



RIVERMOUNT COLLEGE

Realising the Potential Within

8.01.01 ANTI-DISCRIMINATION POLICY

PURPOSE OF THE POLICY

Rivermount College is committed to protecting students and employees from unlawful discrimination and to responding appropriately should such discrimination occur.

SCOPE

This Policy applies to all employees, parents/guardians/students, volunteers and visitors; and to situations of admissions and enrolment, assessment and instruction, access, treatment, and employment.

RESPONSIBILITY

Principal reporting to the Board of Directors

LEGISLATION AND REFERENCES

[Anti-Discrimination Act 1991 \(Qld\)](#)
[Anti-Discrimination Regulation 2005 \(Qld\)](#)
[Anti-discrimination Bill 2024 \(Qld\)](#)
[Australian Human Rights Commission Act 1986 \(Cth\)](#)
[Age Discrimination Act 2004 \(Cth\)](#)
[Disability Discrimination Act 1992 \(Cth\)](#)
[Disability Standards for Education 2005](#)
[Racial Discrimination Act 1975 \(Cth\)](#)
[Sex Discrimination Act 1984 \(Cth\)](#)

*Human Rights Act 2019 (QLD) and
Human Rights Commission Employer
Toolkit*
03.08.01 Workplace Bullying Policy
03.07.01 Code of Conduct – Staff
**03.16.01 Complaints Handling Policy and
Procedure**
05.01.01 Code of Behaviour – Students
05.14.01 Student Bullying Policy
08.01.02 Disability Discrimination Policy
08.02.01 Anti-Sexual Harassment Policy

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DEFINITIONS

Direct discrimination: Direct discrimination on the basis of an attribute happens if a person treats, or proposes to treat, a person with an attribute less favourably than another person without the attribute is or would be treated in circumstances that are the same or not materially different.¹

Indirect discrimination:

Under the State legislation (the Anti-Discrimination Act 1991 (Qld)), indirect discrimination on the basis of an attribute happens if a person imposes, or proposes to impose, a term –

- (a) with which a person with an attribute does not or is not able to comply; and
- (b) with which a higher proportion of people without the attribute comply or are able to comply; and
- (c) that is not reasonable.

The meaning of indirect discrimination slightly differs under federal discrimination legislation.

Protected attributes: The *Anti-Discrimination Act 1991 s7* (Qld) prohibits discrimination on the basis of the following attributes:

- (a) sex
- (b) relationship status
- (c) pregnancy
- (d) parental status
- (e) breastfeeding
- (f) age
- (g) race
- (h) impairment
- (i) religious belief or religious activity
- (j) political belief or activity
- (k) trade union activity
- (l) sex work activity
- (m) gender identity
- (n) sexuality
- (o) family responsibilities
- (p) association with, or relation to, a person identified on the basis of any of the above attributes.

Federal legislation also prohibits discrimination in protected areas on the basis of certain attributes, for example, age, race, disability, sexual orientation, intersex status and gender identity. The activity areas that are most relevant to a school's activities are the education area and the work area as defined under the legislation and there are some circumstances where exemptions will apply.

POLICY STATEMENT

All students and staff at Rivermount College have the right to learn and work in an environment free from unlawful discrimination. The College will provide a fair and safe learning and teaching environment where all students and staff have equal opportunities.

¹ Anti-Discrimination Act 1991 s10

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Rivermount College is committed to complying with its legal obligations under relevant State and Federal discrimination laws, including protecting persons from unlawful discrimination and responding appropriately should such discrimination occur, including possible disciplinary action. Under both State and Federal discrimination laws, discrimination may be considered to be either direct or indirect discrimination.

The College has a *Student Disability Discrimination Policy* which outlines written processes for how students with a disability are identified and how the College devises educational programs specific to their educational needs. In Queensland, the *Anti-Discrimination Act 1991 (Qld)*, the *Disability Discrimination Act 1992 (Cth)* and the *Disability Standards for Education 2005 (Cth)* regulate disability discrimination of students and their associates in schools, including but not limited to the areas of:

- enrolment
- participation in curricular and co-curricular activities and use of facilities and services
- curriculum development, accreditation and delivery
- student support services
- elimination of harassment and victimisation.

In accordance with relevant law, Rivermount College prohibits unlawful discrimination against students in all facets of education, including:

- admission and enrolment applications
- the terms of admission and enrolment
- variation of the terms of a student's enrolment
- denial or limitation of benefits normally resulting from enrolment
- exclusion or suspension of students
- assessment and examination
- access to resources and facilities
- treating a student unfavourably in any way in connection with the student's training or instruction.

The College is also committed to ensuring that discrimination against staff does not occur in accordance with obligations under various State and Federal legislation; for example, requirements in the *Anti-Discrimination Act 1991 (Qld)*, *Fair Work Act 2009 (Cth)*, *Disability Discrimination Act 1992 (Cth)*, *Sex Discrimination Act 1984 (Cth)*, *Age Discrimination Act 2004 (Cth)* and *Racial Discrimination Act 1975 (Cth)*.

