



*The Hon Gabrielle Upton 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 2014 to 30 June 2015.*

*Yours sincerely*

*Stepan Kerkyasharian AO  
President*

## Anti-Discrimination Board of NSW

# Annual report 2014-15

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# Highlights



Set up three new consultation councils to discuss issues of concern, including multicultural, business and State Government.



Answered 3,881 enquiries about discrimination issues from the general public and from employers and service providers.



Worked with Department of Justice to migrate website to new content management system with new features and improved searching.



Developed new ways of reaching stakeholders with launch of social media presence including Facebook, Twitter and LinkedIn.



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



Received 1,058 complaints and finalised 1,217 complaints, with an average finalisation time of 6.2 months.



Provided information about anti-discrimination law at a range of community events.



Provided advice on 19 applications for exemption from the Anti-Discrimination Act 1977 (NSW).



Delivered 259 in-house training sessions and ran 16 seminars, with a total of 4,061 participants.

## President's report



This year the Board has embarked on several new initiatives to increase engagement with our stakeholders and awareness about our role. The first of these was an expansion of our consultation program.

The Board already had three community consultation groups – Aboriginal and Torres Strait Islander; Gay, Lesbian and Bisexual; and Sex and Gender Diversity. In 2014-15 we set up three more – Multicultural; Industry; and State Government. The new groups each met for an initial session this year and we are confident that further meetings in 2015-16 will result in increasing dialogue and developments that will enhance the Board's relationship with the community.

The second initiative was a move into social media, with the launch of a Facebook page and Twitter account, as well as a page on LinkedIn. This provides an opportunity to communicate in a different way, extend our reach and meet current stakeholder expectations for receiving information. This has already enabled us to develop our networks and we look

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*In 2014-15 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.*

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forward to an even better response as the number of followers increases.

There was also another upgrade to our website in June 2015 when the Department of Justice moved to the Sharepoint content management system (CMS). Communications staff had recently done a major restructure and content review of the site during a previous change of CMS, so this time the migration could be performed with only minor alterations.

The new system will have a unified look for all sections of the Department. The site also has a number of improved features including better searching, drop-down mega-menus, carousels and quick access to popular content. We will continue to improve the site and use our e-newsletter Equal Time, and our social media outlets to direct people towards it.

Our Enquiry Service continues to assist people who can't find what they are after on our website. This may be because they do not use the internet, or they need a verbal explanation or they have a complex issue that requires a more personal assessment. The Enquiry Service also gives employers and service providers information on anti-discrimination law and options for preventing discrimination and harassment in their organisation, referring them on to our training and consultancy service if they need more in-depth assistance.

Discrimination complaint numbers have remained stable this year,

with 1058 complaints received. As previously, disability discrimination, race discrimination and victimisation were 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 unfair treatment for doing so.

The conciliation team continues to achieve excellent results, with 1,217 complaints finalised in 2014-15. The team took an average of 6.2 months taken to finalise complaints, and 89% were finalised within 12 months. Resolving complaints through conciliation requires sophisticated negotiation skills and the Board is fortunate to have such an experienced team.

In 2014-15 the Board's Education Service continued its training program for employers and service providers. The team delivered 259 on-site training sessions and ran 16 seminars to reach a total of 4,061 participants. Our training team have an excellent reputation and receive frequent repeat business and continual positive feedback.

This training is done on a fee-for-service basis and provides income to offset the expense involved. The total income for 2014-15, including sale of publications, was \$366,658. However there are a

number of factors affecting our ability to maintain and increase this figure. Expenditure on training is discretionary and is affected by economic conditions which limit our capacity for marketing and innovation in a very competitive environment.

As well as the ongoing task of managing our new social media presence and website, the Board's two part-time communications staff have assisted with a number of press releases, produced several issues of our e-newsletter, and worked on other training and information materials as required.

Our Aboriginal and Torres Strait Islander team also continued its activities in 2014-15. 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. They also worked towards a memorandum of understanding with the NSW Office of Fair Trading which was signed in September 2015.

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.



My thanks go to all the Board's staff, particularly to Elizabeth Wing, the Conciliators, Enquiry Officers, Educators and the 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 all consultation councils who provide such valuable input on issues of concern in the community.

**Stepan Kerkyasharian AO**  
**President**  
**Anti-Discrimination Board of NSW**

**Photos**

*Top: The Board's stall at the Yabun Festival in January 2015.*

*Below: Senior Workplace Relations Consultant Rhonda Stewart-Crisanti (front, far right) provided training for Contact Officers at Northparkes Mines near Parkes.*

# 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.

The Board consists of the President as Chair, plus four members appointed by the Governor of NSW. The members in 2014-15 were William Seung, Eman Sharobeem and Peter Wertheim. The fourth position was vacant during the year.

*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 2014-15 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 2014-15 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 2014-15 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 2015.

### Staff profile

At 30 June 2015, the Board had 34 staff (29.9 full time equivalent positions), of which 27 staff were based in Sydney and 7 in the two regional offices. At 30 June 2015 there were 14 employees (7.9 FTE) who worked part-time.

- **Employment status:** of the 34 employees at 30 June 2015, 30 (88%) were permanent employees and four (12%) were temporary.
- **Tenure:** 42% of staff have been with the Board for 15 or more years, 14% for 10-14 years, 19% for 5-9 years, 11% for 3-4 years, and 14% for less than 3 years.
- **Gender:** four staff were male (12%), and 30 were female (88%).
- **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.

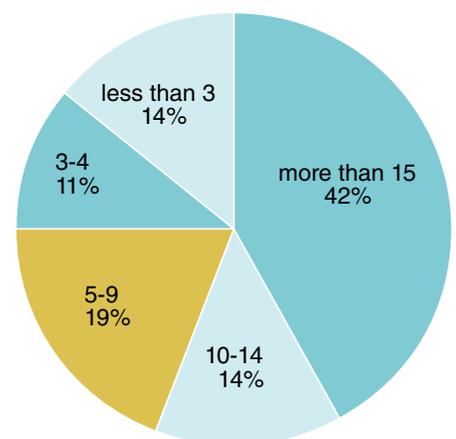
### Training and development

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;
- preventing and managing grievances;
- disability awareness;
- bullying and harassment;
- managing unreasonable complainant conduct;
- dignity and respect;
- negotiation and conflict resolution;
- public interest disclosure obligations;
- legal seminars;
- Sharepoint content management system.

