



Anti-Discrimination Board of NSW ANNUAL REPORT 2015-16



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
 2015 to 30 June 2016.

Yours sincerely
 Elizabeth Wing
Acting President

Anti-Discrimination Board of NSW

Annual report 2015-16

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Highlights



← Hosted successful conference for the Australian Council of Human Rights Agencies.



→ Answered 3,602 enquiries and finalised 948 complaints, with an average turnaround of 5.7 months.



↑ Signed MOU with NSW Fair Trading to address discrimination in the real estate industry.



→ Delivered 173 in-house training sessions and ran 12 seminars, with a total of 2,945 participants.



↑ Expanded consultation program to improve links with the community.



← Improved connection with stakeholders by expanding social media profile and upgrading website.

President's report

2015-16 has seen the beginning of significant changes for the Anti-Discrimination Board of NSW.

Stepan Kerkyasharian, who was President of the Board from September 2003, retired in January 2016. Stepan was a tireless advocate for diversity and human rights, and will be sorely missed in this field. I thank him for his service to the Board and the people of NSW and wish him well in his future endeavours.

The terms of all the existing Board members also expired in December 2015. I thank Eman Sharobeem, William Seung and Peter Wertheim for their valuable input to the Board. Peter was on the Board for more than 12 years and we have greatly appreciated his commitment and expertise over this considerable time.

The Board's head office will be moving from Sydney to Parramatta in late 2016. Our current premises at Castlereagh Street have been sold, and we will move from the city to Parramatta under the State government's decentralisation policy.

During 2016 the Board has been participating in a review by the NOUS Group management consultancy. This was initiated by the Department of Justice to consider issues such as leadership, culture and succession planning. The recommendations of the review will be incorporated into considerations about the Board's future.

In this context, the Board has continued with its regular activities as well as pursuing a number of initiatives to improve links with other human rights agencies and with stakeholders in the community.

We hosted a very successful biennial conference of the Australian Council of Human Rights Agency Officers in October 2015, with participants from all over Australia. My thanks go to the members of the organising committee, who produced a smoothly-run and stimulating event which received very positive feedback.

The Board also hosted a meeting of the Commissioners from all State and federal anti-discrimination agencies in May 2016. This considered a number of important issues and provided a valuable opportunity to coordinate our work and improve our links with these agencies.

We continued to develop our consultation program, which was expanded in 2014-15. We now have six consultations Aboriginal and Torres Strait Islander; Gay, Lesbian and Bisexual; Intersex and Gender Diversity; Multicultural; Industry; and State Government. All groups met several times in 2015-16, providing an opportunity to network, discuss legislative reform, and explain how issues can be addressed through our education and complaints processes.

We also continued to build up our social media profile, which was launched in 2014-15. Using social media enables us to communicate in a different and more immediate way, extend our reach and meet current stakeholder expectations for receiving information. It also gives us an additional perspective on current attitudes and trends.

As previously, our Enquiry Service assisted individuals who are dealing with discrimination issues, as well as employers and service providers seeking advice about anti-discrimination law. In 2015-16 we answered 3,602 enquiries – the number has gradually decreased as more people use our website, but the enquiries we now receive are often more complex.

Discrimination complaint numbers have dropped slightly this year at 911 complaints, however the number of complaints has remained relatively stable over the longer term. As previously, disability, race discrimination and sex discrimination were the most frequent grounds of complaint.

The conciliation team achieved excellent results, with 948 complaints finalised in 2015-16. The team took an average of 5.7 months taken to finalise complaints, and 90% were finalised within 12 months. The success of our conciliation service is a reflection of the expertise

of our very experienced team of conciliators.

The Board's Education Service continued its training program for employers and service providers, delivering 173 on-site training sessions and 12 seminars to reach a total of 2,945 participants. Our training team have an excellent reputation and receive frequent positive feedback and repeat business.

As well as the ongoing task of managing our social media presence, the Board's communications staff have finalised the migration of the Board's website to a new content management system and improved the accessibility and searchability of the site.

Other projects this year have included a major revision of information about our education service, which explains the different options more clearly for potential clients, and updating the content and design of our guidelines and factsheets to improve accessibility.

Our Aboriginal and Torres Strait Islander team continued its activities in 2015-16. The team worked with other agencies to provide joint information sessions for community workers and leaders, provided training for real estate agents and participated in a number of community fairs and information days.

The Aboriginal and Torres Strait Islander team was the major impetus for a memorandum of understanding



Staff members congratulate Aboriginal and Torres Strait Islander Team leader Felicity Huntington (centre), who was highly commended in the Diversity and Accessibility category of the Department of Justice 2015 Staff Excellence Awards.

which was signed with the NSW Office of Fair Trading in September 2015. Our agreement to share information reflects our goal to develop partnerships with related agencies, and we are working to develop other similar opportunities.

Our two part-time Legal Officers provided advice to the Statutory Board members on applications for exemptions from the Anti-Discrimination Act, as well as dealing with other legal matters. I am very appreciative of their assistance and expertise.

All this work has been achieved in a context of considerable change. We anticipate that modifications to our operating model in 2016-17 will enable us to re-align our priorities and put us in a better position to deliver our core business in the future.

My thanks go to all the Board's staff, who continue to bring great dedication and professionalism to their work and to the values and goals of the Board. This is even more commendable in light of the changes described above.

Elizabeth Wing
Acting President
Anti-Discrimination Board of NSW

About the Anti-Discrimination Board

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

Functions of the Board

The Anti-Discrimination Board currently performs three main roles.

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

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

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

The President and the Board

The Statutory Board consists of the President as Chair, plus four members appointed by the Governor of NSW. During 2015-16 there were three members whose terms expired in December 2015. The fourth position was vacant throughout the year. The President's term also expired in January 2016, and Elizabeth Wing has been the Acting President since February 2016. See page 8 for more information about the Board members.

The Board's structure

The Board has two branches:

Enquiries and Conciliation Branch

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

Business Services Branch

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

The Board has **regional offices** in Newcastle and Wollongong, and an **Aboriginal and Torres Strait Islander team** which provides culturally specific complaint handling and education services for Aboriginal and Torres Strait Islander people.

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

Managers at 30 June 2016

- **Acting Manager Enquiries and Conciliation:** Tory McGuire *BA LLB*
- **Acting Managers Liaison and Support:** Florencia Maitem *BS Public Administration, Cert IV in Project Mgmt* and Marilyn Newman
- **Acting Manager Education:** Margaret White *B Juris, LLM, Cert IV Training and Assessment*
- **Regional Manager:** Gerardo de Liseo *BA, DipEd, DipTESOL, DipLaw, GDipLegPrac, Cert Mediation*
- **Aboriginal and Torres Strait Islander Team Leader:** Felicity Huntington



On International Women’s Day 2016, staff from the Board heard speakers from the charity Share the Dignity, which provides personal care items for homeless women.

Staff profile

At 30 June 2016, the Board had an establishment of 34 staff positions. There were 19 full time staff, 13 part time staff, and two positions were vacant.

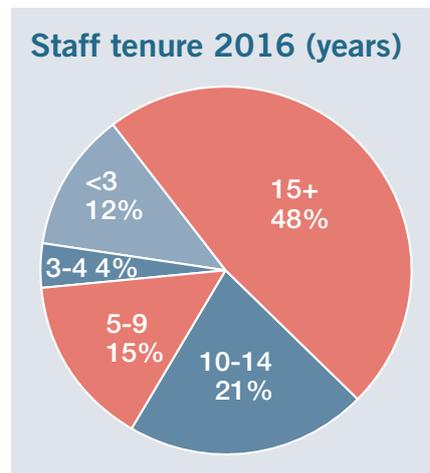
- **Employment status:** 96% were permanent employees and 4% were temporary.
- **Tenure:** 48% of staff had been with the Board for 15 or more years, 21% for 10-14 years, 15% for 5-9 years, 4% for 3-4 years, and 12% for less than 3 years.
- **Gender:** 11% of staff were male and 89% were female.
- **Diversity:** 36% of staff identified English as their second language, 4.6% identified as Aboriginal and Torres Strait Islanders, 30% were from culturally and linguistically diverse backgrounds, and 15.8% identified as having a disability.

