



ANNUAL REPORT

Anti-Discrimination Board of NSW



2018-19

Letter of submission

*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 2018 to 30 June 2019.

Yours sincerely

*The Hon Dr Annabelle Bennett, AC SC
President*

Anti-Discrimination Board of NSW

Annual Report 2018-19

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Acknowledgement of country

*We acknowledge the traditional custodians of the land on which we work.
We pay our respects to all Elders past and present, and to the children of
today who are the Elders of our future.*

Message from the President

The members of the Anti-Discrimination Board of NSW (**the Board**) continued to provide strategic advice and support to Elizabeth Wing, the Senior Manager Operations, in the complex and time consuming organisational restructure that has occupied most of the year. Elizabeth led and successfully managed the entire process, for which I and the Board are deeply appreciative. The support of the Department of Communities and Justice throughout has been effective and also much appreciated. This continued support, from the Attorney-General and the Department, has been crucial to assist the Board to carry out its work and to achieve its goals.

The restructure has resulted in functional and structural changes. A Governance and Advice team has been established, and the Regional Services and Community Engagement teams have been realigned. These changes, including new team leadership, have provided new focus and energy to the work of the Board. Indeed, following the finalisation of the change management plan, the Board decided that a new name would not only refresh the business unit, which sits within the Department of Communities and Justice, but also provide a distinct identity for the work of the business unit and clarify the difference between the business unit and the statutory board. Effective from 1 July 2019, the more contemporary name of Anti-Discrimination NSW (**ADNSW**) was adopted; the statutory board, as established under the *Anti-Discrimination Act 1977* (NSW) (**the Act**), comprises the President and Board members, who constitute the Anti-Discrimination Board of NSW.

Despite the focus on the restructure, the Board and the Senior Manager Operations continued to look for opportunities to maximise our impact and effectiveness in creating awareness of what constitutes discrimination under the Act and the role of what is now ADNSW. In this regard, the Board appreciates that strategies need to be considered, including the effectiveness of interfaces with the public, in the context of changes in facilities and processes to deal with the digital age. During 2018-19, the Board developed a five year digital strategy and is looking forward to the creation of a new digital platform that can ensure effective implementation.

During the restructure, it was determined that the Newcastle premises were unsuitable. After an extensive search for a suitable alternative, a co-location arrangement with Hunter Water has been implemented. We are grateful to the staff and management of Hunter Water for their co-operation and welcome approach and also for the resilience of our own staff through this change.

At all times, there was continuity in responding to enquiries and dealing with and conciliating complaints. We are fortunate to have experienced conciliators who maintain a high standard and who work hard to resolve issues between the parties. Where such resolution is not possible, the cases are referred to the NSW Civil and Administrative Tribunal.

The Community Engagement Team (the Team) has continued to work with schools through a Youth Forum Program that has engaged with a broad group of young people. This program will be evaluated and is expected to be refined in future activities. The focus of the Team is to broaden its reach into regional and rural parts of the State by collaborating with other agencies, such as the Legal Information Access Centre during Law Week. The Board appreciates the commitment of our staff to regional and remote clients and to the regular visits that are made to those areas.

Reassessment of the effectiveness and reach of activity has also resulted in the conclusion, after much consideration, that the Board needed to change the means by which it interacted effectively across the breadth of the community. This interaction should be enhanced by the implementation of the digital plan.

The Board collaborated with marketing students at Bond University to devise marketing strategies. The students provided novel and interesting approaches, which the Team will consider in forming new strategies for ADNSW.

I wish to extend my personal gratitude to the members of the Board, the Senior Manager and the staff. I continue to meet with people and organisations that can assist us to extend our reach to move towards the goal of reducing, if not eliminating, discrimination in NSW. Now that the restructure is nearing completion, I am looking forward to harnessing the expertise and the energy of the staff, and of the members of the Board, to implement the strategies towards achieving this goal.

***The Honourable Dr Annabelle Bennett, AC SC
President***

Establishment of the Anti-Discrimination Board of NSW

The Act established a five-member statutory board, including the President, called the Anti-Discrimination Board of NSW. The Board members are appointed by the Governor of New South Wales.

The main functions of the Board are to:

- carry out investigations, research and inquiries relating to discrimination
- raise awareness about discrimination and the achievement of equal rights
- consult with stakeholders to improve service delivery to diverse communities
- review state legislation.

The Board is supported in carrying out its legislated functions by staff employed in Anti-Discrimination NSW, a business unit within the Department of Communities and Justice.

References to the Board within this report refer to the President and members of the statutory board. References to Anti-Discrimination NSW refer to the business unit.

Members of the Board

President

The Honourable Dr Annabelle Bennett, AC SC, a retired judge of the Federal Court of Australia, is the President of the Board. Dr Bennett is also the Chancellor of Bond University and a Commissioner of the NSW Law Reform Commission. Dr Bennett served on the judiciary for 13 years until 2016 and worked as a Senior Counsel specialising in administrative law, intellectual property, and professional misconduct.

Board Members

Melissa Monteiro is the CEO of Community Migrant Resource Centre and has more than 25 years of experience in the community sector. Melissa is also Deputy Chairperson of Settlement Council of Australia, and member of the National Settlement Services Advisory Council.

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

Trevor Robertson is the Managing Director of Capital Knowledge. Trevor was a First Assistant Secretary of the Federal Attorney General's Department.

