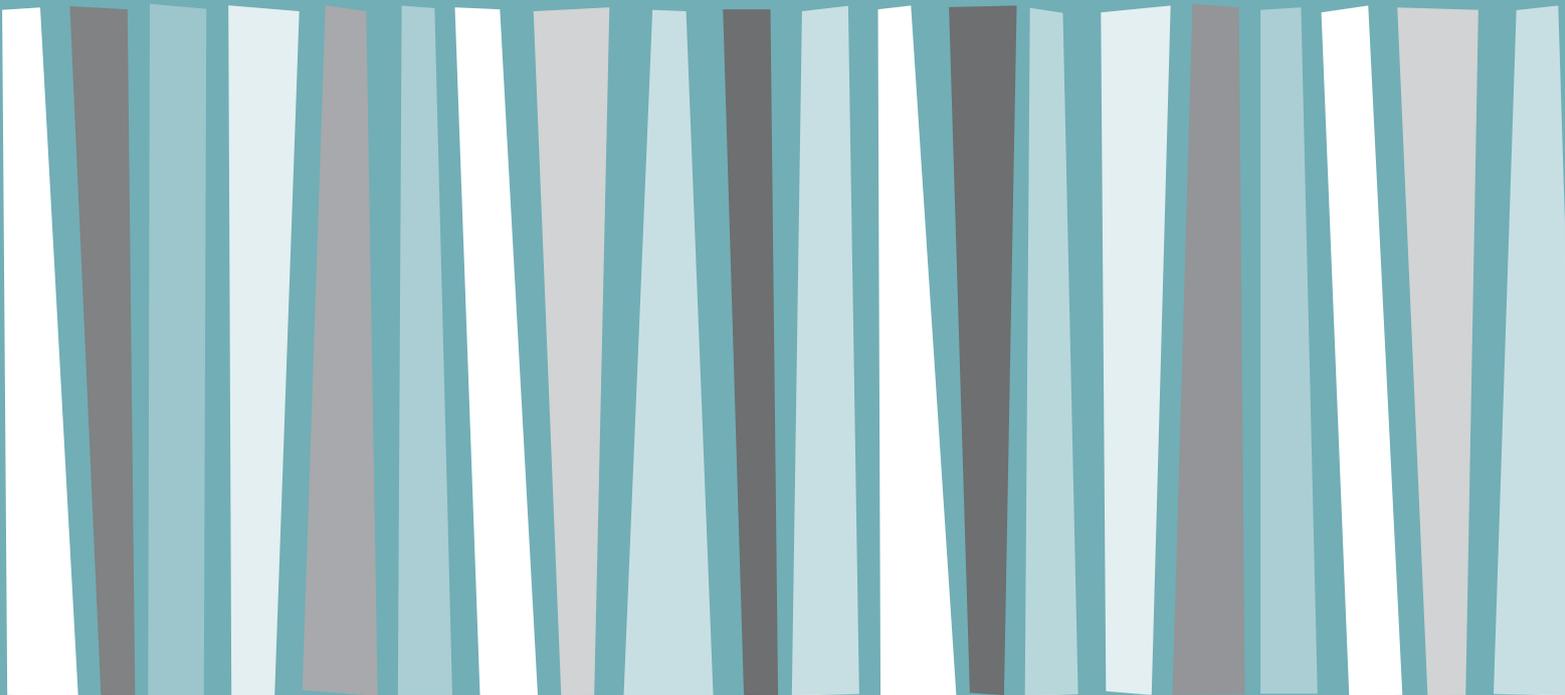


Anti-Discrimination Board of NSW
annual report 2006-07



1977-2007 ● 30 years of anti-discrimination law in NSW

26 October 2007

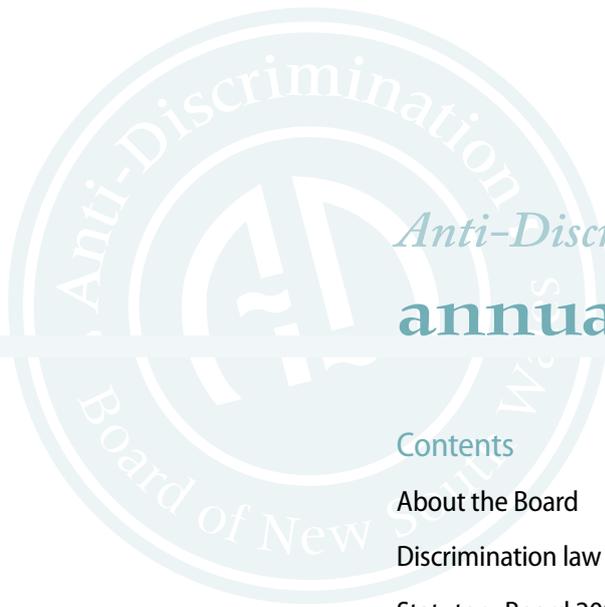
*The Hon. J. Hatzistergos, MP
Attorney General
Level 33, Governor Macquarie Tower
1 Farrer Place
SYDNEY NSW 2000*

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
2006 to 30 June 2007.*

Yours sincerely

*Stepan Kerkyasbarian AM
President*



Anti-Discrimination Board of NSW
annual report 2006-07

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about the board

The Anti-Discrimination Board was set up under the *Anti-Discrimination Act 1977 (NSW)* to administer that Act. Our role is to promote anti-discrimination and EEO (equal employment opportunity) principles and policies throughout NSW. We are a business centre within 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 law, 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 2006-07 were Suzanne Jamieson, Phillipa McDermott, Cameron Murphy and Peter Wertheim. (See page 6 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 2006-07 was Elizabeth Wing.
- **Education Services Branch**
 - oversees the Board's provision of training, community education, information, publication and website services. The Manager in 2006-07 was Sharmalee Elkerbout.

- **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 2006-07 was Darryl Brown.

The Board's Aboriginal and Torres Strait Islander team contains complaint handling and education staff who provide culturally specific services for Aboriginal and Torres Strait Islanders. The team leaders in 2006-07 were Felicity Huntington (acting to November 2006) and Donald Jenner (from November 2006).

The Board has regional offices in Newcastle and Wollongong that handle complaints and provide education services for those areas. The Newcastle Manager in 2006-07 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.



From left: Sharmalee Elkerbout, Stepan Kerkyasharian, Darryl Brown.

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. There are 31 full-time and 13 part-time positions. Of these 33 are located in Sydney and 11 in the two regional offices.

At 30 June 2007 the Board was employing an additional 0.2 FTE trainer on a temporary basis to cover demand for the Board's training services. Four temporary staff were employed in positions that were funded internally from savings in other vacancies through the year (see page 8 for details).

Nine staff left the Board during the year, including four permanent and five temporary staff. Of the four permanent staff, two left for positions outside the NSW public service, one left for a promotion within the service, and one for a development opportunity within the Attorney General's Department. Twenty recruitment processes were undertaken during the year, plus 11 internally managed development opportunities arising from short-term vacancies, or from staff on leave.

11 (24%) of staff are male, and 32 (76%) are female. Three have been with the Board for more than 20 years, 10 for 10-15 years, 12 for 5-10 years, 7 for 2-5 years,

and 11 for less than 2 years. Of the 43 employees at the Board on 30 June 2007, 35 (81%) were permanent employees and 8 (19%) were temporary.

Training and development

The Board encouraged a high level of participation in training and development, in accordance with a new initiative of the Attorney-General's Department.

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.

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

Successful conciliation Sex discrimination (pregnancy)

The complainant worked as a cook for a club. She alleged that when she told her manager that she was pregnant, the manager said she had to decide between keeping her baby or keeping her job, and she felt she had no alternative but to resign.

The employer said that the complainant had misconstrued the manager, who had merely been expressing concern about how she was going to cope as a single mother. They said this was in a context where the complainant had previously confided to the manager about her personal problems.

The complaint was settled when the employer agreed to amend its staff manual to include information about rights relating to pregnancy and maternity leave, and to pay the complainant \$3,500.



From left: Elizabeth Wing, Donald Jenner, Paul Santone, Gerardo de Liseo.

discrimination law and the anti-discriminat

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 and breastfeeding;
- 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;
- the provision of goods and/or services;
- government education, including universities, TAFEs and schools (sexual harassment and race discrimination are also unlawful in private education);
- the provision of accommodation; and
- registered clubs (any club that sells alcohol or has gaming machines).

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 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, someone else can 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 will cover 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, confidentially and free of charge, and there is no need for a lawyer.

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 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.

Successful conciliation Sexual harassment

The complainant worked as a bar attendant for the respondent, and alleged that a number of club patrons continually made unwelcome comments to her about the size of her breasts. She said that when she complained to a director of the club about the conduct, he made similar comments.

The complaint was settled following a conciliation conference when the respondent agreed to provide the complainant with a statement of regret, to review its policies on discrimination and harassment, to train all staff on the issue and to provide the complainant with a payment of \$5,000.

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.

statutory board 2006-07



Successful conciliation Carers' responsibilities discrimination

A woman worked as an assistant manager of one of a company's retail outlets. She asked for part-time work when she returned from maternity leave to enable her to care for her baby. The employer refused on the basis that the role at the outlet where she worked could not function on a part-time basis.

The complaint was resolved at conciliation when the employer offered the woman a job-share position as a manager at one of its other outlets, which represented a promotion for the woman. She has since started work in the position and reports being very happy with the outcome.

Stepan Kerkysharian AM

Stepan became President of the Anti-Discrimination Board in September 2003, and continues as CEO and Chair of the Community Relations Commission For a Multicultural NSW. He became a Member of the Order of Australia in 1992, and received the Olympic Order in 2000. In June 2007 he was conferred with the degree of Doctor of Letters (honoris causa) by the University of Sydney.

