



**Anti-Discrimination Board of NSW**  
**ANNUAL REPORT**  
**2016-17**



The Hon Mark Speakman SC MP  
Attorney General  
52 Martin Place  
Sydney NSW 2000

Dear Attorney,  
In accordance with section 122 of the Anti-Discrimination Act 1977 (NSW), the Anti-Discrimination Board of NSW presents its Annual Report covering the period 1 July 2016 to 30 June 2017.

Yours sincerely

Elizabeth Wing  
*Senior Manager, Operations*

**Acting President**  
(2016 - 2017)

## Anti-Discrimination Board of NSW

# Annual report 2016-17

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# Highlights



← Finalised 965 complaints with an average turnaround time of 5.98 months.



→ Answered 3,424 enquiries about rights and obligations under anti-discrimination law.



↑ Delivered 186 on-site training sessions and ran 8 seminars, with a total of 3,685 participants.



→ Renewed focus on community education, engagement and consultation.



↑ Continued successful collaboration with Office of Fair Trading to provide information for Aboriginal and Torres Strait Islander communities.



← Expanded social media profile, with increases in number of followers and average reach.

# President's report

The Anti-Discrimination Board of NSW had a year of steady progress in 2016-17. We continued to successfully perform our core activities of complaint handling and education, with an increasing emphasis on links with other agencies and the community.

A major change this year was the relocation of our head office from the Sydney CBD to Parramatta in January 2017, under the State government's decentralisation policy. Our premises in Valentine Avenue, near Parramatta station, place us closer to many of the communities that experience discrimination. We have easy access to public transport and the Justice precinct is also close by.

Particularly in light of our need to minimise disruption to services, the move was a considerable logistical exercise. By being very efficient with packing and unpacking, and performing the actual move on the weekend, we were able to complete the exercise without any break in our enquiry or complaint handling services.

My thanks go to all staff and above all to those organising the move for

their efforts. I particularly thank the staff in our two regional offices in Wollongong and Newcastle, who supported us while we tackled the physical and technological challenges of the move, and remained stalwart through out the year.

During the year we continued our consultation program, with an increasing emphasis on communities experiencing discrimination – including the Aboriginal and Torres Strait Islander, gay, lesbian and bisexual, multicultural and transgender communities. The consultations provide an opportunity to network, discuss legislative reform, and explain how issues can be addressed through our education and complaint processes. A number of community activities have developed or been enhanced as a result.

While the Board's website is still one of our main avenues for communicating directly with the public, we also continued to build up our social media profile in 2016-17. Using social media enables us to communicate in a more immediate way, extend our reach and meet current stakeholder expectations for receiving information. Our followers on Facebook and Twitter increased significantly in 2016-17 and our average reach per post also increased.

Our Enquiry Service continues to assist individuals who are dealing with discrimination issues, as well as employers and service providers seeking advice about anti-discrimination law. In 2016-17 we answered 3,424 enquiries – the number has gradually decreased as more people use the website, but the enquiries we now receive are often more complex.

Discrimination complaint numbers have dropped slightly this year at 891 complaints, however the number of complaints has remained relatively stable over the longer term. Disability, race and sex discrimination were the most frequent grounds of complaint. Complaints remain an important mechanism for achieving change on an individual level, but the Board is also aiming to address more systemic issues through increasing community engagement.

*The Board's new office at Parramatta.*



The conciliation team achieved excellent results, with 965 complaints finalised in 2016-17. The team took an average of 5.98 months taken to finalise complaints, and 91% were finalised within 12 months. This is an excellent achievement for the complaint handling team in 2016-17, as we had considerable staff turnover this year. My thanks go to the more experienced team members who have done an excellent job of mentoring the newcomers.

The Board's Education Service continued its training program for employers and service providers, delivering 183 on-site training sessions and eight seminars to reach a total of 3,685 participants. We are currently looking at ways to diversify the options offered to clients and incorporate newer technologies into their services.

Our community education program has flourished in 2016-17, with staff undertaking education and information activities throughout NSW. These include attending expos for various multicultural communities, Sydney Gay and Lesbian Mardi Gras events and disability events.

Our Aboriginal and Torres Strait Islander team continued its activities in 2016-17. As well as ongoing networking within their community, 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 fairs and information days.

We are increasing our collaboration within the NSW government, and in



*Elizabeth Wing (left) spoke at the Reserve Bank of Australia's Diversity Discussion Series with federal Race Discrimination Commissioner Dr Tim Soutphommasane. Pictured also is Melissa Hope, the RBA's Head of Human Resources.*

particular with agencies in the Justice Services division of the Department of Justice, with which we have many synergies.

As well as the ongoing task of managing our social media presence, the Board's communications staff continued to maintain our complex website and produce monthly e-newsletters which link back to the site. This year we have focussed on making sure all our information is accessible to screen readers used by people with vision impairment, including our non-English information.

Staff are also working with the Department of Justice to introduce online lodgement of complaints and ordering for publications and seminars, and improving the content and design of our guidelines and factsheets to improve accessibility and meet current user expectations.

Our Legal Officer provided advice on applications for exemptions from the

Anti-Discrimination Act, as well as dealing with other important legal matters. The Legal Officer's assistance and expertise is crucial to the Board's operations and I am very grateful for this.

A new President, the Honourable Dr Annabelle Bennett AO SC, was appointed in August 2017, along with three new Board members: Patricia Azarias, Melissa Monteiro and Trevor Robertson. I look forward to working with them to deliver our core business and further develop our engagement with the community of NSW 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.

**Elizabeth Wing**

**Acting President 2016-17  
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. There were no Board members during 2016-17, and Elizabeth Wing was the Acting President throughout the year.

## 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 President.

### Business Services Branch

The branch has two teams: **Education Services**, which provides training, community education, information and communication services; and **Business 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 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 2017

### Acting President

Elizabeth Wing

### Acting Manager Enquiries and Conciliation

Connie Santiago

### Acting Manager Business Support

Tracie Harvey

### Acting Manager Education and Aboriginal and Torres Strait Islander Team Leader

Felicity Huntington

### Regional Manager

Gerardo de Liseo

*The Anti-Discrimination Board information stall at the Refugee Expo at Fairfield High School in May 2017.*



### Staff profile

At 30 June 2017, the Board had an establishment of 34 staff positions. There were 20 full time staff, 10 part time staff, and four positions were vacant.

- **Employment status:** 83% were permanent employees and 17% were temporary.
- **Gender:** 9% of staff were male and 91% were female.
- **Diversity:** 40% of staff identified English as their second language, 7% identified as Aboriginal and Torres Strait Islanders, 47% were from culturally and linguistically diverse backgrounds, and 17% 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:

- Inspiring change
- Law Access
- Federation housing overview of legislation
- Recruitment pool
- Project management
- Introduction to NSW public sector procurement
- Effective procurement capabilities

- myPerformance process
- Valuing Diversity (e-learning)
- Aboriginal Inclusion (e-learning)

Conferences attended by Board staff included:

- Australian Institute of Training and Development National Conference
- National Investigation Symposium
- Multicultural Women's Conference

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

# Anti-discrimination law in NSW

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 28-31.



## 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 2016-17

This year the *Industrial Relations Amendment (Industrial Court) Act 2016* made a minor change to the ADA to reflect the fact that the role of President of the Industrial Relations Commission was replaced by the role of Chief Commissioner.

# Connections



## Working with Legal Aid

The Board signed an Memorandum of Understanding with Legal Aid NSW in June 2016 to provide legal advice for eligible people who are involved in complaints and proceedings arising from the Anti-Discrimination Act. In 2016-17 sessions were held monthly at the Board's premises. Initial takeup was slow, but in early 2017 we began to promote the service more actively and bookings increased. We look forward to further growth in 2017-18.

## Consultation Councils

The Board's consultation councils continued to meet in 2016-17. All the consultation members are volunteers who have knowledge of their communities and the types of discrimination they face.

The councils give the Board insight into community concerns and provide an opportunity for networking. We also work with consultation members to attend relevant community events and provide information to participants.