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

Staff tenure (years)



# 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 (except for carer's responsibilities), 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 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 pages 26-27.

## 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

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 the NSW Civil and Administrative Tribunal (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 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 in 2014-15

A minor change was made to section 119 of the ADA in 2014 to reflect the name change of the former Community Relations Commission of NSW to Multicultural NSW. Under that section the Board may investigate matters referred to it by this agency.

Further minor changes were made to sections 54 and 57 to update references to a repealed Act (the *Co-operatives Act 1992*). These sections now refer to the *Co-operatives (Adoption of National Law) Act 2012* and the *Co-operatives National Law (NSW)*.

## 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 8/9

#### 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.

### Peter Wertheim

AM, BA, LLB, LLM Attendance 6/9

Currently the Executive Director of the Executive Council of Australian Jewry, Peter served as a member of the Australian Multicultural Council from 2011 to 2014. 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.



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

### Eman Sharobeem PhD

Attendance 7/9

Eman has been an active advocate for migrants and refugees for 28 years, and has worked with governments, multilateral organisations and private foundations to advance gender equality and health both nationally and internationally. Currently Eman is the CEO of Immigrant Women's Health Service, a member of the NSW Domestic and Family Violence Council, an advisory board member for Multicultural NSW, convener of the Immigrant and Refugee Women's Network (IRWN), an Australia Day Ambassador, an ambassador for the Australian Gynaecological Cancer Foundation, convener of the Child Bride and Forced Marriage CALD Network, and a member of the Association of Former International Civil Servants.

### 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. He loves and promotes multiculturalism and is currently the Vice Chairman of the Multicultural Communities Council of NSW.

# 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.*

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, 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 2014-15

In 2014-15 the enquiry service responded to 3,881 enquiries, or around 16 enquiries per working day. Enquiries sometimes cover more than one ground of discrimination, so the total number of discrimination matters raised in these enquiries was 4,064.

The majority of enquiries (3,492 or 90%) were from people wanting to discuss individual discrimination issues. This included individuals themselves and advocates such as solicitors and advice workers. 306 enquiries (7.9%) were from employers and service providers, and the remainder were from students and other people.

Of the 3,492 enquiries from individuals, 1,814 (46.7% of total contacts) were from or on behalf of a woman and 1,678 (43.2%) were from or on behalf of a man.

Most enquiries (3,565 or 91.9%) were made by phone. 227 (5.8%) were

written, mainly by email, and the rest were made by visiting one of our offices.

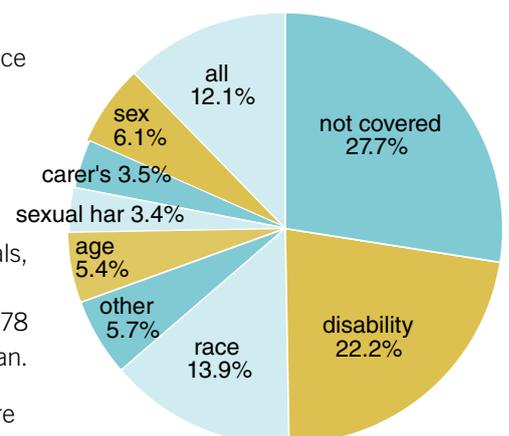
The majority of phone calls and visits (3,304 or 90.4%) were dealt with in under 15 minutes. 303 enquiries (8.3%) took 15-29 minutes to deal with, 37 enquiries (1%) took 30-59 minutes and 10 (0.3%) took an hour or more.

## Types of discrimination

Disability discrimination continues to be the most common issue raised by enquirers overall. In 2014-15 there were 901 enquiries (22.2%) about disability discrimination. This comprised 23.4% of all employment-related enquiries and 36.4% of all goods and services enquiries.

The next most common issues were race discrimination and vilification (616 enquiries or 15.2%), sex discrimination (248 or 6.1%), age discrimination (220 or 5.4%), carer's responsibilities (142 or 3.5%) and sexual harassment (139 or 3.4%).

Type of discrimination enquiry



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;
- give advice on 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.

## Enquiry Service *continued*

The largest area of enquiries was employment (1,606 enquiries or 39.5%). The second largest was the goods and services with 778 enquiries (19.1%).

### Problems not covered

1,243 enquiries (30.6%) 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. 270 (21.7%) of these enquiries related to employment, and 73 (27%) of these were about workplace bullying and harassment.

In cases that were not covered, the enquiry service provides advice about

how to resolve the person's problem within the workplace, or refers them to another organisation that could help.

Other problems not covered by NSW law included people who alleged unfair treatment because of their criminal record, religion or physical appearance.

### Enquiries by ground and area 2014-15

	<i>Emp</i>	<i>Gds &amp; Acc</i>	<i>Educ</i>	<i>Clubs</i>	<i>Qual</i>	<i>Race</i>	<i>Hom</i>	<i>Trans</i>	<i>All</i>	<i>Other</i>	<i>Total</i>	<i>%</i>	
	<i>Servs</i>				<i>bods</i>	<i>vil</i>	<i>vil</i>	<i>vil</i>	<i>areas</i>				
Disability	376	283	79	97	16	6	0	0	0	16	28	<b>901</b>	22.2
Race	287	134	47	39	11	2	0	0	0	17	26	<b>563</b>	13.9
Sex	169	49	2	11	10	0	0	0	0	1	6	<b>248</b>	6.1
Age	110	52	32	8	3	0	0	0	0	5	10	<b>220</b>	5.4
Carer's responsibilities	138	0	0	0	0	0	0	0	0	0	4	<b>142</b>	3.5
Sexual harassment	121	11	0	2	0	0	0	0	0	3	2	<b>139</b>	3.4
Homosexuality	25	16	3	3	1	0	0	0	0	1	5	<b>54</b>	1.3
Racial vilification	0	0	0	0	0	0	53	0	0	0	0	<b>53</b>	1.3
Victimisation	27	5	3	4	0	0	0	0	0	0	1	<b>40</b>	1.0
Marital/domestic status	12	12	5	0	0	0	0	0	0	0	4	<b>33</b>	0.8
Transgender	7	12	0	3	1	0	0	0	0	1	3	<b>27</b>	0.7
Marital/domestic status	12	12	5	0	0	0	0	0	0	0	4	<b>33</b>	0.8
Homosexual vilification	0	0	0	0	0	0	0	18	0	0	0	<b>18</b>	0.4
Transgender vilification	0	0	0	0	0	0	0	0	3	0	0	<b>3</b>	0.07
Aiding unlawful act	3	0	0	0	0	0	0	0	0	0	0	<b>3</b>	0.02
Compulsory retirement	1	0	0	0	0	0	0	0	0	0	0	<b>1</b>	0.02
Advertisement	1	0	0	0	0	0	0	0	0	0	0	<b>1</b>	0.02
Obstructing investigation	0	0	0	0	0	0	0	0	0	0	1	<b>1</b>	0.02
All grounds	60	21	11	8	2	0	0	0	0	363	27	<b>492</b>	12.1
Not covered – work harassment	73	0	0	0	0	0	0	0	0	0	0	<b>73</b>	1.8
Not covered – other	197	183	33	58	17	1	0	0	0	21	543	<b>1053</b>	25.9
Total	<b>1606</b>	<b>778</b>	<b>215</b>	<b>233</b>	<b>61</b>	<b>9</b>	<b>53</b>	<b>18</b>	<b>3</b>	<b>428</b>	<b>660</b>	<b>4064</b>	100
%	39.5	19.1	5.3	5.7	1.5	0.2	1.3	0.4	0.1	10.5	16.2	<b>100</b>	

