



Anti-Discrimination Board of NSW

ANNUAL REPORT

2013-14



*The Hon Brad Hazzard 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 2013 to 30 June 2014.

Yours sincerely

*Stepan Kerkyasharian AO
President*

Anti-Discrimination Board of NSW

Annual report 2013-14

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Highlights



Answered 4,748 enquiries about discrimination issues from the general public and from employers and service providers.



Delivered 288 in-house training sessions and service providers and ran 17 seminars, with a total of 4,884 participants.



Ran successful competition for school students to design a postcard in the style of an Aboriginal dot painting.



Linked with other agencies to provide consumer information sessions for Aboriginal and Torres Strait Islander people.



Launched new website with more easily searched address, plus improved structure, navigation and content.



Made second visit to Bourke to address residents' concerns and foster better understanding about the Board's work.



Provided advice on 18 applications for exemption from the Anti-Discrimination Act 1977 (NSW).



Received 1,188 complaints and finalised 1,104 complaints within an average time of 6.3 months.



Produced new poster series including social media and diversity.

President's report



In this digital age, the Board's communication with the NSW community is increasingly through electronic media. The first step for many people experiencing discrimination is to consult our extensive website. In July 2013 the Board launched a new site, after considerable time spent in the previous 12 months converting the old one to the Department of Justice's new content management system.

The new site has a significantly improved structure and navigation, revised content, new graphics and a new address which should be easier to find using a search engine. This will provide a much better experience for users and my thanks go to the staff who put a great deal of effort into the conversion.

Other people contact our Enquiry Service, which provides advice to both individuals and employers and service providers by phone, email and in person. Although we still receive thousands of enquiries, numbers have fallen a little this year. This may reflect the improved accessibility of information on the website.

In 2013-14 the Anti-Discrimination Board of NSW continued its enquiry, complaint handling and education activities, which reflect our statutory functions to receive and resolve complaints and to inform people about their rights and responsibilities under anti-discrimination law.

There was a slight increase in the number of complaints we received this year, although overall complaint numbers have remained fairly stable for the last ten years. In 2013-14 we received 1,188 complaints, with disability discrimination, race discrimination and victimisation the most frequent grounds of complaint.

The relatively high number of victimisation complaints, with the vast majority in the area of employment, suggests that employers may need further education about the right of employees to make a complaint without fear of further problems.

The conciliation team continues to achieve excellent results, with 1,104 complaints dealt with in 2013-14. The team took an average of 6.3 months taken to finalise complaints, and 89% were finalised within 12 months. Resolving complaints through conciliation requires sophisticated negotiation skills and the Board is very fortunate to have such an experienced and knowledgeable team.

In 2013-14 the Board's Education Service continued its training program for employers and service providers. The team delivered 288 on-site training sessions and ran 17 seminars to reach a total of 4,884 participants.

The program brought in a total of \$457,269, including publication sales, which is a similar figure to last year. This is an excellent achievement in view of the fact that demand for fee-

based training has weakened since the global financial crisis, and our marketing capacity is very limited. It also reflects the excellent reputation and skill of our training team, which generates frequent repeat business and continual positive feedback.

A significant project this year was our competition for school children, which was run to coincide with Law Week in May 2014. We asked the students to produce a postcard design in the style of an Aboriginal dot painting on the theme of 'my community', and received a record number of very high quality entries. With three winners and 15 runners up reflecting NSW's diverse population, the award presentation was a very lively and successful event, and my thanks to all those who helped to organise it.

As well as the ongoing task of managing our comprehensive website, the Board's two part-time communications staff have assisted with a number of press releases to respond to issues that arose in the community. We have also produced several issues of a new-style e-newsletter and developed a new series of posters, including two that address the current issue of social media.

Our Aboriginal and Torres Strait Islander team also continued its activities in 2013-14. 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.

After my trip to Bourke in May 2013 to discuss discrimination issues that had been highlighted in enquiries and complaints to the Board, staff made a follow-up visit in April 2014. They met again with local residents and law enforcement agencies to work towards addressing residents' concerns and foster better understanding about the Board's work. They also ran several conciliation conferences and took part in Law Week information sessions.

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 and expertise.

All this work has been achieved in a context of considerable pressure on the Board's budget and resources. 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.

In the year ahead, the Board will look to raise its profile further and ensure that the services we provide best meet the needs of the community, within our limited budget. I am looking at a variety of communication and engagement methods that may improve awareness about our services and discrimination issues in general within sections of the community that we may not have been reaching previously.

We will also continue to review our workplace education service to ensure



we are responding to current client expectations and delivering on our statutory obligations.

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 statutory Board members, and to the members of our advisory committees who provide valuable input on issues of concern in the community.

Stepan Kerkyasharian AO
President

Photos

Top: ADB staff with representatives of other law-related agencies in Bourke for Law Week in April 2014;

Below: Senior Workplace Relations Consultant Rhonda Stewart-Crisanti (centre, with poster) provided training for Auburn Council staff on preventing discrimination, harassment and bullying.

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 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 discrimination complaints 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. He also continued as Chair of the Community Relations Commission until January 2014.

The Board consists of the President as Chair, plus four members appointed by the Governor of NSW. The members in 2013-14 were William Seung, Eman Sharobeem and Peter Wertheim. The fourth position was vacant.

See page 10 for more information about the Board members.

The Board's structure

The Board had two 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 2013-14 was Elizabeth Wing LLB, EMPA.

• Business Services Branch

The branch has two teams: Education Services, which provides training, community education, information, publication and website services; and Liaison and Support, which provides support services such as administration, logistics, financial control and information technology. The Manager in 2013-14 was Scott Hipwell *BBus, FIPA, SA FIN*.

The Board also has regional offices in Newcastle and Wollongong that provide services to Northern and Southern NSW. Regional Manager Gerardo de Liseo *BA, DipEd, DipTESOL, DipLaw, GDipLegPrac, Cert Mediation* is responsible for the enquiry and conciliation functions in these offices, and the education function is 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 2013-14 was Felicity Huntington.

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



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



Anti-Discrimination Board staff at a farewell in 2013.

Staff profile

At 30 June 2014, the Board had 32.1 full time equivalent positions, of which 25.6 positions were based in Sydney and 6.5 in the two regional offices. At 30 June 2014 there were 37 employees, some of whom worked part-time.

- **Employment status:** of the 37 employees at 30 June 2014, 30 (89%) were permanent employees and four (11%) were temporary.
- **Tenure:** 41% of staff have been with the Board for 15 or more years, 14% for 10-14 years, 18% for 5-9 years, 3% for 3-4 years, and 24% for less than 3 years.
- **Gender:** four staff were male (11%), and 33 were female (89%).
- **Diversity:** 29% of staff identify English as their second language, 7% identify as Aboriginal and Torres Strait Islanders, 29% are from culturally and linguistically diverse backgrounds, and 14% identify as having a disability.