The Board hosted the following consultations in 2016-17:

- Aboriginal and Torres Strait Islander (four meetings)
- Gay, Lesbian and Bisexual (two meetings)
- Intersex and Gender (three meetings)
- Multicultural (two meetings)

*Photo: The Board's Aboriginal and Torres Strait Islander consultation.*

Have you lodged a **discrimination complaint** with the **Anti-Discrimination Board**?  
Need legal advice about your case?

**Legal Aid**  
NEW SOUTH WALES

Legal Aid NSW may be able to give you free and confidential legal help about your complaint.

Contact the **ADB** on  
**1800 670 812**  
for more information about making an appointment with Legal Aid NSW.



## Visitor from Pakistan

Staff from the Board met with Ch. Muhammad Shafique from the National Commission for Human Rights in Pakistan in June 2017 to share information about our programs, publications and community engagement. Mr Shafique was accompanied by staff from the Department of Foreign Affairs and Trade.

# Enquiry Service



People can contact the enquiry service by phone, letter or email (via our general contact email address). They can also visit one of our offices.

Advice given by the enquiry service is not legal advice. Enquiry and Liaison Officers provide information about:

- rights and obligations under the ADA
- whether the enquirer's situation may be covered by the ADA
- how to address their situation, including self-help strategies and referral to other services if the issue is not covered by the ADA
- the Anti-Discrimination Board's complaint process and how to lodge a formal complaint.

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

The Board's Enquiry and Liaison Officers provide information about rights and obligations under the *Anti-Discrimination Act 1977* (NSW) (ADA) to employers, service providers and members of the general public.

The Board's website is a major source for basic information about the law. However, people may wish 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, when the Enquiry and Liaison Officers inform enquirers about their rights and obligations and suggest strategies for dealing with their circumstances.

giving advice on  
how to address  
discrimination  
issues

## Enquiries in 2016-17

In 2016-17 the enquiry service responded to 3,424 enquiries, or approximately 14 enquiries per working day. Enquiries sometimes cover more than one ground of discrimination, and the total number of discrimination matters raised in these enquiries was 3,656. This is a slight decrease of 3.15% from 2015-16, when 3,775 matters were raised.

Most enquiries (3,036 or 88.7% of total contacts) were made by phone.

345 (10.1%) came via email, and the rest were made by visiting one of our offices.

The majority of phone calls and visits (2,689 or 87.3% of total phone calls and visits) were dealt with in under 15 minutes. 349 enquiries (11.3%) took 15-29 minutes to deal with, 31 enquiries (1%) took 30-59 minutes and 10 enquiries (0.3%) took an hour or more.

The majority of enquiries (3,083 or 90% of total contacts) were from people wanting to discuss individual discrimination issues. This included individuals themselves and advocates such as solicitors and advisory services staff. 263 enquiries (7.7%) were from employers and service providers, and the remainder were from students seeking information for academic purposes and people seeking general information about the law.

Of the 3,083 enquiries from individuals, 1,565 (45.7% of total contacts) were from or on behalf of a woman and 1,518 (44.3%) were from or on behalf of a man.

There were 145 Aboriginal and Torres Strait Islander-related enquiries. These covered discrimination issues, exemption requests and general matters.

## Enquiry service *continued*

### Types of discrimination

Disability discrimination continues to be the most common issue raised by enquirers overall. In 2016-17 there were 786 enquiries about disability discrimination (21.5% of total matters raised). This comprised 20.7% of all employment-related enquiries and 35.5% of all goods and services enquiries.

The next most common issues were race discrimination and vilification (527 enquiries or 14.4% of total matters raised), sex discrimination (272 or 7.4%), age discrimination (199 or 5.4%) and sexual harassment (124 or 3.4%).

The largest volume of enquiries was in the area of employment (1,443 enquiries or 39.5% of total matters raised). The second largest volume was in the area of goods and services (705 or 19.3%).

### Matters not covered

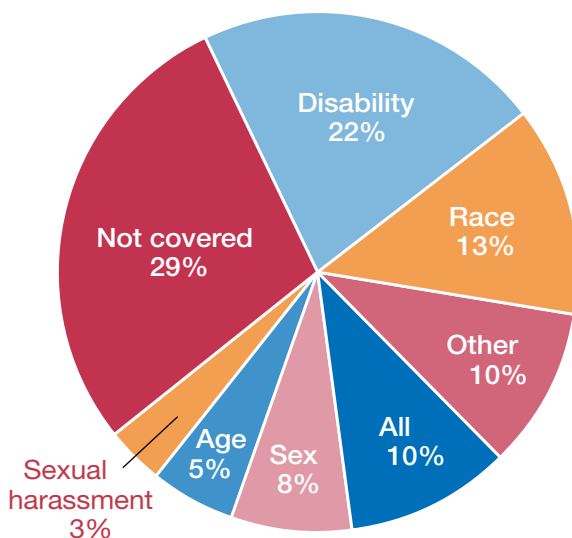
The Board received 1,162 enquiries (31.8% of total matters raised) about issues that were not covered by the ADA, either because the ground of the alleged discrimination was not covered or the area in which it occurred was not covered.

Of the matters not covered, 269 (18.6%) related to employment, and

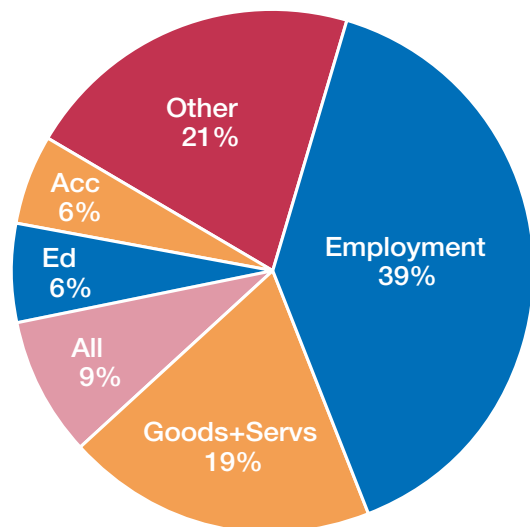
56 of these (20.8% of employment matters not covered) were about workplace bullying and harassment. Other issues not covered by the ADA included alleged discrimination because of religion, physical appearance or a criminal record.

In cases where the alleged treatment is not covered by the ADA, the enquiry service provides advice about how to resolve the enquirer's issue within the workplace, or refers them to another organisation that may be able to assist.

**Type of discrimination enquiry 2016-17**



**Area of enquiry 2016-17**



## Enquiries by ground and area 2016-17

	Emp	Gds & Servs	Acc	Educ	Clubs	Qual bods	Race vil	Hom vil	HIV vil	Tran vil	All areas	Other	Total	%
Disability	298	250	66	106	14	2	-	-	-	-	12	38	786	21.5
Race	236	130	33	35	7	4	-	-	-	-	6	28	479	13.1
Sex	203	36	6	10	7	0	-	-	-	-	3	7	272	7.5
Age	100	47	20	15	5	2	-	-	-	-	3	7	199	5.4
Sexual harassment	101	9	1	4	4	0	-	-	-	-	0	5	124	3.4
Carer's responsibilities	111	-	-	-	-	-	-	-	-	-	-	-	111	3.0
Homosexuality	22	15	5	2	4	1	-	-	-	-	3	2	54	1.5
Victimisation	35	3	2	3	3	0	-	-	-	-	2	0	48	1.3
Racial vilification	-	-	-	-	-	-	48	-	-	-	-	-	48	1.3
Transgender	2	21	1	5	1	0	-	-	-	-	2	3	35	1.0
Marital/domestic status	14	8	5	0	0	1	-	-	-	-	2	1	31	0.9
Homosexual vilification	-	-	-	-	-	-	-	26	-	-	-	-	26	0.7
Transgender vilification	-	-	-	-	-	-	-	-	-	7	-	-	7	0.2
HIV/AIDS vilification	-	-	-	-	-	-	-	-	3	-	-	-	3	0.1
Aiding unlawful act	1	0	0	1	0	0	-	-	-	-	0	0	2	0.05
Compulsory retirement	2	-	-	-	-	-	-	-	-	-	-	-	2	0.05
All grounds	49	20	8	9	6	0	-	-	-	-	266	16	374	10.2
Not covered – work harassment	56	-	-	-	-	-	-	-	-	-	-	-	56	1.5
Not covered – other	213	166	57	39	27	0	-	-	-	-	12	485	999	27.3
<b>Total</b>	<b>1443</b>	<b>705</b>	<b>204</b>	<b>229</b>	<b>78</b>	<b>10</b>	<b>48</b>	<b>26</b>	<b>3</b>	<b>7</b>	<b>311</b>	<b>592</b>	<b>3656</b>	<b>100</b>
%	39.5	19.3	5.6	6.3	2.1	0.3	1.3	0.7	0.1	0.2	8.5	16.2	100	

