

Anti-Discrimination Commission

Postal Address

LMB 22 GPO
Darwin NT 0801

Office Address

7th Floor
9-11 Cavenagh Street
Darwin NT 0801

General Enquiries

(08) 8999 1444

Freecall

1800 813 846

Facsimile

(08) 8981 3812

Website

www.adc.nt.gov.au

Email

antidiscrimination@nt.gov.au



<https://www.facebook.com/pages/Northern-Territory-Anti-Discrimination-Commission/1455365511362695>



https://twitter.com/ADC_Commission

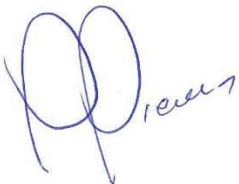
29 September 2017

The Hon Natasha Fyles MLA
Attorney-General and Minister for Justice
Parliament House
DARWIN NT 0800

Dear Minister,

In accordance with the requirements under section 16 of the *Anti-Discrimination Act*, I am pleased to present the Annual Report on the operations of the Northern Territory Anti-Discrimination Commission for the period 1 July 2016 to 30 June 2017.

Yours sincerely,



SALLY SIEVERS

Anti-Discrimination Commissioner

CONTENTS

| | |
|---|-----------|
| From the Commissioner | 1 |
| The Office of the Anti-Discrimination Commissioner | 6 |
| Emerging Issues | 10 |
| Performance | 16 |
| Trends | 48 |
| Appendices | 58 |

FROM THE COMMISSIONER



It has been a great honour this year to be able to progress, with the team at the Anti-Discrimination Commission (ADC), the objectives of the Northern Territory *Anti-Discrimination Act*. I present this year's Annual Report setting out the work of the ADC throughout 2016-17. The work of the team covers complaint resolution, education and training, community engagement, and advocacy.

The team at the ADC including the Community Visitor Program (CVP) have again worked hard to find innovative solutions to continue the long term social change work that both programs undertake. Both areas have worked diligently with those who raise issues and those who are complained about, to arrive at solutions both can live with and that move their relationships forward.

The ADC is always looking for ways to ensure our enquiry and complaints resolution process is timely and meets the needs of the Territory community.

The reforms to our process passed in 2015 have reduced the average time to resolve complaints, with most matters now being completed within six months. Our target to conduct conciliations within six weeks has ensured matters move through the resolution process quickly. Part of the successful resolution approach is only naming certain Respondents at the initial stage such as companies, departments or organisations rather than individual employees, this has however had an impact on how many complaints we record as having received and conciliated.

The calls and emails to our enquiry line both from the general public and business community continue to be steady.

This year with a great deal of planning and the involvement of all ADC staff and contracted trainers we have been able to offer an Unconscious Bias workshop across the Northern Territory (NT). In particular to NT Public Servants through an arrangement with the Office of the Commissioner for Public Employment as part of the roll out of their Inclusion and Diversity plan. This is a crucial part of the ADC's primary prevention activities, as for the second year in a row complaints against government departments are higher than against other Respondents such as companies or not for profit organisations.

The complaints and enquiries received reflect matters raised in last year's Annual Report. Disability discrimination combined with the prohibited conduct of failure to accommodate the needs of those living with a disability was again the area of highest complaint. The two areas that this occurred most frequently in were work and goods, services and facilities. The most common type of disability discrimination was again on the basis of mental health. The ADC is working with the community and needs to be proactive in the area of disability.

This year we were able to bring Michael Small, a disability access consultant, to the Territory. He met with organisations and people as well as running workshops in Darwin, Katherine and Alice Springs on the *Disability (Access to Premises – Buildings) Standards 2010*.

The complaints and enquiries received this year also reveal that the NT, like the rest of Australia, still has a long way to go in regard to gender equality. Whilst it may appear formal equality has been achieved in places like the public service, with large numbers of women employed, substantive equality has not been achieved. Complaints by women have for the first time in my tenure as Commissioner been higher than those by men. This is mostly in the area of work and includes sex discrimination, sexual harassment and failure to accommodate a special need. There is still work to be done in this area. It is also clear that there is not just discrimination on one attribute but an intersectionality of attributes such as women and race, and women and disability which all impact on equality of opportunity.

At a broader level the NT still records catastrophic levels of domestic and family violence. Primary prevention frameworks such as that developed by Our Watch state that gender inequality is at the core of the problem and the heart of the solution. The ADC will continue its advocacy role prioritising gender equality.

The matters to monitor over the next year include the worrying trend in victimisation complaints, and as always ways to address ongoing race discrimination. There has also been a drop in the number of complaints from outside Darwin. This year some of this drop is attributable to advocacy group's circumstances and the work we need to do on our partnerships outside of Darwin. An ongoing issue that is raised with me on visits to Alice Springs is having no shop front presence which impacts on Central Australians raising issues with the ADC.

Also in the latter part of year the ADC staff worked very hard with the Department of Attorney General and Justice's legal policy team to draft a discussion paper for the Government's consideration and release to the public, on areas that have been collated over the last 10 years for the modernisation of the Act. This discussion paper contains some of the areas of concern that have been raised with the ADC, as well as changes and updates in interstate legislation including those required to be changed to comply with the Commonwealth legislation.

We have a very exciting year ahead as we work with the NT community and government to ensure moving forward into the next 25 years the NT has a comprehensive and contemporary Act that promotes equality of opportunity for all Territorians.

MICHELE CASTAGNA

The ADC pay tribute and celebrate the life of Michele Castagna OAM, who passed away in September 2016.

Michele was a great friend of the Anti-Discrimination Commission, advocating throughout her life for the rights of people with disability and the multicultural community in the NT, in particular in Alice Springs.

Michele received an Order of Australia Medal (OAM) in 1988 for her services to people living with a disability in the Alice Springs community. She worked in both government and not for profit organisations advocating passionately for inclusive, holistic community participation and integration of people with a disability.

Michele was featured in the publication *Twenty Women, Disability Awareness Week Photographic Exhibition: Women with Disabilities*. The entry describes her as an “Agitator and Motivator”.



Michele’s family tell of how important family was to Michele throughout her life and of her passion for travel both within the NT, and overseas.

Disability Advocacy Service described Michele as a, “...veracious disability advocate who positively contributed to the empowerment and inclusion of many Central Australians. Michele had a wonderful ability to spread awareness around the importance of advocating for persons with a disability and encourage persons in the community to provide a hand up not a hand out to persons with a disability”.

Michele was also actively involved in many community roles. To name just a few: as Alderman for Alice Springs Council for two terms, Board member of the Disability Advocacy Service, Chair of Arts Access Central Australia, Chairperson for InCite in Alice Springs, convenor of the Catholic Church of Refugees to bring to Australia refugees from Sudan and also the Chairperson of the Multicultural Community Services of Central Australia.

Her friends in the multicultural community advise that Michele was passionate about and will be remembered for the following:

- Empowering Migrant Community Groups.
- Empowering women to participate in the community by giving presentations at workshops locally and nationally.

- She was a good negotiator and fought hard with Federal and the NT government to reinstate funding and secure more office space for Multicultural services in early 2000.
- She devoted her time over three decades to settling refugees in Alice Springs. She was overly committed; a mover and a shaker. She had the gift of the gab and was a great advocate for new migrants and refugees.
- Michele was awarded the NT Chief Minister's medal for outstanding service to the multicultural community in the NT in 2011.
- Michele will be remembered as an adviser and mentor for the multicultural community in Central Australia.
- Michele was very proud of her Italian heritage.
- Michele was feisty, tenacious, warm hearted, gutsy and wise. She has left an undeniable mark on the lives of so many in the wider community.

The Anti-Discrimination Commission remember Michele as a strong, respected member of the community who championed the rights of people living with a disability and those in the NT multicultural community.



Artwork by Michele Castagna

THE OFFICE OF THE ANTI-DISCRIMINATION COMMISSIONER



**Kylie Wallace-Smith – Happy Dingo
(Rights on Show 2016)**

THE OFFICE OF THE ANTI-DISCRIMINATION COMMISSIONER

WHO ARE WE

The Anti-Discrimination Commissioner is appointed under section 6 of the *Anti-Discrimination Act* (Act) to perform the functions set out in section 13 – see Appendix 2.

The current structure of the office can be seen in Figure 1.

There are three main areas of operation within the Anti-Discrimination Commission (ADC):

- Complaint and Enquiry Resolution
- Public Education and Training
- Community Engagement and Advocacy.

The Community Visitor Program also operates from the ADC and is the subject of a separate annual report.

COMPLAINT AND ENQUIRY RESOLUTION

An enquiry line is available for the general public and business community to contact the ADC. The enquirer is provided with information on our complaint process and about their rights and responsibilities under the Act. This is a free and confidential service.

The Act provides a process for people to make individual complaints about breaches of the Act. The focus is on resolution of complaints:

- Assessment process – where a decision is made to accept or decline a complaint.
- Conciliation - if a complaint is accepted it is set down for a compulsory conciliation.
- Evaluation process – if the matter does not settle after a conciliation the person making the complaint can request to have their matter evaluated. If the ADC finds that the matter has a reasonable prospect of success it is referred to the Northern Territory Civil and Administrative Tribunal (NTCAT) for hearing. If the matter is not referred to NTCAT by the ADC the Complainant may refer their matter within 21 days of the decision.

The complaint process is free and confidential. Attendance at conciliation is compulsory however resolution is available at any stage of the process.

PUBLIC EDUCATION AND TRAINING

The ADC provides public education and training through:

- Formal public training
- Customised training.