*The total number of enquiries by ground and area is greater than the total number of calls received because many enquiries cover multiple grounds. There were no enquiries this year on HIV/AIDS vilification.*

# 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 1,058 formal complaints of discrimination in 2014-15, with a profile similar to previous years. This is a similar number to last year.

### Most common complaints

As the table on page 14 shows, the most common complaints in 2014-15 continued to be on the grounds of disability, race and sex discrimination. There were 276 complaints of disability discrimination, which is a decrease from last year. Disability discrimination complaints account for nearly 27% of total complaints.

Race discrimination complaints were the second highest category with 181 complaints (17.1%). There were also 28 complaints of racial vilification (2.7%).

### Sexual harassment

The 83 complaints of sexual harassment (8% of total complaints) almost equalled all other types of sex discrimination complaints. Of these, 75 complaints related to the workplace. There were 84 other sex discrimination complaints, including pregnancy and breastfeeding discrimination (8% of total complaints).

Victimisation complaints also featured strongly with 99 complaints (9.4%).

### Employment complaints

Employment-related complaints continued to be the single largest area of complaint with 500 complaints



(47.3%). This is a similar proportion to last year. Almost half of these complaints (45.4%) related to a detrimental work environment or harassment in the workplace. Private enterprise accounted for 47% of respondent employers.

The number of sex discrimination and sexual harassment complaints in employment totalled 126. Disability discrimination was the next most common ground for employment complaints (115 complaints).

### Goods and services complaints

The provision of goods and services was the second largest area of complaint with 312 complaints (29.5%). This is similar to last year. The most frequent ground of complaint in this area was again disability discrimination with 99 complaints, followed by 73 race discrimination complaints.

### Gender profile

Overall, slightly more men than women lodged complaints (531 compared to 497). Men lodged more complaints of, age and race discrimination relative to women, and women lodged more complaints of sex and carer's responsibilities discrimination, and sexual harassment. Men and women were almost equally represented in the category of disability discrimination

### Ethnic breakdown

Most complainants did not specify their ethnic background unless it was relevant to their complaint. People of Aboriginal and Torres Strait Islander background lodged 73 complaints. Complainants 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.

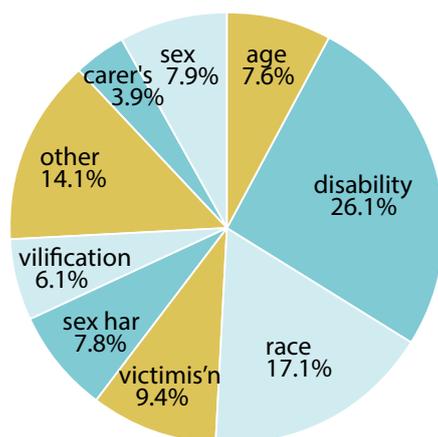
## Conciliation Service *continued*

### Complaints received by ground and area 2014-15

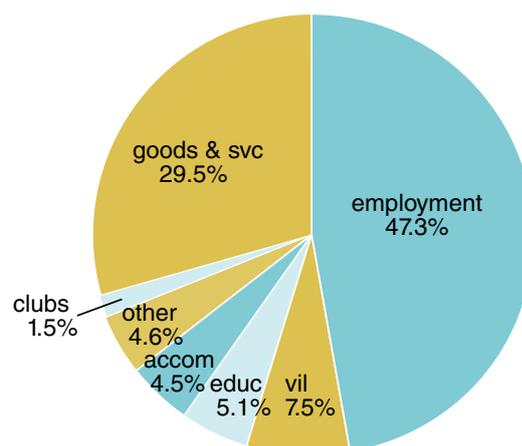
	Emp	Gds & Accom Servs	Educ	Clubs	Qual bodies	Racial vil	Hom vil	Trans vil	Other	Total	%
Disability	115	99	25	23	5	1	0	2	0	276	26.1
Race	64	73	11	14	4	4	0	0	11	181	17.1
Victimisation	68	16	0	1	2	0	0	12	0	99	9.4
Sex	51	22	0	8	2	0	0	0	1	84	7.9
Sexual harassment	75	6	0	1	0	0	0	0	1	83	7.8
Age	52	15	7	3	2	0	0	0	0	79	7.5
Carer's responsibilities	40	1	0	0	0	0	0	0	0	41	3.9
Racial vilification	0	0	0	0	0	28	0	0	0	28	2.6
Homosexual vilification	0	0	0	0	0	0	36	0	0	36	3.4
Homosexuality	13	9	3	0	0	0	0	0	1	26	2.5
Marital/domestic status	5	16	2	0	0	0	0	0	0	23	2.2
Aiding unlawful act	7	5	0	0	0	1	0	0	0	13	1.2
Transgender	0	3	0	0	0	0	0	0	1	4	0.4
Transgender vilification	0	0	0	0	0	0	0	1	0	1	0.1
Compulsory retirement	1	0	0	0	0	0	0	0	0	1	0.1
Other	9	14	0	0	0	0	0	0	5	28	2.6
Not specified	0	33	0	4	1	0	0	0	17	55	5.2
<b>Total</b>	<b>500</b>	<b>312</b>	<b>48</b>	<b>54</b>	<b>16</b>	<b>5</b>	<b>29</b>	<b>50</b>	<b>43</b>	<b>1058</b>	<b>100</b>
<b>%</b>	<b>47.3</b>	<b>29.5</b>	<b>4.5</b>	<b>5.1</b>	<b>1.5</b>	<b>0.5</b>	<b>2.7</b>	<b>4.7</b>	<b>0.1</b>	<b>4.1</b>	<b>100</b>

