

Anti-Discrimination Board of NSW

ANNUAL REPORT

2012-13



20 October 2013

The Hon Greg Smith MP
Attorney General
Level 33, Governor Macquarie Tower
1 Farrer 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 2012 to 30 June 2013.

Yours sincerely

Stepan Kerkyasharian AO
President

Anti-Discrimination Board of NSW

Annual report 2012-13

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Highlights



Delivered 366 in-house training sessions for employers and service providers and ran 24 seminars, with a total of 5,779 participants.



Met with agencies in Bourke to foster better relations in the community.



Participated in 14 Good Service consumer information forums for Aboriginal and Torres Strait Islander people.



Answered 5,030 enquiries from the general public and from employers and service providers.



Produced new edition of Guidelines for the Hotel and Accommodation Industry, launched by George Souris, Minister for Tourism, Major Events, Hospitality and Racing.



Provided advice on 18 applications for exemption from the *Anti-Discrimination Act 1977 (NSW)* and reviewed 11 compliance reports.



Received 1,053 complaints and finalised 1,042 complaints.



President's report

The main activities of the Anti-Discrimination Board of NSW in 2012-13 reflect our statutory functions to handle complaints and to inform people about their rights and responsibilities under anti-discrimination law.

The first step for many people experiencing discrimination is to consult the Board's extensive website. In 2012-13 Board staff spent considerable time converting the site to the Department of Attorney General and Justice (DAGJ)'s new content management system. This has enabled a more accessible structure and has also provided the opportunity to review all the existing material on the site.

Other people contact our Enquiry Service, which still receives thousands of telephone enquiries each year and provides advice to both individuals and employers and service providers.

The number of complaints we receive has remained fairly constant for the last ten years, although there has been a slight decrease from 2011-12. In 2012-13 we received 1,053 complaints, with disability discrimination, race discrimination and victimisation the most frequent grounds of complaint.

The conciliation team continues to achieve excellent results, with 1,042 complaints dealt with in 2012-13. The team took an average of 6.3 months taken to finalise complaints, and 88% were finalised within twelve months. Complaints resolved through conciliation often require extensive knowledge and skill and the Board is very fortunate to have such an experienced team.

The Board's Education Service has continued its workplace training

program in 2012-13. Demand for the fee-paying service has weakened since the global financial crisis, but the program still brought in a total of \$473,868, including publication sales. The fact that this was achieved despite a very limited marketing budget demonstrates the excellent reputation of our training team.

Community education is another important aspect of the Board's work. This year we worked with groups including homeless people, new refugees, seniors, the Assyrian, Sudanese and Bhutanese communities, African community leaders and school and TAFE students.

A significant project for the publications team this year was a new edition of our *Guidelines for the Hotel and Accommodation Industry*, produced with the Australian Hotels Association (NSW) and Tourism Accommodation Australia (NSW), in consultation with the Office of Liquor, Gaming and Racing. This is particularly relevant as the discrimination issues facing hotels can be complex, and it is encouraging to work with the AHA on such a useful resource.

In 2012-13 the Board commissioned an independent review of its education service, with the agreement of the Director General of DAGJ, Laurie Glanfield. The review made a number of recommendations which will be considered and implemented through 2013-14. In doing so, I look forward to broadening the scope of the service and providing it with a more sustainable revenue base.

Our Aboriginal and Torres Strait Islander team also continued its activities in 2012-13. The team worked

with other agencies to provide joint information sessions for community workers and leaders, provided training for real estate agents and attended a number of fairs and information days.

Accompanied by the leader of the Aboriginal and Torres Strait Islander team, I undertook a trip to Bourke in May 2013. The trip was suggested after discrimination issues in the area were raised by community members. This was an excellent opportunity to discuss concerns and meet with local officials, which will hopefully foster better relations in the community.

Our two part-time Legal Officers continue to advise the statutory Board members on applications for exemptions from the ADA, as well as dealing with other legal matters. We continue to receive significant numbers of these applications, and some raise

complex legal issues, so I am very appreciative of their assistance.

All this work has been achieved in a context of considerable pressure on the Board's budget and resources. In 2012-13 the Board was restructured to achieve budget savings. The education and liaison and support teams were combined into a Business Support Branch and management of our regional offices was consolidated. Five positions were removed, involving three redundancies.

As previously, due to budget constraints there has been a significant impact on our ability to deliver on our statutory functions to conduct inquiries, review legislation and develop human rights policies and programs.

Thanks to all the Board's staff, particularly to Elizabeth Wing, and including our Liaison and Support

team who facilitate the core work of the Board. Thanks also to the members of our advisory committees who provide valuable input on issues of concern in the community.

Thanks also to the Statutory Board for their advice and participation during the year, and to Director General Laurie Glanfield and the senior management of the Department of Attorney General and Justice for their support.

Mr Glanfield left the department in July 2013 after 36 years' service to become Director General of the Department of Finance and Services, and I have personally appreciated his interest and support for the Board in the years we have worked together.

Stepan Kerkyasharian AO

President

Anti-Discrimination Board of NSW

Anti-Discrimination Board President Stepan Kerkyasharian AO (far right) with other agency representatives in Bourke.





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 EEO (equal employment opportunity) principles and policies throughout NSW. We are a business centre within the NSW Department of Attorney General and 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, publications and our website.

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 complaints of discrimination and conciliate complaints when appropriate.

3. We advise the Government on discrimination issues, and make recommendations to the President of the Anti-Discrimination Board and the Attorney General about applications for exemption from the Anti-Discrimination Act.

The President and the Board

Stepan Kerkyasharian AO became the President of the Anti-Discrimination Board on 15 September 2003. In 2012-13 he also continued as Chair of the Community Relations Commission.

The Board consists of the President as Chair, plus four members appointed by the Governor of NSW. The members for the first quarter of 2012-13 were Michael Christodoulou, Sigrid Patterson, Christine Regan and Peter Wertheim. These appointments expired in September 2012. William Seung, Eman Sharobeem and Talal Yassine

were appointed in December 2012, and Peter Wertheim was re-appointed.

See page 10 for more information about the Board members.

The Board's structure

Until December 2012, the Board had three branches:

- **Enquiries and Conciliation Branch** – responsible for handling initial enquiries about discrimination, and for investigating and conciliating discrimination complaints received by the Board. The Manager in 2012-13 was Elizabeth Wing *LLB, EMPA*.
- **Education Services Branch** – oversees the Board's provision of training, community education, information, publication and website services. The Manager to December 2012 was Sharmalee Elkerbout *MA, MBA (equivalent), Cert IV Workplace Training and Assessment*.
- **Liaison and Support Branch** – provides support services such as administration, logistics, financial control and information technology. The Manager in 2012-13 was Scott Hipwell *BBus, FIPA, SA FIN*.

In December 2012 the Board was restructured to achieve budget savings. The Education Services and Liaison and Support teams were combined into a Business Services Branch managed by Scott Hipwell.

The Board also has regional offices in Newcastle and Wollongong that provide services to Northern and Southern NSW. In the restructure, the positions of Regional Manager of each office were abolished, and Gerardo de Liseo *BA, DipEd, DipTESOL, DipLaw*,



L-R: Gerardo de Liseo (Manager Regional Services), Scott Hipwell (Manager Business Services), Felicity Huntington (Aboriginal and Torres Strait Islander Team Leader), Elizabeth Wing (Manager Enquiries and Conciliation).

GDipLegPrac, Cert Mediation (previously Wollongong Manager) assumed responsibility for the enquiry and conciliation functions in both regional offices, with the education function managed directly from Sydney.

The Board's Aboriginal and Torres Strait Islander team includes complaint handling and education staff who provide culturally specific services for Aboriginal and Torres Strait Islanders. The Team Leader in 2012-13 was Felicity Huntington.

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

Staff profile

At 30 June 2013, the Board had 32.1 full time equivalent positions, of which 25.6 positions were located in Sydney and 6.5 in the two regional offices. At 30 June 2013 the Board employed 34 people (33 employees and one contractor), some of whom worked part-time. Five positions were removed during the year in the restructure described on the previous page.

- **Employment status:** of the 33 employees at 30 June 2013, 30 (91%) were permanent employees and three (9%) were temporary appointees.

- **Turnover:** three staff members were made redundant in the restructure in 2012-13 (the other two positions had been held vacant). There were also two resignations.
- **Tenure:** 40% of staff have been with the Board for 15 or more years, 11% for 10-14 years, 26% for 5-9 years, 4% for 3-4 years, and 19% for less than 3 years.
- **Gender:** four staff were male (12%), and 29 were female (88%).
- **Diversity:** 34% of staff identify English as their second language, 4% identify as Aboriginal and Torres Strait Islanders, 30% are from culturally and linguistically diverse backgrounds, and 11% identify as having a disability.