Legislative amendments

As reported in the 2017-18 Annual Report, the *Crimes Amendment (Publicly Threatening and Inciting Violence) Act 2018* (NSW) came into effect on 13 August 2018 during the current reporting year. The amendments removed the offences of serious vilification on the grounds of race, homosexuality, transgender, or HIV/AIDS status from the Act and replaced them in section 93Z of the *Crimes Act 1900* 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 President continues to have the power to investigate complaints of vilification on the grounds of race, homosexuality, transgender, and HIV/AIDS status that do not include threats or incitement to harm people or property.

Anti-Discrimination NSW

Anti-Discrimination NSW is the government business unit within the Department of Communities and Justice that administers the Act on behalf of the President and the Board. We strive to eliminate discrimination in New South Wales by:

- answering enquiries
- investigating and conciliating complaints
- raising awareness about discrimination and its impacts
- granting exemptions to the Act
- advising government about discrimination issues.

Accessible services

The Act specifies that complaints of discrimination must be in writing. We support our clients by providing a transcription service for clients who have difficulty writing or typing their complaint. Complaints can be written in any language, including braille, and we organise translation at no cost to the complainant. Auslan users can make a video describing their complaint and we will organise translation and transcription.

Our offices are wheelchair accessible and we can also provide access to parking.

Regional services

We provide state-wide services and are committed to delivering face-to-face services to clients in regional and remote areas whenever possible and practicable. Our Conciliation Officers held conciliations and visited regional and rural areas in Byron Bay, Coffs Harbour, Cooma, Dubbo, Forster, Gloucester, Kempsey, Lismore, Lithgow, Moree, Nambucca, Port Macquarie, Tuncurry, Tweed Heads and Walgett.

Staff are located in Newcastle and Wollongong to deliver services to clients in these areas, and nearby regions. Other parts of the state are serviced by staff in Parramatta, although there are no strict demarcations as we aim to be as flexible as possible to meet the needs of clients. When we cannot travel to an area, we conduct extensive telephone contact, including for conciliation conferences.

Aboriginal and Torres Strait Islander service

Our Aboriginal and Torres Strait Islander team engages with Aboriginal and Torres Strait Islander communities to raise awareness about rights and to educate about discrimination and its impacts. We attended community events in Sydney and state-wide including, Bourke, Brewarrina, Goulburn and Tuncurry. Altogether, our activities reached 2,709 people.

Our Aboriginal and Torres Strait Islander team, in partnership with other agencies, runs the Good Service Mob forums. These forums aim to provide information and services to Aboriginal and Torres Strait Islander communities. Agencies that are involved in Good Service Mob include:

- Centrelink
- Financial Rights Legal Centre
- Law Access
- NSW Births Deaths and Marriages
- NSW Energy and Water Ombudsman
- NSW Fair Trading
- NSW Industrial Relations
- NSW Legal Aid
- NSW Ombudsman
- NSW Revenue
- Seniors Rights Service
- Wirringa Baiya Aboriginal Women's Legal Centre

During 2018-19, Good Service Mob forums were held in Broken Hill, Dareton, Emerton, Katoomba, and Menindee.

Complaints from people who identified as Aboriginal or Torres Strait Islander represent 5.8% of all complaints received this year. The most common type of discrimination raised was race discrimination (55% of complaints by Aboriginal and Torres Strait Islander people). The provision of goods and services was the most common public area of complaint (30.4% of complaints by Aboriginal and Torres Strait Islander people). Employment was the second most common public area of complaint (38.3% of complaints by Aboriginal and Torres Strait Islander people).

(For detailed information, see [Appendix 2a: Complaints by Aboriginal and Torres Strait Islander people in 2018-19 by type of discrimination and public area.](#))

Partnerships

Since 2016, we have had a partnership with Legal Aid NSW for Legal Aid to provide an independent, free monthly legal advice service. People were able to access this service by booking an appointment to see Legal Aid NSW at our Parramatta office. Clients were able to attend the service in person at our Parramatta office or be contacted by telephone. During 2018-19, 37 people were engaged through the service.

Organisational structure

The past year has been one of significant change and renewal for the Board and our staff. The business unit underwent a reform to improve structure, functions and the broader vision of the organisation.

The restructure commenced in June 2018 with the creation of four functional areas:

Governance and Advice

responsible for granting exemptions to the Act, targeted research projects, review of the legislation and advising government about discrimination matters.

Community Engagement

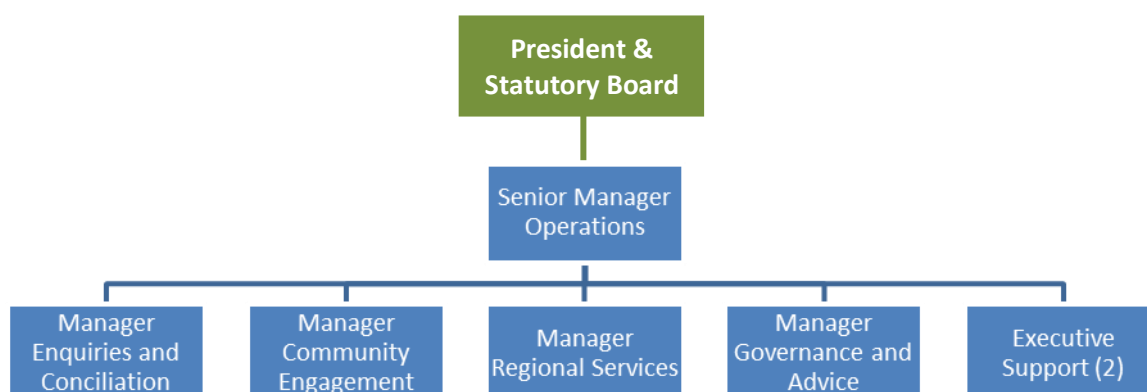
develops and delivers community engagement strategy, external communications and training. All staff are required to participate in community engagement.