# Conciliation Service

The Board's Enquiries and Conciliation Branch provides a confidential, impartial and free service to the community from the Board's three offices in Parramatta, 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 891 formal complaints of discrimination in 2016-17, with a profile similar to previous years. This is a decrease from last year.

### Most common complaints

As the table on page 15 shows, the most common complaints in 2016-17 continued to be on the grounds of disability, race and sex discrimination.

There were 221 complaints of disability discrimination, which is a decrease in number from last year, but disability discrimination complaints again accounted for nearly 25% of total complaints.

Race discrimination complaints were the second highest category with 123 complaints (13.8%). There were also 17 complaints of racial vilification (1.9%). There were 104 sex discrimination complaints (11.7%).

### Sexual harassment

There were 79 complaints of sexual harassment (8.9%). An overwhelming majority of these (72) related to the workplace.

### Victimisation

Victimisation complaints also featured strongly. We received 90 victimisation complaints (10.1%), with the majority being work-related.

## Employment complaints

Employment-related complaints continued to be the single largest area of complaint with 492 complaints (55.2%). This is an increase from last year. Of these, 60% related to a detrimental work environment or harassment in the workplace. Private enterprise accounted for 47% of respondent employers. Complaints from females in the workplace represented 48% of the complaints received.

Disability discrimination was the most common ground for employment complaints with 88 complaints.

assisting parties to  
come to a mutually  
acceptable  
resolution

## Goods and services complaints

The provision of goods and services was the second largest area of complaint with 208 complaints (23.3%). This is a slight decrease from last year. The most frequent ground of complaint in this area was again disability discrimination with 79 complaints, followed by 37 race discrimination complaints.

### Complaints received by ground and area 2016-17

	Emp	Gds & Servs	Acc	Educ	Clubs	Racial vil	Hom vil	HIV vil	Trans vil	Other	Total	%
Disability	88	79	9	23	8	-	-	-	-	14	221	24.8
Race	66	37	4	4	5	-	-	-	-	7	123	13.8
Sex	75	17	1	2	3	-	-	-	-	6	104	11.7
Victimisation	69	4	2	9	2	0	2	0	0	2	90	10.1
Sexual harassment	72	4	1	-	-	-	-	-	-	2	79	8.9
Age	38	24	5	4	3	-	-	-	-	1	75	8.4
Carer's responsibilities	36	0	0	1	0	-	-	-	-	2	39	4.4
Homosexuality	11	12	1	1	1	-	-	-	-	0	26	2.9
Marital/domestic status	6	12	3	0	1	-	-	-	-	2	24	2.7
Aiding an unlawful act	11	2	1	0	0	0	2	0	0	0	17	1.9
Racial vilification	-	-	-	-	-	17	-	-	-	-	17	1.9
Homosexual vilification	-	-	-	-	-	-	16	-	-	-	16	1.8
Transgender	3	1	0	0	1	-	-	-	-	0	5	0.6
HIV/AIDS vilification	-	-	-	-	-	-	-	2	-	-	2	0.2
Transgender vilification	-	-	-	-	-	-	-	-	1	-	1	0.1
Other	5	3	0	0	1	-	-	-	-	4	13	1.5
Not specified	12	13	2	2	2	-	-	-	-	9	40	4.5
<b>Total</b>	<b>492</b>	<b>208</b>	<b>29</b>	<b>46</b>	<b>27</b>	<b>17</b>	<b>20</b>	<b>2</b>	<b>1</b>	<b>49</b>	<b>891</b>	<b>100</b>
%	55.2	23.2	3.3	5.2	3.0	1.9	2.2	0.2	0.1	5.5	100	

*In 2016-17 there were no complaints about qualifying bodies.*

#### Gender profile

This year more women than men lodged complaints (479 compared to 388). The number of women lodging complaints increased marginally, and the number of complaints from men decreased. 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.

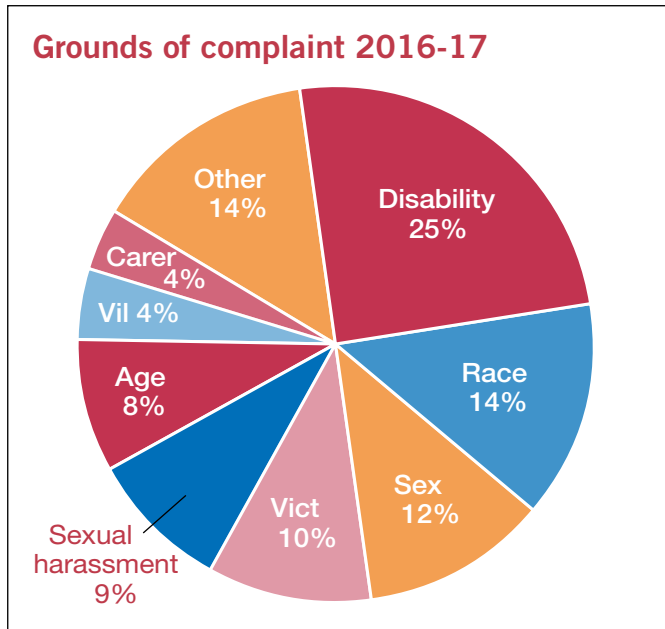
#### Ethnic breakdown

Most complainants did not specify their ethnic background unless it was relevant to their complaint. People of Aboriginal and Torres Strait Islander background lodged 62 complaints.

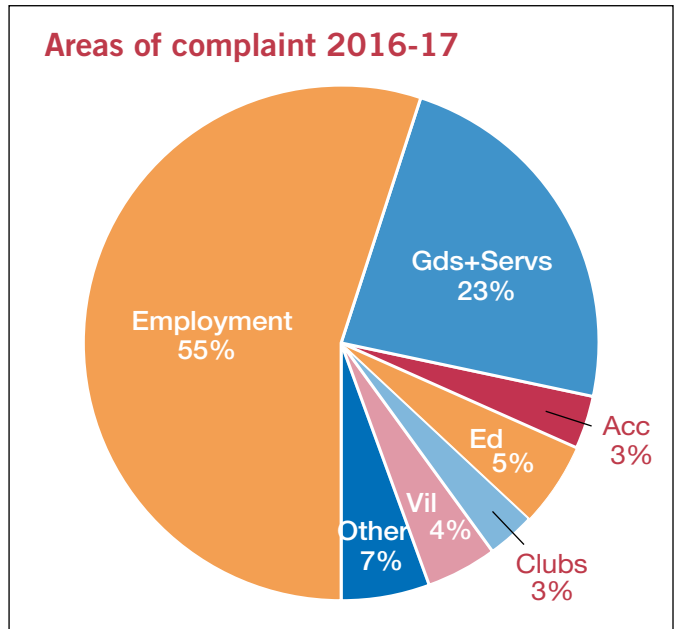
Many other backgrounds from across the world were represented, with no significant pattern emerging. 689 complainants did not specify their background. If complainants had difficulty with English, interpreters and translations were arranged by the Board at our expense.

