



Anti-Discrimination Board of NSW  
**Annual Report**  
2017-18



The Hon Mark Speakman SC MP  
 Attorney General  
 52 Martin Place  
 Sydney NSW 2000

Dear Attorney,  
 In accordance with section  
 122 of the Anti-Discrimination  
 Act 1977 (NSW), the Anti-  
 Discrimination Board of NSW  
 presents its Annual Report  
 covering the period 1 July  
 2017 to 30 June 2018.

Yours sincerely

The Hon Dr Annabelle Bennett  
 AO SC  
 PRESIDENT

## Anti-Discrimination Board of NSW

# Annual report 2017-18

## Contents

Highlights	3
President's report	4
Senior Manager Operations report	5
About the Anti-Discrimination Board	6
Anti-discrimination law in NSW	8
Connections	10
Enquiry service	12
Conciliation service	15
Education service	20
Current publications	24
Aboriginal and Torres Strait Islander service	25
Legal Officer	27
Exemptions	29
Business support	32
Service reports	33
Financial statements	34
Structure of the Board	35



© 2018 State of New South Wales

You may copy, distribute, display, download and otherwise freely deal with this work for personal, educational or government purposes, provided that you attribute the Anti-Discrimination Board of NSW as the owner. However, you must obtain permission if you wish to (a) charge others for access to the work (other than at cost), (b) include the work in advertising or a product for sale, or (c) modify the work. ISBN 978-0-9750693-5-6. Produced October 2018.

# Highlights

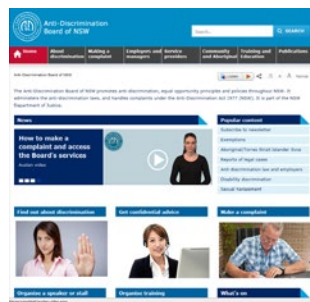
Increased focus on **community engagement**, with all staff now involved



Finalised **974** complaints, with an average turnaround time of **4.9** months



Website use and social media following increased by over **20%**



Held 3 successful **youth forums** to increase engagement with young people



Built **links** with organisations



Answered **3,719** enquiries about rights and obligations under anti-discrimination law



Delivered **117** on-site training sessions and ran 8 seminars, with a total of **2,400** participants

# President's report

The new Board and my term as President are nearly a year old. Since our appointment, the members of the Board have refocused the strategic direction of the Board, with an increased concentration on community engagement, as well as ensuring that the high standard of complaint handling continues.

I have been impressed by the enthusiasm and involvement of each of the Board members. Patricia Azarias, Trevor Robertson and Melissa Monteiro all bring strong interest in tackling discrimination and different areas of expertise to the Board. They have provided insight and guidance as we decide on strategy and priorities.

We have been most fortunate that Elizabeth Wing, who so capably served as acting President and who is very familiar with all of the work of the Board, has stayed as Senior Manager. Elizabeth has the responsibility of running the Board on a day-to-day basis and implementing the new strategies and opportunities that have emerged and have been approved by the Board.

Those opportunities are directed to maximising the Board's impact in trying to ensure that the people of New South Wales, across the breadth of the State, have an awareness of what constitutes discrimination under the Anti-Discrimination Act and the role of the Board.

We aim to reach school children and to understand what they see as discrimination and to listen to them and to the varied groups in our

society. As we are not a large organisation, we have partnered, and will continue to partner, with other parts of Government and with the private sector to leverage our expertise to achieve these objectives.

We anticipate that in the course of the next year we will see further fruit of these joint endeavours. We appreciate the support of the Attorney-General and the Department of Justice in assisting us to reach these goals.

While we direct ourselves to this end, we must maintain the standard of the resolution of complaints that are brought to the Board by members of the public. We have very experienced conciliators who work hard with all parties to achieve resolution between them. They have achieved a very satisfactory percentage of conciliated outcomes. Of course, where resolution is not possible, those cases are referred for determination to the New South Wales Civil and Administrative Tribunal.

We also continue to offer the services of our staff, who are prepared to travel all over the State to explain to organisations and businesses the subject matter of the Act and the complaint handling process of the Board. We have also been active in taking the opportunity to speak to groups, large and small, who invite us to address them on the subject of discrimination.

Discrimination, as covered by the *Anti-Discrimination Act 1977* (NSW), takes many forms, and it is important that everyone understands that the

Board represents a source of information and assistance in explaining what is, and what is not, permissible.

The Board has its challenges, in particular in changing its facilities and processes to deal with the digital age, including the need to upgrade its interface with the public. This is a work in progress which will hopefully be advanced further in 2018-19.

As President, I have met with a large number of people and organisations who can assist us to understand what is taking place and what we can do. I am excited by the possibilities that I have already identified to further the work and outreach of the Board.

We have a committed staff who will shortly be ready to implement those strategies with a view to creating a better understanding of discrimination which will, hopefully, reduce its presence. This first year has identified many things that need to be done.

I thank the other members of the Board, the Senior Manager and the staff of the Board and I look forward to working with them to take the necessary actions to create the desired outcomes.

**The Hon Dr Annabelle Bennett AO SC  
President**

**Anti-Discrimination Board of NSW**

# Senior Manager Operations report

The Anti-Discrimination Board of NSW entered the next phase of its lengthy existence in 2017, guided by the strategic direction of the new President, the Honourable Dr Annabelle Bennett AO, SC and statutory Board members Dr Patricia Azarias, Melissa Monteiro and Trevor Robertson.

In my new role as Senior Manager Operations, I am pleased to take on the responsibility of the day-to-day operations of all the work of the Board. It provides me with the privilege of continuing to work with the dedicated staff of the Board to end discrimination in NSW.

We have already taken many steps to grow and improve. We integrated our operations by removing internal silos and work collaboratively on projects and tasks. Staff were consulted and in agreement with these changes, which they have now embraced. We have seen a revitalised organisation emerging. The staff of the Board has appreciated the support from the

President and the statutory Board, and the renewed energy they bring.

The Board is better aligned with the Department of Justice. The Department provides the structural support and resources to bring the Board's goals to fruition.

We have better working relationships with other agencies within the Justice Services division, collaborating with Diversity Services and Law Access, as well as with external agencies such as NSW Fair Trading and Legal Aid. Other partnerships have followed from the connections that Annabelle Bennett made in the first six months of her appointment.

The world is a much more demanding place than it was in 1977 when the *Anti-Discrimination Act 1977* (NSW) (ADA) came in to being. Clients are better informed, more assertive and their expectations of public authorities are high. Timeframes are unforgiving in a fast paced electronic world. In this context, we must look for better ways

to serve the people of NSW, and serve them to the best of our capabilities.

The restructure of the Board was announced on 20 June 2018. This has been a primary focus for the past year, and will continue into next year when we implement the changes. We need to answer the hard questions – what is our purpose? How do we achieve it? What does a good job look like? We will also explore using better technology as a means to improve services. We will align the allocation of resources to the outcomes expected by the ADA.

In this year of change and uncertainty, the staff still achieved better outcomes and delivered more services than in recent years. We saw improvements in both community engagement sessions and complaint handling services.

It is a testament to professionalism of the staff. I thank all the staff for their patience as well as their commitment to clients experiencing discrimination and unfair treatment, and to promote equality of opportunity between all persons. Please see the highlights section on page 3 for more details.

I wish to thank Annabelle and the statutory Board members for their support and guidance. I also acknowledge the support of Deputy Secretary Kathrina Lo, her team, as well as the many members of staff of the Department of Justice who have all contributed to making my job easier. A warm thanks to you all.

I look forward to the challenges and the achievements of the next year.



*Anti-Discrimination Board staff welcome President Annabelle Bennett (fourth from right) with Department of Justice Deputy Director Justice Services Kathrina Lo (third from right) and Board Senior Manager Operations Elizabeth Wing (first on left).*

**Elizabeth Wing**  
Senior Manager Operations

# About the Anti-Discrimination Board

The Anti-Discrimination Board is an independent statutory body which was set up under the *Anti-Discrimination Act 1977 (NSW)* to administer that Act. The Board's role is to promote anti-discrimination and equal employment opportunity principles and policies throughout NSW. We are a business centre within the NSW Department of Justice.

## Functions of the Board

The Anti-Discrimination Board currently performs three main roles.

**1** We work to prevent discrimination from occurring. We inform people about their rights and responsibilities under anti-discrimination law, and explain how they can prevent and address discrimination. We do this through consultations, education programs, seminars, talks, participating in community functions, print and digital publications, our website and social media.

**2** We handle discrimination complaints. We provide an enquiry service for people who want information about their rights or responsibilities under anti-discrimination law. We investigate discrimination complaints and conciliate complaints when appropriate.

**3** We advise the Government on discrimination issues, and make recommendations about applications for exemption from the Anti-Discrimination Act.

## The President and the Board

The Statutory Board consists of the President as Chair, plus four members appointed by the Governor of NSW.

## The Board's structure

The Board has two branches:

### Enquiries and Conciliation Branch

Handles enquiries from the public about discrimination, and investigates and conciliates discrimination complaints received by the President.

### Business Services Branch

The branch has two teams: **Education Services**, which provides training, community education, information and communication services; and **Business Support**, which provides support services including reception, financial management, human resources, information technology, asset management and administration.

The Board employs a **Legal Officer** who advises the President, Statutory Board and staff on legal matters

### Regional services

As well as our central office in Parramatta, the Board has **regional offices** in Newcastle and Wollongong, and an **Aboriginal and Torres Strait Islander team** which provides culturally specific services for Aboriginal and Torres Strait Islander people.

## Staff profile

At 30 June 2018, the Board had an establishment of 30 staff positions. There were 18 full time staff, 12 part time staff, and four positions were vacant.

- **Employment status:** 90% were permanent employees and 10%

## Managers at 30 June 2018

**Senior Manager Operations:** Elizabeth Wing

**Acting Manager Enquiries and Conciliation:** Connie Santiago

**Acting Manager Business Support, Education and Aboriginal and Torres Strait Islander Team Leader:** Felicity Huntington

**Manager Regional Services:** Gerardo de Liseo

were temporary.

- **Gender:** 13% of staff were male and 87% were female.
- **Diversity:** 37% of staff identified English as their second language, 7% identified as Aboriginal and Torres Strait Islanders, 47% were from culturally and linguistically diverse backgrounds, and 17% identified as having a disability.