*There were no complaints this year about HIV/AIDS vilification.*

**Grounds of discrimination complaints**



**Areas of discrimination complaints**



## Type of employer 2014-15

	No	%
Private enterprise	235	47.0
State govt department	78	15.6
Individual male	49	9.8
State stat authority	39	7.8
Hospital	26	5.2
Local government	24	4.8
Individual female	16	3.2
Non-profit association	14	2.8
Education (public)	7	1.4
Cwlth stat authority	2	0.4
Govt bus enterprise	2	0.4
Registered club	1	0.2
Trade union	1	0.2
Not known	6	1.2
Total	500	100

## Subject of employment complaints 2014-15

	No	%
Work environment and harassment	227	45.4
Classification/benefits	120	24.0
Recruitment/selection	70	14.0
Dismissal	61	12.2
Retrenchment/redundancy	8	1.6
Resignation	7	1.4
Promotion	4	0.8
Transfer	1	0.2
Retirement	2	0.4
Total	500	100

## 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 nearly 89% of complaints within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise complaints in was 6.2 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.

### Rural conciliations

To make our services more accessible to people in rural and remote areas, we can conduct conciliation conferences in locations that are closer to the parties involved. In 2014-15, eight officers were out of the office on 21 days to conduct conciliation conferences in regional NSW.

## Timeframe targets 2014-15

Complaint to be finalised within	Target	Actual
2 months	20%	19%
3 months	30%	27%
6 months	60%	57%
12 months	85%	89%
18 months	100%	97%

## Complaint outcomes

The Board finalised 1,217 formal complaints this year, which is 10% more than last year's total of 1,104.

### Resolved complaints

213 complaints were resolved at or after a conciliation conference (17.5% of total complaints resolved). A further 132 complaints (10.8%) were settled by negotiation without the need for a formal conciliation conference.

### Referred complaints

149 complaints (12.2%) were referred to the NSW Civil and Administrative Tribunal (NCAT), as they were not conciliable.

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

### Declined complaints

243 complaints were declined as outside the jurisdiction of the ADA, representing 20% of all complaints received. The President declined 163 complaints under s 92 of the ADA, which is 43% more than last year. Complaints are declined under s 92 after investigation for reasons such as lacking in substance, being misconceived, or not being a contravention of the ADA.

If the Board declines a complaint, the complainant has the right to apply to NCAT for leave to have their complaint heard by the Tribunal. This occurred in 44 cases.

## Conciliation Service *continued*

### Withdrawn and abandoned complaints

168 complaints were formally withdrawn this year (14%), which is a slight decrease from last year's figure of 166 (15%). There is a downward trend of withdrawals over the last 4 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;
- they may lack confidence that the respondent will provide a satisfactory response.

The number of complaints abandoned this year fell to 145 (11.9%).

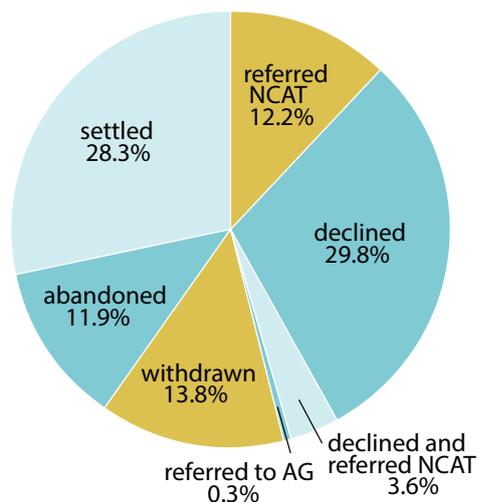
Complaints may be regarded as abandoned if the complainant does not respond to requests for information, or there is no indication they intend to proceed with the complaint, or we lose contact with them.

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

### Outcome of complaints finalised 2014-15

	No	%
Settled before conciliation	132	10.8
Settled at or after conciliation	213	17.5
Referred to NCAT – conciliation unsuccessful or not suitable	149	12.2
Referred to Attorney General – serious vilification	4	0.3
Declined before investigation – not a contravention	228	18.7
Declined before investigation – older than 12 months	12	1.0
Declined before investigation – not of vilified group	2	0.2
Declined before investigation – not on behalf of complainant	1	0.1
Declined after investigation – s 92	119	9.8
Declined after investigation and referred to NCAT	44	3.6
Withdrawn s 92B	168	13.8
Abandoned s 92C	145	11.9
<b>Total</b>	<b>1217</b>	<b>100</b>

### 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 2014-15 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 information for different audiences using a wide variety of media.

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;



- 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;
- 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;
- 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 2014-15 included:

- Bullying and harassment prevention;
- Case law update;
- Grievance handling skills;
- Grievance management and resolution skills;
- Contact Officers' skills and refresher;

## Education Service *continued*

### From our workplace education clients

We have been using the training and awareness expertise of the ADB for over a decade as mandatory corporate training.

All attendees have gained insights, knowledge and skills that have equipped them for the modern workplace and indeed society.

We at Manly Council recommend ADB training to any employer or organisation that strives for a respectful, civil, harmonious and productive workplace.

*Raymund Banister, Manager  
Organisation Development,  
Manly Council*

Norths rely on the expert training provided by the ADB to bring our policies and procedures to life. Our aim is to prevent bullying and harassment and regular face to face training ensures our employees are vigilant and equipped with the tools for stopping unwanted behaviour. Through [trainer's] training we have developed Contact Officers and greater communication across the organisation on the important issues of EEO, bullying and harassment. This training not only seeks to protect the employees but also the organisation.

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

- Respect and responsibilities for staff;
- The challenge of social media;
- Psychiatric disabilities in the workplace.

### Training outcomes

In 2014-15 we delivered 259 in-house training sessions for employers and service providers (including 111 in Newcastle). We also ran 16 seminars, including four in Newcastle. These sessions reached 4,061 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 \$338,446, and the income from seminars was \$23,590.

The total earnings from workplace education, including training fees, seminars and sale of publications, was \$336,658. 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 and frequent repeat customers reflects the excellent reputation of the training team. Customers appreciate our ability to customise the training to suit their particular industry and our flexibility in terms of timing and location. They also value our ability to work with staff at all levels of an organisation from senior managers to front-line staff, and customise the content to suit the needs and level of the participants. Some organisations include our training in employee induction programs.