ANTI-DISCRIMINATION COMMISSION ORGANISATIONAL CHART

STRUCTURE AS AT 30 JUNE 2017

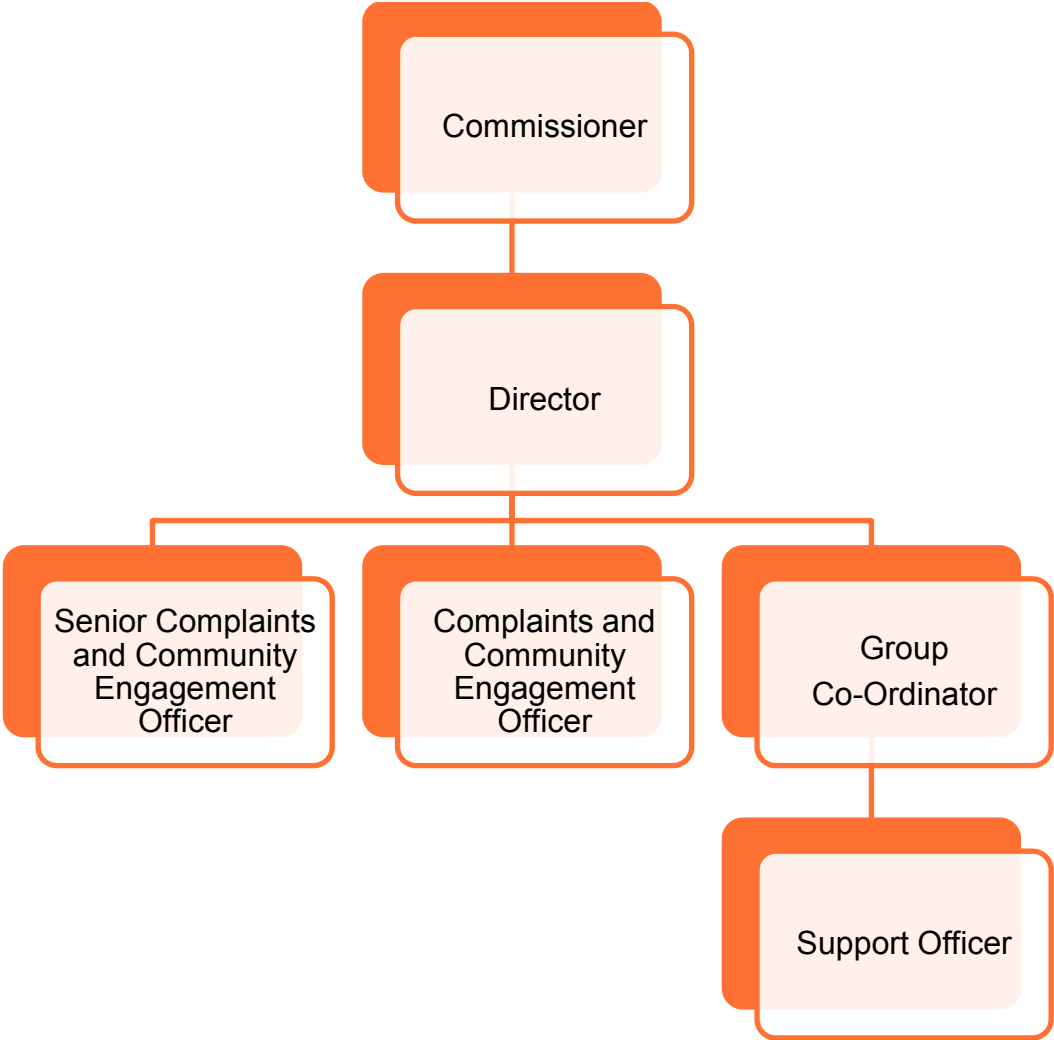


Figure 1

EMERGING ISSUES



**Angela Bruhn – Earth Snakes
(Rights on Show 2016)**

DISABILITY

Disability discrimination continues to be the most complained about attribute and has been for the previous three years.

In 2016-17 disability discrimination represented 10% of all complaints and 16% of all enquiries handled. Of the disability complaints 51% related to work and 34% related to the area of goods, services and facilities.

In the two highest areas of complaint (work and goods, services and facilities) people experienced disability discrimination related to their mental health (47%), medical condition (25%) and physical disability (16%). Mental health is often considered an invisible disability as it is not immediately obvious to people in the first instance.

The Australian Human Rights Commission launched its report *Missing out: The business case for customer diversity* February 2017 in partnership with Deloitte Australia. The research identified that although businesses promote equality and value diversity in their workplaces, customers dealing with these same businesses do not feel that their diversity is valued. The survey results indicated that customers with a disability, along with other specific demographic characteristics, were significantly more likely to experience discrimination with the organisations they interacted with in the last 12 months¹. This is similarly reflected in the complaints being made to the ADC.

GENDER

Gender inequality is an ongoing issue and this is evident from the increased number of enquires and complaints received from women. In 2016-17 the majority of complaints and enquiries were received from women, representing 51% of enquiries and 54% of complaints.

Work was the area most complained about by women. Complaints of discrimination by women based on all attributes in the area of work represented 67% of complaints.

Complaints in the area of work about gender based discrimination² from women represented 42% of complaints.

In the area of work the attributes most complained about from women were:

- Sex (82%)
- Seeking unnecessary information (70%)
- Disability (62%)
- Failure to accommodate a special need (56%).

¹ *Missing out: The business case for customer diversity* February 2017, Findings at a glance, page 8.

² Gender based discrimination includes attributes of sex, sexual harassment, sexuality, breastfeeding, parenthood, marital status and pregnancy.

Women raised the highest number of complaints about sexual harassment (94%), with all of these complaints occurring in the workplace.

In 2016-17 the Australian Human Rights Commission released the report on *A Conversation in Gender Equality March 2017*. The report's findings were based on Australia's Sex Discrimination Commissioner Kate Jenkins' consultation with women and men in every state and territory, including the Northern Territory. The identified key priorities and themes for the prevention and response to gender inequality were violence against women, women's economic security and increasing diversity in decision-making.

It is important to recognise the intersectionality of discrimination; it is not limited solely to gender but on a combination of attributes such as gender and race, gender and disability and gender and parenthood.

In contrast the majority of complaints from men were in the area of goods, services and facilities (73%).

MODERNISATION OF THE ACT

The ADC as a key stakeholder has completed a significant amount of work this year contributing to the proposed modernisation of the *Anti-Discrimination Act* (the Act). Public consultations will take place in late 2017, after which it is expected that a bill will be introduced to parliament in 2018.

The aim is to update the current Act to better reflect similar interstate legislation and to ensure the protection offered by the Act meets the contemporary needs of people living in the Northern Territory. The reforms proposed are rights based reforms and address areas where concerns have been raised with the operation of the current legislation.

It is proposed that the language in the Act be modernised to be gender neutral, contemporary and in line with the *Sex Discrimination Act 1983* (Cth).

The reforms need to consider the scope of protection offered by the current legislation, take into account developments interstate and the issues currently facing Territorians. With this in mind the inclusion of new attributes of domestic violence, socioeconomic status, accommodation status and lawful sexual activity are being raised as part of the public consultation.

There is currently no Northern Territory law for people who experience vilification. The ADC welcomes the proposed reform to introduce vilification laws on the basis of relevant attributes protected by the Act for the Northern Territory. This would provide protections for groups based on race, gender identity, sexual orientation, intersex status, religious beliefs and disability. The ADC has seen the limitations of the current legislation to respond to acts of vilification against different groups.

Sexual harassment is currently prohibited in any area of activity covered by the Act. It is proposed to remove this restriction and for prohibition of the conduct to be expanded to all areas of public life.

The proposed representative complaint model would allow any group or body that represents a group of people to bring a complaint about discrimination on behalf of that group. The group of people must identify as having a protected attribute (characteristic) under the *Anti-Discrimination Act*. For example: a non-government organisation might make a complaint about a new practice introduced by a business that impacts negatively on the group they represent. At present complaints about discrimination can only be made to the ADC by individuals about acts of discrimination directed towards them.

There is a proposal to remove the current exemption for assisted reproductive treatment (ART). This would ensure there are few barriers placed on people who are in same sex or de facto relationships, single and transgender, who would like to access ART in the NT. The change would also be consistent with the *Sex Discrimination Act 1984* (Cth) and the *Assisted Reproductive Treatment Act 1988* (SA).

To keep pace with contemporary standards and expectations it is proposed to expand the current definition of guide dog to include all assistance animals required by people who identify as having a disability. The proposed definition would include therapeutic, psychiatric and seizure animals, accredited or specifically trained as prescribed by regulations.

The definition of the areas of clubs, work and goods, services and facilities require reform. The Act commenced in 1992 and the original areas of activity have notable limitations and do not reflect the current community standards and expectations.

For further consideration and discussion are the current exemptions which automatically apply and do not require specific justification by religious or cultural bodies in the areas of educational institutions, accommodation and access to religious sites.

TRAINING

A function of the Commissioner is to provide public education and training to the broader community. Details of the training provided and the different ways in which this function has been met is set out in greater detail later in this report.

In 2016-17 the ADC provided public education and training, customised training and information sessions to the community and organisations. This work was achieved without a dedicated trainer but through the use of internal resources, external agency funding and the engagement of external training consultants.

In early 2016 in conjunction with interstate commissions the ADC developed its latest workshop “Challenging Unconscious Bias”. The workshops have been provided throughout 2016-17 to a large number of NT government departments.

The standard ADC training was offered through public training programs and customised organisational training in Darwin, Katherine and Alice Springs.

The ADC seeks feedback from participants and responds to enquiries with the aim of providing training that is relevant to the current needs of the community and organisations.

It has been identified that new training material and courses would be useful to meet current needs and interests.

Future training directions that have been identified, in addition to our current suite of training courses, include:

- Prevention and management of bullying and harassment in the workplace for managers and supervisors.
- Conflict resolution and complaint management in the workplace for managers and supervisors.
- Anti-discrimination and harassment for service providers.

In addition to the new offerings it has also been identified that the current training in Unconscious Bias could be modified to comprise two new courses:

- An Introduction to Unconscious Bias

as a pre-requisite to:

- Unconscious Bias: Impact and application in your workplace.

PERFORMANCE



**Jasmin Lad – A Love Story
(Rights on Show 2016)**

COMPLAINTS AND ENQUIRIES

ENQUIRIES

The ADC provides an enquiry line for organisations (public and private) and the general public to obtain information about rights and obligations under the *Anti-Discrimination Act* (Act). This is a free and confidential service that can be accessed by phone, in person or by email.

Overall in 2016-17 we received 304 enquiries. This was an 8% decrease from 2015-16 when 330 enquiries were received.

It has only been since 2014-15 that we have been able to analyse enquiry data in greater detail and with any reliability. Our enquiries can be a good measure of what current issues are in the community. We encourage members of the community to contact us and share with us their experiences or concerns, even when they do not want to lodge a formal complaint. This assists us in knowing what issues are happening in the community. If we receive many calls about a particular issue we can find other ways to raise concerns without identifying our source.

Issues raised through our enquiry line inform the broader advocacy focus of the Commissioner. The enquiry line also allows issues raised by an enquirer to be informally resolved with the assistance of the ADC.

All enquiries are handled by senior staff members.

PROFESSIONAL ENQUIRIES

The professional enquiry line is available for organisations in the public, private and community sector. The purpose of the line is to enable organisations to obtain practical information about how to manage issues in their day to day operations including best practice and compliance with the Act.

In 2016-17, 14% of enquiries were professional enquiries compared to 9% in 2015-16. Of these enquiries, 70% were work related requesting information about targeted recruitment and also about responding to an employees' request for accommodations in the workplace.

GENERAL ENQUIRIES

Enquiries come from members of the general public who may have questions about their rights under the Act or who might be seeking more information about how to lodge a formal complaint.

Enquiries provide an opportunity for people to find out what the complaint process might look like and whether it would assist them in obtaining an outcome they want to achieve. During an enquiry a person could also be redirected to an alternative service to assist with their issue or to an advocate or support agency that can provide them with direct assistance

or support. We also assist people who may have difficulty completing our form. This may involve a language or Auslan interpreter or by assisting in scribing a complaint for a person.