Phillipa McDermott

Phillipa works for the Employment Solutions Branch with the Department of Employment and Workplace Relations. Her main interests are Indigenous media and arts and Indigenous and human rights, and she has represented Indigenous media interests at the United Nations. She is on the Board of the Gadigal Information Service, the Lloyd McDermott Rugby Development Team and the Tullagulla Aboriginal Cultural Centre.

Photos from left: Stepan Kerkysharian, Suzanne Jamieson, Cameron Murphy, Peter Wertheim, Phillipa McDermott.

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.

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.

ethnic affairs priority statement report

Anti-Discrimination Act 30th Anniversary

2007 marks the 30th anniversary of the NSW Anti-Discrimination Act, which came into force in 1977. The Board will mark this milestone in a range of ways, with much of the groundwork done in 2006-07 and a number of events occurring in the latter half of 2007.

The original act made discrimination on the grounds of sex, race and marital status unlawful in the areas of employment, goods and services and accommodation.

Amendments over the years added further grounds and areas including physical disability in 1981, homosexual discrimination in 1982, racial vilification in 1989, compulsory retirement in 1991, age and HIV/AIDS discrimination in 1994, transgender discrimination in 1996, sexual harassment in 1997, and carers' responsibilities discrimination in 2001 (see pages 4-5 for more information on current discrimination law).

In 2006-07 the Project Officer for the anniversary developed a dedicated website and planned activities including:

- the issue of three postcards through the Avant Card distribution network (one pictured left);
- a photography competition and subsequent travelling exhibition celebrating equal rights;
- a commemorative issue of the Board's newsletter Equal Time published in September 2007;
- three events in October 2007: a community event in Martin Place; a forum discussion at Sydney University; and a commemoration at Parliament House.

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 and we have this translated into English.
- Training sessions were delivered to over 500 participants from a range of culturally and linguistically diverse groups.
- The Education Branch consulted with and delivered workshops to members of African communities in Sydney.

Staffing

- 21% of staff at the Board identify English as their second language.

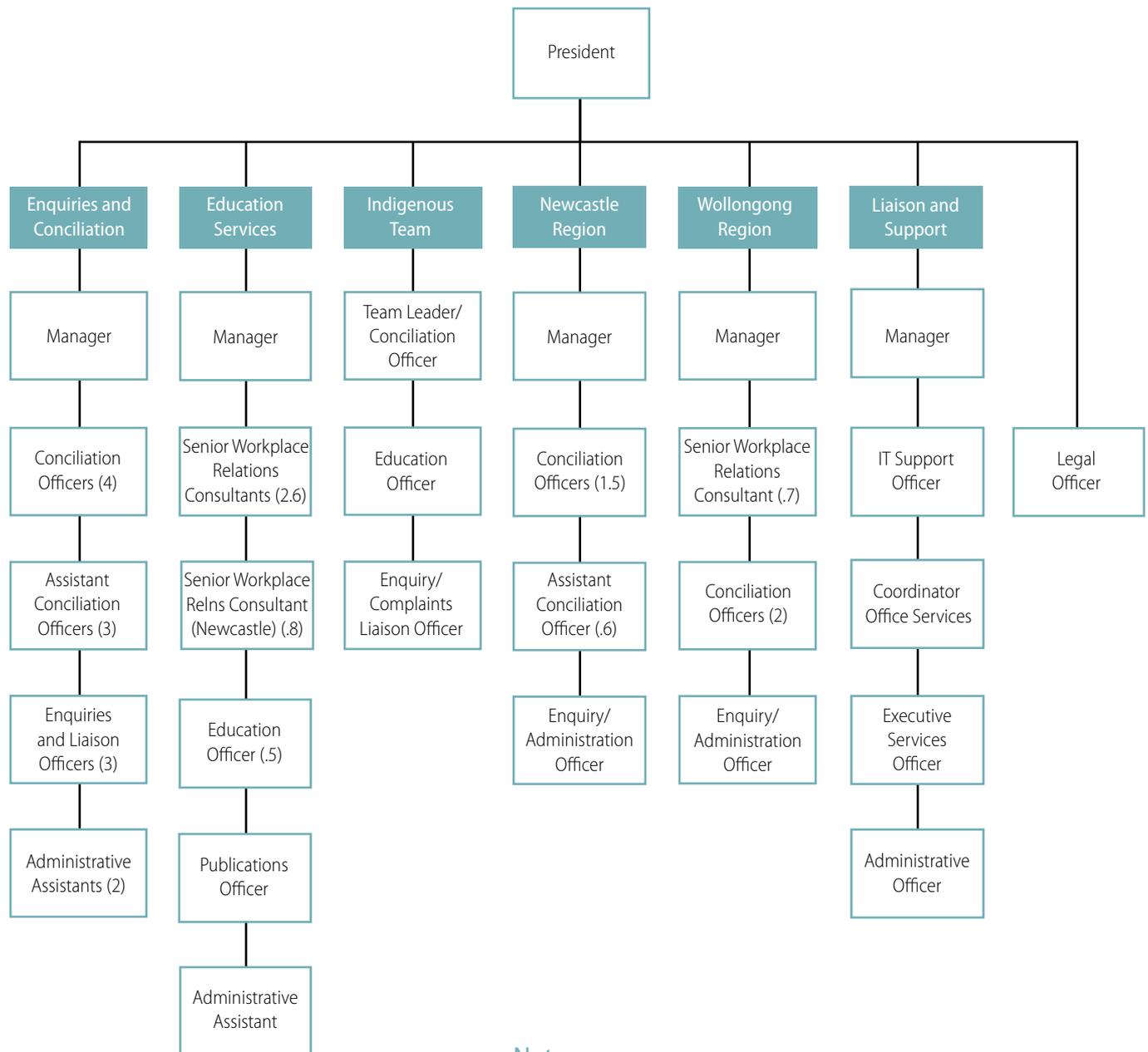
Communication

- 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 Board's complaint form is currently being revised and will include a new attachment with a message in around 24 languages explaining that people can make a complaint in their own language. The attachment can also be handed out separately when the Board runs stalls at community events.
- The reverse of the Board's letterhead features an explanatory message in 21 languages and the number for the Telephone Interpreter Service. The languages used were revised in 2006-07 in line with current census data on people who speak little or no English.
- The Board's website features discrimination factsheets in 24 languages. We also have specific factsheets on race discrimination and vilification, 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, which has achieved excellent sales over the last two years.



structure of the board



Notes

1. The Board employs casual trainers as required to cover demand for the Board's training services.
2. Four other temporary staff were employed at 30 June 2007: a Team Leader User Acceptance Testing (for the new enquiry and complaints handling system); a Project Officer Community Information (for the 30th anniversary of the Board); a Senior Workplace Relations Consultant (.2 FTE); and a Publications Review Officer (.2 FTE, to revise out-of-date publications).

2007 marks the 30th anniversary of the Anti-Discrimination Act, which came into force on June 1 1977. The Act pioneered anti-discrimination legislation in Australia, and remains a powerful tool for addressing discrimination, harassment and vilification in NSW.

The Anti-Discrimination Board is the organisation established by the Act to educate the community about their rights and responsibilities under anti-discrimination law, handle complaints of discrimination, and where appropriate, advise the government on discrimination matters. The Board has continued to do this effectively in 2006-07.

The Board's education service has maintained its excellent work, with a variety of services and events targeted at a very wide range of sectors in the community.

Our self-funding training service for employers and service providers continues successfully due to the excellent reputation of our training staff for providing interactive sessions tailored to the needs of specific employers. Along with our regular seminars and in-house training services, we also provided an information session on the relationship between discrimination law and the federal government's Work Choices legislation to ensure that employers understood their continuing obligations under anti-discrimination law in NSW.

Our community education service continued to work with groups that have been identified as being particularly vulnerable to discrimination. As well as our usual networking, community training and displays, this year we ran further training for members of the African community, provided education for people with brain injury, and ran a highly successful art competition which culminated in an award ceremony at Parliament House in April. It was very heartening to see the spirit of community harmony that the children demonstrated in their entries, and the creative ways they expressed their vision.

Our Aboriginal and Torres Strait Islander team provide an important and accessible service for Aboriginal and Torres Strait Islander people, in answering enquiries, providing strategies for addressing discrimination, handling complaints and educating their community.

The team has been particularly effective in partnering with other agencies to provide clear and comprehensive information covering a range of jurisdictions. As accommodation continues to be a major area of discrimination for Aboriginal people, the residential tenancy seminars the team conducted for real estate agents with the Office of Fair Trading are of particular significance.

The formal complaints we received were of a similar number and breakdown to last year, apart from a rise in complaints of race discrimination. This may reflect an increase in race discrimination, and/or an increase in willingness to report discrimination, which in turn may reflect our efforts to educate

vulnerable communities about their rights. The Board will continue to monitor developments in this area.

Complaint handling staff have continued to achieve excellent results in finalising complaints, with no backlog and this year's files finalised within an average of 5.5 months. There was another significant increase in the number of complaints resolved at or after a conciliation conference, which we believe may result from the improved time taken to deal with complaints – the parties are more responsive to resolution when the issues are still immediate, and there is a better opportunity to make changes.

The Board has achieved a great deal in since 1977, and there is far greater awareness about discrimination and harassment than there was 30 years ago. However, the Board's enquiry staff still hear stories daily which make it clear that not everyone in NSW respects the right of all people to live free of discrimination.

I therefore look forward to achieving still more in the future.

My thanks to all Board staff for their professionalism and commitment, including the invaluable support staff who facilitate our work. Thanks also to the Statutory Board members for their usual wise guidance throughout the year.

Stepan Kerkyasharian AM
President

Be a Mate... Don't Discriminate... NSW Schools Art Competition

Draw what YOUR community would look like without discrimination.....



Winning entry in the K-2 category of the Anti-Discrimination Board's art competition for children, by five-year-old Anthea Trusler from Annandale.