## Conciliation service *continued*

### Grounds of complaint 2016-17



### Areas of complaint 2016-17



### Type of employer 2016-17

	No	%
Private enterprise	231	47.0
State government department	81	16.5
Individual male	59	12.0
State statutory authority	29	5.9
Hospital	22	4.5
Individual female	22	4.5
Local government	20	4.1
Non-profit association	5	1.0
Public education	5	1.0
Registered club	4	0.8
Private education	2	0.4
Commonwealth statutory authority	1	0.2
Government business enterprise	1	0.2
Other	4	0.8
Not known	6	1.2
<b>Total</b>	<b>492</b>	<b>100</b>

### Type of employment complaints 2016-17

	No	%
Work environment and harassment	295	60.0
Classification/benefits	67	13.6
Dismissal	64	13.0
Recruitment/selection	54	11.0
Retrenchment/redundancy	6	1.2
Resignation	3	0.6
Promotion	1	0.2
Award enterprise agreement	1	0.2
Retirement	1	0.2
<b>Total</b>	<b>492</b>	<b>100</b>



## 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 91% of complaints within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise complaints was 5.98 months, which was slightly higher than last year. 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 outside Sydney, Newcastle and Wollongong. In 2016-17, three officers attended country conciliations. More conferences are now being conducted by telephone which is at the convenience of the parties.

## Timeframe targets 2016-17

Complaint to be finalised within	Target	Actual
2 months	20%	29%
3 months	30%	56%
6 months	60%	61%
12 months	85%	91%
18 months	100%	97%

## Complaint outcomes

The Board finalised 965 formal complaints this year. 147 complaints were resolved at or after a conciliation conference (15.2% of total complaints resolved). A further 72 complaints were settled without the need to hold a conciliation conference.

### Referred complaints

126 complaints (13.1%) were referred to the NSW Civil and Administrative Tribunal (NCAT), as they were not able to be conciliated.

No complaints of serious vilification were referred to the Attorney-General for consideration for prosecution as an offence under the *Anti-Discrimination Act 1977* (NSW) (ADA).

### Declined complaints

175 complaints were declined as outside the jurisdiction of the ADA, representing 18.1% of all complaints received. The President declined 104 complaints under s. 92 of the ADA, which is 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 44 cases (4.6% of total complaints).

## Withdrawn and abandoned complaints

120 complaints were formally withdrawn this year (12.4%), which is a decrease from last year's figure of 199 (21%).

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 increased to 141 (14.6%). 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.

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

## Conciliation service *continued*

### Successful conciliations

A man with depression and anxiety had problems obtaining life insurance. At conciliation, the company offered the man a policy with an exclusion for mental illness, and agreed to amend their procedures for applicants with mental health disorders.

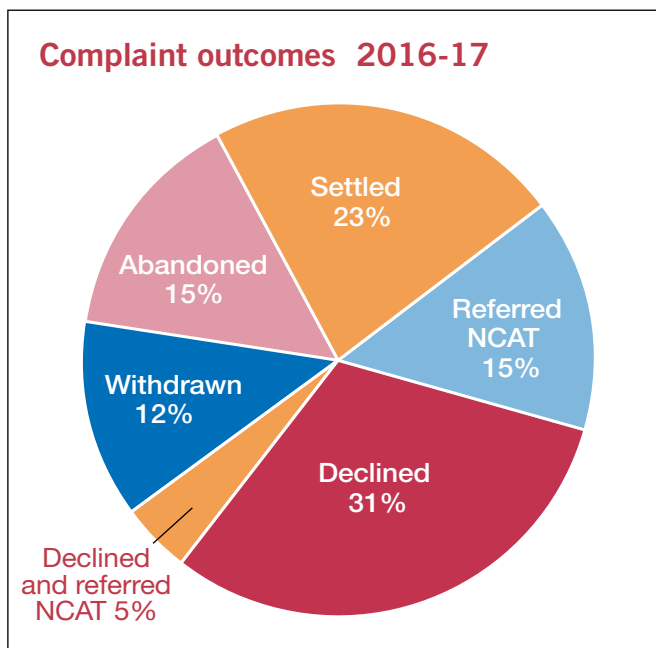
An Aboriginal woman was dismissed from her job after she complained about a colleague's racist comments. She had obtained another job by the time of conciliation, but her former employer agreed to introduce cultural awareness training and improve opportunities for Aboriginal staff.

A nurse with two young children was finding it difficult to arrange her shifts to fit in with her childcare arrangements. At conciliation, her employer agreed to transfer her to an area where there were no night shifts, and not to roster her at times when she did not have childcare.

Two young women were sexually harassed by their supervisor. They complained to their employer but felt he did not take their complaint seriously. At conciliation, their employer said they had warned the man and sent him for training. They also gave the women a compensation payment and a written apology.

### Outcome of complaints finalised 2016-17

Outcome	No	%
Settled before conciliation	72	7.5
Settled at or after conciliation	147	15.2
Referred to NCAT – conciliation unsuccessful or not suitable	104	10.8
Referred to NCAT – cannot be resolved	22	2.3
Referred to NCAT – nature of complaint	16	1.7
Declined before investigation – not a contravention	175	18.1
Declined before investigation – older than 12 months	16	1.7
Declined before investigation – not on behalf of complainant	4	0.4
Declined after investigation – s. 92	104	10.8
Declined after investigation and referred to NCAT	44	4.6
Withdrawn s. 92B	120	12.4
Abandoned s. 92C	141	14.6
<b>Total</b>	<b>965</b>	<b>100</b>



# 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.

In 2016-17 the Education Services team's work involved four main areas:

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



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

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

## Education

The education program provides high quality, cost-effective training and consulting services for employers and employees, service providers and a range of other 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 2016-17 we continued to provide more than mere compliance training. We took a more systemic approach

to improving organisational culture and increasing acceptance of diversity and inclusion.

### On-site training

In 2016-17 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
- promote acceptance of the benefits of equal opportunity, diversity and inclusion

## Education service *continued*

### From our clients

*Creata (Aust) Pty Limited asked the Anti-Discrimination Board to deliver training to our senior managers on bullying and sexual harassment. [Trainer] delivered a half-day program on-site which was very informative and gave our Managers the necessary tools to both deal with and prevent this type of behaviour. I would highly recommend [trainer] as an experienced facilitator and qualified trainer.*

*The training has proven to be an invaluable asset and reinforced Creata's current culture and zero tolerance of unwanted behaviours. These learnings and tools have been passed on by senior management who have conducted awareness sessions within their teams.*

**Sue Lock, Human Resources Manager, Creata (Aust) Pty Limited**

*As part of Mosman Club's continual WHS and professional development plan, we engaged the Anti-Discrimination Board to review our policies and provide training for staff and management. Expertly facilitated by [trainer], the team gained a thorough understanding of the issues revolving around anti-discrimination, harassment prevention, workplace bullying and Equal Employment Opportunity. As part of our ongoing harm minimisation and development program we will continue to engage with the Anti-Discrimination Board into the future and have no hesitation recommending their services to other organisations.*

**Gerard Boyle, Chief Executive Officer, Mosman Club**

*Rape and Domestic Violence Services Australia engaged [trainer] of the Anti-Discrimination Board of NSW to review our policy and deliver workshops across the organisation. We held separate workshops for managers and employees to encourage open discussion. [Trainer] facilitated these sessions expertly and engaged participants. We received positive feedback at all levels. We believe it has contributed to building greater awareness and setting expectations of behaviour, and a zero tolerance culture of bullying, harassment and discrimination.*

**Linda White, Human Resources Manager, Rape and Domestic Violence Services Australia**

- increase understanding of the requirement to take 'all reasonable steps' to prevent bullying, harassment and discrimination
- 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 delivers interactive training to both small and large audiences as well as providing one-on-one training in situations where a particular person needs more intensive training. All sessions are designed to meet the needs of the organisation, and their own policies and procedures are integrated into the training.

Other benefits to clients include:

- guidelines and handouts
- feedback on their policies and procedures
- ongoing advice and information from our Senior Workplace Relations Consultants
- the option of refresher courses.