## Training and development

The Board encourages participation in training and development, in accordance with the policy of the Department of Justice (DOJ). All staff engaged in some form of training or development during the year. Training undertaken this year included:

- Contract Management Essentials
- SAP Purchase to Pay
- Managing Unreasonable Complainant Conduct
- Stress Less, Achieve More

Conferences attended by Board staff included:

- Australian Council of Human Rights Agencies Conference 2017
- Public Service Commission Executive Assistant Roadshow
- Together Making Change - 5th National Elder Abuse Conference
- National Forum on Racial Tolerance and Community Harmony

The Board also promotes expressions of interest from staff to act in temporary roles that provide opportunities for training and development.

## Statutory Board



*Annabelle Bennett*

### President

The Honourable **Dr Annabelle Bennett** AO SC, a retired judge of the Federal Court of Australia, was appointed as the new part-time President of the Anti-Discrimination Board on 7 August 2017.

Dr Bennett brings a wealth of experience to the role, serving on the judiciary for 13 years until 2016, as well as working as a Senior Counsel specialising in administrative law, intellectual property and professional misconduct. She is also Chancellor of Bond University and was recently appointed as a part-time Commissioner of the NSW Law Reform Commission.

*Attendance at meetings 5/5*



*Melissa Monteiro*

### Board Members

**Melissa Monteiro** is CEO of the Community Migrant Resource Centre in Parramatta NSW. She is a qualified social worker who has been working with multicultural and migrant communities since 2000. *Attendance at meetings 4/5*



*Patricia Azarias*

**Dr Patricia Azarias** is the former Deputy Chair of the NSW Community Relations Commission. She is a Senior Public Finance Adviser to the United Nations in Papua New Guinea.

*Attendance at meetings 4/5*



*Trevor Robertson*

**Trevor Robertson** is Managing Director of Capital Knowledge. He is a former First Assistant Secretary of the Federal Attorney General's Department. *Attendance at meetings 5/5*

# Anti-discrimination law in NSW

The *Anti-Discrimination Act 1977 (NSW) (ADA)* makes it unlawful to discriminate on certain grounds, in certain circumstances. One of the main roles of the Anti-Discrimination Board is to handle discrimination complaints under the Act.

## What is discrimination?

Discrimination occurs when a person with a particular characteristic is harassed or treated less favourably because of that characteristic. It also occurs where a rule or requirement has a disproportionate impact on people with the characteristic, and the rule is not fair in all the circumstances.

## Grounds of discrimination

Discrimination and harassment based on the following characteristics is unlawful in NSW:

- sex (includes pregnancy and breastfeeding)
- race
- age
- marital or domestic status
- homosexuality
- disability
- transgender status
- carer's responsibilities.

It is also against the law to discriminate against someone because their relatives, friends or associates have any of these characteristics (except for carer's responsibilities), or because you think they are homosexual or transgender or have a disability, even if it isn't the case. Sexual harassment is also against the law.

## Areas of discrimination

These types of discrimination are unlawful in five main areas:

- employment
- provision of goods and services
- State education, including schools, TAFEs and universities (sexual harassment and race discrimination are also unlawful in private education)
- provision of accommodation
- registered clubs.

Carer's responsibilities discrimination is only against the law in employment.

## Vilification

Vilification because of a person's race, homosexuality, transgender or HIV/AIDS status is unlawful in NSW. Vilification is any public act that incites others to hate, have serious contempt for, or severely ridicule a person or group of people who have the relevant characteristic.

## Victimisation

It is unlawful to victimise a person because they have complained about discrimination or helped someone with a discrimination complaint. A victimisation complaint may be upheld even if the original discrimination complaint is not.

## Other unlawful acts

It is unlawful to publish an advertisement that breaches the ADA, and to aid and abet a breach of the ADA. In some circumstances employers may be liable for the conduct of their employees.

## Exceptions and exemptions

The ADA includes some specific exceptions where jobs and services can be targeted towards a particular group. These mainly relate to reasonable requirements for particular types of jobs, services aimed at the special needs of a particular race or age group, and some special categories such as sport and superannuation.

The President of the Board and the Attorney General can also grant exemptions from the ADA to permit discrimination in some other circumstances. For more information about exemptions, see pages 28-31.

## Making a complaint

The Board provides an enquiry service to assist people who believe they have been discriminated against or harassed. The Enquiry Officers will advise the enquirer whether the problem appears to be covered by the ADA. If it is not covered, they will suggest other ways to get help.

If the problem appears to be covered by the ADA, the person can choose to lodge a complaint. The Board handles all complaints impartially, confidentially and free of charge, and there is no need for a lawyer.

A person can complain on their own behalf, or in certain circumstances, through a representative, guardian or agent. People can also complain as a



group, or as a representative of a group. Complaints can be written in any language, or in Braille.

If the events in the complaint are clearly not covered by the ADA, the complaint may be declined at this point. This may also happen where the events are more than a year old, depending on the circumstances.

Complaints that are accepted are then investigated more thoroughly to see if they may involve a breach of anti-discrimination law. Some complaints are resolved during this process.

## Conciliation

If after investigation the complaint appears to involve a breach of anti-discrimination law, and it has not yet been resolved, the Board helps to conciliate the complaint. This means we assist the parties involved to come to an agreement or settlement that will resolve the complaint.

The parties to the complaint are known as the complainant (the person alleging that they have been discriminated against or harassed) and the respondent (the person allegedly responsible for the discrimination or harassment).

Resolution of a complaint can only occur if both parties agree on a settlement. The Board is impartial and does not have the power to impose a settlement if the parties do not agree.

Examples of the solutions included in settlements are:

- the complainant accepting the respondent's explanation
- an apology

## Amendments in 2017-18

**1** Sections 25 (1A) and (2A) of the ADA were removed by the **Justice Legislation Amendment Act 2018** in March 2018. These sections contained exceptions that allowed employers to decline to employ a pregnant woman or to dismiss a pregnant woman if at the time she applied for the employment or at the time of the interview she knew she was pregnant. The repeal of these sections will improve protection for pregnant women against sex discrimination in the workplace and contribute to fair access to employment for all.

**2** NSW vilification laws have been under discussion for several years, and were the subject of a significant change in August 2018 (outside the 2017-18 reporting period). The **Crimes Amendment (Publicly Threatening and Inciting Violence) Act 2018** removed the offences of serious vilification on the grounds of race, homosexuality, transgender or HIV/AIDS status from the ADA and replaced them with a single, indictable offence of publicly threatening or inciting violence on the grounds of race, religion, sexual orientation, gender identity or intersex or HIV/AIDS status.

The Board will continue to investigate vilification that does not include threats or incitement to harm people or property, while NSW Police will now deal with allegations involving public threats of or incitement to violence.

**3** Minor changes occurred as a result of changes in other legislation. These included updating the definition of 'spouse' in section 49S of the ADA following changes to the *Marriage Amendment (Definition and Religious Freedoms) Act 2017* (Cth), and updating the definitions of 'private educational authority' and 'council' in s.4 of the ADA.

- reinstatement of the complainant
- the complainant being given a service or benefit they were denied
- training and/or new policies at the respondent organisation
- a compensation payment to the complainant, or a donation to charity.

In some cases, the complainant may abandon their complaint during the complaint handling process, or decide to withdraw it.

## NSW Civil and Administrative Tribunal

In certain circumstances, a complaint can be referred to the NSW Civil and Administrative Tribunal (NCAT). NCAT can make legal judgments that can be enforced or appealed. Remedies available to NCAT include ordering compensation, prohibiting discriminatory conduct in the future, and ordering publication of an apology.

# Connections



## Links with other organisations

This year the Board has placed increasing emphasis on establishing links and working in partnership with relevant organisations. This has been very successful in raising awareness about anti-discrimination law and the role of the Board, as well as creating ongoing relationships and developing

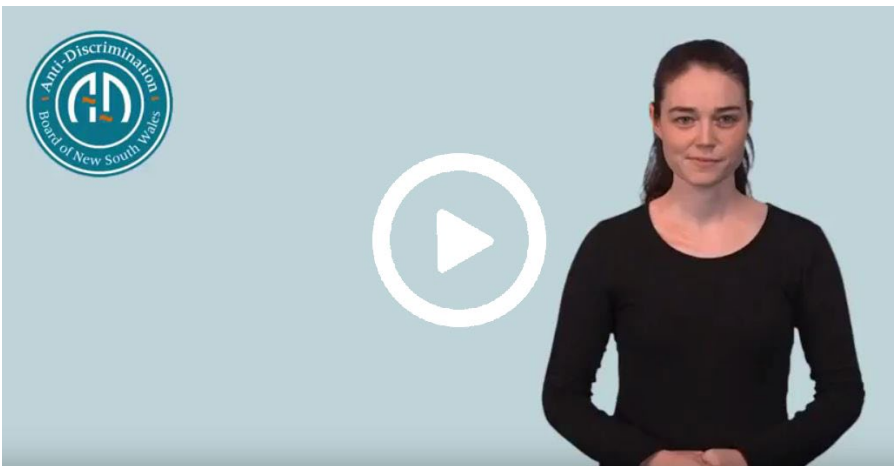
joint initiatives. Activities on the part of the President and Senior Manager Operations in 2017-18 have included:

- Following a meeting between the President and the Small Business Commissioner, a new factsheet for the Board was developed and distributed to small businesses

throughout NSW. The Senior Manager presented at workshops run by the Small Business Commissioner Friendly Councils forums.

- Meetings with the Legal Information Access Centre at the State Library of NSW, which resulted in circulation of Board information and promotional material to all libraries for Law Week in May 2018.
- Meeting with and presenting an information session for the Association of Independent Schools will ensure that independent schools have the opportunity to engage in our youth forums (see page 23 for more information about these).
- Presenting at a meeting of the Ethnic Communities Council Board meeting.
- Presenting at Unions NSW Seminar.

*Photo: Senior Manager Operations Elizabeth Wing (centre) with members of the Ethnic Communities Council Board.*



## Auslan video

In late 2017 the Board worked with the Deaf Society to produce a video about anti-discrimination law and the role of the Board in Auslan. This is a significant step forward in enabling Auslan communicators to access information directly and independently. The video is available on our website and can also be used in information sessions.

## ACHRA

The President and Senior Manager Operations regularly engage with other members of the Australian Council of Human Rights Agencies (ACHRA), and in particular the Australian Human Rights Commission.