Education service

Objectives

- Educate employers, employees and service providers about their rights and responsibilities under anti-discrimination law.
- Educate the community of NSW about their rights under anti-discrimination law.
- Provide information to increase awareness of the law and the Board's role.
- Develop networks with community and employer groups.

Outcomes

- Delivered 505 on-site training sessions for employers and service providers and ran 18 employer seminars in three programs, reaching a total of 7,624 participants and earning \$608,258.
- Ran an art competition for public primary and secondary schools.
- Networked with other services and government agencies and gave presentations to target groups such as Muslim and Arabic, Liberian, Ethiopian, and Vietnamese community groups, students and people with brain injury.
- Participated in community festivals and expos such as the Anuak Community

Enquiry and conciliation service

Objectives

- Inform potential complainants and respondents about their rights and responsibilities under anti-discrimination law.
- Resolve complaints of discrimination, vilification and harassment.
- Improve complaint-handling processes to increase efficiency and timeliness.

Outcomes

- Responded to 7,194 enquiries.
- Dealt with all enquiries immediately or within 24 hours.
- Dealt with 85% of enquiries in 14 minutes or less.

- Received 1,098 new complaints (0.8% increase from 2005-06).
- Finalised 1,113 complaints (3.4% increase from 2005-06).
- Exceeded the time target for finalising complaints in 4 out of 6 target categories.

Future directions

- Continue to provide an accurate and efficient information service, and an effective complaint handling service.
- In conjunction with other branches of the Board, increase awareness about the right to make complaints under the Anti-Discrimination Act.
- Further increase the number of complaints resolved within timeframe targets.
- Further implement and refine procedural changes to increase efficiency.

Awareness Festival, Auburn Jobs Expo and International Day for People with Disabilities.

- Continued project to revise and update publications, and published new, re-designed editions of guidelines for hoteliers (on CD-Rom), advertisers guidelines and a number of factsheets.
- Re-designed Board stationery including new notepads for seminar participants, and produced promotional materials including fridge magnets, pens, rulers and balloons.
- Continued publication of email newsletter Equal Time (three issues), production of seminar calendars and annual report, sale of publications and updating of website.

Future directions

- Continue to provide in-house training sessions and seminar programs for employers and service providers;
- Develop new markets for Board products and services, and new and improved training packages.
- Identify community groups at particular risk of discrimination and develop appropriate education campaigns.
- Continue to run community training, participate in community events and develop community networks.
- Continue to update and review publications and website, and identify potential for new products and publications.
- Continue to develop contacts with employer and industry networks.

Aboriginal and Torres Strait Islander service

Objectives

- Provide a culturally appropriate enquiry and complaint handling service for Aboriginal and Torres Strait Islander people.
- Educate Aboriginal and Torres Strait Islander people about their rights and responsibilities under anti-discrimination law.
- Provide advice on the impact of government policy and legislation on Aboriginal and Torres Strait Islander people.

Outcomes

- 59 complaints lodged by Aboriginal and Torres Strait Islander people.
- Ran information stalls at 14 events in Sydney and rural NSW.
- Presented in-house information sessions to 6 organisations.
- Participated in 9 education forums for Aboriginal and Torres Strait Islander community workers and other community members, run jointly with other government and non-government agencies.
- Participated in 12 education sessions for real estate agents and landlords, working in partnership with the NSW Office of Fair Trading.
- Liaised with government and community organisations through interagency meetings in the Sydney metropolitan area.

Future Directions

- Continue to advise the Aboriginal and Torres Strait Islander communities about their rights and responsibilities under anti-discrimination law.
- Monitor issues with the assistance of the Board's Aboriginal and Torres Strait Islander Advisory Committee.
- Continue to work in partnership with other government and non-government agencies.
- Continue to develop contacts and networks in Sydney and rural NSW.
- Continue to monitor policy issues.

Successful conciliation Race and sex discrimination

A woman who began work with a company in the finance industry made a complaint of race and sex discrimination after she was abused for coming from a particular area and subjected to other critical banter at the office Christmas Party. She also said that the work environment was hostile and demeaning to women.

After complaining to the employer, she was dismissed without being given a reason. The complaint was settled when the company gave her a statement of regret and paid her financial compensation.

Successful conciliation Disability discrimination

The complainant was a young man with an intellectual disability who was ejected from a store by a security guard. He said he was told he had been harassing the staff and there had been complaints about him. A relative who wrote the complaint said that when she contacted the store she received conflicting accounts of the incident which were not very convincing.

The store's management said that the man had been asked to leave because he was swearing at a security guard. They said the store had an EEO and harassment policy and did not tolerate discrimination towards customers.

The complaint was resolved when the store apologised to the complainant and said he was welcome in the store. They agreed to send the staff involved in the complaint to training about discrimination.

Newcastle office

Objectives

- Inform potential complainants and respondents in the region about their rights and responsibilities under anti-discrimination law.
- Resolve complaints of discrimination, vilification and harassment lodged at the Newcastle office.
- Educate employers, employees and service providers about their rights and responsibilities under anti-discrimination law.
- Continue to develop networks with local agencies to ensure quality referral service.
- Continue to monitor and improve complaint handling processes.
- Explore options for running a seminar program in Northern NSW.
- Develop a network for people who have completed the Board's Contact Officer training.

Outcomes

- Improved monitoring of enquiries statistics.
- Received 188 new complaints (3.8% increase from 2005-06).
- Finalised 179 complaints (6.5% increase from 2005-06).
- Increased number of complaints settled (54 compared with 45 in 2005-06).
- Met time targets for finalising complaints in the 2, 3, 12 and 18 month target categories.
- Increased number of conciliation conferences held in regional areas.
- Provided 60 on-site training sessions to 23 organisations, reaching 781 participants.
- Held two Hunter EEO Network meetings attracting participants from a wide range of industries.

Future directions

- Identify and adopt initiatives provided by new technology.

Wollongong office

Objectives

- Inform potential complainants and respondents in the region about their rights and responsibilities under anti-discrimination law.
- Resolve complaints of discrimination, vilification and harassment lodged at the Wollongong office.
- Educate employers, employees and service providers about their rights and responsibilities under anti-discrimination law.

Outcomes

- Handled all enquiries immediately or within 24 hours.
- Received 206 new complaints (10.1% increase from 2005-06).
- Finalised 175 complaints (6.4% decrease from 2005-06).
- Finalised 86% of complaints within six months and 97% within twelve months.
- Implemented changes to facilitate faster complaint handling processes, including increased delegations.

- Provided on-site training sessions for 10 employers, reaching 350 participants.
- Reviewed EEO policies and procedures for 11 organisations.
- Held EEO Network meeting attracting 30 participants.

Future directions

- Continue to provide an accurate and efficient information service.
- Maintain current levels of complaints throughput.
- Continue to monitor factors that may create barriers to lodging complaints.
- Prioritise responding to employer requests for on-site training.
- Continue to explore potential for regional seminar program.
- Seek new markets for education service.

Legal Officer

Objectives

- Ensure that the Anti-Discrimination Act is correctly understood by all stakeholders.
- Provide legal advice to the President, Statutory Board, Board staff and the Crown Solicitor's Office.

- Deal with other legal matters including applications for exemption from the Anti-Discrimination Act, Alcohol Free Zones, Freedom of Information applications and subpoenas.

Outcomes

- Advised President on issues arising during the year.
- Advised Enquiries and Conciliation Branch in relation to enquiries and complaints.
- Advised Education Services Branch on review and update of publications and website.
- Prepared summaries of discrimination cases for Board staff.
- Answered queries and advised the Statutory Board on exemptions from the ADA.

Future directions

- Continue to provide legal advice and support.
- Continue to process exemptions.

Liaison and support

Objective

- Enable the Board's core business of complaint handling and education to operate with maximum efficiency.

Outcomes

- Continued to provide support service including finance, human resources, information technology, asset management and administration.
- Continued to liaise with business centres in Attorney General's Department to coordinate support services.
- Maintained separate server for business-specific software that is not compatible with departmental computer network.
- Further enhanced information management system for local support service functions.

Future Directions

- Continue to review internal procedures.
- Continue to liaise with Attorney General's Department regarding corporate services reform and implement appropriate changes.
- Continue to refine in-house database.

Board President Stepan Kerkyasharian (2nd from R) with members of TAP, the Talent Advancement Program for school students in the Bankstown area, who performed at the award ceremony for the Board's art competition.



enquiry service



The Board's Enquiries and Conciliation Branch provides three specialised advisory services – one for general calls, one to advise employers and one to advise service providers. We receive enquiries from a wide range of people including individual members of the public, employers, service providers, managers, employees, advocates, community workers, public servants and trade unions.

In dealing with enquiries, the Board's Enquiry and Liaison Officers do the following:

- determine if the caller's situation is covered by the *Anti-Discrimination Act 1977 (NSW) (ADA)*;
- give advice about how to deal with discriminatory situations;
- provide information about where further assistance can be obtained, including referrals to other agencies in situations where the caller's problem is not covered by the ADA;
- provide assistance in following obligations under anti-discrimination law;
- provide general information about what is covered by anti-discrimination law;
- take and transfer requests for publications and other Board services as required.

Many complaints about discrimination are resolved at the initial enquiry stage, as the Enquiry and Liaison Officers inform callers about their legal rights and give them suggestions and strategies on how to resolve their situation. In many instances this means that a formal complaint is not lodged, which reduces the number of complaints the Board receives.

During 2006-07 we answered 7,194 enquiries, which is an average of approximately 28 calls per day. This is 23% less than 2005-06, which is likely to reflect the increasing importance and use of our website as a source of basic information about discrimination.

As in the past, women continued to use our general enquiry service more than men – 3,452 calls from women (47.9%) and 2,553 from men (35.4%). 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 (6,970 or 96.9%) were made by phone; the remainder were made by letter, TTY, email or a visit to one of our offices. The majority of calls (4,384 or 60.9%) took between 5 and 14 minutes, but some enquiries were very complex and took between 30-59 minutes to deal with (143 calls or 1.9%).

