

**Anti-Discrimination Board of NSW**  
**ANNUAL REPORT** 2004-2005



28 October 2005

The Hon. R. Debus, MP  
Attorney General  
Level 25, 59–61 Goulburn Street  
SYDNEY NSW 2000

Dear Minister,

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 2004 to 30 June 2005.

Yours sincerely  
Stepan Kerkyasharian AM  
President

# Anti-Discrimination Board of NSW

## ANNUAL REPORT 2004-2005

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Participants at the launch of the amendments to the Anti-Discrimination Act on 18 May 2005 (L-R): Peter Cassar, Samantha French and Roy McAlpine from People with Disabilities, David Urquhart from Access Plus and Heidi Forrest from People with Disabilities.



# STATUTORY BOARD 2004-05

## **Stepan Kerkysharian AM**

Stepan became President of the Anti-Discrimination Board in September 2003, and continues as CEO and Chair of the Community Relations Commission For a Multicultural NSW. He became a Member of the Order of Australia in 1992, and received the Olympic Order in 2000.

He is also a member of the NSW Board of Studies, the NSW Geographical Names Board, the Independent Complaints Review Panel of the ABC, and the Police and Ethnic Advisory Council.

## **Suzanne Jamieson**

Suzanne is a Senior Lecturer in work and organisational studies at the University of Sydney. She has completed a doctorate in women and occupational health and safety, and has done extensive research in gender and discrimination issues in the workplace.

## **Phillipa McDermott**

Phillipa is the Manager of Communications at ATSIC NSW. Her main professional interests are Indigenous media and arts and Indigenous and human rights. She is on the

Board of the Gadigal Information Service, the Lloyd McDermott Rugby Development Team and the Tullagulla Aboriginal Cultural Centre. She has been a radio broadcaster for the past 12 years, and has represented Indigenous media interests at the United Nations.

## **Cameron Murphy**

Cameron is a full time member of the Consumer Trader and Tenancy Tribunal and President of the NSW Council for Civil Liberties. He has been extensively involved in working to eliminate discrimination, particularly in the areas of gender discrimination, HIV/AIDS and ethnicity.

## **Peter Wertheim AM**

Peter is a lawyer. He has been the Honorary Solicitor for the Aboriginal Medical Service for over 20 years. He has also been Honorary Solicitor and Board Member of the Australian International Fund for Disadvantaged Children in Vietnam, Honorary Secretary of the Joint Jewish Communal Appeal, and the President and Chair of the Joint Committee for Jewish Higher Education. In 2004 he was appointed Chair of the Attorney General's Working Group to review the effectiveness of the criminal laws prohibiting serious vilification.

(L-R) Suzanne Jamieson (inset) Peter Wertheim, Stepan Kerkysharian, Cameron Murphy, Philippa McDermott



# PRESIDENT'S REPORT

2004-05 has been a year of consolidation and development for the Anti-Discrimination Board after the Board was restructured in 2003-04.

I am very pleased to report that the Board's staff have continued to demonstrate their commitment to innovation, improvement and excellence, despite the restructure and the shift to new premises in March 2005. This has resulted in the Board continuing to provide the best possible complaint handling and education service to the people of NSW.

A major development this year was the amendments to the *Anti-Discrimination Act 1977 (NSW)*, which came into force on 2 May 2005. These chiefly relate to how complaints of discrimination are dealt with, and will speed up and simplify the complaints process for both complainants and respondents.

As well as implementing changes to procedures, the Board developed a comprehensive strategy to ensure that stakeholders were well-informed about the amendments. This included two public seminars, an article in our electronic newsletter *Equal Time*, providing information on our website and updating our publications.

Our complaint handling staff also continue to improve their service. Despite receiving 11% more complaints than in 2003-04, we continued to operate without a waiting list and significantly improved the number of complaints resolved within a year of receipt – from 60% in 2003-04 to 81% in 2004-05.

Another highlight this year was a very successful forum on discrimination issues affecting older gay, lesbian, bisexual, transgender and intersex people held as part of the Gay Mardi Gras celebrations in February 2005.

The forum was attended by a range of representatives from the political, legal, medical, education and community sectors, and identified some significant issues. The Board will continue to progress the recommendations for action that emerged.

Our self-funding education program for employers and service providers continues to thrive, bringing in over \$700,000 in 2004-05. Another exciting aspect of our education program is the information forums for the Aboriginal and Torres Strait Islander community organised in partnership with other government agencies such as the Australian Taxation Office, WorkCover, the Office of Industrial Relations and the Office of Fair Trading.

Held in a variety of regional and rural locations, the forums are aimed at Indigenous elders, leaders and community workers. They provide a very cost-effective way to give comprehensive and consistent information throughout the state with limited staff resources.

After a great deal of work by our education staff in planning and development, we launched a new website in June 2005. This has streamlined and updated content and a new, logical structure for the main types of users, such as employers, service providers and people wanting to make a complaint. The ease of access to this information is expected to reduce the number of calls to our enquiry line and the demand for print publications.

Our liaison and support staff have been invaluable in assisting our core business to operate effectively. The move to more cost effective premises was managed very well, and resulted in little disruption to services despite initial difficulties with the phone and airconditioning systems. We have also upgraded our entire computer network as part of the Attorney General's Department's cyclical upgrade program.

Discrimination and harassment remain a major problem in our society, and issues of race have become particularly current in the last few years. Thanks to its skilled and committed staff, the Anti-Discrimination Board provides a very effective mechanism for the people of NSW to seek justice in this area.

**Stepan Kerkyasharian AM**  
**President**

# REVIEW OF OPERATIONS

OBJECTIVES	STRATEGIES
Inform potential complainants and respondents about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> <li>■ Provide accessible telephone enquiry service for all members of the community, employers, service providers and their advisers and advocates</li> <li>■ Disseminate information via telephone advice, face-to-face interviews, supplying fact sheets and referring to Board website</li> </ul>
Resolve complaints of discrimination, vilification and harassment	<ul style="list-style-type: none"> <li>■ Provide a fair, efficient and effective complaint handling process for complainants and respondents</li> </ul>
Improve complaint-handling processes to increase efficiency and timeliness	<ul style="list-style-type: none"> <li>■ Institute timeframe targets for processing and finalising complaints</li> <li>■ Dedicate resources to expedite older complaints</li> <li>■ Amend the Anti-Discrimination Act to improve complaint handling processes</li> </ul>
Educate the NSW community about their rights under anti-discrimination law	<ul style="list-style-type: none"> <li>■ Provide training sessions to target groups and their advisers and advocates</li> <li>■ Disseminate information via publications and website</li> </ul>
Educate employers, employees and service providers about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> <li>■ Provide training to employers, employees and service providers through self-funding education program</li> </ul>
Educate the community, employers and service providers about the amendments to the Anti-Discrimination Act	<ul style="list-style-type: none"> <li>■ Provide education sessions to key community, employer and government stakeholders</li> <li>■ Update publications and website</li> <li>■ Produce media releases</li> </ul>

ACHIEVEMENTS	FUTURE DIRECTIONS
<ul style="list-style-type: none"> <li>■ Responded to 9,740 enquiries (8.5% increase from 2003-04)</li> <li>■ Dealt with all enquiries immediately or within 24 hours</li> <li>■ Dealt with 83% of enquiries in less than 15 minutes</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to provide accurate and efficient information service</li> <li>■ In conjunction with other branches of the Board, increase community awareness about the right to make complaints under the Anti-Discrimination Act</li> </ul>
<ul style="list-style-type: none"> <li>■ Received 1,052 new complaints (11% increase from 2003-04)</li> <li>■ Finalised 1,078 complaint files</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to provide a timely and effective complaint handling service</li> </ul>
<ul style="list-style-type: none"> <li>■ Eliminated backlog of complaints</li> <li>■ Increased number of complaints finalised within timeframe targets – complaints finalised within one year improved from 60% in 2003-04 to 81% in 2004-05</li> <li>■ Temporary officer employed to finalise older files – only 14 files lodged pre-2004 still open at June 2005.</li> <li>■ Began implementing procedural changes resulting from the amendments to the Anti-Discrimination Act</li> </ul>	<ul style="list-style-type: none"> <li>■ Further increase the number of complaints resolved within timeframe targets</li> <li>■ Improve service to clients by further implementing and refining procedural changes resulting from the amendments to the ADA</li> </ul>
<ul style="list-style-type: none"> <li>■ Ran Asian Women at Work program to educate clothing outworkers from Asian backgrounds</li> <li>■ Published web-based electronic version of publication targeting people with intellectual disabilities</li> <li>■ Held forum on ageing and discrimination in the gay, lesbian, bisexual, transgender and intersex (GLBTI) communities</li> <li>■ Convened forums on crisis accommodation and homelessness in transgender/transsexual community</li> <li>■ Ran education seminar for community workers</li> </ul>	<ul style="list-style-type: none"> <li>■ Identify other groups at risk of discrimination and devise targeted education campaigns</li> <li>■ Facilitate interagency and community taskforce to address issues of ageing in GLBTI communities</li> <li>■ Create interagency taskforce on homelessness in transgender community</li> <li>■ Continue to run community workers seminars</li> </ul>
<ul style="list-style-type: none"> <li>■ Ran three series of seminars for employers and provided in-house training to employers across a range of sectors, totalling 583 training sessions</li> <li>■ Earned \$707,216 from self-funding program</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to provide seminar programs and in-house training sessions</li> <li>■ Develop new markets for Board products and services</li> <li>■ Develop relationships with employers and industry</li> </ul>
<ul style="list-style-type: none"> <li>■ Held launch of amendments at Parliament House, attended by over 120 people and media, and another information session for those unable to attend launch</li> <li>■ Updated website</li> <li>■ Began review and update of publications</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to educate target groups on changes to the Act</li> <li>■ Continue to review and update publications</li> </ul>

OBJECTIVES	STRATEGIES
Produce information to increase awareness of anti-discrimination law and the role of the Board	<ul style="list-style-type: none"> <li>■ Review and update existing publications</li> <li>■ Create new publications</li> <li>■ Maintain and develop website</li> </ul>
Develop networks with community and employer groups	<ul style="list-style-type: none"> <li>■ Attend meetings of industry practitioners</li> <li>■ Create EEO networks in regional offices</li> </ul>
Provide an efficient and culturally appropriate complaint handling service for Aboriginal and Torres Strait Islander clients	<ul style="list-style-type: none"> <li>■ Employ Aboriginal and/or Torres Strait Islander staff to handle complaints lodged by Aboriginal and/or Torres Strait Islander people.</li> <li>■ Conduct conciliation conferences in regional NSW</li> </ul>
Educate Aboriginal and Torres Strait Islander people about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> <li>■ Conduct an outreach program for Aboriginal and Torres Strait Islander communities throughout NSW</li> <li>■ Conduct community education and training sessions for Aboriginal and Torres Strait Islander communities, groups and organisations throughout NSW</li> </ul>
Provide advice on government policy and legislation and its impact on Aboriginal and Torres Strait Islander people	<ul style="list-style-type: none"> <li>■ Monitor the development and implementation of relevant policy and legislation in NSW</li> <li>■ Monitor discrimination issues raised in Indigenous and mainstream media</li> <li>■ Hold quarterly Aboriginal and Torres Strait Islander Advisory Committee meetings to consult on the impact of government policy and legislation</li> <li>■ Monitor issues arising from complaints lodged with the Board and advise the President as appropriate</li> </ul>
Inform potential complainants and respondents in the region about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> <li>■ Ensure staff have skills to provide quality enquiry service</li> <li>■ Maintain accurate and relevant referral list</li> <li>■ Provide accessible services using a variety of communication media</li> </ul>
Resolve complaints of discrimination, vilification and harassment for the region	<ul style="list-style-type: none"> <li>■ Continue to develop complaint management system to ensure it is consistent, accessible, efficient and accountable</li> <li>■ Implement amendments to the Anti-Discrimination Act</li> </ul>