Enquiries and Conciliation

manages discrimination complaints and the enquiry service.

Regional Services

delivers community engagement and conciliation functions in regional New South Wales. The Aboriginal and Torres Strait Islander service is also within this team.



Staff profile

As at 30 June 2019 there were 34 positions in 31 full time equivalent roles: 24 people were employed and 10 positions were vacant, 94% of employees were in permanent positions and 6% were in temporary positions.

Service complaints

Client feedback is an essential source of information to enable us to improve our services. During 2018-19, we received 10 service complaints. We handled these complaints according to the policy and procedures of the Department of Communities and Justice. Six complainants were dissatisfied about the level of service they received from staff. The remaining four complainants were unhappy with a decision made in regards to a complaint of discrimination.

Enquiry service

We provide a free enquiry service about discrimination in New South Wales. People can contact the enquiry service by phone, letter or email. People can also visit one of our offices to make an enquiry. Our enquiry service provides information about discrimination, sexual harassment, vilification and victimisation. We also provide options or strategies for individuals to address possible situations of discrimination themselves, information about ADNSW's complaints process and how to lodge a formal complaint. When appropriate, we also refer to other services.

During this year, the enquiry service responded to 3,597 enquiries. There were 3,863 discrimination matters raised in these enquiries because enquiries sometimes involve more than one type of discrimination.

Approximately 91% of enquiries were from individuals who wanted to discuss discrimination issues. This includes advocates such as solicitors and advisory services. Nearly 8% of enquiries came from employers or service providers.

The majority of enquiries, 85.4%, were made by telephone. Most of the phone enquiries were resolved in less than 15 minutes. Written enquiries, including by email, fax and post, totalled 13.4%. The remainder were made face to face at one of our offices.

| <i>time</i> | <i>no.</i> | <i>%</i> |
|-----------------|------------|----------|
| 1 - 4 minutes | 805 | 25.8 |
| 5 - 14 minutes | 1,853 | 59.5 |
| 15 - 29 minutes | 410 | 13.2 |
| 30 - 59 minutes | 42 | 1.3 |
| 1 hour or more | 5 | 0.2 |
| Total | 3,115 | 100 |

Table 1: Length of phone enquiry

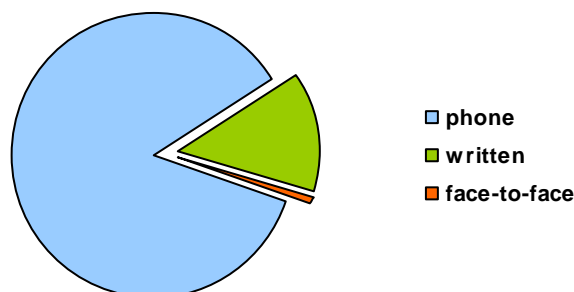


Figure 1: Enquiries by contact method

Most common enquiries

Disability discrimination has been the most common type of discrimination raised by enquirers (22.4%) since 2007. Most of these enquiries related to a current physical disability or a current psychiatric disability. Disability discrimination was discussed in 39.9% of goods and services enquiries, and 21.5% of employment-related enquiries.

Race discrimination was the second most common type of discrimination raised in enquiries (12%).

Sex discrimination was the third most common type of discrimination raised in enquiries (6.7%).

There were 161 enquiries (4.2%) of sexual harassment. The majority of sexual harassment enquiries related to employment.

Approximately one-third of all enquiries were not covered by the Act. This includes enquiries about types of discrimination and public areas not protected by the Act. 289 of these enquiries (23.7%) related to employment, and 60 (20.8%) of these employment enquiries were about workplace harassment. Issues raised in enquiries that were not covered by the Act included religion, physical appearance, and criminal record.

Most discrimination occurs in employment or the provision of goods and services.

(For detailed information, see [Appendix 1: Enquiries in 2018-19 by type of discrimination and public area.](#))

Conciliation

We provide a free complaint handling service. Complaints of discrimination must be lodged in writing and can be written in any language, and we arrange for a translation at no cost to the complainant. Once we receive a complaint, it is assessed. If the complaint is accepted, we then conduct an investigation, where we may request more information from the person who made the complaint, or the person or organisation that is alleged to have discriminated (known as the respondent). The respondent is given the opportunity to address the allegations.

We may attempt to resolve a complaint by conciliation. Conciliation involves the complainant and the respondent meeting face to face or participating in a telephone conference with a Conciliation Officer to discuss the complaint to try to reach settlement. If the complaint is not settled, it can be referred to the NSW Civil and Administrative Tribunal (NCAT).

A complaint can be declined, withdrawn or abandoned at any time.