The majority of callers (5,685 or 79.02%) wanted to discuss a situation where discrimination was occurring, of which 1,071 (14.88%) were advised to lodge a formal complaint of discrimination.

Employers, personnel officers, human resources managers, service providers and legal advisers all used our Employers and Service Providers Advisory Service. This service provides specialised advice and assistance to employers and service providers on anti-discrimination issues.

The number of people using the Employers and Service Providers Advisory Service in 2006-2007 was 600 (8.34%

of total calls). Awareness about this service in part follows from our successful training programs: when organisations we have trained need help they turn to our advisory line.

Similar to previous years, the most common types of discrimination people enquired about in 2006-2007 were sex discrimination (1,404 enquiries or 19.51%), disability discrimination (1,190 enquiries or 16.54%) and race discrimination, including racial vilification (1,054 enquiries or 14.65%).

Of the sex discrimination enquiries, 627 (8.71% of total enquiries) were about sex discrimination, 448 (6.22%) were about sexual harassment and the remainder were about pregnancy-related discrimination.

The majority of enquiries continued to be employment-related – 4,102 enquiries (57%). The second largest area of discrimination callers enquired about was the provision of goods and services (1,138 callers or 15.81%).

Problems that were not covered under anti-discrimination law accounted for 2,903 (40.35%) 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 ground 2006-07

| Ground | No | % |
|---|---------------|------------|
| Sex - including pregnancy and sexual harassment | 1,404 | 19.5 |
| Disability | 1,190 | 16.5 |
| Race | 940 | 13.1 |
| Age | 393 | 5.5 |
| Carers' responsibilities | 354 | 4.9 |
| Homosexuality | 160 | 2.2 |
| Racial vilification | 114 | 1.6 |
| Victimisation | 84 | 1.2 |
| Marital status | 83 | 1.2 |
| Transgender | 45 | <1 |
| Homosexual vilification | 26 | <1 |
| HIV/AIDS | 24 | <1 |
| HIV/AIDS vilification | 19 | <1 |
| Compulsory retirement | 12 | <1 |
| Transgender vilification | 6 | <1 |
| All grounds | 345 | 4.8 |
| Not covered by ADA - work not harassment | 356 | 4.9 |
| Not covered by ADA - other problems | 2,547 | 35.4 |
| Total | 8,102* | 100 |

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

Enquiries by area 2006-07

| Area | No | % |
|--------------------|---------------|------------|
| Employment | 4,102 | 57.0 |
| Goods and services | 1,138 | 15.81 |
| Accommodation | 281 | 3.9 |
| Education | 219 | 3.0 |
| Registered clubs | 116 | 1.6 |
| Vilification | 113 | 1.6 |
| All areas | 134 | 1.9 |
| Other | 1,326 | 18.4 |
| Total | 7,429* | 100 |

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

Successful conciliation Carers' responsibilities discrimination

The complainant requested five weeks of accrued annual leave to enable him to care for his preschool-aged daughter whilst his partner was overseas. The request was refused by his employer on the basis of operational requirements. After the Board wrote to the employer, they reconsidered the complainant's request and granted him approval to take leave.

conciliation service

The conciliation service is provided by the Board's Enquiries and Conciliation Branch, and operates from the Board's three offices in Sydney, Newcastle and Wollongong.

The Board provides a confidential, neutral and free service to the community. We investigate complaints of alleged breaches of the *Anti-Discrimination Act 1977(NSW)* and where appropriate we conduct a conciliation conference to assist the parties to come to a mutually acceptable resolution (see pages 4-5 for more information about the complaint process).

In 2006-07 the branch has again been waiting for implementation of a new database for recording complaints, but this has still not 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, giving workload management reports to staff and managers and allowing greater monitoring of trends.

Complaints received

This year the Board received 1,098 formal complaints of discrimination, with a profile similar to previous years. As the table shows, the most common complaints are still on the grounds of sex, disability and race.

On a percentage basis, the proportion of complaints under each ground is very consistent with previous years. Sex discrimination complaints (including

Complaints received by ground and area 2006-07

| | Emp | Goods & Servs | Accom | Educ | Clubs | Qual bodies | Racial vil | Homo vil | HIV vil | Trans vil | Other | Total | % |
|--------------------------|------------|---------------|-----------|-----------|-----------|-------------|------------|-----------|----------|-----------|-----------|-------------|------------|
| Sex | 197 | 37 | 1 | 0 | 2 | 1 | 0 | 0 | 0 | 0 | 2 | 240 | 21.8 |
| Race | 83 | 107 | 6 | 16 | 3 | 0 | 0 | 0 | 0 | 0 | 10 | 225 | 20.5 |
| Disability | 100 | 66 | 7 | 13 | 11 | 4 | 0 | 0 | 0 | 0 | 12 | 213 | 19.4 |
| Victimisation | 115 | 15 | 0 | 0 | 3 | 0 | 0 | 0 | 0 | 0 | 2 | 135 | 12.2 |
| Age | 26 | 13 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 44 | 4.0 |
| Carers' responsibilities | 29 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 29 | 2.6 |
| Homosexuality | 19 | 5 | 2 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 28 | 2.5 |
| Racial vilification | 0 | 0 | 0 | 0 | 0 | 0 | 25 | 0 | 0 | 0 | 0 | 25 | 2.7 |
| Aiding unlawful act | 18 | 1 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 20 | 1.8 |
| Transgender | 3 | 14 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 19 | 1.7 |
| Marital status | 9 | 3 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 13 | 1.1 |
| Homosexual vilification | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 11 | 0 | 0 | 0 | 11 | 1.0 |
| HIV/AIDS vilification | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Transgender vilification | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Advertisement | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other | 8 | 5 | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 21 | 1.9 |
| Unknown | 26 | 18 | 6 | 5 | 6 | 0 | 0 | 0 | 0 | 0 | 14 | 75 | 6.8 |
| Total | 633 | 284 | 27 | 37 | 25 | 5 | 25 | 11 | 0 | 0 | 51 | 1098 | 100 |

sexual harassment) numbered 240 (22%) in 2006-07 compared with 251 (23%) in 2005-06. Disability discrimination complaints fell slightly to 213 (19.4%) compared with 229 (21.%) in 2005-06.

Race discrimination complaints rose to 225 (20.5%) in 2006-07, compared with 181 (16.6%) in 2005-06. Racial vilification complaints fell from 39, or 3.6% complaints in 2005-06 to 25 or 2.2% in 2006-07.

It is noted that the number of race discrimination complaints rose by 44 this year, a significant increase of 24.3%. It is not possible to ascertain whether the increase indicates a greater prevalence of racist behaviour, or that complainants are showing a greater willingness to report discrimination. The Board will monitor complaints in the coming year to see if there are any trends developing.

Also consistent with previous years, employment-related complaints continue to be the single largest area of complaint at 633 (57.7%), compared to 641 (58.9%) in 2005-06. It is noteworthy that complaints relating to the work environment or harassment increased significantly from 349 (54.4%) in 2006-07 to 408 (64.5%) in 2006-07.

Complaints relating to the provision of goods and services (284 or 25.9%) also increased in 2006-07 relative to last year's total of 250 (23%).

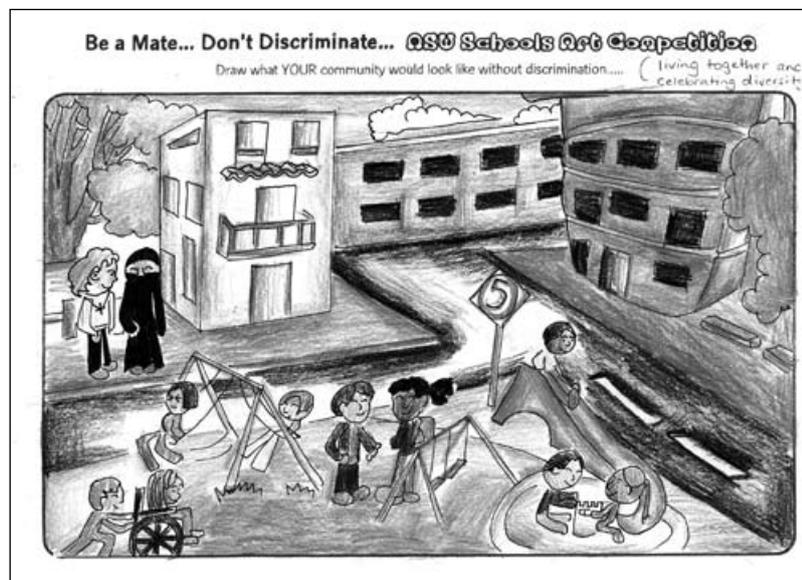
One of the winning entries in the Years 3-6 category of the ADB's art competition for children, by James Feng from Carlingford.

Type of employer 2006-07

| | No | % |
|---------------------------|------------|------------|
| Private enterprise | 321 | 50.7 |
| Individual male | 104 | 16.4 |
| State govt department | 54 | 8.5 |
| State statutory body | 49 | 7.7 |
| Hospital | 26 | 4.1 |
| Local government | 15 | 2.4 |
| Education (public) | 14 | 2.2 |
| Individual female | 13 | 2.1 |
| Education (private) | 11 | 1.7 |
| Registered clubs | 8 | 1.3 |
| Non-profit association | 5 | <1 |
| Cwlth statutory authority | 4 | <1 |
| Not known | 2 | <1 |
| Other | 2 | <1 |
| Trade union | 2 | <1 |
| Commonwealth dept | 1 | <1 |
| Media organisation | 1 | <1 |
| Govt business enterprise | 1 | <1 |
| Total | 633 | 100 |

Types of employment complaints 2006-07

| | No | % |
|---------------------------------|------------|------------|
| Work environment and harassment | 408 | 64.5 |
| Dismissal | 96 | 15.2 |
| Recruitment/selection | 54 | 8.5 |
| Classification/benefits | 40 | 6.3 |
| Resignation | 9 | 1.4 |
| Retrenchment/redundancy | 7 | 1.1 |
| Demotion | 7 | 1.1 |
| Promotion | 5 | <1 |
| Transfer | 4 | <1 |
| Retirement | 3 | <1 |
| Total | 633 | 100 |



Successful conciliation Age discrimination

An 18-year-old woman applied for a position as a receptionist with a motel. She alleged that when she rang about the job the contact person made comments about her sounding very young, asked about her age and then told her that she was too young for the position and they wanted someone older.