### Community education

This year the Board's Community Education Officer devoted most of her time to setting up and running the new community consultations (see next page). We also continued to work with community groups to develop their understanding of their rights and responsibilities under anti-discrimination law. This included providing education sessions and stalls at community events.

*The Board's stall at Sydney Homeless Connect in July 2014.*



## Consultations

In addition to its existing consultation process, the Board set up three additional community consultation councils in 2014-15 to broaden its outreach into the NSW community and increase awareness about anti-discrimination law and the role of the Board.

The purpose of the consultation councils is to identify and discuss issues relating to discrimination that affect different sectors of the community. Council members highlight issues in their area of knowledge and expertise and assist the Board to understand how we can be involved in addressing these.

The councils also enable the Board to explain how issues that affect community members can be resolved through our education and complaints processes, provide input on legislative reform, and provide an opportunity for networking.

Each council includes representatives from relevant organisations and people with particular expertise in that subject area. Membership is on a voluntary basis.

The councils generally meet three times per year, although this may change depending on the circumstances. They are coordinated by the Community Education Officer, apart from the Aboriginal and Torres Strait Islander Consultation Council which is coordinated by the Aboriginal and Torres Strait Islander Team Leader. The President of the Board chairs the meetings, and other staff members attend as needed.

There are three existing consultation councils that have been operating for a number of years:

- Aboriginal and Torres Strait Islander;



*Board staff with members of the Multicultural Consultation Council.*

- Gay, Lesbian and Bisexual;
- Sex and Gender Diversity.

In addition, the following councils were set up this year:

- Multicultural;
- Industry (including banks, real estate, transport, clubs, hotels and taxi services and other businesses);
- State Government.

The new councils each met once in 2014-15 for an introductory session. A number of areas of interest have emerged which will be developed further in 2015-16. The industry and state government councils will be particularly oriented towards employment-related issues and how their specific needs in education and training can be met.

### Outcomes

Outcomes from the existing councils in 2014-15 include:

- A Board staff member attended the Indigenous Superannuation Working Group's summit to develop

strategies for improving access to superannuation for Aboriginal people.

- The President of the Board approached the Premier about meeting with key stakeholders to discuss issues relating to race discrimination and alcohol service in rural NSW, and a briefing was sent to the Attorney General on the issue.
- The President met with the Police Commissioner to discuss relations between homosexual people and the Police force.
- The Board wrote to the registry of Births, Deaths and Marriages in relation to people who identify as having no specific gender.
- The Board made submissions to the Attorney General to reform provisions of the *Anti-Discrimination Act 1977 (NSW)* relating to transgender people and to include protections for people who identify as intersex.

## 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.

This year saw big changes in the Board's communications strategy with a move into social media and the upgrading of our website following the Department of Justice's change to the Sharepoint content management system.

#### Social media

After careful consideration of the issues involved and development of a policy for addressing potential risks, the Board launched a Facebook page and Twitter account in April 2015. This enables us to expand our reach and improve the range of information we provide for our stakeholders.

The content includes:

- Board activities and news;
- information about workplace education seminars;
- commentary on recent cases;
- links to other relevant news items.

By June 30 the Facebook page had 47 followers and the twitter account had 67. These had increased to 79 and 73 respectively by October 2015.

#### Website

The Board's large website is the first point of contact for many people with enquiries about discrimination. The Board had done a major restructure and content review of the site during a previous change of content management system in 2013, so the website could be migrated to Sharepoint with only minor alterations.



However the task of developing some new graphics and preparing and checking the migration and still took a significant amount of time.

The new system means that there will be a unified look for all sections of the Department. There are a number of improved features including better searching, drop-down mega-menus, carousels and quick access to popular content. The operation is much faster which saves time for web authors. The site also has a new address which has meant altering all other publications.

In 2014-15 the Board's website received around 210,380 page views from 58,688 users. The most popular pages were:

- Home page;
- Anti-discrimination law;
- Making a complaint;
- Equal Time news;
- Contact us;
- Employers and managers;
- Index to legal cases;
- Disability discrimination;
- Exemptions;
- About us.

#### Other communications

Other communications produced by the Board include the following:

- an e-newsletter *Equal Time*;
- guidelines for employers, employees and different types of services;
- a wide range of factsheets;

- material in community languages;
- media releases;
- posters and postcards;
- worksheets for teachers;
- promotional materials.

In 2014-15 we produced a new version of our workplace training brochure which is an important marketing tool for our fee-paying in-house training service. We also produced a new card listing all the services provided by the Board and the types of discrimination covered by our legislation. This provides a general introduction to the Board and can be used in a wide variety of contexts such as stalls and information packs.

Other work in 2014-15 included:

- 3 issues of *Equal Time*;
- 6 media releases;
- the 2013-14 annual report;
- the 2015 seminar calendar;
- preparation of materials for the Australian Conference of Human Rights Agencies to be hosted by the Board in October 2015;
- continuing work on minor technical improvements to increase the accessibility of our website to people with vision impairment;
- continuing work on a new edition of our *Guidelines for real estate agents*;
- continuing work on a new edition of our *Grievance procedure manual*.

## Current publications *(print and digital)*

### 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\* Arabic, Armenian, Chinese, Croatian, Greek, Hindi, Italian, Khmer, Korean, Macedonian, Portuguese, Serbian, Spanish, Turkish, Vietnamese, Dari
- 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 2013-14\*
- C-change – Report of the enquiry into hepatitis C related discrimination
- Complaint form
- Equal Time newsletter\*
- Guarantee of service
- Workplace training brochure
- Multilingual 14-language fold up brochure/poster
- 'Stop Discrimination' postcards in English, Arabic, Chinese, Korean, Spanish, Vietnamese
- 2014 dot-painting postcard competition winning designs (3)
- 'Just be fair' postcards (3)
- Seminar calendar
- Worksheets for teachers\*

### Promotional materials

- Fridge Magnets
- Pens
- Rulers
- Stickers
- Wristbands

\* Digital 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 2014-15 the Board received 73 complaints from Aboriginal and Torres Strait Islander people.

The most common ground of complaint from Aboriginal and Torres Strait Islander people was race discrimination (39 complaints or 53.42%). 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 2014-15 was employment with 42 complaints (57.5%), followed by goods and services with 13 complaints (17.8%). 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 6.9% of all complaints received by the Board in 2014-15, 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.

