

Anti-Discrimination Board of NSW
Annual Report 2005-2006

26 October 2006

*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
2005 to 30 June 2006.*

Yours sincerely

*Stepan Kerkyasharian AM
President*

Anti-Discrimination Board of NSW
Annual Report 2005-2006

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The Board's Aboriginal and Torres Strait Islander Committee celebrated its 10th anniversary in June 2006. Members Christine Mumbulla (L) and John Walford (R), who have been on the committee since its inception, were presented with commemorative medals by Enquiries and Conciliation Manager Elizabeth Wing on behalf of the President.

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 EEO (equal employment 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 Kerkyasharian AM became the President of the Anti-Discrimination Board on 15 September 2003. Mr Kerkyasharian also continues as the CEO and Chair of the Community Relations Commission.

The members of the Board are the President as Chair, and four members appointed by the Governor of NSW. The members in 2005-06 were Suzanne Jamieson, Phillipa McDermott, Cameron Murphy and Peter Wertheim. (See page 5 for more information.)

Branches

The Board has three branches:

- **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 in 2005-06 was Elizabeth Wing.
- **Education Services Branch** – oversees the Board's provision of training, community education, information, publication and website services. The Manager in 2005-06 was 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 in 2005-06 was Darryl Brown.

The Board's Indigenous team contains complaint handling and education staff who provide culturally specific services for Aboriginal and Torres Strait Islanders. The team leaders in 2005-06 were Nathan Tyson (to February 2006) and Felicity Huntington (acting from February 2006).

The Board has regional offices in Newcastle and Wollongong that handle complaints and provide education services for those areas. The Newcastle Manager in 2005-06 was Paul Santone, and the Wollongong Manager was Gerardo De Liseo.

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

Staff

The Board has 37.7 full-time equivalent salaried positions, plus the President employed on a fee-for-service basis from the Community Relations Commission. This includes 31 full-time and 13 part-time positions, of which 33 are located in Sydney and 11 in the two regional offices. At 30 June 2006 the Board was employing two additional trainers on a temporary basis to meet current demand for our training services.

Three staff left the Board in 2005-06, one for a promotion, one to take a career break, and one who passed away. There were seven recruitment processes undertaken during the year, plus 20 internally managed development opportunities arising from short-term vacancies, or from staff on leave.

26% of staff are male, and 74% are female. Three have been with the Board for more than 20 years, one for between 15 and 20 years, seven for 10-15 years, ten for 5-10 years and 25 for less than five years, including three agency staff.

Of the 46 employees at the Board at June 30 2006, 37 are permanent employees, six are temporary employees, and three are agency staff.

Training and development

All staff engaged in some form of training or development during the year. New members of the Occupational Health and Safety Committee undertook mandatory training and many staff undertook training in the use of TTY equipment in order to improve service delivery to clients with hearing impairment.

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

ADB Managers in 2005-06, from left: Gerardo de Liseo, Murray Burke, Felicity Huntington, Paul Santone, Elizabeth Wing, Darryl Brown, Stepan Kerkyasharian.



ETHNIC AFFAIRS PRIORITY STATEMENT REPORT

Planning and evaluation

The Board is committed to inclusive processes such as:

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

Program and service delivery

- Clients can submit complaints in their own language which we have translated into English.
- Training sessions were delivered to over 200 participants from a range of culturally and linguistically diverse groups, including sessions in Auslan for people with hearing impairment.
- The Board delivered training sessions on cultural diversity to employers in the finance and government sectors.
- The Education branch consulted with and delivered five training sessions to people from newly emerging African communities in Australia. Representatives from a range of countries attended, including Sudan, Liberia, Sierra Leone, Ghana and Gambia.

Staffing

- 20% of staff at the Board identify English as their second language.

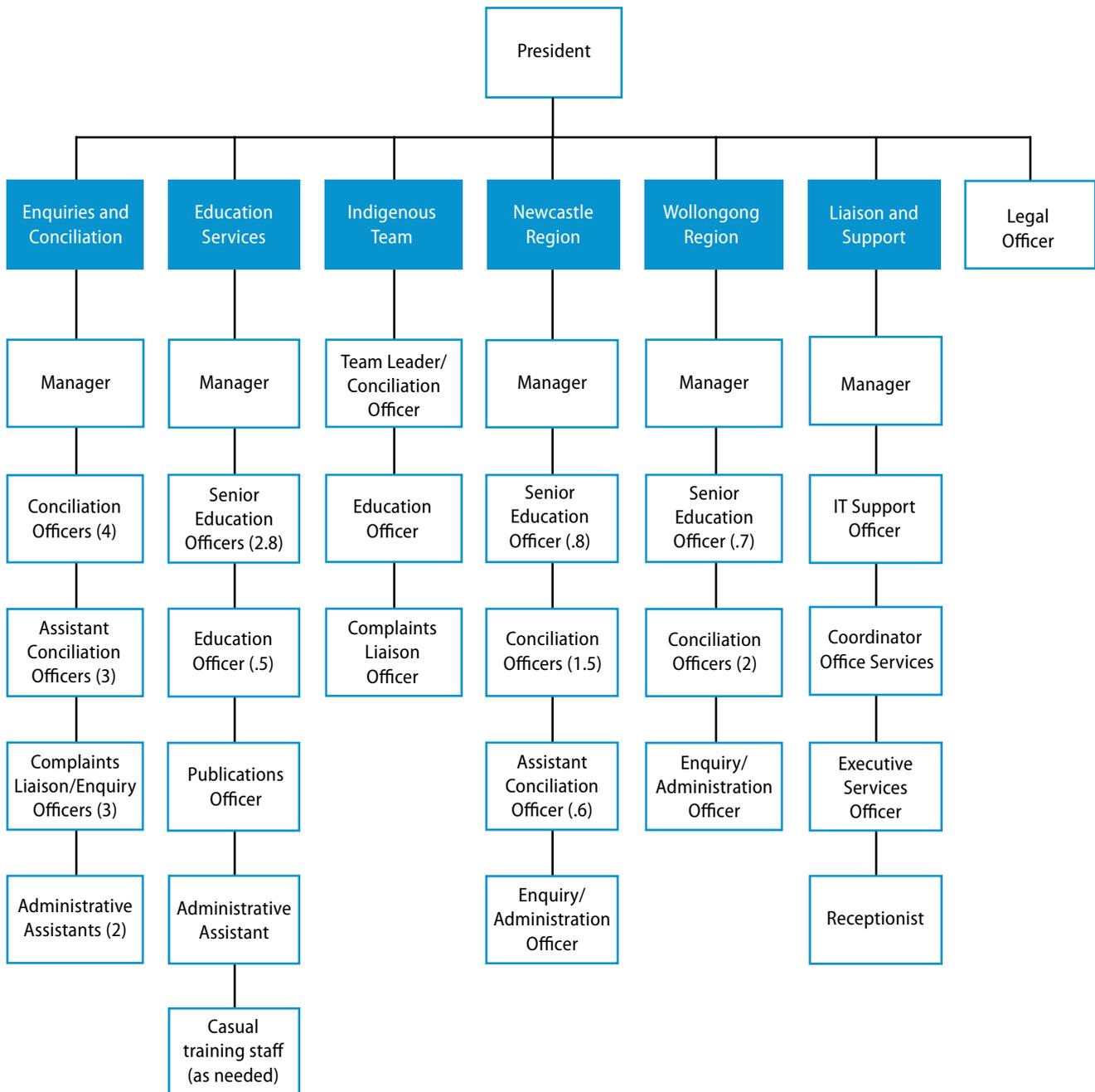
Communication

- The Board provides an extensive enquiries and conciliation service and frequently uses interpreters and translators to improve access for its clients.
- The Enquiries and Conciliation branch uses standard letters written in plain English when writing to the parties to a complaint.
- The reverse of the Board's letterhead features an explanatory note in 21 languages and the number for the Telephone Interpreter Service.
- The Board's website features discrimination factsheets in 24 languages. We also have specific factsheets on race discrimination and vilification in Arabic, and an easy to read factsheet using pictures to communicate the message.
- The Board continues to publish a community poster *Say no to discrimination* featuring 12 languages.

Board President Stepan Kerkyasharian presents Trinny Cheung with an Anti-Discrimination Board medal to mark her 20 years' service with the Board.



STRUCTURE OF THE BOARD



NOTES

1. Regional Managers and the Team Leader, Indigenous Services participate in management team meetings once a month.
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.

Statutory Board 2005–06

Stepan Kerkyasharian 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.

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 employed by the Employment Solutions Branch with the Department of Employment and Workplace Relations. 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 solicitor. He is also Honorary Solicitor and Board Member of the Australian International Fund for Disadvantaged Children in Vietnam; the Honorary Secretary of the Joint Jewish Communal Appeal; the President and Chair of the Joint Committee for Jewish Higher Education and a Member of the Board of Management of the Great Synagogue, Sydney.

President's Report

In 2005-06 the Anti-Discrimination Board has continued to provide a dedicated and efficient service to the people of NSW, in terms of assisting to resolve discrimination complaints, and informing employers, service providers and the general public about their rights and obligations under anti-discrimination law.

The Board operated throughout 2005-06 under the amendments to the Anti-Discrimination Act (ADA) that came into force in May 2005. These have enabled us to work more efficiently by allowing staff to make more decisions under delegated authority, extending the time limit for complaints and streamlining the process for declining complaints. Board staff continue to work on the process of applying the amendments and understanding how they operate in relation to other parts of the ADA and interact with other NSW legislation.

2005-06 also saw the first full year the Board spent in our new premises at 175 Castlereagh Street, into which we moved in March 2005. There were still some issues relating to the move to be resolved in early 2005-06, but it has been advantageous for the Board to be settled in premises which are suitable for staff and readily accessible to the public, while less expensive than our previous accommodation.

Our complaint numbers have remained steady in comparison with the previous year, but our improved efficiency has enabled Enquiries and Conciliation staff to increase the number of complaints finalised within one year from 81% in 2004-05 to 93% in 2005-06.

The profile of complaints in terms of grounds, areas and type of complainant has remained similar to previous years, with the exception of a marked increase in the number of complaints of racial vilification over the previous year (albeit from a small base number). This may reflect an increase in racial vilification following the highlighting of race issues in Australia in the last year, as well as the efforts of the Board's education staff to increase awareness about vilification laws.

The Education Services Branch has also maintained its excellent work this year. Our fee-based training service for employers and service providers continued its highly successful program, increasing both the number of sessions delivered and the income received over 2004-05. This was largely possible due to the availability of suitable casual staff.