The motel's management said that none of its employees could recall the conversation. They maintained that the contact person had been instructed to advise all applicants that they must be 18 years of age as the position entailed receiving and delivering orders for alcohol. They also said that the successful applicant was aged 18.

The matter was resolved at conciliation when the motel advised the woman that it would review and re-issue its anti-discrimination policy to all employees. The parties agreed that the complainant would undertake a work placement with the respondent as part of her TAFE hospitality course.

A larger proportion of complainants this year did not identify their ethnicity or national origin: 925 (84.2%). Of those that did, the largest group identified as Aboriginal (59 or 5.4%). The second largest group identified Lebanon as the country of origin (16 or 1.5%) followed by Vietnam (12 or 1.1%) and India (11 or 1%).

Complaint processing

The Board continues to provide an efficient complaint handling process. There is no backlog of complaints and the Board allocates every complaint to a complaint handler as soon as it is received.

The staff have continued to achieve excellent results in meeting the target timeframes in nearly all of the key milestones. We finalised 90% of files within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise this year's files was 5.5 months. 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% | 90% |
| 18 months | 100% | 97% |

As always, the Board is committed to providing an accessible service to rural and remote areas. This year we conducted 12 conciliation conferences in regional or country NSW.

Outcomes

The Board finalised 1,113 written complaints of discrimination this year. This means that we closed more files than we received, which is possible because some complaints are carried over from the previous year. This continues the trend that has occurred in recent years.

There was again a significant increase in the number of complaints resolved at or after a conciliation conference – 284 (25.5%) in 2006-07 compared with 221 (21%) in 2005-06. A further 115 complaints (10.3%) were settled by negotiation without the need to call a formal conciliation conference, similar to 125 or 11.6% in 2005-06.

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 increased to 143 (12.8%) in 2006-07 compared to 115 or 10.7% in 2005-06.

The number of complaints declined under s92 of the Anti-Discrimination Act (for reasons such as lacking in substance, being misconceived or not being a contravention of the ADA) was also at similar levels – 57 (5.1%) in 2006-07 compared with 51 or 4.7% in 2005-06.

There were an additional 34 (3.1%) declined complaints in which the complainants exercised their right to ask the President to refer the complaint to the Administrative Decisions Tribunal. Under the amendments to the Act which came into force in May 2005, these complainants are now required to seek leave of the Tribunal before their matter can be heard. The number of declined/referred complaints in 2006-07 was similar to the 30 (2.8%) in 2005-06.

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 2006-07 was 130 (11.7%), which was slightly less than last year.

Complaints can be regarded as abandoned when we lose contact with a complainant, the complainant fails to respond to requests for information, or

Outcome of complaints finalised 2006-07

| | No | % |
|--|-------------|------------|
| Settled at or after conciliation | 284 | 25.5 |
| Settled before conciliation | 115 | 10.4 |
| Referred to ADT – conciliation unsuccessful or not suitable | 143 | 12.9 |
| Referred to ADT - material not provided | 1 | <1 |
| Referred to ADT after 18 months | 1 | <1 |
| Declined before investigation – not a contravention | 162 | 14.6 |
| Declined before investigation – not of vilified group | 1 | <1 |
| Declined before investigation – out of time | 16 | 1.4 |
| Declined before investigation – not on behalf of complainant | 1 | <1 |
| Declined after investigation – s92 | 57 | 5.1 |
| Declined after investigation and referred to ADT | 34 | 3.1 |
| Withdrawn s92B | 130 | 11.7 |
| Abandoned | 168 | 15.1 |
| Total | 1113 | 100 |

there is no indication of the complainant's intention to proceed with the complaint.

The number of complaints abandoned in 2006-07 was 168 (15.1%), compared to 151 (14%) in 2005-06. However, the abandonment process allows the complainant 12 months to request the file to be reopened in certain circumstances.



At the Best Choice Seminar in December 2006 (L-R): ADB Manager, Education Services Sharmalee Elkerbout, Paul Reid and Graeme Chew from the United Services Union and ADB Senior Workplace Relations Consultant Margaret White.

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 has a self-funding education program aimed primarily at employers and service providers. It also delivers regular talks to community groups, and runs other community projects addressing specific target areas. In addition, branch staff produce a wide range of publications and a comprehensive website.

Although the branch did not have a full complement of staff for most of 2006-07 due to staff movements, it was able to achieve good results and complete a number of significant projects.

Workplace education

The workplace education program is based on providing high quality training at cost-effective prices for employers, employees and service providers. The Board's reputation for interactive, relevant and up-to-date training has resulted in significant income which is allocated to the cost of the program.

Each year the branch runs many in-house training programs prepared 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 addition, our service has the following valuable aspects:

- course participants receive guidelines and handouts of the training session;
- our Senior Workplace Relations Consultants provide advice and information on a consultancy basis; and
- we review an organisation's policies as a free service accompanying training bookings.

Some companies use our training service for their offices throughout Australia and in some cases overseas, as they are pleased with the quality of our service and prefer to maintain the consistency of the information provided to their staff.

As well as in-house training, the branch runs seminar programs during the year. In 2006-07 our Sydney seminar series included the following seminars:

- Implementing EEO;
- Skills for Contact Officers;
- Grievance handling skills;
- Grievance management and resolution skills;
- Harassment and bullying prevention
- Managing psychiatric disabilities in the workplace;
- Case law update; and
- Recruitment and termination.

In 2006-07 we delivered 505 on-site training sessions for employers and service providers, and ran 18 employer seminars in three programs, reaching a total of 7,624 participants. The total earnings from the self-funding program, including training fees, seminars and publications, was \$608,258. This figure is less than last year, reflecting the reduction in staff numbers in 2006-07 due to staff movements and unplanned leave.

Best Choice Seminar

In December 2006 staff from the Education Branch held an information session at Parliament House providing an overview of the relationship between discrimination law in NSW and the federal government's WorkChoices legislation.

Entitled *Best Choice—Discrimination Free Workplace*, the event attracted over 70 participants representing a diverse range of organisations including legal firms, councils, unions, disability organisations,

"The quality of the training provided by the NSW ADB is always of a high standard. The facilitators are professionals who understand the compliance element but are able to reference real-life practical workplace examples that validate the training experience in a positive way. We have used the ADB's delivery style across our organisation so that the messages are consistent for all our employees."

*Director, Human Resources
Ingram Micro Pty Ltd*

cultural groups, employer associations, universities and businesses.

The session emphasised that it is still unlawful to discriminate against a person on the grounds of sex, pregnancy, race, age, marital status, homosexuality, disability, transgender or carers' responsibilities' in employment in NSW. Many types of dismissal situations remain unlawful under NSW anti-discrimination law, which is excluded from WorkChoices.

New customer management system

With the expansion of the education program over the last few years, the Board identified the need for a more efficient customer management system. An external consultant was contracted to write a functional specification report on requirements for the system, and an all-day meeting was held with potential users in April 2007 to discuss their needs.

The new system will replace the current Filemaker Pro database and other related systems, which are outdated and

"As a result of increased diversity in our workforce we have recognised the need to raise awareness of EEO issues with our front line managers. In engaging the ADB we received comprehensive and tailored training which covered all the issues we were facing at the time. The training style was interactive, flexible and most importantly, very engaging. The benefits of the training was evident and as such, we rolled out the same process to our teams nationally."

HR Operations Manager, BP Retail

cumbersome. It will be able to connect with internet-based functions such as on-line registration for seminars and payment facilities.

Community Education

With only one part-time community education worker (supported by other branch staff for specific events and projects), the Education Branch had some very positive achievements in its community education program.

Continuing work with the African Community

In 2006-07 the Board continued the work begun in 2005-06 with newly emerging African communities in NSW.

Two seminars were held for Liberian and Ethiopian women in July and August 2006, attended by 35 women. These were held at the Blacktown Community Health Centre and the Auburn Migrant Resource Centre. Harassment on public transport and difficulty finding employment were reported as significant issues affecting the group.

The Community Education Officer also ran two education seminars for young African men in March 2007, with the support of the Baulkham Hills, Parramatta and Holroyd Migrant Resource Centre and their African Youth Worker. The young men are offered free basketball training which also involves attending a "lifeskills" workshop. Again, the main issues were discrimination in public transport, rental accommodation and employment.

The Community Education Officer also attended the Anuak Australian Community Awareness festival at Parramatta Town Hall in December 2006, and ran workshops for Macarthur Diversity Services clients in Campbelltown.

Art Competition

As in 2005-06, the Education branch held an art competition for school students as part of Law Week 2007. The Board wanted to highlight the benefits of diversity and harmony through the competition, so entrants were asked to draw what their community would look like without discrimination, under the heading of "Be a mate – don't discriminate".

All state primary and secondary schools across NSW were sent a leaflet on the competition, information on discrimination law in NSW, a worksheet for teachers to use to discuss the topic with students, and an entry form

for copying. Over 250 entries were received from all over NSW, with a wide variety of creative perspectives on the discrimination issue.

The competition culminated in an award ceremony at NSW Parliament house. The winners in the three categories received a \$50 book voucher for themselves and a \$100 voucher for their school, and the finalists received certificates. The event included a lively performance by students' group TAP (Talent Advancement Program), a community project of Bankstown City Council and the NSW Department of Education and Training (see photo page 13).