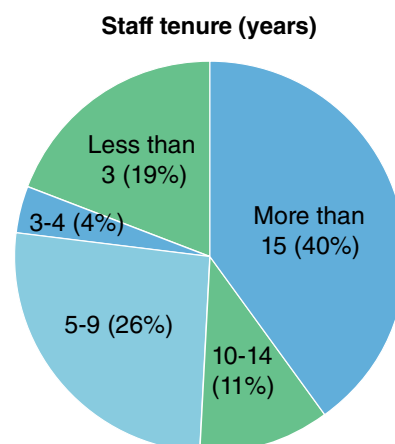
Training and development

The Board encourages a high level of participation in training and development, in accordance with the policy of the Department of Attorney General and Justice (DAGJ). All staff engaged in some form of training or development during the year, involving a total of 72 days. Training undertaken this year included:

- DAGJ human resources systems;
- corruption awareness;
- first aid;

- financial management;
- effective team communication;
- preventing and managing grievances;
- disability awareness;
- bullying and harassment;
- dignity and respect;
- negotiation and conflict resolution;
- risk and injury management;
- legal seminars;
- public interest disclosure obligations.

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



Anti-discrimination law in NSW

Discrimination occurs when a person with a particular personal characteristic is treated less favourably than a person who does not have that characteristic, or they are harassed because of that characteristic. The *Anti-Discrimination Act 1977 (NSW)* (ADA) makes it unlawful to discriminate on certain grounds, in certain circumstances.

Grounds of discrimination

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

- sex (includes pregnancy and breastfeeding);
- race;
- age (includes compulsory retirement);
- marital or domestic status;
- homosexuality;
- disability (includes physical, intellectual and psychiatric disabilities, learning and emotional disorders and infectious diseases);
- transgender status;
- carer's responsibilities.

It is also against the law to discriminate against or harass someone because their relatives, friends or associates have any of these characteristics, or because you think they are homosexual, 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 of public life:

- employment;
- provision of goods and services;
- state education, including schools, TAFEs and universities (sexual harassment and race discrimination are also unlawful in private education);
- the provision of accommodation;
- registered clubs (any club that sells alcohol or has gaming machines).

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

Direct and indirect discrimination

Both "direct" and "indirect" discrimination are against the law. Direct discrimination occurs when someone is treated unfairly compared to someone else in similar circumstances – for example, refusing to hire a person just because they have a disability.

Indirect discrimination occurs when there is a condition or requirement which has a disproportionately negative impact on a particular group of people, and the condition is not reasonable in the circumstances, and the person concerned cannot comply with it. For example, requiring a person over a certain height for a job might discriminate against women and some ethnic groups..

Vilification

Vilification because of a person's race, homosexuality, HIV/AIDS or transgender status is also unlawful. The ADA defines vilification as 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 certain circumstances. For more information about exemptions, see pages 29-30.

Making a complaint

If a person thinks they have been discriminated against or harassed, they should contact the Board's enquiry service to find out whether their situation is covered by the ADA. If it is

not covered, our Enquiry Officers will suggest other avenues to find help.

If the problem appears to be covered by the ADA, and it is not possible or appropriate to resolve it by other means such as an internal grievance procedure in the workplace, the person can lodge a complaint with the Anti-Discrimination Board. 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 an agent, guardian or representative. They can also complain as a group, or a representative of a group.

Making a complaint involves completing a complaint form, or writing to the President of the Board by post or email, describing what has happened and why the person thinks it was unlawful. Complaints can be written in any language, or in Braille.

If the events being complained about are more than a year old, or they are clearly not covered by the ADA, the complaint may be declined at this point. Complaints that are accepted are then investigated more thoroughly to see if they may involve a breach of anti-discrimination law, which may be quite involved. 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 to the complaint to come to an agreement or settlement that will resolve it.

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).

Many complaints are resolved through conciliation, but this 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. If the parties do reach agreement, they often sign a written agreement.

Examples of the solutions included in settlements are:

- the complainant accepting the respondent's explanation of why the events occurred;
- an apology;
- reinstatement of the complainant, if they have been moved to another position, suspended or dismissed;
- the complainant being provided with benefits, facilities or services that they were denied;
- training for staff in the respondent organisation about discrimination, and/or developing or improving Equal Employment Opportunity policies;
- the respondent paying compensation to the complainant, or some other form of compensation such as a donation to charity.

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

Referral to Attorney General

A complaint about vilification that involves a threat of physical harm or inciting others to threaten physical harm may be referred by the President to the Attorney General. It will then be considered by the Director of Public Prosecutions, who will decide if it should be prosecuted as a crime of serious vilification.

The Administrative Decisions Tribunal

If a complaint cannot be conciliated, and in certain other cases, it will be referred to the NSW Administrative Decisions Tribunal (ADT). The Tribunal provides a legal judgement that can be enforced or appealed.

Remedies available to the ADT include:

- ordering compensation (currently up to \$100,000);
- prohibiting discriminatory conduct in the future;
- ordering the publication of an apology;
- ordering the development of programs or policies aimed at eliminating discrimination;
- declaring that discriminatory contracts are unenforceable.

Amendment to the NSW Anti-Discrimination Act

In June 2013, the *Anti-Discrimination Act 1977 (NSW)* was amended to clarify the law relating to indirect discrimination (see page 8 for more information about indirect discrimination). The amendments make it clear that the motive or reason for the discriminatory rule or requirement is irrelevant.

Statutory Board 2012-13



*Left column, from top: Stepan Kerkyasharian, Sigrid Patterson, William Seung, Peter Wertheim.
Right column: Michael Christodoulou, Christine Regan, Eman Sharobeem, Talal Yassine.*

Stepan Kerkyasharian AO Hon DLitt **President** Attendance: 7/8

Stepan has been President of the Anti-Discrimination Board since 2003, and is also CEO and Chair of the NSW Community Relations Commission. He became an Officer of the Order of Australia in 2011. In June 2007 he received Doctor of Letters (honoris causa) from the University of Sydney.

Michael Christodoulou AM, DO, DC, ND, DBM To 29/9/2012; Attendance: 3/3

A chiropractor and osteopath, Michael is a commissioner of the NSW Community Relations Commission, President of the Cyprus Community of NSW, Treasurer of the World Council of Hellenes and a Board member of the Stanmore Hawks Football Club.

Sigrid Patterson BA, MPH To 29/9/2012; Attendance: 0/3

As Director of the NSW Office for Ageing, Sigrid coordinates the development and implementation of the NSW government's strategy to address the ageing of the population. She is a specialist in public health, policy and economics.

Christine Regan AssocDipCommOrgs To 29/9/2012; Attendance: 3/3

Christine is a Senior Policy Officer with the Council of Social Service of NSW, focussing on disability. She is current Vice-President of the National Council on Intellectual Disability and Chairperson of local advocacy group Dare to Care.

William Seung BA From 29/12/2012; Attendance: 3/5

William migrated to Australia in 1982 and has a background is in the travel industry. He has held many leadership roles in Australia and Korea, including President of the Korean Society of Sydney and the Korean Chamber of Commerce and Industry in Australia.

Eman Sharobeem PhD From 29/12/2012; Attendance: 4/5

Eman has been an advocate for migrants, refugees, gender equality and health for 25 years. She is currently the Manager of the Immigrant Women's Health Service, and is also a Commissioner of the Community Relations Commission, a Doctor in Psychology and a member of the NSW Domestic and Family Violence Council.

Peter Wertheim AM, BA, LLB, LLM

To 29/9/2012, reappointed 29/12/2012; Attendance: 7/8

Currently the Executive Director of the Executive Council of Australian Jewry, Peter has been a member of the Australian Multicultural Advisory Council and the Australian Multicultural Council since 2010. He has successfully represented the Jewish community in a number of racial vilification cases.

Talal Yassine BA, LLB, LLM, MBA From 29/12/2012 to 30/6/2013; Attendance: 2/5

Talal is a lawyer, banker and non-executive director. He spent 10 years as a strategist at PriceWaterhouse Coopers and is currently Managing Director of Crescent Wealth. In 2012 he became a Professorial Fellow in Public Policy at the Australian National University.



Enquiry service

The Board's Enquiry and Liaison Officers provide an enquiry service to assist two main groups of people: employers and service providers, and members of the general public, including individuals, advocates, community workers and advice workers.

For general enquiries, the Enquiry and Liaison Officers will:

- provide information about anti-discrimination law;
- if required, determine if the caller's situation is covered by the *Anti-Discrimination Act 1977 (NSW)* (ADA);
- give advice about how to address the situation; and
- provide information about where else to get help if the problem is not covered by the ADA.

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

The Board's website is now a major source for basic information about anti-discrimination law. However, people still need to consult the enquiry service on more complex matters, and others may prefer personal verbal information.