Our community education service ran several interesting programs in 2005-06 targeted at sections of the community that may be at particular risk of discrimination, including the Deaf community and recent migrants from Africa. We also ran a number of one-off training sessions for a variety of community groups, as well as continuing our comprehensive information program for Aboriginal and Torres Strait Islander people.

A particularly enjoyable enterprise this year was our colouring competition for children, run to coincide with Law Week. With a colouring template featuring animals from different parts of the world, the competition attracted over 2,000 entries and culminated in a lively ceremony at Parliament House attended by the Hooley Dooleys children's band. Most importantly, the message about harmony and the Board's role was carried to the children, their families and friends, and others who heard about it through the ensuing media publicity.

The Board's Legal Officer continues to provide excellent interpretation and advice to myself, the Statutory Board members and staff as required. The Liaison and Support Branch remains committed to ensuring that service staff can operate with maximum efficiency by providing streamlined support services.

My thanks to all Board staff for their continued commitment to their work, and their contribution to a stable and successful year. Thanks also to my fellow members on the Statutory Board, whose guidance has been invaluable.

Stepan Kerkyasharian AM

Review of operations

Enquiry and Conciliation Service objectives	Enquiry and Conciliation Service strategies
Inform potential complainants and respondents about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> ● Provide an accessible telephone enquiry service for employers, service providers, community members and their advisers and advocates ● Disseminate information via telephone advice, face-to-face interviews, fact sheets and Board website
Resolve complaints of discrimination, vilification and harassment	<ul style="list-style-type: none"> ● Provide a fair, efficient and effective complaint handling process for complainants and respondents
Improve complaint-handling processes to increase efficiency and timeliness	<ul style="list-style-type: none"> ● Institute timeframe targets for processing and finalising complaints ● Dedicate resources to expedite older complaints ● Amend the Anti-Discrimination Act to improve complaint handling processes
Education Service objectives	Education Service strategies
Educate the community of NSW about their rights under anti-discrimination law	<ul style="list-style-type: none"> ● Provide training sessions to target client groups and their advocates ● Disseminate information to communities via publications and website
Educate employers, employees and service providers about their rights and responsibilities	<ul style="list-style-type: none"> ● Provide training sessions to employers, employees and service providers via a self-funding education program
Provide information to increase awareness of the law and Board's role	<ul style="list-style-type: none"> ● Review and update Board website ● Review and update print and other products

Enquiry and Conciliation Service achievements	Enquiry and Conciliation Service future directions
<ul style="list-style-type: none"> ● Responded to 9,355 enquiries (4% decrease from 2004-05) ● Dealt with all enquiries immediately or within 24 hours ● Dealt with 84% of enquiries in 14 minutes or less 	<ul style="list-style-type: none"> ● Continue to provide an accurate and efficient information service ● In conjunction with other branches of the Board, increase awareness about the right to make complaints under the Anti-Discrimination Act
<ul style="list-style-type: none"> ● Received 1,089 new complaints (3.5% increase from 2004-05) ● Finalised 1,075 complaint files 	<ul style="list-style-type: none"> ● Continue to provide an effective complaint handling service
<ul style="list-style-type: none"> ● Eliminated backlog of complaints ● Increased number of complaints finalised within timeframe targets – complaints finalised within one year improved from 81% in 2004-05 to 93% in 2005-06 ● Implemented procedural changes resulting from the amendments to the Anti-Discrimination Act 	<ul style="list-style-type: none"> ● Further increase the number of complaints resolved within timeframe targets ● Further implement and refine procedural changes resulting from the amendments to the ADA
Education Service achievements	Education Service future directions
<ul style="list-style-type: none"> ● Series of presentations delivered to recently arriving African communities ● Ran state-wide colouring competition for children ● Ran information sessions for the Deaf community ● Gave presentations to other target groups including Migrant Resource Centres and disability agencies 	<ul style="list-style-type: none"> ● Identify other groups at particular risk of discrimination and develop appropriate education campaigns ● Continue to run community seminar programs
<ul style="list-style-type: none"> ● Ran three employer seminar programs in 2005-06 ● Provided 645 in-house training sessions to employers ● Earned \$768,667 from the self-funding training program, an 8.5% increase on 2004-05 	<ul style="list-style-type: none"> ● Continue to provide seminar programs and in-house training sessions ● Develop new markets for Board products and services ● Develop contact with employer and industry networks
<ul style="list-style-type: none"> ● Continued to develop website ● Continued to review and update publications ● Published three issues of newsletter <i>Equal Time</i> ● Sold around 2,500 posters from May 2005 collection 	<ul style="list-style-type: none"> ● Continue to update and review website, including online payment facilities ● Continue to update and review publications ● Explore potential of new media for publications

Develop networks with community and employer groups	<ul style="list-style-type: none"> ● Attend regular meetings of industry practitioners ● Create EEO networks in regional offices
Aboriginal and Torres Strait Islander Service objectives	Aboriginal and Torres Strait Islander Service strategies
Provide an efficient and culturally appropriate complaint handling service for Aboriginal and Torres Strait Islander clients	<ul style="list-style-type: none"> ● Employ Aboriginal and/or Torres Strait Islander staff ● Conduct conciliation conferences in regional NSW
Educate Aboriginal and Torres Strait Islander people about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> ● Conduct an outreach program throughout NSW ● Conduct community education and training sessions throughout NSW
Provide advice on government policy and legislation and its impact on Aboriginal and Torres Strait Islander people	<ul style="list-style-type: none"> ● Monitor relevant policy and legislation in NSW ● Monitor discrimination issues raised in the media ● Consult with the Board's Aboriginal and Torres Strait Islander Advisory Committee ● Monitor issues arising from complaints lodged with the Board
Newcastle office objectives	Newcastle offices strategies
Inform potential complainants and respondents in the region about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> ● Ensure staff have skills to provide quality enquiry service ● Maintain accurate and relevant referral list ● Provide accessible services using a variety of communication media
Resolve complaints of discrimination, vilification and harassment lodged at the Newcastle office using best practice investigation and conciliation methodologies	<ul style="list-style-type: none"> ● Continue to develop complaint management systems which are impartial, accessible, efficient and accountable ● Provide training opportunities for staff ● Information share between Board offices

<ul style="list-style-type: none"> ● Attended EEO network meetings ● Re-established EEO network in Newcastle office 	<ul style="list-style-type: none"> ● Continue to develop EEO networks in regional offices ● Continue to attend and contribute to network meetings ● Identify new industry networks and opportunities
Aboriginal and Torres Strait Islander Service achievements	Aboriginal and Torres Strait Islander Service future directions
<ul style="list-style-type: none"> ● Handled 81 complaints lodged by Aboriginal and Torres Strait Islander people ● Improved complaint handling process resulting in reduced timeframes for complaints 	<ul style="list-style-type: none"> ● Assess staffing needs in light of complaint numbers ● Continue to inform Aboriginal and Torres Strait Islander communities about their right to make complaints under anti-discrimination law
<ul style="list-style-type: none"> ● Ran information stalls at 16 events ● Attended interagency meetings to liaise with other government agencies and community organisations ● Participated in six joint forums with other government and non-government agencies for Aboriginal and Torres Strait Islander community workers ● Presented in-house information sessions to eight organisations 	<ul style="list-style-type: none"> ● Continue to work in partnership with other agencies to provide education services ● Conduct outreach visits to Queanbeyan and Coffs Harbour regions
<ul style="list-style-type: none"> ● Continued to liaise with Premier's Department re recognition of Aboriginal English under the Community Language Allowance Scheme 	<ul style="list-style-type: none"> ● Continue to investigate the discriminatory impact of barring and exclusion provisions of the Liquor Act 1982 and related regulations ● Continue to liaise with Premier's Department re Aboriginal English ● Address discrimination issues in the areas of superannuation and accommodation
Newcastle office achievements	Newcastle office future directions
<ul style="list-style-type: none"> ● Provided training, feedback and mentoring for enquiry staff ● Improved monitoring of enquiries statistics ● Increased referrals to Board and LawAccess websites 	<ul style="list-style-type: none"> ● Identify and adopt initiatives provided by new technology ● Continue to improve networks with local agencies to ensure quality referral service
<ul style="list-style-type: none"> ● Reduced time taken to finalise complaints ● Increased number of complaints resolved (45 compared to 19 in 2004-05) ● Less complaints requiring formal adjudication by the ADT (18 compared to 40 in 2004-05) ● Redefined regional boundaries 	<ul style="list-style-type: none"> ● Continue to monitor systems to identify strengths and weaknesses ● Continue to incorporate innovations to improve complaint processes

Provide fee-for-service training to promote non-discriminatory behaviour in public and corporate sectors	<ul style="list-style-type: none"> ● Maintain and develop leading edge training packages ● Develop networks across region ● Market services effectively ● Meet budget targets
Wollongong office objectives	Wollongong office strategies
Inform potential complainants and respondents in the region about their rights and responsibilities under anti-discrimination law	<ul style="list-style-type: none"> ● Provide an accessible, reliable enquiry service ● Maintain accurate referral lists ● Disseminate Board publications throughout region
Resolve complaints of discrimination, vilification and harassment for the region	<ul style="list-style-type: none"> ● Continue to provide an effective complaint handling service
Educate employers, employees and service providers about their rights and responsibilities under the ADA	<ul style="list-style-type: none"> ● Provide training to employers, employees and service providers through a fee-for-service education program ● Provide free employer advisory service when appropriate ● Provide fee-for-service consultancy, particularly relating to EEO policy and procedures
Legal Officer objectives	Legal Officer strategies
Ensure that the Anti-Discrimination Act is correctly understood by all stakeholders	<ul style="list-style-type: none"> ● Advise the President, Statutory Board and staff on interpretation of the ADA and related case law ● Provide interpretation and information about the May 2005 amendments to the ADA ● Answer queries about exemptions from the ADA ● Advise the Statutory Board in relation to applications for exemption
Liaison and Support objectives	Liaison and Support strategies
Enable the Board's core business of complaint handling and education to operate with maximum efficiency	<ul style="list-style-type: none"> ● Provide a high quality, responsive support service including finance, human resources, information technology, asset management and administration ● Liaise with Attorney General's Department to coordinate support services ● Develop and improve in-house systems to complement departmental support services