In 2016-17 86% of enquiries were general enquiries.

On occasion we are able to resolve people's issues through an enquiry, removing the need for a formal complaint.

ENQUIRY TRENDS

In 2016-17 304 enquiries from individuals were received about 407 attributes and areas. Set out below are the main attributes and areas that are the subject of enquiry.

ATTRIBUTES

- Not under the Act (21%)
- Race (19%)
- Disability (16%)
- Failure to accommodate a special need (11%)
- Sex (8%)

The enquiry trends closely reflect the trends for complaints in 2016-17.

Not Under the Act

Not under the Act refers to enquiries where the nature of the issue raised lacks an attribute for the purposes of the Act. An attribute is a characteristic a person may have that is one of the reasons for the alleged discrimination. To come under the Act it must be a characteristic that is protected by the Act, for example, race, age (for a full list see Appendix 5).

Common enquiries of this nature are bullying and harassment issues where the behaviour is not because of a particular attribute. The general enquiry process is a valuable process for people to discuss these types of issues, as we are able to refer them to other services to address their concerns, rather than requiring them to go through a more formal process when it is not a matter we can accept a formal complaint about.

Race

The second highest attribute of enquiry in 2016-17 was about race (19%), with 44% of these enquiries relating to work, and 27% about service. There is a similar breakdown evident in the formal race based complaints received and also the trend in 2015-16 for enquiries.

Disability/Failure to accommodate a special need

A high number of enquiries were received regarding disability (16%) and failure to accommodate a special need (11%). Many of the enquiries about failure to accommodate a

special need related to disability. The disability enquiries³ related to work issues (52%) and failure to accommodate a special need (34%).

Sex

There was a considerable increase in enquiries received related to a person's sex (8%) in 2016-17 compared to 4% in 2015-16. The vast majority of enquiries (71%) related to issues associated with work.

Enquiries received from women on the attribute of sex were the highest (65%) compared to 33% of enquiries from men⁴. This trend is also in line with complaints in 2016-17.

AREAS

The Act requires that discrimination is in part because of an attribute (Appendix 5) and occurs in an area (Appendix 5). The following are the main areas in which enquiries were received:

- Work (53%)
- Goods, services and facilities (26%)
- Not under the Act (14%).

Work

Work, consistent with formal complaints, was the most common area in which enquiries were received. Enquiries relating to work covered a range of attributes with the highest being race (16%) and disability (16%)⁵.

Goods, Services and Facilities

A high number of enquiries were also received in relation to goods, services and facilities. The highest number related to not under the Act (27%) and disability (21%)⁶.

Not Under the Act

14% of enquiries were not covered by an area under the Act. This means the enquiry may have had a relevant attribute, or not, but the discrimination did not occur in an area covered by the Act. See Appendix 5 for relevant areas under the Act.

³ Statistics based on percentage of area of enquiry per attribute.

⁴ One enquiry was from a person who identified as X.

⁵ Statistics based on percentage of overall enquiries received in relation to work.

⁶ Statistics based on percentage of overall enquiries received in relation to goods, services and facilities.

MODE OF ENQUIRY

In 2016-17 the majority of enquiries were by telephone, a slight increase compared to 2015-16. A smaller number of enquiries were received by email or in person. Enquiries received in person have remained steady since 2014-15 demonstrating the continued need for a front counter service.

Many enquiries by phone or email are often followed up by a person visiting the office, as people often want to speak to someone in person. The absence of this capacity in Alice Springs is frequently raised when the Commissioner visits Alice Springs.

MODE OF ENQUIRY

| Mode of Enquiry | 2016-2017 (%) ⁷ | 2015-2016 (%) ⁸ | 2014-2015 (%) ⁹ | 2013-2014 (%) |
|-----------------|----------------------------|----------------------------|----------------------------|---------------|
| Telephone | 81% | 79% | 82% | 89% |
| In person | 8% | 8% | 8% | 2% |
| Email | 10% | 12% | 9% | 9% |

Figure 2

COMPLAINTS RECEIVED

In 2016-17 formal complaints were received against 177 Respondents. This is an increase (16%) from 153 Respondents in 2015-16. It is noted that complaint numbers were higher in the first half of 2016-17 compared to the latter half. Appendix 3 sets out the current complaint process and Appendix 4 provides case summaries.

FORMAL WRITTEN COMPLAINTS RECEIVED

| 2016-17 | 2015-16 | 2014-15 | 2013-14 |
|---------|---------|---------|-------------------|
| 177 | 153 | 165 | 191 ¹⁰ |

Figure 3

⁷ Two enquiries were made via the Website and three by letters.

⁸ One enquiry was made via Letter, one through the website and two others were listed as Unknown.

⁹ One enquiry was made via Letter and the method of enquiry for another was listed as Unknown.

¹⁰ In 2013-14 Annual Report this figure was incorrectly cited as 243, this was the figure of all complaints handled.

FINALISATION OF FILES

In 2016-17 there were 217 matters handled with 187 finalised. This is lower than 2015-16 where 196 matters were finalised representing a 5% decrease.

In early 2017, there was a changeover in complaints staff resulting in a period where only one officer was handling all files. During that quarter only 34% of complaints were conciliated compared to the average of 58% in all other quarters. It is important to note that the finalisation of matters is affected by the staffing of the ADC.

COMPLAINTS FINALISED

| 2016-17 | 2015-16 | 2014-15 | 2013-14 |
|---------|---------|---------|---------|
| 187 | 196 | 156 | 192 |