ACHIEVEMENTS	FUTURE DIRECTIONS
<ul style="list-style-type: none"> <li>■ Developed new series of posters for workplace and community</li> <li>■ Launched new, substantially improved website</li> <li>■ Began review, update and redesign of publications</li> <li>■ Published 4 issues of electronic newsletter <i>Equal Time</i></li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to review and update website</li> <li>■ Continue to review, update and redesign publications</li> <li>■ Explore new media publications such as e-learning and multi-media formats</li> </ul>
<ul style="list-style-type: none"> <li>■ Attended EEO network meetings</li> <li>■ Held regional employer seminars in Wollongong area</li> <li>■ Developed networks with other government agencies through information forums for Indigenous community workers</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to develop EEO networks in regional offices</li> <li>■ Identify new industry networks</li> <li>■ Maintain existing agency networks and develop new opportunities</li> </ul>
<ul style="list-style-type: none"> <li>■ Handled increased number of complaints lodged by Aboriginal and Torres Strait Islander people (37% more than 2003-04)</li> <li>■ Improved complaint handling process resulted in reduced timeframes for complaints</li> </ul>	<ul style="list-style-type: none"> <li>■ Assess staffing requirements in light of complaint numbers</li> <li>■ Continue to inform Aboriginal and Torres Strait Islander communities about their right to make complaints under anti-discrimination law</li> </ul>
<ul style="list-style-type: none"> <li>■ Ran information stalls at 16 events</li> <li>■ Attended interagency meetings to provide information and liaise with other government agencies and community organisations</li> <li>■ Participated in three joint forums with other government agencies to provide information to Aboriginal and Torres Strait Islander community workers</li> <li>■ Presented information session to Aboriginal staff of the Department of Community Services</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to work with other government agencies to provide education services to Aboriginal and Torres Strait Islander communities, groups and organisations</li> <li>■ Make outreach visits to the North Coast and Western NSW</li> </ul>
<ul style="list-style-type: none"> <li>■ Approached Premier's Department re possible recognition of Aboriginal English as a Community Language under the Community Language Allowance Scheme for NSW Public Sector employees</li> </ul>	<ul style="list-style-type: none"> <li>■ Assess the discriminatory impact of barring and exclusion provisions of the Liquor Act 1982 and related regulations</li> <li>■ Continue to liaise with the Premier's Department regarding the recognition of Aboriginal English as a Community Language</li> </ul>
<ul style="list-style-type: none"> <li>■ Provided training, feedback and mentoring for enquiry staff</li> <li>■ Revised referral list and put it online</li> <li>■ Purchased new TTY for hearing impaired callers</li> <li>■ Increased referrals to Board and LawAccess websites</li> </ul>	<ul style="list-style-type: none"> <li>■ Identify and adopt initiatives provided by new technology</li> <li>■ Improve accuracy of data recorded</li> <li>■ Continue to improve networks with local agencies to ensure quality referral service</li> </ul>
<ul style="list-style-type: none"> <li>■ Reduced time taken to finalise complaints</li> <li>■ Improved complaint monitoring system</li> <li>■ Revised procedures in line with legislative amendments</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to monitor systems to identify strengths and weaknesses</li> <li>■ Continue to incorporate innovations to improve complaint processes</li> <li>■ Redefine regional boundaries</li> </ul>

OBJECTIVES	STRATEGIES
Provide fee-for- service training to promote non-discriminatory behaviour in public and corporate sectors	<ul style="list-style-type: none"> <li>■ Maintain and develop leading edge training packages</li> <li>■ Develop networks across region</li> <li>■ Market services effectively</li> <li>■ Meet budget targets</li> </ul>
Inform potential complainants and respondents in the region about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> <li>■ Provide an accessible, reliable enquiry service</li> </ul>
Resolve complaints of discrimination, vilification and harassment for the region	<ul style="list-style-type: none"> <li>■ Assess and allocate new complaints promptly</li> <li>■ Finalise complaints within timeframe targets</li> </ul>
Educate employers, employees and service providers about their rights and responsibilities under the ADA	<ul style="list-style-type: none"> <li>■ Provide training sessions to employers, employees and service providers through a fee for service education program</li> <li>■ Provide a free employer advisory service when appropriate</li> <li>■ Provide fee for service consultancy services, particularly in relation to developing and implementing EEO policy and procedures</li> </ul>
Ensure that the Anti-Discrimination Act is correctly understood by all stakeholders	<ul style="list-style-type: none"> <li>■ Provide advice to the President, Statutory Board and staff on interpretation and application of the ADA and related case law</li> <li>■ Provide interpretation and information about the amendments to the ADA introduced in May 2005</li> <li>■ Answer queries from the public about exemptions from the ADA</li> <li>■ Provide support to the Statutory Board in relation to applications for exemption</li> </ul>
Enable the Board's core business of complaint handling and education to operate with maximum efficiency	<ul style="list-style-type: none"> <li>■ Provide a high quality, responsive support service including finance, human resources, information technology, asset management and administration</li> <li>■ Liaise with relevant business centres in Attorney General's Department to coordinate support services</li> <li>■ Develop and improve in-house systems to complement departmental support services</li> </ul>

ACHIEVEMENTS	FUTURE DIRECTIONS
<ul style="list-style-type: none"> <li>■ Provided training across a range of sectors, including 40% to heavy industry</li> <li>■ Increased training delivered to hospitality industry, including registered clubs</li> <li>■ Increased revenue by 62% over 2003-04</li> </ul>	<ul style="list-style-type: none"> <li>■ Establish seminar series on the North Coast and in North Western NSW</li> <li>■ Reinvigorate EEO Network in the Hunter and expand to northern NSW</li> <li>■ Develop strategic partnerships</li> </ul>
<ul style="list-style-type: none"> <li>■ Handled all enquiries immediately or within 24 hours</li> </ul>	
<ul style="list-style-type: none"> <li>■ Allocated all complaints to a complaint handler within 7 days of lodgement</li> <li>■ Finalised approx 79% of complaints within 6 months of lodgement, and 90% within 12 months</li> <li>■ Implemented changes resulting from amendments to the Anti-Discrimination Act</li> </ul>	<ul style="list-style-type: none"> <li>■ Maintain current levels of complaints throughput</li> <li>■ Identify factors that slow down complaint handling processes</li> <li>■ Monitor implementation of new amendments</li> </ul>
<ul style="list-style-type: none"> <li>■ Provided on-site training sessions to 17 employers across a range of industries in urban and rural areas, with 663 participants</li> <li>■ Reviewed EEO policies and procedures for 11 organisations</li> <li>■ Ran three employer seminar programs at two rural locations, with 43 participants</li> <li>■ Earned \$59,455 from self-funding program</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to prioritise employer requests for on-site training</li> <li>■ Develop regional seminar program, aiming for up to four seminars at one to two regional locations per year</li> <li>■ Seek new markets for education services by developing relationships with employers and industry through EEO networks, using email groups and improving regional contact list</li> </ul>
<ul style="list-style-type: none"> <li>■ Advised President on appropriate response to issues arising during the year</li> <li>■ Conducted in-house training for all Board staff on the amendments to the ADA</li> <li>■ Gave presentations at two events to inform stakeholders about the amendments to the ADA</li> <li>■ Advised Education Services Branch on required updates to publications and website regarding amendments to the ADA</li> </ul>	<ul style="list-style-type: none"> <li>■ Continue to provide advice and associated support as required</li> <li>■ Continue to process exemptions as required</li> </ul>
<ul style="list-style-type: none"> <li>■ Liaised with Attorney General's department Information Technology section to upgrade all hardware and software</li> <li>■ Maintained separate server for business-specific software that was not compatible with departmental network infrastructure</li> <li>■ Coordinated move to more cost-effective premises, with minimum disruption to services despite difficulties with phone system and airconditioning</li> <li>■ Developed in-house database to coordinate local support functions</li> </ul>	<ul style="list-style-type: none"> <li>■ Assess internal procedures to improve consistency and maximise time of education and enquiries and conciliation staff available for core business</li> <li>■ Liaise with Attorney General's Department regarding corporate services reform and implement changes as appropriate</li> <li>■ Refine in-house database and make relevant components accessible to branch managers</li> </ul>

# NSW ANTI-DISCRIMINATION LAW

Under the *Anti-Discrimination Act 1977 (NSW)* (ADA), certain types of discrimination and harassment are against the law.

Discrimination occurs when someone is treated unfairly because they belong to a particular group of people or have a particular characteristic. Harassment occurs when a person is subjected to behaviour they do not want, and that offends, humiliates or intimidates them.

Behaviour that is against the law includes the following:

- sex discrimination (including pregnancy);
- race discrimination;
- age discrimination;
- marital status discrimination;
- homosexual discrimination;
- disability discrimination (including infectious diseases);
- transgender (transsexual) discrimination;
- carers' responsibilities discrimination (in employment only);
- harassment that targets a person because of any of these characteristics;
- discrimination or harassment because a person's relatives, friends or associates have any of these characteristics; and
- sexual harassment (sexually related behaviour that a person does not want, and a reasonable person would have expected them to be offended, humiliated or intimidated by it).

These types of discrimination and harassment are against the law if they occur in employment, government education (sexual harassment and race discrimination are also unlawful in private education), registered clubs, the provision of goods or services and the provision of accommodation.

## Direct and indirect discrimination

Discrimination can be direct or indirect. Direct discrimination means treating someone unfairly compared to someone else in the same or similar

circumstances, because of their sex, race, marital status, disability, homosexuality, age, transgender status or carers' responsibilities – for example, refusing to hire a woman because she may become pregnant.

Indirect discrimination means a requirement that is the same for everyone, but has an effect or result that is unequal and unreasonable having regard to the circumstances – for example, an employer who says they need a person over a certain height might be discriminating against women and some ethnic groups.

## Vilification

Vilification because of a person's racial background, homosexuality, HIV/AIDS status or transgender status is also against the law. 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 on the basis of the relevant characteristic.

Vilification laws can cover behaviour that occurs outside the usual areas of employment, goods and services etc, for example in the media or in public places.