Four staff from the Board attended the ACHRA conference in Brisbane in October 2017. As well as the usual discussions on techniques and strategies for education, community engagement and complaint resolution, a key issue was how to address “fake news” about the role and activities of human rights agencies and attacks on ‘political correctness’.

The conference also considered the ways that technology can be used to facilitate campaigns and streamline complaint handling.

*Photo: Board staff at the ACHRA conference.*



## Consultation groups

The Board’s consultation councils continued to meet in 2017-18. All the consultation members are volunteers who have knowledge of their communities and the types of discrimination those communities face.

The councils give the Board insight into community concerns and provide an opportunity for networking. We also work with consultation members to attend relevant community events and provide information to participants.

The Board hosted the following consultations in 2017-18:

- Aboriginal and Torres Strait Islander (three meetings)
- Gay, Lesbian and Bisexual (three meetings)
- Intersex and Gender (three meetings)
- Multicultural (three meetings)

*Photo: The Board’s Aboriginal and Torres Strait Islander consultation.*

# Enquiry Service



People can contact the enquiry service by phone, letter or email (via our general contact email address). They can also visit one of our offices.

Advice given by the enquiry service is not legal advice. Enquiry and Liaison Officers provide information about:

- rights and obligations under the ADA
- whether the enquirer's situation may be covered by the ADA
- how to address their situation, including self-help strategies and referral to other services if the issue is not covered by the ADA
- the Anti-Discrimination Board's complaint process and how to lodge a formal complaint.

---

The Board's Enquiry and Liaison Officers provide information about rights and obligations under the *Anti-Discrimination Act 1977 (NSW) (ADA)* to employers, service providers and members of the general public.

---

For employers and service providers, the enquiry service may also give more specialised information on anti-discrimination law and options for dealing with particular discrimination issues in their organisation.

The Board's website is a major source for basic information about the law. However, people may wish to consult the enquiry service on more complex matters, or where an issue is unclear.

Many discrimination issues can be addressed at the initial enquiry stage, when the Enquiry and Liaison Officers inform enquirers about their rights and obligations and suggest strategies for dealing with their circumstances.

## Enquiries in 2017-18

In 2017-18 the enquiry service responded to 3,540 enquiries. Enquiries sometimes cover more than one ground of discrimination, so the total number of discrimination matters raised in these enquiries was 3,719. This is a slight increase of 1.7% from 2016-17, when 3,656 matters were raised.

The majority of enquiries (3,213 or 90.8% of total contacts) were from people wanting to discuss individual discrimination issues. This included individuals themselves and advocates such as solicitors and advisory

services workers. 248 enquiries (7%) were from employers and service providers, and the remainder were from students seeking information for academic purposes and people seeking general information about the law.

Of the 3,213 enquiries from individuals, 1,754 (54.6%) were from or on behalf of a female and 1,459 (45.4%) were from or on behalf of a male.

There were 96 Aboriginal and Torres Strait Islander-related enquiries. These covered discrimination issues, exemption requests and general matters.

The majority of enquiries (3,077 or 86.9%) were made by telephone. Written enquiries received by email, fax or post totalled 428 (12.1%) which is an increase of 24.1% from 2016-17. The remainder were made by visiting one of the Board's offices.

The majority of telephone enquiries (2,659 or 85.4%) were dealt with in less than 15 minutes. 414 enquiries (13.3%) were dealt with in 15-29 minutes, 36 enquiries (1.2%) took 30-59 minutes and three (0.1%) took one hour or longer.

### Types of discrimination

Disability discrimination continues to be the most common issue raised by enquirers overall. In 2017-18 there were 772 enquiries about disability discrimination, representing 20.8% of total enquiries. This comprised 18.9% of all employment-related enquiries and 38.7% of all goods and services enquiries. There has been an increase in enquiries about assistance animals over the last two years.

The largest volume of enquiries was in the area of employment (1,426 or 38.3%). The second largest was in the area of goods and services (765 or 20.6%).

Race discrimination and racial vilification enquiries totalled 492 or 13.2% of all enquiries. We also received 286 enquiries about sex discrimination (7.7%), 199 about age discrimination (5.4%) and 132 about sexual harassment (3.5%).

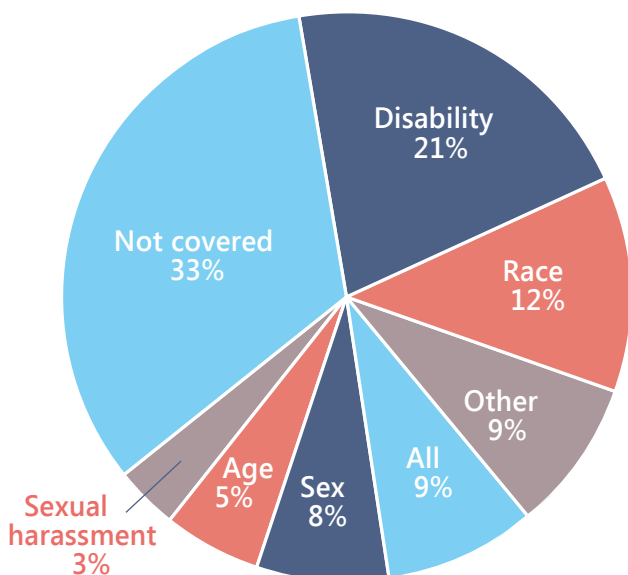
### Matters not covered

The Board received 1,386 enquiries (37.3%) about issues that were not covered by the ADA, either because the ground of the alleged discrimination was not covered or the area in which it occurred was not covered, or both.

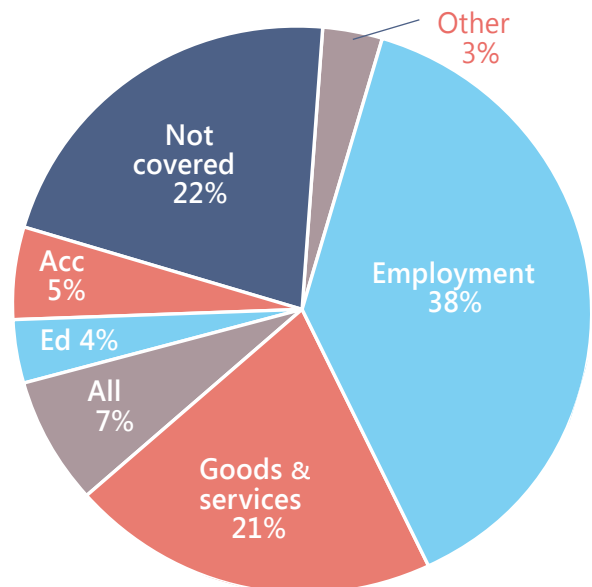
Of the matters not covered, 310 (21.7%) related to employment, and 73 of these (24%) were about workplace bullying and harassment. Other issues not covered by the ADA included alleged discrimination because of religion, physical appearance or a criminal record.

In cases where the alleged treatment is not covered by the ADA, the enquiry service provides advice about how to resolve the enquirer’s issue within the workplace, or refers them to another organisation that may be able to assist.

Type of discrimination enquiry 2017-18



Area of enquiry 2017-18



## Enquiry service *continued*

### Enquiries by ground and area 2017-18

	Emp	Gds & Servs	Acc	Educ	Clubs	Qual bods	Race vil	Hom vil	Trans vil	All areas	Area not covered	Total	%
Disability	269	296	64	66	16	6	-	-	-	7	48	772	20.8
Race	235	113	31	16	14	1	-	-	-	10	38	458	12.3
Sex	186	51	8	17	9	0	-	-	-	3	12	286	7.7
Age	95	56	29	5	2	2	-	-	-	3	7	199	5.4
Sexual harassment	119	7	2	1	0	0	-	-	-	0	3	132	3.5
Carer's responsibilities	85	-	-	-	-	-	-	-	-	-	-	85	2.3
Homosexuality	26	17	6	4	4	0	-	-	-	1	7	65	1.7
Victimisation	46	5	0	2	2	0	-	-	-	0	2	57	1.5
Marital/domestic status	10	10	12	0	0	0	-	-	-	1	2	35	0.9
Racial vilification	-	-	-	-	-	-	34	-	-	-	-	34	0.9
Transgender	4	15	1	3	1	0	-	-	-	4	5	33	0.9
Homosexual vilification	-	-	-	-	-	-	-	6	-	-	-	6	0.2
Transgender vilification	-	-	-	-	-	-	-	-	5	-	-	5	0.1
All grounds	41	18	3	2	2	0	-	-	-	224	28	318	8.6
Ground not covered – work harassment	73	-	-	-	-	-	-	-	-	-	-	73	2.0
Ground not covered – other	237	177	44	19	18	4	-	-	-	12	650	1161	31.2
<b>Total</b>	<b>1426</b>	<b>765</b>	<b>200</b>	<b>135</b>	<b>68</b>	<b>13</b>	<b>34</b>	<b>6</b>	<b>5</b>	<b>265</b>	<b>802</b>	<b>3719</b>	<b>100</b>
%	38.3	20.6	5.4	3.6	1.8	0.3	0.9	0.2	0.1	7.1	21.6	100	

*The total number of enquiries by ground and area is greater than the total number of calls received because many enquiries cover multiple grounds. There were no complaints of HIV/AIDS vilification, aiding an unlawful act, obstruction or discriminatory advertising.*

# Conciliation Service

The Board's Enquiries and Conciliation Branch provides a confidential, impartial and free service to the community from the Board's three offices in Parramatta, Newcastle and Wollongong. We investigate discrimination complaints, and where appropriate we conduct a conciliation conference to assist the parties to come to a resolution.

## Complaints received

The Board received 974 formal complaints of discrimination in 2017-18, with a profile similar to previous years. This is a 9.3% increase from last year.

## Most common complaints

As the table on page 16 shows, the most common complaints received in 2017-18 were on the grounds of disability discrimination, victimisation, race discrimination and sexual harassment.

There were 235 complaints of disability discrimination, which is an increase from 2016-17. Disability discrimination complaints accounted for almost 25% of total complaints.

## Victimisation

Victimisation complaints were the second highest category, which is a significant increase from last year. We received 129 victimisation complaints, which is 13.2% of total complaints. This is an increase of 41% from 2016-17. Of these 91 were in the area of employment.