The most common subjects for on-site training were:

- preventing discrimination harassment and bullying
- understanding diversity and race discrimination
- building a healthy workplace
- respectful workplace behaviours
- rights and responsibilities
- grievance handling
- Contact Officer training
- case law update.

*Board staff with community leaders at Advance Diversity Services, Rockdale.*



### Seminars

The branch also ran seminars during the year. These may suit organisations who have only a few staff who need training. Seminar topics in 2016-17 included:

- Bullying and harassment prevention
- Skills for Contact Officers
- Contact Officers' refresher
- Skills for grievance handling
- Grievance management and resolution skills
- Your rights and responsibilities at work.

### Education outcomes

In 2016-17 we delivered 183 on-site training sessions. We ran five seminars in Sydney-Parramatta, two in Newcastle and one in Wollongong. Together these reached 3,685 participants.

The total revenue from on-site training was \$278,430 and the income from seminars was \$20,302.

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

### Networking and community engagement

In 2016-17 the Education Services team continued participating in relevant networking groups within the Department of Justice and the public sector. This has been useful in terms of:

- learning about the educational activities of other agencies which we may be able to take part in

- exploring community education initiatives
- learning how other agencies evaluate their training programs
- promoting the Board's education program
- initiating joint programs and events.

Groups attended by Education Services staff include:

- Justice agencies Community and Stakeholder Engagement Group (CASE)
- JOIN Group, a networking and support group for regulatory or complaint handling agencies
- Department of Justice subcommittees on disability, Aboriginal and Torres Strait Islander community and general diversity.

## Education service *continued*

### Community activities

Community activities in 2016-17 reached around 1,030 people. We attended events including:

- Sydney Homeless Connect 2016
- India Club expo (Hindi-speaking community), Baulkham Hills
- Mardi Gras Fair Day, Newtown
- Disability expo, Wollongong
- Harmony Day expo, Eastwood
- International Family Equality Day, St Peters
- Bring your bills day, Hornsby
- Expo for Syrian community, Fairfield
- Expo for Arabic-speaking community, Liverpool
- Expo for Syrian and Arabic community, Bossley Park
- Advanced Diversity Services community leaders, Rockdale.

#### *Mardi Gras Fair Day.*



### Communications

The Board's communications play an essential role in providing information about the role of the Board and people's rights and responsibilities under anti-discrimination law. In the current media context, we adopt a wide variety of strategies to reach as many sections of the community in NSW as possible.

This year saw further development of our social media profile, improvements to our website, and ongoing work on a major upgrade of our main publications to improve accessibility and visual appeal.

#### Social media

2016-17 was the second full year of operation of our Facebook and Twitter accounts. These have now become an integral part of our communication strategy, enabling

us to reach different audiences and engage immediately on topical issues.

At June 30 2016 the Facebook page had 321 followers, and by June 30 2017 it had 650 followers, an increase of 102%. We made 1,329 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 11,756 people for a post of an article about MP Pauline Hanson, and the average reach was around 143 people per post. The posts with the highest reach were generally about race, sex, homosexual, transgender and disability discrimination issues.

The Twitter account had 121 followers at June 30 2016 and 217 by June 30 2017, which is an increase of 79%. We made 677 tweets, with tweets about recent research and information from the Board's website being the most popular.

The highest reach was 6,657 people for a tweet about a report by the Australian Human Rights Commission about the business case for customer diversity. The average reach was 196 people. The posts with the highest reach were generally about research reports, refugees and disability discrimination.

**Website**

The Board’s large website is the first point of contact for many people with enquiries about discrimination. It provides comprehensive information about anti-discrimination law and how to make a complaint, our community and workplace education services, our newsletter, successful conciliations and publications.

In 2016-17 the website received around 553,887 page views from 92,601 users. This is a 129% increase in page views and a 48% increase in users over last year. The most popular pages were:

- Home page
- Anti-discrimination law
- Types of discrimination
- Anti-discrimination law and employers
- Making a complaint
- Homosexual discrimination
- Disability discrimination
- Age discrimination
- Transgender discrimination
- Contact us

As well as ongoing website maintenance, in 2016-17 we re-formatted our information in other languages so it is accessible to screen readers. We also worked with Department of Justice Information Technology Services on the development of online ordering for publications and online enquiries and complaints.

**Other communications**

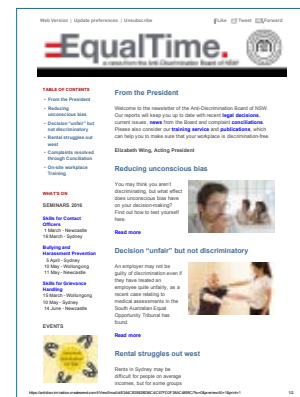
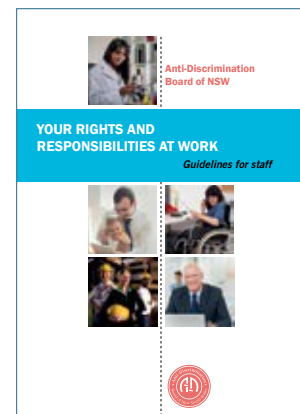
Other communications produced by the Board include the following:

- an e-newsletter *Equal Time*, which contains analysis of recent legal cases, successful conciliations, news from the Board, recent exemptions and upcoming events.
- 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 2016-17 we continued to revise our factsheets about specific types of discrimination to improve accessibility and visual appeal. The entire set is now ready to go into production. The revised text will then be transferred to the website so that all our information is consistent.

The new brochure produced for our corporate training service in 2015-16 was further revised in 2016-17 to provide a comprehensive and effective advertisement for both seminars and our in-house training and consultancy service.

Other work in 2016-17 included nine issues of our newsletter *Equal Time* and the 2015-16 annual report.



## 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
- 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
- Discrimination and the Anti-Discrimination Board of NSW
- Disability discrimination
- 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 2015-16\*
- 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, Hindi
- 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*



# Aboriginal and Torres Strait Islander Service

The Board’s Aboriginal and Torres Strait Islander outreach team provides culturally specific complaint resolution, education and training services for the Aboriginal and Torres Strait Islander community. They also do community outreach work and network with other agencies.

## Aboriginal and Torres Strait Islander complaints 2016-17

	Emp	G&S	Acc	Clubs	Hom vil	HIV vil	Other	Total	%
Race	16	12	1	1	-	-	3	<b>33</b>	53.2
Sex	3	3	0	0	-	-	0	<b>6</b>	9.7
Disability	1	3	0	1	-	-	0	<b>5</b>	8.1
Victimisation	5	0	0	0	0	0	0	<b>5</b>	8.1
Aiding unlawful act	3	2	0	0	-	-	0	<b>5</b>	8.1
Marital status	0	2	0	0	-	-	0	<b>2</b>	3.2
Homosexual vilification	-	-	-	-	2	-	-	<b>2</b>	3.2
HIV/AIDS vilification	-	-	-	-	-	2	-	<b>2</b>	3.2
Carer’s resp	1	-	-	-	-	-	-	<b>1</b>	1.6
Other	0	1	0	0	-	-	0	<b>1</b>	1.6
<b>Total</b>	<b>29</b>	<b>23</b>	<b>1</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>3</b>	<b>62</b>	<b>100</b>
%	46.8	37.1	1.6	3.2	3.2	3.2	4.8	<b>100</b>	

## Complaint handling

In 2016-17 the Board received 62 complaints from Aboriginal and Torres Strait Islander people.