## Amendments

Amendments to the ADA were passed by the NSW Parliament on 26 October 2004 and came into force on 2 May 2005.

The amendments mainly relate to how complaints of discrimination are dealt with. The main changes are:

- extending the time limit for lodging complaints to 12 months;
- giving the President new powers to decline complaints;
- giving the Board the power to compel complainants to supply documents;
- empowering the President to enforce orders when systemic discrimination is involved;
- paving the way for electronic lodgement of complaints in the future; and
- enabling the President to delegate complaint handling functions to avoid a conflict of interest.

# ABOUT THE BOARD

The Anti-Discrimination Board was set up under the *Anti-Discrimination Act 1977 (NSW)* to administer that Act. It is our role to promote anti-discrimination and equal opportunity principles and policies throughout NSW. We are part of the NSW Attorney General's Department.

## FUNCTIONS OF THE BOARD

### **We try to prevent discrimination from occurring.**

We inform the people of NSW about their rights and responsibilities under anti-discrimination laws, and explain how they can prevent and deal with discrimination. We do this through consultations, education programs, seminars, talks, participation in community functions, the production and distribution of written information and our website.

**We handle complaints of discrimination.** We provide an enquiry service for people who want to know about their rights or responsibilities under anti-discrimination law. We also accept complaints of discrimination, investigate complaints and conciliate complaints when appropriate.

**We advise the Government on discrimination matters,** and may make recommendations to the Attorney General about applications for exemption from the Anti-Discrimination Act.

## THE PRESIDENT AND THE BOARD

Stepan Kerkysharian AM became the part-time President of the Anti-Discrimination Board on 15 September 2003. Mr Kerkysharian also continues as the part-time CEO and Chair of the Community Relations Commission.

The members of the Board are the President as Chair, and four part-time members appointed by the Governor of NSW. The members in 2004-05 were Suzanne Jamieson, Phillipa McDermott, Cameron Murphy and Peter Wertheim.

## BRANCHES

The Board has three branches as follows:

- Enquiries and Conciliation Branch – responsible for handling initial enquiries and calls for advice about discrimination, and for investigating and conciliating discrimination complaints received by the Board. The Manager is Elizabeth Wing.
- Education Services Branch – oversees the Board's provision of training, community education, information, publication and website services. The Manager is Murray Burke.
- Liaison and Support Branch – provides support services to assist in achieving the primary goals of the Board, particularly financial control and information technology. The Manager is Darryl Brown.

The Anti-Discrimination Board Management team L-R: Paul Santone, Darryl Brown, Elizabeth Wing, Nathan Tyson, Stepan Kerkysharian and Gerardo De Liseo. Absent: Murray Burke



## ABOUT THE BOARD

The Board's Indigenous team contains complaint handling and education staff who provide culturally specific services for Aboriginal and Torres Strait Islanders. The team leader is Nathan Tyson.

The Board has regional offices in Newcastle and Wollongong that handle complaints and provide education services for those areas. The Newcastle Manager is Paul Santone, and the Wollongong Manager is Gerardo De Liseo.

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

### STAFF

The Board has 38.5 (full-time equivalent) salaried positions, including 34 people in Sydney and 11 people in two regional offices. In 2004-05 the Board also provided one placement for a student from Boston University, and two work experience placements for high school students.

29% of the staff are male, and 71% are female. 25% have been with the Board for more than 10 years, 20% for 5-10 years, 37.5% for 2-5 years, and 17.5% for under two years.

Five staff left the Board during the year, four to work in other State government departments and one to the private sector. There were seven recruitments during

the year, plus 11 internally managed development opportunities arising from short-term vacancies.

In 2004-05 staff at the Board took part in the staff survey run by the Attorney General's Department and several issues were identified as being of concern at the Board, including communication and feedback, training and development and job satisfaction. The management team initiated further discussion in focus groups for Board staff and has implemented a number of changes to policy and procedures as a result.

### TRAINING AND DEVELOPMENT

All staff engaged in some form of training or development during the year. All staff received training on privacy legislation and on the 2005 amendments to the Anti-Discrimination Act, and new members of the Occupational Health and Safety Committee undertook mandatory training.

Several staff undertook training in areas including leadership, communication skills, workplace ethical standards, conciliation skills, handling difficult complainants, recruitment and selection, accounting and desktop publishing software. Some of these courses were hosted by the Attorney-General's Department and others were with private training suppliers.

## ETHNIC AFFAIRS PRIORITY STATEMENT REPORT

### Delivery of services that are appropriate to a culturally diverse client group

- We responded to 958 enquiries and 188 complaints of race discrimination and racial vilification.
- We use interpreters and translators to improve access for clients when needed, including Auslan.
- The reverse of our letterhead features an explanatory note in 21 languages and the number for the Telephone Interpreter Service.
- Our website includes factsheets on discrimination in 24 languages.
- The Enquiries and Conciliation Branch uses standard letters written in plain English when writing to the parties to a complaint.
- Clients can submit complaints in their own language and we have these translated.
- 45% of our staff identify English as a second language and are from a racial or ethnic minority group.

### Flexible and inclusive consultation processes we have integrated into our planning processes

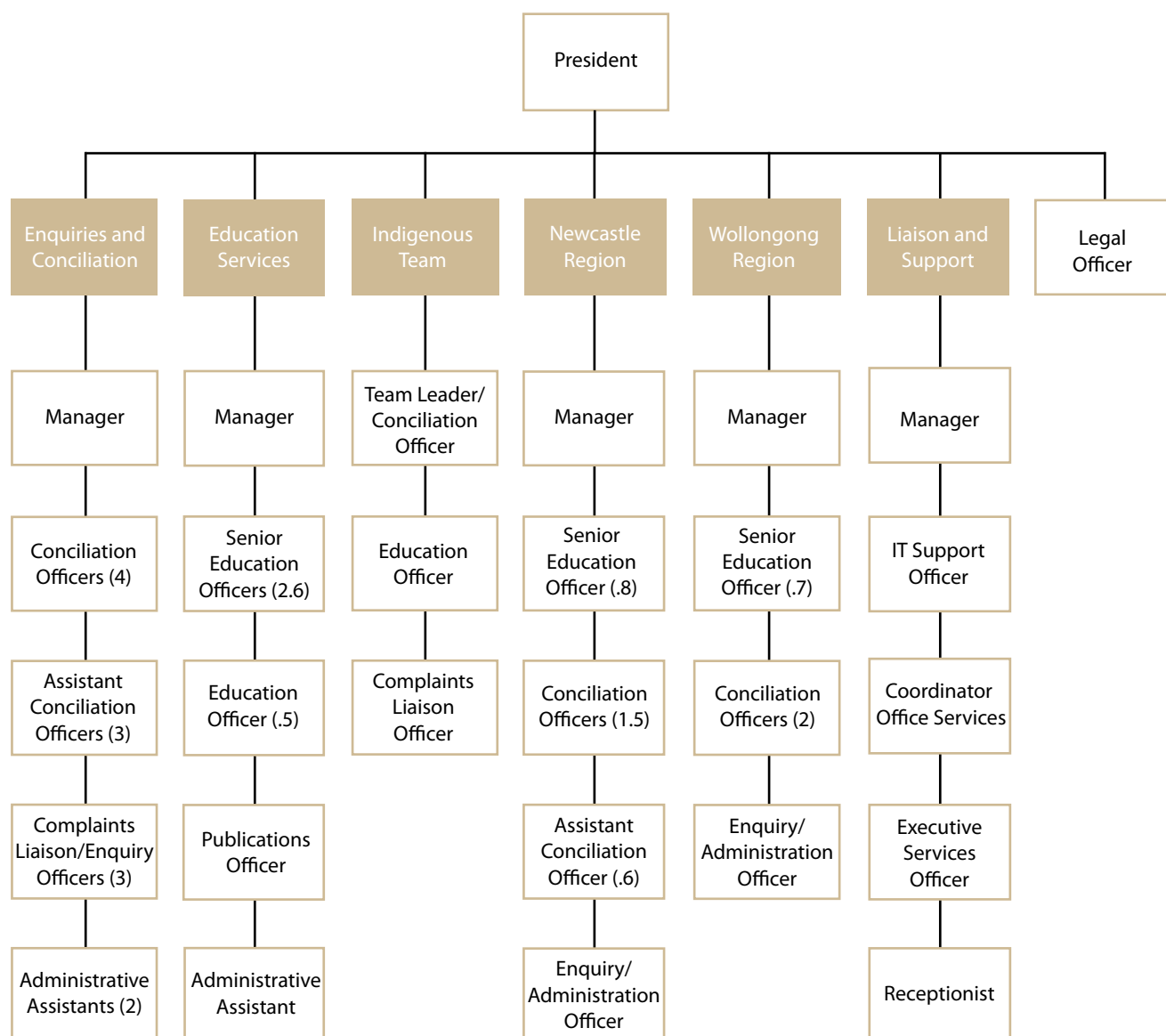
The Board's 2004 Annual Plan outlines the following:

- Provide an accessible, reliable and accurate enquiry service including the use of interpreters.
- Provide quality service delivery including the production of publications in plain English.

### Language services and information provided to the diverse community

- We delivered training on cultural diversity to employer clients in the finance and government sectors.
- We provided training to clothing outworkers via the Asian Women at Work program, using interpreters throughout.
- Our publications include a community poster featuring 12 languages, Arabic versions of our general, race discrimination and vilification factsheets, and an easy-to-read picture version of basic rights information.

## STRUCTURE OF THE BOARD



### NOTES

1. Regional Managers and the Team Leader, Indigenous Services participate in monthly management team meetings.
2. The Executive Services Officer provides direct support to the President and support services to the other managers of the Board, and assists with the general delivery of administrative support services.
3. The Legal Officer coordinates the delivery of legal services to the Board, providing some on-site advice to the President, Manager Enquiries and Conciliation and Manager, Education Services. He/she also liaises with the Crown Solicitor's Office as necessary to obtain legal advice and services.



# ENQUIRY SERVICE

The Enquiries and Conciliation Branch provides a specialised telephone advisory service which performs the following functions:

- dealing with questions on coverage of the *Anti-Discrimination Act 1977(NSW)* (ADA), particularly for employers and service providers;
- giving information and advice to the general community on anti-discrimination and human rights issues and how to deal with actual or potential discrimination; and
- referring matters to other agencies if they are not within the Board's jurisdiction or better dealt with elsewhere.

Many potential complaints are resolved at the enquiry stage, as the Enquiry Officers inform callers about their rights and when appropriate, suggest strategies on how to resolve the caller's situation before making a formal complaint.

This year the Board responded to 9,740 enquiries, an average of 38 contacts per day. This is an increase from last year, when the Board experienced a significant drop in both enquiries and complaint numbers. It is pleasing to see the trend reversed, and that the downturn in 2003-04 was indeed anomalous, as we believed at that time.

Two matters must be borne in mind when looking at the figures this year. In March 2005, the Board relocated its Sydney office to premises nearby. The Board's telecommunications systems were cut and unable to be restored for a period of approximately three weeks.