Race discrimination complaints were the third highest category with 127 complaints (13%). This is an increase of 3.2% from 2016-17. There were also 19 complaints of racial vilification (2%).



## Sexual harassment

There were 110 sexual harassment complaints (11.3%). This is an increase of 39% from 2016-17. The majority of sexual harassment complaints (98 or 89%) related to the workplace.

## Employment complaints

Employment-related complaints continued to be the single largest statutory area of complaint with 484 complaints (49.7% of complaints lodged across all the statutory areas under the Anti-Discrimination Act.) Of these, 260 (53.7%) related to a detrimental work environment or harassment in the workplace.

There were 308 complaints from females in the workplace (31.6%),

which represented 13.4% of all complaints. Private enterprise accounted for 48.3% of respondent employers.

Disability discrimination was the most common ground for employment complaints, with 78 complaints received.

## Goods and services complaints

The provision of goods and services was the second largest area of complaint with 268 complaints (25.7%). This is an increase from last year. The most frequent ground of complaint in this area was disability discrimination with 107 complaints, followed by race discrimination with 46 complaints. →

## Conciliation service *continued*

### Complaints received by ground and area 2017-18

	Emp	Gds & Servs	Acc	Educ	Clubs	Qual bods	Racial vil	Hom vil	Trans vil	Other	Total	%
Disability	78	107	7	23	6	1	-	-	-	13	235	24.1
Victimisation	91	21	0	11	0	0	0	3	0	3	129	13.2
Race	48	46	16	5	5	1	-	-	-	6	127	13.0
Sexual harassment	98	10	0	2	0	0	-	-	-	0	110	11.3
Sex	62	16	7	3	3	0	-	-	-	8	99	10.2
Age	30	24	5	1	1	0	-	-	-	2	63	6.5
Carer's responsibilities	35	0	0	2	0	0	-	-	-	0	37	3.8
Aiding an unlawful act	10	17	1	1	0	0	0	1	0	0	30	3.1
Racial vilification	-	-	-	-	-	-	19	-	-	-	19	2.0
Homosexuality	9	5	1	0	0	0	-	-	-	1	16	1.6
Marital/domestic status	8	4	2	0	0	0	-	-	-	2	16	1.6
Homosexual vilification	-	-	-	-	-	-	-	13	-	-	13	1.3
Transgender	1	7	0	0	1	0	-	-	-	0	9	0.9
Transgender vilification	-	-	-	-	-	-	-	-	4	-	4	0.4
Other	4	2	1	0	0	0	-	-	-	14	21	2.2
Not specified	10	9	3	0	3	0	-	-	-	21	46	4.7
<b>Total</b>	<b>484</b>	<b>268</b>	<b>43</b>	<b>48</b>	<b>19</b>	<b>2</b>	<b>19</b>	<b>17</b>	<b>4</b>	<b>70</b>	<b>974</b>	<b>100</b>
%	49.7	27.5	4.4	4.9	2.0	0.2	2.0	1.7	0.4	7.2	100	

*In 2017-18 there were no complaints of HIV/AIDS vilification.*

#### Gender profile

In 2017-18 women lodged more complaints than men (534 compared to 430). The number of women lodging complaints increased by 11.4%, and complaints by men increased by 10.8% compared with 2016-17. Men lodged more complaints of race and age discrimination relative to women, and women lodged more complaints

of sex and carer's responsibilities discrimination, victimisation and sexual harassment. Men and women were equally represented in the category of disability discrimination.

#### Ethnic breakdown

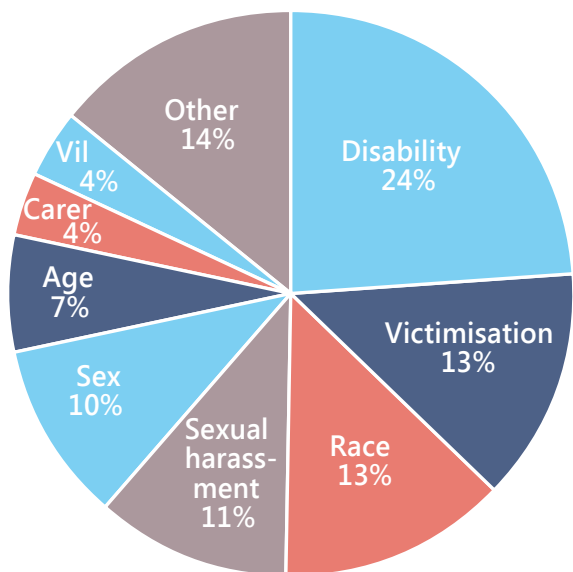
Most complainants did not specify their ethnic background unless it was relevant to their complaint. People of Aboriginal and Torres Strait Islander

background lodged 58 complaints, a slight decrease from 2016-17. Many other ethnic backgrounds were represented, with no significant pattern emerging. 775 complainants (79.6%) did not specify their background.

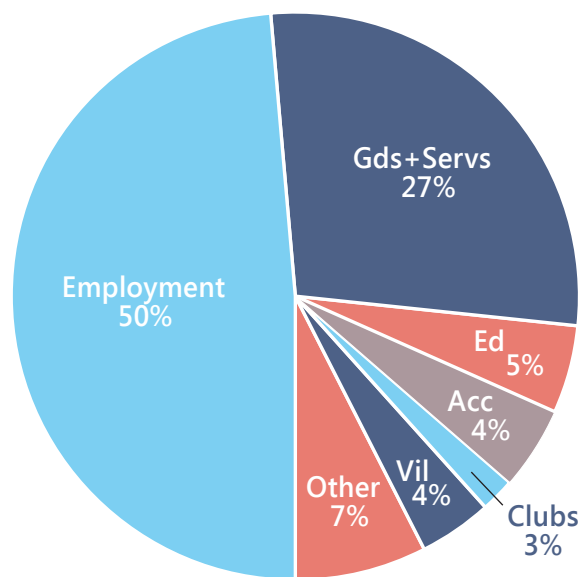
If complainants had difficulty with English, interpreters and translations were arranged by the Board at our expense.



Grounds of complaint 2017-18



Areas of complaint 2017-18



Type of employer 2017-18

	No	%
Private enterprise	234	48.3
State government department	68	14.0
Individual female	65	13.4
Hospital	28	5.8
Individual male	26	5.4
Commonwealth statutory authority	14	2.9
Non-profit association	11	2.3
Public education	10	2.1
Local government	8	1.7
Registered club	4	0.8
Other	11	2.3
Not known	5	1.0
<b>Total</b>	<b>484</b>	<b>100</b>

Type of employment complaints 2017-18

	No	%
Work environment and harassment	260	53.7
Dismissal	99	20.5
Classification/benefits	78	16.1
Recruitment/selection	42	8.7
Promotion	4	0.8
Retirement	1	0.2
<b>Total</b>	<b>484</b>	<b>100</b>

## Conciliation service *continued*

### Complaint processing

The Board provides an effective and efficient complaint handling process. The team achieved very good results in meeting the target timeframes for finalisation of complaints. We finalised 928 complaints (96%) within 12 months of receipt, exceeding the target of 85%. The average time taken to finalise complaints was 4.89 months, which was slightly lower than 2016-17. See the table below for more details.

### Rural conciliations

To make our service more accessible, the Enquiries and Conciliation branch increased the level of visits to rural and remote areas in NSW in 2017-18. On-site conciliations were held in Bourke, Dubbo, Lismore, Lithgow, Moree, Orange and Walgett.

### Timeframe targets 2017-18

Complaint to be finalised within	Target	Actual
2 months	20%	21.7%
3 months	30%	34.7%
6 months	60%	67.6%
12 months	85%	96.0%
18 months	100%	99.8%

### Complaint outcomes

Of the 928 finalised complaints in 2017-18, 162 were resolved at or after a conciliation conference (17.5%). A further 101 complaints (10.8%) were settled without the need to hold a conciliation conference.

### Referred complaints

108 complaints (11.6%) were referred to the NSW Civil and Administrative Tribunal (NCAT), as they were not able to be conciliated.

No complaints of serious vilification were referred to the Attorney-General for consideration for prosecution as an offence under the *Anti-Discrimination Act 1977* (NSW) (ADA).

### Declined complaints

136 complaints were declined as being outside the jurisdiction of the ADA, representing 14.7% of all complaints received. The President declined 56 complaints under s. 92 of the ADA, which is a 46% decrease from 2016-17. Complaints are declined under s. 92 after investigation for reasons such as lacking in substance, being misconceived or not being a contravention of the ADA.

If the President declines a complaint under s. 92, the complainant has the right to seek referral of the complaint(s) to NCAT. Under section 96 of the ADA, the complainant needs to apply to NCAT for leave to have their complaint(s) heard by the Tribunal. This occurred in 30 cases or 3.2% of total complaints.

### Withdrawn and abandoned complaints

195 complaints were formally withdrawn this year (21%), which is an increase of 62.5% from last year's figure of 120.

Complainants withdraw complaints for a number of reasons:

- their complaint might not be covered by the ADA
- they may be satisfied with the respondent's response
- they may lack support for the complaint
- they may be unable to provide information requested by the Board
- they may lack confidence that the respondent will provide a satisfactory response.

The number of complaints abandoned this year totalled 102 (11%) which is a 27.6% decrease from last year. Complaints may be regarded as abandoned if the complainant does not respond to requests for information, there is no indication they intend to proceed with the complaint, or we lose contact with them.

For more information about the complaint process, see pages 8-9.

## Settled complaints

A man with a disability had to use a cart on the golf course, but the club charged a fee for the carts which the man said was unfair. At conciliation, the club agreed to a reduced fee of 50% for members with medical evidence that they were unable to walk the course.

An Indian man bought a piece of equipment which turned out to be unsuitable. When he asked for a refund rather than a credit note, he was racially abused. The Board negotiated a settlement that the supplier would give a refund if the equipment was returned in good order.