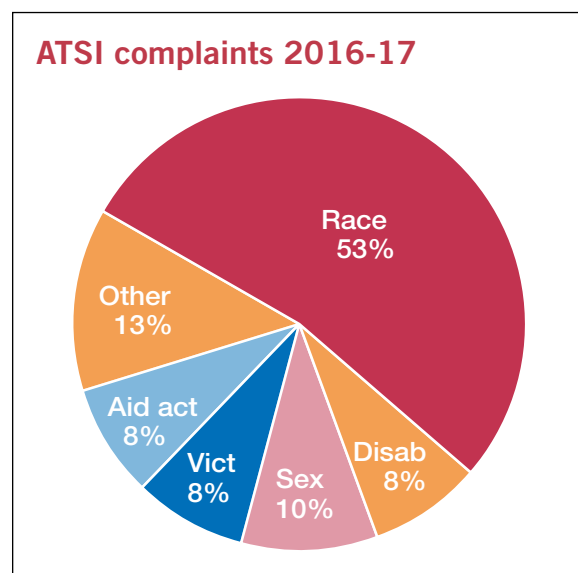
The most common ground of complaint from Aboriginal and Torres Strait Islander people was race discrimination (33 complaints or 53.2%). Complaints about other grounds are proportionally increasing, particularly disability discrimination.

The most frequent area of complaint in 2016-17 was employment with 29 complaints (46.8%), followed by goods and services with 23 complaints (37.1%). 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 7.0% of all complaints received by the Board in 2016-17, whereas 2.9% of the NSW population is Aboriginal or Torres Strait Islander.

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 14-18.

*In 2016-17 there were no complaints from Aboriginal and Torres Strait Islander people in the area of education. There were no complaints on the grounds of homosexual, transgender or marital/domestic status discrimination; racial or transgender vilification; or sexual harassment.*



## Aboriginal and Torres Strait Islander Service *continued*

### Education and training

In 2016-17 the Aboriginal and Torres Strait Islander team continued to run education sessions and stalls at community events to raise the awareness of Aboriginal and Torres Strait Islander people about their rights and responsibilities under anti-discrimination law. In 2016-17 these reached over 2,900 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, the 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 2016-17 we took part in forums at Forster, Glen Innes, Inverell, Kempsey, Moruya, Port Macquarie, Taree, Tenterfield and Wallaga Lake.

### 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.



*Meeting local community members in Kempsey.*

This year the Board took part in seminars at Armidale, Belmont/Swansea, Broken Hill, Kempsey, Narooma, Revesby, Waitara and Windsor.

providing a  
culturally specific  
service for  
Aboriginal people

### Outreach program

In 2016-17 the team provided training, talks or information to individuals and organisations including:

- local Aboriginal land councils
- Aboriginal housing services
- police community liaison officers
- local Aboriginal Affairs offices
- Aboriginal legal services and legal aid
- Aboriginal medical and community services
- neighbourhood centres

- local council liaison officers
- tenancy advice services
- keeping places
- Aboriginal employment services
- TAFE students
- local charities
- Members of parliament
- Department of Fair Trading
- Bring your Bills days.

Areas visited to give these sessions included Armidale, Broken Hill, Dareton, Dubbo, Kempsey, Lismore, Menindee, Moruya, Port Macquarie, Quakers Hill, Redfern, Tamworth, Taree, Wallaga Lake and Wilcannia.

The team supplied information at community events including:

- Law and Justice Multicultural Expo
- Law Week events, Bourke and Brewarrina
- NAIDOC Week events, Luna Park, Campbelltown, Hyde Park, Riverstone, Maroubra, Randwick, Redfern, South Penrith and Dubbo
- 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 Acting President, and staff in relation to the ADA and other relevant legislation and policy
- managing litigation
- reviewing applications for exemption from the ADA and advising the Attorney General and Acting President
- monitoring compliance with exemption conditions
- advising on proposed policy, legislation reviews and law reform submissions
- administering notifications of proposed alcohol-free zones
- in conjunction with the Office of the General Counsel, Department of Justice, managing requests for privacy reviews, applications to access government information under the *Government Information (Public Access) Act 2009*, and copyright requests
- reviewing and advising on internal Board policies and procedures
- informing Board staff about relevant case law developments and legislative amendments.

## Policy work

In 2016-17 the Board responded to policy and law reform issues including:

- the *Women in NSW Safety and Justice Report 2016*
- the Select Committee on the Exposure Draft of the *Marriage Amendment (Same-Sex Marriage) Bill*. The Acting President and the Legal Officer appeared as witnesses at the Select Committee's Public Hearing in Sydney in January 2017.

In previous reporting periods, the Board made representations and held discussions with the NSW Board of Studies, Teaching and Educational Standards (BOSTES) in relation to Higher School Certificate 'Heritage' and 'Background Speakers' language courses.

reviewing state  
laws and making  
submissions on law  
reform

The Board was concerned that the use of those titles increased the risk that students of those courses would be perceived as having a particular national origin or ethnicity. We advocated using neutral language



descriptors to minimise the risk of conscious or unconscious discrimination. The Board was pleased to learn in October 2016 that the Minister for Education had approved changing the titles of the courses to '[Language] in Context' and '[Language] and Literature'.

The Board continues to seek amendment to the ADA to:

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

## Legal Officer *continued*

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 2016-17

In 2016-17, the Board received 35 applications for exemptions under section 126 of the ADA. Thirty of the s. 126 exemptions were granted, three were withdrawn or abandoned, and two applications were pending on 30 June 2017. Another exemption that was granted in 2013 was varied during 2016-17 to reflect changes to the applicant's organisational structure.

The majority of the exemptions granted in 2016-17 related to the education, training and employment of Aboriginal and Torres Strait Islander people and women. Applications came from the private

sector, government departments, local government, universities and non-government organisations.

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.

The Attorney General granted three s. 126A exemptions in 2016-17.

### 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.

### S.126 exemptions by ground and area 2016-17

Ground	Area	Sect	No
Race	Employment	8	21
Race	Contract workers	10	3
Race	Education	17	4
Race	Goods and services	27	1
Sex	Employment	25	12
Sex	Goods and services	27	1
Sex	Goods and services	33	1
Sex	Education	31A	2
Disability	Employment	49D	1
Disability	Goods and services	49F	1

*The total number of exemptions by ground and area is greater than the total number of exemptions granted because some exemptions cover multiple grounds and/or areas.*

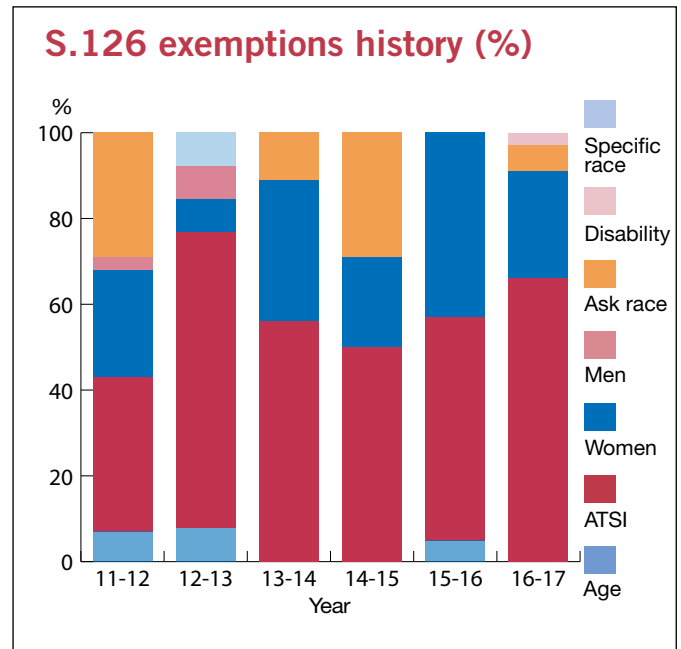
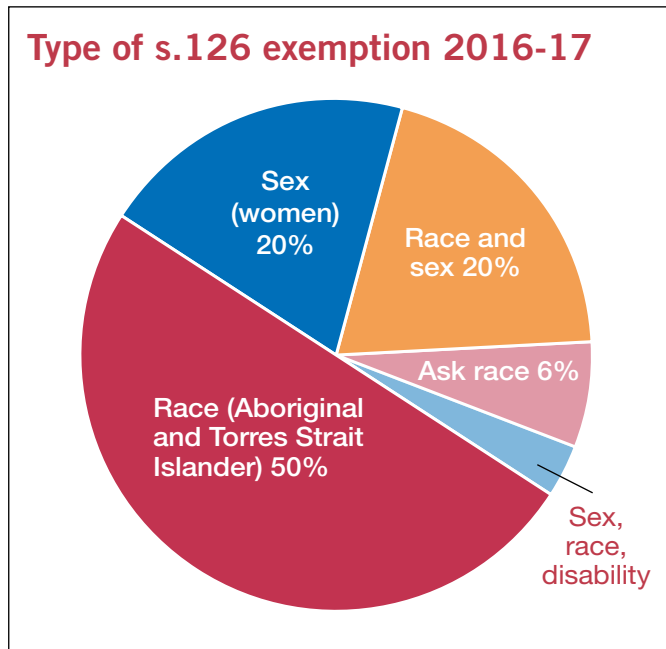
## What are exemptions?