Training and development

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

- DOJ human resources systems

- DOJ finance systems
- web accessibility
- E-learning development
- social media strategies and legal risks
- Certificate IV in Training and Assessment upgrades
- using the National Relay Service
- managing unreasonable complainant conduct
- Legal Aid Commission training to support MOU (see page 12)
- Office of Fair Trading training to support MOU (see page 12)
- public interest disclosure obligations
- administrative law refreshers
- legal seminars.



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

Statutory Board

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

The terms of the existing Board members expired in December 2015, and Stepan Kerkyasharian's term as President expired in January 2016. At the time of reporting, Elizabeth Wing was the Acting President.



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

Stepan Kerkyasharian

AO, Hon DLitt Attendance 3/4

Stepan was appointed President of the Anti-Discrimination Board in September 2003. 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 recognised for his contribution to fostering community harmony in NSW.

Peter Wertheim

AM, BA, LLB, LLM Attendance 4/4

Peter is currently the Executive Director of the Executive Council of Australian Jewry, and was 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 not-for-profit organisations, charities and trade unions. He has expertise in racial vilification law.

Eman Sharobeem PhD

Attendance 3/4

Eman has been an active advocate for migrants and refugees for 29 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 Community Engagement Manager at SBS Radio.



William Won-Hong Seung BA

Attendance 3/4

William has a background in the travel industry. He has held multiple leadership roles in both Australia and Korea. He is a passionate proponent for helping the community, and seeks to use his contacts to add value to people's lives wherever he can. He is currently Vice-Chair of the Multicultural Communities Council of NSW.

Elizabeth Wing LLB, EMPA

Acting President from February 2016

Elizabeth has been the Manager of Enquiries and Conciliation at the Anti-Discrimination Board since 2003. Prior to this she was a solicitor in private practice and held positions at the Women's Legal Resources Centre, the Health Care Complaints Commission and the Australian Human Rights Commission.

Anti-discrimination law in NSW

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

What is discrimination?

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

Grounds of discrimination

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

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

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

Areas of discrimination

These types of discrimination are unlawful in five main areas:

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

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

handling
complaints
impartially,
confidentially and
free of charge

Vilification

Vilification because of a person's race, homosexuality, transgender or HIV/AIDS 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 some other circumstances. For more information about exemptions, see pages 31-33.

Anti-discrimination law in NSW *continued*

Making a complaint

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

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

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

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

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

Conciliation

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

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

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

Examples of the solutions included in settlements are:

- the complainant accepting the respondent's explanation
- an apology
- reinstatement of the complainant
- the complainant being given a benefit or service that they were denied
- training and/or new 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 handling 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 to the Attorney General. The Director of Public Prosecutions will then decide if it should be prosecuted as a crime of serious vilification.

NSW Civil and Administrative Tribunal

If a complaint cannot be conciliated, and in certain other cases, it will be referred to the NSW Civil and Administrative Tribunal (NCAT). NCAT can make legal judgments that can be enforced or appealed.

Remedies available to NCAT include:

- ordering compensation (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 in 2015-16

This year the *Statute Law (Miscellaneous Provisions) Act (No 2) 2015* made minor changes to the ADA to update references to government sector agencies and their employees.

Special events



ACHRA conference

The Anti-Discrimination Board hosted a highly successful Australian Council of Human Rights Agencies (ACHRA) Officers Conference in October 2015. The conference is held every two years and brings together staff of human rights agencies from around Australia

The theme of the conference, *Developing Your Human Rights Toolkit*, produced a rich and varied program that left our human rights toolboxes overflowing. The keynote speakers were former Anti-Discrimination Board President Steve Marks AM and Professor Winnifred Louis from the University of Queensland. The most popular presentation after the keynote addresses was from ADB Conciliation Officer Anna Dobkin, who spoke on *The Brain, Emotions and Conciliation*.

As well as providing a forum for sharing skills and knowledge, the conference was also an excellent opportunity for networking. This has resulted in ongoing communication and increased cooperation between the agencies involved.

The organising committee included staff from the Board and other agencies, and many others contributed immediately before and during the event. The conference was a valuable opportunity to develop working relationships with people from other teams, and to gain experience in event management.

Photo (L-R): ADB President Stepan Kerkyasharian, Uncle Chicka Madden who performed the welcome to country, Steve Mark and MC Gerardo de Liseo.

International visitors

The Board met with a delegation of senior government officials from Sri Lanka (pictured below with Board staff) in February 2016. The members were on a study tour to explore Australian systems for promoting harmony and multiculturalism, as well as mechanisms for promoting the fundamental rights in Australia.

In April the Acting President met with a delegation of senior government representatives from the Department of National Unity and Integration, Prime Minister's Department of Malaysia, to discuss the Anti-Discrimination Board's functions and complaint handling mechanisms.



Farewell to Stepan Kerkyasharian

An afternoon tea was held at Parliament House to farewell Stepan Kerkyasharian, who retired as President of the Board in January 2016. Pictured from left are Jonathan O'Dea MP, Attorney General Gabrielle Upton, Stepan Kerkyasharian and his wife Hilda, Minister for Multiculturalism, Ageing and Disability Services John Ajaka and Parliamentary Secretary for Justice David Clarke.

Special events *continued*



MOU with Fair Trading

In September 2015 the Board signed a memorandum of understanding with the NSW Office of Fair Trading to enable the two agencies to more actively address discrimination against Aboriginal and Torres Strait Islander people in the real estate industry.

The Board has been working with Fair Trading for some time to provide training for real estate agents and self-managing landlords. The two agencies have also collaborated with others in the Good Service Mob, which provides general consumer information for Aboriginal and Torres Strait Islander communities.

Under the MOU, information from the Board's enquiries and complaint processes will be used to identify systemic discrimination practices by real estate agents and address these through Fair Trading's compliance requirements. Individual complaints will not be identified in this process.

The cooperation between the two agencies will provide an opportunity to achieve better outcomes for Aboriginal and Torres Strait Islander people in terms of tenancy issues, and address new challenges as they arise.

Photo, front row (L-R): ADB President Stepan Kerkyasharian, Commissioner for Fair Trading Rod Stowe; Back row (L-R): ADB Board members Peter Wertheim and Eman Sharobeem, and Michael Cooper and Andrew Gavrielatos from Fair Trading.

MOU with Legal Aid

The Board also signed an MOU with Legal Aid NSW in June 2016. Legal Aid provides a civil law service for socially and economically disadvantaged members of the community who are involved in complaints and proceedings arising from the Anti-Discrimination Act. Legal advice sessions with a solicitor will be held monthly at the Board's premises. The Board provides the premises and books the interview times.



Reconnect with the Board event

The Board held a morning tea in March 2016 to improve liaison with stakeholders in the community. Representatives from government agencies, legal firms, community legal centres and advocacy organisations came along to discuss discrimination issues facing their clients and what the Board can do to help.

Issues raised included how potential complainants can get advice on the best way to address their problem; choice of jurisdiction; the role of legal advisers in the Board's processes; ways of addressing urgent complaints; and the need for ongoing community engagement.

Enquiry Service



People can make an enquiry by phone, letter or email, 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 give more specialised information on anti-

The Board's Enquiry and Liaison Officers provide information about anti-discrimination law to employers, service providers and members of the general public, including individuals, advocates and advice workers.

discrimination law and options for dealing with particular discrimination issues in their organisation.

The Board's website is now a major source for basic information about anti-discrimination law. However, people still need to consult the enquiry service on more complex matters 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 obligations, and suggest strategies for dealing with their situation.

Enquiries in 2015-16

In 2015-16 the enquiry service responded to 3,602 enquiries, or approximately 15 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 3,775. This is a decrease of 7.1% from 2014-15, when there were 4,064 matters raised.

The majority of people making an enquiry (3,184 or 88.4% of total contacts) wanted to discuss individual discrimination issues. This included individuals themselves and advocates such as solicitors and advice workers. 321 enquiries (8.9%)

were from employers and service providers, and the remainder were from students and other people.

Of the 3,184 enquiries from individuals, 1,627 (45.1% of total contacts) were from or on behalf of a woman and 1,557 (43.2%) were from or on behalf of a man.

giving advice
on how to address
discrimination
issues

The Board took 179 enquiries relating to Aboriginal issues in 2015-16. This included issues of discrimination against Aboriginal people, exemption requests and general issues.

Most enquiries (3,317 or 92.1% of total contacts) were made by phone. 211 (5.9%) were written, mainly by email, and the rest were made by visiting one of our offices.