Many discrimination issues can be addressed at the initial enquiry stage, as the Enquiry and Liaison Officers inform enquirers about their rights and suggest strategies for dealing with their situation. This can prevent the need for a formal complaint and thus reduces the number of complaints the Board receives.

Enquiries in 2012-13

In 2012-13 the enquiry service answered 5,030 enquiries. As an enquiry can cover more than one ground of discrimination, this amounts to a total of 5,787 matters being raised by clients of the service. This is 10.5% more than in 2011-12, when we answered 4,553 enquiries and dealt with 4,979 matters in total.

The majority of enquiries (4,564 or 90.7%) were from people wanting to discuss individual discrimination issues. The remainder (466 or 9.3%) were from employers and service providers.

The majority of enquiries (4,676 or 93.0%) were made by phone. 110 (2.2%) were written, mainly by email, and the rest were made by visiting our office.

As in previous years, women used the general enquiry service more than men. We received 2,398 enquiries from women (47.7%), 1,964 from men (39.0%), and 668 (13.3%) from employers, students, teachers and individuals contacting us on behalf of another person or organisation.

The majority of calls and visits (4,241 or 86.3%) took less than 14 minutes to deal with. 560 calls (11.4%) took 15-29 minutes to deal with, a slight percentage increase over last year (10%). 71 enquiries (1.4%) took 30-59 minutes and 41 (0.8%) took an hour or more.

The majority of enquirers (3,777 or 76.9%) wanted to discuss a situation where discrimination was occurring, as opposed to potential discrimination. Only 1,370 people (27.9%) were advised that they could lodge a formal complaint.

Types of discrimination

Since 2007-08, disability discrimination has been the most common issue enquirers want to discuss. In 2012-13 there were 1,125 enquiries (19.4%) about disability discrimination, followed by race discrimination (800 enquiries or 13.8%), sex discrimination (416 or 7.2%), age discrimination (365 or 6.3%) and sexual harassment (260 or 4.5%). ▶

Enquiry service *continued*

The majority of enquiries (2,792 or 48.2%) continued to be employment-related. The second largest area was the provision of goods and services with 1,094 enquiries (18.9%).

Problems not covered

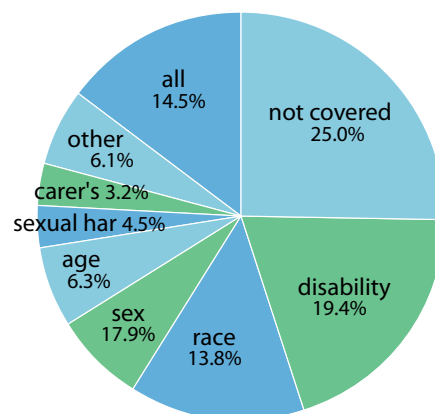
1,754 enquiries (30.3%) were about problems that were not covered by the ADA, either because the type of discrimination was not covered or the area in which it occurred was not

covered, or both. 610 (34.8%) of these enquiries related to employment.

The enquiry service was generally able to provide advice about how to resolve the person's problem within the workplace, or refer them to another organisation that could help.

Other problems not covered by NSW law included people who were treated unfairly because of their criminal record, religion or physical appearance.

Type of discrimination enquired about



Enquiries received by ground and area 2012-13

	Emp	Gds & Accom	Educ	Clubs	Qual	Racial	Hom	HIV	Trans	All	Other	Total	%	
	Servs				bodies	vil	vil	vil	vil	areas				
Disability	555	341	49	109	23	2	0	0	0	0	11	35	1125	19.44
Race	428	197	49	54	17	2	0	0	0	0	14	39	800	13.82
Sex	298	62	8	20	12	0	0	0	0	0	4	12	416	7.19
Age	212	81	46	9	4	0	0	0	0	0	2	12	366	6.33
Sexual harassment	238	7	1	5	1	0	0	0	0	0	2	6	260	4.49
Carer's responsibilities	178	0	0	0	0	0	0	0	0	0	0	7	185	3.20
Homosexuality	54	18	10	10	0	0	0	0	0	0	2	5	99	1.71
Victimisation	66	3	0	2	2	0	1	0	0	0	0	0	74	1.28
Racial vilification	0	0	0	0	0	0	55	0	0	0	0	0	55	0.95
Marital/domestic status	28	11	7	0	1	1	0	0	0	0	0	3	51	0.88
Transgender	5	19	2	1	0	0	0	0	0	0	1	3	31	0.54
Homosexual vilification	0	0	0	0	0	0	0	26	0	0	0	0	26	0.45
Transgender vilification	0	0	0	0	0	0	0	0	0	7	0	0	7	0.12
Aiding an unlawful act	3	2	0	0	0	0	0	0	0	0	0	2	7	0.12
HIV/AIDS vilification	0	0	0	0	0	0	0	0	1	0	0	0	1	0.02
Obstruction	0	1	0	0	0	0	0	0	0	0	0	0	1	0.02
All grounds	117	22	13	9	7	3	0	0	0	0	482	184	837	14.46
Not covered – workplace harassment	237	0	0	0	0	0	0	0	0	0	0	0	237	4.10
Not covered – other	373	330	64	42	32	2	0	0	0	0	20	346	1209	20.89
Total	2792	1094	249	261	99	10	56	26	1	7	538	654	5787	100
%	48.25	18.90	4.30	4.51	1.71	0.17	0.97	0.45	0.02	0.12	9.30	11.30	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.



Conciliation service

The Board's Enquiries and Conciliation Branch provides a confidential, neutral and free service to the community, operating from the Board's three offices in Sydney, Newcastle and Wollongong.

We investigate complaints of alleged breaches of the *Anti-Discrimination Act 1977 (NSW)* (ADA), and where appropriate we conduct a conciliation conference to assist the parties to come to a mutually acceptable resolution.

For more information about the complaint process, see page 9.

Complaints received

The Board received 1,053 formal complaints of discrimination in 2012-13, with a profile similar to previous years. This is a decrease of 190 from 2011-12, but overall complaint numbers have remained fairly stable over the last ten years.

As the table on page 14 shows, the most common complaints in 2012-13 continued to be on the grounds of disability, race and sex discrimination. There were 274 complaints of disability discrimination, which is a decrease in numbers from last year. However disability discrimination complaints rose to 26% as a proportion of total complaints, which is a continuing trend.

Race discrimination complaints were the second highest category with 196 complaints (18.6%). There were also 14 complaints of racial vilification (1.3%), which is similar to last year.

Complaints of sexual harassment outnumbered all other types of sex discrimination complaints with 94 complaints (8.9%). Of these, 87 complaints related to the workplace and over two-thirds were from women. Other sex discrimination complaints, including pregnancy and breastfeeding discrimination, numbered 85 or 8.1%.

Victimisation complaints also featured strongly with 115 complaints (10.9%).

Employment-related complaints continued to be the single largest area of complaint with 563 complaints (53.5%). This is a similar proportion to last year. More than half of these complaints related to a detrimental work environment or harassment in the

workplace. Nearly a third of all workplace complaints involved a state or local government entity.

Apart from aggregated sex discrimination and sexual harassment complaints, disability discrimination was the most common ground for employment complaints (126 complaints). Men lodged more complaints than women in the category of disability discrimination in employment.

The provision of goods and services was the second largest area of complaint with 260 complaints (24.7%). The most frequent ground of complaint in this area was again disability discrimination with 98 complaints, followed by 75 race discrimination complaints.

Women lodged 46.6% of all complaints, a further decrease from the last two years. Men lodged 51.6% of all complaints. Men lodged more complaints of disability discrimination and race discrimination relative to women, and women lodged more complaints of sex discrimination and sexual harassment.