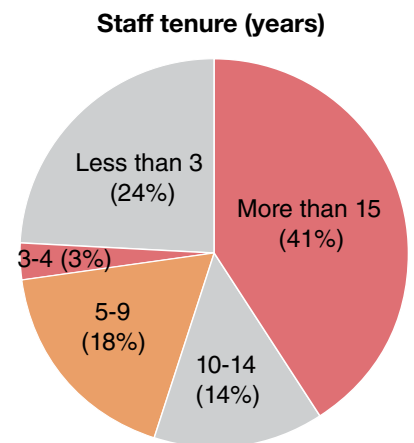
Training and development

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

- DJ human resources systems;
- financial management;
- preventing and managing grievances;
- disability awareness;
- bullying and harassment;
- dignity and respect;
- Work Health and Safety;
- negotiation and conflict resolution;
- risk and injury management;
- public interest disclosure obligations;
- web accessibility for people with a disability;
- legal seminars;

- technical training for desktop publishing and website management.

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, childbirth 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:

- 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 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 may 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 page 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, the person can lodge a complaint. The Board handles all complaints impartially, confidentially and free of charge, and there is no need for a lawyer.

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

Making a complaint involves completing a complaint form, or writing to the President of the Board by post or email. Complaints can be written in any language, or in Braille.

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

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 agree, they often sign a written agreement.

Examples of the solutions included in settlements are:

- the complainant accepting the respondent's explanation;
- an apology;
- reinstatement of the complainant;
- the complainant being given a benefit or service that they were denied;
- training and/or new EEO policies at the respondent organisation;
- the respondent paying compensation to the complainant, or a donation to charity.

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

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.

NSW Civil and Administrative Tribunal

In January 2014, the NSW Civil and Administrative Tribunal (NCAT) took over the functions of a number of NSW tribunals. This included the Administrative Decisions Tribunal which previously dealt with complaints under the ADA.

If a complaint cannot be conciliated by the Board, and in certain other cases, it will be referred to the Administrative and Equal Opportunity Division of NCAT for a hearing. NCAT can make legal judgments that can be enforced or appealed.

Remedies available to NCAT 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.

Amendments to the Anti-Discrimination Act

The establishment of NCAT required amendment of sections of the ADA that referred to the Tribunal and its functions. These changes were introduced through the *Civil and Administrative Legislation (Repeal and Amendment) Act 2013*.

In May 2014, the *Courts and Other Legislation Amendment Act 2014* introduced an amendment to section 122 of the ADA. The changes clarified the process to be used when the Minister lays the Board's annual report before Parliament each year.

The ADA was further amended with the introduction of the *Government Sector Employment Act 2013* (GSE Act). Part 9A of the ADA (which dealt with Equal Employment Opportunity in the Public Sector) was removed, and replaced with new workforce diversity provisions in the GSE Act.

Statutory Board

The Statutory Board members are community representatives with an interest in and knowledge of anti-discrimination issues in NSW. The President consults with the Board on current issues relating to discrimination, applications for exemptions under the Act, and the management of the Anti-Discrimination Board.

Stepan Kerkyasharian

AO, Hon DLitt Attendance 9/9

President

Stepan became President of the Anti-Discrimination Board of NSW in September 2003 and was reappointed in January 2014 for two years. He was the Chair of the Community Relations Commission of NSW from 1989 to 2014, and before that the foundation head of SBS Radio. He has been lauded many times for his role in fostering community harmony in NSW.

Stepan became a Member of the Order of Australia (AM) in 1992 and an Officer of the Order of Australia (AO) in 2011 for service to the community. In 1995 he was made a Fellow of the University of Technology Sydney. In 2000 he received the Olympic Order from the International Olympic Committee. In 2007 he was made Doctor of Letters (Honoris Causa) by the University of Sydney.

William Won-Hong Seung

BA Attendance 9/9

William migrated to Australia in 1982 and has a background in the travel industry. He has held multiple leadership roles in both Australia and Korea (President of the Korean Society of Sydney, the Korean Chamber of Commerce and Industry in Australia and the Korean Language Schools Association in Australia). A published author and a passionate proponent for helping the community, he seeks to use his contacts to add value to people's lives wherever he can.

Peter Wertheim

AM, BA, LLB, LLM Attendance 7/9

Currently the Executive Director of the Executive Council of Australian Jewry, Peter was recently appointed to the Australian Multicultural Advisory Council. Prior to this, he was a lawyer for 32 years, with major clients including trade unions, other not-for-profit organisations and charities. He has developed particular expertise in racial vilification law and has successfully represented the Jewish community in a number of racial vilification cases.

Eman Sharobeem PhD Attendance 6/9

Eman has been an active advocate for migrants and refugees for 25 years, and has worked with governments, multilateral organisations and private foundations to advance gender equality and health both nationally and internationally. She is currently the Director of the Immigrant Women's Health Service, a member of the NSW Premier's Council on Preventing Violence Against Women, a Commissioner of the Community Relations Commission of NSW, Chair of Non-English Speaking Women's Housing and Chair of Macarthur/Liverpool regional Advisory Council.

L-R: William Seung, Eman Sharobeem, Peter Wertheim, Stepan Kerkyasharian.



Enquiry service



People can contact the enquiry service by phone, letter, email via our general contact email address, or by visiting one of our offices.

Advice given by the enquiry service is not legal advice. For general enquiries, the Enquiry and Liaison Officers will:

- provide information about anti-discrimination law;
- consider whether the enquirer's situation may be covered by the Anti-Discrimination Act 1977 (NSW) (ADA);
- give advice on how to address the situation; and
- provide information about self-help strategies or 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

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.

still need to consult the enquiry service on more complex matters, or where an issue is unclear.

Many discrimination issues can be addressed at the initial enquiry stage, 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 potentially reduce the number of complaints the Board receives.

Enquiries in 2013-14

In 2013-14 the enquiry service answered 4,748 enquiries. Enquiries sometimes cover more than one ground of discrimination, so the total number of discrimination matters raised in these enquiries was 4,937.

This is a decrease of 14.7% from 2012-13, where 5,787 matters were raised. This decrease may be partly due to a higher number of people accessing the relevant information from our website. The site was upgraded in July 2013 and given a new address, which made it easier for people to find the site and find information on it. Problems associated with changing phone systems in early 2014 may also have reduced call numbers.

The majority of enquiries (4,095 or 86.2%) were from people wanting to discuss individual discrimination issues. This included individuals themselves and advocates such as solicitors and advice workers. 501 enquiries (10.6%) were from employers and service providers, and

the remainder were from students and other people.

Women used the enquiry service more than men this year. Of the 4,095 enquiries from individuals, 2,141 (45.1% of total contacts) were from or on behalf of a woman and 1,954 (41.2%) were from or on behalf of a man. In future the Board hopes to be able to report more clearly on the diversity of enquirers.

Most enquiries (4,433 or 93.4%) were made by phone. 239 (5%) were written, mainly by email, and the rest were made by visiting one of our offices.

The majority of phone calls and visits (4,062 or 90.1%) were dealt with in under 15 minutes. 379 calls (8.4%) took 15-29 minutes to deal with, a decrease from last year (11.4%). 50 enquiries (1.1%) took 30-59 minutes and 18 (0.4%) took an hour or more.