The Enquiries service in the Sydney office did not operate at all for eleven working days. Reception staff received a limited number of calls, but we could not phone out.

In times of adversity, our creativity and resilience come to the fore. Staff demonstrated their commitment to client service by using mobile phones to return calls.



Even though the mobile phones were an unsatisfactory tool, staff continued to use them rather than leave clients without service or support. Our Newcastle and Wollongong offices also provided invaluable assistance in fielding calls during this difficult time.

We believe the loss of contact was detrimental to the enquiry service in particular and the Board in general. We estimate that we lost 300 calls during this period, and that there was a continued reduction in enquiries until community confidence in the service was restored.

At about the same time, the Newcastle office stopped recording its enquiry contacts. The figures for the Newcastle office are therefore incomplete for at least two months of the year, and therefore the final figure will not include these calls.

Of the figures recorded, we received more calls from women (48.7%) than from men (33%), as has previously been the case. The remainder were callers on behalf of another person, employers, service providers, students and teachers.



The most common types of discrimination enquired about were sex discrimination, including pregnancy and sexual harassment (16.4%), disability discrimination (13.2%) and race discrimination (10.1%), including racial vilification.

The majority of enquiries continued to be employment-related – 5,910 enquiries or 60%. The second most common area was the provision of goods and services (1,275 callers or 13%).

Problems not covered by anti-discrimination law accounted for 4,166 calls (40.4%). One quarter of these related to employment – these were referred to trade unions, to the NSW Office of Industrial Relations, or advice was provided about how to resolve the problem in the workplace.

Other common types of problems not covered by the ADA related to religion, criminal record and personal disagreements.

#### ENQUIRIES BY AREA 2004-05

Area	No	%
Employment	5,910	60
Goods and services	1,275	13
Accommodation	273	2.8
Education	236	2.4
Registered clubs	162	1.7
All areas	253	2.6
Vilification	76	<1
Other	1,659	16.9
<b>Total</b>	<b>9,844</b>	<b>100</b>

*The total number of enquiries by area is greater than the total enquiries received because some enquiries covered more than one area.*

#### ENQUIRIES BY GROUND 2004-05

Ground	No	%
Sex – including pregnancy and sexual harassment	1,688	16.4
Disability	1,358	13.2
Race	958	9.3
Carers' responsibilities	579	5.6
Age	473	4.6
Homosexuality	183	1.8
Compulsory retirement	12	<1
Racial vilification	86	<1
Marital Status	83	<1
Victimisation	55	<1
Transgender	57	<1
HIV/AIDS	14	<1
Homosexual vilification	26	<1
HIV/AIDS vilification	14	<1
Transgender vilification	2	<1
All grounds	563	5.5
Not covered by ADA – other	3,469	33.6
Not covered by ADA – work not harassment	697	6.8
<b>Total</b>	<b>10,317</b>	<b>100</b>

*The total number of enquiries by ground is greater than the total enquiries received because some enquiries covered more than one ground.*

# CONCILIATION SERVICE

## COMPLAINT PROCESS

Lodging a formal complaint involves the person or people affected by the unlawful conduct completing one of our complaint forms or sending a letter to the President of the Board describing the type of discrimination, harassment, vilification or victimisation that has occurred, and why they think it was unlawful.

If the person is unable to write a letter because they have a disability or because they are a child, they can get someone else to write it on their behalf, or an officer of the Board can help them. Letters of complaint can be lodged in any language or in Braille. The Board bears

the cost of translating complaint letters into English as needed.

All complaints are handled impartially and free of charge. The first stage is to investigate the complaint to see if it may involve a breach of the *Anti-Discrimination Act 1977 (NSW)* (ADA). If this appears to be the case, we try to conciliate the complaint, which means we ask all the parties to the complaint to come to a confidential agreement or settlement that will resolve it.

Many complaints are resolved through this process, but this can only occur if both parties to the complaint agree to the settlement that is decided. The Board has

## COMPLAINTS RECEIVED BY GROUND AND AREA 2004–05

	Emp	Goods & Services	Accom	Educ	Clubs	Qual bodies	Racial vil	Homo vil	HIV/AIDS vil	Trans vil	Other	Total	%
Race	64	80	7	6	4	1	0	0	0	0	13	<b>175</b>	16.6
Racial vilification	0	0	0	0	0	0	13	0	0	0	0	<b>13</b>	1.2
Sex	223	18	0	3	12	0	0	0	0	0	3	<b>259</b>	24.6
Marital status	6	6	2	0	0	0	0	0	0	0	0	<b>14</b>	1.3
Carers' responsibilities	39	0	0	0	0	0	0	0	0	0	0	<b>39</b>	3.7
Disability	124	58	8	8	9	1	0	0	0	0	6	<b>214</b>	20.3
HIV/AIDS vilification	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>	0
Age	31	12	4	1	1	1	0	0	0	0	1	<b>51</b>	4.8
Homosexuality	16	13	2	0	0	0	0	0	0	0	0	<b>31</b>	2.9
Homosexual vilification	0	0	0	0	0	0	0	27	0	0	0	<b>27</b>	2.6
Transgender	1	14	1	1	0	0	0	0	0	0	0	<b>17</b>	1.6
Transgender vilification	0	0	0	0	0	0	0	0	0	2	0	<b>2</b>	<1
Victimisation	65	6	2	6	2	0	0	0	0	0	0	<b>81</b>	7.7
Aiding an unlawful act	5	1	0	1	0	0	0	0	0	0	0	<b>7</b>	<1
Advertisement	0	0	0	0	0	0	0	0	0	0	0	<b>0</b>	0
Other	33	23	2	2	4	0	0	0	0	0	23	<b>87</b>	8.3
Unknown	11	15	2	0	2	0	0	0	0	0	5	<b>35</b>	3.3
<b>Total</b>	<b>618</b>	<b>246</b>	<b>30</b>	<b>28</b>	<b>34</b>	<b>3</b>	<b>13</b>	<b>27</b>	<b>0</b>	<b>2</b>	<b>51</b>	<b>1052</b>	100

no power to impose a settlement if the parties do not agree.

Settlements may involve the complainant:

- receiving an apology;
- being reinstated, promoted or interviewed;
- being provided with facilities;
- receiving the goods or services required;
- being provided with accommodation;
- receiving monetary compensation; and/or
- receiving some other form of compensation.

## 2005 AMENDMENTS

The main effect of the amendments to the ADA introduced in May 2005 is to clarify and expand on the functions and powers of the President.

The clear ability to delegate the President's functions to staff has improved efficiency in complaint processing. Regional managers can now make some decisions in addition to the President, so in those matters we no longer need to transfer the file to Sydney for the decision. We will review delegations to staff in 2005-06 to see if there is potential for further efficiencies.

The extension of the time limit for lodging complaints eliminated a frustrating process for many complainants, respondents and complaint handlers, as complainants no longer have to demonstrate good cause for a



complaint to be accepted out of time. The President now has an absolute discretion to decline complaints older than 12 months.

Another welcome addition is s88A which specifically allows the President to assist a person to make a complaint. The Board is conscious of the need to maintain neutrality, but we are also aware that some of our complainants are disadvantaged and vulnerable, and cannot necessarily get assistance from advocates or support persons. We are now able to assist them without leaving the Board open to criticism of bias.

## COMPLAINTS RECEIVED

The Conciliation Branch had another successful year in handling formal complaints under the ADA.

The profile of complaints this year continues to follow the trend set over previous years. As the table shows, the most common complaints are again on the ground of sex, disability and race.

There were slightly more sex discrimination complaints in 2004-05 (259 or 24.6%) compared with 2003-04 (206 or 21.8%). Disability discrimination complaints also rose slightly to 214 (20.1%) compared to 186 (19.7%) last year. Race discrimination complaints are stable at 175 (16.6%),

### TYPES OF EMPLOYMENT COMPLAINTS 2004-05

	No	%
Work environment and harassment	325	52.6
Dismissal	98	15.9
Classification/benefits	73	11.8
Recruitment/selection	73	11.8
Resignation	29	4.7
Retrenchment/redundancy	9	1.5
Demotion	5	0.8
Transfer	3	0.5
Retirement	2	0.3
Promotion	1	0.2
Award and enterprise agreement	0	0
<b>Total</b>	<b>618</b>	<b>100</b>

## TYPE OF EMPLOYER 2004-05

	No	%
Private enterprise	347	56.1
State government department	70	11.3
Individual male	70	11.3
State statutory body	43	6.9
Hospital	23	3.7
Local government	11	1.8
Registered clubs	11	1.8
Education authority (public)	9	1.4
Non-profit association	9	1.4
Education authority (private)	8	1.3
Individual female	5	<1
Trade union	4	<1
Commonwealth department	2	<1
Commonwealth statutory body	2	<1
Media organisation	1	<1
Government business enterprise	0	<1
Not known	0	<1
Other	3	<1
<b>Total</b>	<b>618</b>	<b>100</b>

*In some cases a complaints may be made against both an individual and their employer. These are counted separately.*

## OUTCOME OF COMPLAINTS FINALISED 2004-05

	No	%
Not proceeded with	303	28.1
Referred to ADT	185	17.2
Outside jurisdiction	180	16.7
Settled at or after conciliation	157	14.6
Settled before conciliation	122	11.3
Formally declined	46	4.3
Formally declined – referred to ADT	31	2.9
Settled outside the Board	27	2.5
Not accepted – out of time	23	2.1
Referred to HREOC	4	<1
<b>Total</b>	<b>1078</b>	<b>100</b>

*This year no complaints were referred to the Attorney General for serious vilification.*

the same number as last year, although of course a different percentage.

Age discrimination complaints fell from 84 complaints last year to 51 this year. The drop in these complaints may be due to the introduction of federal legislation covering age discrimination.

We received more complaints of homosexual vilification this year than in previous years. The complaints arose mainly from one vilification case that attracted widespread attention in the gay and lesbian community, as well as in the general community and media. It is clear that public awareness of the ADA does influence the number and type of complaints lodged.

Consistent with previous years, employment related complaints continue to be the single largest area of complaint at 58.7%. The figure is similar to last year's level of 60.4%. This was followed by complaints relating to the provision of goods and services. At 246 or 23.4%, this is a slight increase from last year (20.9%).