## Education and training

The Aboriginal and Torres Strait Islander team continued to provide an education program in 2014-15.

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 2014-15 these reached over 2,221 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 NSW Energy and Water Ombudsman, NSW Fair Trading, NSW Legal Aid Commission, Public Interest Advocacy Centre, Aboriginal Disability Network and the Australian Competition and Consumer Commission. Having all the agencies in one place means that participants can easily clarify which one has jurisdiction in particular situations.

In 2014-15 we held forums in Lightning Ridge, Walgett, Emerton and Collarembri.

### Residential tenancy seminars

In 2014-15 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.

Seminars this year the Board took part in seminars at Bankstown, Chatswood, Cronulla, Five Dock, Leumeah, Nowra, Penrith, and Smithfield.

## Outreach program

In 2014-15 the outreach team partnered with the Indigenous Unit of Corrective Services NSW to provide training for new Custodial Correctional Officers. The Indigenous Unit does cultural awareness training for the recruits and the Board led sessions on discrimination as part of that. The team participated in four sessions at Brush Farm Corrective Services Academy and one at the Berkshire Park Correctional Facility.

A similar arrangement was made with the Indigenous Officer at the NSW Federation of Housing Associations, the peak body for community housing providers. The team took part in one session at Surry Hills and five at Parramatta.

### Other events

The Outreach team provided training or talks to the following:

- Karabi Community and Development Services;
- Lismore Community Justice Coordinators, North Region;
- Yagoona Elders Group;
- Tranby Aboriginal College, Glebe;
- Cooma interagency meeting.

The team supplied information at a number of community events including:

- Marrin Weejali Aboriginal Corporation, Emerton;
- Emerton Leisure Centre, Emerton;
- Dubbo Family Fun Day;
- Dtarrawarra/Fair Trading/Tenants Union;
- Yoorana Gunya Family Healing Centre, Forbes;
- Young Mob Leaders Camp, Royal National Park;
- Aboriginal People with a Disability Day, Emerton;
- Close the Gap Event, Tharawal Aboriginal Medical Service;
- Muru Nanga Mai, Ambervale;
- Young Mob, Jamison High School;
- Law Week events, Bourke and Brewarrina;
- NAIDOC Week events at Campbelltown, Doonside, Emerton, Parramatta, Penrith and Riverstone;
- Yabun Festival, Glebe.

The team also undertook community liaison at the Lismore Local Aboriginal Land Council, the Aboriginal Women's Refuge, Rekindling the Spirit Lismore, Butacabin Aboriginal Corporation, Hebersham, Cooma Monaro Koori Interagency Meeting, Cooma Challenge, Bega Women's Resource Centre and the Forbes community.

### Reconciliation Day event

To celebrate Reconciliation Week in May 2015, staff from the Board and Multicultural NSW went on The Rocks Dreaming Aboriginal Heritage Tour. All staff involved found the experience very valuable in giving them a better understanding of the environment around them and to mark the significance of the week.



Top: The Good Service team and community members at Lismore; Below: Service provider representatives at the NAIDOC event at Kingswood.

### Aboriginal and Torres Strait Islander complaints 2014-15

	Emp	Goods	Acc	Educ	Clubs	Racial	Total	%
	& Serv					vil		
Race	15	12	6	2	4	0	<b>39</b>	53.4
Victimisation	4	0	0	0	1	0	<b>5</b>	6.9
Disability	8	0	1	1	0	0	<b>10</b>	13.7
Racial vilification	0	0	0	0	0	3	<b>3</b>	4.1
Carer's responsibilities	1	0	0	0	0	0	<b>1</b>	1.4
Sex	2	0	0	0	0	0	<b>2</b>	2.7
Sexual harassment	5	0	0	0	0	0	<b>5</b>	6.9
Homosexuality	1	0	0	0	0	0	<b>1</b>	1.4
Aiding unlawful act	4	1	0	0	0	0	<b>5</b>	6.9
Age	2	0	0	0	0	0	<b>2</b>	2.7
<b>Total</b>	<b>42</b>	<b>13</b>	<b>7</b>	<b>3</b>	<b>5</b>	<b>3</b>	<b>73</b>	<b>100</b>
%	57.5	17.8	9.6	4.1	6.8	4.1	100	

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

# 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

To achieve this, 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 and policy;
- managing litigation;
- advising the Attorney General, the President and Statutory Board on applications for exemption from the ADA, reviewing applications and monitoring exemption compliance conditions;
- advising on proposed policy, law reform submissions and reviews of relevant legislation;
- administering requests for access to information, copyright requests and proposed alcohol-free zones;
- reviewing and advising on internal Board policies and conducting internal reviews on processes, procedures and the complaint handling manual;
- informing staff about relevant caselaw and legislative amendments.

## Policy submissions

In 2014-15 the Board responded to policy and law reform issues including:

- the Review of the Disability (Access to Premises) Standards;
- the Royal Australasian College of Surgeons' Expert Advisory Group on discrimination, bullying and sexual harassment in the practice of surgery;



*The Board has one Legal Officer position which is job shared.*

- the Summary Offences Amendment (Full-face Coverings Prohibition) Bill 2014.

The Board contributes to Australia's human rights treaty reporting and during the year it provided input to:

- Australia's 6th Report under the International Covenant on Civil and Political Rights (ICCPR);
- the combined 18th, 19th and 20th periodic reviews for the Convention on the Elimination of All Forms of Racial Discrimination.

The Board assisted Industrial Relations NSW in relation to the following International Labour Organisation Article 22 Reports:

- Discrimination (Employment and Occupation) Convention, 1958 (No. 111);

- Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

During the year the Board supported the call for an independent National Inquiry into the abuse of people with disability in institutional and residential settings.

The Board also continues to be involved in education policy relating to language study in schools, and has been discussing changes to the process by which eligibility for different levels of study is determined.

The Board will continue to review State laws and draft policy submissions to support law reform where NSW law is inconsistent with other jurisdictions and community expectations have changed.

Moving forward, the Board is seeking to update and improve the ADA's provisions relating to transgender discrimination and to standardise the penalties for different types of serious vilification. The Board also considers that the ADA should be amended to cover discrimination against people with intersex variations.

## Exemptions

The Board received 19 applications for exemptions in 2014-15. We provided advice to the Attorney General in relation to five of these applications (including one request for an amendment of an existing order), and the remaining 14 were considered by the President, in consultation with the Statutory Board.