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



## Section 126 exemptions 2016-17

Applicant	Program	Sections	Date	Expiry
Australian Catholic University	To designate and recruit 15 positions for Aboriginal and Torres Strait Islander persons only.	8, 51	29.11.2016 (4 years)	28.11.2020
Australian Red Cross Society	To designate and recruit the positions of Community Development Team Leader and Community Development Trainee for Aboriginal or Torres Strait Islander people only.	8, 51	11.5.2017 (3 years)	10.5.2020
Australia's National Research Organisation for Women's Safety	To designate and recruit 2 research and knowledge translation positions for people who are Aboriginal or Torres Strait Islanders.	8, 51	4.4.2017 (6 years)	3.4.2023
Charles Sturt University	To restrict entry to its Djirruwang Program, including the Bachelor of Health Science (Mental Health), to Aboriginal and Torres Strait Islander persons only.	17, 51	31.10.2016 (10 years)	30.10.2026
Coles Supermarkets Pty Ltd, together with its service providers delivering the Coles First Steps program, including but not limited to TAFE NSW	To conduct targeted recruitment, training and development programs for Aboriginal and Torres Strait Islander persons.	8, 17, 19, 51	19.1.2017 (5 years)	18.1.2022
Eurobodalla Shire Council	To designate and recruit a horticulture apprentice position for women only.	25, 51	2.11.2016 (4 years)	1.11.2020
Fox Sports Australia Pty Limited	To advertise and provide a graduate employment program in sports media for women only.	25, 51	14.2.2017 (5 years)	13.04.2022

## Section 126 exemptions 2016-17

Applicant	Program	Sections	Date	Expiry
Joblink Plus Limited	To designate and recruit 15 traineeships for persons who are Aboriginal or Torres Strait Islanders.	8, 51	11.5.2017 (2 years)	10.05.2019
John Holland Group Pty Ltd and John Holland Rail Pty Ltd	To designate and recruit positions for women only in engineering, operations or workforce roles; and for Aboriginal and Torres Strait Islander people only in professional, engineering or operational roles.	25, 51	2.6.2016 (10 years)	01.06.2026
Lismore City Council	To advertise, recruit, and employ the roles of Customer Service Officer and Trainee Customer Service Officer for Aboriginal and Torres Strait Islander people only.	8, 51	26.10.2016 (3 years)	25.10.2021
Local Government New South Wales	To designate and recruit the position of Senior Policy Officer – Aboriginal Policy and Programs, for Aboriginal and Torres Strait Islander people only.	8, 51	6.7.2017 (10 years)	5.7.2027
MEGT Australia Limited, T/A Indigenous Apprentice and Traineeship Network	To designate and recruit up to 120 Aboriginal or Torres Strait Islander people each year as trainees and apprentices. Conditions attached – for full details see NSW Government Gazette of 7/4/2017.	8, 51	30.3.2017 (5 years)	29.3.2022
Murdi Paaki Regional Enterprise Corporation	To advertise and recruit an Aboriginal or Torres Strait Islander person as Chief Executive Officer.	8, 51	6.2.2017 (5 years)	5.2.2022
Northrop Grumman Australia Pty Ltd and its subsidiaries, Northrop Grumman Integrated Defence Services and M5 Network Security	Includes: to enable the Applicant to ask present and future employees and contractors to provide details off their: (i) citizenship (including any changes to their citizenship); and/or to identify employees accordingly, require employees to advise the employer of any change in that status, and make decisions about recruiting and deploying employees on that basis. For full details, see NSW Government Gazette of 22 July 2016.	8, 10, 51	14.7.2016 (5 years)	13.7.2121
NSW Aboriginal Land Council	To designate and recruit up to 65% of management positions for Aboriginal people only.	8, 51	20.6.2017 (5 years)	19.6.2022
NSW Department of Justice	To implement its 'Women in Leadership' and 'Aboriginal and Torres Strait Islanders in Leadership' programs.	8, 25, 51	4.4.2017 (9 years)	3.4.2026
Parramatta City Council	To advertise, recruit, and employ up to 50 (in total) Aboriginal and Torres Strait Islander Stakeholder Engagement Officers (temporary).	8, 51	1.8.2016 (3 years)	31.7.2019
Penrith City Council	To advertise, recruit and employ up to 6 Aboriginal and Torres Strait Islander persons in trainee or entry level positions.	8, 51	16.7.2016 (3 years)	15.7.2019
Railtrain Pty Ltd	To conduct targeted recruitment programs for women only and for Aboriginal and Torres Strait Islander persons only.	8, 25, 51	8.2.2017 (5 years)	7.2.2022
Riverside Theatres	To advertise, recruit and employ one Aboriginal and Torres Strait Islander person as a front of house usher/bar attendant.	8, 51	5.8.2016 (3 years)	4.8.2019
Rohde & Schwarz (Australia) 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 of 21 April 2017.	8, 10, 51	13.4.2017 (2 years)	12.4.2019

## Section 126 exemptions 2016-17

Applicant	Program	Sections	Date	Expiry
The National Association of Women in Operations and Path4 Group Pty Ltd	To advertise and recruit women only for internships in operations roles. Conditions attached – for full details see NSW Government Gazette of 7/4/2017.	25, 51	4.4.2017 (5 years)	3.4.2022
Transport Cluster – comprising Transport for NSW, Roads & Maritime Services, the State Transit Authority, Sydney Trains, NSW Trains and their delivery offices	To implement various diversity and inclusion programs for women, Aboriginal and Torres Strait Islander people and people with disability – for full details see NSW Government Gazette	8, 10, 25, 49D, 49F, 51	19.8.2016 (5 years)	18.8.2021
University of New South Wales	To offer, advertise and facilitate fellowships for women only in science, technology, engineering, mathematics and medicine, and fellowships and PhD scholarships for Aboriginal and Torres Strait Islander people only.	8, 17, 25, 31A, 51	23.5.2017 (5 years)	22.5.2022
University of Sydney, Faculty of Agriculture and Environment	To offer a Postdoctoral Research Fellowship to women only.	25, 51	2.11.2016 (4 years)	1.11.2020
University of Technology, Sydney	To conduct targeted programs for Aboriginal and Torres Strait Islander people and women.	8,25, 51	9.1.2017 (3 years)	8.1.2020
University of Technology Sydney	To offer, advertise and facilitate scholarships for women in the fields of science, technology, engineering, mathematics and medicine, and for Aboriginal and Torres Strait Islander people.	17, 31A, 51	13.4.2017 (10 years)	12.4.2027
University of Wollongong	To conduct targeted recruitment programs for Aboriginal and Torres Strait Islander people as trainees in the School of Medicine – Graduate Medicine in the Faculty of Science, Medicine and Health.	8, 51	14.12.2016 (10 years)	13.12.2026
Women's Housing Company	To designate and recruit up to 25 female staff member positions and appoint up to 9 female directors.	25, 51	21.11.2016 (10 years)	20.11.2026
Women in Prison Advocacy Network Inc	To designate and recruit a female Chief Executive Officer, other female employees as required to deliver WIPAN's social support services and programs, and female volunteers to provide advocacy and mentoring services to women only.	25, 33, 51	9.6.2017 (10 years)	8.6.2027

## Section 126A exemptions 2016-17

Organisation	Special needs program or activity	Exemption period
Blue Chilli Technology	To invest in and provide training and development services to female entrepreneurs.	28.3.2017 to 27.3.2020 (3 years)
Bodyfit Gym	To operate a gymnasium and fitness centre for men only in the Chester Hill area.	15.3.2017 to indefinitely
Canterbury-Bankstown Council	To operate female-only swimming sessions, twice a week at Wrان Leisure Centre in Villawood.	15.3.2017 to 14.3.2022 (5 years)

# Liaison and support

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.