<ul style="list-style-type: none"> ● Delivered seminar program in Newcastle ● Budget targets met within required timeframe 	<ul style="list-style-type: none"> ● Continue to review and improve training offered ● Identify niche markets ● Develop new training packages
Wollongong office achievements	Wollongong office future directions
<ul style="list-style-type: none"> ● Handled all enquiries immediately or within 24 hours 	<ul style="list-style-type: none"> ● Continue to provide an accurate and efficient enquiry service
<ul style="list-style-type: none"> ● Allocated all complaints to a complaint handler within seven days of lodgement ● Finalised 76% of complaints within six months and 89% within twelve months ● Implemented changes to facilitate a faster complaint handling process including increased delegations 	<ul style="list-style-type: none"> ● Maintain current levels of complaints throughput ● Monitor factors that may create barriers to lodging complaints ● Monitor implementation of increased delegations for complaint handlers
<ul style="list-style-type: none"> ● Provided on-site training to 16 employers in urban and rural areas, with 868 participants ● Reviewed EEO policies and procedures for clients on request ● Earned \$66,108 from self-funding program 	<ul style="list-style-type: none"> ● Prioritise employer requests for on-site training ● Develop regional seminar program, aiming for up to four seminars at one to two regional locations per year ● Seek new markets for education services by developing relationships through EEO networks, using email groups and improving regional contact list
Legal Officer achievements	Legal Officer future directions
<ul style="list-style-type: none"> ● Advised President on appropriate response to issues arising during the year ● Advised Education Services Branch on review and update of publications and website ● Provided submissions to HREOC enquiries on <i>Same sex, same entitlements</i> and <i>Striking the Balance: women, men, work and family</i> 	<ul style="list-style-type: none"> ● Continue to provide advice and support as required ● Continue to process exemptions as required
Liaison and Support achievements	Liaison and Support future directions
<ul style="list-style-type: none"> ● Maintained separate server for business-specific software that was not compatible with departmental network infrastructure ● Finalised matters relating to move to new premises ● Further enhanced workplace information management system that aids local support service functions 	<ul style="list-style-type: none"> ● Assess internal procedures to improve consistency and maximise time of service staff available for core business ● Liaise with Attorney General's Department re corporate services reform and implement changes as appropriate ● Refine workplace information management systems and make relevant components accessible to branch managers

Discrimination law and the Anti-D

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

Discrimination occurs when a person with a particular personal characteristic is treated less favourably than a person who does not have that characteristic.

Discrimination may include harassment because of the relevant personal characteristic.

Behaviour that is against the law includes the following:

- sex discrimination (including pregnancy);
- race discrimination;
- age discrimination, including compulsory retirement;
- marital status discrimination;
- homosexual discrimination;
- disability discrimination, including physical, intellectual and psychiatric disabilities, learning and emotional disorders and infectious diseases;
- transgender (transsexual) discrimination;
- carers' responsibilities discrimination (in employment only, and only covering the care of certain people);
- 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 only against the law in certain areas. These are:

- employment;
- government education including universities, TAFEs and schools (sexual harassment and race discrimination are also unlawful in private education);

- registered clubs (any club that sells alcohol or has gaming machines);
- the provision of goods and/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.

Victimisation

It is also against the law to victimise a person because they have complained within an organisation about discrimination, made an enquiry or complained to the Anti-Discrimination Board, or assisted another person with or acted as a witness in a discrimination case. A victimisation

Discrimination Board

case may be proven even if the original discrimination case is not.

Making a complaint

If a person thinks they have been discriminated against, the first stage is to contact our enquiry service to see whether their situation is covered under NSW anti-discrimination law. If it is not covered, our Enquiry Officers will suggest other avenues where the person may find help.

If the problem appears to be covered by NSW anti-discrimination law, and the person is unable to resolve the problem by other means such as using an internal grievance process in the workplace, they may decide to lodge a formal complaint with the Anti-Discrimination Board.

This involves 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 the person thinks 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, and the Board covers the cost of having them translated into English. Complaints can also be lodged in Braille.

If a complaint is clearly not covered by anti-discrimination law or is outside the Board's 12-month time limit, it may be immediately declined by the President. If it is accepted, the next stage is to investigate the complaint more thoroughly to see if it may involve a breach of anti-discrimination law. All complaints are handled impartially and free of charge.

Conciliation

If the complaint appears to involve a breach of anti-discrimination law, the Board then tries to conciliate the complaint. This means we try to help all the parties to the

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

Many complaints are resolved through conciliation, but this can only occur if both parties to the complaint agree on a settlement. The Board has no power to impose a settlement if the parties do not agree.

Settlements may involve the following:

- the complainant accepting the respondent's explanation of why the events occurred;
- an apology from the respondent to the complainant;
- reinstatement of the complainant if they have been moved to another position, suspended or dismissed;
- the complainant being provided with training, a transfer or altered working conditions;
- training about for staff in the respondent organisation about discrimination and harassment, and/or the development of or improvements to Equal Employment Opportunity policies;
- the complainant being provided with facilities, services or accommodation that they were denied;
- the respondent paying compensation to the complainant;
- the respondent giving the complainant some other form of compensation, such as a donation to charity.

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

The Administrative Decisions Tribunal

If a complaint cannot be conciliated, the President may decide to decline the complaint or refer the complaint to the Equal Opportunity division of the Administrative Decisions Tribunal. The Tribunal provides a legal judgement that must be followed.

Enquiry Service

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

- dealing with questions about matters covered by NSW anti-discrimination law, particularly for employers and service providers;
- giving information and advice to the general community on anti-discrimination and human rights issues, and strategies for dealing with actual or potential discrimination; and
- referring matters to other agencies if they are not within the Board's jurisdiction or may be better dealt with elsewhere.

Many complaints about discrimination are resolved at the initial enquiry stage, as the Enquiry Officers inform callers about their rights and, when appropriate, give them suggestions and contacts which may enable them to resolve their situation without making a formal complaint.

During 2005-06 we answered 9,355 enquiries, which is an average of approximately 36 contacts per day. This is a small decrease from last year, which is likely to be explained by increasing use of our website as a source of information.

As in the past, women continued to use our general enquiry service more than men – 4,648 or 49.7% of calls were from women and 3,033 or 32.4% were from men. Individuals contacting us on behalf of another person or organisation, employers, students and teachers made up the remainder of the calls.

The majority of enquiries (9,076 or 97%) were made by phone; the remainder were made by letter, TTY, email or a visit to one of our offices. Most calls (5,754 or 61.5%) took between 5 and 14 minutes, but some enquiries were very complex and took between 30-59 minutes to deal with (139 calls or 1.5 %).

The majority of callers (7,029 or 75.1%) wanted to discuss a situation where discrimination was occurring. 1,215



callers (or 13% of total callers) were advised to lodge a formal complaint of discrimination.

Our Employers and Service Providers Advisory Service provides specialised advice and assistance to employers and service providers on anti-discrimination issues.

1,372 employers and service providers used our enquiry service in 2005-06, or 14.7% of total callers. They included employers, personnel officers, human resources managers, service providers and legal advisers, some of whom had previously attended our training courses.

As in previous years, the most common types of discrimination people enquired about in 2005-06 were sex discrimination (1,755 enquiries or 18.8%), disability discrimination (1,325 enquiries or 14.2%) and race discrimination, including racial vilification (1,213 enquiries or 13%). Of the sex discrimination enquiries, 695 (or 7.4%) were about sex discrimination, 591 (or 6.3%) were about sexual harassment and the remainder were about pregnancy-related discrimination.

The majority of enquiries continued to be employment-related – 5,508 enquiries or 58.87%. The second largest area of enquiry was the provision of goods and services (1,333 callers or 14.2%).

Problems that were not covered under anti-discrimination law accounted for 3,787 (or 40.5%) of calls, with a quarter of these relating specifically to employment. We generally refer these enquiries to trade unions or to the NSW Office of Industrial Relations, or we give advice about how to resolve the problem within the workplace.

Other problems not covered by the law include people who were treated unfairly because they have a criminal record, or because of their religion, or because of a personal disagreement.

Enquiries by area 2005-06

Area	No	%
Employment	5,508	56.4
Goods and services	1,333	13.7
Accommodation	301	3.1
Education	442	4.5
Registered clubs	140	1.4
Vilification	102	1.0
All areas	255	2.6
Other	1,683	17.2
Total	9,764	100

The total number of enquiries by area is greater than the total enquiries received because some enquiries covered multiple areas.

Enquiries by ground 2005-06

Ground	No	%
Sex - including pregnancy and sexual harassment	1,755	17.4
Disability	1,325	13.1
Race	1,118	11.1
Carers' responsibilities	451	4.5
Age	442	4.4
Homosexuality	176	1.7
Compulsory retirement	12	<1
Racial vilification	95	<1
Marital status	77	<1
Victimisation	84	<1
Transgender	62	<1
HIV/AIDS	22	<1
Homosexual vilification	23	<1
HIV/AIDS vilification	21	<1
Transgender vilification	5	<1
All grounds	647	6.4
Not covered by ADA - other	3,191	31.6
Not covered by ADA - work not harassment	596	5.9
Total	10,102	100

The total number of enquiries by ground is greater than the total enquiries received because some enquiries covered multiple grounds.

Conciliation Service

The conciliation service is provided by the Board's Enquiries and Conciliation Branch. 2005-06 was the first full year in which the branch operated under the amendments to the Anti-Discrimination Act (ADA) introduced in May 2005.

The amendments have improved the operation of the conciliation service in a number of ways. The clarification and expansion of the functions and powers of the President, including the ability to delegate functions to staff, has improved efficiency in complaint processing as managers and staff can now make more decisions under delegated authority.

As reported last year, the extension of the time limit for lodging complaints eliminated a frustrating process for many complainants, respondents and complaint handlers. The President now has an absolute discretion to decline complaints older than 12 months. Only 2% of complaints were declined for this reason in 2005-06.

Section 88A 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 cannot necessarily get help from support persons. We are now able to assist them without leaving the Board open to criticism of bias.