All 14 of these exemptions were granted. An additional three interim

exemptions were granted to applicants holding existing exemptions, to ensure their current exemptions did not lapse while substantive applications were being lodged and considered.

Seven of the exemptions granted by the President during 2014-15 concerned training and employment of Aboriginal and Torres Strait Islander people, and two related to the recruitment of women for specific roles. Four were granted to defence contractors to enable them to comply with United States defence contractor legislation regulating the citizenship of employees working with controlled defence technology.

A further exemption was to allow the applicant to pay its female employees additional superannuation in an attempt to reduce the gap in retirement savings experienced by women.

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 26-27 for exemptions granted this year, and the Board's website for all current exemptions.

## Alcohol-Free Zones

In 2014-15 the Board was consulted on 16 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.

## Information technology statement

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

Digital Information Security Annual Attestation & Evidence of Certification Statement for the 2014-2015 Financial Year is held by the Department of Justice.

The Anti-Discrimination Board had an Information Security Management System in place during the 2014-2015 financial year that is consistent with the core requirements set out in the NSW Government Digital Information Security Policy.

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

The Department of Justice has maintained certified compliance with *ISO 27001 Information technology – Security techniques – Information security management systems – Requirements by an Accredited Third Party* during the 2014-2015 financial year.

# 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 2014-15

<i>Applicant</i>	<i>Program</i>	<i>Sections</i>	<i>Date</i>	<i>Expiry</i>
Allens	To establish and advertise an Indigenous Legal Internship program in 2015.	8, 51	21.5.2015 (5 years)	20.5.2020
Australia and New Zealand Banking Group Limited and its wholly owned subsidiaries	To provide additional superannuation contributions to its female permanent and fixed term employees in NSW.	21, 51, 52, 53	11.6.2015 (10 years)	10.6.2025
BAE Systems Australia Ltd and BAE Systems Australia Defence Pty Ltd	Includes: to enable the applicant to ask present and future employees and contractors to declare, to the best of their knowledge and belief, their exact citizenship (including any dual citizenship) and country of birth.  To require employees to advise of any change to their citizenship status, to identify employees accordingly, and make decisions about recruiting and deploying employees on that basis. Conditions attached – for full details see NSW Government Gazette.	8, 10, 51	20.11.2014 (specified expiry date)	20.8.2019
Clarence Valley Council	To advertise, recruit and employ an Aboriginal or Torres Strait Islander Customer Service Officer.	8, 51	8.7.2014 (3 years)	7.7.2017
Eurobodalla Shire Council	To advertise and recruit for two Aboriginal or Torres Strait Islander Youth Traineeships and two ATSI Water Operations Traineeships.	8, 51	28.10.2014 (1 year and 2 years)	27.10.2016
The Law Society of NSW	To establish an online job board that would collate existing employment opportunities for Indigenous lawyers and students, subject to the condition set out in the order.	8, 51	12.3.2015 (5 years)	11.03.2020
Linfox Australia Pty Ltd	Includes: to enable the applicant to ask present and future employees and contractors to provide details of their citizenship (including any changes to their citizenship); and/or to identify employees accordingly, require employees to advise the employer of any change in that status, and make decisions about recruiting and deploying employees on that basis. Conditions attached – for full details, see NSW Government Gazette of 19 December 2014.	8, 10, 51	11.12.2014 (specified expiry date)	20.8.2019
Mental Health Co-ordinating Council	To advertise and recruit for an Aboriginal Administration Officer	8, 51	26.2.2015 (3 years)	25.2.2018

**Section 126 exemptions 2014-15** *continued*

<b>Applicant</b>	<b>Program</b>	<b>Sections</b>	<b>Date</b>	<b>Expiry</b>
Ricegrowers Australia t/as SunRice	To advertise, offer and award two three year full-time Jan Cathcart scholarships to female candidates	25, 33, 51	28.10.2014 (5 years)	27.10.2019
Raytheon Australia Pty Ltd	Includes: to enable the Applicant to ask present and future employees and contractors to declare, to the best of their knowledge and belief, their: (i) exact citizenship (including any dual citizenship); and/or (ii) place of birth;  To identify employees accordingly, require employees to advise the employer of any change in that status, and make decisions about recruiting and deploying employees on that basis. Conditions attached – for full details, see NSW Government Gazette of 29 August 2014 and 5 September 2014.	8, 10, 51	granted 21.8.2014 (5 years) varied 2.9.2014	20.8.2019
Sydney Story Factory	To advertise, recruit and employ an Indigenous person for a paid part-time (two days per week) Indigenous teacher.	8, 51	15.1.2015 (5 years)	14.1.2020
Thales Australia Ltd and ADI Munitions Pty Ltd	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	11.12.2014 (specified expiry date)	20.8.2019
University of Sydney	To implement a Merit Appointment Scheme under which faculties and professional service units have access to internal financial subsidies to support the employment of Aboriginal and Torres Strait Islander academic and general staff. Subject to a condition.	8, 51	18.6.2015 (3 years)	17.6.2018
University of Sydney, School of Physics	To advertise, offer and award Postdoctoral Research Fellowship to a female candidate.	23, 33, 51	28.10.2014 (7 years)	27.10.2021

**Section 126A exemptions 2014-15**

<b>Organisation</b>	<b>Special needs program or activity</b>	<b>Exemption period</b>
Belle Fitness	To provide fitness services for females only.	1.8.2014 to indefinitely
Hard Core Gym	To advertise and operate men-only fitness and weight management facilities and programs.	9.3.2015 to indefinitely
Law Society of NSW	To provide pro bono legal services to eligible Indigenous members of the NSW Chamber of Commerce.	1.8.2014 to indefinitely
Marmalade Foundation Ltd	Lou's Place respite services for women and their dependent children.	14.11.2014 to 13.11.2024

# 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 2014-15.

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 the year, the committee met twice during 2014-15. The key issues managed during the year included security and safety of staff, and ergonomic work design.

## Information technology

The main activities in 2014-15 were:

- maintaining the Board's computer network and hardware requirements;
- upgrading software where appropriate and replacing ageing computer equipment;
- liaising with the Department of Justice regarding the migration of the Board's to a new content management system;
- continuing the assessment of the accessibility of the Board's website for people with disabilities;
- facilitating the launch of the Board's social media presence.

See page 25 for the Board's Information Technology Statement.