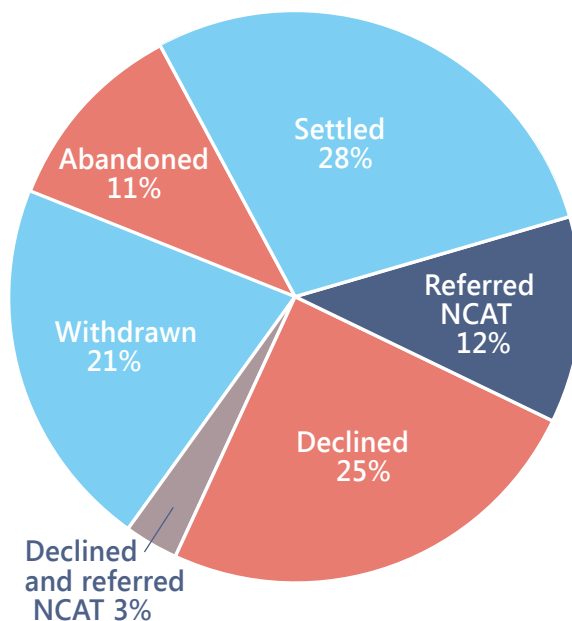
A woman tried to book a restaurant for her brother’s birthday, but was told they did not allow children under 12 for safety reasons, which would have excluded his children. After discussion with the Board, the restaurant apologised to the man and agreed to change their policy.

The complainant is the guardian of her ex-partner’s children and is now in a same-sex relationship. She said that the case supervision service for the children did not acknowledge her legal role because of her homosexuality. At conciliation, the case service agreed to assign a different case worker and ensure that she was involved all decisionmaking in the future.

## Outcome of complaints finalised 2017-18

Outcome	No	%
Settled before conciliation	101	10.9
Settled at or after conciliation	162	17.5
Referred to NCAT – conciliation unsuccessful or not suitable	108	11.6
Declined before investigation – not a contravention	136	14.7
Declined before investigation – older than 12 months	34	3.7
Declined before investigation – not on behalf of complainant	4	0.4
Declined after investigation – s. 92	56	6.0
Declined after investigation and referred to NCAT	30	3.2
Withdrawn s. 92B	195	21.0
Abandoned s. 92C	102	11.0
<b>Total</b>	<b>928</b>	<b>100</b>

## Complaint outcomes 2017-18



# Education service

The Education Services team provide a variety of education, training and information services. These services significantly contribute in achieving one of the Board's key functions under the Anti-Discrimination Act 1977 (NSW): the elimination of discrimination and the achievement of equal opportunity.

In 2017-18 the Education Services team's work involved three main areas:

- Services for employers and service providers. These fee-based services include training, consultancy and advice on policies and procedures.
- Engaging with the community to provide information and receive feedback about anti-discrimination law and the role of the Board. Staff from other parts of the Board also participate in this work.
- Communicating with the public through our website, newsletter, social media, digital publications and print publications.

## Training for employers and service providers

The education program provides high quality, cost-effective training and consulting services for employers and employees, service providers and a range of other organisations.

During 2017-18 we provided training for staff and managers in a very wide range of industries and sectors. These included:

- State and local government
- unions and industry associations
- retailers and manufacturers
- universities
- health care
- construction and mining companies

- childcare
- registered clubs
- professional firms such as lawyers
- charities and community organisations
- aged care and disability services
- transport
- communications and technology.

We aim to give clients a thorough understanding of anti-discrimination and related laws and the principles on which they are based. We also develop their skills to foster healthy, fair, diverse and inclusive organisational cultures, free from discrimination, harassment and bullying. We assist them to address vicarious liability, improve organisational culture and increase acceptance of diversity and inclusion.

### On-site training

Most of our training is provided on the premises of the client. This can involve both small and large

audiences, and groups of managers, groups of front-line employees or a mix of both. We travel throughout NSW to provide training, and requests from regional and rural areas have become more frequent in recent years.

Our courses are all interactive, and we customise the course content to suit the particular industry and the type of participants involved. This involves using particular types of examples, case studies and exercises, as well as integrating the organisation's own policies and procedures into the training.

Our courses are designed to:

- educate workers about their rights and responsibilities
- train managers to make equitable decisions
- promote the benefits of equal opportunity, diversity and inclusion
- increase understanding of the requirement to take 'all reasonable

## New courses in 2018

- **Train the trainer**, providing customised content for human resources and training professionals to enable them to train staff in-house.
- **Overcoming unconscious bias** in areas such as recruitment and dismissal, workforce management and service provision. Demand for this course is likely to increase as diversity initiatives become more prevalent and awareness is raised about the role of unconscious bias in discrimination.

steps' to prevent bullying, harassment and discrimination

- provide the information and skills to build a healthy organisational culture
- train managers to handle employee and customer grievances using the principles of procedural and substantive fairness.

The most common requests for on-site training were:

- Discrimination, bullying harassment prevention
- Complaint/grievance handling for managers
- Diversity and inclusion in recruitment and management
- Building a healthy workplace
- Respectful workplace behaviours
- Your rights and responsibilities at work
- Contact Officer training
- Case law update.

In some cases we have reviewed e-learning modules for staff using the client's facilities. Research has continued in 2017-18 into the option of providing e-learning modules and webinars using our own facilities.

Other benefits to all on-site training clients include:

- printed guidelines and handouts
- review, assessment and feedback on their policies and procedures
- ongoing advice and information
- evaluation of participant feedback.

### One-on-one training

We also provide one-on-one training in situations where a staff



member requires specific training on workplace behaviour. The most common issue that clients want to address in this way is sexual harassment in the workplace.

### Seminars

In 2017 we ran scheduled seminars on selected topics to cater for organisations that have only a few staff who need training.

In 2018 we did not pre-schedule any seminars but took expressions of interest in particular topics and ran seminars when there were sufficient numbers. Seminar topics in 2017-18 included:

- Bullying and harassment prevention
- Skills for Contact Officers
- Contact Officers' refresher
- Skills for grievance handling
- Grievance management and resolution skills
- Your rights and responsibilities at work.

### Outcomes

In 2017-18 we delivered 117 on-site training sessions and ran eight days of seminar sessions (four in the Sydney CBD, one in Parramatta, one in Newcastle and one in Wollongong). Together these reached more than 2,400 participants. The total revenue from on-site training was \$153,764 and the revenue from seminars was \$15,137. Without a scheduled seminar program, seminar income was reduced from 2016-17.

Evaluations of the Board's training are overwhelmingly positive from both senior management and staff or client organisations. We have significant numbers of repeat customers (who generally come back to us every two to five years), which shows how much the expertise of the training team is valued.

Clients particularly appreciate our ability to customise the training to suit their particular industry, size and type of organisation, and to work with staff at all levels of an organisation.

## Community engagement

This year the Board has placed more priority on community engagement, and staff throughout the organisation now contribute to this activity.

Our community engagement activities have involved:

- providing education sessions and speakers for community groups
- running stalls at appropriate events
- holding consultations with representatives of specific groups (see page 11 for more information)
- holding forums for specific groups
- networking with other agencies.

In doing this we aim to enhance awareness about anti-discrimination law and the role of the Board, identify issues of concern to the community and identify any barriers to accessing the Board's services and how our service could be improved.

Towards the end of 2017-18 the Board's community engagement work has also included members of the Enquiries and Conciliation team. In addition to participating in the events listed right, the team visited Bourke, Dubbo, Lismore, Orange and Tweed Heads to hold conciliation conferences and undertake community engagement activities. These included attending community events and meeting with individual stakeholders.

### Education, talks and events

The Board provided more talks and attended more community events in 2017-18 than in recent years. These reached over 2,435 people.

Talks were provided at:

- Community Migrant Resource Centres at Parramatta and Hornsby
- Anti-Poverty Week event, Penrith
- STARTTS, Auburn (Afghani men)
- Core Community Services, Fairfield (Asylum seekers/refugees)
- Tibetan Community, Dee Why
- Macarthur Disability Services, Campbelltown
- Inner City Legal Centre
- Normanhurst Boys High School

Stalls were held at:

- Community Expo, Erina
- Multicultural expo, Waitara
- Community Expo, Campbelltown
- Homeless Connect, Hunter region
- Wear it Purple Day and Pride Picnic, Parramatta (GLBTIQ)
- Mardi Gras Fair Day, Camperdown
- Harmony Day events at Eastwood (Chinese and Korean community) and Parramatta
- Law Week event, Bankstown
- Pathways to Employment Expo, Canley Vale (multicultural)
- International Day for People with Disability festival, Burwood



*The Board's Community Education Officer gave a presentation to the Chinese community at Hornsby Community Migrant Resource Centre in June 2018.*

## Networking

Anti-Discrimination Board staff continued participating in networking groups in the public and community sectors. These included:

- JOIN meeting – government community education workers
- Carers Rights and Complaints Network meeting
- Justice agencies Community and Stakeholder Engagement Group
- Department of Justice committees on transgender, LGBTI, disability, Aboriginal and Torres Strait Islander and general diversity.

## Youth forums

A major initiative in 2017-18 was three Youth Forums held in Parramatta, Waverley and Hornsby. The aim of these forums was to improve our knowledge of issues affecting young people and how the Board can assist them, as well as increasing their awareness about anti-discrimination law and the role of the Board. Each forum included students from a number of local schools. Altogether the three forums were attended by a total of 228 students.

The main issues to emerge were:

- race-based stereotyping, discrimination and violence
- homophobia and concerns about coming out
- age discrimination at work
- sexual harassment
- gender stereotyping in jobs



- the role of social media in bullying
- discrimination against young people with learning, psychiatric and behavioural disabilities.

Although most students had some knowledge about discrimination, there was a general lack of awareness about the Board. Participants suggested various strategies such as inclusion in the school curriculum, posters, a targeted web page and/or app, information sessions, YouTube videos and more forums.

*Photo top: Participants in the first Youth Forum, held at the Board's office at Parramatta.*

*Below: Participants at the second forum, held at Hornsby Girls High School (with Board President Dr Annabelle Bennett centre).*

## Communications

The Board's communications are an essential part of our service. We adopt a wide variety of strategies to reach as many parts of the NSW community as possible.

Staff hours were temporarily reduced this year, but we continued to develop our social media profile, improve our website and upgrade our main publications to improve accessibility and visual appeal.

We produce monthly analytics reports on our social media activities, website and newsletter. These show us what kind of material is gaining the most engagement and enable us to tailor our content accordingly.

### Social media

Our Facebook, Twitter and LinkedIn accounts are now an integral part of our communication strategy, enabling us to engage immediately on topical issues.