The winners were:

Kindergarten – year 2: Anthea Trusler from Annandale (aged 5) (see page 10 for Anthea's entry).

Year 3–6: Tegan Armstrong from Mount Kanwary (aged 10) and James Feng from Carlingford (aged 12) (see page 32 for Tegan's entry, and page 17 for James' entry).

Year 7–12: Adele Bowden from Lake Macquarie (aged 15).

Tegan and James' entries were made into postcards as part of the celebrations to mark the 30th anniversary of the NSW Anti-Discrimination Act (see page 7).



Participants in the basketball training/lifeskills workshop presented on rights under anti-discrimination law at Granville Community Centre.

*Winners of the 2007 ADB
Art Competition (L-R):
Adele Bowden, Anthea
Trusler, Tegan Armstrong,
James Feng.*



Disability seminars

The Board's training for people with disabilities this year focused on people with brain injury. Approximately 45,000 people sustain a brain injury each year in NSW, and this can result in little-understood disabilities such as cognitive difficulties and behaviour problems.

The ADB's Community Education Officer conducted two seminars for clients with brain injuries, one for Head East NSW in March 2007, and the second for the Brain Injury Association of NSW in April. Many participants spoke of the difficulties they experienced in the area of employment, and expressed frustration about the lack of community understanding, support and specialised services for people with a brain injury.

Community education sessions and information stalls

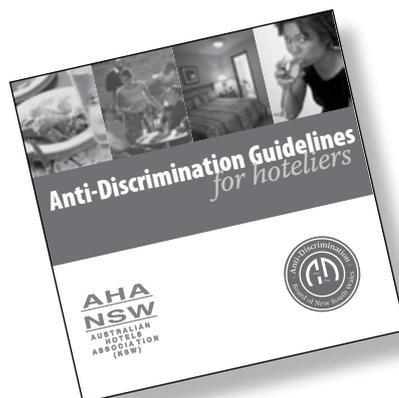
The Community Education Officer also further developed contacts and networks which led to providing a number of tailored training sessions on rights under anti-discrimination law.

In May 2007 Board staff facilitated four sessions for welfare students at Meadowbank TAFE and two sessions at Ultimo TAFE. The Community Education Officer also ran two seminars for community workers in Crows Nest and Chatswood in partnership with North Sydney Council and the Lower North

Shore Multicultural Network. Other training run in 2006-07 included sessions for community workers and clients in the Muslim and Arabic community and the Vietnamese community.

Publications

The Board produces and constantly updates a wide range of publications which are a valuable tool in educating the people of NSW about their rights and responsibilities under anti-discrimination law. They include an extensive set of factsheets on the different types of discrimination covered by the Anti-Discrimination Act, and specific guidelines for employers, employees and providers of different types of services.



Hoteliers' Guidelines

The flagship project in 2006-07 was the production and launch of a new CD-Rom version of our *Anti-Discrimination Guidelines for Hoteliers*. The CD contains substantially revised and updated guidelines which are colourful and easy to navigate, along with current explanatory case studies and sample policies that hoteliers can adapt for their own use.

The guidelines were produced in partnership with the Australian Hotels Association (AHA), which wanted to take active steps to reduce the number of discrimination complaints made against hotels. They were launched at the AHA Annual General Meeting in April 2007 and were sent to all AHA members. They can also be downloaded from the Board's website.



At the launch of the Guidelines for Hoteliers (L-R): ADB Publications Officer Marie Dustmann, Manager Education Services Sharmalee Elkerbout, Publications Officer David McClintock, President Stepan Kerkyasharian, AHA President John Thorpe, ADB Board member Phillipa McDermott and AHA Industrial Relations Manager Phillip Ryan.

New stationery

In 2006-07 publications staff redesigned all the Board's stationery including letterhead, compliments slips, business cards and envelopes. While retaining the same logo, the new stationery has a much more professional and modern look, and having new artwork developed in-house ensures that print quality can be maintained.

The letterhead has a brief message in 21 languages on the reverse side, which was also redesigned. Some of the languages were altered in line with current census data on people who speak little or no English.

Other publications projects

We continued to revise and rationalise all our existing publications, which resulted in the publication of a new, updated edition of our Guidelines for Advertisers. Our guidelines for employers and for non-supervisory staff were also completely revised and these will be redesigned to form a set and published in 2007-08.

We produced three editions of our email newsletter *Equal Time* during 2006-07. Topics covered included reasonable steps for small business, developing emotionally healthy organisations, discrimination against Aboriginal and Torres Strait Islander people in rental accommodation, employing Equal Employment Opportunity principles in recruitment, and fair outcomes in grievance handling.

Other projects included three editions of our seminar calendar, a new brochure for our on-site training program, the annual report, development work for information for people from non-English speaking backgrounds and a range of promotional material including notepads, fridge magnets, pens, rulers and balloons.

Website

The Board's website is the first point of contact for many people with enquiries about discrimination, harassment 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 2006-2007.

The website covers basic information about discrimination, how to make a complaint, training 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.

In 2006-2007 the Board provided new resources on the website, including a factsheet about anti-discrimination and unfair dismissals, an interactive order form for publications, and the Guidelines for Hoteliers (see above).

In 2007-08 we will be developing a partnership with Shop NSW, the NSW government online shop, so that users can order publications and register for seminars online.

Consultations provide a forum for the Board to discuss national and international legal developments and other 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. Some issues discussed include:

Non-recognised transgender persons and NSW Police

Concerns were raised regarding the treatment of non-recognised transgender persons by NSW Police (a “recognised” transgender person is someone who is legally regarded as their preferred gender because they have a new or amended birth certificate or equivalent document). The President wrote to the NSW Police Commissioner highlighting the need for sensitivity in dealing with a number of issues relating to transgender people, and the response was discussed.

Access cards

The consultation raised concern that if the proposed access cards may be used for identification, new transgender persons could have a problem if the card shows their legal name rather than their preferred name, and may reveal that they are transgender in situations where the person may prefer not to reveal this.

Article on Maddison Hall

Concerns were raised about privacy issues and incorrect use of pronouns

after an article that appeared in the *Daily Telegraph* referred to prisoner Maddison Hall’s gender reassignment surgery. The President wrote to the Privacy Commission and the *Daily Telegraph* and their responses were discussed.

Drivers licences

The issue was raised of the ability of a transgender person who was born in the UK (and has a UK birth certificate recognising their reassigned gender) to obtain a NSW driver’s licence in her or his reassigned gender. The change of name and gender on the RTA database and drivers’ licences was also discussed.

Access to sex on premises venues

The consultation discussed access to sex on premises venues. One venue is stating that it is a male-only venue, which may raise issues for transgender people entering. The President wrote to the Local Government Association and the Minister for Local Government to seek comment on how the premises are licenced, and their responses were discussed.

Lesbian, Gay and Bisexual Consultation

This consultation met three times during the year. Some issues discussed at the consultations include:

PDHPE syllabus in secondary schools

Concerns were raised about the Personal Development, Health and Physical Education (PDHPE) syllabus in NSW Secondary schools. An option relating to sexual diversity is offered but the consultation was concerned that it was not guaranteed that the topic would be covered. The President wrote to the Board of Studies and the Department of Education and their responses were discussed.

Streetwise presentation

The consultation received a presentation on Streetwise, which is a national communications agency funded by the Attorney General’s Department to create social communications campaigns, including a campaign called ‘What’s the Difference’ to address homophobic bullying in schools.

Training for police officers on gay and lesbian issues

Concerns about the closed circuit television on Oxford Street

Successful conciliation Marital status discrimination

When the complainant attended a job interview, the interviewer asked her if she was married or in a relationship. When she said she was in a relationship, the interviewer asked her when they were planning to get married and have children, as she (the interviewer) wanted someone who would stay for the long term and not leave to have children.

The complainant asked that the Board call the interviewer and advise her about marital status discrimination and her obligations under anti-discrimination law. The complaint was resolved when this occurred.

aboriginal and torres strait islander service



Enquiry/Community Liaison Officer Narelle Hennessy, Senior Workplace Relations Consultant Rhonda Stewart-Crisanti and Rhonda's son Liam at the stall run by the Board at the Yabun Festival celebrating Aboriginal and Torres Strait Islander cultures held at Broadway in January 2007.

Discrimination is a significant issue for Aboriginal and Torres Strait Islander people and communities, and a major factor contributing to the socio-economic disadvantage facing Aboriginal and Torres Strait Islander people. Therefore it is important that they can access appropriate mechanisms for dealing with complaints about discrimination.

The Board's Aboriginal and Torres Strait Islander Outreach Team provide services to the Aboriginal and Torres Strait Islander community through complaint resolution, education and training. The team has three staff including the Team Leader/Conciliation Officer, an Education Officer and an Enquiry/Community Liaison Officer.

This means that where appropriate and possible, complaints from Aboriginal and Torres Strait Islanders are dealt with by an Indigenous complaint handler. Another important feature of the outreach team's work is to network, develop and maintain relationships with other government

and non-government agencies and community groups throughout NSW.

Complaint handling

In 2006-07 the Board received 59 complaints of discrimination from Aboriginal and Torres Strait Islander people, which is a decrease of 27% from 2005-06 (81 complaints).

Given the anecdotal evidence the Outreach Team hears about the high level of discrimination experienced by Indigenous people, the decrease in complaints may indicate that the process of translating evidence of discrimination into complaints needs to be overseen more effectively. This issue will be closely monitored by the Aboriginal and Torres Strait Islander Outreach Team and discussed with the team's Advisory Committee.