The majority of phone calls and visits (2,936 or 86.6% of total phone calls and visits) were dealt with in under 15 minutes. 396 enquiries (11.7%) took 15-29 minutes to deal with, 54

Enquiry service *continued*

enquiries (1.6%) took 30-59 minutes and 5 (0.1%) took an hour or more.

Types of discrimination

Disability discrimination continues to be the most common issue raised by enquirers overall. In 2015-16 there were 786 enquiries about disability discrimination (20.8% of total matters raised). This comprised 22.1% of all employment-related enquiries and 32.6% of all goods and services enquiries.

The next most common issues were race discrimination and vilification (503 enquiries or 13.3% of total matters raised), sex discrimination

(262 or 7%), age discrimination (197 or 5.2%) and sexual harassment (134 or 3.5%).

The largest area of enquiries was employment (1,459 enquiries or 38.6% of total matters raised). The second largest was the provision of goods and services with 724 enquiries (19.2%).

Problems not covered

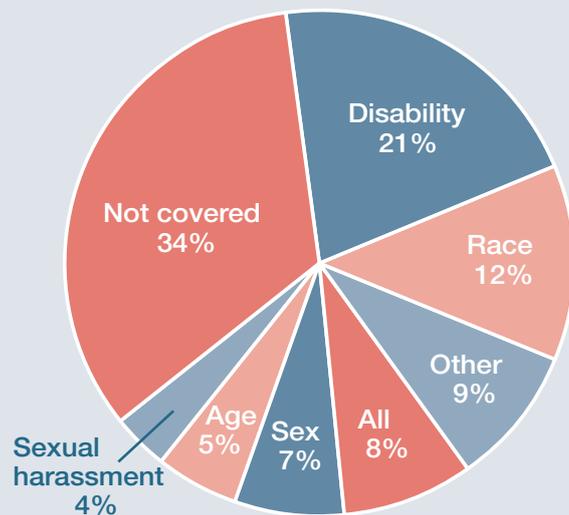
1,429 enquiries (37.9% of total matters raised) were about problems that were not covered by the ADA, either because the type of discrimination was not covered or the area in which it occurred

was not covered, or both. 329 (23%) of enquiries that were not covered related to employment, and 82 (24.9%) of these were about workplace bullying and harassment.

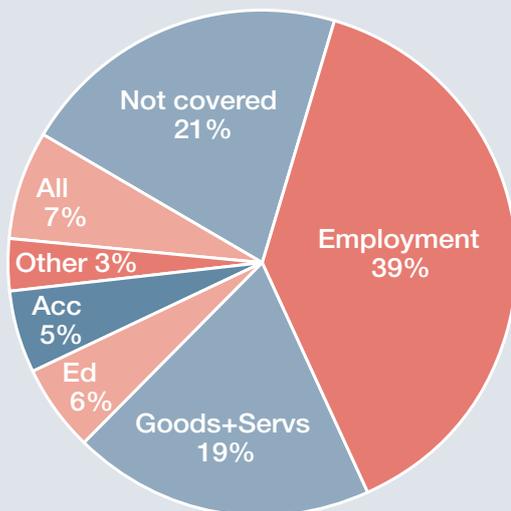
In cases that were not covered, the enquiry service provided advice about how to resolve the person's problem within the workplace, or referred them to another organisation that could help.

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

Type of discrimination enquiry 2015-16



Area of enquiry 2015-16



Enquiries by ground and area 2015-16

	Emp	Gds & Servs	Acc	Educ	Clubs	Qual bods	Race vil	Hom vil	HIV vil	Tran vil	All areas	Not cov	Total	%
Disability	323	236	57	98	13	1	-	-	-	-	11	47	786	20.82
Race	205	141	34	39	9	2	-	-	-	-	8	31	469	12.42
Sex	173	48	3	12	6	0	-	-	-	-	0	20	262	6.94
Age	80	50	39	6	6	1	-	-	-	-	1	14	197	5.22
Sexual harassment	113	12	0	2	1	0	-	-	-	-	0	6	134	3.55
Carer's responsibilities	103	-	-	-	-	-	-	-	-	-	0	2	105	2.78
Homosexuality	28	16	10	2	1	0	-	-	-	-	1	3	61	1.62
Victimisation	40	3	4	0	2	0	-	-	-	-	0	1	50	1.32
Racial vilification	-	-	-	-	-	-	34	-	-	-	-	-	34	0.90
Transgender	12	10	0	4	0	0	-	-	-	-	1	6	33	0.87
Marital/domestic status	10	2	6	4	0	0	-	-	-	-	1	1	24	0.64
Homosexual vilification	-	-	-	-	-	-	-	17	-	-	-	-	17	0.45
Transgender vilification	-	-	-	-	-	-	-	-	-	5	-	-	5	0.13
Aiding unlawful act	0	0	0	4	0	0	-	-	-	-	0	0	4	0.11
HIV/AIDS vilification	-	-	-	-	-	-	-	-	3	-	-	-	3	0.08
Compulsory retirement	3	-	-	-	-	-	-	-	-	-	-	-	3	0.08
All grounds	40	14	4	3	0	0	-	-	-	-	229	21	311	8.24
Not covered – work harassment	82	-	-	-	-	-	-	-	-	-	-	-	82	2.17
Not covered – other	247	192	47	34	16	4	-	-	-	-	17	638	1195	31.66
Total	1459	724	204	208	54	8	34	17	3	5	269	790	3775	100
%	38.6	19.2	5.4	5.5	1.4	0.2	0.9	0.5	0.1	0.1	7.1	20.9	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 from the Board's three offices in Sydney, Newcastle and Wollongong. We investigate discrimination complaints, and where appropriate we conduct a conciliation conference to assist the parties to come to a resolution.



Complaints received

The Board received 911 formal complaints of discrimination in 2015-16, with a profile similar to previous years. This is a decrease from last year.

Most common complaints

As the table on page 17 shows, the most common complaints in 2015-16 continued to be on the grounds of disability, race and sex discrimination. There were 244 complaints of disability discrimination, which is a decrease in number from last year, but disability discrimination complaints again account for nearly 27% of total complaints.

Race discrimination complaints were the second highest category with 149 complaints (16.4%). There were also 13 complaints of racial vilification (1.4%).

Sexual harassment

There were 53 complaints of sexual harassment (5.8% of total complaints). An overwhelming majority of these (51) related to the workplace.

Victimisation complaints also featured strongly with 84 complaints (9.2%).

Employment complaints

Employment-related complaints continued to be the single largest area of complaint with 406 complaints (44.6%). This is a slightly

smaller proportion compared 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 46.2% of respondent employers, a similar result to last year.

Disability discrimination was the next most common ground for employment complaints (82 complaints).

Goods and services complaints

The provision of goods and services was the second largest area of complaint with 252 complaints (27.6%). This is similar to last

assisting parties
to come to a
mutually acceptable
resolution

year. The most frequent ground of complaint in this area was again disability discrimination with 94 complaints, followed by 51 race discrimination complaints.

Complaints received by ground and area 2015-16

	<i>Emp</i>	<i>Gds & Servs</i>	<i>Acc</i>	<i>Educ</i>	<i>Clubs</i>	<i>Qual bodies</i>	<i>Racial vil</i>	<i>Hom vil</i>	<i>HIV vil</i>	<i>Other</i>	Total	%
Disability	82	94	26	19	6	2	-	-	-	15	244	26.8
Race	68	51	11	8	2	1	-	-	-	8	149	16.4
Sex	53	23	4	1	-	-	-	-	-	6	87	9.5
Victimisation	38	23	11	5	1	-	-	3	-	3	84	9.2
Age	29	17	25	2	1	-	-	-	-	3	77	8.5
Sexual harassment	51	1	1	-	-	-	-	-	-	-	53	5.8
Carer's responsibilities	34	1	-	-	-	-	-	-	-	-	35	3.9
Homosexual vilification	-	-	-	-	-	-	-	21	-	-	21	2.3
Homosexuality	10	3	6	-	-	-	-	-	-	1	20	2.2
Marital/domestic status	4	7	2	1	-	-	-	-	-	1	15	1.6
Racial vilification	-	-	-	-	-	-	13	-	-	-	13	1.4
Aiding an unlawful act	1	4	2	-	-	-	-	1	-	-	8	0.9
Transgender	3	3	-	-	1	-	-	-	-	-	7	0.8
HIV/AIDS vilification	-	-	-	-	-	-	-	-	6	-	6	0.7
Other	18	7	2	2	-	-	-	-	-	8	37	4.1
Not specified	15	18	-	2	3	-	-	-	-	17	55	6.0
Total	406	252	90	40	14	3	13	25	6	62	911	100
%	44.6	27.7	9.9	4.4	1.5	0.3	1.4	2.7	0.7	6.8	100	

In 2015-16 there were no complaints about transgender vilification.