Complaints outside the jurisdiction of the Act can be declined under section 92 of the Act. Complaints can also be declined under this section for other reasons including lack of substance, misconceived or not a contravention of the Act. If the complaint has been declined under section 92, the complainant has the right to seek referral to NCAT.

Complaints are withdrawn for reasons that include:

- the complaint is not covered by the Act
- they may be satisfied with the respondent's response
- they may lack support for the complaint
- they may be unable to provide the information we have requested
- they may lack confidence that the respondent will provide a satisfactory response.

Complaints are considered abandoned if the complainant does not respond to our requests for information, there is no indication they intend to proceed with the complaint, or if we lose contact with the complainant, but may be reopened in certain circumstances.

Most common complaints by type of discrimination

We received 1,027 complaints this year. Since 2011, disability discrimination has been the most common type of discrimination raised in complaints. There were 254 complaints (24.7%) of disability discrimination, which is approximately the same proportion as last year, and 116 (45.7%) disability discrimination complaints were in the provision of goods and services.

Race discrimination was the second most common type of discrimination raised in complaints. We received 149 race discrimination complaints (14.5%).

Victimisation was the third most common type of discrimination raised in complaints, totalling 147 complaints (14.3%).

There were 96 complaints (9.3%) of sexual harassment. This is a slight decrease from last year's figure of 110 (11.3%). The majority of sexual harassment complaints related to the workplace.

(For detailed information, see [Appendix 2: Complaints in 2018-19 by type of discrimination and public area.](#))

Most common public areas of complaint

Employment continues to be the most common public area of complaint across all the types of discrimination covered by the Act. Most of the employment complaints related to work environment or harassment. Private enterprise accounted for 50.4% of respondent employers. The most common type of discrimination in employment was victimisation with 102 complaints, followed by disability discrimination with 92 complaints, and sexual harassment with 91 complaints.

The provision of goods and services was the second most common public area of complaint with 312 complaints. The most common type of discrimination in goods and services was disability discrimination with 116 complaints, followed by race discrimination with 55 complaints.

Processing complaints

We aim to provide an effective and efficient complaint handling service. The complaint handling team met the targets for finalising complaints within specified timeframes (Table 2). A finalised complaint is a complaint that is resolved, referred to NCAT, declined, withdrawn or abandoned.

We finalised 877 complaints (93.2%) within 12 months of receipt, exceeding the target of 85%. The average time that was taken to finalise a complaint was 5.4 months, which is a slight increase from last year (4.9 months).

| <i>timeframe</i> | <i>target %</i> | <i>actual %</i> |
|------------------------|-----------------|-----------------|
| less than 2 months | 20 | 14.5 |
| less than 3 months | 30 | 25.0 |
| less than 6 months | 60 | 63.3 |
| less than 12 months | 85 | 93.2 |
| less than 18 months | 100 | 99.6 |
| greater than 18 months | - | 0.4 |

Table 2: Timeframe targets for finalising complaint 2018-19

| <i>outcome</i> | <i>no.</i> | <i>%</i> |
|--|------------|----------|
| Settled at or after conciliation | 180 | 19.1 |
| Settled before conciliation | 71 | 7.5 |
| Referred to NCAT – conciliation unsuccessful or not suitable | 137 | 14.6 |
| Declined before investigation – not a contravention | 86 | 9.1 |
| Declined before investigation – older than 12 months | 28 | 3.0 |
| Declined before investigation – not of vilified group | 0 | 0.0 |
| Declined before investigation – not on behalf of complainant | 0 | 0.0 |
| Declined after investigation – s92 | 50 | 5.3 |
| Declined after investigation and referred to NCAT | 37 | 3.9 |
| Withdrawn s92B | 177 | 18.8 |
| Abandoned s92C | 175 | 18.6 |
| Total | 941 | 100 |

Table 3: Outcome of complaints finalised 2018-19

Community engagement

Community events

Community engagement is a core function of our agency and is part of every staff member's role. We attended community events and delivered talks across New South Wales. We engaged with community members at 95 events, including events for refugee and multicultural communities, LGBTQI+ communities and employment expos.

Our Conciliation Officers also engaged with communities both in metro Sydney and in regional areas when traveling to conduct conciliations. During 2018-19, our Conciliation Officers met with community services and schools in Kempsey, Lithgow, Port Macquarie, Orange and Walgett.

Youth forums

We worked with young people and facilitated conversations about discrimination at three forums across New South Wales. We asked young people about their experiences of discrimination and provided information about our services. These forums were held in Bourke, Cabramatta and Gosford.

Community consultations

We consulted with the community through four community consultation groups. The community consultation members are individuals and representatives of organisations. They provide valuable insight into the issues that are emerging in communities. We hosted the following community consultations:

- Aboriginal and Torres Strait Islander
- Gay, Lesbian and Bisexual
- Intersex and Gender
- Multicultural

Training

We provided fee-for-service training to businesses to understand their responsibilities under New South Wales anti-discrimination law. Education Officers provide tailored training to address challenging workplace behaviours. Most training is delivered at client premises; however we also delivered training at our office in Parramatta. We held 131 training sessions to 2,082 participants. Topics included:

- contact officer training
- sexual harassment awareness and prevention training
- discrimination, bullying and harassment prevention.

We also produce and sell workplace resources including posters, factsheets and guidelines.