Aboriginal and Torres Strait Islander complaints 2006-07

| | Emp | Goods | Accom | Educ | Clubs | Racial | Other | Total | % |
|---------------------|-----|---------|-------|------|-------|--------|-------|-------|------|
| | | & Servs | | | | vil | | | |
| Race | 9 | 24 | 2 | 2 | 0 | 0 | 1 | 38 | 64.4 |
| Disability | 1 | 1 | 0 | 1 | 0 | 0 | 0 | 3 | 5.1 |
| Victimisation | 2 | 3 | 0 | 0 | 1 | 0 | 0 | 6 | 10.2 |
| Age | 0 | 1 | 0 | 0 | 0 | 0 | 0 | 1 | 1.7 |
| Racial vilification | 0 | 0 | 0 | 0 | 0 | 8 | 0 | 8 | 13.6 |
| Aiding unlawful act | 1 | 0 | 0 | 0 | 0 | 0 | 0 | 1 | 1.7 |
| Unknown | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 | 3.4 |
| Total | 13 | 29 | 2 | 3 | 1 | 8 | 3 | 59 | 100 |

In 2006-07 there were no complaints from Aboriginal or Torres Strait Islanders on the grounds of carers' responsibilities, marital status, sex, homosexual or transgender discrimination, or HIV/AIDS, homosexual or transgender vilification.

Participants at a training session for local Aboriginal Land Council executives and housing sub-committee members, held at the Office of Fair Trading at Parramatta in March 2007.

The main ground of complaint was race discrimination, with 38 complaints received. This represents 16.9% of all race discrimination complaints received by the Board in 2006-07.

The most frequent area of complaints received from Aboriginal and Torres Strait Islander people in 2006-07 was goods and services (49.2%), followed by employment (22%).

The Board received eight complaints from Aboriginal and Torres Strait Islander people in the area of racial vilification. This represents 32% of all racial vilification complaints received by the Board in 2006-07.

Complaints from Aboriginal and Torres Strait Islander people represent 5.4% of all complaints received by the Board in 2006-07, while Aboriginal and Torres Strait Islander people constitute 2.1% of the total NSW population.

Education and training

In 2006-07 the 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 about 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 2006-07. 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, the Australian Securities and Investments Commission and the Banking Ombudsman.

In 2006-07 the Board participated in forums at Bega, Brewarrina, Gosford, Moruya and Walgett. Further forums will be held in Penrith, Collarenebri and Lightning Ridge in 2007-08.

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 Aboriginal and Torres Strait Islanders.

These forums are a joint initiative between the NSW Energy and Water Ombudsman, the Office of

Successful conciliation Race discrimination

An Aboriginal woman went shopping with family members at a large store. She alleged that she was watched and approached by a store assistant, and when she went through the checkout the store's assistant manager arrived with a security guard.

The assistant manager accused her of swapping new goods for items she had brought to the store. She said she felt intimidated, humiliated and shamed by the accusation and thought she was targeted because she was Aboriginal.

The woman made a complaint of race discrimination. The store investigated the complaint and the assistant manager and store assistant were counselled and disciplined.

The complaint was resolved when the store agreed to apologise to the complainant, implement an Aboriginal and Torres Strait Islander cultural awareness program for staff, consider an Aboriginal Employment Strategy and pay the complainant \$4,000 compensation.

Fair Trading, the NSW Ombudsman, Commonwealth Ombudsman, Legal Aid NSW and the Anti-Discrimination Board. Other agencies involved include the Banking Ombudsman and the Telecommunications Industry Ombudsman.

In 2006-07 forums were held in Bankstown, Condobolin, Dubbo and Nowra. A further forum is planned for Lismore in 2007-08.

Residential Tenancy seminars

In 2006-07 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 presentations from the OFT, the Consumer, Trader and Tenancy Tribunal and the NSW Fire Brigade. In 2006-07 seminars were held in Broken Hill, Blacktown, Cowra, Gosford, Taree, Tregear and Wauchope.

Outreach

The team also undertakes outreach work to provide information about rights and responsibilities under the Anti-Discrimination Act. In 2006-07 team members held information stalls at the following events:

- NAIDOC Week – Parramatta
- NAIDOC Week - Blacktown
- NAIDOC Week – Campbelltown
- NAIDOC Week – Woolloomooloo
- NAIDOC Week – Merrylands/Holroyd Gardens
- Aboriginal Women's Corroboree – Redfern
- Glenbrook Annual Festival of Arts and Craft Fair – Glenbrook
- Neon Career and Employment Expo – Australian Technology Park
- Youth Festival – Darling Harbour
- Yabun Festival – Broadway



The Board's Aboriginal and Torres Strait Islander team with some members of the Advisory Committee. Back, L-R: Donna Coady, Michelle Sparks, Travis Hyde, Narelle Hennessy (Enquiry/Community Liaison Officer). Front: Felicity Huntington (Education Officer), Donald Jenner (Team Leader), Nathan Tyson.



- Ingleburn Alive Festival – Ingleburn
- Community Hall – Cowra
- GROW Career Expo – Mt Druitt
- NAIDOC Week – Villawood
- Drug and Alcohol Awareness Day – Marrin Weejali Aboriginal Corporation

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

- Aboriginal Women's Gathering – Cumberland State Forest
- Aboriginal Women's Gathering – Parramatta Park
- Funeral Forum – initiative of Office of Fair Trading, the Funeral Directors Association of NSW, the NSW Sheriffs Office and the Board
- Aboriginal Women's Gathering – Merrylands
- Forster Aboriginal Land Council

- Walgett Aboriginal Medical Service – Walgett
- Muslim Women Community Group – St George
- Tamworth Aboriginal Land Council
- Women's Rights Merroo Christian Centre

The Outreach team also attended the Western Sydney Aboriginal Interagency Network Meeting.

Aboriginal and Torres Strait Islander Advisory Committee

The Aboriginal and Torres Strait Islander Advisory Committee is an important link between the Aboriginal and Torres Strait Islander community and the Board, and is now in its eleventh year of operation.

The Advisory Committee meets quarterly to discuss discrimination issues affecting Aboriginal and Torres Strait Islander people. This enables the Board to be

aware of significant or emerging issues that may affect the communities in NSW, and to receive suggestions on how the Board may best provide services to Aboriginal and Torres Strait Islander people.

Discrimination issues under consideration include Aboriginal and Torres Strait Islander life expectancy and equitable access to superannuation, recognition of Aboriginal English as a Community Language, racial discrimination in employment, as well as ongoing discrimination issues relating to public and private sector policies and practices and access to accommodation.

Presenters at the Good Service consumer rights forum held at Lismore Council in August 2007.



Complaints

In 2006-07 the Newcastle Regional Office received 188 complaints, 7 more than in the previous year.

The most common grounds of complaint lodged were sex discrimination (including pregnancy and sexual harassment) (25.5%), race discrimination (21.3%) and disability discrimination (14.9%).

These three grounds of complaint have consistently ranked highest in the Newcastle region. However, it is interesting to note disability discrimination complaints fell by about 11% compared to last year and race discrimination complaints increased by a little over 3%. Consequently, race discrimination moved from third to second in order of grounds most complained about.

As in previous years, the most common area of complaint was employment (59%) followed by goods and services (20.7%).

Complaints finalised

In 2006-07 the Newcastle Regional Office finalised 179 complaints, 11 more than last year.

Of these complaints:

- 54 (30%) were settled after investigation,
- 30 (16.8%) were terminated because they were withdrawn or abandoned
- 31 (17.3%) were referred to the Administrative Decisions Tribunal for determination,
- 49 (27.4%) were terminated because they were not within jurisdiction, and,
- 15 (8.4%) were formally declined.

Education service

In 2006-07 the Board's Newcastle-based part-time Senior Workplace Relations Consultant delivered over 60 training sessions to 23 organisations, reaching 781 individual participants. The total number of sessions delivered is down compared to the previous year (121), but this year there were more full-day sessions.

As in previous years our main clients were local government (26%), heavy industry (21%) and the hospitality sector (17%). Our most popular training sessions included Harassment and Bullying Prevention for Supervisors, Skills Training for Contact Officers and Grievance Handling.

We also developed and delivered a specific three-day training package on Grievance Handling for the Catholic Education Office at Armidale. The package will be delivered to several other dioceses during 2007-08.

The Anti-Discrimination Board's Hunter EEO Network continued to grow with network meetings being hosted by the HGT Australia in October and the Mai-Wel Group in April. The network meetings are attended by over a dozen different organisations ranging including heavy industry, local council, utilities and the health and welfare sector.

Complaints

In 2006-07, the Wollongong office received 206 new complaints. This is an increase of 19 complaints (10.1%) on those received in 2005-06.

In contrast with the previous two years, disability was the most common ground of complaint in 2006-07 (29.1%) followed by sex discrimination (including pregnancy and sexual harassment) (24.3%) and race discrimination (14.1%). The proportion of disability complaints received in relation to overall complaints has increased by 8.8% compared with 2005-06.

The most common area of complaint continues to be employment at (66%), followed by goods and services (13.6%). These proportions remain about the same as for 2005-06 and continue to suggest a need for training services focussed on workplace rights and responsibilities.

Complaints finalised

The Wollongong office finalised 175 complaints in 2006-07, which is 12 less than the previous year. This may be explained by the shortened timeframes for the overall handling complaints achieved by the office, in conjunction with the increased number of complaints received.

Of the total number of complaints finalised, 71 (40.6%) of these were settled, including 59 (33.7% of total complaints) settled at or after a formal conciliation conference.

A further 29 complaints (16.6%) were declined because the alleged conduct was not covered by the Anti-Discrimination Act, 11 (6.3%) were declined after investigation, 11 were referred to the Administrative Decisions Tribunal, nine of which (5.1% of total complaints) were referred because conciliation was not successful. 48 (27.4%) were terminated by being withdrawn or abandoned.

Education service

The part-time Senior Workplace Relations Consultant working from the Wollongong office provides education services to the south-eastern portion of NSW. In 2006-07 we delivered on-site workplace training to 10 client organisations, of which five were new clients and five were repeat clients.