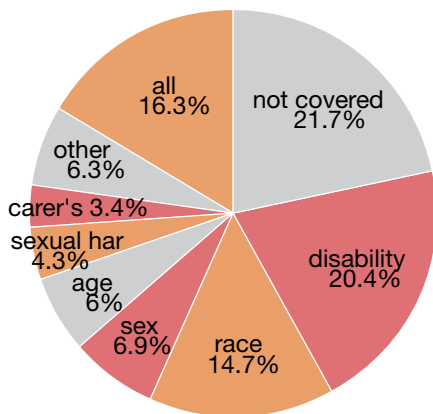
Types of discrimination

Disability discrimination continues to be the most common issue enquirers want to discuss. In 2013-14 there were 1,008 enquiries (20.4%) about disability discrimination, followed by enquiries about race discrimination and vilification (782 enquiries or 15.8%), sex discrimination (340 or 6.9%), age discrimination (298 or 6%) and sexual harassment (211 or 4.3%).

The largest number of enquiries (2,172 or 44%) was employment-related. The second largest area was the provision of goods and services with 897 enquiries (18.2%).

Enquiry service *continued*

Type of discrimination enquiry



Problems not covered

1,334 enquiries (27%) 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.

438 (32.8%) of these enquiries related to employment, and 123 (28.1%) of these enquiries were about workplace bullying and harassment. 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.

Enquiries received by ground and area 2013-14

	Emp	Gds & Servs	Acc	Educ	Clubs	Qual bodies	Race vil	Hom vil	HIV vil	Trans vil	All areas	Other	Total	%
Disability	442	280	74	122	15	0	0	0	0	0	29	46	1008	20.4
Race	365	195	46	57	7	4	0	0	0	0	23	29	726	14.7
Sex	230	59	9	15	9	1	0	0	0	0	5	12	340	6.9
Age	175	67	29	4	4	1	0	0	0	0	6	12	298	6.0
Sexual harassment	185	14	1	8	0	0	0	0	0	0	2	1	211	4.3
Carer's responsibilities	165	1	0	0	0	1	0	0	0	0	2	0	169	3.4
Homosexuality	25	21	4	4	1	0	0	0	0	0	4	7	66	1.3
Racial vilification	0	0	0	0	0	0	56	0	0	0	0	0	56	1.1
Victimisation	39	1	3	5	0	0	0	0	0	0	2	0	50	1.0
Transgender	14	21	0	5	0	0	0	0	0	0	4	4	48	1.0
Marital/domestic status	14	16	8	1	2	0	0	0	0	0	0	2	43	0.9
Homosexual vilification	0	0	0	0	0	0	0	25	0	0	0	0	25	0.5
Transgender vilification	0	0	0	0	0	0	0	0	0	12	0	0	12	0.2
HIV/AIDS vilification	0	0	0	0	0	0	0	0	3	0	0	0	3	0.06
Compulsory retirement	2	0	0	0	0	0	0	0	0	0	0	0	2	0.04
Advertisement	1	0	0	0	0	0	0	0	0	0	0	0	1	0.02
All grounds	77	21	9	4	0	0	0	0	0	0	547	149	807	16.3
Not covered – work harassment	123	0	0	0	0	0	0	0	0	0	0	0	123	2.5
Not covered – other	315	201	67	44	14	4	0	0	0	0	36	268	949	19.2
Total	2172	897	250	269	52	11	56	25	3	12	660	530	4937	100
%	44.0	18.2	5.1	5.4	1.1	0.2	1.1	0.5	0.1	0.2	13.4	10.7	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.

Complaints received

The Board received 1,188 formal complaints of discrimination in 2013-14, with a profile similar to previous years. This is a similar number to last year. Overall complaint numbers have remained fairly stable for the last 11 years.

Most common complaints

As the table on page 14 shows, the most common complaints in 2013-14 continued to be on the grounds of disability, race and sex discrimination. There were 332 complaints of disability discrimination, which is an increase from last year. Disability discrimination complaints rose to nearly 28% of total complaints, which is a continuing upward trend.

Race discrimination complaints were the second highest category with 186 complaints (15.6%). There were also 44 complaints of racial vilification (3.7%). This is an increase from last year, however most of the complaints related to the same issue.

Sexual harassment

Complaints of sexual harassment almost equalled all other types of sex discrimination complaints with 95 complaints (8%). Of these, 88 complaints related to the workplace and two-thirds were from women. Other sex discrimination complaints, including pregnancy and breastfeeding discrimination, numbered 105 or 8.8%.

Victimisation complaints also featured strongly with 122 complaints (10.2%).



Employment complaints

Employment-related complaints continued to be the single largest area of complaint with 616 complaints (51.9%). This is a similar proportion to last year. Almost 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 (148 complaints). Men and women were almost equally represented in the category of disability discrimination in employment.

Goods and services complaints

The provision of goods and services was the second largest area of

complaint with 322 complaints (27.1%). This is a significant increase from last year's 260 complaints. The most frequent ground of complaint in this area was again disability discrimination with 135 complaints (compared to 98 last year), followed by 71 race discrimination complaints.

Gender profile

Women lodged 49.2% of all complaints and men lodged 49.9% of all complaints. Men lodged more complaints of disability, age and race discrimination relative to women, and women lodged more complaints of sex and carer's responsibilities discrimination, and sexual harassment. In future the Board hopes to be able to report more clearly on the diversity of complainants.

Ethnic breakdown

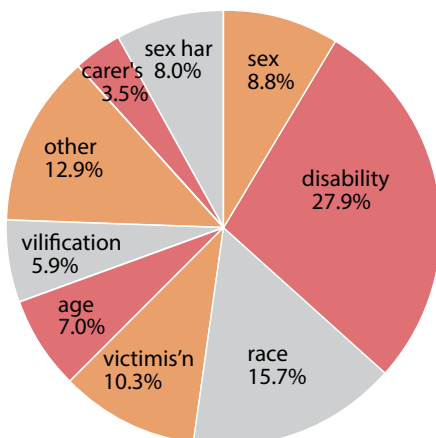
Most complainants did not specify their ethnic background unless it was

Conciliation service *continued*

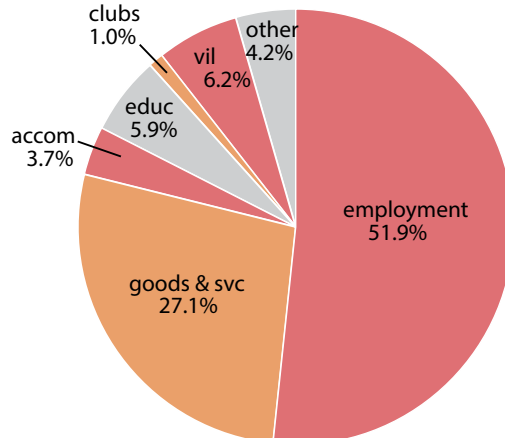
Complaints received by ground and area 2013-14