Exemptions

The Act makes certain types of discrimination, in certain areas, against the law. However in some circumstances an exemption can be granted to allow discrimination where it would address past discrimination by creating specific jobs, programs or services. The Act covers two types of exemptions under section 126 and section 126A.

Section 126 exemptions generally relate to employment and recruitment, for example targeted jobs or recruitment programs for a particular group covered by the Act. Applications for section 126 exemptions need to be in writing and sent to the President. The President then makes a decision within 60 days and notifies the applicant in writing.

Section 126A exemptions apply to special needs programs, activities or facilities that promote access for certain groups of people covered by the Act. Section 126A exemption applications need to be in writing to the NSW Attorney General who grants the certification under section 126A. The applicant is notified of the decision in writing.

In 2018-19, we received 49 applications for section 126 exemptions, and of these 35 were accepted. Four applications were either withdrawn or not proceeded with. Ten applications were pending on 30 June 2019.

The majority of exemptions granted related to education, training and employment of women and Aboriginal and Torres Strait Islander people. Applications were received from the private sector, government departments, local councils, universities, and non-government organisations.

We also reviewed compliance reports relating to exemptions. These reports provide us with information about the implementation and progress of exemption strategies.

There were three applications for section 126A exemptions. The Attorney General granted two exemptions and one was not proceeded with.

(The full list of exemptions is provided in [Appendix 3: Granted exemptions 2018-19](#).)

Financial

The net cost of services we provided in 2018-2019 was \$3,498,215. Against a budget of \$3,537,004, this was underspent by \$38,789. We generated revenue through our training service and received a grant from NSW Treasury.

Our full financial figures are included in the published consolidated accounts of the Department of Communities and Justice.

| | <i>Budget</i> | <i>Actual</i> | <i>Variance</i> |
|----------------------|---------------|---------------|-----------------|
| Revenue | 780,390 | 171,977 | |
| Grant | | 162,815 | |
| Total variance | | | 445,598 |
| Expenses | | | |
| Staff | 2,959,905 | 2,784,593 | 175,312 |
| Other operating | 944,894 | 742,630 | 202,264 |
| Maintenance | 25,746 | 8,745 | 17,001 |
| Other services | | 4,462 | -4,462 |
| Total expense | 3,930,545 | 3,540,430 | 390,115 |
| Cost of services | 3,150,155 | 3,205,638 | -55,483 |
| Depreciation | 136,697 | 75,969 | 60,728 |
| Crown liability | 250,152 | 216,994 | 33,158 |
| Total gains/loses | | -386 | 386 |
| Net cost of services | 3,537,004 | 3,498,215 | 38,789 |

Information technology statement

ADNSW is part of the Department of Communities and Justice, 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.

The Digital Information Security Annual Attestation and Evidence of Certification Statement for 2018-19 is held by the Department of Communities and Justice.

ADNSW had an Information Security Management System in place in 2018-19 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 ADNSW's digital information and digital information systems are adequate.

The Department of Communities and Justice has maintained certified compliance with *ISO 27001 Information technology – Security techniques – Information security management systems – Requirements* by an accredited third party in 2018-19.

Appendices

Appendix 1: Enquiries by type of discrimination and public area 2018-19

| type | Employment | Goods & services | Accom | Education | Clubs | Qualifying bodies | Vilification - racial | Vilification - homosexual | Vilification - HIV/AIDS | Vilification - transgender | All areas | Area not covered | Total | % of total |
|---|-------------|------------------|------------|------------|------------|-------------------|-----------------------|---------------------------|-------------------------|----------------------------|------------|------------------|-------------|------------|
| Disability | 315 | 322 | 69 | 86 | 18 | 4 | | | | | 5 | 47 | 866 | 22.4 |
| Race | 216 | 111 | 26 | 47 | 12 | 5 | | | | | 5 | 45 | 467 | 12.1 |
| All grounds | 70 | 16 | 4 | 3 | 5 | - | | | | | 275 | 22 | 395 | 10.2 |
| Sex | 163 | 50 | 6 | 11 | 12 | 1 | | | | | 2 | 13 | 258 | 6.7 |
| Age | 70 | 59 | 18 | - | 1 | 2 | | | | | 1 | 13 | 164 | 4.2 |
| Sexual harassment | 143 | 10 | 1 | 5 | - | - | | | | | - | 2 | 161 | 4.2 |
| Carer's responsibilities | 100 | | | | | | | | | | | | 100 | 2.6 |
| Victimisation | 60 | 10 | 4 | 5 | - | - | | | | | 1 | 2 | 82 | 2.1 |
| Homosexuality | 20 | 13 | 4 | 1 | 2 | - | | | | | - | 8 | 48 | 1.2 |
| Transgender | 11 | 13 | - | 2 | 1 | - | | | | | 5 | 1 | 33 | 0.9 |
| Marital status | 7 | 13 | 5 | 1 | - | - | | | | | - | 5 | 31 | 0.8 |
| Vilification - racial | | | | | | | 29 | | | | | | 29 | 0.8 |
| Vilification - homosexual | | | | | | | | 6 | | | | | 6 | 0.2 |
| Vilification - transgender | | | | | | | | | | 2 | | | 2 | 0.1 |
| Vilification - HIV/AIDS | | | | | | | | | 1 | | | | 1 | 0.0 |
| Ground not covered - workplace harassment | 60 | | | | | | | | | | | | 60 | 1.6 |
| Ground not covered - other | 229 | 191 | 59 | 28 | 19 | 4 | | | | | 9 | 621 | 1160 | 30.0 |
| Total | 1464 | 808 | 196 | 189 | 70 | 16 | 29 | 6 | 1 | 2 | 303 | 779 | 3863 | 100 |
| <i>% of total</i> | <i>37.9</i> | <i>20.9</i> | <i>5.1</i> | <i>4.9</i> | <i>1.8</i> | <i>0.4</i> | <i>0.8</i> | <i>0.2</i> | <i>0.0</i> | <i>0.1</i> | <i>7.8</i> | <i>20.2</i> | <i>100</i> | <i>-</i> |