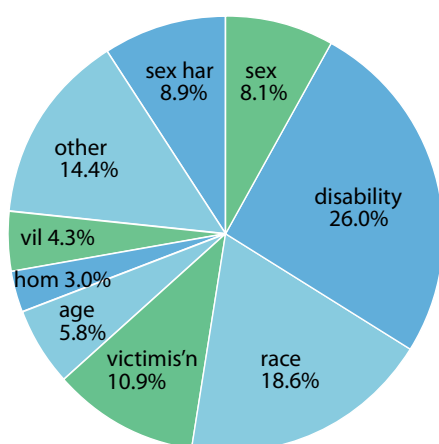
Most complainants did not specify their ethnic background unless it was relevant to their complaint. People of Aboriginal background lodged 64 complaints. Complainants of Indian background lodged 22 complaints and people of Chinese background lodged 16 complaints. Many other backgrounds from across the world were also represented. If complainants had difficulty with English, interpreters and translations were provided at the Board's expense. ►

Conciliation service *continued*

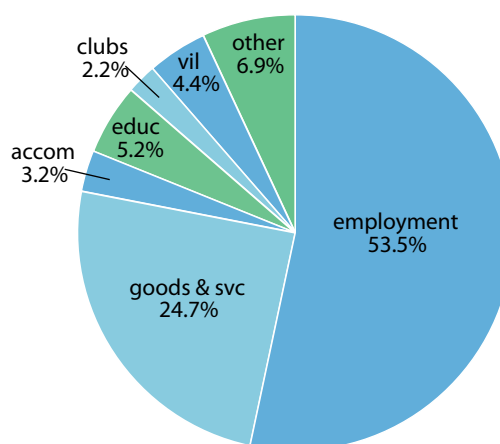
Complaints received by ground and area 2012-13

	Emp	Gds & Accom	Educ	Clubs	Qual	Racial	Hom	HIV	Trans	Other	Total	%
	Servs				bodies	vil	vil	vil	vil			
Disability	126	98	12	20	7	1	0	0	0	10	274	26.0
Race	80	75	14	12	5	1	0	0	0	9	196	18.6
Victimisation	88	12	0	5	2	0	0	14	0	0	115	10.9
Sexual harassment	87	5	0	2	0	0	0	0	0	0	94	8.9
Sex	61	16	0	2	3	0	0	0	0	3	85	8.1
Age	35	12	3	6	2	0	0	0	0	3	61	5.8
Homosexuality	21	6	2	1	0	0	0	0	0	2	32	3.0
Homosexual vilification	0	0	0	0	0	0	0	31	0	0	31	2.9
Carer's responsibilities	26	1	0	0	0	0	0	0	0	0	27	2.6
Racial vilification	0	0	0	0	0	0	14	0	0	0	14	1.3
Aiding unlawful act	9	1	0	0	0	0	0	0	0	0	10	1.0
Marital/domestic status	5	0	0	1	1	0	0	0	0	0	7	0.7
Transgender	2	3	0	0	0	0	0	0	0	1	6	0.6
Transgender vilification	0	0	0	0	0	0	0	0	1	0	1	0.1
HIV/AIDS vilification	0	0	0	0	0	0	0	0	0	0	0	0.0
Other	21	24	1	5	3	1	0	0	0	25	80	7.6
Not specified	2	7	1	1	0	0	0	0	0	9	20	1.9
Total	563	260	33	55	23	3	14	31	0	70	1053	100
%	53.5	24.7	3.1	5.2	2.2	0.3	1.3	2.9	0.0	6.7	100	

Grounds of discrimination complaints



Areas of discrimination complaints



Complaint processing

The Board continues to provide an efficient complaint handling process, in spite of staff shortages.

The team continued to achieve very good results in meeting the target timeframes for finalisation of complaints (see the table below right). We finalised 88.2% of files within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise files in 2012-13 was 6.3 months.

Type of employer 2012-13

	No	%
Private enterprise	208	36.9
State govt department	84	14.9
Individual male	55	9.8
Education (public)	36	6.4
Hospital	25	4.4
Local government	23	4.1
Individual female	20	3.6
State stat authority	19	3.4
Non-profit association	14	2.5
Trade union	7	1.2
Registered clubs	6	1.1
Education (private)	3	0.5
Commonwealth stat authority	3	0.5
Media organisation	2	0.4
Commonwealth dept	1	0.2
Other	55	9.8
Not known	2	0.4
Total	563	100

In line with the Board's commitment to providing an efficient service, complaints were redistributed between the Newcastle, Sydney and Wollongong offices to share the workload.

In addition to services in our offices, we provide an accessible service to rural and remote areas by conducting conciliations in a location closer to the parties involved. Seven officers were out of the office on 18 days to conduct conciliation conferences in regional NSW.

Complaint outcomes

The Board finalised 1,042 formal complaints this year, which is fewer than last year's total of 1,396. The throughput of files was affected by staff reductions and absences.

Types of employment complaints 2012-13

	No	%
Work environment and harassment	305	54.2
Classification/benefits	100	17.8
Dismissal	70	12.4
Recruitment/selection	59	10.5
Demotion	11	2.0
Promotion	7	1.2
Transfer	5	0.9
Resignation	4	0.7
Retrenchment/redundancy	1	0.2
Award and enterprise agreement	1	0.2
Total	563	100

150 complaints were resolved at or after a conciliation conference (14.4% of total complaints resolved), which was less than last year's figure of 250 (20.7%). A further 73 complaints (7%) were settled by negotiation without the need for a formal conciliation conference.

159 complaints (15.3%) were referred to the Equal Opportunity Division of the Administrative Decisions Tribunal, as they were not conciliable. This is less than the number of complaints referred last year (275).

The President referred one complaint of serious vilification to the Attorney-General for consideration for prosecution as an offence under the ADA. The complaint alleged serious homosexual vilification.

The President declined 131 complaints under s 92 of the ADA, the same number as last year. Complaints are declined under s 92 for reasons such as lacking in substance, being misconceived, or not being a contravention of the ADA.

Of these 131 declined complaints, 34 (3.3% of total complaints finalised) were referred to the Administrative Decisions Tribunal, compared with last year's figures of 60 cases (4.3%). ▶

Timeframe targets 2012-13

Complaint to be finalised within	Target	Actual
2 months	20%	21%
3 months	30%	30%
6 months	60%	56%
12 months	85%	88%
18 months	100%	97%

Conciliation service *continued*

The number of complaints formally withdrawn this year decreased to 200 (19.2%) from last year's figure of 265 (18.9%). Complainants withdraw complaints for a number of reasons:

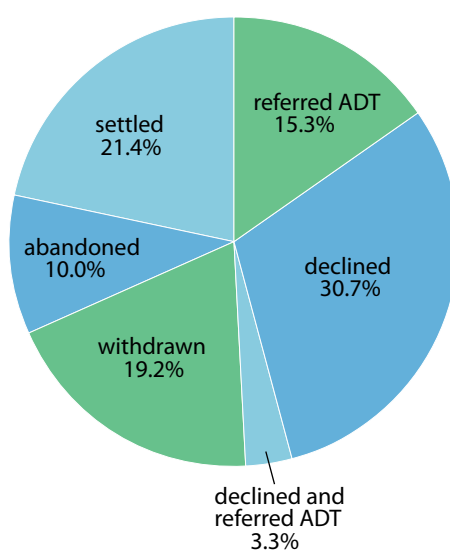
- their complaint might not be covered by the ADA;
- they may be satisfied with the respondent's response;
- they may lack support for the complaint;
- they may be unable to provide information requested by the Board; or
- they may lack confidence that the respondent will provide a satisfactory response.

The number of complaints abandoned this year decreased again to 104 (10.0%), from 146 (10.4%) in 2011-12. Complaints may be regarded as abandoned if the complainant does not respond to requests for information, or there is no indication they intend to proceed with the complaint, or we lose contact with them.

Outcome of complaints finalised 2012-13

	No	%
Settled at or after conciliation	150	14.4
Settled before conciliation	73	7.0
Referred to ADT – conciliation unsuccessful or not suitable	159	15.3
Referred to ADT – older than 18 months	0	0
Referred to Attorney General – serious vilification	1	0.1
Declined before investigation – not a contravention	208	19.9
Declined before investigation – older than 12 months	12	1.1
Declined before investigation – not of vilified group	1	0.1
Declined before investigation – not on behalf of complainant	3	0.3
Declined after investigation – s 92	97	9.3
Declined after investigation and referred to ADT	34	3.3
Withdrawn s 92B	200	19.2
Abandoned s 92C	104	10.0
Total	1042	100

Complaint outcomes





Education service

The Education Services team performs one of the Board's key functions as defined by the NSW Anti-Discrimination Act. This is to: acquire and disseminate knowledge on all matters relating to the elimination of discrimination and the achievement of equal rights; arrange consultations and discussions, seminars and conferences; and develop human rights programs and policies.

The Education Services team has three main activities:

1. Providing fee-paying workplace education and seminars, mainly for employers and service providers.
2. Giving talks to community groups, holding stalls at community events and if resources allow, running projects aimed at specific groups.
3. Producing a range of publications and a comprehensive website.

Workplace education

The workplace education program provides high quality, cost-effective training and consulting services for employers, service providers and their staff throughout NSW. We have a strong reputation for providing interactive, relevant and up-to-date training which gives participants an effective understanding of anti-discrimination law and how it applies to their workplace.

The Board's team provide tailored in-house training for managers and staff in a wide range of organisations. Our programs are designed to:

- educate employees about their rights and responsibilities;
- inform managers about how to make equitable decisions;
- assist managers to take 'all reasonable steps' to prevent bullying, harassment and discrimination;
- explain the benefits of complying with EEO principles; and
- give organisations the skills to handle grievances fairly and effectively.

This training is generally delivered to staff groups, but we sometimes provide

one-on-one training in situations where an employer requires more intensive training for a particular person.

Organisations booking in-house training also receive the following benefits:

- guidelines and handouts from the training session;
- advice and information on a consultancy basis from our Senior Workplace Relations Consultants;
- free review of policies; and
- refresher courses to reinforce knowledge acquired at earlier training courses.