Figure 4

REASONS FOR FINALISATION

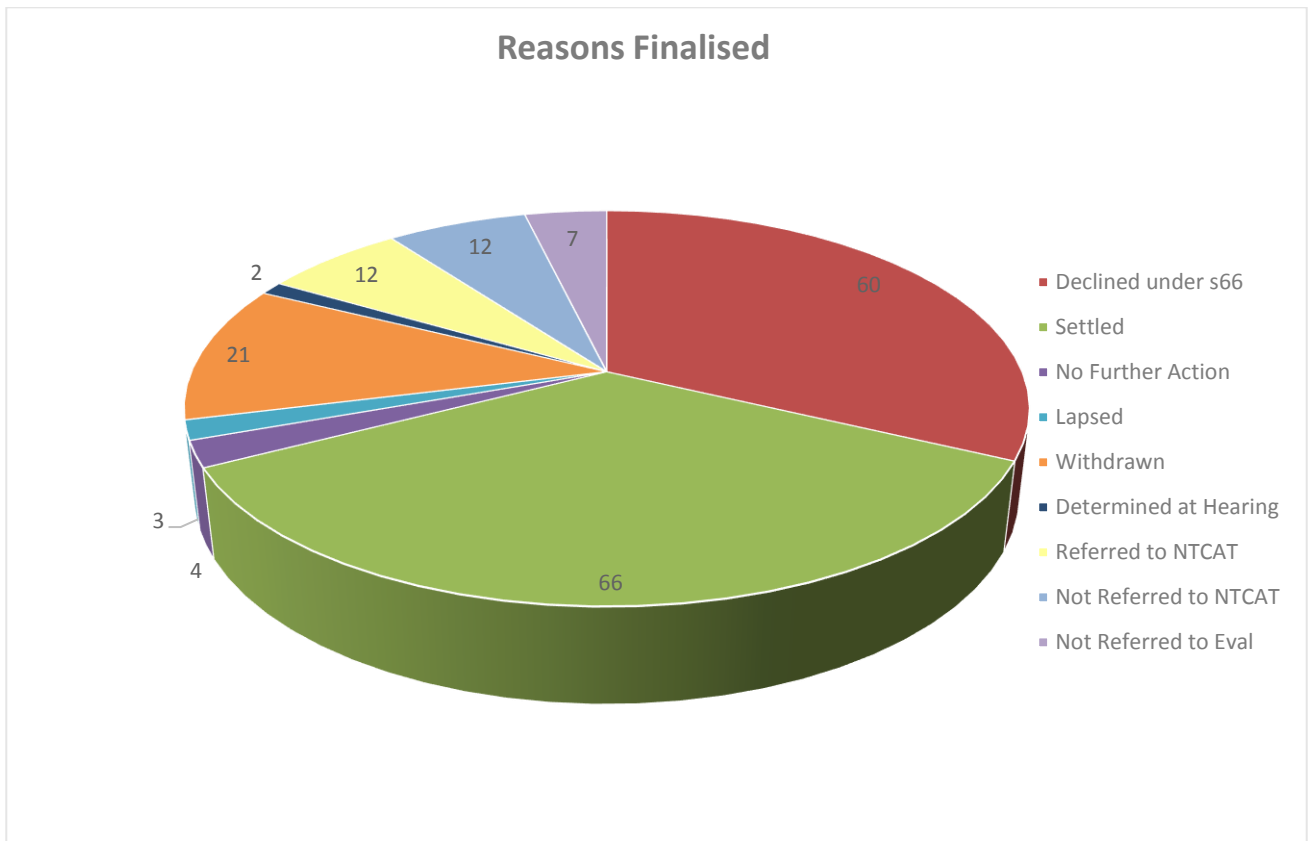


Figure 5

COMPARATIVE DATA

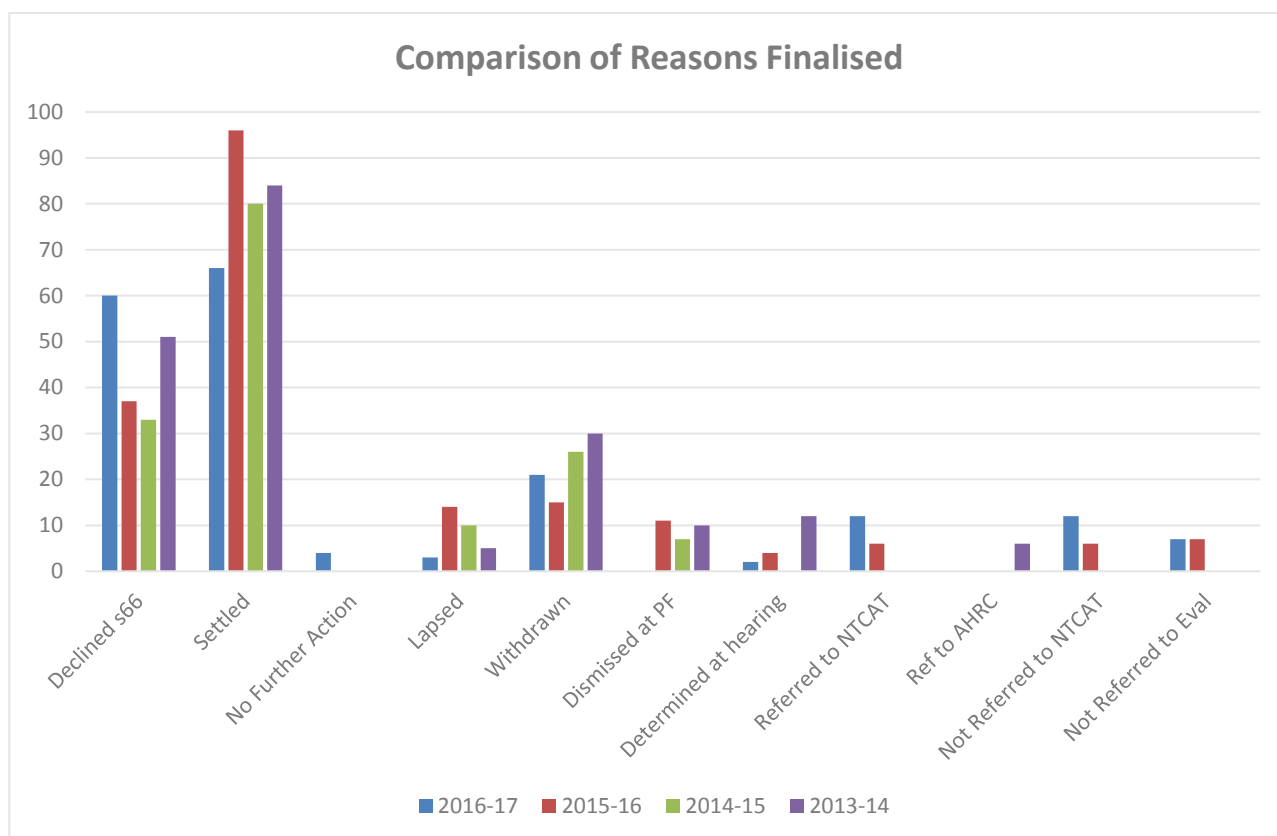


Figure 6

The following is a breakdown of the ways a matter may be finalised and the number of complaints concluded for 2016-17.

DECLINED UNDER SECTION 66

In 2016-17, 60 complaints were declined under the Act compared to 2015-16 when 37 complaints were declined, representing a 62% increase.

If a matter is declined the ADC is unable to re-consider the complaint at a later date. Considerable time is spent assessing complaints prior to declining, to ensure there is no ground upon which we can accept the matter as there is no right of appeal from this decision. Where necessary, additional material is obtained from a Complainant if this will assist in our assessment. It is noted that 28% of complaints declined were from one individual Complainant.

LAPSED

In 2016-17 only 3 complaints were lapsed. This is a 79% decrease from 14 complaints in 2015-16.

A lapse is where the ADC has been unable to or has lost contact with a Complainant. This low figure demonstrates the ADC's philosophy and practice of early resolution and engaging the parties as soon as possible in the dispute resolution process upon accepting a complaint.

Decisions to accept or decline a complaint are made within 10 days and the aim is to list conciliations within 6 weeks of receiving a complaint.

Every attempt is made by the ADC to make contact with a Complainant with whom contact has been lost, before a complaint is lapsed. This is to ascertain if there is a reason why the Complainant has stopped contact with the ADC after lodging the complaint. In accordance with the Act, a notice of 60 days is sent to the Complainant prior to a lapse taking effect.

WITHDRAWN

In 2016-17, 21 complaints were withdrawn compared to 15 complaints in 2015-16, this is a 40% increase. A complaint can be withdrawn at any stage of the process if a Complainant decides not to proceed. The reasons for complaints being withdrawn are the Complainant reconsidering and deciding not to continue, losing interest or being advised that the ADC is not the most appropriate body to assist or continue the complaint.

NO FURTHER ACTION

In 2016-17, 4 complaints were closed due to no further action. A complaint can be declined at any time if no further action can be taken on the complaint. The circumstances in which no further action can be taken include when the Complainant or Respondent are unable to be contacted, the Respondent has gone into liquidation or the Complainant or Respondent have died.

SETTLED

In 2016-17, 66 complaints settled compared to 2015-16 when 96 complaints settled. This represents a 31% decrease in settlements. There has been a change in the methodology in how Respondent parties are named at the initial accept stage. It is ADC practice to minimise the number of named Respondents at the early stage to assist in early resolution. Individuals are generally not named at the early stage unless there is a specific reason to do so or at the request of the Complainant. Individuals are only added as a Respondent if a complaint does not settle and the Complainant decides to request evaluation of their complaint.

As a result the decrease in the number of Respondents is reflected in the number of complaints settled. In the first instance complaints are generally only being accepted against organisations or departments. When a complaint settles it is with the organisation or department. Prior to 2016-17 named Respondents were made up of organisations or departments and individuals, representing a higher number of Respondents. In 2016-17 individuals are added (if required) as Respondents with the Respondent organisation or department only if a complaint is referred to evaluation.

NOT REFERRED TO EVALUATION

In 2016-17, 7 matters were not referred to evaluation which is equal to 2015-16.

REFERRED TO NTCAT

In 2016-17, 12 matters were referred to the Northern Territory Civil and Administrative Tribunal (NTCAT). This is a 100% increase from 6 matters referred in 2015-16. As previously mentioned ADC's methodology of naming Respondents has changed in 2016-17. If a matter is not resolved at conciliation and the Complainant requests to have their complaint evaluated individual parties named in the complaint are added at the evaluation stage. Therefore if a matter is referred for evaluation there may be an increase in the number of Respondents.

NOT REFERRED TO NTCAT

In 2016-17, 12 matters were not referred to NTCAT. This is a 100% increase from 6 matters not referred to NTCAT in 2015-16. This means that the ADC made a decision that the matters did not have a reasonable prospect of success.

A Complainant can still make an application to NTCAT within 21 days of the ADC's decision to not refer a matter. In 2016-17, no matters were referred by Complainants. This may indicate that Complainants have accepted the decision made by the ADC and the explanations provided.

TIME FRAMES

In 2016-17, 164 (88%) of finalised complaints were finalised within 6 months of receipt. This represents an increase of 7% compared to 2015-16 where 154 or 79% were finalised within 6 months of receipt. Under the Act there are no statutory time frames however it is the aim of the ADC to conclude matters within 6 months of the date of receipt.

For all new complaints received in 2016-17, 141 or 97% were finalised within 6 months.

Operationally we work towards 10 calendar days to accept or decline a complaint, 6 weeks to list a complaint for conciliation and 3 months to finalise an evaluation if a matter is referred to evaluation. This more streamlined process has enabled us to complete all matters more quickly and move matters not resolved into the hearing phase faster.

In 2016-17, 115 or 67% of all new complaints received were assessed within 10 calendar days. This is an increase compared to 2015-16 where only 52% (70) were assessed within 10 calendar days.

In 2016-17, 12 matters were referred to the NTCAT. Complaints received in 2016-17, where the Complainant elected to have their matter evaluated, were all referred to NTCAT within 6 months.

At the end of 2016-17 30 matters remain open in comparison to 2015-16 where 40 matters remained open. Of these 30 matters, 10 have been open no longer than 3 months and 20 (67%) of the 30 matters have been open for less than 1 month.

It is clear the new process has improved our overall timeliness.

OBSERVATIONS ON THE NEW ACT AND PROCESS

Amendments made to the Act in 2015 provided for a more streamlined complaint process. It has taken some trial and error in working towards the objective which is primarily to provide a more timely complaints process.

Most notable is the improved time frames reported above. It is clear that matters are being completed more quickly than under the old process.

Under the new process, matters that are accepted are set down for a compulsory conciliation. Operationally our goal is to list a conciliation within the first 6 weeks of receiving a complaint. In 2016-17 we ran compulsory conciliation conferences, with 64% conducted within 6 weeks of receipt. The majority of matters listed outside of this time frame was due to the availability of parties, not the ability or willingness of the ADC to list within the 6 weeks.

If the matter settles the complaint comes to an end. If the matter does not resolve the Complainant can elect to refer the matter for evaluation. The Complainant has 21 days to make this election. If no election is made or the Complainant elects not to refer a matter for evaluation then the complaint comes to an end.

This option provides Complainants with the ability to use only the conciliation aspect of our process. Some Complainants (4%) elected not to proceed beyond conciliation. The value of this option is that Complainants have more information about their issue and are better informed about our process at this point. A conciliation process can provide a person with answers to questions they need or provide them with an opportunity to be heard, particularly in regard to the impact on them of the conduct complained about.

As indicated earlier, we set ourselves the goal of accepting or declining complaints received under the Act within 10 calendar days. In 2016-17 65% of matters were accepted or declined within 10 days. Although this represents an increase of 64% in comparison to 2015-16 we would like this number to be higher. Barriers to improving this timeline include:

- Delays obtaining additional information from Complainants
- Delays obtaining additional information from Respondents, where input is required
- Complainants lodging complaints and requesting a stay of their matter while other processes are being used
- Public holidays in the last 6 months of the financial year.

The existence of this operational time frame has meant that most matters are decided quickly, with a majority of matters decided outside the 10 days, being not far outside it.

In 2016-17 we extended the original timeframe of two months to complete evaluations, to three months. This was in response to our early observations that two months was too short a time for the parties to get quality material to us. Our observations were that the complexities of some complaints required us to go beyond this time frame to ensure procedural fairness and to ensure we have collected the best evidence we can before finalising the evaluation. We endeavour to finalise complaints within 6 months of receipt.

In 2016-17 we exercised our powers to compel the provision of documents and witnesses for statements to be taken. In regard to documents and records, our approach is as follows:

- Ascertain the relevance of the document or record to the matter to be evaluated by the ADC.
- Ascertain if the document or record could be provided by a party to the complaint. If it can we are less likely to compel it.
- If the document or record is in the possession of a third party, ascertain if it can be voluntarily obtained.
- We are more likely to compel documents if it is direct evidence to support a party's case, we are less likely to compel documents that are relevant to the character or credit of a party.

Compulsion powers may be exercised unilaterally by the ADC or following a request from a party. If a request comes from a party, it is not automatic that an order is made, an assessment is undertaken to determine if the powers should be used.

We generally expect parties to provide their own witness statements. However in 2016-17 we used our powers to compel witnesses¹¹ where:

- They were a party to the complaint, were unrepresented and lacked the capacity to prepare their own statement.
- They were a witness who may have evidence relevant to our evaluation who may not fairly be called by either party; an example of this would be an independent witness in the workplace.
- A relevant witness that no party is able to get evidence from. Examples of this maybe a relevant third party or an employee that has left the place of employment.

The value of these powers is that we are not limited to the evidence provided by the parties and we are able to obtain better quality evidence to inform our decisions within the scope of our time and financial constraints.

¹¹ Compulsion powers are only used where a person will not voluntarily give evidence or is unable to.