Gender profile

This year more women than men lodged complaints (469 compared to 427). The number of women lodging complaints was stable, but the number of male complainants dropped considerably. 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.

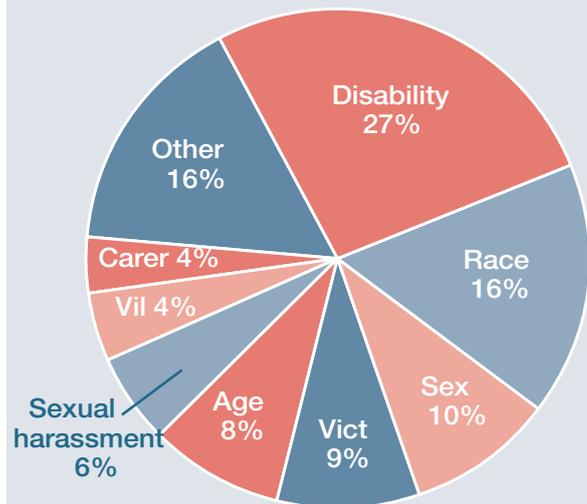
Ethnic breakdown

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

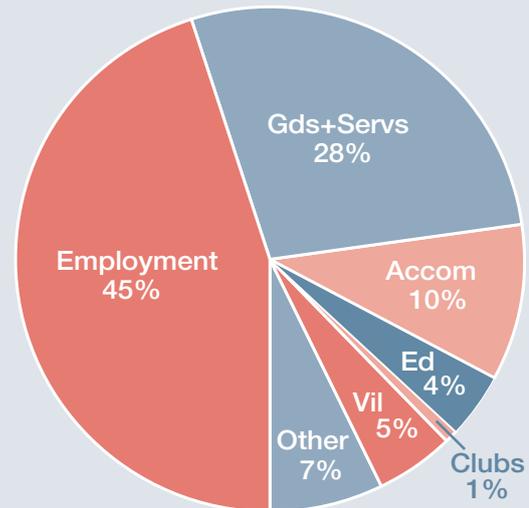
47 complaints. Many other backgrounds from across the world were represented, with no significant pattern emerging. 726 complainants did not specify their background. If complainants had difficulty with English, interpreters and translations were arranged by the Board at our expense.

Conciliation service *continued*

Grounds of complaint 2015-16



Areas of complaint 2015-16



Type of employer 2015-16

	No	%
Private enterprise	188	46.2
State government department	87	21.4
Individual female	46	11.3
State statutory authority	21	5.2
Hospital	10	2.5
Local government	8	2.0
Individual male	7	1.7
Private education	7	1.7
Commonwealth government department	6	1.5
Non-profit association	4	1.0
Public education	5	1.2
Registered club	1	0.2
Other	14	3.4
Not known	3	0.7
Total	407	100

Subject of employment complaints 2015-16

	No	%
Work environment and harassment	174	42.8
Classification/benefits	94	23.1
Dismissal	63	15.5
Recruitment/selection	62	15.2
Retrenchment/redundancy	5	1.2
Promotion	4	1.0
Transfer	2	0.5
Resignation	1	0.2
Retirement	1	0.2
Total	407	100

Complaint processing

The Board provides an effective and efficient complaint handling process. The team achieved very good results in meeting the target timeframes for finalisation of complaints. We finalised 90% of complaints within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise complaints was 5.7 months, which was less than last year. The median time was 4.5 months. See the table below for more details.

In order to provide the most efficient possible service, complaints were distributed between the Newcastle, Sydney and Wollongong offices. For this reason, the Board is not providing separate reports for the regional offices.

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 2015-16, five officers were out of the office on 12 days to conduct conciliation conferences in regional NSW.

Timeframe targets 2015-16

Complaint to be finalised within	Target	Actual
2 months	20%	24%
3 months	30%	34%
6 months	60%	61%
12 months	85%	90%
18 months	100%	97%

Complaint outcomes

The Board finalised 948 formal complaints this year. 189 complaints were resolved at or after a conciliation conference (19.9% of total complaints resolved).

Referred complaints

115 complaints (12.1%) were referred to the NSW Civil and Administrative Tribunal (NCAT), as they were not conciliable.

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

Declined complaints

117 complaints were declined as outside the jurisdiction of the ADA, representing 18.7% of all complaints received. The President declined 145 complaints under s. 92 of the ADA, which was fewer 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 President declines a complaint under s. 92, the complainant has the right to apply to NCAT for leave to have their complaint heard by the Tribunal. This occurred in 58 cases.

Withdrawn and abandoned complaints

199 complaints were formally withdrawn this year (21%), which is a slight decrease from last year's figure of 168 (14%). This is a reversal of the downward trend over the preceding five 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 again fell to 121 (12.8%). Complaints may be regarded as abandoned if the complainant does not respond to requests for information, there is no indication they intend to proceed with the complaint, or we lose contact with them.

The downward shift in abandoned complaints may be balanced against the rise in withdrawn complaints, where the complainant has actively advised the Board that he or she does not wish to continue.

For more information about the complaint process, see pages 9-10.

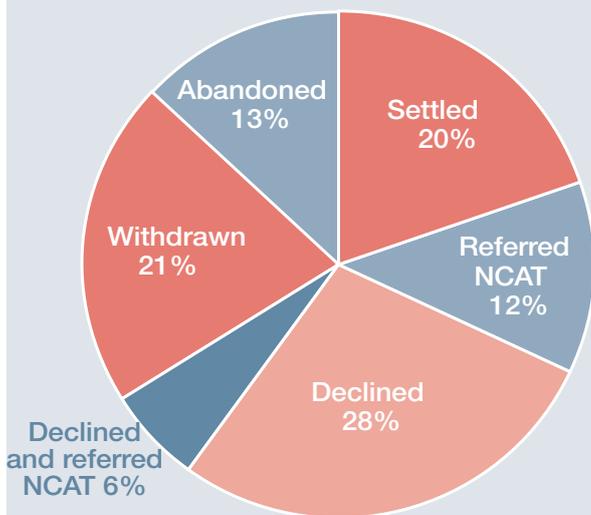
Conciliation service *continued*

Outcome of complaints finalised 2015-16

	No	%
Settled before conciliation	55	5.8
Settled at or after conciliation	134	14.1
Referred to NCAT – conciliation unsuccessful or not suitable	117	12.3
Declined before investigation – not a contravention	160	16.9
Declined before investigation – older than 12 months	16	1.7
Declined before investigation – not on behalf of complainant	1	0.1
Declined after investigation – s. 92	87	9.2
Declined after investigation and referred to NCAT	58	6.1
Withdrawn s. 92B	199	21.0
Abandoned s. 92C	121	12.8
Total	948	100

In 2015-16 there were no complaints referred to the Attorney General as serious vilification or declined before investigation because the complainant was not of the vilified group.

Complaint outcomes 2015-16



Education service

The Education Services team provides a variety of education, training and information services, and plays a significant role in achieving one of the Board's key functions under the *Anti-Discrimination Act 1977* (NSW): the elimination of discrimination and the achievement of equal rights.

During 2015-16 the branch underwent a period of evaluation and review, as part of a review of the Board as a whole (see page 4 for more information about the review).

In 2015-16 the Education Services team's work involved four main areas:

- Providing corporate education: fee-for service education and consultancy for employers and employees, service providers, educational institutions, unions and professional associations.
- Talking to the community in a variety of contexts, including providing education sessions for community groups, schools and colleges,



- Producing information for different audiences using a wide variety of media including print, digital, web and social media.
- Working with community and industry consultation councils to broaden our outreach and increase awareness about anti-discrimination law and the role of the Board.