A total of 28 workplace-training sessions were delivered, reaching 350 participants. Nine of these were in rural areas including

the Far South Coast, the Southern Highlands and the Southern Tablelands.

Of the 10 client organisations, five were in the private sector, two were in the public sector and three were in the community/not for profit sector. The sectors covered included state and local government authorities, unions, industrial/manufacturing, education, aged care, finance and registered clubs.

The total income from workplace training in 2006-07 was \$31,570, which is less than last year (\$66,108). The reduction is mainly because the service did not operate at full capacity due to an extended period of unplanned leave.



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 coordinates the Board's response to applications for exemption from the ADA – 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.

The Legal Officer also deals with written and telephone enquiries about exemptions which do not proceed and also provides advice about whether an exception under the ADA could apply. Exceptions specifically authorise certain conduct under the ADA without the need for an exemption, for example there may be a genuine occupational requirement for a person of a particular race or sex to perform a job. In these cases there is no need to apply for an exemption.

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

The Legal Officer also works very closely with staff in the Enquiries and Conciliation Branch. A large part of the Legal Officer's work is to provide legal advice to staff in relation to the complaints, and enquiries received by the Board. This advice usually relates to the interpretation of the ADA and how it will apply to the particular circumstances of a complaint or an enquiry. The Legal Officer also prepares summaries for staff of relevant discrimination cases and issues in NSW and other jurisdictions.



One of the winning entries in the Years 3–6 category of the ADB's art competition for children, by Tegan Armstrong from Mount Kanwary.

Section 126 exemptions 2006-07

| Applicant | Program | Sections | Date | Expiry |
|-------------------------------------|---|----------|-----------------------|------------|
| Australian Broadcasting Corporation | To advertise and recruit for an annual Television Sport Broadcaster Internship targeted at women applicants | 25, 51 | 18.12.2006 (10 years) | 17.12.2016 |
| Blue Mountains City Council | To designate, advertise and recruit for two traineeship positions for people of Aboriginal and Torres Strait Islander background | 8, 51 | 10.1.2007 (10 years) | 9.1.2017 |
| Byron Shire Council | To designate, advertise and recruit for a position as Bush Regenerator for a person of Aboriginal and Torres Strait Islander descent | 8, 51 | 24.11.2006 (5 years) | 23.11.2011 |
| MidCoast Water | To designate, advertise and recruit for a position as Trainee Water Industry Operator for a person of Aboriginal and Torres Strait Islander descent | 8, 51 | 18.4.2007 (5 years) | 17.4.2012 |

Section 126A exemptions 2006-07

| Organisation | Special needs program or activity | Exemption period |
|---------------------------------------|--|----------------------------|
| TAFE NSW | To advertise and deliver the courses in the Access Employment Education and Training Qualifications package for women only | 10.01.2007 to indefinitely |
| Janine Tennille trading as Candy Lips | To provide a service to women only, namely by holding women only events up to three times per year | 17.4.2007 to 16.4.2012 |

Successful conciliation Transgender discrimination

A recognised transgender woman applied for membership of a women's only sport centre. A recognised transgender person is someone who has a new birth certificate or equivalent document in their reassigned gender.

She said that she would have been happy for the centre to sight a copy of her birth certificate, but the centre's management insisted that she provide a photocopy that they would retain, which she felt was inappropriate. She made a complaint of transgender discrimination to the Board.

At conciliation, she said she was no longer interested in joining the centre, due to the problems that had occurred. However, the complaint was resolved with the respondent agreeing to pay an amount to the law centre from which the complainant had received advice, and an amount to the complainant as compensation for humiliation and suffering.

liaison and support

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

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

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.

Human Resources

The branch continued to provide administrative support for recruiting staff to new or changed positions and updated position descriptions as required. Additional effort was devoted to monitoring staff training and development activity, to complement the Department's Performance Planning and Development system.

Occupational Health and Safety

There were no significant workplace incidents during the year. Workplace assessments were carried out for staff as required. First Aid training was provided to three staff.

Information Technology

The main activities in 2006 – 2007 were:

- Further development and user acceptance testing of a new primary complaint-handling database; and
- Development of a high-level functional specification for the acquisition of a customer management system for the Board's 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 nine complaints, of which six related to service delivery, two related to staff conduct and one to the Board's decision in regard to a discrimination complaint. We regard this as a good result in view of our contact with over 8,000 individuals during the year.

Finance

The net cost of services provided by the Board was \$3,626,921, against a budget of \$3,491,896, which was overspent by \$135,025.

Part of this deficit was due to a first time charge under section 16(c) of the new International Financial Reporting Standard, AASB 116 Property, Plant and Equipment, which requires the recognition of make-good costs where

there is an obligation under an operating lease to make-good the premises at the end of the lease. An amount of \$27,132.41 was allocated in 2006-07 as an amortisation expense relating to the Board's leased accommodation in Sydney and Newcastle.

The remainder of the deficit was attributable to operating expenses, including agency staff fees, stores and publications.

The Attorney-General's Department provided additional assistance this year in the form of funding and project coordination to update the Board's switchboard system, including call monitoring and reporting software.

Education self-funding program

This year, a broader costing methodology was applied to the Board's self-funding education service. This meant that a range of expenses previously met by core funding were allocated to the program, including indirect staff costs (such as administrative support) and some additional overheads.

This approach reveals a more realistic result of operations of the program. We will continue to fine-tune the costing methodology in subsequent years to ensure that it continues to reflect a true and fair view of the cost of delivering the Board's training services to employers and service providers.

financial statement

Total operations 2006-07

| | Actual | Budget | Variance |
|-----------------------------|------------------|------------------|------------------|
| Revenue | | | |
| User charges | (608,258) | (672,000) | (63,742) |
| Other revenue | 1,063 | - | (1,063) |
| TOTAL REVENUE | (607,195) | (672,000) | (64,805) |
| Expenses | | | |
| Employee related payments | 3,017,581 | 3,010,132 | (7,449) |
| Other operating | 1,055,688 | 997,639 | (58,049) |
| Maintenance | 9,469 | 27,351 | 17,882 |
| Depreciation | 151,378 | 128,774 | 22,604 |
| Grants and subsidies | - | - | - |
| Other services | - | - | - |
| TOTAL EXPENDITURE | 4,234,116 | 4,163,896 | (70,220) |
| NET COST OF SERVICES | 3,626,921 | 3,491,896 | (135,025) |

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 2006-07

| | Actual | Budget | Variance |
|---|------------------|------------------|-----------------|
| Revenue | | | |
| User charges | (608,258) | (672,000) | (63,742) |
| TOTAL REVENUE | (608,258) | (672,000) | (63,742) |
| Expenses | | | |
| Employee related payments (including crown liabilities) | 461,770 | 392,052 | (69,718) |
| Other operating | 164,357 | 215,381 | 51,024 |
| Maintenance | 709 | 400 | (309) |
| Depreciation | 9,350 | 11,750 | 2,400 |
| Grants and subsidies | - | - | - |
| Other services | - | - | - |
| TOTAL EXPENDITURE | 636,186 | 619,583 | (16,603) |
| NET COST OF SERVICES | 27,928 | (52,417) | (80,345) |

An adjustment of \$8,927, not reflected above, applies to the provision of core service support provided by staff of this program. Taken into account, the actual result for this program would have been a net cost of \$19,001 for the year.

current publications 2006-07

Factsheets

Age discrimination

Alcohol-free zones

Anti-discrimination law and the small business owner

Arabic factsheets – Race discrimination; Vilification; and Discrimination and the Anti-Discrimination Board of NSW

Carers' responsibilities discrimination

Complaining to the Anti-Discrimination Board

Disability discrimination

Discrimination, EEO and affirmative action

Discrimination and the Anti-Discrimination Board of NSW (general factsheet on discrimination)

Discrimination and unlawful dismissal

Harassment and sexual harassment

Homosexual discrimination

Infectious diseases discrimination

Introductory factsheet in 25 community languages

Marital status discrimination

Pre-employment medical tests

Pregnancy discrimination

Race discrimination

Sex discrimination

How to deal with discrimination, unfair treatment or harassment (strategies and contacts)

Transgender discrimination

Treated unfairly because you are an Indigenous person?

Vilification

What you can do if you are treated unfairly (low literacy)

What you need to know about anti-discrimination law (for people from culturally and linguistically diverse communities)

Posters

Stop harassment and bullying

Diversity makes the difference

Common workplace animals

Say no to discrimination and harassment (multilingual)

That's not fair

Stop hassling me

Workplace guidelines

Anti-discrimination and EEO guidelines for managers, supervisors & team leaders (currently being revised)

Anti-discrimination and EEO guidelines for small business owners and managers

Grievance procedures

Identifying and eliminating discrimination from industrial awards and agreements

Sample policies and procedures

Guidelines for non-supervisory staff (new edition)

Guidelines for union representatives

Sample guidelines for Contact and Support Officers

Grievance Investigator guidelines

Other guidelines

A guide for respondents

Anti-discrimination guidelines for hoteliers (new edition on CDROM)

Exemption guidelines

Guidelines for advertisers (new edition)

Know your rights: a guide for Aboriginal and Torres Strait Islander people

Other publications

30th anniversary postcards (3)

Anti-Discrimination Board Annual Report 2005-06

C-change – Report of the enquiry into hepatitis C related discrimination

Charities and anti-discrimination law

Equal Time (email newsletter, 3 issues/year)

Guarantee of service

Indigenous rights wallet card

In-house training for employers and service providers (brochure)

Publications for employers (catalogue)

Race for the headlines: racism and media discourse (report, electronic only)

Seminar Calendar (for employer and service provider training, 3 issues/year)

Services for employers (brochure)

Unfair treatment – what to do (booklet for people with intellectual disability)

Anti-Discrimination Board of NSW
annual report 2006-07

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