## COMPLAINT PROCESSING

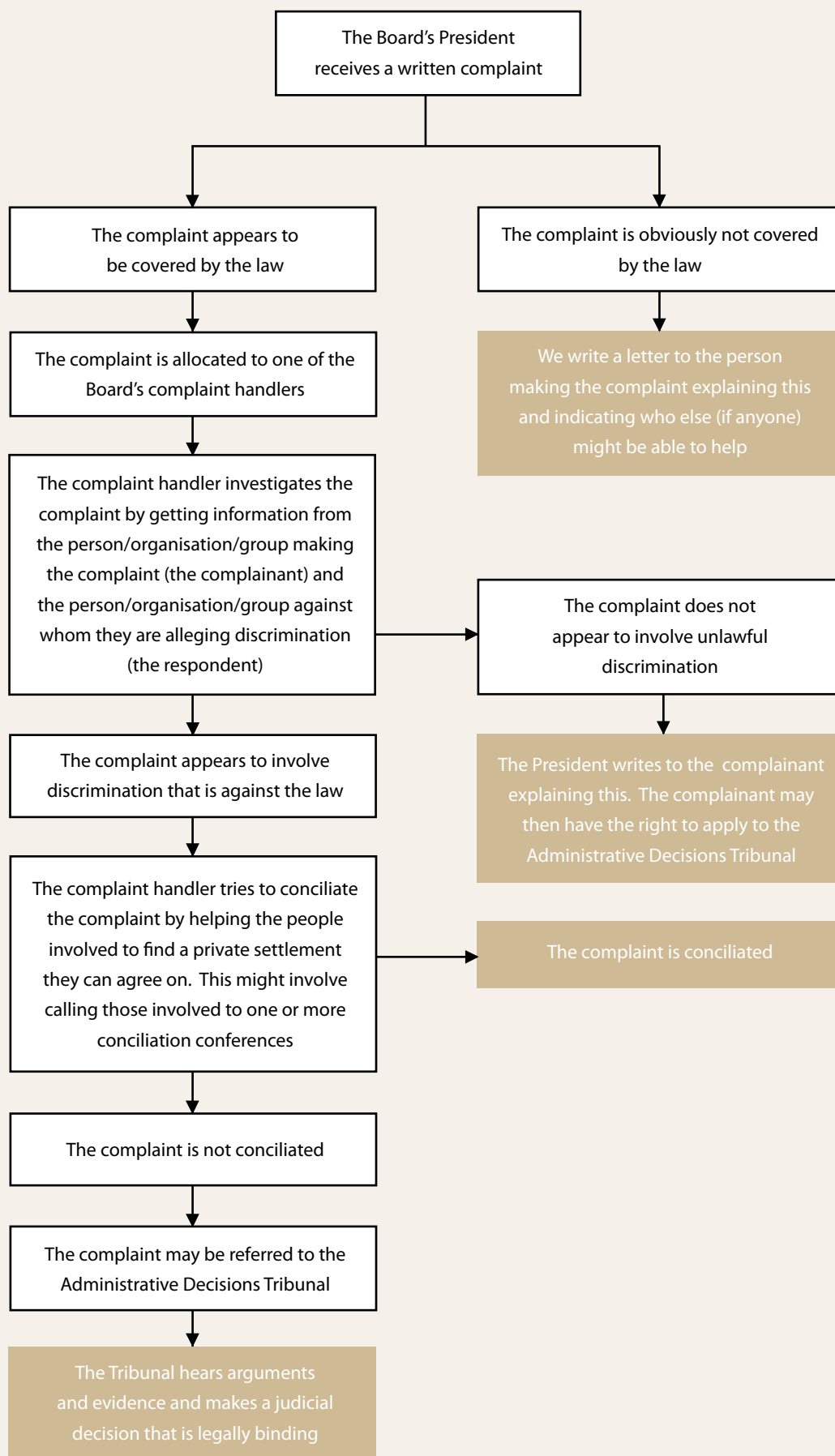
The Board has now completely eliminated the backlog of complaints it had in previous years, and every complaint is allocated to an officer when it is received and is actively progressed. In addition to clearing the backlog, the Conciliation Branch has also been able to improve on timeframes for completion of files in 2004-05.

New targets set last year seemed ambitious at the time, but through the professionalism and dedication of the staff we have been able to achieve the excellent result of finalising 81% of files within 12 months of receipt. The Board anticipates being in an even stronger position to achieve all target timeframes in 2005-06.

As always, the Board is committed to providing an accessible service to rural and remote areas. This year we made ten trips to conduct conciliation conferences.

With these achievements, and the new powers under the 2005 amendments, the Board looks forward to another successful year in 2006.

## HOW WE HANDLE COMPLAINTS



# ABORIGINAL AND TORRES STRAIT ISLANDER

Discrimination is a significant factor contributing to the level of socio-economic disadvantage facing Aboriginal people, and their over-representation in the criminal justice system.

It is therefore important that Aboriginal and Torres Strait Islander people are able to access appropriate and effective mechanisms for dealing with complaints about discrimination.

In order to provide a culturally appropriate service, the Anti-Discrimination Board has an Aboriginal and Torres Strait Islander team consisting of three staff. This includes one complaint handler, one education officer, and one complaints liaison officer.

Because of the type and geographical breadth of liaison that is required with the Aboriginal and Torres Strait Islander community, creativity is required to provide an effective service within these resources. The team has developed a very successful strategy of networking with community groups and working in partnership with other government agencies.

## COMPLAINT HANDLING

In 2004-05 the Board received 94 complaints from Aboriginal or Torres Strait Islander people. This is an increase of 27% complaints from 2003-04, and we expect the number will continue to increase over the next 12 months.

The main ground of complaint was race discrimination, with 69 complaints received. This represents 39.4% of all race discrimination complaints received by the Board in 2004-05.

Given that Aboriginal and Torres Strait Islander people represent approximately 3% of the NSW population, they are over-represented in the area of race discrimination complaints by more than tenfold.

The most frequent area of discrimination complaints received from Aboriginal and Torres Strait Islander people in 2004-05 was goods and services (48%), followed by employment (34%). The team will continue to focus on education and training initiatives in these areas.

## ABORIGINAL AND TORRES STRAIT ISLANDER COMPLAINTS 2004-05

	Emp	Goods & Accom	Servs	Educ	Clubs	Qual bodies	Racial vil	Homo vil	HIV/AIDS vil	Trans vil	Other	Total	%
Race	16	42	2	0	2	0	0	0	0	0	7	69	73.4
Racial vilification	0	0	0	0	0	0	1	0	0	0	0	1	1.1
Sex	4	0	0	0	0	0	0	0	0	0	0	4	4.3
Carers' responsibilities	2	0	0	0	0	0	0	0	0	0	0	2	2.1
Disability	1	0	0	0	0	0	0	0	0	0	0	1	1.1
Age	1	1	0	0	0	0	0	0	0	0	0	2	2.1
Victimisation	4	0	0	0	0	0	0	0	0	0	0	4	4.3
Other	4	2	3	0	0	0	0	0	0	0	2	11	11.6
<b>Total</b>	<b>32</b>	<b>45</b>	<b>5</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>9</b>	<b>94</b>	100

*There were no complaints received from Aboriginal and Torres Strait Islanders on the grounds of marital status, HIV/AIDS vilification, homosexuality, homosexual vilification, transgender status or transgender vilification.*



# DER SERVICE

The Board's Aboriginal and Torres Strait Islander team with Advisory Committee member John Walford (centre front).



The Board received no complaints from Aboriginal and Torres Strait Islander people in the area of education in 2004-05, compared with six complaints received in 2003-04.

This may indicate that discrimination against Aboriginal people in the area of education has been reduced, or that they have lost confidence in the possibility of achieving a just outcome in this area. The Board will maintain a "watching brief" on this.

## EDUCATION AND TRAINING

In 2004-05 the Board's Aboriginal and Torres Strait Islander team continued to provide an education program to raise the awareness of Aboriginal and Torres Strait Islander people and communities of their rights and responsibilities under the *Anti-Discrimination Act 1977 (NSW)* (ADA).

### "Do it right" combined forums

The highly successful "Do it Right" program provides a free two-day seminar aimed at Aboriginal and Torres Strait Islander employers, workers, community leaders and other people who give advice in the community. It is a joint initiative between the Office of Industrial

Relations, WorkCover NSW, the Anti-Discrimination Board and the Office of Fair Trading.

The aim of Do it Right is to provide consistent and comprehensive information to Aboriginal and Torres Strait Islander communities in NSW about employment rights and obligations. This includes subjects such as harassment and discrimination, workplace safety, workers compensation, employment and industrial relations laws in NSW, tax and superannuation and consumer rights and fair trading in employment.

The Board has continued to participate in the Do it Right forums throughout NSW in 2004-05. Locations this year included Wollongong, Moree and Lismore, and two further forums are planned for Taree and Bourke in 2005-06.

### Gunya project

Members of the Board's Aboriginal and Torres Strait Islander team have also participated in the Gunya project facilitated by the Office of Fair Trading. The project aims to provide advice to Aboriginal and Torres Strait Islander people on their rights and responsibilities as tenants. A session has been run in Wollongong, with further sessions planned for Broken Hill and Griffith.

## ABORIGINAL AND TORRES STRAIT ISLANDER SERVICE

### Residential tenancy seminars

Staff from the Aboriginal and Torres Strait Islander team have conducted a number of training sessions for real estate agents and landlords on their rights and responsibilities under the ADA.

The seminars were organised by the Office of Fair Trading and also involved presentations by Fair Trading staff and representatives from the Consumer, Trader and Tenancy Tribunal.

Seminars were held in Batemans Bay, Merimbula, Newcastle and Toronto, with further seminars planned for Kempsey and Wollongong in 2005-06.

### OUTREACH

The Aboriginal and Torres Strait Islander team also undertakes outreach work to provide information about rights and responsibilities under the ADA. In 2004-05 team members held information stalls at the following events:

- Mount Druitt Festival – Mt Druitt
- Yabun Survival Day Concert – Redfern
- Cumberland Women's Health Centre – Parramatta
- International Women's Day – Parramatta
- International Women's Day – Sydney
- Young Women's Festival – Mt Druitt TAFE
- KARI Community Information Day – Moorebank
- Western Sydney Women's Conference – Parramatta
- Youth Week, Granville TAFE - Granville
- GROW Job Market – Mt Druitt
- Aboriginal Women's Gathering – Guildford
- Aboriginal Women's Gathering – Wentworthville
- Aboriginal Women's Gathering – Merrylands

Members of the Board's Aboriginal and Torres Strait Islander team also attended the following interagency and network meetings:

- South Eastern Sydney Aboriginal Interagency
- Western Sydney Aboriginal Interagency Network

- Southern Sydney Koori Interagency
- Maroubra Koori Interagency (Inna-Nurra)

### ABORIGINAL AND TORRES STRAIT ISLANDER ADVISORY COMMITTEE

The Board has an Aboriginal and Torres Strait Islander Advisory Committee. The committee meets quarterly to discuss issues relating to discrimination that appear to be affecting Aboriginal and/or Torres Strait Islander communities or individuals.

The committee includes Aboriginal/Torres Strait Islander representatives from government departments and agencies, as well as community representatives.

Feedback from the committee enables the Board to be aware of significant or emerging issues that may affect Aboriginal or Torres Strait Islander people in NSW. The committee also provides suggestions and advice to the Board as to how the Board may best provide services to the community.

Participants at the Do it Right forum at Condobolin included (back L-R) Janet Sloane from Central West Family Support, Amanda Coe from Midwestern Area Health Service, (front L-R) Vickie Brandy from Aboriginal HACC Services and Kerry Goolagong from Ngangara Home Care Service.





