster)	10.04.96	Service (Accomod.)	Dismissed
66	Z v. A Respondent	President (Wilson)	12.04.96	offensive remarks	s25X dismissed
67	Elmaraazey v. University of NSW, Professor Dennis, Professor Heseltine and Professor Richards	Inquiry Commissioner (Basten)	17.07.96	service (education) and employment	dismissed
68	Bligh, Coutts, Coutts, Foster, Lenoy, Sibley, Sibley and Palmer v. State of Queensland	Inquiry Commissioner (Carter)	24.09.96	Employment	Jean Sibley & Florrie Coutss were dismissed. Others to receive \$7000 each + apology
69	Dennis Mukesh Kumar Sumaru v. Australian and New Zealand Banking Group Limited	Inquiry Commissioner (Nettlefold)	18.12.96	Service	dismissed
70	Maureen Joyce Bidois v. Leonard Gregory Nielsen	Inquiry Commissioner (Carter)	7.1.97	Derogatory remarks	dismissed
71	Keith Lethbridge v. State Housing Commission of Western Australia (Homeswest)	President (Wilson)	28.1.97	Employment	dismissed
72	Michael Suter v. CSR Ltd	Inquiry Commissioner (Sidoti)	27.03.97	Employment	dismissed
73	The Complainant v. The Respondent	Inquiry Commissioner (McEvoy)	8.04.97	Goods and Services	dismissed
74	Barry Howard v. CSR Ltd	President (Wilson)	19.03.97	Employment	dismissed
75	Les Malezar v. State of Queensland	Inquiry Commissioner (Atkinson)	2.05.97	Employment	s.25X dismissed
76	Richard Bryant v. Queensland Newspaper P/L	President (Wilson)	15.05.97	Offensive behaviour based on Racial Hatred	s.25X dismissed

77	Raza Rose and Farangis Abedinzadeh v. Department of Social Security	Inquiry Commissioner (Innes)	27.05.97	Services	dismissed
78	Mr S v. The Corporation of the City of Kensington & Norwood	Inquiry Commissioner (McEvoy)	4.06.97	Access to facilities & Goods and Services	dismissed
79	Alex Rugema v. J.Gadsten P/L Southcorp Packaging & Stephen Derkes	Inquiry Commissioner (Webster)	26.06.97	Abuse and vilification at work	\$55, 000
80	P & P v. The Secretary, Dept of Veterans= Affairs (NB # There is a supplementary decision to this decision)	Inquiry Commissioner (Keim)	24.07.97	Services	Upheld, awarded certificate pursuant to <i>Defence Service Homes Act 1918</i>
81	T v. Department of Education, State of Victoria	Inquiry Commissioner (Kenny)	21.07.97	Employment	s.25X dismissed
82	Jesus Benedito Soares v. Bayer Australia Ltd (under DDA aswell)	Inquiry Commissioner (Brown)	19.08.97	Employment	dismissed
83	Joseph Bachleda v. Associated Steamships P/L t/a ASP Ship Management and Frank Piesik	Inquiry Commissioner (Keim)	25.08.97	Harrasment in employment	1st resp - \$15 000 2nd Resp - \$3000
84	P & P v. The Secretary, Dept of Veterans= Affairs (supplementary decision)	Inquiry Commissioner (Keim)	26.08.97	Services	no further orders made
85	Combined Housing Organisation Ltd, Ipswich Regional Aboriginal & Torres Strit Islander Corp for Legal Services, Patricia Thompson and Cecil Fisher v. Pauline Hanson	Inquiry Commissioner (Wilson)	16.10.97	Racial Hatred and Provision of services	s.25X dismissed
86	Executive Council of Australian Jewry v. Olga Scully	Inquiry Commissioner (Nettlefold)	21.10.97	Racial Hatred	s.25X dismissed
87	Australian Macedonian Human Rights Committee (Inc) v. State of Victoria	Inquiry Commissioner (Wilson)	8.1.98	Race Discrimination and Racial Hatred	dismissed