APPEALS

APPEAL NUMBERS AND OUTCOMES

In 2016-17 no appeals or judicial reviews were lodged in relation to decisions of the ADC.

Only final decisions of the ADC can be appealed under section 106. Amendments to the Act on 1 July 2015, provided for the transfer of hearing functions to the Northern Territory Civil and Administrative Tribunal. As a result of this change appeals can only be made against a decision of the Tribunal not the ADC. A judicial review is still available.

Appeals under section 106 remain for matters heard and determined under the Act prior to 1 July 2015. In 2016-17 there were only 2 matters meeting this description.

| YEAR | NUMBER | OUTCOMES |
|---------|--------|---------------------------|
| 2013-14 | Nil | 1 dismissed ¹² |
| 2014-15 | Nil | N/A |
| 2015-16 | Nil | N/A |
| 2016-17 | Nil | N/A |

Figure 7

HEARINGS

NEW MATTERS REFERRED TO HEARING

| 2016-17 | 2015-16 | 2014-15 | 2013-14 |
|---------|---------|---------|---------|
| N/A | 0 | 5 | 6 |

Figure 8

TOTAL NUMBER OF HEARINGS CASE MANAGED

| 2016-17 | 2015-16 | 2014-15 | 2013-14 |
|---------|---------|---------|------------------|
| 2 | 5 | 10 | 10 ¹³ |

Figure 9

¹² This is Kennedy which was dismissed by court of appeal filed in 2012-13 not decided in that year – was dismissed at all three levels.

¹³ 10 matters equates to complaints against 24 Respondents.

MANNER OF REFFERAL

Under the new legislation, referral is by the ADC to the Northern Territory Civil and Administrative Tribunal process or by self-referral within a 21 day period if the ADC forms a view that a matter should not be referred.

REFERRAL TO NORTHERN TERRITORY CIVIL AND ADMINISTRATIVE TRIBUNAL

| YEAR | ADC referral | Self-Referral | TOTAL |
|---------|-----------------|-----------------|-------|
| 2016-17 | 12 | 0 | 12 |
| 2015-16 | 4 ¹⁴ | 0 ¹⁵ | 4 |

Figure 10

In relation to the 12 matters referred to the NTCAT, the ADC intervened in three of these matters under section 14 of the *Northern Territory Civil and Administrative Tribunal Act*. The first directions hearings of two matters were listed outside of the reporting period and therefore the ADC had not made a decision on whether to intervene.

Four matters from the previous year were still in progress during 2016-17. Two of these matters were outside of the reporting period for 2015-16; the ADC made the decision to intervene in both of these.

The role of the intervener is to support the Tribunal in their decision making, in particular to provide submissions on the law or general practice in the area of discrimination to assist with decision making.

It should be noted that NTCAT have only made a decision on two matters, all other matters have resolved prior to hearing.

¹⁴ This figure was incorrectly cited as six in the 2015-16 Annual Report.

¹⁵ In relation to one of the four referrals by the ADC, aspects of the complaint that were not referred to the Tribunal, were referred by the Complainant. Our data does not calculate complaints at this level of detail, which is why it does not appear in the self-referral column.

PUBLIC EDUCATION AND TRAINING

A fundamental role of the ADC in working towards its objective is to educate and impart information to the broader community, including organisations in the NT, about rights and obligations under the Act. We do this by:

- A free enquiry line¹⁶
- A formal training program
- Information sessions.

Through each, we gain a picture of issues facing the NT community. This information assists us in setting our priorities.

PUBLIC EDUCATION AND TRAINING



In 2016-17 our public education and training was provided partly by additional external and internal funding to engage two trainers. These trainers were engaged for a defined period of time to deliver our training. Recently, we have moved to engaging external training consultants.

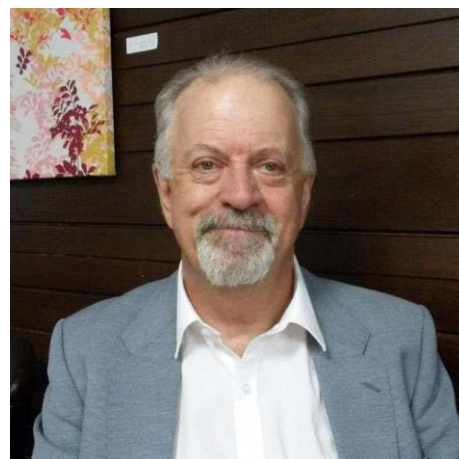
Two external consultants were selected based on their knowledge, expertise and experience in providing training in the area of discrimination. The training was offered through a public program and customised organisational training on a fee for service model.

For a second year in a row we saw an increase in demand for training.

In 2016-17 the following formal training program was offered:

- Customised training
- Anti-Discrimination, Harassment and Bullying
- Preventing Discrimination, Harassment and Bullying for Managers and Supervisors
- Contact Officer Role
- Sexual Harassment – Know where the line is
- Train the Trainer
- Challenging Unconscious Bias.

The public program was offered three times in Darwin, once in Alice Springs and once in Katherine.



The public program offers training on a single subscriber basis inviting participants from a range of public and private organisations.

¹⁶ See page 17.

CUSTOMISED TRAINING

Customised training is also available upon request from an organisation. This training is designed to meet the unique needs of the organisation and is customised to ensure relevance and currency. This is a popular form of training, as organisations can request that the focus be on issues that are currently a challenge for the organisation.

Typically organisations request customised training:

- To refresh staff awareness and education
- As a component of complaint resolution
- To address identified workplace culture issues and to promote positive workplace culture and behaviours.

ANTI-DISCRIMINATION, HARASSMENT AND BULLYING

This training looks at the basics of the Act and its impact on the workplace. It covers:

- Rights and responsibilities under the Act
- How the Act affects individuals and organisations (including employment and service provision)
- The functions and roles of the ADC
- The difference between bullying and harassment
- What is acceptable behaviour in the work place
- Identifying options for grievance resolution.

PREVENTING DISCRIMINATION; HARASSMENT AND BULLYING FOR MANAGERS AND SUPERVISORS

This training covers some material from the introduction course (Anti-Discrimination Harassment and Bullying) with a greater focus on issues relevant to managers. This includes:

- Requirements under the Act
- Vicarious liability
- The role and responsibilities of managers in developing and monitoring a positive workplace culture
- Taking action against unacceptable behaviour.

CONTACT OFFICER ROLE

This training looks at the role and functions of a contact officer, and provides staff with the knowledge and resources to be a first point of contact for staff who have a discrimination grievance.

This is a full day of training.

SEXUAL HARASSMENT

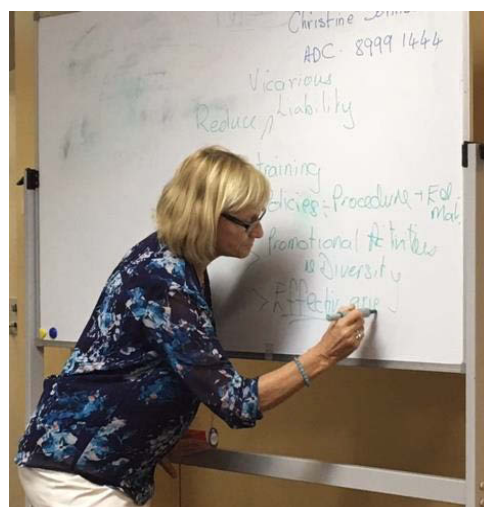
This workshop explores:

- What is sexual harassment
- The current statistics
- Federal and Territory laws that cover sexual harassment
- Workplace culture and how it can impact on behaviour
- Legal cases
- Liability of individuals and organisations, and strategies to help minimise the risk of sexual harassment.

TRAIN THE TRAINER

This training is for organisations that want to provide their own in-house training about discrimination in the workplace. Participants are provided with a manual to assist with their future training. The focus of this program is to train trainers in how to deliver discrimination training.

This is a full day training course. Attendees are required to have done one of the other courses and have training experience or qualifications.



CHALLENGING UNCONSCIOUS BIAS

This is a new training package developed and rolled out in 2016-17. It is an introduction to challenging unconscious bias that explores diversity, improves inclusivity and tackles stereotypes in the workplace.

All humans have a natural preference for people who look like us, sound like us or share our interests. This form of bias could be unconsciously impacting on our decision making in the workplace.

Unconscious bias takes effect at various stages during employment; as early as the recruitment stage.

Challenging unconscious bias occurs when we understand what unconscious bias is, recognise its prevalence in the workplace, and learn how to identify, address and reduce its impact on our actions and decisions.

Topics covered:

- Examining what unconscious bias is and where it comes from.
- Exploring the impacts of unconscious bias on others in the workplace.

- Identify strategies that may help to reduce and manage unconscious bias and its consequences in the workplace; managing personal bias, organisational strategies and organisational cultural change.

The workshop is recommended for all staff particularly those involved in recruitment and can be tailored for management.

| Program | Workshops | Participants | Training delivered (Hours) | Organisations |
|----------------------|-----------|--------------|----------------------------|---------------|
| Information sessions | 23 | 613 | 21.5 | 23 |
| Public training | 9 | 71 | 37.5 | 30 |
| Customised training | 38 | 486 | 125 | 19 |
| TOTAL | 70 | 1170 | 184 | 72 |

Figure 11

The most popular form of training is customised training.

The public training program whilst less popular than customised training was provided to participants from 30 different organisations highlighting a broad range of organisational participation.

All training courses are designed to support individuals and organisations to understand their rights and responsibilities under the Act and to reinforce organisations' policies and procedures.

FUTURE TRAINING DIRECTIONS

The Commission seeks feedback from training participants and responds to enquiries for training with the aim of providing training that is relevant to the current needs of the community and organisations.

It has been identified that new training material and courses will be useful in meeting current needs and interests. The following courses have been identified for future offerings in addition to our current suite of training courses:

- The prevention and management of bullying and harassment in the workplace for managers and supervisors.
- Conflict resolution and complaint management in the workplace for managers and supervisors.
- Anti-discrimination and harassment for service providers.

In addition to the new offerings it has been identified that the current course in Unconscious Bias could be modified to comprise two new courses:

- An Introduction to Unconscious Bias

as a pre-requisite to:

- Unconscious Bias: Impact and application in your workplace.

The ADC's ability to respond to training requests and to develop new and emerging training is restricted because of the lack of an employed trainer on staff. A dedicated trainer would better understand the training needs to address the issues within the NT community. An integral part of the trainer's role would also be the planning and provision of the ADC's community engagement work. The trainer would also respond to general enquiries for information from the public as well as training requests.

INFORMATION SESSIONS

These sessions are provided by the ADC to organisations to give information about current issues impacting on equality of opportunity and the ADC's process.

In 2016-17 free information sessions were provided to key stakeholder organisations discussing issues such as practical ways to address gender inequality, workplace diversity and inclusion as well as tasters promoting unconscious bias.