Complaints received by ground and area 2005-06

	Emp	Goods & Servs	Accom	Educ	Clubs	Qual bodies	Racial vil	Homo vil	HIV vil	Trans vil	Other	Total	%
Sex	214	15	4	2	11	0	0	0	0	0	5	251	23.1
Disability	124	62	14	12	5	0	0	0	0	0	12	229	21.0
Race	60	93	7	9	4	1	0	0	0	0	7	181	16.6
Victimisation	97	4	2	1	3	0	0	0	0	0	0	107	9.8
Age	38	23	1	2	1	0	0	0	0	0	2	67	6.2
Carers' resp	39	0	0	1	0	0	0	0	0	0	0	40	3.6
Racial vilification	0	0	0	0	0	0	39	0	0	0	0	39	3.6
Homosexuality	14	8	1	1	3	0	0	0	0	0	0	27	2.5
Transgender	1	10	1	0	0	0	0	0	0	0	0	12	1.1
Marital status	6	0	3	0	0	0	0	0	0	0	0	9	<1
Homosexual vil	0	0	0	0	0	0	0	6	0	0	0	6	0.6
Aiding unlawful act	1	2	0	0	0	0	0	0	0	0	0	3	<1
HIV/AIDS vil	0	0	0	0	0	0	0	0	1	0	0	1	<1
Transgender vil	0	0	0	0	0	0	0	0	0	1	0	1	<1
Advertisement	0	0	0	0	0	0	0	0	0	0	0	0	0
Other	25	14	4	0	2	0	0	0	0	0	12	57	5.2
Unknown	22	19	4	2	4	0	0	0	0	0	8	59	5.4
Total	641	250	41	30	33	1	39	0	7	1	46	1089	100



Due to the limitations of the Board's database, the recording of this information has not been complete in 2005-06. The database shows that seven people were assisted last year, although anecdotally the staff report many more than that.

The Board has been working for some time on a new database for recording complaints, but this has not yet been finalised. The database is designed to be both a file registration system and a case management tool. The case management functions will increase efficiency, for example by linking the database to standard documents and letters, give workload management reports to staff and managers and allow greater monitoring of trends.

Complaints received

This year the Board received 1,089 formal complaints of discrimination, with a profile following the trend set over previous years. As the table shows, the most common complaints are on the grounds of sex, disability and race.

On a percentage basis, the proportion of complaints under each ground indicates a strong consistency with previous years. Sex discrimination complaints (including sexual harassment) this year numbered 251 (23%) compared to 259 (24.6%) in 2004-05. Disability discrimination complaints rose slightly to 229 (21%) compared to 214 (20.1%) last year.

Race discrimination complaints are stable at 181 (16.6%) compared to 175 (16.6%), the same percentage as last

Types of employment complaints 2005-06

	No	%
Work environment and harassment	349	54.4
Dismissal	96	15.0
Recruitment/selection	88	13.7
Classification/benefits	60	9.4
Resignation	21	3.3
Retrenchment/redundancy	12	1.9
Promotion	6	0.9
Transfer	4	0.6
Demotion	4	0.6
Retirement	1	0.2
Award and enterprise agreement	0	0
Total	641	100

Type of employer 2005-06

	No	%
Private enterprise	339	52.9
State government department	76	11.9
Individual male	70	10.9
State statutory body	44	6.9
Hospital	40	6.2
Education authority (public)	15	2.3
Local government	14	2.2
Non-profit association	12	1.9
Registered clubs	11	1.7
Individual female	11	1.7
Education authority (private)	4	<1
Government business enterprise	2	<1
Other	2	<1
Trade union	1	<1
Total	641	100

In 2005-06 there were no employment complaints relating to Commonwealth government departments, Commonwealth statutory authorities or media organisations.

year. Racial vilification complaints rose to 39, or 3.6%, compared to 13 (1.2%) complaints lodged last year.

Also consistent with previous years, employment-related complaints continued to be the single largest area of complaint at 641 (58.9%). The percentage figure is similar to last year's level of 58.7%. This was followed by complaints relating to the provision of goods and services at 250 (23%), which is almost the same as last year's 246 or 23.4%.

A large proportion (73.6%) of complainants did not identify their ethnicity or national origin. Of those that did, the largest group identified as Aboriginal (81 or 7.4%). The second largest group identified Australia as the country of origin (38 or 3.5%) followed by India (18 or 1.6%).

Of the 39 racial vilification complaints, the largest group of seven identified Lebanon as their country of origin. Five complainants identified as Australian Aboriginal, and five identified as Arab. Most of the complaints (21 or 53.8%) were made against electronic media.

Complaint processing

The Board continues to improve on the efficiency of its complaint handling process. There is no backlog and the Board allocates every complaint to a complaint handler as soon as it is received.

Through the professionalism and dedication of the Board's staff, we have been able to achieve the excellent result of finalising 93% of files within 12 months of receipt, compared to 81% last year. Timeframes for completion of files in 2005-06 were achieved for most of our other targets.

Following are the targets and their rate of achievement:

Complaint to be finalised within	Target	Actual
2 months	20%	26%
3 months	30%	39%
6 months	80%	66%
12 months	85%	93%
18 months	100%	97%

As always, the Board is committed to providing an accessible service to rural and remote areas. This year we conducted 15 conciliation conferences in regional or country NSW.



Outcomes

The Board finalised 1,075 formal complaints this year. There was a significant increase in the number of complaints conciliated over the previous year – 221 complaints or 21% were conciliated at or after a conciliation conference, compared with 157 or 14.6% last year. A further 125 complaints (11.6%) were settled by negotiation without the need to call a formal conciliation conference, which is similar to 122 or 11.3% last year.

The Board believes that the increase in the rate of conciliations is due to the elimination of the backlog and the more efficient handling of complaints, including the improved time taken to deal with complaints. The parties are more responsive to the conciliation process and resolution when the issues are still immediate and within recent memory, and there is a better opportunity to make changes that may deal with the complaint.

Referrals to the Administrative Decisions Tribunal for matters that were not conciliable decreased to 115 (10.7%) from 185 (17.2%) last year. The reduction almost corresponds with the increase in conciliated complaints, and may therefore be partly a result of that increase.

The number of complaints declined under s92 of the ADA (for reasons such as lacking in substance, being misconceived or not being a contravention of the ADA) were also at similar levels to last year (51 or 4.7% compared to 46 or 4.3%).

The President declined an additional 30 (2.8%) complaints for similar reasons. In this group, the complainants exercised their right to ask the President to refer the complaint to the Tribunal. Under the amendments, these complainants are now required to seek leave of the Tribunal before their matter can be heard. The number of declined/referred complaints was similar to last year at 31 or 2.9%.

In previous annual reports, some complaints were classified as closed by the President under the category 'not proceeded with'. Under the amendments, the President can now differentiate between these complaints as being either withdrawn or abandoned.

Complainants withdraw complaints for a number of reasons, including lack of evidence to support the complaint, inability to provide information requested by the Board, or lack of confidence that the respondent will provide a satisfactory response. Section 92B of the ADA requires a complainant wishing to withdraw their complaint to do so in writing to the President. The number of complaints formally withdrawn in 2005-06 was 132 (12.3%).

Complaints can be regarded as abandoned when we lose contact with a complainant, the complainant fails to respond to requests for information, or there is no indication of the complainant's intentions to proceed with the complaint. The number of complaints abandoned in 2005-06 was 151 (14%). However, the abandonment process allows the complainant 12 months to request the file to be reopened in certain circumstances.

Taking the withdrawn and abandoned files together (283 or 26.3%), the figure is similar to last year's matters that did not proceed (303 or 28%).

Outcome of complaints finalised 2005-06

	No	%
Settled at or after conciliation	221	20.6
Settled before conciliation	125	11.6
Settled outside the Board	4	0.4
Referred to ADT – conciliation unsuccessful or not suitable	115	10.7
Referred to ADT after 18 months	1	<1
Declined before investigation – not a contravention	221	20.6
Declined before investigation – not of vilified group	3	<1
Declined before investigation – out of time	21	1.9
Declined after investigation – s92	51	4.7
Declined after investigation and referred to ADT	30	2.8
Withdrawn s92B	132	12.3
Abandoned	151	14.0
Total	1,075	100

In 2005-06 there were no complaints referred to the Human Rights and Equal Opportunity Commission, or referred to the Attorney General for serious vilification.

Successful resolution

A woman attended a presentation by a holiday club, which was offering a travel voucher as an inducement. When she arrived she was told she couldn't attend the presentation or receive the voucher as she was separated rather than single or married.

She made a complaint of marital status discrimination, and the company said that the complainant was welcome to attend the

presentation, but only single or married people were eligible for the voucher, as they wanted to market their product to people whose financial status was clear.

After further discussion, the company agreed that they had not adequately assessed the complainant's financial status. They agreed to change their procedures and give the complainant the travel voucher.

Successful conciliation

The complainant, a young man with autism, was a frequent customer of the respondent's fast food outlet. He alleged that on one occasion when he was given a receipt for his purchase, he noticed that the words "freak-boy" were included as the customer identification.

The man lodged a complaint of disability discrimination, saying that the incident had had a significant effect on his self-confidence and was a setback to the development of his social skills. The matter was resolved when the complainant accepted a personal apology from the respondent.

Successful resolution

The complainant was employed by a labour hire company as a driver for the respondent company. The complainant worked exclusively for the company for over five years.

The complainant alleged that the respondent then encouraged him to apply for direct employment with the company. He did so, but was later advised that he was unsuccessful because he did not meet the company's hearing standard.

He made a complaint of disability discrimination in employment, saying that he had demonstrated his ability to perform the required work as he had already done the job for five years. In addition, he said he was victimised after he complained about the unfairness of the decision, as he was then told by the labour hire company that they could not give him further work because the company did not want him on their work site.

The matter was resolved when the National Manager of Human Resources at the company intervened and the complainant was offered direct employment, which he accepted.

Successful conciliation

The complainant lodged a complaint against his superannuation fund alleging age discrimination in the provision of goods and services, as he was no longer able to access his account details online after turning 65.

The respondent said that there were few members of the fund who were over 65, and it would be financially prohibitive to provide the service the complainant was requesting. This is because it would require the building of a whole new website, including the scripts and programs required to calculate the account status of the people involved.

The complainant argued that the respondent should prepare itself for increased numbers of people who like him, were not intending to retire from employment for some years to come. The matter was resolved when the complainant accepted an offer that he would be sent detailed quarterly account statements. The complainant was also advised that he could access his account information via the fund's telephone service.