88	Venelin Stamatov v. Department of Defence	Inquiry Commissioner (McEvoy)	9.2.98	Employment	\$10,000 + reference of employment
89	Michael Dealey v. Australian Leisure and Hospitality Group Limited	Inquiry Commissioner (Crennan)	31.3.98	Employment	dismissed
90	Zaheer Shaikh v. Ian Campbell & Nivona Pty Ltd	Inquiry Commissioner (Innes)	2.7.98	Accommodation, victimisation and racial hatred	dismissed
91	Harry Shron v. Telstra Corporation Limited	Inquiry Commissioner (Innes)	10.07.98	Racial Hatred	dismissed
92	Dr Uttam Gaekwad v. The Royal Australasian College of Surgeons	Inquiry Commissioner (Johnston)	10.07.98	Employment	dismissed
93	Brett De La Mare v. Special Broadcasting Service	Inquiry Commissioner (McEvoy)	18.8.98	Racial Hatred	dismissed
94	Mr >L= v. Ms Lana Quall	Inquiry Commissioner (McEvoy)	21.08.98	Victimisation	dismissed
95	Rolf Kummle v. The Commonwealth of Australia	Inquiry Commissioner (Innes)	7.10.98	Employment	\$1000
96	Hannah McGlade v. Senator Ross Lightfoot	Inquiry Commissioner (Johnston)	oral 21.1.99 written 11.2.99	Racial Hatred	s.25X dismissed
97	V v. Australian Red Cross (on liability)	Inquiry Commissioner (Johnston)	18.2.99	Provision of G & S (also SDA)	Substantiated
98	V v. Australian Red Cross (WA) (on damages)	Inquiry Commissioner (Johnston)	30.3.99	As above	\$5339.43
99	Cedric Jacobs v. David Fardig	Inquiry Commissioner (Innes)	27.4.99 13.5.99	s.18C	\$1000
100	Hanna Bryl and Anna Kovacevic and Louis Nowra and Melbourne Theatre Company	Inquiry Commissioner (Johnston)	21.6.99	Racial Hatred	s.25X dismissed
101	Anthony Aufgang v. Commonwealth of Australia (Australian Taxation Office)	Inquiry Commissioner (Nettlefold)	17.9.99	Employment	dismissed
102	Jack Korczak v. Commonwealth of Australia (Department of Defence)	Inquiry Commissioner (Innes)	16.12.99	Harrasment in Employment	dismissed
103	Dr Burney Siddiqui v. Australian Medical Council	Inquiry Commissioner (Johnston)	20.1.00	Employment & victimisation	dismissed

104	Aileen Walsh, Robert Bropho obo Nyungah Circle of Elders, Cleonie Quayle, Hannah McGlade, Wayne Bergmann v. Pauline Hanson and Pauline Hanson's One Nation	Inquiry Commissioner (Nader)	2.3.00	Racial Vilification	dismissed
105	Carlyn Brannigan v. Commonwealth (Department of Foreign Affairs and Trade) (also SDA) (preliminary decision on jurisdiction)	Inquiry Commissioner (McEvoy)	21.3.00	Employment	dismissed
106	Cy D'Oliveira v. The Australian Democrats	Inquiry Commissioner (Nader)	23.3.00	Racial Vilification	Dismissed under s.25X
107	W v. Lotteries Commission of South Australia	Inquiry Commissioner (McEvoy)	27.3.00	Employment	Dismissed
108	John Walker v. State of South Australia (South Australian Health Commission)	Inquiry Commissioner (McEvoy)	3.4.00	Services	Dismissed
109	Nicolas Feghaly v. David Oldfield and Janet Wainwright & Nationwide News Pty Ltd	Inquiry Commissioner (Beech)	19.4.00	Racial Vilification	\$1000 + statement to be published in The Sunday Times
110	Gary Hearne v. Kelvin Dennis and South Pacific Tyres Pty Ltd t/as Beaurepairs	Inquiry Commissioner (Carter)	24.5.00	Racial abuse & discrim in employment	Dismissed
111	Australian Macedonian Human Rights Committee (Inc) v. State of Victoria (compliant under s.9(1A), 10, 13, 16 & 17)	Inquiry Commissioner (Street)	8.9.00	RD & Services	Complaint substantiated under s.9(1) of the Act
112	Bolloway Community Services Aboriginal Corporation, Leslie Simon, Warren Carroll & Newton Carriage v. Eurobodalla Shire Council & Wilf Reid (Preliminary Decision)	Inquiry Commissioner (Innes)	13.9.00	RD	Eurobodalla Council not a respondent to complaint, inquiry to continue against 2 nd R only
113	Hobart Hebrew Congregation and Jeremy Jones (in his capacity as Executive Vice-President of the Executive Council of Australian Jewry) v. Olga Scully	Inquiry Commissioner (Cavanough)	21.9.00	Racial Vilification	Substantiated Conduct unlawful under Part 11A of the RDA. Ordered R not to repeat offence + apology

114	Jeremy Jones and members of the Committee of management of the Executive Council of Australian Jewry on behalf of those members of organizations affiliated to the Executive Council of Australian Jewry v. Fredrick Toben on behalf of the Adelaide Institute	Inquiry Commissioner (McEvoy)	5.10.00	Racial Vilification	Substantiated. Declared material should be taken off the website and apology published
115	Karen Penrith v Monash University & Claire Graham	Inquiry Commissioner (Johnston)	31.10.00	Education	Dismissed
116	Wayne Warner v Erica Kucera	Inquiry Commissioner (Johnston)	10.11.00	Offensive comments on signs	Substantiated. Declared apology be made to the complainant for hurt and humiliation.
117	Albert Corunna, Richard Wilkes, Violet Newman, Mingli Wanjurri, Leisha Eatts, Robert Bropho and Ken Colbung Comprising the Nyungar Circle of Elders v. West Australian Newspaper Ltd	Inquiry Commissioner (Innes)	12.4.01	Offensive Cartoon published in newspaper	Found cartoon published to be in breach of s.18C of the RDA , however the cartoon was covered by s.18D exemptions the complaint was therefore dismissed.
118	Mingli Wanjurri, Ben Taylor, Robert Bropho, Edna Bropho and Clarrie Isaacs v. Southern Cross Broadcasting (Aus) Ltd and Howard Sattler	Inquiry Commissioner (Innes)	7.5.01	Offensive remarks on public radio	Commissioner Innes declared that the R's had breached s.18C of the RDA and should pay each of the 5 complainants \$10,000