# NEWCASTLE OFFICE

## COMPLAINTS

In 2004-05, the Newcastle office received 95 new complaints. This represents a decrease of 19% compared to the previous year, which may partly result from the fact that the office's contact details were not placed in the local telephone directory.

The most common grounds of complaint lodged were disability (23%) and sex (20%), including pregnancy and sexual harassment, followed by race (18%). These three grounds of complaint have consistently ranked highest in the Newcastle region.

There has been a drop in the proportion of disability and sex related discrimination complaints and an increase in the proportion of race related complaints compared with the previous two years. In 2002-03 disability related complaints were 36% of total complaints, sex related were 25% and race related 10%. By 2004-05 disability related were 23%, sex related 20% and race related 18%.

As in previous years, the most common area of complaint was employment (64%), followed by goods and services (20%). However, compared to previous years the percentage of goods and services complaints has more than doubled.

## Complaints finalised

In 2004-05 the Newcastle office finalised 105 complaints. Of these, 18% were resolved with settlement, 3% were formally declined, 15% were discontinued, 18% were closed because they were not within jurisdiction and 38% were referred to the Administrative Decisions Tribunal for determination.

## EDUCATION SERVICE

In 2004-05 the Newcastle office delivered training to 47 organisations in the Hunter Valley, Central Coast, Mid-North Coast and New England Regions of NSW.

The business sectors receiving education services included heavy industries (40%), local government (29%), registered clubs (14%), community organisations



(7%), state government (5%), financial institutions (3%) and hospitality (2%). Compared with last year, the proportion of training delivered to heavy industry increased and the proportion of training delivered to local government decreased.

Revenue generated in 2004-05 was approximately \$127,000, which is a 62% increase from 2003-04. This was partly due to a strategic focus on the self-funding program.

A number of organisations have requested and booked further training in 2005-06. This indicates confidence in our education service and will assist us to reach the budget target of \$89,856 set for the year.

Feedback received from participants in our training has been overwhelmingly positive. A large majority of participants said that their course was interactive, useful and well delivered. They were generally in agreement with the course content and emerged with a thorough understanding of the areas covered.

The most commonly requested training courses were Introduction to EEO, Discrimination and Harassment, and Grievance Procedures for Non-Supervisory Staff.

# WOLLONGONG OFFICE

## COMPLAINTS

In 2004-05, the Wollongong office received 201 new complaints, which is 65% more than were received in 2003-04. This reverses the trend of declining complaints over the last two years.

The office has received positive feedback from community agencies about the speeding up of the complaint handling procedure that has occurred in the last two years, and this may be partly reflected in the increased number of complaints.

The most common grounds of complaint were sex discrimination (including pregnancy and sexual harassment) (28.4%), disability discrimination (20.9%) and race discrimination (15.9%). This is a change from the last few years, when disability-related complaints were the most common, and is mainly attributable to an increase in sexual harassment complaints.

As in previous years, the most common area of complaint was employment (65.2%), followed by goods and services (20.4%). This was similar to last year, and once again highlights the importance of maintaining workplace training services.

### Complaints finalised

In 2004-05, the Wollongong Regional Office finalised 189 complaints. Of these, 74 (39.2%) were settled through conciliation, 13 (6.9%) were formally declined, 59 (31.2%) were discontinued, 18 (9.5%) were closed because they were not within jurisdiction and 19 (10.1%) were referred to the Administrative Decisions Tribunal for determination.

## EDUCATION SERVICES

The Wollongong office's education team covers the south-eastern portion of NSW. In 2004-05 we delivered on-site workplace training to 17 separate client organisations, of which 12 were new clients and 5 were repeat clients. Altogether we conducted 45 workplace training sessions for 663 individual employee participants, of which 15 sessions were in rural areas.

Of the 17 client organisations, three were in the private sector, eight were in the public sector and six were in the community/not for profit sector. They included state and local government authorities, utilities, health care, education, finance, labour hire/employment agencies, child care, housing, and personal care service providers.

Participants were very positive about the sessions, with an overwhelming majority (87%) rating them as excellent or very good. The sessions most in demand were about discrimination and harassment awareness for employees, followed by sessions aimed at managers and supervisors. Two consultancies were also provided in relation to the development of EEO policies and procedures.

The office also ran seminars in rural areas, which had not been done for some years. Held in Goulburn and Albury, they were both considered successful and worth holding again in other regional locations.

Total education income was \$59,455, which is a 10% increase from 2004-05.

The office also provided training for community organisations, including two sessions at the Homelessness NSW/ACT Conference in Bowral, a one-day seminar on grievance handling supported by Volunteering Illawarra and Wollongong City Council, and sessions for Aboriginal and Torres Strait Islander community workers as part of the Do It Right seminars and Gunyah Housing program (refer to pages 23-24 for more information).



# SUCCESSFUL CONCILIATIONS

## Sexual harassment

The complainant was a young woman who was a temporary employee in a small business. She alleged that the respondent had sexually harassed her by touching her and making suggestive remarks. She had spoken with a more senior woman in the company about the problem but nothing had changed.

The respondent denied the allegations but accepted that the complaint needed to be resolved. He agreed to provide a statement of regret and to pay a total of \$2,000 – \$1,000 to the complainant and \$500 to each of two charities of her choice.

This satisfied the complainant because it demonstrated that she was not just after money, but was concerned about other women who worked for the company in the future.

## Race discrimination

The complainant was an Aboriginal woman who went to the office of a welfare agency to collect some furniture that had been allocated to her by an assessor of the agency.

She alleged that the office manager became abusive and rude toward her when she expressed a desire to choose the particular items of furniture. She also alleged that when she tried to assert her reasons he became more abusive and ultimately ordered her out of the shop.

The complaint was resolved when the complainant accepted an explanation of the agency's policy for allocation of furniture and a statement of regret. The complainant also accepted the agency's invitation to return to the agency to fulfil the order.

## Age discrimination

The complainant, who is in her 50s, applied to a recruitment agency. She said that in the interview she was asked her date of birth, and when she questioned this the consultant seemed to become less enthusiastic about her.

She was not put forward for the position in question, and she later found out that all the people put forward were in their 20s, and the successful candidate had less qualifications and experience than she did.

The woman made a complaint of age discrimination. The agency said the decision was not discriminatory, but agreed that a question about age on the application form and the question at the interview could have led to the perception of discrimination.

The agency agreed to remove the date of birth field from their application form and to implement training for all staff on preventing discrimination. They offered the complainant a financial settlement but she declined, saying that her goal was to effect change.

## Disability discrimination

The complainant had applied for a position with a government department. He passed all the tests to be admitted to train for the position but when he went for a medical he was found to have a sensory disability.

He was told that he was not eligible for the position due to this disability. He sought medical advice and got a remedial device, but was told he was still not suitable.

The complaint was settled following intensive negotiations, with the department agreeing to allow the complainant to start the training.

# EDUCATION SERVICES

The Education Services Branch produces a wide variety of education initiatives including the following:

- an extensive self-funding training program aimed primarily at employers and service providers;
- special-purpose events and projects aimed at specific groups;
- regular community seminar programs;
- attendance at community events, conferences and other gatherings as appropriate;
- a broad range of publications; and
- a comprehensive website.

The branch also runs consultations with the gay, lesbian bisexual and transgender communities to inform the Board's practice, develop our links with these groups, and work to reduce discrimination against them.

## WORKPLACE TRAINING

The Board's highly successful self-funding workplace education program continued to be a vital educational tool for employers, employees and service providers.

The program is designed to:

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

In 2004-05 the program included the following training sessions:

- How to implement EEO in your organisation
- Training for contact officers (designated staff members who advise and support employees with grievances)

- EEO, discrimination and harassment prevention for non-supervisors
- EEO, discrimination and harassment prevention for managers
- Grievance handling skills for managers
- Grievance resolution
- Harassment and bullying prevention
- Managing psychiatric disabilities in the workplace
- Cultural diversity awareness
- Case law updates

In 2004-05 the program included three series of employer seminars as well as in-house training sessions to employers across all industries and sectors. This totalled 583 training sessions producing total earnings of \$707,216.

As in previous years, many employers used our training services to educate managers and employees in their national and international offices. This included training delivered in south-east Asia and New Zealand as well as other Australian capital cities.



## SOME ORGANISATIONS WE TRAINED THIS YEAR

Citigroup

Accor

Deutsche Bank

Westpac

Catholic Education Office

Australian Red Cross Blood Service

Tech Pacific

Transport Infrastructure Development Corporation

Motor Accidents Authority

Smorgon Steel

Hunter Valley Gardens

Energy Australia

United Services Union

Hurstville Council

Waverley Council

Department of Juvenile Justice

Fairfax Printers

St John Ambulance Australia

Schefenacker Lighting Systems Australia

Idexx Laboratories Limited

Transgrid

## COMMENTS ABOUT OUR TRAINING

"The trainer has a very enthusiastic style that makes a potentially dry topic quite interesting. The stories and examples also add flavour to the session."

"Have done a few EEO courses, found this to be the best – great examples and activities. It was challenging and informative."

"A real eye-opener as far as what is acceptable in the workplace, makes me aware of the importance of me doing the right thing and looking at situations from many angles, very interesting."

"Great! Have a much better understanding about the policies, thank you!"



(L-R) David Urquhart, Jo Harrison and ADB Enquiries and Conciliation Manager Elizabeth Wing at the GLBTI Forum.

## EVENTS AND PROJECTS

### Ageing and Discrimination Forum

This forum was organised following a strong response to an article in our email newsletter *Equal Time* based on the work of Dr Jo Harrison from the School of Health Sciences at the University of South Australia. It was held in February 2005 to coincide with Sydney's Gay Mardi Gras.

The forum was opened by Cameron Murphy, the President of the NSW Council of Civil Liberties and a member of the Anti-Discrimination Board. The keynote speaker was Dr Harrison, who highlighted the neglect of sexual and gender identity issues in the Australian aged care context.

The second speaker was David Urquhart, who spoke about his own life story and being an older gay man. He discussed the concept of "family" extending beyond the biological family to include his partner's family and friends.

Following the speakers there were small group discussion facilitated by ADB staff. The issues raised concerned ageism and image; medical services and medicines; home care services and aged care facilities.

Over 60 participants represented organisations including Acceptance; Access Plus; the AIDS Council of NSW; Brain Injury Association; the Lord Mayor of Sydney's office; Coalition of Activist Lesbians; Family Planning Association; Gay & Lesbian Counselling Service; Gay & Lesbian Rights Lobby; Gender Centre; Inner City Legal Centre; International Lesbian & Gay Association Rights Australia; Mature Age Gays; Sex Workers Outreach Program; the School of Social Work at the University of NSW; and the Women's Health Centre.



### Amendments launch

The Education Branch organised a well-attended event to launch the amendments to the Anti-Discrimination Act, which were proclaimed on 2 May 2005.

The event was held at Parliament House on 18 May. It included an official launch by Attorney General Bob Debus, a clear explanation of the amendments by the Board's Legal Officer, and a lively question and answer session.