## 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.

As well as ongoing activities, in 2016-17 the team was responsible for facilitating the Board's move from the Sydney CBD to Parramatta in January 2017.

## Human resources

The team provides administrative support for staff recruitment, role description management and payroll as required. Two formal recruitment and four expressions of interest processes were completed in 2016-17.

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. The Board also has a group of accredited first aid officers.

The committee met once in 2016-17. The key issues managed during the year included security and safety of staff, and ergonomic work design.

## Information technology

The main activities in 2016-17 were:

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

See page 34 for the Board's Information Technology Statement.

providing  
support services to  
facilitate the work  
of the Board



# Service reports

## Multicultural services

- We have a multilingual poster in 12 languages, postcards in six 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 1,030 participants, including people from a wide range of backgrounds.
- The Aboriginal and Torres Strait Islander Outreach team met with over 2,900 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. This now includes our information in other languages. 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 2016-17 the Board received 13 service complaints. Of these, seven related to service delivery, and six to policy or procedure. This is a good result in view of our delivery of direct services to over 11,900 individuals during the year.

# Financial statement

## Total operations

The net cost of services provided by the Board in 2016-17 was \$3,881,746. Against a budget of \$3,508,746 this was overspent by \$373,101.

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.

See pages 19-21 for more information about workplace education.

## Total operations 2016-17

	<i>Budget</i>	<i>Actual</i>	<i>Variance</i>
<b>Revenue</b>	733,449	332,003	-401,446
<b>Expenses</b>			
Staff	2,932,431	3,120,898	-188,467
Other operating	909,156	849,151	60,005
Maintenance	32,702	3,549	29,153
<b>Total expenses</b>	<b>3,874,290</b>	<b>3,973,979</b>	<b>-99,690</b>
<b>COST OF SERVICES</b>	<b>3,140,840</b>	<b>3,641,976</b>	<b>-501,136</b>
Depreciation	134,108	34,932	99,176
Crown liability	233,696	204,837	28,859
<b>NET COST OF SERVICES</b>	<b>3,508,644</b>	<b>3,881,746</b>	<b>-373,101</b>

## 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.

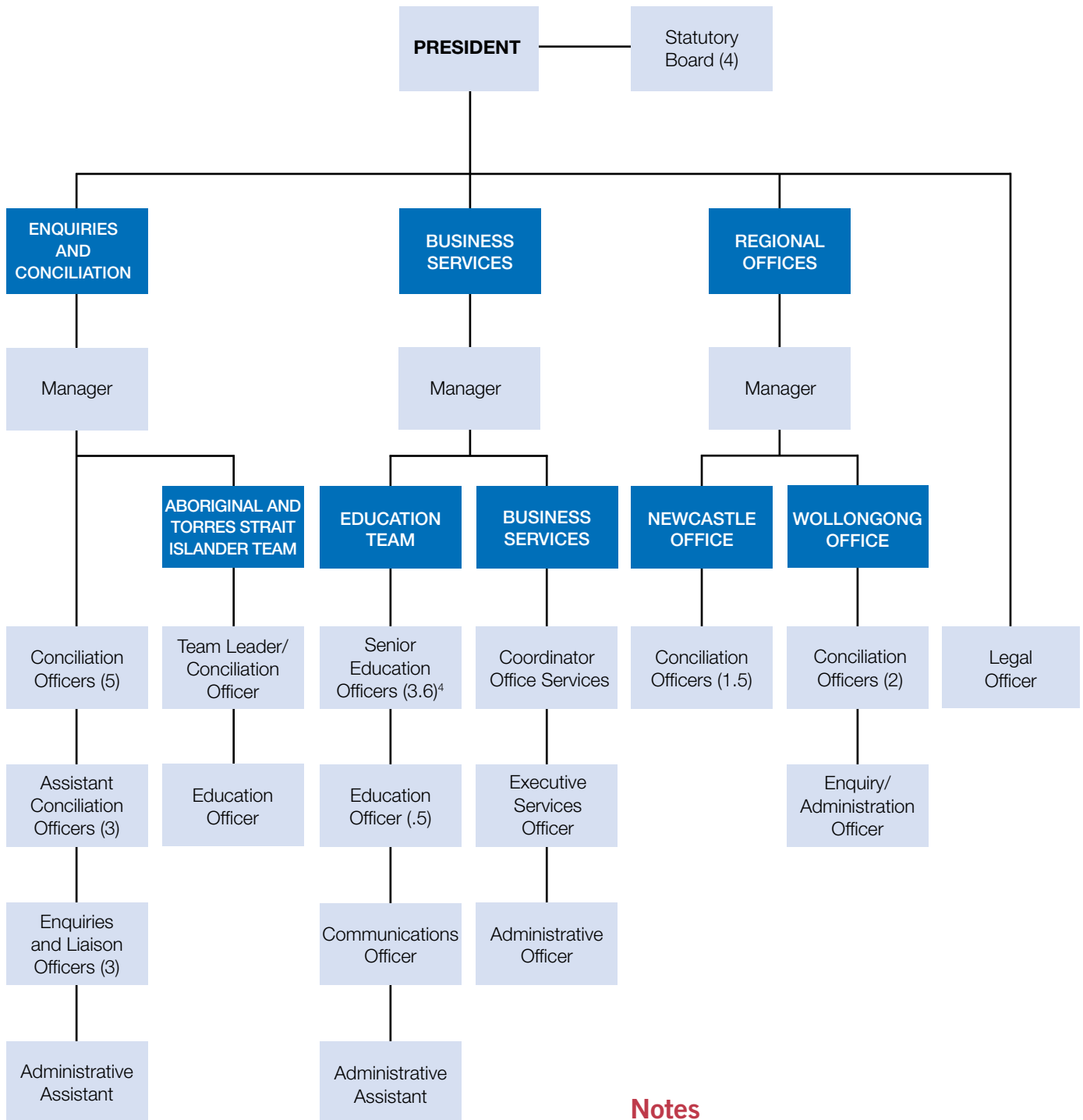
Digital Information Security Annual Attestation and Evidence of Certification Statement for 2016-17 is held by the Department of Justice.

The Anti-Discrimination Board had an Information Security Management System in place in 2016-17 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 2016-17.

# Structure of the Board



## Notes

1. This structure was current at June 30 2017.
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.



## Wollongong

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Fax (02) 4267 6261

## Newcastle

Level 5, 400 Hunter St  
Newcastle NSW 2300  
PO Box 1077  
Newcastle NSW 2300  
Phone (02) 4903 5300  
Fax (02) 4903 5376

# Anti-Discrimination Board of NSW ANNUAL REPORT 2016-17

[www.antidiscrimination.justice.nsw.gov.au](http://www.antidiscrimination.justice.nsw.gov.au)



## Parramatta

Level 7, 10 Valentine Avenue  
Parramatta NSW 2150  
PO Box W213  
Parramatta Westfield NSW 2150  
Phone (02) 9268 5555  
Fax (02) 9268 5500

## Discrimination enquiries and complaints

Phone (02) 9268 5544 • Toll free 1800 670 812  
Email enquiries: [adbcontact@justice.nsw.gov.au](mailto:adbcontact@justice.nsw.gov.au)  
Email complaints: [complaintsadb@justice.nsw.gov.au](mailto:complaintsadb@justice.nsw.gov.au)