	Emp	Gds & Accom Servs	Educ	Clubs	Qual bodies	Racial vil	Hom vil	HIV vil	Trans vil	Other	Total	%
Disability	148	135	13	30	2	0	0	0	0	4	332	27.9
Race	70	71	6	23	5	1	0	0	0	10	186	15.7
Victimisation	97	16	1	3	1	0	0	3	0	1	122	10.3
Sex	65	28	2	3	1	0	0	0	0	6	105	8.8
Sexual harassment	88	5	0	0	0	0	0	0	0	2	95	8.0
Age	47	22	4	5	1	1	0	0	0	3	83	7.0
Racial vilification	1	0	0	0	0	0	43	0	0	0	44	3.7
Carer's responsibilities	41	0	0	0	0	0	0	0	0	0	41	3.5
Homosexuality	20	6	3	0	0	0	0	0	0	0	29	2.4
Homosexual vilification	0	0	0	0	0	0	0	20	0	0	20	1.7
Marital/domestic status	7	10	3	0	0	0	0	0	0	0	20	1.7
Aiding unlawful act	8	1	3	2	0	0	0	0	0	0	14	1.2
Transgender	1	4	1	0	1	0	0	0	0	1	7	0.6
Transgender vilification	0	0	0	0	0	0	0	0	7	0	7	0.6
HIV/AIDS vilification	0	0	0	0	0	0	0	1	0	0	1	0.1
Other	13	5	2	1	0	2	0	0	0	6	29	2.4
Not specified	10	19	6	3	1	0	0	0	0	14	53	14.5
Total	616	322	44	70	12	4	43	23	1	7	1188	100
%	51.9	27.1	3.7	5.9	1.0	0.3	3.6	1.9	0.1	0.6	3.9	100

Grounds of discrimination complaints



Areas of discrimination complaints



Type of employer 2013-14

	No	%
Private enterprise	244	39.6
State govt department	93	15.1
Individual male	60	9.7
Hospital	51	8.3
Local government	33	5.4
State stat authority	33	5.4
Education (public)	22	3.6
Non-profit association	9	1.5
Registered clubs	9	1.5
Education (private)	7	1.1
Individual female	7	1.1
Other	44	7.1
Not known	4	0.6
Total	616	100

Subject of employment complaints 2013-14

	No	%
Work environment and harassment	289	46.9
Classification/benefits	124	20.1
Dismissal	103	16.7
Recruitment/selection	69	11.2
Promotion	11	1.8
Resignation	6	1.0
Retrenchment/redundancy	6	1.0
Transfer	4	0.6
Demotion	3	0.5
Retirement	1	0.2
Total	616	100

relevant to their complaint. People of Aboriginal and Torres Strait Islander background lodged 75 complaints. Complainants of Japanese background lodged 30 complaints and people of Chinese background lodged 25 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.

Complaint processing

The Board continues to provide an efficient complaint handling process. The team continued to achieve very good results in meeting the target timeframes for finalisation of complaints. We finalised 89% of complaints within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise complaints in 2013-14 was 6.3 months. See the table below for more details.

In order to provide the most efficient possible service, complaints were redistributed between the Newcastle, Sydney and Wollongong offices to share the workload.

Timeframe targets 2013-14

Complaint to be finalised within	Target	Actual
2 months	20%	18%
3 months	30%	26%
6 months	60%	56%
12 months	85%	89%
18 months	100%	98%

Rural conciliations

To make our services more accessible to people in rural and remote areas, we sometimes conduct conciliation conferences in locations that are closer to the parties involved. In 2013-14 six officers were out of the office on 28 days to conduct conciliation conferences in regional NSW.

Complaint outcomes

The Board finalised 1,104 formal complaints this year, which is more than last year's total of 1,042. The throughput of files was affected by staff absences that were not backfilled.

Resolved complaints

231 complaints were resolved at or after a conciliation conference (20.1% of total complaints resolved), which was more than last year but similar to the 2011-12 figure of 250 (20.7%). A further 89 complaints (8%) were settled by negotiation without the need for a formal conciliation conference.

Referred complaints

158 complaints (14.3%) were referred to the NSW Civil and Administrative Tribunal, as they were not conciliable. This is similar to last year (159 complaints).

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

Declined complaints

The President declined 114 complaints under s 92 of the ADA, fewer than 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.

Conciliation service *continued*

Of these 114 declined complaints, 52 (4.7% of total complaints finalised) were referred to the Tribunal, compared with last year's 34 cases (3.3%).

Withdrawn and abandoned complaints

The number of complaints formally withdrawn this year decreased to 166 (15%) from last year's figure of 200 (19.2%). There is a downward trend of withdrawals over the last 3 years.

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.

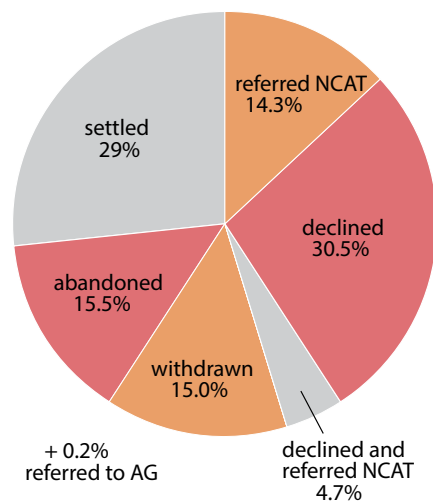
The number of complaints abandoned this year rose to 171 (15.5%). Complaints may be regarded as abandoned if the complainant does not respond to requests for information, or there is no indication they intend to proceed with the complaint, or we lose contact with them.

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

Outcome of complaints finalised 2013-14

	No	%
Settled at or after conciliation	231	20.9
Settled before conciliation	89	8.1
Referred to NCAT – conciliation unsuccessful or not suitable	158	14.3
Referred to Attorney General – serious vilification	2	0.2
Declined before investigation – not a contravention	144	13.0
Declined before investigation – older than 12 months	24	2.2
Declined before investigation – specific penalty imposed	1	0.1
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	62	5.6
Declined after investigation and referred to NCAT	52	4.7
Withdrawn s 92B	166	15.0
Abandoned s 92C	171	15.5
Total	1104	100

Complaint outcomes



Education service

The Education Services team performs one of the Board's key functions as defined by the Anti-Discrimination Act 1977 (NSW). 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.

In 2013-14 the Education Services team's work involved 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 running some activities aimed at specific groups.
3. Producing a range of information including a comprehensive website.

Following the review of the Education service in 2012-13, the Board is seeking support from the Department of Justice to revise our overall service model. The goal will be to respond to current client expectations and ensure that we are delivering on our statutory obligations.

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.

In-house training

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;



L-R: Senior Workplace Relations Consultants Kerrie Stephens, Rhonda Stewart-Crisanti and Margaret White.

- 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.

Seminars

As well as in-house training, the branch runs seminars during the year. Seminars in 2013-14 included:

- Bullying and harassment prevention;
- Case law update;
- The challenge of social media;
- Contact Officers' skills and refresher;
- EEO recruitment and employment practices;

Education service *continued*

From our workplace education clients

Norths Club have a commitment towards a harassment and bullying-free workplace. As part of this process we engaged the services of [trainer], Senior Workplace Relations Consultant at the NSW Anti-Discrimination Board to provide training to our directors, managers and staff.