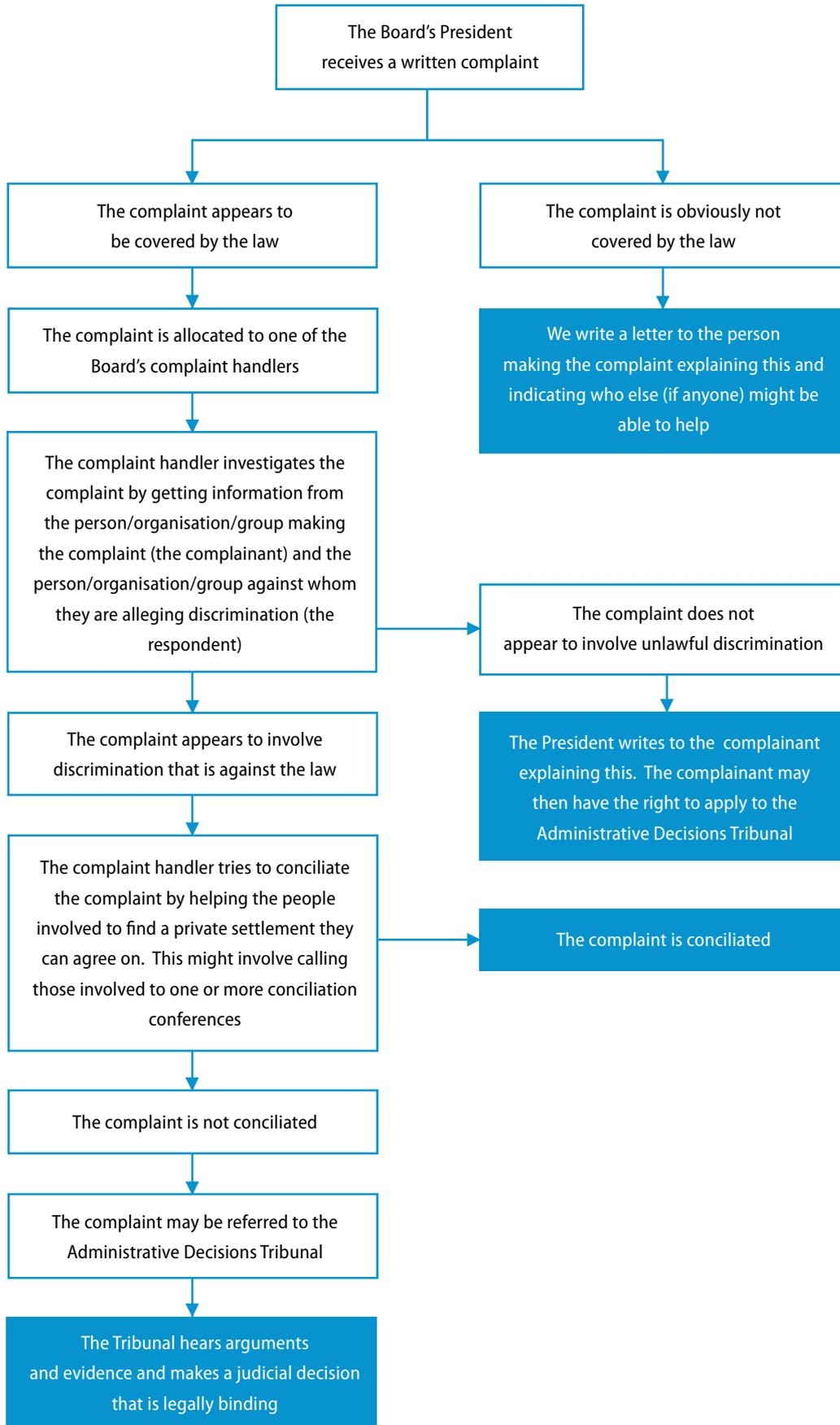
Successful conciliation

A man applied for a job as a cleaner with an agency that provided cleaning and personal care services to people in their private homes. His application was not successful, and he made a complaint of sex discrimination alleging that this was because of his sex.

The agency said that many of its clients sought female cleaners and would be likely to complain if provided with a male cleaner. There were no vacancies for industrial cleaning, which would have better suited the applicant.

The matter was resolved when the man accepted a written apology. The respondent also sought advice about the possibility of seeking an exemption from the Anti-Discrimination Act.

HOW WE HANDLE COMPLAINTS



Education Service

The role of the Education Services Branch is to help prevent discrimination by educating the people of NSW, employers, employees and service providers about their rights and responsibilities under anti-discrimination law.

The branch runs regular community seminar programs and other community projects. It also has a self-funding education program aimed primarily at employers and services providers. It produces a wide range of publications and a comprehensive website.

The branch had a full complement of staff for most of 2005-06 and was able to complete a number of significant projects.

Community education

Work with the African community

This year the community education program aimed to address discrimination issues affecting newly emerging African communities in NSW.

After initial liaison with relevant community groups to discover what issues were most important to address, the first session for African young people was held in March

2006. Held at the Parramatta, Holroyd and Baulkham Hills Migrant Resource Centre, it was attended by twenty young people aged between 12 and 18 who were given information about anti-discrimination law, their rights and how to get assistance.

The young people expressed concern about race discrimination by strangers in the street, and the lack of knowledge in the Australian community about Africa and the diverse backgrounds they came from. Many of the young people had a tendency to just "get on with life" rather than do anything about the discrimination they faced and had not realised they were able to make a complaint.

A further seminar for the whole community was then held at the same Migrant Resource Centre, with participants from a variety of countries including Sudan, Uganda, Liberia and Sierra Leone. They revealed personal stories of discrimination in a variety of contexts and spoke of how there is a tendency in their community to "treat fire with fire" to resolve issues. This can create challenges when dealing with conflict in situations such as the workplace.

Community Education Officer Claire Williams (front row, right) with some of the participants at one of the seminars held for African women in 2005-06.





Hooley Dooleys Antoine Demarest (far left) and David Butts (far right); with colouring competition winners Amy Sutherland, Hoyori Maruo and Georgia Hoad (centre, l-r).

They also said that the governments in their countries often cannot be trusted. It is therefore difficult for them to consider making a complaint to a government body such as the Anti-Discrimination Board.

The response to both these sessions was very positive and participants left with a greater understanding of both anti-discrimination law and their rights. Further seminars will be held later in 2006.

Colouring competition

To celebrate Law Week 2006, the Board ran a colouring competition on the theme of "We are Happy Together", which concluded in May 2006. The picture featured a number of animals from different countries sharing foods of other nationalities (eg a zebra eating spaghetti), and was a fun and exciting way to spread the message of the importance of living together and celebrating diversity.

The competition form was distributed to daycare centres, schools, libraries, local courts and Migrant Resource Centres throughout NSW and could be downloaded from the Anti-Discrimination Board's website. We received over 2,000 fabulous, vibrant and creative entries, which was a very satisfying response.

The winning entrants and ten runners-up in the three age categories received a \$50 book voucher plus a \$100 book voucher for their school or group. The Board President, Stepan Kerkyasharian, presented these to the winners at a lively ceremony at NSW Parliament House on 5th June.

The children's band the Hooley Dooleys attended the ceremony and delighted the children and their families

with an energetic 20-minute performance, and all shortlisted entries were displayed and admired by those who attended.

The winners were:

0-5 age group –

Hoyori Maruo from Kogarah
(Carlton Uniting Care Preschool)

6-10 age group – Amy Sutherland from Sans Souci
(Sans Souci Public School)

11+ age group – Georgia Hoad from Bellingen
(Raleigh Public School)

Deaf communities presentations

The Board conducted a series of presentations for the Deaf community in conjunction with the Deaf Society of NSW, the NSW Association of the Deaf and the Disability Discrimination Legal Centre.

The first sessions were held for Deaf high school students and were designed to provide them with information about their rights at school and prepare them for entry into the workplace.

Improving access to education increases the chances that Deaf students will enter the workforce or pursue further studies. They face a number of challenges including attitudes to their difference among other children, gaining access to information and participating in class. For those





ADB Senior Workplace Relations Consultant Sharmalee Elkerbout (centre back) ran an information session for elderly women from Middle Eastern backgrounds at St George Migrant Resource Centre, with assistance from interpreter Sanaa Atiyah Hammad and St George Lebanese Joint Committee Community Development Worker Ghada Hijazi (first and second left).

who use signing systems, it is also important to have access to skilled signing interpreters.

The second presentation focused on Deaf people who are in the workforce or looking for employment. This included information on their rights to an interpreter and suitable equipment, how to deal with harassment and how to resolve problems in the workplace.

Tailored community education sessions

The Community Education Officer provided tailored in-house training on request to a number of community organisations in 2005-06. The training covered rights and responsibilities under anti-discrimination law including bullying, harassment and sexual harassment.

This year we trained over 200 participants from organisations including GROW, Holroyd Council Peer Education Project, the Department of Immigration and Multicultural Affairs, court workers from the Attorney General's Department, Parramatta and St George Migrant Resource Centres, the Community Relations Commission Nepean and Blacktown Advisory Council.

We also were involved with the following regular meetings: HIV/AIDS and Hepatitis C African Women's Advisory Group, NOGA (the Network of Government Agencies), the Gay Lesbian and Transgender Community Advisory Committee and JOIN (Joint Outreach Initiatives Network).

Workplace education

The Board's highly successful self-funding training program continued to be a vital educational tool for employers, employees and service providers. Three series of seminars were run for employers as well as providing many in-house training programs for organisations across all industries and sectors.

Our programs are designed to:

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

In 2005-06 we delivered 645 training sessions to over 8,300 participants, an increase of 10% on 2004-05. The total earnings from the self funding program, including training fees and publications, was \$768,667, which is a 8.5% increase on last year.

The Board was able to increase the number of sessions delivered to meet demand for our services largely due to the availability of suitable casual staff.

Some organisations we trained in 2005-06

Catholic Education Office
 Cereform
 Citigroup
 Deutsche Bank
 Energy Australia
 Forests NSW
 Goodman Fielder
 Hunter Valley Gardens
 Newcastle Permanent Building Society
 Newcastle University
 NSW Department of Gaming and Racing
 Moree Plains Shire Council
 Office of the Public Guardian
 Smorgon Steel
 Sydney Catchment Authority
 Sydney Eye Hospital
 Sydney Hospital
 Sydney Markets Ltd
 Waverley Council

The Board also exhibited at the 2006 Human Resources Summit in March which hosted a variety of workshops, forums and discussions relevant to the human resources sector. We were able to provide information to a range of employer delegates on preventing bullying, harassment and discrimination, grievance handling and our training services.

Training feedback in 2005-06

"It was an excellent presentation by the trainer, was very interactive with challenging topics."

"Very practical, the examples really helped clarify the complex issues."

"Very clear and concise examples were effective in complementing theory."

"Excellent examples of real-world dilemmas, not just theory."

"Now I will listen to all complaints, no matter how trivial they may seem."

"The staff definitely learnt about respecting each other and clients."

"Gave clear explanations and gave every person the opportunity to participate."

"I have learned a lot in the training... it has put me in a position to handle work issues more professionally."

"Well timed, good involvement of everyone, relevant, excellent!"



Senior Workplace Relations Consultant Margaret White discusses the Board's training services with a participant at the 2006 Human Resources Summit at the Sydney Hilton in March 2006.