COMMUNITY ENGAGEMENT AND ADVOCACY

The ADC places a strong focus on Community engagement and Advocacy and does this through:

- Information stalls
- Networking
- Public events
- Presentations
- Resources
- Social media and the ADC website.

INFORMATION STALLS AND COMMUNITY EVENTS

Information stalls and community events are an opportunity to provide information to the general public about the ADC services and what we do. They are also an opportunity to speak with members of the public to hear their stories and experiences.

In 2016-17 we provided information stalls at the following events:

- Supreme Court Open Day
- International Women's Day
- Senior's Expo
- PossAbilities Expo.



The ADC also was involved in the Youth Week Democracy Dash. This Youth Week event was organised by the Electoral Commission and 11 organisations participated in the event.



Four teams of students were given activities to complete at each of the organisations they visited in a specific amount of time and it was a race to the finish line. Unfortunately none of the teams finished each organisation's task within the allotted time period but the event was enjoyed by all.

The task organised by the ADC was for the groups to determine what attributes and areas are covered by the *Anti-Discrimination Act* by placing them in the correct boxes. A list of areas and attributes that fall under the Act can be found in Appendix 5. Alternative areas and attributes not covered by the Act were used to trick the students, including being a dog owner, at a barbeque, Collingwood fan and driving in your car. This encouraged the students to read the information brochures and learn about what constitutes discrimination in the Northern Territory.



PUBLIC ADVOCACY

Advocacy is an important part of the ADC work. A traditional means, by which we advocate for the values under the Act, is in writing submissions to ensure the objectives of the Act are factored into the development of laws and policies impacting the Northern Territory. We continued to do this in 2016-17. However advocacy for the values of the Commission also occurs via an array of other platforms including:

- Presentations
- Northern Territory Human Rights Awards – The Fitzgeralds
- Social media – Twitter and Facebook
- Our dedicated website
- Resource development
- Capacity building projects.

SUBMISSIONS

With federal submissions our approach where possible, is to consult with relevant communities in the Northern Territory to hear their issues and stories. This consultation informs our submissions, and enables smaller groups who may not make their own submission to have their issues raised at this level. Submissions aim to ensure we present a Northern Territory perspective to the consultation process.

- Parliamentary Joint Committee on Human Rights – Parliamentary Inquiry into Free Speech.
- Submission to the Senate Community Affairs Legislation Committee – Inquiry into the *Fairer Paid Parental Leave Bill 2016*.
- Select Committee on the Exposure Draft of the Marriage Amendment (Same Sex Marriage) Bill.
- Senate Standing Committees on Community Affairs – Delivery of Outcomes under the National Disability Strategy 2010-2020 to Build Inclusive and Accessible Communities.
- Select Committee on Strengthening Multiculturalism – Ways of protecting and strengthening Australia’s multiculturalism and social inclusion.

A submission was also made to the Royal Commission into the Protection and Detention of the Children in the Northern Territory.

EVIDENCE AT SENATE INQUIRIES

- February 2017, Parliamentary Joint Committee on Human Rights – Parliamentary Inquiry into Free Speech.

PRESENTATIONS

Presentations are given by the Commissioner or other senior ADC staff. In 2016-17 a strong focus was on topics relating to domestic and family violence, unconscious bias and inclusion in the workplace, particularly gender in the workplace and targeted recruitment. A full list can be found located at Appendix 7.

Of note in 2016-17 were the following presentations:

- Building Our Leaders Leadership and Management Development Program (LMDP): Leading a Diverse Workforce – Department of Health.
- International Women’s Day Morning Tea – Northern Institute.
- Be Bold for Change International Women’s Day Breakfast – Engineers Australia NT Women in Engineering Group.
- Willing to Work National Inquiry Report – Susan Ryan, Australian Human Rights Commission.



NORTHERN TERRITORY HUMAN RIGHTS AWARDS “The Fitzgeralds”

In 2016-17 ADC was part of the steering committee for the 3rd Northern Territory Human Rights Awards “The Fitzgeralds.” Also on the Committee were:

- Joanne Schilling, Rotary Club of Darwin South Inc.
- Rod Meyer, Rotary Club of Darwin South Inc.
- Kim Gates, Executive Director, Northern Territory Aids and Hepatitis Council
- Caitlin Perry, Executive Director, Darwin Community Legal Service
- Sally Sievers, Commissioner, Anti-Discrimination Commission
- Helena Blundell, Criminal Lawyers Association of the Northern Territory
- Caz Coleman, Director, Melaleuca Refugee Centre.



The awards are to celebrate the United Nations Day for Human Rights, which occurs on 10 December every year. The awards are an opportunity to recognise Territorians who have made significant contributions in this space. The Fitzgeralds acknowledge the work of Tony Fitzgerald, a former Anti-Discrimination Commissioner and celebrate his passion for human rights. This year it was a pleasure to have some of Tony’s family present, his sister Shane Fitzgerald and his son Gus. Tony’s daughter Nina was disappointed she could not attend due to work commitments.

The evening was opened with a welcome to country by Larrakia elder, Bilawara Lee followed by the guest speaker for the evening Professor Pat Dudgeon. Professor Dudgeon is from the Bardi people of the Kimberley area in Western Australia (WA). She is a Psychologist and Research Fellow at the School of Indigenous Studies at the University of WA.

Professor Dudgeon spoke passionately whilst acknowledging how far Australia has come in her lifetime. She referred to common themes that have been raised in the two year national Aboriginal and Torres Strait Islander Suicide Prevention Evaluation Project Report, that she lead, and the Royal Commission into the Protection and Detention of the Children in the NT, which was sitting at the time of the awards, such as the importance of culture and identity and the need for local leadership in determining problems and finding solutions.

Professor Dudgeon emphasised that there was the need for self-determination and specified other issues including:

- **“Community control and empowerment:** projects should be grounded in community, owned by the community, based on community needs and accountable to the community.
- **Holistic:** based on Aboriginal and Torres Strait Islander (ATSI) definitions of health incorporating spirituality, culture and healing.
- **Sustainable, strength based and capacity building:** projects must be sustainable both in terms of building community capacity and in terms of not being ‘one off’: they must endure until the community is empowered.
- **Partnerships:** projects should work in genuine partnerships with local Aboriginal and Torres Strait Islander stakeholders and other providers to support and enhance existing local measures not duplicate or compete with them.
- **Safe cultural delivery:** projects should be delivered in a safe manner.
- **Innovation and evaluation:** projects need to build on learnings, try new and innovative approaches, share learning, and improve the evidence base.”



It was a remarkable year with 49 exceptional nominations for the eight awards from individuals and organisations across the Territory making it a difficult task for the judging panel. The judging panel elected to have separate awards for both individuals and organisations in each category.

Following speeches, the winners for each award were announced, listed below are the awards and the successful recipients:

THE FITZGERALD YOUTH AWARD

For a person or organisation living or based in the NT who has taken action to ensure the promotion, protection and fulfilment of human rights of young people.

Presented by: Professor Pat Dudgeon

Individual Winner – Jared Sharp

Jared Sharp has been both the manager of law and justice projects at the North Australian Aboriginal Justice Association (NAAJA) and more recently the Youth Lawyer. He is described as “an outstanding advocate for the human rights of Indigenous Youth...” having worked for many years to improve conditions and treatment of young Indigenous people in the youth justice system and was instrumental in exposing mistreatment of people at Don Dale Detention.



Organisational Winner – City of Darwin for Midnight Basketball

The City of Darwin has been running Midnight Basketball in partnership with Basketball Australia and local groups. The project is supported by over 20 volunteers helping young people aged between 12 and 18 by providing a positive life changing activity on Saturday nights. It's not just about basketball – the young people can get a meal and learn practical skills through workshops on issues such as developing job seeking skills and how to buy your first car. Safe transport home is also provided for everyone at the end of the night.



THE FITZGERALD JUSTICE AWARD

For a person or organisation living or based in the NT who has taken action to ensure the promotion, protection and fulfilment of human rights in the area of justice.

Presented by: Shane and Gus Fitzgerald

Individual Winner – Justine Davis

Justine has been the driving force behind the Darwin Asylum Seeker Support and Advocacy Network (DASSAN) since its formation in 2010. The network was founded in response to growing concerns about the treatment of asylum seekers in immigration detention centres in Darwin.

Justine has remained deeply involved in the issue over the last six years whilst DASSAN has evolved to support the needs of refugees living in Darwin.



Organisational Winner – Making Justice Work Campaign

The Making Justice Work campaign is a coalition of 25 legal and social services sector organisations that work together to raise awareness around the immense financial costs of incarcerating young Indigenous offenders and the failure of our systems to rehabilitate and break the cycle of re-offending.

The Making Justice Work campaign has resulted in significant, measurable outcomes including the current trial of a specialist domestic violence court in Alice Springs.



THE FITZGERALD SOCIAL CHANGE AWARD

For a person or organisation living or based in the NT who has taken action to achieve or ensure the promotion of social change in the area of human rights.

Presented by: Professor Pat Dudgeon

Individual Winner – Alex Kelly and Charlie King (joint winners)

Alex Kelly is an Alice Springs based artist and film maker who has spent many years working in the Alice Springs community giving voice to the community's most vulnerable people through her films, theatre and social media work. Alex is passionate about the power of story, arts and media and how it can encourage and promote human rights.



Charlie King is the founder and spokesperson for the National “No More” campaign focussing on changing social attitudes towards domestic violence. Charlie has been campaigning against domestic violence since 2005 and with the “No More” campaign he continues to work to change social attitudes towards domestic violence.

Organisational Winner – Suicide Story by Mental Health Association Central Australia

Suicide story is a suicide prevention and community capacity building program developed specifically with and for Aboriginal Communities in the NT. Suicide Story is a unique program designed, managed and implemented by Aboriginal people delivering culturally safe suicide prevention workshops. Suicide Story works on a ‘bottom up’ approach in the Communities by a team of Aboriginal facilitators chosen for their appropriate language and family connections.



THE FITZGERALD DIVERSITY AWARD

For individuals or organisations whose activities focus on promoting, protecting and fulfilling human rights of diverse communities in the NT.

Presented by: Shane and Gus Fitzgerald

Individual Winner – Liz Temple

Liz is an accredited professional Auslan interpreter and has been interpreting in the NT for the last 8 years. Liz has been a strong advocate for the need for people working in the legal, health and education sectors to utilise interpreters and has made a significant contribution to knowledge, understanding and respect for the deaf and hard of hearing community.



Organisational Winner – Down Syndrome Association NT

Down Syndrome Association NT (DSANT) is a not for profit organisation created by parents in 1979 to advocate for the education opportunities for children with Down syndrome. DSANT is active in Darwin, Alice Springs and remote communities across the NT. Its programs have expanded over the years to cover the whole of life continuum, from hospital visits, supporting new parents and babies, creating employment through specially developed social enterprises and aged care.