 Not applicable

Appendix 2: Complaints by type of discrimination and public area 2018-19

| <i>type</i> | <i>Employ</i> | <i>Goods & services</i> | <i>Accom</i> | <i>Education</i> | <i>Clubs</i> | <i>Qualifying bodies</i> | <i>Vilification - racial</i> | <i>Vilification - homosexual</i> | <i>Vilification - HIV/AIDS</i> | <i>Vilification - transgender</i> | <i>Other</i> | Total | <i>% of total</i> |
|----------------------------|---------------|-----------------------------|--------------|------------------|--------------|--------------------------|------------------------------|----------------------------------|--------------------------------|-----------------------------------|--------------|--------------|-------------------|
| Disability | 92 | 116 | 11 | 19 | 7 | - | | | | | 9 | 254 | 24.7 |
| Race | 67 | 55 | 11 | 6 | 2 | 4 | | | | | 4 | 149 | 14.5 |
| Victimisation | 102 | 29 | 3 | 8 | - | - | | | | | 5 | 147 | 14.3 |
| Sex | 80 | 22 | 1 | 1 | 2 | 1 | | | | | 4 | 111 | 10.8 |
| Sexual harassment | 91 | 3 | - | - | 1 | - | | | | | 1 | 96 | 9.3 |
| Age | 29 | 31 | 2 | 3 | 1 | - | | | | | 2 | 68 | 6.6 |
| Not specified | 11 | 11 | 2 | 3 | 4 | - | | | | | 11 | 42 | 4.1 |
| Carer's responsibilities | 39 | - | - | 1 | - | - | | | | | 1 | 41 | 4.0 |
| Marital status | 11 | 11 | 4 | - | - | - | | | | | 2 | 28 | 2.7 |
| Homosexuality | 15 | 9 | 1 | - | - | - | | | | | 1 | 26 | 2.5 |
| Aiding an unlawful act | 7 | 9 | - | - | - | - | | | | | - | 16 | 1.6 |
| Other | 6 | 5 | 3 | - | 1 | - | | | | | 1 | 16 | 1.6 |
| Transgender | 2 | 11 | - | - | - | - | | | | | 1 | 14 | 1.4 |
| Vilification - racial | | | | | | | 7 | | | | 2 | 9 | 0.9 |
| Vilification - transgender | | | | | | | | | | 6 | | 6 | 0.6 |
| Vilification - homosexual | | | | | | | | 4 | | | | 4 | 0.4 |
| Vilification - HIV/AIDS | | | | | | | | | - | | | - | - |
| Total | 552 | 312 | 38 | 41 | 18 | 5 | 7 | 4 | - | 6 | 44 | 1027 | 100 |
| <i>% of total</i> | 53.7 | 30.4 | 3.7 | 4.0 | 1.8 | 0.5 | 0.7 | 0.4 | - | 0.6 | 4.3 | 100 | |

 Not applicable

Appendix 2a: Complaints by Aboriginal and Torres Strait Islander people by type of discrimination and public area 2018-19

| <i>type</i> | <i>Employ</i> | <i>Goods & services</i> | <i>Accom</i> | <i>Clubs</i> | <i>Education</i> | <i>Vilification - racial</i> | <i>Total</i> | <i>% of total</i> |
|-----------------------|---------------|-----------------------------|--------------|--------------|------------------|------------------------------|--------------|-------------------|
| Race | 11 | 16 | 2 | 1 | 3 | 1 | 33 | 55.0 |
| Sex | - | 1 | - | - | 1 | - | 2 | 3.3 |
| Disability | 3 | 6 | - | - | 2 | - | 11 | 18.3 |
| Victimisation | 5 | - | 1 | - | 1 | - | 7 | 11.7 |
| Aiding unlawful act | - | 1 | - | - | - | - | 1 | 1.7 |
| Marital status | - | 1 | - | - | - | - | 1 | 1.7 |
| Vilification - racial | - | - | - | - | - | 1 | 1 | 1.7 |
| Sexual harassment | 1 | - | - | - | - | - | 1 | 1.7 |
| Age | 1 | - | - | - | - | - | 1 | 1.7 |
| Homosexuality | 2 | - | - | - | - | - | 2 | 3.3 |
| Total | 23 | 25 | 3 | 1 | 7 | 1 | 60 | 100 |
| <i>%</i> | 38.3 | 41.7 | 5.0 | 1.7 | 11.7 | 1.7 | 100 | |