I can definitely say that awareness around the subject is at an all time high and I have heard employees talk about what they have learnt and how they are applying it. It has been a very worthwhile process and I think will only go to improve the professionalism of our employees. Some feedback included: – '[trainer] definitely knows her subject – really good scenarios'.

I'd recommend this training to other clubs and look forward to additional training for Contact Officers in the near future.

Sarah Eldridge-Smith, Human Resources Manager, Operations, The Norths Group

As a fast growing banking institution, everyone in the Tyro team needs to stay ahead of the game in terms of company culture and compliance. We brought [trainer], Senior Workplace Relations Consultant at the NSW Anti-Discrimination Board, in and have her regularly train us and refresh our skills. The feedback has been very positive. People like her expertise and her style. She uses real world cases and is happy to integrate concrete challenges that people face in their daily work. She is to be recommended for her work.

Jost Stollmann, CEO, Tyro Payments Limited

Council recently embarked on harassment and bullying prevention education and awareness sessions for all staff following the new laws introduced 1 January 2014 under the *Fair Work Act 2009* in addition to the existing laws of the *Anti-Discrimination Act 1977* and *Work Health and Safety Act 2011*.

Our first choice was the ADB given their expertise in this field to review our policies, procedures and practices and their ability to deliver training which can relate to all levels of staff in giving practical and real life examples on these topics.

Positive feedback from senior management and staff was received in the way [trainer], Senior Workplace Relations Consultant at the Board, facilitated the training for our Council.

I would highly recommend the ADB to undertake training for any organisation to ensure their legislative compliance and corporate responsibilities are understood and met by their employees.

Peter Tzoukos, Manager Human Resources, Auburn City Council

- Grievance handling skills;
- Grievance management and resolution skills;
- Managing age diversity;
- Policy development; and
- Psychiatric disabilities in the workplace.

Training outcomes

In 2013-14 we delivered 288 in-house training sessions for employers and service providers (including 99 in Newcastle and two in Wollongong). We also ran 17 seminars, including four in Newcastle. Combined these reached around 4,884 participants.

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

The total revenue from in-house training was \$381,988, and the income from seminars was \$54,342.

The total earnings from workplace education, including training fees, seminars and sale of publications, was \$457,269. This was a good achievement during a period where clients have been circumspect with their discretionary training budgets and have been favouring in-house training rather than sending employees to seminars.

The Board's continuing ability to generate training business 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 2013-14.

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 1,272 direct participants, plus many more people who took information from stalls.

Art competition

For the past nine years apart from 2013, the Board of NSW has held a creative arts competition for school students to coincide with Law Week.

In 2014 the task was to produce a postcard design in the style of an Aboriginal dot painting, with the theme of 'my community'. We provided a lesson plan and teacher's notes to help stimulate discussion, as well as information about symbols that are traditionally used in this type of artwork.

The competition received many high-quality, creative entries, to the point where we increased the number of runners-up from 10 to 15. We also received terrific feedback from the schools.

The winners were:

- First prize: Sarah Abu-Sardaneh from the Australian International Academy, Strathfield;
- Second prize: Emma Young from Marks Point Public School;
- Third prize: Ruby Lake from Munmorah High School.



At the competition prizegiving ceremony (L-R): The Hon David Clarke MLC, Parliamentary Secretary for Law and Justice, Ruby Lake, Sarah Abu-Sardaneh, Emma Young and Manager of Enquiries and Conciliation Elizabeth Wing.

Below: (L-R) The first, second and third prize-winning designs.

The winners received book vouchers for themselves and for their school library – \$250 each for the first prize winner and their library, \$100 each for the second prize winner, and \$50 each for third. The 15 runners-up received certificates.

Education sessions 2013-14

- Seminar for students, University of NSW Queer Week;
- Community workers information day, Auburn;
- Seminar for the Chinese community, Sydwest multicultural services;
- Seminar for staff, Boronia Multicultural Services, Toongabbie;
- Seminar for Iraqi community, Auburn Diversity Services;

- Carers NSW seminar for parents with children with a disability, Argenton;
- Two seminars for Iraqi community, Sydwest multicultural services;
- Seminar for Iraqi community, Bhanin Association, Auburn.

Stalls 2013-14

- Homeless Connect, Sydney and Broadmeadow;
- Eid Festival, Fairfield;
- Expo for carers, Newcastle;
- International Day of People with Disability Expo, Parramatta;
- GroovABILITY festival, Burwood;
- Harmony Day, Eastwood and Campbelltown;
- Iraqi and Khmer community events, Fairfield.



Education service *continued*

Communications

The Board has two part-time staff who are responsible for all the communications produced by the Board. These communications are crucial in raising awareness about the role of the Board and people's rights and responsibilities under anti-discrimination law.

The Board's communications include the following:

- guidelines for employers, employees and different types of services;
- a wide range of factsheets and aspects of anti-discrimination law;
- material in community languages;
- a comprehensive website;
- an e-newsletter;
- media releases;
- posters and postcards;
- worksheets for teachers; and
- promotional materials such as pens, rulers and balloons.

This year we produced a new series of posters including two on social media, two on diversity and one on general discrimination suitable for the workplace. We produced one edition of our e-newsletter *Equal Time* in a new online format.

Other projects in 2013-14 included:

- eight media releases;
- the 2012-13 annual report;
- the 2014 seminar calendar;
- materials for the Law Week art competition (see previous page);
- a promotional flyer for publications;
- new editions of our sample policies and procedures;
- a new edition of the complaint form.



Work has also begun or continued on:

- a new edition of our *Guidelines for real estate agents*;
- a new edition of our *Grievance procedure guidelines*;
- a new edition of our self-help brochure.

Online communications

The Board has a large website which is the first point of contact for many people with enquiries about discrimination.

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

The Board's new website was launched in July 2013. This followed intensive work to convert the old site to the Department of Justice's new content management software, including reviewing all the existing information, writing new explanatory material, inserting new formatting, making new graphics and re-doing all links.

The new site has a new address which is easier to identify, more headings and levels for easier navigation and access. We can access much more information about traffic to the site through Google Analytics, which enables us to further improve access and navigability.

In 2013-14 the Board's website received around 260,000 page views. The most popular pages were, in descending order:

- Home page;
- Anti-discrimination law;
- Making a complaint;
- Disability discrimination;
- Contact us;
- Employers and managers;
- Harassment;
- Race discrimination;
- Index to legal cases;
- Sexual harassment.

The Board is investigating ways of using social media to communicate with different groups in the community, in line with the Department's Social media policy. We plan to establish a blog in 2014-15 which will provide a forum for more immediate comment and discussion. Issues to be addressed include responsibility for generation and approval of content, interactivity, monitoring and maintaining confidentiality of complaints.

Communications staff attended training in May 2014 on making websites accessible for people vision impairment and other print disabilities. While material on the Board's website is already generally accessible, we will be making some technical improvements in this area in 2014-15.