RESOURCES – SOCIAL MEDIA

SOCIAL MEDIA

In 2016-17 the ADC remained an active user of Facebook and Twitter. The figure below displays a collage of positive postings placed on the ADC Facebook page. Social Media is used by the ADC as a vehicle to advocate for positive messages and images about groups in the community protected under the Act, who are often the subject of negative coverage in mainstream media. In particular the Commissioner is an avid user of Twitter, using it to convey positive messages to the community.

In 2016-17 we saw our likes increase on Facebook from 246 to 346. The demographics of viewers were 71% women and 25% men.



WEBSITE

Our website is a vehicle for members of the community to find out about current events relating to our work, information on discrimination, details about our training and to lodge a formal complaint. The majority of formal complaints are received via our online complaint mechanism.

In 2016-17 we had:

- 82% of viewers were new visitors to the website
- 18,684 sessions were recorded
- 15,486 users
- 35,412 page views.

Of note the highest number of sessions (112) was recorded on 7 December 2016 which was around the time of the Human Rights Awards.

RESOURCES AND PROMOTIONAL MATERIALS

Resources can be an important tool to support advocacy for the rights of groups protected by the Act. The ADC modernised two brochures; the general information sheet about the ADC “Your Rights, Your Responsibilities, What the Act Means” and the “What you need to know about Discrimination” brochure. There are copies of these brochures available at the ADC office, electronic copies on our website or alternatively brochures can be posted or emailed out as requested.

**YOUR RIGHTS
YOUR RESPONSIBILITIES
WHAT THE ACT MEANS**

The Northern Territory Anti-Discrimination Commission promotes equality of opportunity in the Territory by administering the Northern Territory Anti-Discrimination Act.

The Act defines discrimination as any distinction, restriction, exclusion or preference made on the basis of an attribute that has no effect on the thing or regarding equality of opportunity AND harassment on the basis of an attribute. Unlawful discrimination is defined as unlawful on the basis of one of the attributes set out in the Act.

These attributes are:

- ✓ Race
- ✓ Sex
- ✓ Sexuality
- ✓ Age
- ✓ Pregnancy
- ✓ Parenthood
- ✓ Breast feeding
- ✓ Impairment – disability
- ✓ Trade union or employer
- ✓ Religious belief or activity
- ✓ Political opinion, affiliation or activity
- ✓ Present medical record
- ✓ Present criminal record
- ✓ Marital status
- ✓ Association with person who has, or is believed to have one of these attributes
- ✓ Details being published under section 68B of the Films and Publications (Repealed) Act

The Act also prohibits other prohibited conduct including:

- ✓ Sexual harassment
- ✓ Unreasonable failure to accommodate a special need because of an attribute
- ✓ Sending unnecessary information that might lead to unlawful discrimination
- ✓ Discriminatory advertising
- ✓ Relaying a guide dog

Victimisation for having made a complaint or been a witness in a discrimination matter is prohibited under the Act. Under the Act, the Commission can only become involved in matters which happen in the following areas:

- ✓ Work
- ✓ Access to goods, services and facilities
- ✓ Accommodation
- ✓ Education
- ✓ Registered clubs that serve alcohol, insurance and superannuation

The Act does not cover discrimination or prior to test conducted that happens at home or in private life.

The Commission handles complaints confidentially and fairly. It does not take sides. In most cases, the Commission reaches the complaint through conciliation or mediation. The Commission will also consider making the complainant aware of the respondent's right to request an independent adjudicator to hear the case. The complainant will also be asked to provide evidence to support their complaint.

The Commission handles complaints using the following procedure:

- ✓ **Complaint lodged.** Complainants must contact the Commission within 2 months of the alleged discriminatory or prohibited conduct.
- ✓ **Complaint is accepted or declined.** The Commission aims to decide to accept or decline the complaint within 10 days of receipt.
- ✓ **The Respondent is notified if the complaint is accepted.**
- ✓ **The complainant is set down for a compulsory conciliation** within 10 days of receipt of the complaint. The Commission will explore ways to resolve the complaint and if they include a meeting between the complainant and the respondent to discuss the complaint and possible solutions. Many complaints are settled at this stage. If the complaint is not settled the Commission will refer the matter to an independent adjudicator. They have 21 days to make their decision.
- ✓ **Evaluators.** The Commission will evaluate and/or the complainant has a reasonable prospect of success if it were to be referred to hearing. The Commission will ask parties for their evidence. They may also order the production of documents or evidence from individuals to help with this evaluation.
- ✓ **Hearing.** If the matter is referred to hearing it will be listed for a public hearing by the Northern Territory Civil and Administrative Tribunal (NTCAT). If a matter is not accepted to hearing the complainant will be notified in writing with the Tribunal.

NO ONE SHOULD MAKE YOU FEEL ASHAMED FOR BEING WHO YOU ARE!

WHAT YOU NEED TO KNOW ABOUT DISCRIMINATION

Examples of possible complaints

BAR SERVICE
An Aboriginal woman is at a bar and waits to be served. A non-Aboriginal person comes up behind her and gets served a drink. This happens lots of times, while the Aboriginal woman is still waiting to get served. **This woman could make a complaint to the Anti-Discrimination Commission.**

NIGHTCLUB ENTRY AND DRESS REGULATIONS
A nightclub won't let any Aboriginal people go in, saying they are not wearing the right clothes. Yet, non-Aboriginal people in the same sort of clothes are allowed in. **An Aboriginal person who wasn't allowed in can make a complaint to the Anti-Discrimination Commission.**

EMPLOYMENT
A man has been working as an assistant mechanic for 6 years in his community. He has applied many times over the years for training to become a qualified mechanic. Each time his employer has not let him. He thinks it is because he is Aboriginal. **He can make a complaint to the Anti-Discrimination Commission.**

What will the Anti-Discrimination Commission do?

IF WHAT HAS HAPPENED TO YOU COULD BE DISCRIMINATION AGAINST THE LAW,
The Anti-Discrimination Commission will try to help you and the person or organisation you are complaining about, to work out the problem and find an agreement that you are both happy with.
The agreement will depend on what has happened. It could be an apology, financial compensation (money), a promise that it won't happen again, or payment for training. Most complaints are finished in this way.
If we can't help you agree then you can ask us to look further into your case to decide if a Tribunal should decide if the law has been broken.
For further information contact the:

Northern Territory Anti-Discrimination Commission
7th Floor, 9-11 Cavenagh St, Darwin
Postal: LMB 22, GPO Darwin NT 0801
Free Call: 1800 813 846
Phone: (08) 8999 1444
Fax: (08) 8981 3812
Email: antidiscrimination@nt.gov.au
Website: www.adc.nt.gov.au

Northern Territory Anti-Discrimination Commission
www.adc.nt.gov.au
1800 813 846
(08) 8999 1444

CAPACITY BUILDING PROJECTS

In 2016-17 the ADC invited Michael Small to come to the Northern Territory to provide workshops on the *Disability (Access to Premises – Buildings) Standards 2010* (Premises Standards).

Michael Small was invited to present these workshops as he is one of Australia's leading experts on the Premises Standards and works closely with the building and legal sectors advising on how to apply them. He assists businesses, governments, service providers and the building sector to make environments accessible through his consulting firm Michael Small Consulting. Michael says his focus "is on supporting organisations to meet their legal obligations to remove the barriers people with disability might experience when using services or participating in activities in the built environment".



The workshops were offered to organisations or individuals representing or advocating for the rights of people with disability, local or Territory Government Access Advisory Committee members, service providers working with people with disability, community legal centre workers, lawyers specialising in working on discrimination matters and people dealing with discrimination complaints in relation to building. Three full day workshops were delivered in Alice Springs, Darwin and Katherine in August and September 2016.

Each participant was provided with a copy of the Premises Standards and knowledge on the below topics:

- The scope of the Premises Standards and the minimum access required for new and upgraded buildings.
- An understanding of how building law works and its relationship to the Premises Standards.
- An understanding of why access is sometimes not provided or provided in a different way.
- An understanding of the various mechanisms available to address non-compliance and exercise rights.
- Ideas on how to work co-operatively and proactively with regulators and building professionals.
- Ideas on how to identify and report on ways to improve the Premises Standards.

The workshops were designed to educate people in the NT community about the Premises Standards to enable them to assist people living with a disability, to give them equal opportunity regarding access to premises including work places, accommodation and other venues. The workshop aimed to give participants a better understanding of what accessible buildings look like and enough information to identify possible non-compliance and options to be taken to improve compliance with the Premises Standards.

TRENDS



**David Gardiner – Shattered
(Rights on Show 2016)**

COMPLAINTS

WHO IS COMPLAINING?

GENDER

In 2016-17, 54% (117) of Complainants were women compared to 45% (97) male. This is a change to previous years as generally there were more male Complainants than female Complainants. Of the 117 complaints, work and goods, services and facilities, were the areas that were predominately complained about by women.

GENDER OF COMPLAINANT

| Year | Male | Female | X |
|-----------------------|------|--------|---|
| 2016-17 | 97 | 117 | 3 |
| 2015-16 | 122 | 114 | 0 |
| 2014-15 ¹⁷ | 121 | 114 | 1 |
| 2013-14 ¹⁸ | 128 | 121 | 2 |

Figure 12

REGION

In 2016-17, 158 (73%) complaints were handled from Darwin based Complainants; an increase from 150 (64%) in 2015-16. There was a decrease of complaints from people in Alice Springs during this period, representing 20 (9%) complaints compared to 52 (22%) in 2015-16. There was an increase of complaints handled from interstate in 2016-17 with 10 matters (5%) compared to 1 matter (0.5%) in 2015-16. A majority of the matters handled from interstate were from Complainants who were visiting the Territory. It is noted that in the latter half of 2015-16 and early in 2016-17 the funding uncertainties for the Northern Territory Working Women's Centre which has an office in Alice Springs, affected the number of complaints from this region.

REGION

| Year | Darwin | Other NT | Interstate | International | Total |
|---------|--------|----------|------------|---------------|-------------------|
| 2016-17 | 158 | 48 | 10 | 1 | 217 |
| 2015-16 | 150 | 85 | 1 | 0 | 236 |
| 2014-15 | 139 | 94 | 5 | 0 | 238 |
| 2013-14 | 175 | 72 | 3 | 0 | 253 ¹⁹ |

Figure 13

¹⁷ The gender on 2 complaints was unknown.

¹⁸ The gender on 2 complaints was unknown.

¹⁹ Three matters were unknown.

WHO ARE PEOPLE COMPLAINING ABOUT?

In 2016-17 34% (74) of complaints handled were against government, 31% (68) against companies and 28% (61) against individuals. Most complaints against individuals are in the context of a government department or company, generally employees of the entity. A smaller number of complaints were handled against non-government organisations, clubs and local government see figure 15.