Appendix 3: Granted exemptions 2018-19

| <i>applicant</i> | <i>program</i> | <i>sections</i> | <i>year granted (no. of years)</i> | <i>expiry</i> |
|---|---|-----------------|--|---------------|
| Aboriginal Community Housing Ltd | To designate and recruit the position of non- executive director for an Aboriginal and/or Torres Strait Islander person only. | 8, 51 | 15.08.2018 (2 y) | 14.08.2020 |
| APRA AMCOS – an alliance of the Australasian Performing Right Association Ltd (ACN 000 016 099) and the Australasian Mechanical Copyright Owners' Society (ACN 001 678 851) | To conduct and advertise leadership workshops exclusively for its female staff. | 25, 51 | 21.09.2018 (3 y) | 20.09.2021 |
| Australian Partnership of King & Wood Mallesons | To designate and recruit up to four paid work experience positions per year for Aboriginal and Torres Strait Islander persons only. | 8, 51 | 16.05.2019 (5 y) | 15.05.2024 |
| AT Kearney Australia Ltd | To provide two management consulting scholarship per year for women only. | 25, 33, 51 | 10.05.2019 (10 y) | 09.05.2029 |
| Australian Indigenous Minority Supplier Office trading as Supply Nation | To designate and recruit the positions of: <ul style="list-style-type: none"> • Manager, Indigenous Business Engagement; and • Manager, Certification and Audit, for Aboriginal and/or Torres Strait Islander persons only. | 8, 51 | 29.04.2019 (10 y) | 28.04.2029 |
| Bathurst Regional Council | To designate and recruit a trainee Environmental Health Officer position for Aboriginal and/or Torres Strait Islander persons only. | 8, 51 | 25.03.2019 (8 y) | 24.03.2027 |
| BHP Billiton Group – OS ACPM Pty Ltd, OS MCAP Pty Ltd and Mt Arthur Coal Pty Ltd | To designate and recruit positions for Aboriginal and Torres Strait Islander persons only, in pursuance of their goal of a 7% Aboriginal and Torres Strait Islander workforce participation rate. | 8, 51 | 19.02.2019 (2 y) | 18.02.2021 |
| BreastScreen NSW | To recruit and employ female radiographers and nurse counsellors. | 25, 51 | 06.09.2018 (10 y) | 05.09.2028 |
| City of Ryde Council | To designate and recruit a traineeship position each year for Aboriginal and/or Torres Strait Islander persons only. | 8, 51 | 29.10.2018 (5 y) | 28.10.2023 |
| City of Sydney Council | To designate and recruit the position of Manager, Indigenous Leadership and Engagement and Graduate, Diversity Project Officer for Aboriginal and /or Torres Strait Islander persons only. | 8, 51 | 13.09.2018 (5 y) | 12.09.2023 |

| <i>applicant</i> | <i>program</i> | <i>sections</i> | <i>year granted (no. of years)</i> | <i>expiry</i> |
|---|--|-----------------|--|---------------|
| Cumberland Council | To designate and recruit an Aboriginal Education and Programs officer position for Aboriginal and/or Torres Strait Islander persons only. | 8, 51 | 22.10.2018 (10 y) | 21.10.2028 |
| Fujitsu Australia Ltd | Includes: to enable the applicant to ask present and future employees and contractors to provide details of their: (i) citizenship (including any changes to their citizenship); and /or to identify employees accordingly, require employees to advise the employer of any change in that status, and make decisions about recruiting and deploying employees on that basis. Conditions attached - for full details, see NSW Government Gazette of 14 September 2018. | 8, 10, 51 | 05.09.2018 (5 y) | 04.09.2023 |
| Hunter Valley Training Company Pty Ltd (ABN 45 002 226 619) | To designate and recruit two electrical apprentice positions for women only. | 8, 51 | 22.10.2018 (2 y) | 21.10.2020 |
| Hunter Valley Training Company Pty Ltd (ABN 45 002 226 619) | To designate and recruit: 1. 35 apprenticeship or traineeship positions for Aboriginal and/or Torres Strait Islander persons only; and 2. 35 apprenticeship or traineeship positions for women only in trade roles. | 8, 25, 51 | 17.01.2019 (2 y) | 16.01.2021 |
| Lake Macquarie City Council | To designate and recruit a Cultural Services traineeship position and an Aboriginal Curator position for Aboriginal and/or Torres Strait Islander persons only. | 8, 51 | 15.02.2019 (5 y) | 14.02.2024 |
| LiveBetter Services Limited trading as LiveBetter Community Services | To designate and recruit two Information and Communications Technology cadetships: one for women only; and one for Aboriginal and/or Torres Strait Islander women only. | 8, 51 | 25.05.2019 (5 y) | 24.05.24 |
| Many Rivers Microfinance Ltd | To designate and recruit positions for Aboriginal and Torres Strait Islander persons only, in pursuance of its goal of a 10% Aboriginal and Torres Strait Islander workforce participation rate. | 8, 51 | 26.07.2018 (5 y) | 25.07.2023 |
| Maple Brown Abbott Ltd (ABN 73 001 208 564) | To conduct and advertise leadership workshops exclusively for its female staff. | 25, 51 | 22.10.2018 (5 y) | 21.10.2023 |
| Northern Rivers Social Development Council Ltd trading as Social Futures | To designate and recruit 3 Local Area Coordinator positions for Aboriginal and Torres Strait Islander persons only. | 8, 51 | 16.07.2018 (7 y) | 15.07.2025 |
| Patrick Stevedores Operations Pty Ltd | To designate and recruit management cadetship positions for women only. | 25, 51 | 05.09.2018 (3 y) | 04.09.2021 |