In accordance with the relevant law, Rivermount College prohibits unlawful discrimination against staff undertaking all categories of work, whether it be full-time, part-time, permanent, fixed-term, casual, work experience, vocational placement or voluntary, and in every aspect of work, including:

- recruitment
- terms and conditions
- training
- promotion
- termination of employment.

Any instances of discrimination should be reported under the College's *Complaints Handling Policy and Procedure*. The College will not tolerate any victimisation or reprisals for making

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complaints. False and/or malicious complaints may lead to legal action being taken against the complainant.

RESPONSIBILITIES

The legislation establishes a legal responsibility on Rivermount College to provide a school and workplace free from discrimination.

The College takes reasonable steps to prevent unlawful discrimination in the school, as follows:

- Develop and implement an anti-discrimination policy to assist in preventing any instances of discrimination.
- Educate and train relevant staff to assist in preventing any instances of discrimination and to appropriately respond to any instances of discrimination.
- Establish appropriate complaints procedures via the College's *Complaints Handling Policy and Procedure* to appropriately respond to any instances of discrimination.
- Remove any discriminatory or offensive materials, rules and practices to assist in preventing any instances of discrimination.
- Encourage staff, students and parents to contribute to a healthy workplace culture to assist in preventing any instances of discrimination.

Staff Responsibilities

All staff contribute to maintaining a discrimination free and inclusive workplace, and a healthy school and workplace culture.

All staff have a responsibility not to engage in discriminatory conduct and to uphold the College's policy.

Staff have an obligation to model appropriate behaviour; promote this policy; treat all complaints seriously and attend to them promptly; monitor the school environment; and seek support for complex or serious matters.

If staff believe that discriminatory behaviour is occurring in the school, they should make a complaint under the *Complaints Handling Policy and Procedure*.

Student and Parent Responsibilities

All students and parents contribute to maintaining a discrimination free and inclusive school, and a healthy school culture.

All students and parents have a responsibility not to engage in discriminatory conduct and to uphold this policy.

If students or parents believe that discriminatory behaviour is occurring in the school, they should make a complaint under the *Complaints Handling Policy and Procedure*.

IMPLEMENTATION

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Rivermount College undertakes reasonable steps to prevent unlawful discrimination, including the following:

Employment

Provision of Job Descriptions and Duty Statements

Rivermount College supplies the duties and responsibilities for each role within the school. Job descriptions are provided to employment candidates and detailed duty statements are provided upon employment or as the role evolves and areas of responsibility are defined.

Clear Selection Criteria for Appointment and Promotion

The qualities sought in an employee for a specific position are reflected in all job descriptions and refer to (at least) qualifications, skills, abilities, knowledge and experience. Once an employee is engaged then the same criteria apply in relation to promotion.

Interviews

The selection criteria and requirements of the role assist in developing interview questions to evaluate a candidate's suitability for the role, but are not the only basis.

Relevant Exemptions

In relation to employment, the Act provides an exemption in the following areas applicable to Rivermount College:

- where there is a genuine occupational qualification required;
- in educational institutions with a religious purpose;
- where job capacity is restricted by impairment and special terms are imposed;
- where special services or facilities are required by people with disabilities that would impose unjustifiable hardship on the school; or
- where special circumstances or impairment would cause unjustifiable hardship.

Some exemptions are absolute, some are not.

Enrolment

Prospective Students

Rivermount College does not discriminate in:

- failing to accept a person's application for admission as a student;
- the way in which a person's application is processed;
- the arrangements made for, or the criteria used in, deciding who should be offered admission as a student; or
- the terms on which a person is admitted as a student.

Current Students

The College does not discriminate:

- in any variation of the terms of a student's enrolment;
- by denying or limiting access to any benefit arising from the enrolment that is supplied by the College; or

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- by treating a student unfavourably in any way in connection with the student’s training or instruction.

Students with Disabilities

- This statement should be read in conjunction with the College’s *Disability Discrimination Policy*.
- Rivermount College will not unlawfully discriminate, harass or victimise a student on the ground of the student’s disability or the disability of any associate of a student.

Awareness and Training

The College regularly makes employees and students aware of the need to avoid discrimination, harassment and victimisation by the development and implementation of the *Anti-Discrimination and Disability Discrimination policies* and via the promotion of these policies by senior management.

The College regularly provides professional development to ensure employees have sufficient information and expertise concerning non-discriminatory methods of service delivery.

Dispute Resolution

The College promotes the *Complaints Handling Policy and Procedure* ensuring that complaints are properly and effectively dealt with in accordance with the policy and procedure.

Culture

The College shall remove any discriminatory or offensive materials, rules and practices, and encourage students, parents and employees to contribute to a healthy school culture.

COMPLIANCE AND MONITORING

The College will monitor the Complaint Register and other related registers and data (for example student behaviour incidents) to identify any patterns in discriminatory behaviour and implement appropriate improvement measures.

Suggestions of non-compliance with this policy and any related processes may be submitted as complaints under *Complaints Handling Policy and Procedure*.

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