Corporate education

The corporate education program provides high quality, cost-effective training and consulting services for employers and employees, service providers and a range of other bodies and organisations. We aim to give clients the skills and knowledge to use anti-discrimination and related laws and the principles

on which they are based to develop healthy, fair, diverse and inclusive organisational cultures, free from discrimination, harassment and bullying.

In 2015-16 we moved beyond mere compliance training and took a more systemic approach aimed at improving organisational culture and a broader acceptance of diversity and inclusion. This was inspired by presentations at the Australian Council of Human Rights Associations conference which the Board hosted in October 2015 (see page 11 for more information about the conference).

engaging with
the community
through training,
talks, consultations
and media

running stalls at community events and working with other agencies and organisations to engage their constituencies.

Education service *continued*



From one of our clients

'Catholic Cemeteries and Crematoria engaged the expert services of [consultant] to review our policies and provide training across our organisation. The facilitator was able to engage a diverse range of employees from management, sales, administration and outdoor services. The sessions were stimulating and prompted much positive discussion. It was also noticeable that issues of possible discrimination and bullying were brought to our attention following the sessions. We regularly engage the services of the Board as a reasonable step measure to enable safe and healthy workplace culture and will continue to do so in the future.'

**Narrelle Hunt, Human Resources Manager
Catholic Cemeteries and Crematoria**

Photo: Senior Workplace Relations Consultant Rhonda Stewart-Crisanti (third from left) with training participants.

On-site training

In 2015-16 the education team continued to provide tailored on-site training for managers and staff in a wide range of organisations. The programs were designed to:

- educate workers about their rights and responsibilities
- help managers to make equitable decisions
- increase understanding of the requirement to take 'all reasonable steps' to prevent bullying, harassment and discrimination
- promote acceptance of the benefits of equal opportunity, diversity and inclusion
- give teams and team leaders the opportunity to learn how to build healthy organisational cultures
- develop the skills to handle grievances fairly and effectively.

The team delivered interactive training to small groups, addressed larger audiences and provided one-on-one training in situations where a particular person needed more intensive training. All sessions were designed and customised to meet the needs of the particular organisation, and each organisation's own policies and procedures were integrated into the training.

Organisations booking on-site training receive the following benefits:

- guidelines and handouts
- free review of policies and procedures
- ongoing advice and information from our Senior Workplace Relations Consultants
- refresher courses.

Seminars

As well as in-house training, the branch runs seminars during the year. Seminar topics in 2015-16 included:

- Bullying and harassment prevention
- Case law update
- Grievance handling skills
- Grievance management and resolution skills
- Contact Officers' skills and refresher
- Respect and responsibilities for staff
- Diversity in the NSW public sector.

Corporate education outcomes

In 2015-16 we delivered 173 in-house training sessions. We also ran 12 seminars, including four in Newcastle. Together these reached 2,945 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 \$214,550 and the income from seminars was \$27,264.

Evaluations of the Board's training are overwhelmingly positive and we have frequent repeat customers, which reflects the expertise of the training team. Customers appreciate our ability to customise the training to suit their particular industry, and to work with staff at all levels of an organisation.



Board staff assisted at the Department of Justice stall at the International Day of People with a Disability Expo in Parramatta.

Networking and community engagement

In 2015-16 the Education Services team began participating in relevant networking groups within the Department of Justice and the public sector more generally. This has been useful in terms of:

- learning about the educational activities of other agencies which we may be able to take part in
- getting ideas for ways to educate the community about the Board
- learning how other agencies evaluate their training programs
- promoting the Board's education program.

Groups attended by Education Services staff include:

- Justice agencies Community and Stakeholder Engagement Group (HSNet group)

- Join Group, a networking and support group for regulatory or complaint handling agencies (HSNet group)
- Department of Justice Diversity e-learning project main committee and subcommittees on disability, Aboriginal and Torres Strait Islander and general diversity.

The diversity e-learning project has given the Board the opportunity to contribute our expertise to a department-wide project while learning new skills from other members of the committees.

Education service *continued*

Community education

The Board's Community Education Officer was on secondment for half of 2015-16. However, we engaged with the community in a variety of ways and we propose to make this a stronger focus in the future.

Community events attended in 2015-16 included:

- Mardi Gras Fair Day
- Law Week Expos at Cabramatta and Wollongong (with Department of Justice and CORE Community Services)
- Spinal Cord Injuries Australia Independence Expo
- Sydney Homeless Connect 2015
- International Day for People with a Disability Services Expo at Parramatta
- Affinity Intercultural Foundation's Friendship and Dialogue Iftar Dinner.

Communications

The Board has one full-time equivalent position which is responsible for all the communications produced by the Board. In 2015-16 additional part-time hours were added, mainly to develop the Board's social media profile.

The Board's communications are crucial in raising awareness about the role of the Board and people's rights and responsibilities under anti-discrimination law. In the current media context, we have adopted a wide variety of strategies to reach as many sections of the community in NSW as possible.

This year saw significant development of our social media profile, improvements to our website, and the commencement of a major upgrade of our main publications to improve accessibility.

Social media

The Board's Facebook page and Twitter account were launched in April 2015. In 2015-16 we expanded our social media activities and engagement with the community. This has enabled us to reach a wider audience and engage immediately on topical issues.

At June 30 2015 the Facebook page had 47 followers, and by June 30 2016 it had 321.

We made 663 posts during the year, with posts about the Board's community engagement and topical issues being the most popular.

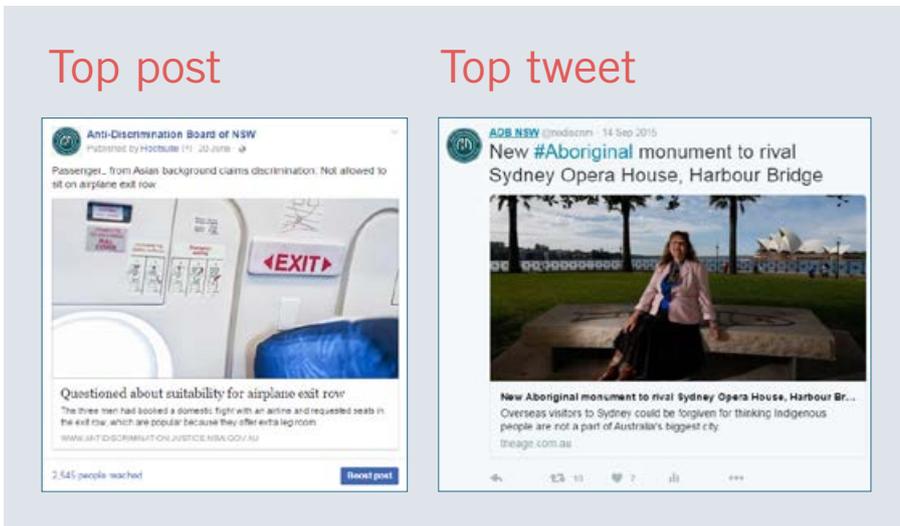
The highest reach on Facebook was 2,545 people for a post about the conciliation of a race discrimination complaint reported in our e-newsletter *Equal Time*, and the average reach was 124 people per post. The posts with the highest reach were generally about race, sex, pregnancy and disability discrimination issues.

The Twitter account had 67 followers at June 30 2015 and 121 by June 30 2016. We made 426 tweets, with tweets about statistics, research reports and information from the Board's website the most popular.

The highest reach was 2,999 people for a tweet about a new Aboriginal monument being commissioned by the City of Sydney. The average reach was 113 people. The posts with the highest reach were generally about disability, race and age discrimination issues, and sexual harassment.

The Board's stall at the Law Week Expo at Cabramatta.





Website

The Board’s large website is the first point of contact for many people with enquiries about discrimination. The website was migrated to a new content management system in May 2015. The change of CMS enabled us to make a number of improvements, including changes to the home page, improving accessibility for people with vision impairment, and simplifying content, graphics, links and structures.

In 2015-16 the website received around 241,430 page views from 62,264 users. This is a 15% increase over last year. Apart from the home page and procedural pages such as *Contact us*, the most popular pages related to anti-discrimination law, specific types of discrimination and making a complaint.

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 2015-16 we produced a revised edition of our guidelines for staff who do not have supervisory responsibilities. We also began the process of updating our factsheets about specific types of discrimination, to simplify the content, improve accessibility and update the design. These will be available in early 2017.

A new brochure was produced for our corporate training service, which combined the previous on-site training brochure and seminar calendar. This means customers are better able to decide which of our training options will suit them best.