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
- Anti-discrimination guidelines for hoteliers*
- Community Workers Guidelines
- Guidelines for advertisers
- Guidelines for union representatives
- Guidelines for local councils and factsheet for 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 (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
- 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 (very low literacy)
- Unfair treatment – your rights (easy English)

Posters

- Bullies have mean mouths
- Common workplace animals (sexual harassment)
- Diversity makes a workplace unique
- Diversity makes a difference (2014)
- Diversity makes the difference (2005)
- Do you care? (carer's responsibilities discrimination)
- Help stop workplace discrimination

- Of course you can (breastfeeding)
- Say no to discrimination and harassment (multilingual)
- Stop harassment and bullying
- Stop hassling me (sexual harassment)
- Take care before you share (social media)
- Think before you post your next comment (social media)
- That's not fair (general)
- 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 2012-13*
- C-change – Report of the enquiry into hepatitis C related discrimination
- Complaint form
- Equal Time newsletter*
- Guarantee of service
- In-house training brochure for employers and service providers
- Multilingual 14-language fold up brochure/poster
- 'Stop Discrimination' postcards in English, Arabic, Chinese, Korean, Spanish, Vietnamese
- Seminar calendar
- Worksheets for teachers

Promotional materials

- Balloons
- Fridge Magnets
- Pens
- Rulers
- Wristbands

* *Electronic publication only*

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 2013-14 the Board received 75 complaints of discrimination from Aboriginal and Torres Strait Islander people. This is a 19% increase from 2012-13.

The most common ground of complaint from Aboriginal and Torres Strait Islander people was race discrimination (46 complaints or 61.33%). 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 discrimination and victimisation.

The most frequent area of complaint in 2013-14 was employment with 36 complaints (48%), followed by goods and services with 24 complaints (32%). These two are consistently the most frequent areas of complaint for Aboriginal and Torres Strait Islander people.

Complaints from Aboriginal and Torres Strait Islander people represented 6.3% of all complaints received by the Board in 2013-14, 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

The Aboriginal and Torres Strait Islander team continued to provide an education program in 2013-14.

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 2013-14 these reached over 1,270 people.

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 Securities and Investment Commission, the NSW Legal Aid Commission, the Aged Care Rights Service and the Public Interest

Aboriginal and Torres Strait Islander complaints 2013-14

	Emp	Goods & Serv	Acc	Educ	Clubs	Other	Racial vil	Trans vil	Total	%
Race	18	18	1	3	4	2	0	0	46	61.3
Victimisation	7	2	0	0	0	0	0	0	9	12.0
Disability	4	2	0	1	1	0	0	0	7	9.3
Racial vil	1	0	0	0	0	0	2	0	3	4.0
Carer's resp	2	0	0	0	0	0	0	0	2	2.7
Sex	1	1	0	0	0	0	0	0	2	2.7
Sexual harr	1	0	0	0	0	0	0	0	1	1.3
Homosexuality	1	0	0	0	0	0	0	0	1	1.3
Transgender	0	0	0	0	1	0	0	0	1	1.3
Transgender vil	0	0	0	0	0	0	0	1	1	1.3
Age	1	0	0	0	0	0	0	0	1	1.3
Other	0	1	0	0	0	0	0	0	1	1.3
Total	36	24	1	4	5	1	2	1	75	100
%	48.0	32.0	1.3	5.3	6.7	1.3	2.7	1.3	100	

There were no complaints received from Aboriginal and Torres Strait Islander people on the grounds of marital/domestic status discrimination or homosexual or HIV/AIDS vilification.

Advocacy Centre. Having all the agencies in one place means that participants can easily clarify which one has jurisdiction in particular situations.

In 2013-14 forums were held in Casino, Leumeah, Muli Muli and Tabulam.

Residential tenancy seminars

In 2013-14 the outreach team continued to work in partnership with NSW Fair Trading's My Place program to deliver information on anti-discrimination law for real estate agents and private landlords. The real estate agents gain professional development points by attending the seminars.

This year the Board was took part in seminars at Liverpool, Leumeah and Kogarah.

Outreach program

Bourke visit

The President of the Board and the Aboriginal and Torres Strait Islander Team Leader initially visited Bourke in May 2013 after discrimination issues in the area were highlighted during enquiries and complaints to the Board.

Board staff undertook a further visit in April 2014. This was timed to coincide with Law Week, when representatives from other agencies were also in town.



Anti-Discrimination Board staff with a Bourke resident during the May 2014 visit.

The Board representatives met again with local residents and law enforcement agencies to work towards addressing residents' concerns and foster better understanding about the Board's work. Two staff members also ran four conciliation conferences to resolve complaints in the area while a third took part in Law Week information sessions at both Bourke and Brewarrina.

Other events

The Outreach team provided training or talks to the following:

- Community Workers, Liverpool;
- Community workers, Redfern;
- Moree Plains Shire Council;
- Mothers group, Dubbo;
- Muru Mittigar Aboriginal Cultural and Education Centre, Penrith;
- Young Mob Leaders program, Royal National Park.

The team also attended and supplied information at the following:

- Cobham Juvenile Justice Centre information day, St Marys;
- Fair Trading NSW partnership signing with Marrin Weejali Community Centre, Emerton;
- Illawarra interagency meeting;
- Kurranulla Koori interagency meeting, Jannali;
- Legal Aid information day;
- Mardi Gras Fair Day;
- Men's Shed information day, Emerton;
- National Apology Day event, Muru Mittigar Aboriginal Cultural and Education Centre, Penrith;
- NAIDOC Week events at Campbelltown, Doonside, Emerton, Parramatta, Penrith and Riverstone;
- NSW Federation of Housing information day;
- Riverstone Koori interagency meeting;
- Western Sydney Koori interagency meeting;
- Yabun Festival.



Reconciliation Day event

To celebrate Reconciliation Day in May 2014, Board staff went on The Rocks Dreaming Aboriginal Heritage Tour. All staff involved found the experience very interesting and a valuable way to mark the significance of the day and develop team bonding.

Consultations

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.

Aboriginal and Torres Strait Islander Advisory Committee

The Committee met four times in 2013-14. Issues discussed included:

- access to superannuation for Aboriginal and Torres Strait Islander people;
- 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;
- the potentially discriminatory result of not having photo identification for community members with disabilities.

Members of this consultation group include: NSW Department of Sport and Recreation, Australian Bureau of Statistics, NSW Fair Trading, Crime Prevention Division, Department of Justice, NSW Industrial Relations, Muru Mittagar Aboriginal Culture and Information Centre, and community members representing Sydney and Central Coast.

Gay, lesbian and bisexual consultation

The consultation group met three times in 2013-14. Issues discussed included:

- the enquiry into Racial Vilification Law in NSW;
- *Anti-Discrimination Amendment (Private Education Authorities) Bill 2013*;
- *Crimes Amendment (Provocation) Bill 2013*;
- *Same Sex Marriage Bill 2013*;
- Mardi Gras policing initiatives;
- possible legislative change to expunge past criminal convictions against gay men;
- disclosure of information held by government departments to third parties;
- reporting of bias crimes to NSW Police.