At June 30 2017 our **Facebook** page had 650 followers, and by June 30 2018 it had 783 followers, an increase of 20%. We made around 410 posts during the year. The highest reach was 3,100 people for a post of an article about girls being required to wear skirts to school, and the average reach was around 95 people per post.

The **Twitter** account had 217 followers at June 30 2017 and 271 by June 30 2018, which is an increase of 25%. We made 392 tweets during the year. The highest number of impressions was 2,150 for a tweet about the new President of the Anti-Discrimination Board. The average impressions per tweet was 311.

### Website

The Board's large website is the first point of contact for many people with enquiries about discrimination. In 2017-18 the website received 719,125 page views from 128,154 users. This is a 29% increase in page views and a 39% increase in users over last year.

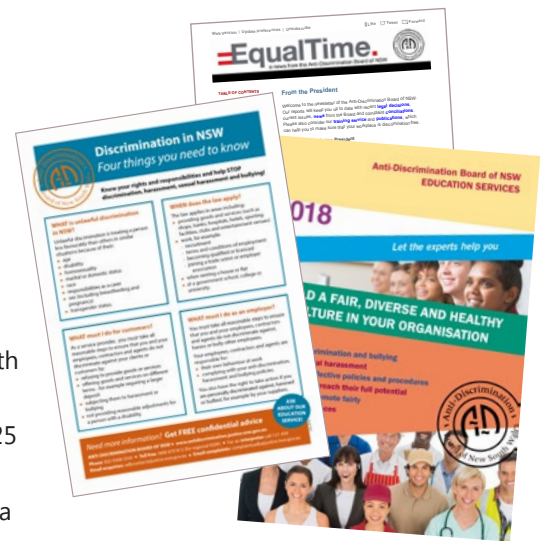
The most popular pages were:

- Home page
- Types of discrimination
- About discrimination
- Anti-discrimination law and employers
- Making a complaint
- Homosexual discrimination
- Disability discrimination
- Age discrimination
- Transgender discrimination

As well as ongoing website maintenance, in 2017-18 we restructured and re-labelled some elements on the site to improve clarity and access. We also continued re-formatting our information in other languages so it is accessible to screen readers, and developing online facilities for ordering publications, making enquiries and lodging complaints.



Top social media post



The Board produces and maintains a wide range of publications. These include:

- a regular e-newsletter *Equal Time* – items about recent legal cases and conciliations are the most popular
- guidelines for managers, non-supervisory staff and grievance handling, and for specific sectors such as the hotel industry, local councils and the Aboriginal and Torres Strait Islander community
- factsheets covering all the grounds of discrimination and how to make a complaint
- one-off brochures, flyers and advertisements as needed
- material in community languages
- posters and postcards
- worksheets for teachers
- promotional materials such as pens and rulers

New communications produced in 2017-18 include:

- seven issues of *Equal Time*
- 2016-17 Annual Report
- 2018 training brochure
- flyer for small businesspeople
- revised factsheet for the Aboriginal and Torres Strait Islander community.



# Aboriginal and Torres Strait Islander Service

The Board's Aboriginal and Torres Strait Islander outreach team provides culturally specific complaint resolution, education and training services for the Aboriginal and Torres Strait Islander communities throughout NSW. They do outreach work for the community and network with other agencies.

## Complaint handling

In 2017-18 the Board received 58 complaints from Aboriginal and Torres Strait Islander people.

The most common ground of complaint from Aboriginal and Torres Strait Islander people was race discrimination (35 complaints or 56.9%). There was an increase in complaints of racial vilification.

The most frequent area of complaint in 2017-18 was goods and services with 25 complaints (43.1%), followed by employment with 10 complaints (17.2%). These two are consistently the most frequent areas of complaint for Aboriginal and Torres Strait Islander people.

Complaints from Aboriginal and Torres Strait Islander people

represented 5.9% of all complaints received by the Board in 2017-18, whereas 3.4% of the NSW population is Aboriginal or Torres Strait Islander.

Statistics for the processing and outcomes of complaints from Aboriginal and Torres Strait Islander people are included in the general figures for the conciliation service on pages 15-19. →

## Aboriginal and Torres Strait Islander complaints 2017-18

	Emp	Gds & Srv	Acc	Educ	Clubs	Qual	Racial vil	Other	Total	%
Race	7	16	8	1	2	1	-	1	36	62.1
Racial vilification	-	-	-	-	-	-	7	-	7	12.1
Victimisation	1	1	0	1	0	0	-	-	3	5.2
Aiding unlawful act	0	3	0	0	0	0	-	-	3	5.2
Disability	0	1	0	0	0	1	-	-	2	3.5
Age	1	1	0	0	0	0	-	-	2	3.5
Sex	0	1	0	0	0	0	-	-	1	1.7
Sexual harassment	0	1	0	0	0	0	-	-	1	1.7
Marital status	0	0	1	0	0	0	-	-	1	1.7
Carer's responsibilities	1	0	0	0	0	0	-	-	1	1.7
Other	0	1	0	0	0	0	-	-	1	1.7
Total	10	25	9	2	2	2	7	1	58	100
%	17.2	43.1	15.5	3.5	3.5	3.5	12.1	1.7	100	

*In 2017-18 there were no complaints from Aboriginal and Torres Strait Islander people on the grounds of homosexual or transgender discrimination; or transgender or HIV/AIDS vilification.*

# Aboriginal and Torres Strait Islander Service *continued*

## Education and training

In 2017-18 the Aboriginal and Torres Strait Islander team continued to run education sessions and stalls at community events to raise the awareness of Aboriginal and Torres Strait Islander people about their rights and responsibilities under anti-discrimination law. This year these activities reached over 688 people directly.

## Residential tenancy seminars

The outreach team continued to work in partnership with NSW Fair Trading's *My Place* program to provide information on anti-discrimination law for real estate agents and private landlords. The licensed real estate agents gain professional development points by attending the seminars.

This year the Board took part in seminars at Coffs Harbour, Deniliquin, Lismore and Liverpool.

## Outreach program

In 2017-18 the team provided training, talks or information to individuals and organisations in Bourke, Coonamble, Dubbo and Orange.

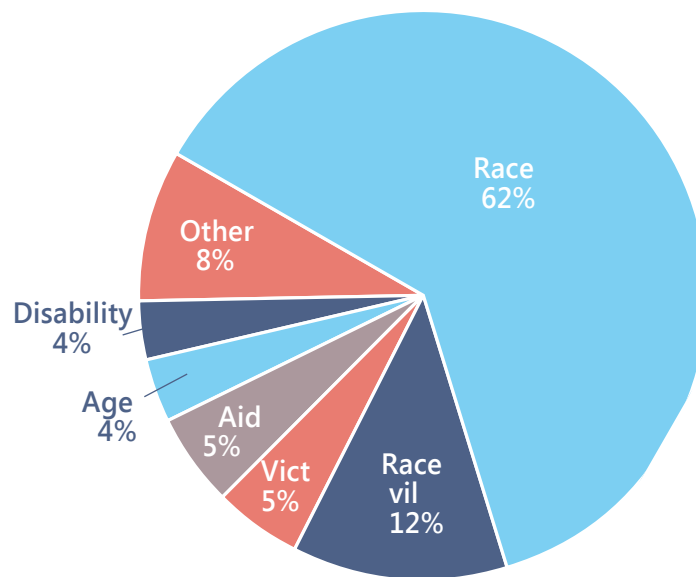
The team supplied information at community events including:

- NAIDOC Week events at Dubbo, Kogarah, Kurranulla and Sutherland
- Yabun Festival, Victoria Park, Camperdown



Board staff with workers from Housing Plus during outreach work in Orange in March 2018.

## ATSI complaints 2017-18



# Legal Officer

The Anti-Discrimination Board's Legal Officer ensures that the *Anti-Discrimination Act 1977 (NSW)* and related law is correctly understood, interpreted and administered by all stakeholders.

## Main activities

To achieve this, the Legal Officer's main activities are:

- advising the Attorney General, the Acting President, the President and staff in relation to the ADA and other relevant legislation and policy
- managing litigation
- reviewing applications for exemption from the ADA and advising the Attorney General and President
- monitoring compliance with exemption conditions
- advising on proposed policy, legislation reviews and law reform submissions
- administering notifications of proposed alcohol-free zones
- in conjunction with the Office of the General Counsel, Department of Justice, managing requests for privacy reviews, applications to access government information under the *Government Information (Public Access) Act 2009*, and copyright requests
- reviewing and advising on internal Board policies and procedures
- informing Board staff about relevant case law developments and legislative amendments.

## Policy work

In 2017-18 the Board responded to policy and law reform issues including:

- the NSW Parliamentary Inquiry into NSW emergency services agencies
- the Expert Panel on Religious Freedom in Australia.

The Board continues to monitor State laws and make policy submissions to support law reform where NSW law is inconsistent with other jurisdictions and to reflect social trends and community expectations. In particular, it seeks to update and improve provisions relating to transgender discrimination, and extend legal protections under the ADA to people born with intersex variations.

The Legal Officer attended the Berkeley Comparative Equality and Anti-Discrimination Law Study Group Annual Conference held in Melbourne in June 2018. This was the first such conference to which representatives of Australian Federal, State and Territory anti-discrimination and human rights agencies were invited.



The Legal Officer also participated in a panel discussion on sexual harassment in the legal profession as part of a Gender and the Law conference held jointly by the Law Societies of the University of Sydney, the University of Technology Sydney and the University of NSW. →

# Legal Officer *continued*

## Exemptions in 2017-18

In 2017-18, the Board received 40 applications for exemptions under section 126 of the ADA. Thirty of these applications were granted during the period (including one application to vary an existing exemption) and two were refused. Eight applications were pending on 30 June 2018 (these were subsequently granted).

The vast majority of the exemptions granted in 2017-18 related to the education, training and employment of Aboriginal and Torres Strait Islander people and women. Applications came from the private sector, government departments, local government, universities and non-government organisations.

## What are exemptions?

There are two sections under the *Anti-Discrimination Act 1977* (NSW) (ADA) under which exemptions can be granted to permit discrimination in relation to specific jobs, programs or services: sections 126 and 126A.