Publications

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

The Board's factsheets provide clear information on the different types of discrimination and harassment covered by the Anti-Discrimination Act and how to resolve discrimination issues. We also have an extensive range of publications for employers, employees and service providers.

This year we began to revise and rationalise all our existing publications. The majority of our factsheets were updated to reflect the changes in the Anti-Discrimination Act. Our publications for employers and service providers are also in the process of a major update – some will be reprinted and others will be available on our website.

The Board's free quarterly email publication *Equal Time* continues to be a valuable resource informing stakeholders about discrimination issues and the Board's activities.

This year it was decided to issue the publication three times a year instead of quarterly, which freed up some resources to work on other educational products. Topics covered in 2005-06 included discrimination and unfair dismissal, disability discrimination, genetic discrimination, improper use of emails and stereotyping.

The new series of posters launched by the Board in May 2005 were very well received, and we sold a total of 2,464 posters in 2005-06.



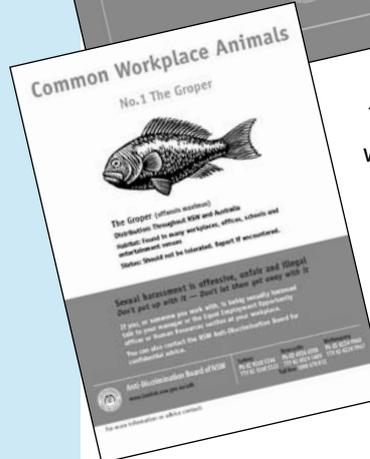
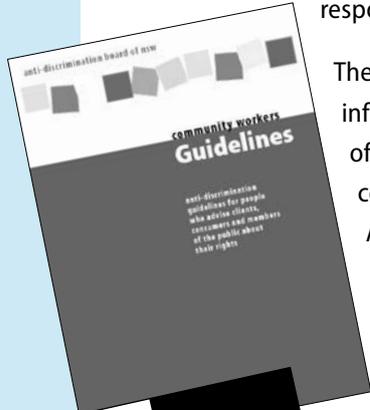
Website

The Board's website is the first point of contact for many people with enquiries about discrimination, harassment and bullying, or the role of the Board. The website is a part of the Lawlink site, which is hosted by the Attorney General's Department, and remains one of the most popular websites on Lawlink for 2005-2006.

The website covers a wide range of topics, including basic information about discrimination; how to make a complaint; training programs and services; information about the Board's publications; advice for employers and service providers; information in community languages; and the Board's electronic newsletter, *Equal Time*. It also contains news about recent developments, activities and special projects such as the colouring competition held in March-May 2006.

The Board's redesigned and upgraded website was launched in June 2005, and in 2005-06 staff continued to improve and consolidate its features. Updated versions of the Board's factsheets were added, along with pdf (portable document file) versions, enabling these to be printed with their original design rather than as text. We also provided comprehensive web pages of cases conciliated by the Board and legal cases from *Equal Time*, and made more of the Board's reports available.

In 2006-07 we will develop online payment facilities, so that users can order publications and register for seminars via the website.



Consultations

Consultations provide a forum for the Board to discuss issues of concern to particular community groups and identify areas for action.

Sex and Gender Diversity Consultation

This consultation met three times during the year. The main topics of discussion were:

- Crisis accommodation and homelessness issues for transgender people. These discussions arose out of the exemption granted to Mission Australia in 2004-05 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. The Board arranged a series of meetings about the issue with key government departments and community groups. As a result, the Department of Community Services funded the Women's and Girls' Emergency Centre to employ a case worker to work on the issues. The Board will continue to work with the Centre in 2005-06.
- An amendment to Part 9A of the Anti-Discrimination Act which would allow NSW government agencies to provide affirmative employment programs for transgender people.
- Concerns about sex or gender being included on the Federal government's proposed national

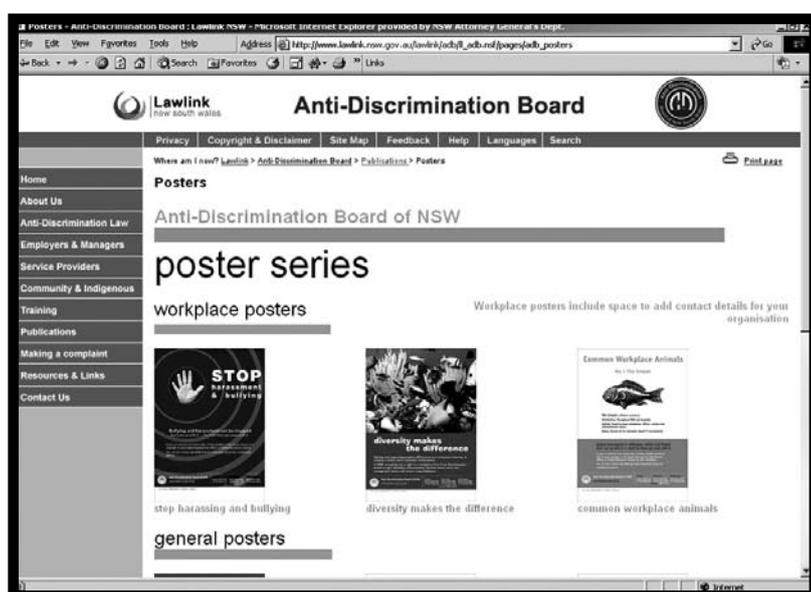
identification cards.

- Amendments to the Births, Deaths and Marriages Act to provide recognition of people born overseas or in Australian jurisdictions that do not provide for change of sex.

Lesbian, Gay and Bisexual Consultation

Topics discussed in 2005-06 included:

- Ageing and discrimination issues facing gay, lesbian and bisexual people. The Board met with interested parties to try and progress some of the issues raised at forums held in 2004-05. A project under the auspices of the Aids Council of NSW is proposed.
- Violence towards lesbian and gay people and relationships with the NSW Police Service. There are concerns that the Police's Gay and Lesbian Liaison Officer (GLLO) network is becoming less effective and there are less officers being trained in these roles.
- Exemptions under the Anti-Discrimination Act for private schools.
- Decisions made in the Administrative Decisions Tribunal regarding homosexual vilification, notably the matters of *Burns vs Radio 2UE* [2005] NSWADT 24, where the Tribunal found that comments made by John Laws and Steve Price amounted to a breach of the legislation.



The Board's website contains a range of information about rights and responsibilities under discrimination law and provides an increasingly important and efficient information source.

Aboriginal and Torres Strait Islander

The Board's Aboriginal and Torres Strait Islander Outreach Team provides services to the Aboriginal and Torres Strait Islander community through complaints resolution, education and training.

In order to provide culturally appropriate services, the outreach team has three Aboriginal and Torres Strait Islander staff including one Team Leader/Conciliation Officer, one Education Officer and one Enquiry/Community Liaison Officer.

An important feature of the team's work is to develop and maintain relationships with other government and non-government agencies and contact networks throughout NSW.

Complaint handling

In 2005-06 the Board received 81 complaints from Aboriginal or Torres Strait Islander people. This is comparable to the number of complaints received last year (94 complaints).

The main ground of complaint was race discrimination, with 55 complaints received. This represents 30.4% of all race discrimination complaints received by the Board in 2005-06.

The most frequent area of discrimination complaints received from Aboriginal and Torres Strait Islander people in 2005-06 was goods and services (48.1%), followed by employment (30.9%). As these are comparable to last year, the team will continue to focus on education and training initiatives in these areas.

The Board received one complaint from an Aboriginal and Torres Strait Islander person in the area of education in 2005-06, as compared to no complaints received in 2004-05.

This is still a small number compared with six received in 2003-04, and may indicate that discrimination in education has been reduced, or that Aboriginal and Torres Strait Islander people have lost confidence in the possibility of achieving a just outcome in this area. Outreach team staff will continue to monitor this issue.

Aboriginal and Torres Strait Islander complaints 2005-06

	Emp	Goods & Servs	Accom	Educ	Clubs	Qual bodies	Racial vil	Homo vil	HIV vil	Trans vil	Other	Total	%
Race	13	35	3	1	3	0	0	0	0	0	0	55	67.9
Victimisation	5	2	1	0	2	0	0	0	0	0	0	10	12.4
Racial vilification	0	0	0	0	0	0	5	0	0	0	0	5	6.2
Sex	3	0	0	0	0	0	0	0	0	0	0	3	3.7
Disability	2	0	0	0	0	0	0	0	0	0	0	2	2.5
Marital status	0	0	1	0	0	0	0	0	0	0	0	1	1.2
Age	1	0	0	0	0	0	0	0	0	0	0	1	1.2
Aiding unlawful act	0	1	0	0	0	0	0	0	0	0	0	1	1.2
Other	1	1	0	0	0	0	0	0	0	0	1	3	3.7
Total	25	39	5	1	5	0	5	0	0	0	1	81	100

In 2005-06 there were no complaints from Aboriginal or Torres Strait Islanders on the grounds of carers' responsibilities, homosexual or transgender discrimination, or HIV/AIDS, homosexual or transgender vilification, or advertisements.

er Service

*Presenters at the
“Good Service” forum
held in Newcastle in
February 2006.*



Education and training

In 2005-06 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 NSW anti-discrimination law.

Combined forums *Do it Right* program

The Board has continued to participate in the *Do it Right* forums throughout NSW in 2005-06. This program provides free two-day seminars informing Aboriginal and Torres Strait Islander employers, workers, community leaders and other people who give advice in the community about rights and responsibilities under a range of legislation in NSW.

The program was initiated by the NSW Department of Industrial Relations, WorkCover NSW, the NSW Office of Fair Trading and the Anti-Discrimination Board, and is currently run by the Board, WorkCover NSW, the Office of Fair Trading, the Department of Commerce and Legal Aid NSW.

It aims to provide consistent and comprehensive information to Aboriginal and Torres Strait Islander communities in NSW about employment rights and obligations. This includes issues such as harassment and discrimination, workplace safety, workers' compensation, tax, superannuation, and consumer rights and fair trading.

Other agencies contributing to the forums include the Australian Taxation Office, Law Access, Arts Law and the Australian Securities and Investments Commission. Future forums in 2006-07 will include other agencies such as the Banking Ombudsman and the Telecommunication Industry Ombudsman.

In 2005-06 the Board participated in forums at Coffs Harbour, Ballina, Nowra and Queanbeyan. Further forums will be held in 2006-07 in Walgett, Brewarrina, Bega and Moruya.

Good Service forums

The Good Service – servicing your community forums have been initiated along the same lines as the *Do It Right* project, except these forums cover consumer issues for Aborigines and Torres Strait Islanders.