Some companies use our training for their offices throughout Australia and in some cases overseas, to maintain the quality and consistency of the education provided to all their staff.

As well as in-house training, the branch runs seminars during the year. Seminars in 2012-13 included:

- Bullying and harassment prevention;
- Case law update;
- The challenge of social media;
- Contact Officers' refresher;
- EEO recruitment and employment practices;
- Grievance handling skills;
- Grievance management and resolution skills;
- Managing age diversity;
- Policy development;
- Psychiatric disabilities in the workplace;
- Sexual harassment - it's your business;
- Skills training for Contact Officers.

Despite staff vacancies, in 2012-13 we delivered 366 in-house training ▶

Education service *continued*

From our clients

"We contracted the ADB to provide training for our executive team. A review of our policies and the current legislation was incorporated into the training, and this was deemed by all as an outstanding approach.

The consultant was experienced, knowledgeable and approachable. A meeting was held to identify the training needs of the group, and the subsequent material that was presented addressed all required areas in a comprehensive and inclusive manner.

I would not hesitate in recommending the ADB for any executive group."

*Roderick Lander,
MERIT Manager/Psychologist
Area Drug and Alcohol Service*

"I have always found the NSW Anti-Discrimination Board very helpful. We recently engaged their services to provide training for all our staff in discrimination, harassment and bullying. Our supervisors and managers were able to take away changes to legislation and were glad they attended the training.

[Trainer] was very good as a facilitator for our training which covered employees from different sectors and it was great to see how she was able to communicate across all levels. We loved her insight into case studies and the training clearly showed her expertise in this field. The assistance provided in reviewing our policies was greatly appreciated and we look forward to conducting more training in the future. I am more than happy to refer the ADB services to other organisations."

*Narrelle Hunt, Human Resources
Manager, Catholic Metropolitan
Cemeteries Trust*



*Senior Workplace Relations Consultants
Rhonda Stewart-Crisanti (L) and Margaret White.*

sessions for employers and service providers (including 74 in Newcastle and six in Wollongong). We also ran 24 seminars, including four in Newcastle. Combined these reached around 5,779 participants.

The most common training subjects were preventing discrimination, harassment and bullying, grievance handling and Contact Officer training.

The total revenue from in-house training was \$377,669, which was a 10% decrease over 2011-12 (\$418,385). Income from seminars was \$80,518, which was a 2% increase from 2011-12 (\$79,085).

The total earnings from workplace education, including training fees, seminars and sale of publications, was \$473,868. This was a good achievement during a period where there was a redundancy in the team and positions were held vacant to achieve budget savings.

The Board's continuing ability to generate training business in difficult circumstances and the amount of repeat business received reflects the excellent reputation of the Board's training team. Their extensive expertise in anti-discrimination law and ability to understand and customise training sessions for a wide variety of work environments leads to ongoing respect and excellent word-of-mouth advertising.

Community education

With only one part-time Community Education Officer, the Education Service again had some very positive achievements in 2012-13.

We continued to work with community groups to develop their understanding of their rights and responsibilities under anti-discrimination law. Varying from education sessions to community stalls and expos, our training this year reached over 1,845 direct participants,



Board staff assist a participant at our information stall at Sydney Homeless Connect in June 2013.

plus many more people who took information from stalls.

Homeless Connect

The Board ran an information stall at Homeless Connect events in Newcastle in August 2012 and Sydney in June 2013. Homeless Connect is designed to bring people who are homeless together with the services and support they need, while also providing a positive experience to remember.

During these events Board staff spoke to many homeless people who had experienced discrimination, harassment and bullying, with disability, age and hepatitis C discrimination the most common issues.

Community networking

An important aspect of community education is networking with other agencies. The Board is a member of JOIN, a group of state and federal government and not for profit agencies

who provide community education. The group meets to share information about their agencies and upcoming community events.

Other community training

- The Justice African Learning Circle (elder and leaders from African communities);
- Seminars for community organisations convened by Hornsby Blacktown and Parramatta Councils;
- Assyrian young people for the Assyrian Association, Fairfield;
- the Bhutanese and Sudanese communities at Sydwest Multicultural Services, Blacktown;
- Copperfield Aged Day Services, Mt Druitt;
- various primary and secondary students;
- Kingswood TAFE welfare students;
- Justice System Information Day for workers settling new refugees.

Stalls

- International Day for People with a Disability, Parramatta;
- Harmony Day, Ryde;
- Community Expo at Ashcroft Public School;
- Blacktown Seniors Multicultural Day. ►

Review of Education Service

In 2012-13 the Board commissioned an independent review of the education service, with the agreement of the Director General of the Department of Attorney General and Justice, Laurie Glanfield. The aim was to consider the efficiency and effectiveness of the service and develop a wider range of delivery options which could provide a more sustainable revenue base.

The review made a number of recommendations which will be considered and implemented through 2013-14. A steering committee has been set up to guide the process, and a Project Assistant was employed in early 2013-14 to assist with research, develop plans and coordinate implementation.

Education service *continued*

Publications

The Board has two part-time Publications Officers who are responsible for all Board publications and the website.

The Board produces a wide range of publications which are an important resource in informing people about their rights and responsibilities under anti-discrimination law.

This includes an extensive set of factsheets on the different types of discrimination covered by the NSW Anti-Discrimination Act, guidelines for employers, employees and providers of different types of services, and a colourful and popular set of posters

This year one of the major projects was to update our guidelines for hoteliers and the accommodation industry, incorporating amendments to the *Liquor Act 2007 (NSW)* and other revisions based on further experience. The new edition was produced by the Board, the Australian Hotels Association (NSW) and Tourism Accommodation Australia (NSW), in consultation with the Office of Liquor, Gaming and Racing.

We produced one edition of our email newsletter *Equal Time* during 2012-13. Issues covered included sexual harassment and social media.

From 2013-14 our news will be produced in a different format. Initially, news and information will be published on our website as it is produced, with a news email sent at regular intervals to people on our mailing list. This will contain brief summaries of the items with links back to the main item on the website.

Other projects in 2012-13 included:

- two editions of our seminar calendar;



- a new edition of our Guarantee of Service;
- the 2011-12 annual report.

Work has also begun or continued on the following:

- new posters on social media and psychiatric disabilities;
- new editions of our sample policies and procedures;
- a new edition of our brochure *How to deal with discrimination, unfair treatment and harassment*;
- a new edition of our *Guidelines for real estate agents*;
- a comic book for young people.

Website

The Board has a large website which is the first point of contact for many people with enquiries about discrimination. It is part of the Lawlink site, which is hosted by the Department of Attorney General and Justice (DAGJ).

The website covers information about the functions of the Board, anti-discrimination law, how to make a complaint, training services, publications, advice for employers and service providers, open access documents from the Board and news about items of interest, recent activities and special projects.

Over the last two years DAGJ has converted all business centre websites to a new website content management system, Netcat. Transporting the Board's website to Netcat has taken up a considerable amount of the Publications Officers' time in 2012-13, as it has involved reviewing all the existing information as well as writing new explanatory material, inserting new formatting, making new graphics and re-doing all links.

The new system has provided an opportunity to restructure the site, with more headings and levels for easier navigation and access. The previous information has been reorganised to improve accessibility and streamlined to remove material that is out of date or overly detailed.

Due to the transition to the new system, statistics are not available for the number of hits on the Board's website in 2012-13.

The Board is also looking at ways that social media can be used to communicate with different groups in the community. Issues such as responsibility for generation and approval of content, interactivity and monitoring need to be addressed.