Other work in 2015-16 included four issues of our newsletter Equal Time, the 2014-15 annual report, and two new fridge magnets.

Current publications *(print and digital)*

Workplace guidelines

- Grievance procedure guidelines
- Guidelines for grievance investigators
- Guidelines for Contact Officers
- Guidelines for managers and supervisors
- Your rights and responsibilities at work: guidelines for 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

- 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 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 (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 (2 versions)
- 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 training brochure
- Annual report 2014-15*
- C-change – Report on 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
- ADB services card
- 2014 dot-painting postcard competition winning design
- 'Just be fair' postcards (3)
- Worksheets for teachers*

Promotional materials

- Fridge magnets (2 versions)
- Pens
- Rulers
- Stickers
- Wristbands

* *Digital publication only*

Consultations

The Board's consultation councils identify and discuss issues relating to discrimination that affect different sectors of the community. The consultations highlight issues of concern and assist the Board to understand how we can help address these.

The Board's consultation councils continued to meet in 2015-16. The voluntary council members have knowledge of a particular sector of the community and the types of discrimination they face.

The councils give the Board insight into community concerns and provide an opportunity for networking.

The Board hosted the following consultations in 2015-16:

- Aboriginal and Torres Strait Islander (four meetings)
- Gay, Lesbian and Bisexual (two meetings)
- Sex and Gender Diversity (two meetings)
- Multicultural (two meetings)
- Industry (two meetings)
- State Government (two meetings).

Consultation outcomes

As well as general networking and information sharing, outcomes from the consultations in 2015-16 included:

- the President wrote to the Attorney General about potential discrimination in relation to the Bourke Liquor Accord



Members of the Board's Aboriginal and Torres Strait Islander Consultation.

- steps were taken to organise a forum on potential discrimination in relation to the policy for managing antisocial behaviour in social and community housing
- the Board liaised with real estate industry representatives about updating our guidelines for real estate agents
- a story was published in the Board's e-newsletter *Equal Time* about the taxi industry's efforts to educate drivers about the rights and needs of people with vision impairment
- the Board developed a seminar on achieving diversity in the NSW public sector and the requirements of the new GSE Act
- The Board acquired an improved understanding of the training requirements of state government and industry bodies.

Aboriginal and Torres Strait Islander Service

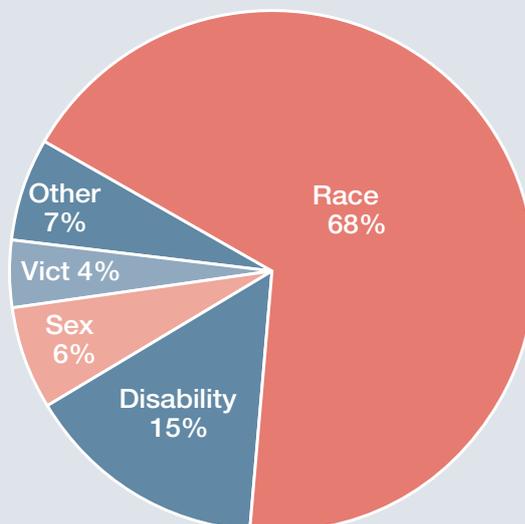
The Board's Aboriginal and Torres Strait Islander outreach team provides complaint resolution, education and training services to the Aboriginal and Torres Strait Islander community. They also do community outreach work and network with other agencies. Providing a culturally specific service for Aboriginal and Torres Strait Islander people assists in redressing the discrimination these communities continue to face.

Aboriginal and Torres Strait Islander complaints 2015-16

	Emp	Goods	Acc	Educ	Clubs	Racial	Other	Total	%
	& Serv					vil			
Race	14	12	1	2	2	-	1	32	68.1
Disability	3	2	-	2	-	-	-	7	14.9
Sex	1	2	-	-	-	-	-	3	6.4
Victimisation	2	-	-	-	-	-	-	2	4.2
Racial vilification	-	-	-	-	-	1	-	1	2.1
Aiding unlawful act	-	1	-	-	-	-	-	1	2.1
Age	1	-	-	-	-	-	-	1	2.1
Total	21	17	1	4	2	1	1	47	100
%	44.7	36.2	2.1	8.5	4.3	2.1	2.1	100	

In 2015-16 there were no complaints from Aboriginal and Torres Strait Islander people on the grounds of marital/ domestic status homosexual or transgender discrimination, transgender, homosexual or HIV/ AIDS vilification, or sexual harassment.

ATSI discrimination complaints 2015-16



Complaint handling

In 2015-16 the Board received 47 complaints from Aboriginal and Torres Strait Islander people.

The most common ground of complaint from Aboriginal and Torres Strait Islander people was race discrimination (32 complaints or 68.9%). Complaints about other grounds are proportionally increasing, particularly disability discrimination.

The most frequent area of complaint in 2015-16 was employment with 21 complaints (44.7%), followed by goods and services with 17 complaints (36.2%). These two are consistently the most frequent areas of complaint for Aboriginal and Torres Strait Islander people.

Complaints from Aboriginal and Torres Strait Islander people represented 5.2% of all complaints received by the Board in 2015-16, whereas Aboriginal and Torres Strait Islander people constitute 2.1% of the 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 16-20.

Participants and trainers at the Good Service forum at Warilla.

Education and training

In 2015-16 the Aboriginal and Torres Strait Islander team continued to run education sessions and stalls at community events, with the goal of raising awareness of Aboriginal and Torres Strait Islander people about their rights and responsibilities under NSW anti-discrimination law. In 2015-16 these reached over 1,660 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, NSW Legal Aid Commission, NSW Ombudsman, Commonwealth Ombudsman, Seniors Rights Service, NSW Trustee and Guardian, NSW Public Guardian, Australian Competition and Consumer Commission and Aboriginal Disability Network NSW. Having all the agencies in one place means that participants can easily clarify which one has jurisdiction in particular situations.

In 2015-16 we took part in forums at Armidale, Tamworth, Umina, Warilla and Wyong.

providing a
culturally specific
service for
Aboriginal
people

Residential tenancy seminars

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

This year the Board took part in seminars at Bateman's Bay, Bexley North, Dubbo, Epping, Taree, Toongabbie, Wagga Wagga, Wamberal and Wollongong.

Broken Hill trader walk

Board staff also partnered with Fair Trading to undertake a liaison exercise with real estate agents in Broken Hill. This involved making contact with local agents and creating an opportunity to exchange information. The Board's Aboriginal and Torres Strait Islander Team Leader Felicity Huntington also featured in an interview on ABC radio.

Outreach program

In 2015-16 the team provided training, talks or information at the following:

- Australian Human Rights Commission Seminar on engaging with Indigenous Australians
- Joint Aboriginal Housing Services
- Young Aboriginal and Torres Strait Islander community advocates.

The team supplied information at community events including:

- Law Week events at Bourke and Brewarrina
- NAIDOC Week events at Campbelltown, Doonside Kingswood and Riverstone
- Yabun Festival, Glebe.

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 compliance conditions
- advising on proposed policy, law reform submissions and reviews of legislation
- administering requests for access to information, copyright requests and proposed alcohol-free zones
- reviewing and advising on internal Board policies and procedures
- informing Board staff about relevant case law and legislative amendments.

Policy submissions

In 2015-16 the Board responded to policy and law reform issues including:

- the Senate Education Committee Inquiry into current levels of access and attainment for students with a disability in the school system
- the NSW Ombudsman's review of police use of *Firearms Prohibition Order* search powers



reviewing state laws and making submissions on law reform

- the review of the *Relationships Register Act 2010* (NSW)
- the review of the *Public Health Act 2010* (NSW)
- the Productivity Commission's Inquiry into Data Availability and Use
- the NSW Parliamentary Inquiry into Elder Abuse
- Family Assistance Legislation Amendment (Jobs for Families Child Care Package) Bill 2015 (Cth)
- Equal Opportunity Tasmania's options paper on possible

amendments to the *Births, Deaths and Marriages Act 1999* (Tas) to ensure legal recognition of sex and gender diversity in Tasmania

- the Australian Taxation Office's *Digital by Default* Consultation Paper.

The Board assisted Industrial Relations NSW in relation to the International Labour Organisation's Article 22 report on Workers with Family Responsibilities Convention, 1981 (No. 156).