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 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 2013-14. Issues discussed included:

- concerns about implications of the outcome of the *Norrie vs. Registrar of Births, Deaths and Marriages* case;
- the inquiry into Racial Vilification Law in NSW;
- disclosure of information held by government departments to third parties;
- the need to amend the *Anti-Discrimination Act 1977 (NSW)* to bring it into line with Commonwealth legislation, by including intersex people and improving the definition of transgender;
- report on 'Involuntary or coerced sterilisation of intersex people in Australia'.

Members of this consultation group include: AIDS Council of NSW; City of Sydney; Crime Prevention Division, Department of 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.

Main activities

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 2013-14 the Board responded to 23 policy and law reform issues including:

- dispute resolution frameworks in NSW;
- equality, capacity and disability in Commonwealth laws;
- the proposed Disability Inclusion Bill;
- the exposure draft of the *Freedom of Speech (Repeal of 18C) Bill 2014*.

The Board was also involved in a Government working party in relation to the Legislative Council's Report on racial vilification law in NSW, and provided feedback on education policy relating to language teaching.

Exemptions

The Board received 18 applications for exemptions in 2013-14. We provided advice to the Attorney General in relation to three of these applications, and the remaining 15 were considered by the President, in consultation with the statutory Board. Of these, nine were granted.

Five of the exemptions granted by the President during 2013-14 concerned training and employment of Aboriginal and Torres Strait Islander people. Three exemptions related to the recruitment of women to specific roles, and one exemption was granted to a defence contractor to enable it to comply with United States legislation regulating the citizenship of employees working with controlled defence technology.

The Board also received and reviewed compliance reports relating to exemption orders. These reports provide feedback to the Board about the implementation and success of exemption strategies. See page 30 for exemptions granted this year, and the Board's website for all current exemptions.



Alcohol-Free Zones

In 2013-14 the Board was consulted on 19 occasions about alcohol-free zones. Sixteen local councils in NSW are required to consult with the Board about proposed AFZs to assess the potential 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 team.

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 Justice.



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. Three formal recruitment and two expressions of interest processes were completed in 2013-14.

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 2013-14, 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 2013-14 were:

- maintaining the Board's computer network and hardware requirements;
- upgrading software where appropriate and replacing ageing computer equipment; and
- liaising with the Department of Justice's Communications Unit regarding the to a more logical web address for the Board's website, and beginning to review the accessibility of the website for people with disabilities.

Information technology statement

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

A transition to an information classification and labelling scheme as required by the policy is in progress. The planned completion date is March 2015. Through the Department of Justice, the Anti-Discrimination Board has complied with the policy in the following ways:

- maintaining a risk management and internal auditing framework that addresses risks to information assets, governed by the Audit and Risk Committee;
- implementing an Information Security Policy and its associated technical, personnel and administrative controls;
- maintaining certified compliance with AS/NZS ISO/IEC 27001;
- being represented by ITS as delegated Senior Responsible Officer (SRO) in the NSW Government's Information Security Community of Practice;
- maintaining information security controls that exceed the minimum controls specified in the policy and are subject to periodic evaluation and risk assessment by Information Technology Services group as part of certified compliance with AS/NZS ISO/IEC 27001, and by the Anti-Discrimination Board of NSW's internal and external auditors;
- maintaining a risk management and audit framework, identified

weaknesses, opportunities for improvement and the completion of associated corrective actions are reported to management and tracked to completion;

- introducing a number of enhancements to the Anti-Discrimination Board of NSW's information security controls - these enhancements are in progress, and existing controls are considered to be adequate until the enhancements are complete;
- maintaining compliance with the policy criteria for certification of its ISMS in respect of 'Ownership of information assets that contain information about identifiable members of the public'. In complying with this requirement the Anti-Discrimination Board of NSW is governed by operational IT requirements of its ICT Shared Service Provider, the Information Technology Services (ITS) group within Corporate Services. ITS has operational responsibility for the implementation and management of the Anti-Discrimination Board of NSW's most significant technical and administrative security controls including the following:
 - Network security;
 - Access control;
 - Electronic records management;
 - Security incident management.

ITS operations have been certified as AS/NZS ISO/IEC 27001 compliant on an ongoing basis since 2006.



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 and community education reached over 6,156 participants, including people from a wide range of backgrounds.
- The Aboriginal and Torres Strait Islander Outreach team met with around 1,270 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 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 and assisting people to write complaints.
- 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, and in Auslan. These will be transcribed or translated free of charge as needed.
- The Conciliation Service uses standard letters in plain English when writing to the parties to a complaint.
- We provide documents in accessible formats for clients with vision impairment and 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 if needed.
- We have two publications providing simple information specifically for people with an intellectual disability.
- Communications staff undertook training in designing web pages and documents for ease of use with screen readers, and have begun to make improvements to the Board's website where appropriate.

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 2013-14 the Board received five complaints. Of these, three related to service, one to policy and one to costs. This is a good result in view of our delivery of direct services to over 13,360 individuals during the year.



Financial statements

Total operations

The net cost of services provided by the Board in 2013-14 was \$3,831,070. Against a budget of \$3,779,141, this was overspent by \$51,929 (1.37%).

The result is attributable to lower than budgeted income from workplace education, offset by a lower than expected charges to Crown Liabilities and depreciation, and restraint in operation costs. Staff costs were kept to budget 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 stabilised during 2013-14.

Anti-discrimination training is a discretionary item and our income has been affected by difficult economic times. The goodwill generated by the quality and range of our service continues to grow, with a number of clients embedding the Board's education services into their training programs.

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

Total operations 2013-14 (includes workplace education)

	Budget	Actual	Variance
Revenue	684,329	458,128*	-226,201
Expenses			
Staff	3,119,107	3,112,335	6,772
Other operating	960,768	875,622	85,146
Maintenance	32,702	9,412	23,290
Total expenses	4,112,577	3,997,369	115,208
COST OF SERVICES	3,428,248	3,539,242	110,993
Depreciation	134,108	81,336	52,772
Crown liability	216,785	210,492	6,293
NET COST OF SERVICES	3,779,141	3,831,070	-51,929

* Includes \$1739 for insurance rebate and grant for Law Week competition expenses.

Workplace education service 2013-14

	Budget	Actual	Variance
Revenue	684,329	457,269	-227,060
Expenses			
Staff	397,968	435,144	-37,176
Other operating	161,550	80,698	80,852
Maintenance	478	213	265
Total expenses	559,996	516,055	43,941
COST OF SERVICES	-124,333	58,786	-183,119
Depreciation	-	2,595	-2,595
Crown liability	29,135	25,360	3,775
NET COST OF SERVICES	-95,198	86,741	-181,939

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.