Current publications

Workplace guidelines

Grievance procedure guidelines
Guidelines for grievance investigators
Guidelines for Contact Officers
Guidelines for managers and supervisors
Guidelines for non-supervisory staff
Sample policies and procedures

Special interest guidelines

Anti-discrimination and EEO guidelines for small business owners and managers
Anti-discrimination guidelines for hoteliers (new edition 2013)
Community Workers Guidelines
Guidelines for advertisers
Guidelines for union representatives
Guidelines for local councils and factsheet for local government councillors

Self-help guides

How to deal with discrimination, unfair treatment or harassment (self-help strategies and contacts)
Know your rights: a guide for Aboriginal and Torres Strait Islander people
Unfair treatment – what to do (for people with intellectual disability)

Other guidelines

Transgender discrimination
Guidelines for exemptions from the Anti-Discrimination Act

Factsheets

Aboriginal and Torres Strait Islander Outreach Program
Age discrimination

Alcohol-free zones
Anti-discrimination law and the small business owner
Arabic factsheets – Race discrimination, Vilification, and Discrimination and the Anti-Discrimination Board
Carer's responsibilities discrimination
Community language factsheets – basic information in Arabic, Armenian, Chinese, Croatian, Dari, Greek, Hindi, Italian, Khmer, Korean, Macedonian, Portuguese, Serbian, Spanish, Turkish, Vietnamese
Complaining to the Anti-Discrimination Board
Disability discrimination
Discrimination, EEO and affirmative action
Discrimination and the Anti-Discrimination Board of NSW
Harassment and sexual harassment
Homosexual discrimination
Infectious diseases discrimination
Marital or domestic status discrimination
Pregnancy and breastfeeding discrimination
Race discrimination
Sex discrimination
Transgender discrimination
Treated unfairly because you are an Aboriginal and Torres Strait Islander person?
Vilification
What you can do if you are treated unfairly (for people with very low literacy)
Unfair treatment – your rights (for people who are not fluent in English)

Posters

Bullies have mean mouths
Common workplace animals (sexual harassment)
Diversity makes the difference

Do you care? (carer's responsibilities discrimination)

Of course you can (breastfeeding discrimination)

Say no to discrimination and harassment (multilingual)

Stop harassment and bullying

Stop hassling me (sexual harassment)

That's not fair (general discrimination)

2011 'Just be fair' poster competition winning designs (3)

Other publications

Aboriginal and Torres Strait Islander rights wallet card

Aboriginal and Torres Strait Islander community training brochure

Annual report 2011-12

C-change – Report of the enquiry into hepatitis C related discrimination

Complaint form

Guarantee of service

In-house training brochure for employers and service providers

Multilingual 14-language fold up brochure/poster

Postcards

– 'Stop Discrimination' in English, Arabic, Chinese, Korean, Spanish and Vietnamese

– 'Just be fair' poster competition winning designs (3)

Publications order form

Seminar calendar for employer and service provider training (2 issues/year)

Worksheets for teachers

Promotional materials

Balloons

Fridge Magnets

Pens

Rulers

Wristbands



Aboriginal and Torres Strait Islander service

The Board's Aboriginal and Torres Strait Islander outreach team provides complaint resolution, education and training services to the Aboriginal and Torres Strait Islander community. They also perform community outreach work and network with other agencies.

Providing a culturally specific service for Aboriginal and Torres Strait Islander people assists in redressing the discrimination these communities continue to face.

Complaint handling

In 2012-13 the Board received 64 complaints of discrimination from Aboriginal and Torres Strait Islander people. This is a 34% decrease from 2011-12, however 2011-12 had seen a 23% increase from 2010-11.

The most common ground of complaint from Aboriginal and Torres Strait Islander people was race discrimination (44 complaints or 68.8%). Race discrimination continues to be the most common ground of complaint from Aboriginal and Torres Strait Islander people, but other complaints are proportionally increasing, particularly disability and sex discrimination, and victimisation.

The most frequent area of complaint in 2012-13 was goods and services with 28 complaints (43.8%), followed by employment with 16 complaints (25.0%).

Complaints from Aboriginal and Torres Strait Islander people represented

6.1% of all complaints received by the Board in 2012-13, whereas Aboriginal and Torres Strait Islander people constitute 2.1% of the total NSW population.

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 13-16.

Education and training

Where possible, the Aboriginal and Torres Strait Islander team continued to provide an education program in 2012-13. The team ran education sessions and stalls at community events to raise the awareness of Aboriginal and Torres Strait Islander people and communities about their rights and responsibilities under NSW anti-discrimination law. In 2012-13 these reached over 3,150 people.

Aboriginal and Torres Strait Islander complaints 2012-13

	Emp	Goods	Accom	Educ	Clubs	Qual	Other	Total	%
	& Servs					bodies			
Race	12	23	4	1	3	0	1	44	68.8
Victimisation	0	0	0	0	0	8	0	8	12.5
Disability	2	0	0	0	1	0	0	3	4.7
Marital/domestic status	0	0	0	0	1	0	0	1	1.6
Sex	2	2	0	0	0	0	0	4	6.3
Other	0	3	1	0	0	0	0	4	6.3
Total	16	28	5	1	5	8	1	64	100
%	25.0	43.8	7.8	1.6	7.8	12.5	1.6	100	

There were no complaints received from Aboriginal and Torres Strait Islander people on the grounds of age, homosexual, carer's responsibilities or transgender discrimination, sexual harassment or racial, homosexual, HIV/AIDS or transgender vilification.

Good Service Mob forums

The *Good Service* – *servicing your community* forums provide information about consumer issues for Aboriginal and Torres Strait Islander people.

The forums are a joint initiative between the Board and the NSW Energy and Water Ombudsman, NSW Fair Trading, the Australian Investment Service Commission, the NSW Legal Aid Commission and the Aged Care Rights Service. Having all the agencies in one place is an advantage as participants can easily clarify which agency has jurisdiction in particular situations.

In 2012-13 forums were held in Parkes, Cowra, Condobolin, Forbes, Gunnedah, Wagga Wagga, Albury, Deniliquin, Richmond, Penrith, Kempsey, Port Macquarie, Taree and Forster.

Residential tenancy seminars

In 2012-13 the outreach team continued to work in partnership with NSW Fair Trading to provide information on anti-discrimination law for real estate agents and private landlords. The real estate agents gain points for their professional development program by attending the seminars.

This year seminars were held in Forster, Gunnedah and Singleton. Other participants included the Consumer, Trader and Tenancy Tribunal and Centrelink.

Outreach program

Bourke trip

In May 2013 the President of the Board and the Aboriginal and Torres Strait Islander team leader undertook a field trip to Bourke. This was planned after discrimination issues in the area were highlighted during enquiries and complaints to the Board.



Participants and trainers at the Good Service forum at Kempsey.

The visit coincided with Law Week and representatives from other agencies were also in town. The President and Team Leader met with local community members and the President did an interview on radio station 2cuzFM. They also met with representatives from the Bourke Shire Council, the NSW Police and local service providers.

The visit was an excellent opportunity for Board staff to meet with local residents and discuss concerns about less favourable treatment because of discrimination. The visit fostered greater understanding of the needs of Bourke's Aboriginal residents and should hopefully lead to better communication in the community.

Other events

In 2012-13 team members and other staff provided information stalls at NAIDOC Week events in Gosford, Airds, Campbelltown, La Perouse, Jannali, Parramatta, Penrith, Woolloomooloo, Riverstone, Katoomba and Richmond.

The Outreach team also provided training/talks at the following:

- NSW Fair Trading Aboriginal Customer Services Officers, Sydney;
- Centra Care, Narrabri;
- Gunnedah Aboriginal Land Council;

- Medicare Local Community Workers, Seven Hills.

Other outreach activities included attending the following:

- Koori Yarn Up, Penrith;
- Trader Walk, Parramatta;
- Joint Aboriginal Housing Services Committee Meeting, Parramatta;
- Complaints Session with Community Workers, Parramatta;
- Joint Aboriginal Housing Services Expo, Marrin Weeja Community Centre, Blackett.



Tribute to John Walford (sorry business)

With the permission of his family, the Board would like to

pay tribute to Aboriginal and Torres Strait Islander Advisory Committee member John Walford, who passed away in 2012-13. John represented his community on the committee for 16 years from and his energy, commitment, generosity and humour will be sorely missed.

Consultations

Aboriginal and Torres Strait Islander Advisory Committee

The Committee met four times in 2012-13. Issues discussed included:

- access to superannuation for Aboriginal and Torres Strait Islander people, including disadvantage; lower life expectancy; kinship relationships in Aboriginal and Torres Strait Islander communities; identification of members and their family; and low financial literacy.
- recognition of Aboriginal English as a Community Language;
- race discrimination in employment and accommodation;
- the potentially discriminatory use of barring in hotels and clubs in rural NSW;
- the potentially discriminatory use of suspension in schools.

Members of this consultation group include:

National Bank of Australia, NSW Department of Sport and Recreation, Australian Bureau of Statistics, NSW Fair Trading, NSW Crime Prevention Division, Department of Attorney General and Justice, NSW Ombudsman's Office, NSW Industrial Relations, and community members representing Sydney, Central Coast and rural NSW.

The Board convenes consultations with specific groups to provide an opportunity for networking, for the Board to hear about issues that affect community members, and to provide input on legislative reform. There are three consultation groups: Aboriginal and Torres Strait Islander; Gay, lesbian and bisexual; and Sex and Gender diversity.

Gay, lesbian and bisexual consultation

The consultation group met three times in 2012-13. Issues discussed included:

- the proposal to amend the NSW Anti-Discrimination Act to prohibit homosexual discrimination in private schools;
- the NSW Parliament's inquiry into same sex marriage law;
- the impact of budget cuts on the Board;
- the Legislative Council's Select Committee on the Partial Defence of Provocation;
- the screening of the film "Cloudburst" for Seniors Week;
- the Bill to amend the Graffiti Control Act 2008 to create a specific offence relating to racist graffiti.