During the year the Board continued to contribute to discussions on policy relating to language study in schools and possible changes to the eligibility criteria for different levels of study.

The Board remains committed to seeking legislative amendment to:

- update and improve the ADA's provisions relating to transgender discrimination
- standardise the penalties for different types of serious vilification
- extend the ADA to cover discrimination against people born with intersex variations.

The Board will continue to monitor State laws and make policy submissions to support law reform where NSW law is inconsistent with other jurisdictions and to reflect social trends and community expectations.

Exemptions in 2015-16

In 2015-16, the Board received 27 new applications for exemptions under section 126 of the ADA. There were no s.126A exemptions in 2015-16.

Twenty one of the s.126 exemptions were granted, five were either withdrawn or abandoned, and one application had not been determined by the end of 2015-16.

An additional two applications were received, requesting to amend previous s.126A orders. The Board provided advice to the Attorney General in relation to both of these applications, and both exemptions were amended. One was extended in time and updated to reflect a change of name, and the other was changed to reflect the broadened services offered by the applicant.

Most of the exemptions granted by the President in 2015-16 concerned the training and employment of Aboriginal and Torres Strait Islander people and the recruitment of women for specific roles. Of the remaining exemptions, two were to



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

increase the employment of both Aboriginal and Torres Strait Islanders and women, one 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, and one was to recruit mature age workers.

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

Alcohol-Free Zones

In 2015-16 the Board was consulted on eight 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.

What are exemptions?

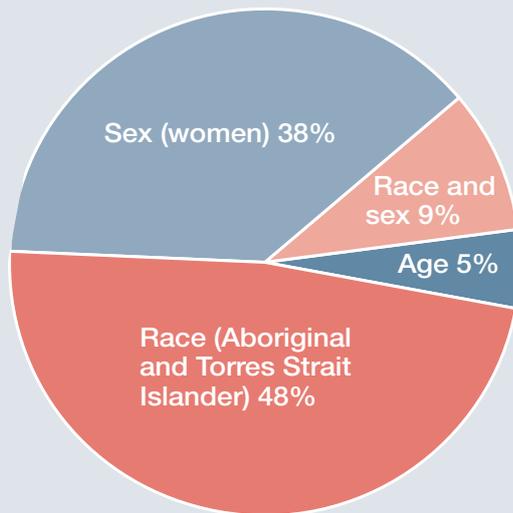
There are two sections under the *Anti-Discrimination Act 1977 (NSW) (ADA)* under which exemptions can be granted to permit discrimination in relation to specific jobs, programs or services: sections 126 and 126A.

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

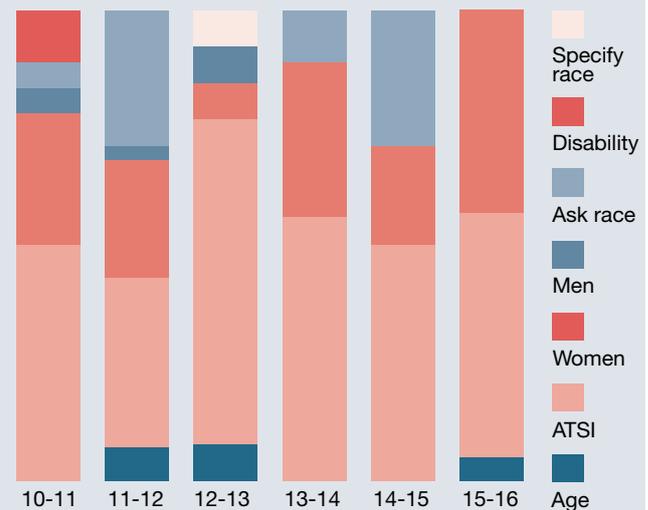
S.126A exemptions are for programs or activities to improve opportunities for people covered by the ADA, or to meet the special needs of some groups covered by the ADA (such as a support group for single parents).

Exemptions

Type of exemption 2015-16



Exemptions history (%)



Section 126 exemptions 2015-16

Applicant	Program	Sections	Date	Expiry
AFL Sportsready Ltd	To advertise, recruit and employ up to 50 (in total) Aboriginal and Torres Strait Islander traineeship and employment positions each year, for the duration of this order, in NSW.	8, 51	24.02.2016 (3 years)	23.02.2019
Albury City Council	To designate and recruit for 6 positions on its Wagirra Trail Project for Aboriginal and Torres Strait Islanders.	8, 51	19.02.2016 (4 years)	18.02.2020
Aurizon Holdings Limited	To advertise, recruit and employ Aboriginal and Torres Strait Islander and female candidates in the following roles. Train & Yard Operations: Trainee Driver, Level 2 Second Person, Level 4 Mainline Driver, Level 5 Driver Trainers, and Hexham Yard Co-ordinators; Trades: Tradesperson Mechanical, Tradesperson Electrical, Tradesperson Boilermaker, and Trade Assistant; Terminal Operations: Terminal Supervisor, Terminal Operator, Fleet Allocator, and Heavy Forklift Operator; Leadership positions: Service Delivery Supervisor, Service Delivery Manager, and Area Supervisor.	8, 25, 51	19.02.2016 (4 years)	18.02.2016
Australia and New Zealand Banking Group Ltd	Facilitating and implementing the Accelerating Banking Experience for Women Program	25, 51, 52, 53	19.11.2015 5 years)	18.11.2020
Australian Rail Track Corporation	To designate and recruit for 14 female field worker positions.	25, 51	06.07.2015 (2 years)	05.07.2017
A T Kearney Australia Pty Ltd	To provide one scholarship to a female student in their second year or later year of a degree. Further details: NSW Government Gazette No 34 06.05.16.	25, 33, 51	28.04.2016 (3 years)	27.04.2019

Applicant	Program		Date	Expiry
Eurobodalla Shire Council	To advertise and allocate two, one year Aboriginal and Torres Strait Islander Youth Traineeships; and two, two-year school-based traineeships for Aboriginal and Torres Strait Islander high school students.	8, 51	17.09.2015 (18 months and 2.5 years)	16.03.2018
Family and Community Services	To advertise, recruit and employ up to 10 female specialist domestic violence caseworkers, one female specialist domestic violence assistant manager and one female specialist domestic violence manager.	25, 51	02.06.2016 (10 years)	01.06.2026
Mental Health Coordinating Council	To advertise and recruit for an Aboriginal Administration Officer.	8, 51	16.07.2015 (3 years)	15.07.2018
Northern Rivers Community Legal Centre	To advertise, recruit and employ an Aboriginal Legal Information Officer.	8, 51	17.09.2015 (5 years)	16.09.2020
Northern Rivers Development Council	To advertise, recruit and employ one Aboriginal and Torres Strait Islander Infrastructure Coordinator.	8, 51	01.12.2015 (5 years)	30.11.2020
Penrith City Council	To advertise and facilitate a training and development program, Certificate IV in Regulatory Services, internally to Council's outdoor operations workforce, targeting up to eight positions in the program for Council employees over the age of 50 years.	49ZYB, 51	31.03.2016 (5 years)	30.03.2021
Ricegrowers Ltd t/as SunRice	To advertise, offer and facilitate future Jan Cathcart Scholarships for female only university students (up to two per academic years 2016, 2017 and 2018).	25, 33, 51	19.11.2015 (5 years)	18.11.2020
Telstra Corporation Limited	To advertise, recruit and employ an Indigenous legal graduate contract position.	8, 51	09.06.2016 (4 years)	08.06.2020
The Red Cross Society	To advertise, recruit and employ three Aboriginal and Torres Strait Islander Administration Assistant Trainees in NSW.	8, 51	22.04.2016 (10 years)	21.04.2026
University of Newcastle	To conduct targeted recruitment programs for Aboriginal and Torres Strait Islanders and for Women.	8, 25, 51	23.05.2016 (3 years)	22.05.2019
University of New England	To designate and recruit for 30 academic and professional positions for Aboriginal and Torres Strait Islander people.	8, 51	14.04.2016 (fixed term)	31.12.2018
Vodafone Hutchinson Australia Pty Ltd	To provide additional superannuation contributions to its permanent full-time, permanent part-time and casual female employees in NSW.	25, 51	14.04.2016 (10 years)	13.04.2026
Wagga Wagga City Council and Riverina Group Training and Employment Ltd	To designate, advertise and recruit for five female traineeships.	25, 51	16.02.2016 (3 years)	15.02.2019
Western NSW Community Centre	Advertise, recruit and employ one female specialist domestic violence unit senior solicitor and one female specialist domestic violence unit case worker.	25, 33, 51	28.04.2016 (10 years)	27.04.2026
Wollongong City Council	To advertise and recruit one Aboriginal and Torres Strait Islander person for the Council's Cadet, apprentice and Trainee Program. The person will either be placed in the Cadet, Apprentice or Trainee stream of the program.	8, 51	15.10.2015 (7 years)	14.10.2022

Liaison and Support



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.