Over 120 people attended the launch, and their feedback was very positive. Participants included representatives from community groups, employers, community legal centres and government departments as well as a range of individuals.

### COMMUNITY TRAINING AND INFORMATION

#### Asian Women at Work

We developed a training program on discrimination and harassment tailored for Chinese, Vietnamese and Korean speaking clothing outworkers. Over 100 workers attended sessions held at Villawood, Cabramatta, Lidcombe, Hurstville and Eastwood from March to June 2005.

Community interpreters assisted with the training, and we also provided fact sheets in the relevant languages giving information about rights under anti-discrimination law and ways to get assistance.

Participants revealed personal stories of discrimination by sub-contractors, including sexual harassment. The response was very positive, with participants making comments such as "I was unaware of my rights until now", "I will pass this information on to other workers in the area", and "I found the information useful and practical".



Ibtisam Hammoud from the Al-Zahra Muslim Womens Association with Wahida Rickman from the Department of Education and Training and Sana Asmar from the Islamic Council of NSW at the launch of the amendments to the Anti-Discrimination Act in May 2005.

#### Tailored community education sessions

The branch provided tailored in-house training on request to a number of community organisations.

The training covered rights and responsibilities under anti-discrimination law, including equal employment opportunity, harassment and sexual harassment. Participants are then in a position to pass on this information to people they come into contact with through their activities.

This year we trained over 100 participants from organisations including the Al Zahra Muslim Women's Welfare Association, West Works, the Ethnic Communities Council, the FTMA Network (female to male transgender and transsexual people), Penrith assisting people with disabilities, youth workers at Campbelltown, Gymea and Newcastle Community Management, various

Participants at the Hurstville outworker training program with Rhonda Stewart-Crisanti from the Board; (3rd from left) and Community Worker Angela Zhang (last on right).



representatives from neighbourhood centres, Ngaimpe Aboriginal Corporation, youth workers, domestic violence outreach workers and community learning centres assisting people with disabilities.

### Community workers seminars

We also ran general seminars designed for community workers on Discrimination Rights, Advice & Strategies at Liverpool and Lidcombe, followed by a seminar on Non-Discriminatory Community Management.

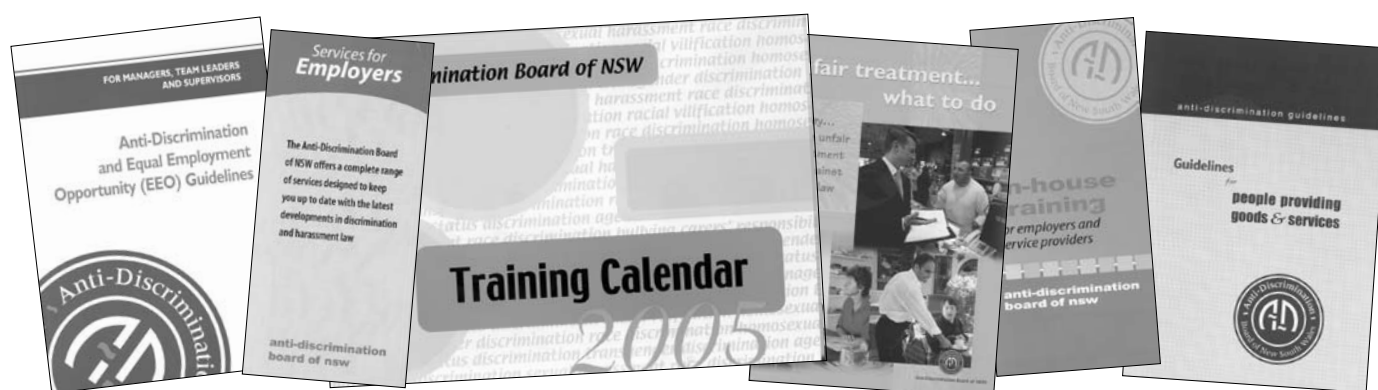
A broad spectrum of individuals and organisations attended this training including the AIDS Council of NSW, representatives from the Vietnamese community, Killara Women's Refuge, the Blue Mountains Women's Health Centre, Wyong Neighbourhood Centre, Canterbury City Community Centre, Namoi Family Support Service, St Vincent de

Paul, Information and Cultural Exchange and Padstow Community Centre.

### Information stalls

Another aspect of our work is providing information at appropriate community events. In 2004-05 we ran an all-day stall at the celebrations to mark International Women's Day, and we were also invited to speak at the 2005 Central Western Sydney Women's Conference held at Parramatta.

The Board's Indigenous team has run a highly successful community program called Do It Right which brought together a number of agencies to educate Indigenous people about their rights. The program was presented in a number of regional and metropolitan centres. Please refer to page 21 for more information.



### PUBLICATIONS

The Board's publications remain a valuable resource in educating the people of NSW about their rights and responsibilities.

Our factsheets are easily displayed and distributed in a wide range of contexts. They provide general information on the types of discrimination and harassment covered by the Anti-Discrimination Act and educate people about how to resolve discrimination and harassment problems.

We also have an extensive range of publications designed to educate employers, employees and service providers. They provide a wealth of information on topics including:

- the law and its practical implications in the workplace, in the provision of goods and services, in accommodation etc;
- how to prevent discrimination and harassment;

- how to develop effective EEO, harassment, discrimination and grievance policies;
- how to handle grievances; and
- how to apply for an exemption to the Anti-Discrimination Act.

### Update and review

In the first half of 2005 we began the process of updating all our publications to reflect the amendments to the Anti-Discrimination Act proclaimed in May 2005. This provided an opportunity to review all publications in view of current requirements, and we will be making changes as individual publications come up for reprinting over the next few years.

This will see some new publications being developed, some being combined with others, and some less commonly used workplace and service provider publications being made available free of charge on our website.



### New posters

In May 2005 the Board launched a new series of six posters. These include three posters for the workplace and three for community settings, one of which contains a brief message in fourteen community languages.

Brightly coloured and intended to catch the eye, the posters provide a colourful and stimulating way to promote the message that everyone has a right to work and live in an environment free from prejudice, discrimination, intolerance and harassment.

### Intellectual disability resource

The Board furthered its goal to provide more information for people with intellectual disabilities by publishing an electronic version of its acclaimed resource *Unfair Treatment ... What to do*.

*Unfair Treatment ... What to do* was produced in consultation with the Intellectual Disability Rights Service and gives basic information about discrimination and harassment in simple picture story format. It can be read by people with intellectual disabilities themselves or used by advocates and carers as an educational tool.

The electronic version creates another option with less information per "page", which may be more suitable for particular individuals. It can be downloaded free of charge from the Board's website.

### Newsletter

The Board's quarterly email newsletter, *Equal Time*, continues to keep subscribers up to date with discrimination issues and activities at the Board.

Topics covered this year include dress codes, sexual harassment, age discrimination and vilification. The newsletter also includes summaries of recent conciliated cases handled by the Board and cases heard in the Administrative Decisions Tribunal and other similar courts.

## WEBSITE

The Board's website continues to be the first point of contact for many people looking for information about discrimination, harassment and the role of the Board. It is part of the Lawlink site, which is hosted by the Attorney General's Department, and was the ninth most popular website on Lawlink in 2004-05.

The website covers a wide range of subjects including basic information about discrimination law; how to make a complaint; training programs and education services; information about the Board's publications; advice for employers and service providers; and information in community languages. It also provides news about new developments, recent events and special projects initiated by the Board.

A review of the Board's website which began in 2004 and a great deal of effort by publications staff culminated in the launch of a completely new site on 30 June 2005, as part of the ongoing upgrade of Lawlink.

The site has been completely restructured to make it as accessible as possible to the main types of users such as employers or community workers, and has been streamlined so it is very easy to navigate. New quick link functions have been added, along with more comprehensive links to other legal resources.

The information from the previous site has been consolidated and new sections written to create a

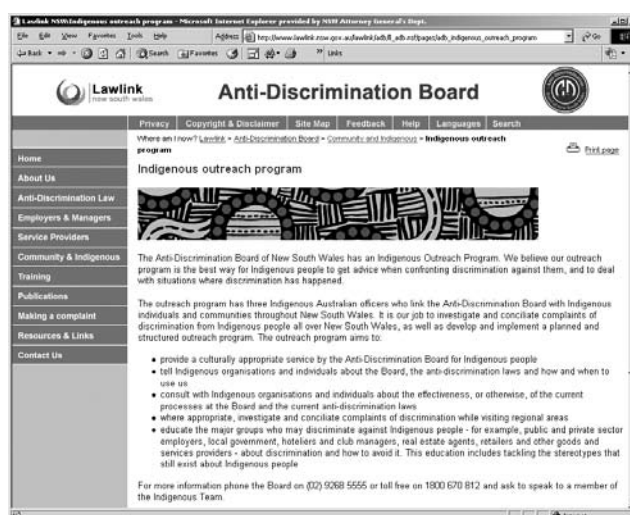




comprehensive range of information that will answer most basic questions. Visitors can also download and print the information from all the Board's factsheets, as well as our newsletter *Equal Time*.

In 2005-06 we will add portable document file (PDF) versions of the factsheets to the website, enabling these to be printed with their original design rather than as text, and make some other publications available on the site.

We will also develop online payment facilities, so users can order publications and register for seminars via the website.



## CONSULTATIONS

Consultations are convened by the Board to provide an opportunity to discuss issues facing the community in question, relevant trends and legislative change.

### Sex and Gender Diversity Consultation

This consultation (formerly the Transgender community consultation) met twice during the year. The main topics of discussion were:

- The exemption granted to Mission Australia to provide services to women only at three of its crisis accommodation centres. The exemption effectively allowed the exclusion of non-recognised transgender/transsexual women. "Non-recognised" generally refers to people who have not had their NSW birth certificate changed after sex or gender affirmation surgery. The Board held a further meeting in October 2004 to discuss this issue and the accommodation problems facing non-recognised people. Further meetings will be held in 2005-06.
- The need for a consistent national framework to recognise a person's change of sex or gender if they move from one state to another. This matter is currently before the Standing Committee of Attorneys General.
- The amendments to the Anti-Discrimination Act and the decision by Parliament not to remove the distinction between recognised and non-recognised status. At present, only those people who are recognised can assert their sex or gender under NSW law, and the law is less clear for people who are non-recognised.

- The different ways that people can identify including transgender, transsexual and intersex, and the different needs of each group.
- The possibility of an amendment to Part 9A of the Anti-Discrimination Act which would allow NSW government agencies to provide affirmative employment programmes for transgender/transsexual people.
- An application to renew an exemption for the exclusion of non-recognised transgender people from Edward Eager Lodge, a crisis accommodation service.

### Lesbian, Gay and Bisexual Consultation

Topics discussed at this consultation in 2004-05 included:

- Ageing and discrimination issues facing the community. A separate forum was held to explore these concerns – for more information refer to page 27.
- A homosexual vilification complaint heard by the Administrative Decisions Tribunal, *Burns vs Radio 2UE Sydney Pty Ltd* [2005] NSWADT 24. In this case, the Tribunal found that comments made on radio about two gay men who appeared on the television program *The Block* amounted to vilification.
- The proposed federal industrial relations reforms and how this may affect employees who are dismissed on the basis of homosexuality or bisexuality.
- The amendments to the Anti-Discrimination Act and in particular, the decision by Parliament not to extend the provisions of the Act to bisexual people.