These forums are a joint initiative between the NSW Energy and Water Ombudsman, the Office of Fair Trading, the NSW Ombudsman, Legal Aid and the Anti-Discrimination Board. Others agencies involved include the Australian Securities and Investments Commission, Arts Law and Law Access. Future forums in 2006-07 will include other agencies such as the Banking and Financial Services Ombudsman and the Telecommunication Industry Ombudsman.

In 2005-06 forums were held in Newcastle and Nowra. A further forum is planned for Dubbo in 2006-07.

Gunya project

Members of the Board's Aboriginal and Torres Strait Islander team have also participated in the Gunya project, which is 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. In 2005-06 a session was held in Port Macquarie.

Residential tenancy seminars

In 2005-05 staff from the outreach team were involved in conducting a number of training sessions for real estate agents and landlords on their rights and responsibilities under NSW anti-discrimination law.

Organised by the Office of Fair Trading (OFT), the seminars included presenters from the OFT, the Consumer, Trader and Tenancy Tribunal and the NSW Fire Brigade. In 2005-06 seminars were held in Port Macquarie and other regions throughout NSW.

Outreach

The outreach team also undertakes outreach work to provide information about rights and responsibilities under the Anti-Discrimination Act. In 2005-06 team members held information stalls at the following events:

- Australia Day Celebrations, NAIDOC Week – Parramatta
- Yabun Survival Day Concert, NAIDOC Week – Redfern
- Cumberland Women's Health Centre – Parramatta

Members of the Board's Aboriginal and Torres Strait Islander Advisory Committee. Top (L-R): Ken Quinn (Office of the Sheriff), Marilyn Beetson (Department of Corrective Services), Shane Burgess (AIDS Council of NSW), Nita Dowel (Department of Corrective Services), Blake Champion (NSW Police). Centre: Narelle Hennessy (Anti-Discrimination Board), Jill Jessop (Office of Fair Trading), Felicity Huntington, (Anti-Discrimination Board), Nathan Tyson (Australian Securities and Investments Commission). Front: Charmaine Smith (Public Interest Advocacy Centre), John Walford (community member), Christine Mumbulla (Sydney University).



- Ingleburn Festival – Ingleburn
- NAIDOC Week, Koshigaya Park – Campbelltown
- Resettlement Expo, John Morony II Correctional Centre – Berkshire Park
- Walla Mulla Family and Community Support Service – Woolloomooloo
- Flag Raising Ceremony, NAIDOC Week – Parramatta
- Young Women's Forum – Redfern
- GROW Career Expo – Mt Druitt
- Public Information Advocacy Centre (PIAC) Information Session – Parramatta
- Winter Magic Festival – Katoomba
- Festival of Fisher's Ghost – Campbelltown
- Hawkesbury Disability Expo – Riverstone
- Aboriginal Women's Gathering – Merrylands/Holyrold Gardens
- Kari Aboriginal Resources Community Day – Moorebank

The team also provided training/talks at the following venues:

- Tahmoor Community Centre – Tahmoor
- Office of Fair Trading, Department of Commerce – Parramatta
- Aboriginal Women's Gathering – Merrylands/Holyrold Gardens
- Open Day for the Deaf Society of NSW, Cumberland Women's Health Centre – Parramatta
- Taking Care of Ourselves Day, Aboriginal Women's Gathering – Parramatta
- Salvation Army Hall, Migrant Resources Centre – Granville

The Outreach team attended the following interagency and network meetings:

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

Aboriginal and Torres Strait Islander Advisory Committee

2005-06 marks the tenth anniversary of the Board's Aboriginal and Torres Strait Islander Advisory Committee, which began in 1996. Two committee members, Christine Mumbulla and John Walford, have been on the committee since its inception, and were presented with a medal to celebrate their ten years' service in June 2006.

The committee meets quarterly to discuss discrimination issues affecting Aboriginal or Torres Strait Islander people. This enables the Board to be aware of significant or emerging issues that may affect the community in NSW, and to receive suggestions on how the Board may best provide services to Aboriginal and Torres Strait Islander people.

Issues currently under consideration include age barriers to accessing superannuation and the recognition of Aboriginal English as a Community Language, as well as some ongoing matters such as discrimination relating to hotels and accommodation.

Successful conciliation

An Aboriginal man applied to his housing provider for a larger house, for reasons relating to his Aboriginality. His application was rejected because he did not provide a "Certificate of Aboriginality", although he had other legal documents relating to his removal from his Aboriginal family as a child.

The man made a complaint of race discrimination in service provision. At conciliation, the housing provider said that the man had not provided the other documents, and the man said he had not been told that this was an option.

The complaint was resolved when the housing provider agreed to transfer the man to a larger house, give him a statement of regret, pay him \$3,000 compensation, and review its policy on proof of Aboriginality in consultation with the complainant and relevant agencies.

Newcastle office

The geographical area covered by the Newcastle office was expanded in September 2005. Prior to September 2005, the boundaries of the Newcastle office stretched from Gosford along the coast to Taree and into the Hunter Valley as far as Murrurundi.

The new boundaries extend further along the coast from Taree to Iluka, just north of Yamba, and west from Iluka to Mungindi. From Mungindi, the boundary stretches south to Coonabarabran and then east to Woy Woy.

Complaints

The Newcastle office received 181 new complaints in 2005–06, which is 90% more than the 95 complaints received in 2004–05. The increase can be partly attributed to the expansion of the area covered by the Newcastle office. We received 66 complaints from the new region in the nine months since September 2005, which is 42% of the total number received in that period.

The most common ground of complaint lodged was sex, including pregnancy and sexual harassment (29.9%). This is closely followed by disability (26%) and then race (18%). These three grounds of complaint have consistently ranked highest in the Newcastle region.

As in previous years, the most common area of complaint was employment (66.9%), followed by goods and services (16%).

Complaints finalised

In 2005–06 the Newcastle office finalised 168 complaints, which is 50% more than last year. Of these complaints, 45 (26.7%) were settled, 49 (29.2%) were declined because they were not covered by the Anti-Discrimination Act, two (1.2%) were declined after investigation, 18 (10.7%) were referred to the Administrative Decisions Tribunal, 29 (17.3%) were withdrawn and 25 (14.9%) were abandoned.

Education services

In 2005–06 the Newcastle office delivered a total of 110 sessions to 24 organisations. As in 2004–05, the main clients were local government (7) and heavy industry (4). The training was conducted in a variety of centres within the Newcastle office's new, expanded regional boundaries.

Significant clients included Moree Plains Shire Council, which has made a commitment in their management plan to undertake EEO training annually, and Newcastle Permanent Building Society, which engaged us to train all their staff. This involved 40 sessions which were conducted with assistance from education staff from the Board's Sydney office.

The Anti-Discrimination Board's Hunter EEO Network was reestablished during 2005–06, with members of the network sharing the hosting and organising of the meetings. Meetings were held at the Mingara Recreation Club in April and the Hunter New England Area Health Service in June.

In May 2006, a contact officer seminar was conducted in Newcastle for members of the EEO network. Another seminar scheduled for Tamworth in May was cancelled due to lack of enrolments.



Wollongong office

Complaints

In 2005-06, the Wollongong office received 153 new complaints. This is a decrease of 23.8% on the numbers received in 2004-05, but is more than those received in 2002-03 and 2003-04.

As in 2004-05, in 2005-06 the most common grounds of complaint were sex discrimination (including pregnancy and sexual harassment) (28.1%), disability discrimination (20.3%) and race discrimination (10.5%).

The proportion of each of the most common grounds of complaint in relation to overall complaints has also remained constant, with the exception of race discrimination which, while remaining the third most common ground of complaint, was down by 5.4% compared with 2004-05.

The most common area of complaint continues to be employment at (68%), followed by goods and services (13.7%), once again suggesting a continued need for training services focussed on workplace rights and responsibilities.

Complaints finalised

Despite the decrease of complaints lodged, the Wollongong Regional Office finalised 187 complaints in



2005-06, just two complaints less than in the previous year. 65 (34.8%) of these were settled, including 48 (25.7% of total complaints) settled at or after a formal conciliation conference.

A further 36 complaints (19.3%) were declined because the alleged conduct was not covered by the Anti-Discrimination Act, 13 (7%) were declined after investigation, 11 were referred to the Administrative Decisions Tribunal, six of which (3.2% of total complaints) were referred because conciliation was not successful. 62 (33.1%) were terminated by being withdrawn or abandoned.

Education services

The Wollongong office's education team covers the south-eastern portion of NSW. In 2005-06 we delivered on-site workplace training to 16 separate client organisations, of which 12 were new clients and four were repeat clients. Altogether 57 workplace training sessions were conducted for 868 individual participants, of which 22 sessions were held in rural areas.

Of the 16 client organisations, four were in the private sector, ten were in the public sector and two were in the community/not for profit sector. They included state and local government authorities, community-based family and child welfare agencies, and education, finance, industrial and manufacturing organisations.

Participants were very positive about the sessions, with an overwhelming majority (approximately 90%) rating them as excellent or very good. As in the previous year, the sessions most in demand were about discrimination and harassment awareness for employees, followed by sessions aimed at managers and supervisors.

Total education income was \$66,108, which is an increase of 11% on the income of the previous year.



Legal Officer

The Board's Legal Officer is the first port of call for the President, Board members and staff of the ADB on the interpretation and application of the Anti Discrimination Act 1977 (NSW) (ADA) and related case law.

The Legal Officer also coordinates the Board's response to applications for exemption from the ADA – answering enquiries, receiving and assessing applications and advising the members of the Statutory Board when necessary. The Board then makes recommendations to the Attorney General, who ultimately decides whether exemptions will be granted.

There have been fewer applications for exemption this year than in previous years. Eight applications for exemption under section 126 have been granted and seven exemptions under section 126A.

Section 126 exemptions generally relate to employment opportunities for members of groups that have been previously disadvantaged or discriminated against on one of the grounds covered by the ADA. Section 126A is directed towards programs or activities for the special needs of some of the groups covered by the ADA.

In both cases the purpose for which the exemption is sought must be consistent with the goals of the ADA – that is, to render discrimination unlawful in certain circumstances and promote equality of opportunity.

There are a number of possible explanations for the apparent drop in applications for exemption, one being the continuing flow-on effect of the introduction of the amendment to the Anti-Discrimination Regulation 2004 which introduced a set of criteria designed to guide the Board and the Attorney General when considering applications for exemption under section 126.

2005-06 was the first full year of operation of the amendments to the ADA which commenced on 2 May 2005. The amendments, which largely relate to administrative processes, brought into effect a number of

the recommendations of the NSW Law Reform Commission.