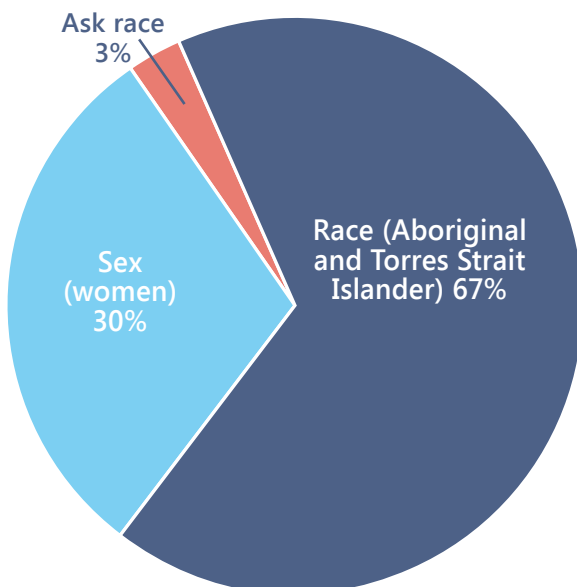
**S. 126 exemptions** generally relate to employment opportunities for people who have previously been disadvantaged or discriminated against on one of the grounds covered by the ADA (such as an affirmative action program for women).

**S. 126A exemptions** are for programs or activities to improve opportunities for people covered by the ADA, or to meet the special needs of some groups covered by the ADA (such as a support group for single parents).

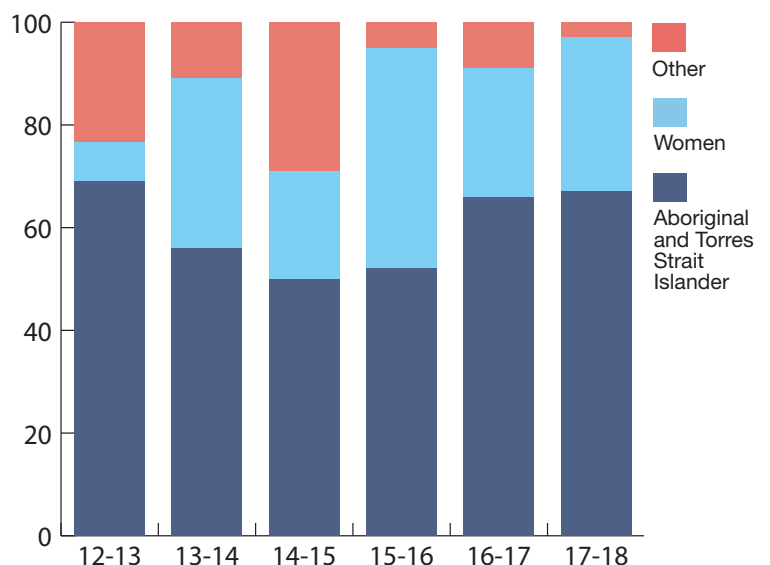
The Board also reviewed compliance reports relating to exemption orders. These reports provide feedback to the Board about the implementation and progress of exemption strategies.

The Attorney General granted three s. 126A exemptions in 2017-18. One was for a service for men only, one was a service provided by and for women, and the third was a career development program for women.

Type of s.126 exemption 2017-18



S.126 exemptions history (%)



# Exemptions

## Section 126 exemptions 2017-18

Applicant	Program	Sections	Date	Expiry
Aboriginal Legal Service (NSW/ACT) Ltd	To designate and recruit up to 75% of executive, senior management, field officer, administration officer and program funded staff positions in the organisation for Aboriginal and Torres Strait Islander persons only.	8, 51	1.6.2018 (10 years)	31.5.2028
Address Housing Limited	To recruit women only into any role that deals directly and regularly with the organisation's tenants.	25, 51	12.10.2017 (10 years)	11.10.2027
Bega Valley Shire Council	To designate and recruit five trainee, one apprentice and two undergraduate cadet positions for Aboriginal and Torres Strait Islander persons only.	8, 51	18.3.2018 (4 years)	17.3.2022
City of Sydney Council	To designate and recruit the position of Apprentice Gardener for an Aboriginal or Torres Strait Islander person only.	8, 51	30.10.2017 (4 years)	29.10.2021
City of Parramatta Council	To designate and recruit the position of Diversity Employment Strategy Officer for Aboriginal and Torres Strait Islander persons only.	8, 51	29.9.2017 (4 years)	28.9.2021
Eurobodalla Shire Council	To designate and recruit one Civil Construction trainee/apprentice position for women only, and two Business Administration youth traineeships for Aboriginal and Torres Strait Islander persons only.	8, 51	29.9.2017 (4 years)	28.9.2021
Goulburn Mulwaree Council	To designate and recruit one traineeship position per year for Aboriginal and Torres Strait Islander persons only.	8, 51	21.2.2018 (5 years)	20.2.2023
GP Synergy Ltd	To designate and recruit designate and recruit six positions for Aboriginal and Torres Strait Islander persons only	8, 51	3.11.2017 (fixed term)	31.12.2023
H2 Ventures Pty Ltd	To designate and recruit an internship position for women only.	25, 51	15.2.2018 (5 years)	14.2.2023
Hunter Medical Research	To provide a medical research fellowship for women only.	25, 33, 51	19.12.2017 (10 years)	18.12.2027
Independent Commission Against Corruption	To designate and recruit a surveillance operative for women only.	25, 51	26.2.2018 (5 years)	25.2.2023
Lismore City Council	To designate and recruit up to 10 traineeships and entry level positions for Aboriginal and Torres Strait Islander persons only.	8, 51	31.8.2017 (5 years)	30.8.2023

## Exemptions *continued*

### Section 126 exemptions 2017-18

Applicant	Program	Sections	Date	Expiry
Lockheed Martin	Includes: to enable the applicant to ask present and future employees and contractors to declare, to the best of their knowledge and belief, their exact citizenship (including any dual citizenship) and country of birth. To require employees to advise of any change to their citizenship status, to identify employees accordingly, and make decisions about recruiting and deploying employees on that basis. Conditions attached – for full details see NSW Government Gazette.	8, 10, 51	27.6.2018 (5 years)	26.6.2023
Local Government New South Wales	To designate and recruit the position of Senior Policy Officer – Aboriginal Policy and Programs for Aboriginal and Torres Strait Islander people only.	8, 51	6.7.2017 (10 years)	5.7.2027
Macarthur Group Training Ltd trading as My Gateway	To designate and recruit up to 30 apprenticeships or traineeships per year for Aboriginal and Torres Strait Islander persons only.	8, 51	28.11.2017 (5 years)	27.11.2022
Macquarie University	To designate and recruit three Indigenous Early Career Academic (Associate Lecturer) positions for Aboriginal and Torres Strait Islander persons only.	8, 51	28.11.2017 (5 years)	27.11.2022
MEGT Australia Ltd, trading as Indigenous Apprentice and Traineeship Network	To designate and recruit up to 120 Aboriginal or Torres Strait Islander people each year as trainees and apprentices. Conditions attached – for full details see NSW Government Gazette of 7/4/2017.	8, 51	30.3.2017 (5 years)	29.3.2022
Northern Rivers Community Legal Centre	To designate and recruit two positions for women only as solicitors specialising in family law and/or care and protection.	25, 51	6.7.2017 (10 years)	5.7.2027
Northern Rivers Social Development Council Ltd t/a Social Futures	To designate and recruit a position as Learning Circle Facilitator for Aboriginal and Torres Strait Islander persons only.	8, 51	21.9.2017 (5 years)	20.9.2022
Oliver Wyman Pty Ltd	To provide one management consulting scholarship per year for women only.	25, 33, 51	4.4.2018 (3 years)	3.4.2021
Penrith City Council	To designate and recruit a Specialist Aboriginal Child Care Worker position for Aboriginal and Torres Strait Islander persons only.	8, 51	23.5.2018 (10 years)	22.5.2028
PHN Murray Ltd	To designate and recruit four Aboriginal Access Advisor positions for Aboriginal and Torres Strait Islander persons only.	8, 51	7.2.2018 (5 years)	6.2.2023
Protech Personnel (NSW) Pty Ltd	To designate and recruit up to 50 apprenticeships per year for Aboriginal and Torres Strait Islander persons only.	8, 51	23.5.2018 (2 years)	22.5.2020

## Section 126 exemptions 2017-18

Applicant	Program	Sections	Date	Expiry
Southern Cross University	To conduct targeted recruitment and development programs for Aboriginal and Torres Strait Islander persons only.	8, 51	1.6.2018 (5 years)	31.5.2023
Tamworth Regional Council	To designate and recruit a Trainee Environmental Health Officer position for Aboriginal and Torres Strait Islander persons only.	8, 51	19.12.2017 (6 years)	18.12.2023
Telstra Corporation Ltd	To run a career re-entry program for female managers who have been out of the workplace for at least 2 years	25, 51	19.3.2018 (5 years)	18.3.2023
University of New South Wales	To designate and recruit professional and academic positions for Aboriginal and Torres Strait Islander persons only, in pursuance of its goal of a 3% Aboriginal and Torres Strait Islander workforce participation rate.	25, 51	15.6.2018	31.12.2025
University of New South Wales	Order of 23 May 2017 varied under s.126 to permit the University to offer, advertise and facilitate PhD scholarships for women only in science, technology, engineering, mathematics and medicine.	25, 51	8.12.2017 (variation date)	22.5.2022
University of Sydney	To extend its Merit Appointment Scheme under which faculties and professional service units have access to internal financial subsidies to support the employment of Aboriginal and Torres Strait Islander persons as academic and general employees. Subject to a compliance report. See details NSW Government Gazette 13 April 2018.	8, 51	4.4.2018 (3 years)	3.4.2021
Vodafone Hutchinson Australia Pty Ltd	To introduce initiatives to improve the representation of women at senior leadership level.	25, 51	23.3.2018 (5 years)	22.3.2023

## Section 126A exemptions 2017-18

Organisation	Special needs program or activity	Exemption period
Fthree Pty Ltd T/A the F3 Project	To provide a development program for women only to encourage and support careers in the financial services industry.	24.1.2018 to indefinitely
Shebah Pty Ltd	To operate a ride-sharing service in NSW for women, using only female drivers.	18.8.2017 Remains in force until the certification is withdrawn.
The Man Centre	To provide psychology, counselling and allied health services for men only.	5.7.2018 to indefinitely

# Business support

The Business Support team provides support services including reception, finance, human resources, information technology, asset management and administration. This is achieved with a mix of in-house systems and linking with corporate services provided by the Department of Justice.