# LEGAL OFFICER

The role of the Legal Officer in 2004-05 has been to advise the President, Statutory Board and staff on interpretation and application of the *Anti Discrimination Act 1977 (NSW)* (ADA) and related case law. In particular this has included the growing body of jurisprudence in the area of carers' responsibilities which commenced as part of the ADA in March 2001.

The Legal Officer also coordinates the Board's response to applications for exemption to the ADA – answering enquiries, receiving applications and advising the Statutory Board.

In 2004-05 the Legal Officer's main role related to the amendments to the ADA which were assented to in October 2004 and came into force on 2 May 2005.

The Board has been working with the Government since 1999 on realising a large number of the administrative recommendations of the NSW Law Reform Commission Report 92: Review of the *Anti-Discrimination Act 1977 (NSW)*.

Many of the amendments bring the ADA into line with equivalent legislation in other jurisdictions, for example, extending the time limit for bringing complaints from 6 to 12 months. The amendments will streamline the complaints process and provide more assistance to complainants and more certainty to respondents in the complaint handling process (refer to page 10 for more information).

The Legal Officer's role in relation to the amendments has included:

- advising complaint handling staff on changes to procedures;
- conducting in-house training for all Board staff;
- advising education staff on required updates to the Board's website and publications;
- writing an article for the Board's electronic newsletter *Equal Time*; and
- giving a presentation on the amendments at two seminars for the public.



## Exemptions

There are two types of exemptions available under the ADA – those under section 126 and those under section 126A.

Section 126 exemptions are needed when an organisation seeks to redress past disadvantage or discrimination on one of the grounds covered by the ADA, for example by designating a job for a person of a particular race or gender. The initial period of exemption can be up to ten years, with the possibility of another ten years. Applicants should write to the President of the Anti-Discrimination Board, setting out the nature of the exemption sought and arguments in support of it.

Section 126A exemptions apply when employers or service providers wish to run a special needs activity that would be discriminatory on one of the grounds covered by the ADA. Applications for Section 126A exemptions should be made to the Attorney General.

The Statutory Board decides whether to recommend to the Attorney General that an exemption be granted. The Board takes into account the purpose of the ADA as legislation designed to promote equality of opportunity.

## SECTION 126 EXEMPTIONS 2004-05

Applicant	Program	Sections	Date	Expiry
Boeing Australia Holdings Pty Ltd and its related bodies corporate	To ask present and future employees to advise their exact citizenship (including any dual citizenship) and/or residency status under Australian law, identify employees accordingly, and make decisions about deploying employees on that basis	7, 8, 9, 10, 51, 52	8.2.2005 (3 years)	7.2.2008
Citigroup's Global Corporate and Investment Banking Group and Smith Barney Citigroup	To designate for women only, and to recruit women in, half of all places available on the Summer Internship Program	25, 51	15.12.2004 (five years)	14.12.2009
Cook's Constructions Pty Ltd	To designate and recruit for five Indigenous plant operator positions	8, 51	6.7.2004 (10 years)	6.7.2014
Lismore City Council	To designate and recruit for up to 12 positions, including traineeships and apprenticeships, as positions for Indigenous people	8, 51	13.12.2004 (5 years)	12.12.2009
SageCo Pty Ltd	To allow SageCo through various of its programs to advertise for, recruit for and provide associated services to, people over 40 years of age	49ZYB, (1) (a) and (b), 49ZYH, 51	31.5.2005 (five years)	30.5.2010

## SECTION 126A EXEMPTIONS 2004-05

Organisation	Special Needs Program or Activity	Exemption period
Bankstown City Council Wran Leisure Centre	To provide women only swimming sessions once per week	16.3.2005 to 15.3.2006
Bega Women's Refuge Inc	Crisis supported accommodation and associated services for women and children escaping domestic violence	November 2004 to November 2014
Central Sydney Sexual Health Service	Aboriginal Men's Clinic and Aboriginal Women's Clinic	1.07.2004 to indefinitely
Hastings Women and Children's Refuge Inc	Crisis supported accommodation and associated services for women and children escaping domestic violence	6.12.04 to 5.12.14
Killara Woman's Refuge	Crisis supported accommodation and associated services for women and children escaping domestic violence	4.11.2004 to 3.11.014
Kulkuna Cottage Women's Refuge Ltd (Griffith Women's Refuge)	Crisis supported accommodation and associated services for women and children escaping domestic violence	November 2004 to November 2014
Macquarie Legal Centre Inc	Parramatta Domestic Violence Court Assistance Scheme	June 1995 to indefinitely
Penrith Women's Refuge Inc	Crisis supported accommodation and associated services for women and children escaping domestic violence	November 2004 to November 2014
St George Women's Housing Inc.	Special Needs Program or Activity - Transitional housing for single women and women with dependent female children and dependent male children under 18 years	16.6.05 - 15.6.2015
Tanderra Women and Children's Refuge Ltd	Crisis supported accommodation and associated services for women and children escaping domestic violence	November 2004 to November 2014
Wollongong Women's Housing Inc	Provision of transitional housing for single women, and women and their children only	8.9.2004 for 10 years

# LIAISON AND SUPPORT

The primary objective of the Liaison and Support Branch is to provide a high quality, responsive support service across a range of disciplines including reception, finance, human resources, information technology, asset management and administration.

This is done with a mix of in-house support systems and procedures that complement corporate services provided by the Attorney-General's Department.

The Liaison and Support Branch was reorganised as part of the 2003 restructure. Two new positions were created and both these have now been filled. This has given the branch an excellent range of skills to provide the breadth of liaison and support required to facilitate the Board's core business.

## MOVE TO NEW PREMISES

A major task for the Liaison and Support team this year was to coordinate the Board's move to new

premises in Castlereagh Street in March 2005. This was achieved with the assistance of the department's Asset Management Services staff at a total cost of \$283,000 for the relocation and fitout of the new premises.

The move to more economical premises was required as part of the restructuring of the Board in 2003. Although the distance travelled was not great, there were a large number of factors that needed to be managed effectively in order to minimise disruption to services.

These included packing and moving immediate work needs, files and publication stocks, as well as dismantling, moving and recreating our entire computer network and other equipment such as photocopiers and phones.

The fitout of the new premises also required coordination of many factors including consultations with staff, resolving physical and environmental issues in the new premises including ongoing problems with airconditioning and phones, and continuing work on the fitout to accommodate staff needs.

## ADMINISTRATIVE SERVICES

The Liaison and Support team has been assessing internal procedures to improve consistency and optimise the time that education, enquiries and conciliation staff have available to work on core business. This has included developing and fine-tuning an in-house database to manage procedures such as travel, invoicing, recruitment, petty cash, task management, assets, projects, committees and meetings, and other routine office activities.

The planned move to accrual accounting for Board debtors was achieved by June 2005. Debtors (primarily relating to the Board's training services) are now processed and reported within the Attorney-General's Department's SUN accounting system. This included

The Director General of the Attorney General's Department, Laurie Glanfield (left), with Board President Stepan Kerkyasharian at the official opening of the Board's new premises in March 2005.



adopting the Attorney General's Department cash bank software system for receipting.

## HUMAN RESOURCES

The branch continued to provide administrative support for recruiting staff to new or changed positions and updated position descriptions as required.

We also managed staff displaced by the 2003 restructure, with only one displaced officer remaining on the Board's establishment at June 30 2005.

## OCCUPATIONAL HEALTH AND SAFETY

There were no significant workplace incidents during the year. The main activity was addressing issues that arose as part of the move to new premises, including air conditioning, security and workstation structure. Workplace assessments were carried out for four staff members.

A new Occupational Health and Safety Committee was established in June 2005.

## INFORMATION TECHNOLOGY

The main activities in 2004 – 2005 were:

- preparing for a major upgrade of our primary complaint handling database;
- the cyclical upgrade of all Board computer equipment in July and August 2004;
- planning a replacement customer management system for the Board's commercial training activities; and
- preparing for and effecting the relocation of the IT system to our new premises.

## FINANCE

The Board experienced yet another tight financial year, absorbing additional accommodation costs of \$170,000 resulting from the move to new premises in March 2005.



New training equipment and publications software was acquired, and the Board encouraged a high level of participation by staff in training and development.

The cost of carrying displaced staff was \$113,000 and this was met through the maintenance of some staff vacancies for part of the year. Some displaced staff accepted redundancy packages at a total cost of \$88,911.

The net cost of services provided by the Board was \$3,019,002, against a budget of \$3,009,155. This was a very good outcome considering that the Board met the unbudgeted accommodation costs mentioned above.



# FINANCIAL STATEMENT

## FINANCIAL STATEMENT

<b>TOTAL OPERATIONS 2004-2005</b>	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>Revenue</b>			
User charges	(711,465)	(800,409)	(88,944)
Other revenue	114	(6,281)	(6,395)
<b>TOTAL REVENUE</b>	<b>(711,351)</b>	<b>(806,690)</b>	<b>(95,339)</b>
<b>Expenses</b>			
Operating expenses			
Employee related payments (excluding crown liabilities)	2,472,819	2,834,715	361,896
Other operating	0	0	0
Other operating	1,239,448	968,130	(271,318)
Maintenance	18,405	13,000	(5,405)
Grants and subsidies	0	0	0
Other services	(319)	0	319
<b>TOTAL EXPENDITURE</b>	<b>3,730,353</b>	<b>3,815,845</b>	<b>85,492</b>
<b>NET COST OF SERVICES</b>	<b>3,019,002</b>	<b>3,009,155</b>	<b>(9,847)</b>

<b>EDUCATION SELF FUNDING PROGRAM 2004-2005</b>	<b>Actual</b>	<b>Budget</b>	<b>Variance</b>
<b>Revenue</b>			
User charges	(707,216)	(800,409)	(93,193)
<b>TOTAL REVENUE</b>	<b>(707,216)</b>	<b>(800,409)</b>	<b>(93,193)</b>
<b>Expenses</b>			
Operating expenses	256,971	362,705	105,734
Other operating	144,769	194,115	49,346
Maintenance	1,188	1,400	212
Grants and subsidies	0	0	0
Other services	0	0	0
<b>TOTAL EXPENDITURE</b>	<b>402,928</b>	<b>558,220</b>	<b>155,292</b>
<b>NET COST OF SERVICES</b>	<b>(304,288)</b>	<b>(242,189)</b>	<b>62,099</b>

### Notes

1. Cost of carrying displaced staff during the year \$113,000
2. Additional accommodation expenses for the Sydney office lease \$170,000
3. Cost of fully funded redundancies \$88,911
4. The Board's full financial figures are included in the consolidated accounts of the Attorney-Generals' Department and published in that annual report.

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