In particular, the amendments are designed to streamline the complaints process as well as providing greater assistance to complainants and greater certainty to respondents in the complaint handling process.

The initial flurry of activity surrounding the commencement of the amendments has passed, but the process of applying the amendments and understanding how they operate in relation to other parts of the ADA, and interact with other pieces of NSW legislation, is ongoing. The Legal Officer continues to contribute to this process.

The Board also made a number of submissions on issues relevant to discrimination in 2005-06.

In 2005 the Human Rights and Equal Opportunity Commission (HREOC) released its discussion paper *Striking the Balance: women, men, work and family*. The Board provided HREOC with comments on the paper, focusing in particular on the Board's experiences of dealing with complaints on the ground of carers' responsibilities, a ground introduced into the ADA five years ago.

More recently, HREOC conducted its *Same sex, same entitlements* enquiry. The Board made a submission to the enquiry and participated in a subsequent public hearing, drawing on its comprehensive analysis of NSW legislation which continues to use definitions of 'spouse' or 'de facto' which are not inclusive of same sex relationships.

The Board is also liaising with both the Australian and NSW Law Reform Commissions with a view to participating in their current reviews of privacy legislation in the two jurisdictions. The Board's experience is that where there is inadvertent disclosure or inappropriate requirements for disclosure of particularly sensitive personal information, discrimination often follows.

The Board has also contributed to the Department of Local Government's review of the use of Alcohol Free

Zones (AFZs) by NSW local government authorities as a means of curbing anti-social behaviour. The Board's input has focused on how already disadvantaged groups, in

particular Aboriginal and Torres Strait Islander people, can be disproportionately affected and unfairly targeted by the creation and enforcement of AFZs.

Section 126 exemptions 2005-06

Applicant	Program	Sections	Date	Expiry
Clarence Valley Council	To designate, advertise and recruit for 12 Indigenous people to work on an Aboriginal Cultural Heritage Project run in conjunction with the Catchment Management Authority	8, 51	6.12.2005 (5 years)	5.12.2010
NSW Health Department	To designate, advertise and recruit for 32 positions each year in its Trainee Enrolled Nurse Program for Aboriginal people	8, 51	4.1.2006 (5 years)	3.1.2011
University of NSW Faculty of Law	To designate, advertise and recruit for an Indigenous person for a fixed-term position as Lecturer/Senior Lecturer in the Faculty of Law	8, 51	13.02.2006 (four years)	12.2.2010
Penrith City Council	To designate, advertise and recruit for an Aboriginal Project Worker to work within Children's Services	8, 51	23.11.2005 (10 years)	22.11.2015
Penrith City Council	to designate, advertise and recruit for 6 positions each year on its Traineeship and Entry Level Program for people of Aboriginal and Torres Strait Islander background	8,51	4.4.2006 (10 years)	3.4.2016
Shellharbour City Council	To designate, advertise and recruit a position as Apprentice Horticulturalist for a person of Aboriginal or Torres Strait Islander descent	8, 51	7.02.2006 (five years)	6.2.2011
TAFE NSW Riverina Institute	To designate, advertise and recruit a female for a permanent, part-time TAFE Counsellor position at the Albury Campus	25, 51	7.12.2005 (10 years)	6.12.2015
Western NSW Community Legal Centre Inc	To advertise for and employ an Indigenous Front Desk Administrator, a female Indigenous Field Officer, and a female Rural Women's Outreach Solicitor	8, 25, 51	17.10.2005 (10 years)	16.10.2015

Section 126A exemptions 2005-06

Organisation	Special Needs Program or Activity	Exemption period
Bankstown City Council Wran Leisure Centre	One-hour women-only swimming sessions twice per week	4.5.2006 to 3.5.2011
Macarthur Elim Christian Church	'Kuppa 'n' Kids' coffee morning and activities for women and children	3.8.2005 to 2.8.2015
TAFE NSW	To run Certificate IV in Information Technology - www. Work Wise Women for women only	5.07.2005 to 4.07.2008
TAFE NSW	To advertise and deliver the Information Training Package ICA05 for women only	1.5.2006 to 30.4.2011
Department of Tourism, Sport and Recreation	To run a women-only water safety program known as WimSWIM	17.10.2005 to 16.10.2010
Wollongong Women's Refuge Inc "Lottie's Place"	Clause in leases to exclude male visitors from premises it provides	20.7.2005 to 19.7.2015
Wollongong Women's Refuge Inc "Lottie's Place"	To provide accommodation and support services to women and their accompanying children only	17.10.2005 to 16.10.2015

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 activities 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.

This was the first full year in our new accommodation at 175-183 Castlereagh Street, Sydney, which we moved into in March 2005. Some issues relating to the move remained to be dealt with in 2005-06, mainly concerning occupational health and safety and finance.

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.

Accounting services

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 adopting the Attorney General's Department's 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. The in-house database also enables the team to monitor and report on staff training and development activity, complementing the Department's Performance Planning and Development system.

Occupational health and safety

There were no significant workplace incidents during the year. The main activity relating to occupational health and safety in 2005-06 was addressing a number of issues that arose as part of the move to our new premises. These included air conditioning, security and workstation structure.

The Board initiated a number of workplace assessments to ensure that ergonomically safe and appropriate working environments were provided for staff, and a number of changes including shelving and glass partitioning were incorporated into the relevant workstations.

Works were also carried out to kitchen facilities in our Sydney and Newcastle offices to improve access for people with disabilities. First Aid training was provided to three staff.

Information technology

The main activities in 2005-06 were:

- preparing for a major upgrade of our primary complaint-handling database;
- planning a replacement customer management system for the Board's commercial training activities.

Service complaints

The Liaison and Support branch handled service complaints in accordance with policy and procedures of the Attorney General's Department.

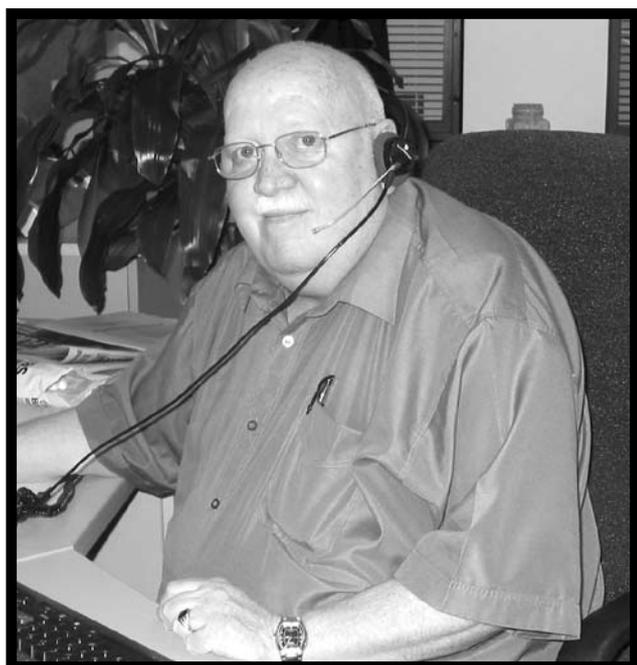
This year we received 11 complaints, of which seven related to service delivery and four to staff conduct. We regard this as a good result in view of our contact with over 10,000 individuals during the year.

Finance

The net cost of services provided by the Board was \$3,628,601, against a budget of \$3,512,280, which means we were overspent by \$116,321. This was a very good outcome considering that the Board absorbed most of the write-off value of \$345,805 fit-out costs of our former office premises at 201 Elizabeth Street. This was achieved through careful management of staff and operating resources.

New training equipment was acquired to upgrade our existing resources, and the Board encouraged a high level of participation by staff in training and development, in accordance with a new initiative of the Attorney General's Department in the area of staff development.

The Attorney General's Department provided additional assistance this year in the form of funding and project coordination to improve the soundproofing of our meeting and conference rooms, and to upgrade our kitchen facilities to meet disability access standards.



Our receptionist for the past nine years, Graham Bulmer, died unexpectedly in March 2006 at the age of 59. Graham was a familiar face to all visitors to the Board, and was making preparations for his marriage when he died. For this reason his death was a particular tragedy for his fiancée and family.

Successful conciliation

A man who was a middle manager in the human services industry wanted to negotiate more flexible working arrangements so that he could take care of his young children. He said that after he did this, he was harassed and bullied by his manager.

The man said that the manager put pressure on him to make child care arrangements that would mean he didn't need to work flexible hours, accused him of not doing enough to find appropriate child care, and made phone calls on his behalf to find the kind of care that the manager considered suitable.

The man became very stressed, went on leave and made a complaint of carers' responsibilities discrimination to the Board. The complaint was conciliated when the respondent agreed to pay him a separation payment and compensation totalling \$10,000, in exchange for his resignation.

Financial statement

Total operations 2005-06

	Actual	Budget	Variance
Revenue			
User charges	(768,667)	(656,924)	(111,743)
Other revenue	343,486	-	(343,486)
TOTAL REVENUE	(425,181)	(656,924)	(231,743)
Expenses			
Employee related payments	2,843,920	3,097,934	254,014
Other operating	1,093,539	876,132	(217,407)
Maintenance	10,565	13,390	2,825
Depreciation	105,758	181,748	75,990
Grants and subsidies	-	-	-
Other services	-	-	-
TOTAL EXPENDITURE	4,053,782	4,169,204	115,422
NET COST OF SERVICES	3,628,601	3,512,280	(116,321)

Other revenue includes a significant one-off adjustment of \$345,805, which was the write-off of fitout costs relating to premises occupied by the Board prior to April 2005.

The Board's full financial figures are included in the consolidated accounts of the Attorney General's Department and are published in that annual report.

Education self-funding program 2005-06

	Actual	Budget	Variance
Revenue			
User charges	(768,667)	(656,924)	111,743
TOTAL REVENUE	(768,667)	(656,924)	111,743
Expenses			
Employee related payments (including crown liabilities)	518,660	382,101	(136,559)
Other operating	250,523	149,394	(101,129)
Maintenance	1,249	-	(1,249)
Depreciation	12,498	-	(12,498)
Grants and subsidies	-	-	-
Other services	-	-	-
TOTAL EXPENDITURE	782,930	531,495	(251,435)
NET COST OF SERVICES	14,263	(125,429)	(139,692)

This year for the first time, the Education Program met a share of management and support service salary costs, amounting to \$127,547. This is step towards ensuring the program is fully costed against its revenues, enabling more accurate assessment of its ongoing performance.

*This annual report was edited and designed
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