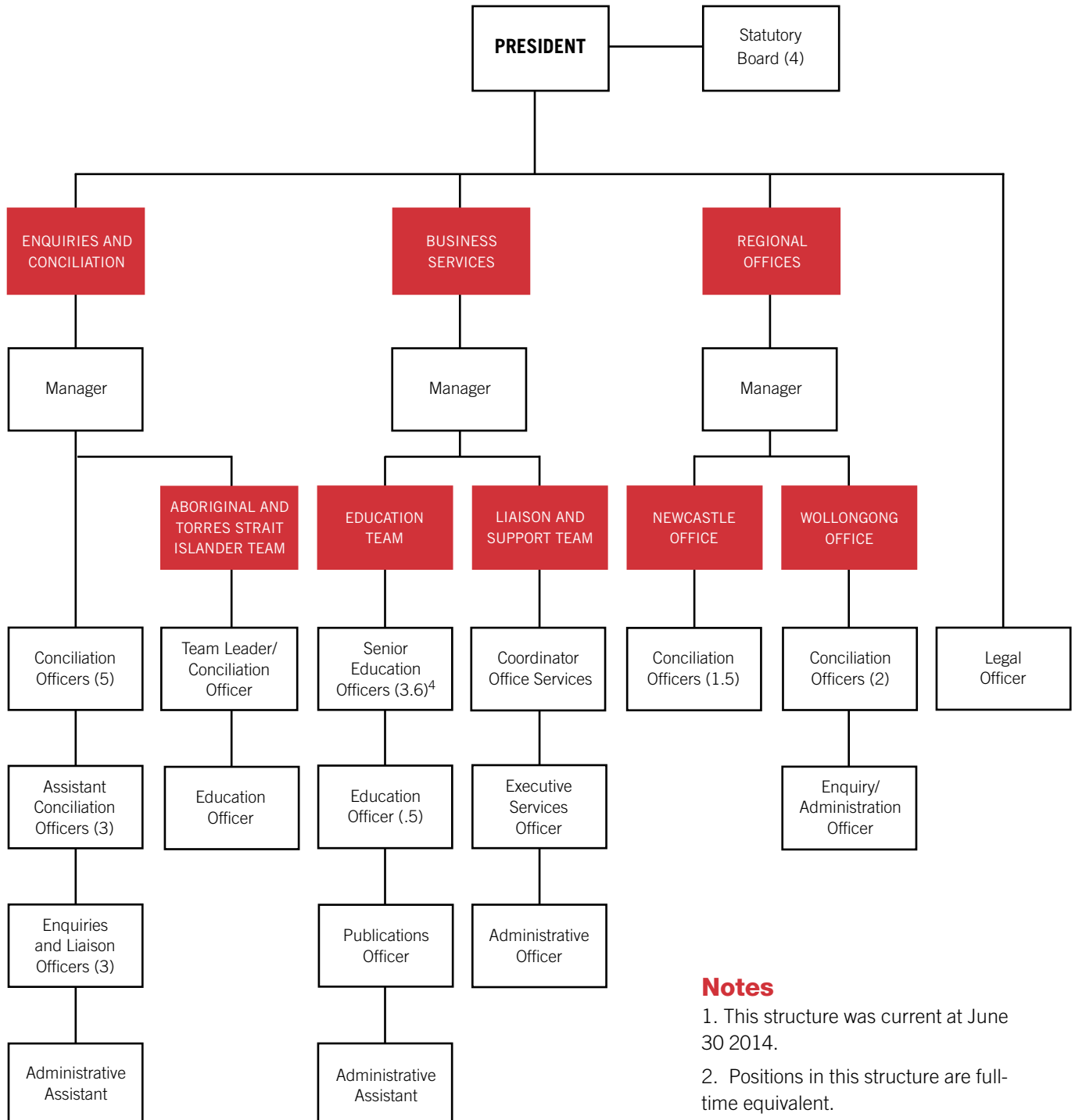
S 126 exemptions generally relate to employment opportunities for people who have previously been disadvantaged or discriminated against on one of the grounds covered by the ADA (such as an Affirmative Action program for women).

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). There were no S 126A exemptions granted in 2013-14.

Section 126 exemptions 2013-14

<i>Applicant</i>	<i>Program</i>	<i>Sections</i>	<i>Date</i>	<i>Expiry</i>
Australian Red Cross Society	To advertise, recruit and employ an Aboriginal and Torres Strait Islander person in the role of Executive Director, NSW.	8, 51	12.2.2014 (10 years)	11.2.2024
Blue Mountains City Council	To advertise, recruit and provide an 18 month full-time pre-apprenticeship with one day per week required for the individual to attend TAFE to achieve a certificate qualification.	25, 51	17.8.2013 (18 mths)	16.2.2015
Independent Commission Against Corruption	To designate and recruit a female surveillance operative.	8, 51	17.1.2013 (3 years)	16.10.2016
Mid-Western Regional Council NSW	To offer and advertise two scholarships for women undertaking training in non-traditional roles.	25, 51	2.7.2013 (1 year)	1.7.2014
Naisda Dance College	To advertise, recruit and provide and employ Aboriginal and Torres Strait Islander people in the following positions: Administration Trainee (up to four positions dependent on new dedicated funding); Creative Producer; Cultural and Dance Coordinator; Executive Assistant; Facilities Officer; Facilities Officer / Driver; Human Resource Coordinator; Receptionist.	8, 51	17.12.2013 (10 years)	16.12.2023
Northern Rivers Community Legal Centre	To advertise, recruit and employ an Aboriginal Legal Information Officer	8, 51	19.6.2014 (3 years)	18.6.2017
Pall Australia Pty Ltd (ACN 008 425 509)	Includes: to enable the applicant to ask present and future employees and contractors to declare their exact citizenship (including any dual citizenship) and country of birth. To require employees to advise the employer of any change to their citizenship status, To identify employees accordingly, and make decisions about recruiting and deploying employees on that basis. Conditions attached – for full details see NSW Government Gazette.	8, 10, 51	2.7.2013 (specified expiry date)	30.6.2016
Sydney Story Factory	To advertise, recruit and employ an Indigenous person for a paid part-time (two days per week) internship	8, 51	5.8.2013 (2 years)	4.8.2015
Women in Prison Advocacy Network Inc	To designate, advertise and recruit: Two female employees for the positions of Mentoring Project Coordinator and Policy Project Coordinator; female Board Executive Committee members; and female volunteers as mentors and research/systemic advocacy workers.	8, 51, 53	2.7.2013 (10 years)	1.7.2023

Structure of the Board



Notes

1. This structure was current at June 30 2014.
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.

The Anti-Discrimination Board of NSW

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Wollongong

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PO Box 67, Wollongong NSW 2520
Phone (02) 4267 6200 Fax (02) 4267 6261 TTY (02) 4267 6267

Newcastle

Level 3, 97 Scott Street, Newcastle NSW 2300
PO Box 1077, Newcastle NSW 2300
Phone (02) 4903 5300 Fax (02) 4903 5376 TTY (02) 4903 5389

Discrimination enquiries and complaints

Phone (02) 9268 5544
Toll free 1800 670 812
Email enquiries: adbcontact@agd.nsw.gov.au
Email complaints: complaintsadb@agd.nsw.gov.au

www.antidiscrimination.justice.nsw.gov.au

Anti-Discrimination Board of NSW

ANNUAL REPORT

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