## Administrative services

The Business support team continually evaluates internal procedures to improve consistency and optimise the time that education, enquiries and conciliation staff have available to work on core business.

## Human resources

The team provides administrative support for staff recruitment, role description management and payroll as required. One formal recruitment and four expressions of interest processes were completed in 2017-18.

The Board supports staff development opportunities and encourages expressions of interest from staff to work in varying roles for the development of new skills and knowledge (including positions at higher levels). These opportunities are recorded as staff training and development to support My Performance and staff development programs.



## Work health and safety

The Board's WH+S Committee has representatives from various teams within the Board to ensure matters are identified and addressed appropriately. All members of the committee maintain appropriate accreditation for WH+S. The Board also has a group of accredited first aid officers.

The committee met once in 2017-18. The key issues managed during the year included security and safety of staff, and ergonomic work design.

See page 34 for the Board's Information Technology Statement.



# Service reports

## Multicultural services

- We have a multilingual poster in 12 languages, postcards in six languages, and a brochure with information in 14 languages.
- We have an easy English factsheet designed for people from different language backgrounds, and factsheets on race discrimination and racial vilification.
- The Board arranges for interpreters and translation when needed, and the reverse of the Board's letterhead has a message in 21 languages about the Telephone Interpreter Service.
- A complaint can be made in any language and we will have it translated at no charge to the complainant. This is explained in 23 languages in an attachment to the complaint form.
- We provide assistance for people who are unable to write their complaint themselves.
- The Conciliation Service uses standard letters in plain English when writing to the parties to a complaint.
- Our training sessions and community education reached people from a wide range of backgrounds.
- We provided a culturally appropriate service for the Aboriginal and Torres Strait Islander community, attending a number of community events, participating in the My Place and Good Service Mob programs, and meeting community members through our consultation group.

## Disability services

- We liaise with the Department of Justice's Diversity Services Unit and follow its policies as appropriate.
- Our website includes information on how people with a disability can access our services and how we will work with them.
- All our offices have a hearing loop.



- All our offices are wheelchair accessible.
- We assist clients with special needs as required, for example we may provide parking, escort people from the building's foyer and help people to write complaints.
- People who are deaf or have a hearing or speech impairment can use the National Relay Service to contact the Board.
- Interpreters, advocates and support people can be involved in the Board's processes at the client's request.
- Clients can submit complaints by email, in formats such as Braille, audio or video, and in Auslan.

These will be transcribed or translated free of charge.

- The Conciliation Service uses standard letters in plain English when writing to the parties to a complaint.
- We provide documents in alternative formats as required.
- All our free information is available in text format on our website and can be read aloud using the ReadSpeaker software provided by the Department of Justice or another screen reader. This includes our information in other languages. Clients can request material in other formats if needed.
- We have improved the Board's website to make it more accessible to people with vision impairment.
- We have a video in Auslan explaining anti-discrimination law and how to make a complaint.
- We have two publications providing simple information specifically for people with an intellectual disability.

## Service complaints

The Board handled service complaints in accordance with the policy and procedures of the Department of Justice.

In 2017-18 the Board received 20 service complaints. Of these, 14 related to service delivery, five to policy or procedure and one to a Board publication. This is a good result in view of our delivery of direct services to over 10,000 individuals during the year (not including over 100,000 users of our website).

# Financial statement

## Total operations

The net cost of services provided by the Board in 2017-18 was \$4,046,329. Against a budget of \$3,494,846 this was overspent by \$551,483. This was largely due to a discrepancy between budgeted and achievable income from workplace education.

The Board's full financial figures are included in the published consolidated accounts of the Department of Justice.

## Revenue

Revenue is generated by the workplace education service, which charges fees to customers. We also receive some revenue from publications.

See pages 20-21 for more information about workplace education.

## Total operations 2017-18

	Budget	Actual	Variance
<b>Revenue</b>	749,072	144,758	-604,313
<b>Expenses</b>			
Staff	2,936,343	3,103,105	-166,762
Other operating	909,156	828,770	80,386
Maintenance	24,772	11,009	13,763
<b>Total expenses</b>	<b>3,870,271</b>	<b>3,942,885</b>	<b>-72,614</b>
<b>COST OF SERVICES</b>	<b>3,121,199</b>	<b>3,798,127</b>	<b>-676,928</b>
Depreciation	134,108	31,224	102,884
Crown liability	239,538	216,977	22,561
<b>NET COST OF SERVICES</b>	<b>3,494,846</b>	<b>4,046,329</b>	<b>-551,483</b>

## Information technology statement

The Anti-Discrimination Board is included in the Department of Justice cluster, with a number of key support functions such as human resources, asset management and information technology provided. The NSW Government Digital Information Security Policy provides for a number of standards through which information is stored and recorded.

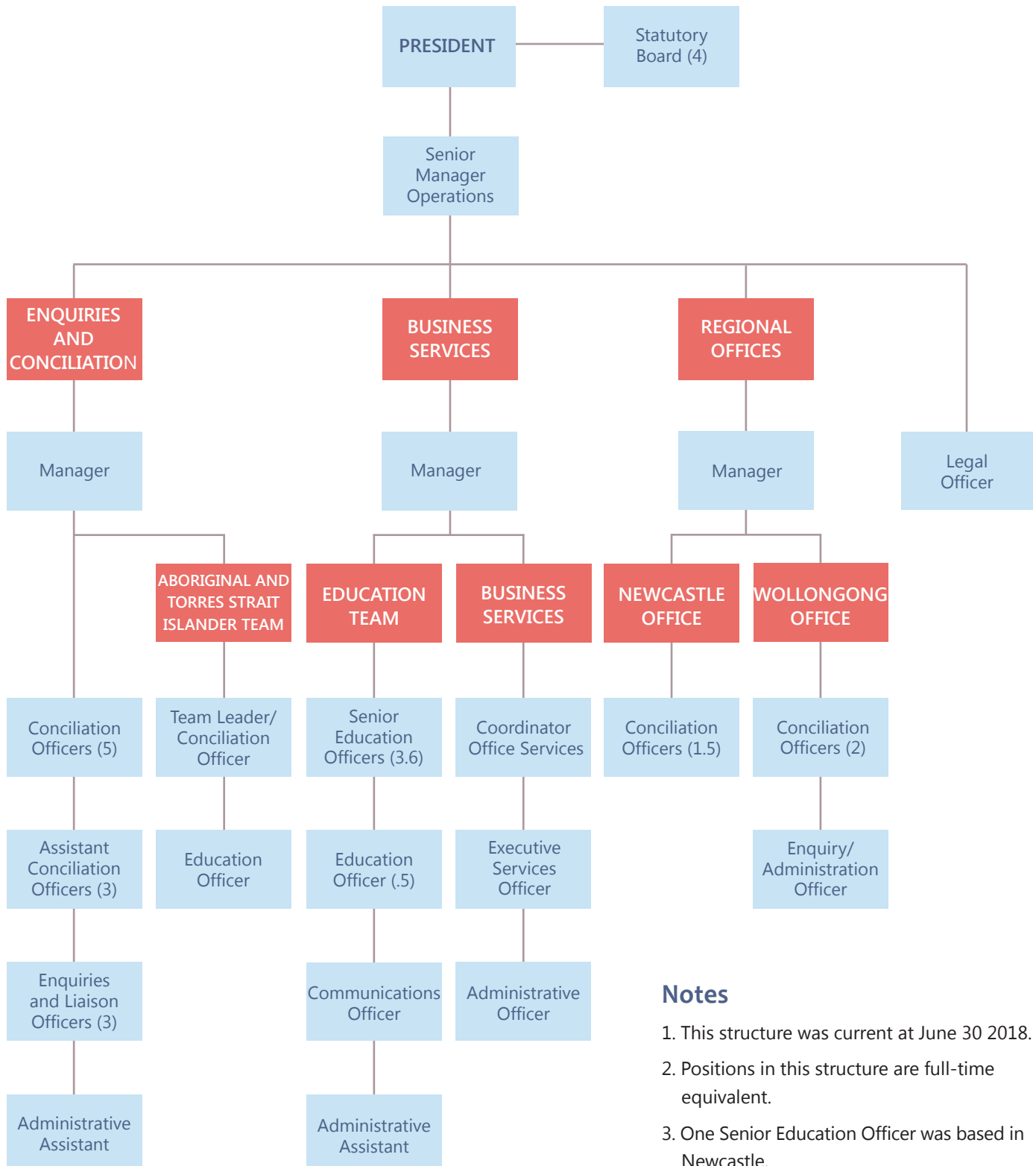
Digital Information Security Annual Attestation and Evidence of Certification Statement for 2017-18 is held by the Department of Justice.

The Anti-Discrimination Board had an Information Security Management System in place in 2017-18 that is consistent with the core requirements set out in the NSW Government Digital Information Security Policy.

The controls in place to mitigate identified risks to the Board's digital information and digital information systems are adequate.

The Department of Justice has maintained certified compliance with *ISO 27001 Information technology – Security techniques – Information security management systems – Requirements by an Accredited Third Party* in 2017-18.

# Structure of the Board



- Notes**
1. This structure was current at June 30 2018.
  2. Positions in this structure are full-time equivalent.
  3. One Senior Education Officer was based in Newcastle.



## Anti-Discrimination Board of NSW

### Discrimination enquiries and complaints

Phone (02) 9268 5544 • Toll free 1800 670 812

Email enquiries: [adbcontact@justice.nsw.gov.au](mailto:adbcontact@justice.nsw.gov.au)

Email complaints: [complaintsadb@justice.nsw.gov.au](mailto:complaintsadb@justice.nsw.gov.au)

[www.antidiscrimination.justice.nsw.gov.au](http://www.antidiscrimination.justice.nsw.gov.au)



### Wollongong

84 Crown St, Wollongong NSW 2500

PO Box 67, Wollongong NSW 2520

Phone (02) 4267 6200 • Fax (02) 4267 6261

### Newcastle

Level 5, 400 Hunter St, Newcastle NSW 2300

PO Box 1077, Newcastle NSW 2300

Phone (02) 4903 5300 • Fax (02) 4903 5376

### Parramatta

Level 7, 10 Valentine Avenue, Parramatta NSW 2150

PO Box W213, Parramatta Westfield NSW 2150

Phone (02) 9268 5555 • Fax (02) 9268 5500