| <i>applicant</i> | <i>program</i> | <i>sections</i> | <i>year granted (no. of years)</i> | <i>expiry</i> |
|---|---|-----------------|--|---------------|
| Rape and Domestic Violence Services Australia Inc | To designate and recruit for women only any position that deals directly and regularly with the organisation's clients, including but not limited to: <ul style="list-style-type: none"> • Executive Officer • Director of Counselling Services • Clinical Supervisors • Trauma Specialist Counsellors. | 25, 51 | 10.05.2019 (10 y) | 09.05.2029 |
| Rohde & Schwarz (Australia) Pty Ltd | Includes: to enable the applicant to ask present and future employees and contractors to declare, to the best of their knowledge and belief, their: <ol style="list-style-type: none"> 1. exact citizenship (including any dual citizenship); and/or 2. place of birth; To identify employees accordingly, require employees to advise the employer of any change in that status, and make decisions about recruiting and deploying employees on that basis. Conditions attached - for full details, see NSW Government Gazette of 12 July 2019. | 8, 10, 51 | 29.10.2018 (2 y) | 28.10.2020 |
| Strathfield Council | To designate and recruit up to 40 operational "outdoor" roles for women only. | 25, 51 | 27.05.2019 (4 y) | 26.05.2023 |
| Talent Gap Pty Ltd | To provide recruitment and career development services to female candidates only. This exemption will be in force for 10 years. | 33, 51 | 17.01.2019 (10 y) | 16.01.2029 |
| The Man Centre Pty Ltd | To designate and recruit positions for men only as employees or contractors. | 25, 27, 51 | 16.07.2018 (10 y) | 15.07.2028 |
| University of Newcastle | To conduct targeted recruitment programs for Aboriginal and Torres Strait Islanders and for Women. | 8, 25, 51 | 27.05.2019 (3 months) | 26.08.2019 |
| University of New England | To designate and recruit up to 10 Early Career Academic positions in Science, Technology, Engineering and Mathematics for women only and to provide a mentoring program for female students in Science, Technology, Engineering and Mathematics subjects. | 25, 31A, 51 | 25.03.2019 (5 y) | 24.03.2024 |
| University of New South Wales | To designate and recruit senior academic positions for women only in faculties where the percentage of women in senior academic roles is below 40%. | 25, 51 | 16.05.2019 (fixed term) | 31.12.2025 |
| University of Sydney | To conduct targeted recruitment programs for Aboriginal and Torres Strait Islander persons and for women. | 8, 25, 51 | 05.09.2018 (3 y) | 04.09.2021 |

| <i>applicant</i> | <i>program</i> | <i>sections</i> | <i>year granted (no. of years)</i> | <i>expiry</i> |
|---------------------------------|--|-----------------|--|---------------|
| University of Sydney | To provide financial tuition scholarships to students from India, Pakistan, Bangladesh, Sri Lanka, Nepal, Indonesia, Malaysia, Philippines, Singapore, Thailand, Vietnam and Myanmar. | 17, 51 | 02.05.2019 (3 y) | 02.05.2021 |
| University of Technology Sydney | To apply a positive adjustment factor of 10 points to the Australian Tertiary Admissions Rank of female applicants for admission to the following courses which have low female student participation: <ul style="list-style-type: none"> • Bachelor of Engineering (Honours), Diploma in Professional Engineering Practice; • Bachelor of Engineering (Honours) Bachelor of Arts in International Studies; • Bachelor of Engineering (Honours) Bachelor of Business; • Bachelor of Engineering (Honours), Bachelor of Architecture; • Bachelor of Engineering (Honours) Bachelor of Product Design; • Bachelor of Engineering (Honours) Bachelor of Creative Intelligence and Innovation; • Bachelor of Information Technology; • Bachelor of Science in Information Technology, Diploma in Professional IT Practice; • Bachelor of Computing Science (Honours); • Bachelor of Science in Games Development; • Bachelor of Science in Information Technology, Bachelor of Business; • Bachelor of Science in Information Technology, Bachelor of Arts in International Studies; • Bachelor of Science in Information Technology, Bachelor of Creative Intelligence and Innovation; • Bachelor of Construction Project Management. | 31A, 51 | 15.03.2019 (10 y) | 14.03.2029 |
| University of Wollongong | 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/or Torres Strait Islander workforce participation rate. | 8, 25, 51 | 03.07.2019 (2 y) | 2.07.2021 |
| Westpac Banking Corporation | To designate and recruit up to 50 positions per year for Aboriginal and Torres Strait Islander persons only. | 8, 51 | 05.09.2018 (5 y) | 04.09.2023 |
| Wilson Security | To designate and recruit up to 50 Security Officer and Corporate roles for Aboriginal and Torres Strait Islander persons only. | 8, 51 | 07.02.2019 (5 y) | 06.02.2024 |
| Wollongong City Council | To designate and recruit the position of Engagement Officer for Aboriginal and/or Torres Strait Islander persons only. | 8, 51 | 14.09.2018 (10 y) | 13.09.2028 |

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