Members of this consultation group include: 10/40 Matrix; AIDS Council of NSW; Australian Bisexual Network; Australian Federal Parliament; Avalon Media; Bi- NSW; City of Sydney; Coalition of Activist Lesbians; Country Network; Crime Prevention Division, Department of Attorney General and Justice; Electorate Officers for Clover Moore MP and Alex Greenwich MP; Family Planning Australia; Gay And Married Men's Association; Gay and Lesbian Counselling Service; Gay and Lesbian Rights Lobby; Independent Education Union and Christian Brothers; Inner City Legal Centre; Lesbian And Gay Anti-Violence Project; Lesbian and Gay Solidarity, Sydney Park Aids Memorial; Livingstone Lawyers; NSW Police Force; NSW Teachers Federation; Positive Life NSW; Public Service Association of NSW; Rainbow Visions Hunter; Sydney Beat Project; The Uniting Network; Tropical Fruits; Twenty10 Association.

Sex and gender diversity consultation

The consultation group met three times in 2012-13. Issues discussed included:

- the NSW Parliament's inquiry into racial vilification law;
- the implications for transgender people of the Bill to make it a criminal offence to use a false identity for air travel;
- the Legislative Council's Select Committee on the Partial Defence of Provocation;
- a pamphlet for transgender sex workers suggested by the Inner City Legal Centre;
- gender identity and access to Medicare benefits for certain treatment.

Members of this consultation group include: AIDS Council of NSW; City of Sydney; Crime Prevention Division, Department of Attorney General and Justice; Gender Centre; Inner City Legal Centre; MOD Films; NSW Police Force; NSW Registry of Births Deaths and Marriages; Sydney Beat Project; University of Sydney.



Legal Officer

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

The Legal Officer's main activities are:

- advising the Attorney General, the President, Board staff and Statutory Board members in relation to the ADA and other relevant legislation;
- case managing litigation to which the President and the Board are parties;
- providing information about exemptions to the ADA, reviewing exemption applications, advising the President and Statutory Board about applications and monitoring compliance conditions;
- advising on proposed policy and law reform;
- administering requests for access to information, copyright requests and proposed alcohol-free zones;
- reviewing and advising on internal Board policies and conducting internal reviews.

Policy submissions

In 2013 the Board responded to 20 policy and law reform issues including serious racial vilification, summary offences, false identity, and intoxicated and disorderly conduct.

Racial vilification inquiry

The President and Board staff attended the Legislative Council Standing Committee on Law and Justice's inquiry into racial vilification law in NSW. The inquiry was referred to the committee by the Premier who noted that there had never been a serious racial vilification prosecution in NSW. The Board also made written submissions to the inquiry. The committee's report is expected to be finalised and released during 2013-14.

Exemptions in 2012-13

The Board received 18 applications for exemptions in 2012-13. We provided advice to the Attorney General in relation to three of these applications, and the remaining 15 were considered by the President and Board. Of these, 12 were granted.

Many exemption applications concerned training and employment for women and Aboriginal and Torres Strait Islander people. Another related to an employment program for people under 25 in the NSW public sector.

Two exemptions from defence contractors were considered during 2012-13. These would enable the contractors to comply with United States Government regulations on the citizenship of employees working with controlled defence technology.

The Board also received and reviewed 11 compliance reports in relation to exemption orders. These reports provide feedback to the Board about the success of exemption strategies. See pages 29-30 for exemptions granted this year, and the Board's website for all current exemptions.

Alcohol-Free Zones

In 2012-13 the Board was consulted on 14 occasions about alcohol-free zones. Sixteen local councils in NSW are required to consult with the Board about proposed AFZs to assess the discriminatory impact on Aboriginal and other groups in that community. The Board seeks feedback about the proposals from local Aboriginal communities through its Aboriginal and Torres Strait Islander Outreach Program.



Liaison and support

The main objective of the Liaison and Support team is to provide high quality, responsive support services including reception, finance, human resources, information technology, asset management and administration.

This is achieved with a mix of in-house systems and procedures that complement corporate services provided by the Department of Attorney General and Justice (DAGJ).

Administrative services

The Liaison and 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. This has included developing an in-house database to manage procedures such as travel, invoicing, recruitment, petty cash, task management, assets, projects, committees and meetings.

Human resources

The team provides administrative support for staff recruitment, position description management and payroll as required. One formal recruitment and six expression of interest processes were completed in 2012-13.

The Board supports staff development opportunities and encourages expressions of interest from staff to work in varying roles (sometimes at higher levels) for the development of new skills and knowledge. These opportunities are recorded as staff training and development to complement the Department's Performance Planning and Development system.

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 first aid officers with appropriate accreditation.

With a number of staff changes during 2012-13, the committee did not meet formally. The key issues managed during the year included workplace layout and security, work-from-home assessments and the safety of staff following threatening behaviour from members of the public.

Information technology

The main activities in 2012-13 were:

- maintaining the Board's computer network and hardware requirements;
- upgrading software where appropriate;
- liaising with the Department of Attorney General and Justice's Communications Unit regarding the change to Netcat content management software for the Board's website;
- replacing ageing computer equipment.

Service reports

Multicultural services

- We have a multilingual poster in 12 languages, postcards in five 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 provides interpreters 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 reached almost 5,779 participants, including people from a wide range of backgrounds.
- Around 1,845 people attended our community education stalls, seminars and talks, including people from many different backgrounds.

- The Aboriginal and Torres Strait Islander Outreach team met with around 3,150 people at community events and continued work with those communities.
- For information on cultural diversity among the Board's staff, please see page 7.

Disability services

- We seek guidance from the Department of Attorney General and 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 and TTY facilities.
- All our offices are wheelchair accessible.
- We assist clients with any special needs as required, such as providing parking, escorting people from the building's foyer to the office, assisting people to write complaints and picking up documents.
- Interpreters, advocates and support people can be involved in the Board's processes at the client's request.
- Clients can submit complaints by email, and in formats such as Braille, audio or video, or in Auslan. We will have complaints transcribed or translated free of charge as needed.
- The Conciliation Service uses standard letters in plain English when writing to the parties of a complaint.

- We provide documents in accessible formats as needed for clients with vision impairment or other disabilities.
- All our free information is available in text format on our website and can be read using a screen reader. Clients can request material in other formats as required.
- We have two publications providing simple information specifically for people with an intellectual disability.

Service complaints

The Liaison and Support team handled service complaints in accordance with the policy and procedures of the Department of Attorney General and Justice.

In 2012-13 the Board received 26 complaints. Of these, 18 related to service and eight to policy or procedures. This is a good result in view of our delivery of direct services to over 16,857 individuals during the year.

Financial statements

Total operations

The net cost of services provided by the Board in 2012-13 was \$3,621,922. Against a budget of \$3,912,377, this was underspent by \$290,455 (8.1%).

The result is attributable to lower than budgeted income from workplace education, offset by a lower than expected charges to Crown Liabilities and depreciation. Staff costs were controlled by keeping several positions vacant during the year.

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

Workplace education

As the workplace education service charges fees to customers, it is costed separately as well as being included in the overall budget of the Board.

Demand for workplace education weakened slightly in 2012-13.

Anti-discrimination training is a discretionary item and our income has been affected by difficult economic times. This is despite the considerable goodwill generated by the quality and range of our service.

See pages 17-18 for more information about workplace education.

Total operations 2012-13 (includes workplace education)

	Actual	Budget	Variance
Revenue			
User charges #	473,868	667,963	-194,095
Other revenue	220,764		220,764
TOTAL REVENUE	694,632	667,963	26,669
Expenses			
Employee-related payments*	3,203,519	3,176,997	-26,522
Other operating	965,952	1,025,802	59,850
Maintenance	5,469	31,936	26,467
TOTAL EXPENDITURE	4,174,940	4,234,735	59,795
Depreciation	84,985	134,108	49,123
Crown liability	56,629	211,497	154,868
NET COST OF SERVICES	3,621,922	3,912,377	290,455

Workplace education service 2012-13

	Actual	Budget	Variance
Revenue			
User charges #	473,478	667,963	-194,485
Other revenue	-	-	-
TOTAL REVENUE	473,478	667,963	-194,485
Expenses			
Employee-related payments*	473,529	406,010	-67,519
Other operating	106,846	165,598	58,752
Maintenance	73	467	394
TOTAL EXPENDITURE	580,448	572,075	-8,373
Depreciation	2,854	-	-2,854
Crown liability	15,298	28,425	13,127
NET COST (INCOME) OF SERVICES	125,122	-67,463	-192,585

Includes seminars and sale of publications.

* Employee-related payments in 2012-13 included \$237,003 in redundancy payments (\$36,211 in workplace education). These were offset by a grant of \$220,764 from NSW Treasury.