# 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 and translation when needed, and the reverse of the Board's letterhead has a message in 21 languages about the Telephone Interpreter Service.
- A complaint can be made in any language and we will have it translated at no charge to the complainant. This is explained in 23 languages in an attachment to the complaint form.
- We provide assistance for people who are unable to write their complaint themselves.
- The Conciliation Service uses standard letters in plain English when writing to the parties to a complaint.
- Our training sessions and community education reached over 4,500 participants, including people from a wide range of backgrounds.
- The Aboriginal and Torres Strait Islander Outreach team met with around 2,221 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 Justice.

In 2014-15 the Board received 14 complaints. Of these, five related to service, and nine to policy or procedure. This is a good result in view of our delivery of direct services to over 11,279 individuals during the year.

# Financial statements

## Total operations

The net cost of services provided by the Board in 2014-15 was \$4,004,318. Against a budget of \$3,701,448 this was overspent by \$302,869 (8.2%).

The result is attributable to lower than budgeted income from workplace education, offset by lower than expected charges to Crown Liabilities and depreciation, and restraint in maintenance costs

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

## Revenue

The workplace education service charges fees to customers, and is included in the overall budget of the Board.

Demand for workplace education stabilised during 2014-15. Anti-discrimination training is treated as a discretionary expense item by our clients, with our income being affected by tighter economic conditions. A number of key clients have embedded the Board's education services into their training and induction programs.

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

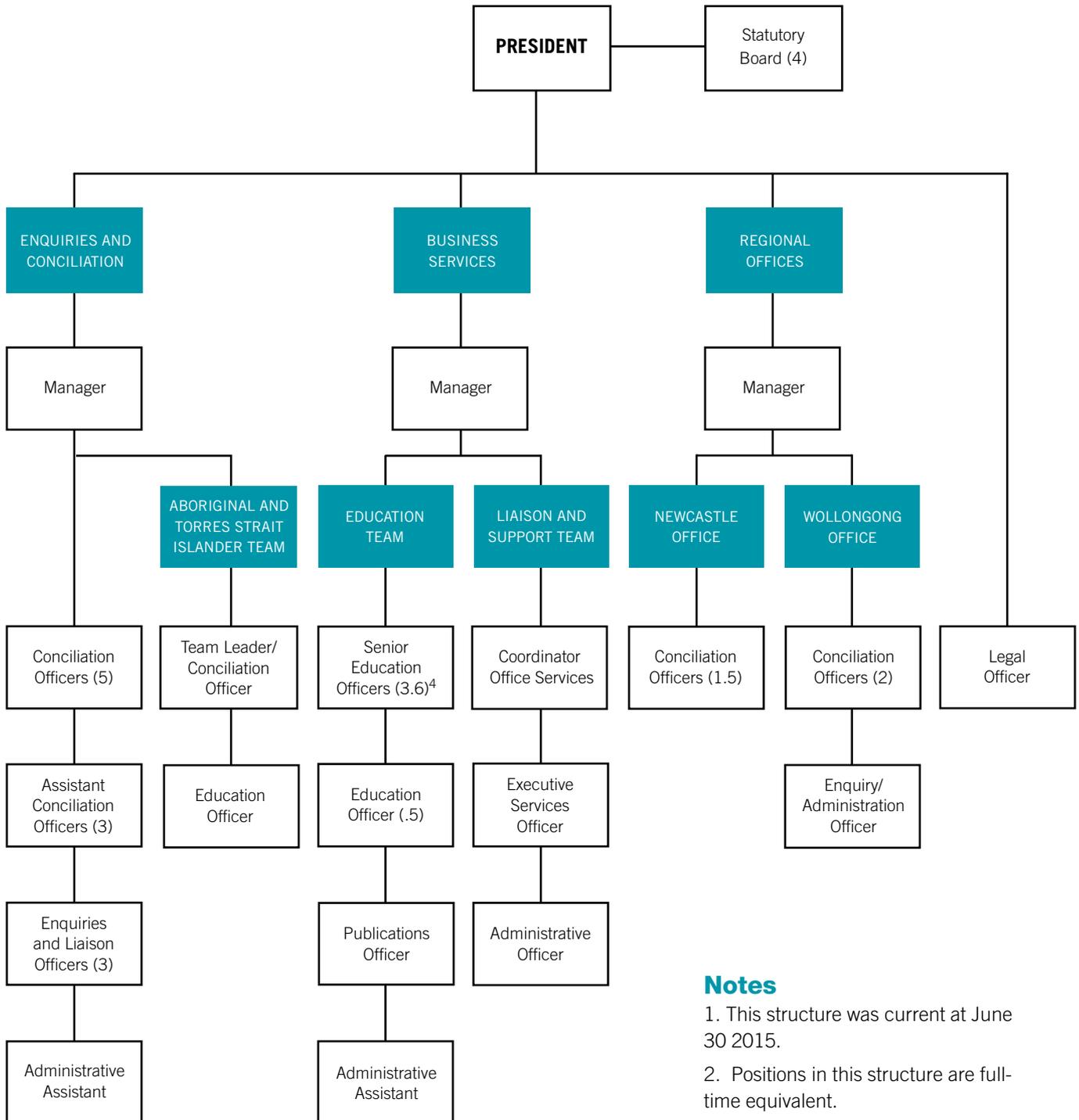
## Total operations 2014-15

	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
<b>Revenue</b>	699,726	366,658	-333,068
<b>Expenses</b>			
Staff	3,059,431	3,119,137	-59,706
Other operating	952,729	986,292	-34,563
Maintenance	32,702	3,328	29,374
<b>Total expenses</b>	<b>4,044,862</b>	<b>4,108,701</b>	<b>-63,839</b>
<b>COST OF SERVICES</b>	<b>3,345,136</b>	<b>3,742,099</b>	<b>-396,963</b>
Depreciation	134,108	58,509	75,599
Crown liability	222,204	203,709	18,495
<b>NET COST OF SERVICES</b>	<b>3,701,448</b>	<b>4,004,318</b>	<b>-302,869</b>

## Revenue 2014-15

	<b>Budget</b>	<b>Actual</b>	<b>Variance</b>
On-site training	564,204	338,446	-225,757
Seminars	116,268	23,590	-92,678
Publications	19,254	4,528	-14,726
Cost recovery - credit card	-	93	93
<b>TOTAL REVENUE</b>	<b>666,726</b>	<b>366,658</b>	<b>333,068</b>

# Structure of the Board



## Notes

1. This structure was current at June 30 2015.
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.