Staff were instrumental in the successful implementation of both Microsoft Outlook for email and associated functions, and Justice SAP for staff management and financial procedures, and continue to efficiently manage the financial and human services of the Board.

Human resources

The team provides administrative support for staff recruitment, role description management and payroll as required. One formal recruitment and eight expressions of interest processes were completed in 2015-16.

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

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

Work health and safety

The Board's WH+S Committee has representatives from various teams within the Board to ensure matters are identified and addressed appropriately. All members of the committee maintain appropriate accreditation for WH+S. In 2015-16 the Board appointed a Health and Safety Representative, Michelle Anastassiou. The Board also has a group of accredited first aid officers.

The committee met five times in 2015-16. The key issues managed during the year included security and safety of staff, and ergonomic work design.

Information technology

The main activities in 2015-16 were:

- implementing the change to Outlook email software and a single email address system for all DOJ staff
- implementing Justice SAP to bring together human resources, payroll and finance into one integrated platform across DOJ

providing support services to facilitate the work of the Board

- upgrading software to Microsoft 2010
- maintaining the Board's computer network and hardware requirements
- upgrading other software where appropriate and replacing ageing computer equipment

See page 36 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 arranges for interpreters and translation when needed, and the reverse of the Board's letterhead has a message in 21 languages about the Telephone Interpreter Service.
- A complaint can be made in any language and we will have it translated at no charge to the complainant. This is explained in 23 languages in an attachment to the complaint form.
- We provide assistance for people who are unable to write their complaint themselves.
- The Conciliation Service uses standard letters in plain English when writing to the parties to a complaint.
- Our training sessions and community education reached over 2,900 participants, including people from a wide range of backgrounds.
- The Aboriginal and Torres Strait Islander Outreach team met with over 1,600 people at community events and provided a culturally appropriate service for those communities.
- For information on cultural diversity among the Board's staff, please see page 7.

Disability services

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



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

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

Service complaints

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

In 2015-16 the Board received 19 service complaints. Of these, three related to service delivery, and 16 to policy or procedure. This is a good result in view of our delivery of direct services to over 10,000 individuals during the year.

Financial statements

Total operations

The net cost of services provided by the Board in 2015-16 was \$4,031,194. Against a budget of \$3,558,807 this was overspent by \$472,387.

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

Revenue

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

Demand for education has reduced since the global financial crisis in 2009, as anti-discrimination training is often viewed as a discretionary item.

See pages 21-23 for more information about workplace education.

Total operations 2015-16

	<i>Budget</i>	<i>Actual</i>	<i>Variance</i>
Revenue	717,310	260,173	-457,137
Expenses			
Staff	2,944,794	2,870,114	-74,680
Other operating	936,516	1,027,472	90,956
Maintenance	32,702	16,812	15,891
Total expenses	3,914,012	3,916,513	-2,501
COST OF SERVICES	3,196,702	3,656,340	-459,638
Depreciation	134,108	46,956	87,152
Crown liability	227,996	327,898	-99,902
NET COST OF SERVICES	3,558,807	4,031,184	-472,387

Information technology statement

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

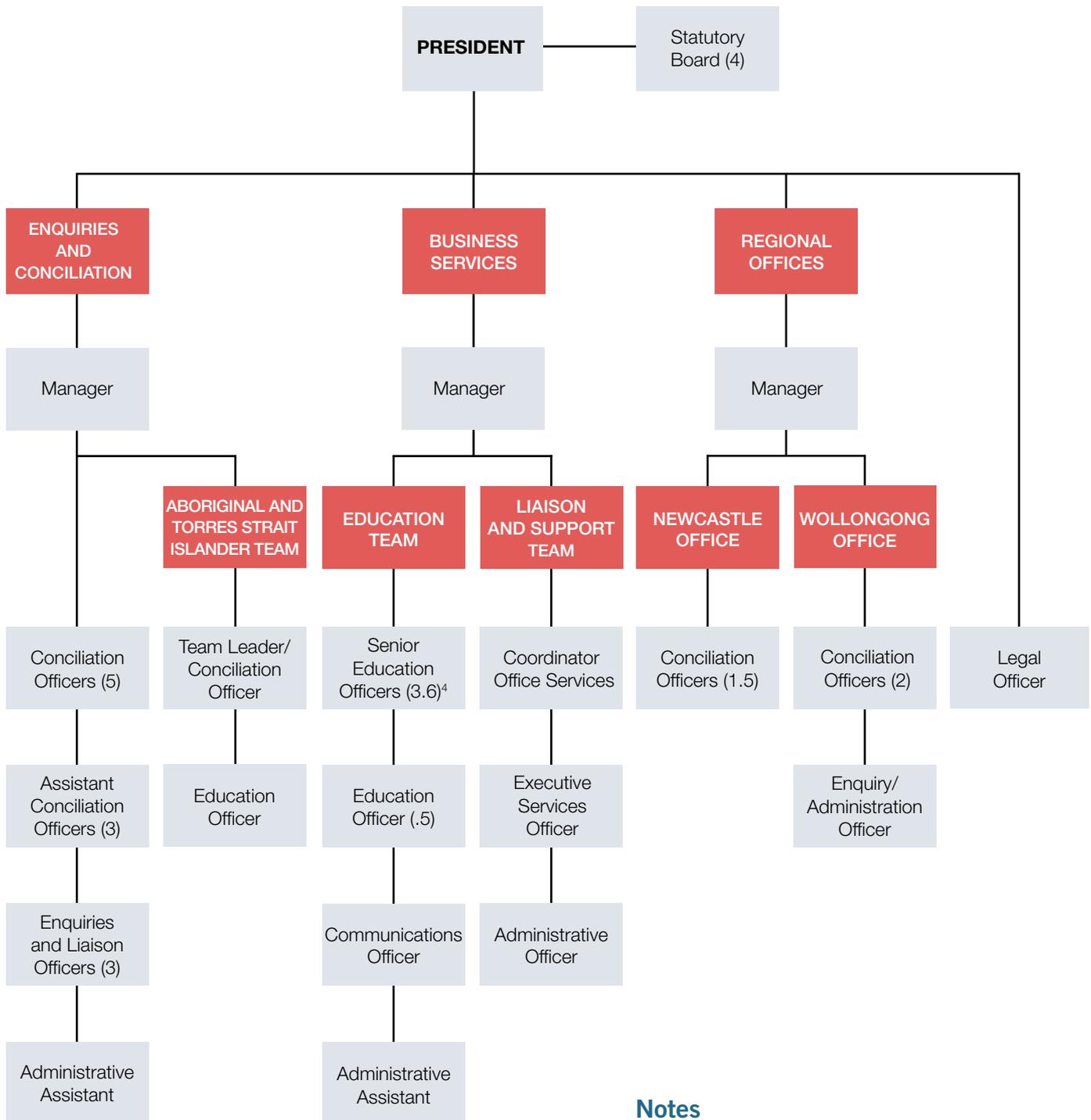
Digital Information Security Annual Attestation and Evidence of Certification Statement for 2015-16 is held by the Department of Justice.

The Anti-Discrimination Board had an Information Security Management System in place in 2015-16 that is consistent with the core requirements set out in the NSW Government Digital Information Security Policy.

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

The Department of Justice has maintained certified compliance with *ISO 27001 Information technology – Security techniques – Information security management systems – Requirements by an Accredited Third Party* in 2015-16.

Structure of the Board



Notes

1. This structure was current at June 30 2016.
2. Positions in this structure are full-time equivalent.
3. The Board may employ casual trainers to cover demand for the Board's education services.
4. One Senior Education Officer is based in Newcastle.



Anti-Discrimination Board of NSW

ANNUAL REPORT

2015-16

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www.antidiscrimination.justice.nsw.gov.au