The expenditure figures for workplace education include a share of the Board's costs for management and support staff salaries, office rental, telephone and other operating costs. They also include the cost of time the Senior Workplace Relations Consultants spend on general Board activities such as community education and information provision, which do not contribute to revenue.

Exemptions

The President and the Attorney General can grant exemptions from the *Anti-Discrimination Act 1977*

(NSW) (ADA) to permit discrimination in relation to specific jobs, programs or services. There are two sections of the ADA under which exemptions are granted: 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 fathers).

Section 126 exemptions 2012-13

<i>Applicant</i>	<i>Program</i>	<i>Sections</i>	<i>Date</i>	<i>Expiry</i>
Byron Shire Council	To designate and recruit Aboriginal or Torres Strait Islander person for the position of Indigenous Bush Regenerator.	8, 51	20.9.2012 (5 years)	19.9.2017
City of Sydney Council	To designate and recruit the following two positions for a person of Aboriginal or Torres Strait Islander descent: (1) Library Services Trainee; (2) Visitor Services officer (casual position).	8, 51	17.1.2013 (5 years)	16.1.2018
Clarence Valley Council	To designate and recruit for an Aboriginal Library Assistant at Grafton Library.	8, 51	17.1.2013	16.1.2018
Crown Worldwide (Australia) Pty Ltd	To advertise, recruit and employ up to six Aboriginal and Torres Strait Islander employees, subject to conditions.	8, 51, 53	3.12.2012 (5 years)	2.12.2014
Downer Edi Mining Pty Ltd	To advertise, recruit and employ Indigenous mine employees (targets of 15-20 per year for the next five years). The exemption is subject to the condition: that Downer Mining Edi Pty Ltd is required to advise the Anti-Discrimination Board of NSW, every six months, from the date of this Exemption Order, over the five year period specified in the order, of the number of Indigenous people that are employed using this exemption strategy.	8 51	4.3.2013 (5 years)	3.3.2018
Downer Edi Mining Pty Ltd	To advertise, recruit and employ 20 female mine operators per year for the next two years. The exemption is subject to the condition: that Downer Mining Edi Pty Ltd is required to advise the Anti-Discrimination Board of NSW, every six months, from the date of this Exemption Order, over the two year period specified in the order, of the number of female mine operators that are employed using this exemption strategy.	25, 51	4.3.2013 (2 years)	3.3.2015

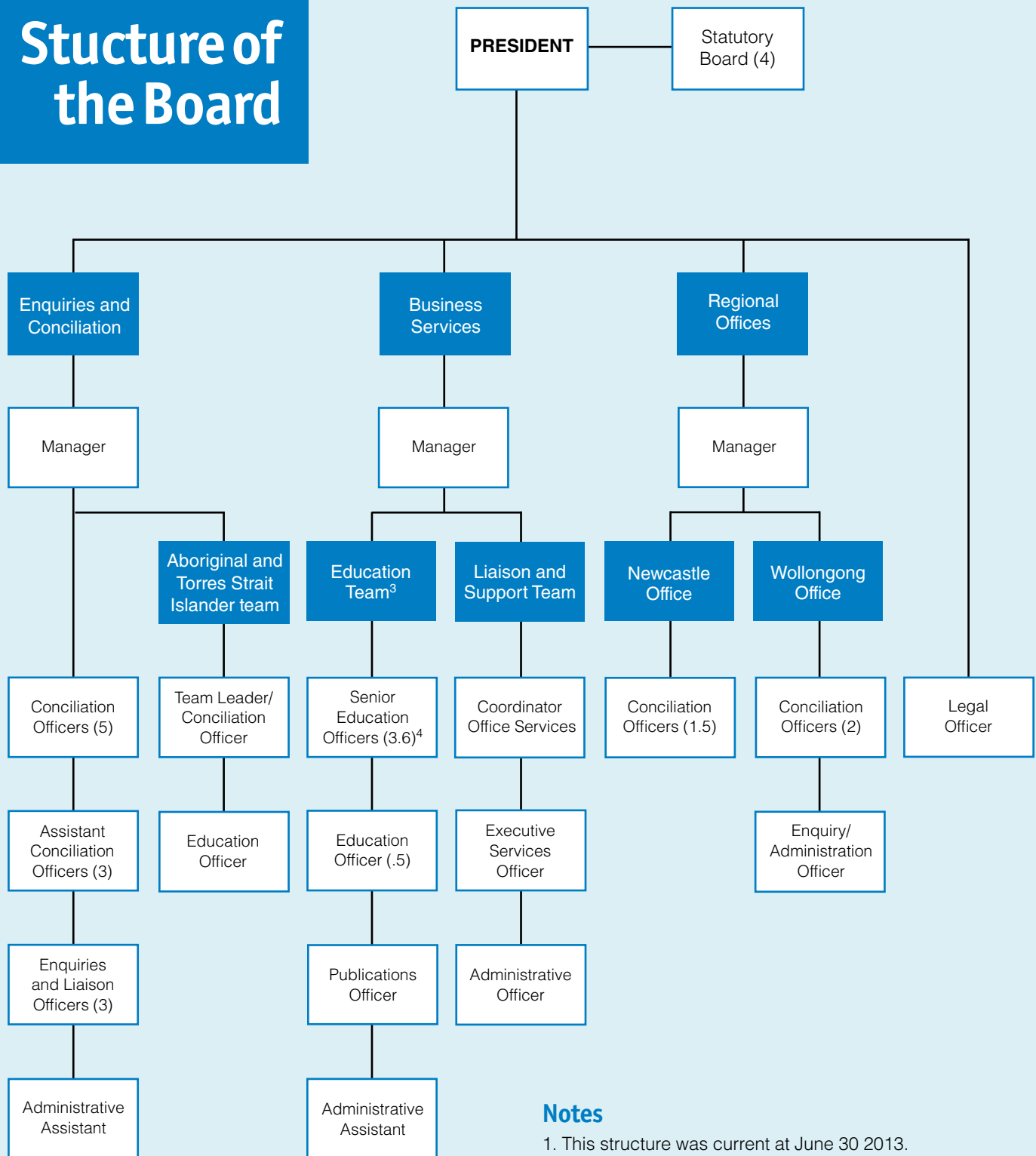
Section 126 exemptions 2012-13 continued

<i>Applicant</i>	<i>Program</i>	<i>Sections</i>	<i>Date</i>	<i>Expiry</i>
General Practice Training - Valley to Coast Limited	To designate and recruit for an Aboriginal Cultural Educator for an Aboriginal or Torres Strait Islander person.	8, 51	21.3.2013 (3 years)	20.3.2016
Juvenile Justice New South Wales	To advertise, recruit and employ a male Projects Officer.	25, 51	04.3.2013 (1 year)	3.3.2014
NEAMI Limited (ACN 105 082 460)	To designate, advertise and recruit for two full-time equivalent Aboriginal Outreach Workers and an Aboriginal Care Liaison Coordinator.	8, 51	13.6.2013 (2 years)	12.6.2015
Public Service Commission	To facilitate and administer the Jumpstart Cadetship Program which provides employment in the public sector of New South Wales for people under 25 years of age. The Public Service Commission is to provide an annual compliance report which sets out the number of people under the age of 25 who have been employed under the Jumpstart Cadetship Program.	49ZYB, 49ZYD, 5153	16.8.2012 (4 years)	15.08.2016
Southern Cross University	To designate and recruit an Aboriginal or Torres Strait Islander person for the position of Director, Gnibi College of Indigenous Australian Peoples.	8, 51	10.1.2013 (4 years)	9.1.2017
Southern Cross University	To designate and recruit an Aboriginal or Torres Strait Islander person for the position of Team leader Indigenous Australian Student Services.	8, 51	18.6.2013 (5 years)	17.6.2018
University of Technology Sydney and University of Western Sydney	To advertise and employ 72 testers of Anglo-Australian, Muslim Australian of Middle Eastern and Indian ethnic origins to assist in the conduct of a research project.	7, 8, 51, 52	5.10.2012 (3 years)	4.10.2015

Section 126A exemptions 2012-13

<i>Organisation</i>	<i>Special needs program or activity</i>	<i>Exemption period</i>
Curves Sydney Co-op Ltd and Curves Sydney Co-op Ltd Members	To advertise and operate women-only fitness and weight management facilities and programs.	12.10.2012 to indefinitely
Professional Cadetships Australia	To offer a cadetship program for Year 12 female students who wish to study and work in the engineering and technology sectors.	30.7.2012 - 29.7.2015 (3 years)
Stealth Health and Fitness	To run women-only fitness classes.	5.3.2013 - 4.3.2018 (5 years)

Structure of the Board



Notes

1. This structure was current at June 30 2013.
2. Positions in this structure are full-time equivalent.
3. The Board also employs casual trainers as required to cover demand for the Board's training services.
4. One Senior Education Officer is based in Newcastle.

Anti-Discrimination Board of NSW

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