It should be noted that complaints against government departments, for the second year in a row, are in the top two Respondents most complained about.

COMPARATIVE DATA

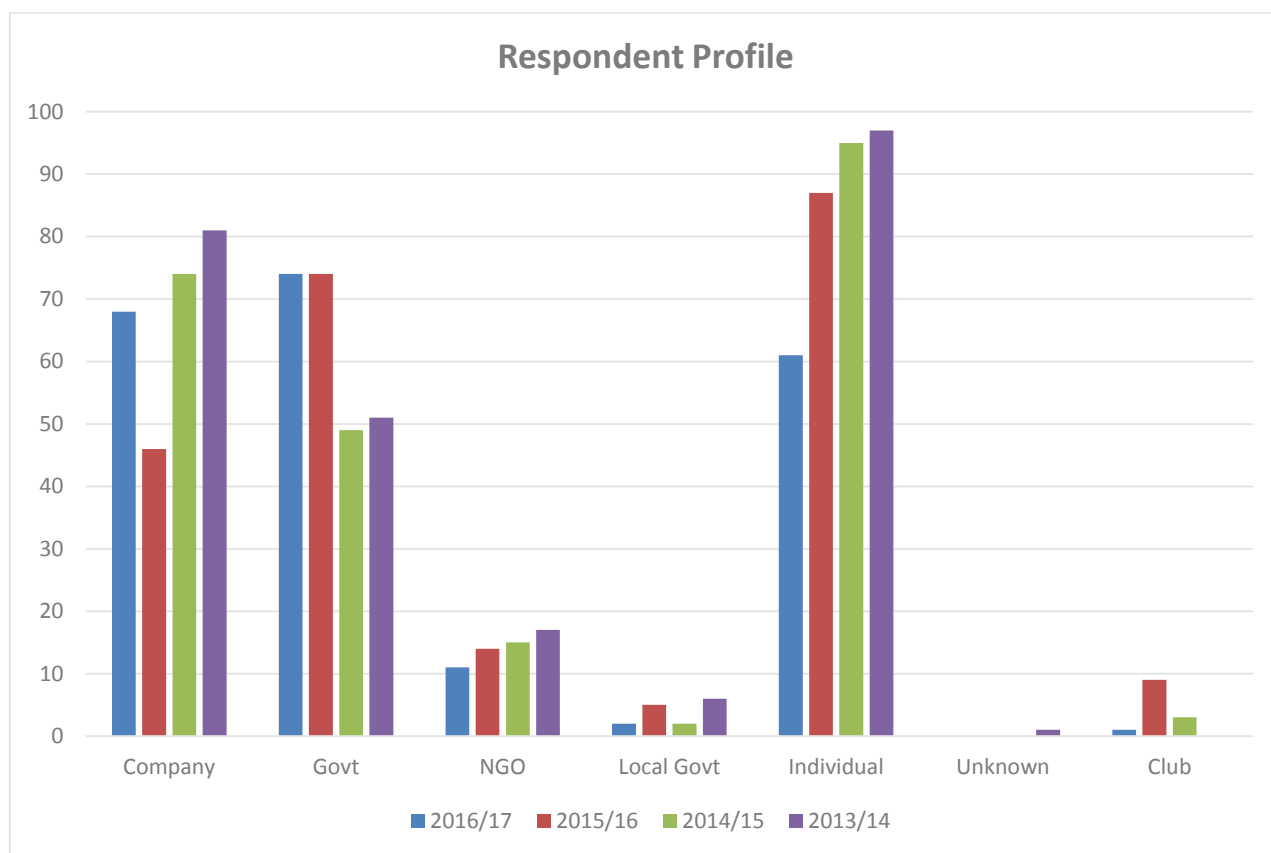


Figure 14

RESPONDENT PROFILE

| Year | Company | Govt | NGO | Local Govt | Individual | Club | Unknown | Total |
|----------------|---------|------|-----|------------|------------|------|---------|-------|
| 2016-17 | 68 | 74 | 11 | 2 | 61 | 1 | 0 | 217 |
| 2015-16 | 46 | 74 | 14 | 5 | 88 | 9 | 0 | 236 |
| 2014-15 | 74 | 49 | 15 | 2 | 95 | 3 | 0 | 238 |
| 2013-14 | 81 | 51 | 17 | 6 | 97 | 0 | 1 | 253 |

Figure 15

WHAT ARE PEOPLE COMPLAINING ABOUT?

ATTRIBUTES

A list of the attributes in the Act is located in Appendix 5. Figure 17 sets out the attributes complained of in 2016-17.

The highest attributes complained of in 2016-17 were:

- Disability (22% decrease)
- Sex (26% increase)
- Race (14% decrease)
- Age (22% increase).

The highest prohibited conducts complained about in 2016-17 were:

- Failure to accommodate a special need (9% decrease)
- Seeking unnecessary information (180% increase)
- Victimisation (21% decrease)
- Aiding a contravention of the Act (33% increase).

The table below sets out the top ten attributes and prohibited conducts complained about in 2016-17 compared with 2015-16.

| 2016-17 | | 2015-16 | |
|--|----|---------------------------------------|-----|
| Failure to accommodate a special need | 91 | Disability | 114 |
| Disability | 89 | Failure to accommodate a special need | 100 |
| Seeking unnecessary information | 84 | Race | 74 |
| Sex | 83 | Sex | 66 |
| Race | 64 | Victimisation | 61 |
| Age | 55 | Sexual Harassment | 49 |
| Irrelevant Criminal Record | 50 | Association with a Person | 46 |
| Victimisation | 48 | Age | 45 |
| Aiding in contravention of the Act | 40 | Marital Status | 32 |
| Irrelevant Medical Record / Marital Status | 39 | Irrelevant Medical Record | 32 |

Figure 16

FAILURE TO ACCOMMODATE A SPECIAL NEED

Failure to accommodate a special need was the highest conduct complained about. The Act places a positive obligation on employers, service providers, educators, accommodation providers, clubs and superannuation and insurance providers to reasonably accommodate special needs a person may have relating to an attribute under the Act. Examples of the types of complaints that might be received under this ground include ramp access to a building for a person in a wheelchair or flexible work arrangements for a parent who needs to collect children from school.

In 2016-17 a majority of complaints received related to accommodations required for people with a disability (69%). The largest identified disability being mental health (24%). Other complaints related to special needs relating to sex, sexuality, age, race, parenthood, breastfeeding and marital status.

DISABILITY

Disability is the second highest attribute complained about. Since 2014-15, mental health (47%) has been the highest type of disability complained about.

- Physical disability 16%
- Mental health 47%
- Sensory disability 6%
- Medical condition 25%
- Neurological condition 0%
- Acquired brain injury 4%
- Cognitive disability 2%

SEEKING UNNECESSARY INFORMATION

In 2016-17 seeking unnecessary information was the second highest prohibited conduct, with an astonishing increase of 180% from the previous year. Over half of the complaints (56%) were in the area of work and 38% in the area of goods, services and facilities.

In the area of work 70% of Complainants were female. In contrast in the area of goods, services and facilities 69% were male Complainants.

This prohibited conduct is a potential emerging issue that will be closely monitored and may require further analysis in 2017-18.

SEX / SEXUAL HARASSMENT

In 2016-17 there was a considerable increase in sex discrimination complaints, an increase of 26%. The majority of these complaints were from women (63%), with 90% being about the workplace. Compared to 2015-16 where 68% of complaints were from women, with 58% in the workplace.

Complaints from men represented 35% of sex based complaints, with the largest number in the area of goods, services and facilities (59%) and work (31%).

In 2016-17 94% of complaints about sexual harassment were from women. The majority of sexual harassment complaints were in the workplace.

RACE

There was a 14% decrease in complaints handled in 2016-17 about race, although it remains a high ground of complaint. A majority of these complaints were in the area of work (55%) whilst 39% were about discrimination in the area of goods, services and facilities.

Aboriginal Complainants represented 64% of the race discrimination complaints compared to 60% in 2015-16. Of these complaints 46% were about work (30% decrease) and 46% were about goods, services and facilities (12% increase). Complaints from the Asian community represented 16% of race discrimination complaints, while complaints from the broader European community represented 8%.

This is the second year we have reported on race discrimination complaints based on a breakdown by racial background. We are aware from anecdotal information we receive that there continues to be a significant amount of race based discrimination against Aboriginal people. The increase in the number of complaints from Aboriginal people is likely to be because of the continued referral to the ADC by Aboriginal legal services.

Also of note is the gender of these Complainants; complaints from the Aboriginal community were represented by 54% from women and 44% from men.

AGE

For the second year complaints based on age increased 22%, evenly spread in the areas of work and, goods, services and facilities.

ATTRIBUTES AND PROHIBITED CONDUCT IDENTIFIED IN FORMAL COMPLAINTS

| Attribute | 2016-17 ²⁰ | 2015-16 ²¹ | 2014-15 | 2013-14 ²² |
|---------------------------------------|-----------------------|-----------------------|---------|-----------------------|
| Age | 55 | 45 | 37 | 35 |
| Aiding the contravention of the Act | 40 | 30 | 22 | 17 |
| Association with a person | 30 | 46 | 43 | 22 |
| Breastfeeding | 5 | 3 | 0 | 0 |
| Details Published under 66M FPA | 2 | 0 | N/A | N/A |
| Discriminatory Advertising | 2 | 3 | 3 | 5 |
| Failure to accommodate a special need | 91 | 100 | 83 | 62 |
| Guide/Assistance Dog | 8 | 0 | 1 | 0 |
| Disability | 89 | 114 | 84 | 64 |
| Irrelevant criminal record | 50 | 29 | 29 | 3 |
| Irrelevant medical record | 39 | 32 | 31 | 14 |
| Marital status | 39 | 32 | 43 | 12 |
| Parenthood | 33 | 28 | 27 | 8 |
| Political Beliefs/Opinions | 34 | 24 | 15 | 6 |
| Pregnancy | 7 | 4 | 8 | 7 |
| Race | 64 | 74 | 83 | 79 |
| Religious beliefs/activity | 31 | 25 | 24 | 11 |
| Seeking unnecessary information | 84 | 30 | 64 | 47 |
| Sex | 83 | 66 | 62 | 63 |
| Sexual harassment | 32 | 49 | 50 | 57 |
| Sexuality | 23 | 9 | 24 | 31 |
| Trade union activity | 7 | 13 | 12 | 13 |
| Victimisation | 48 | 61 | 58 | 16 |

Figure 17

²⁰ Seven matters were complaints that did not classify as an attribute or prohibited conduct under the Act and were recorded as 'Not Under the Act'.

²¹ Two matters were complaints that did not classify as an attribute or prohibited conduct under the Act and were recorded as 'Not Under the Act'.

²² Minor errors were reported in the 2013-14 Annual Report for attributes, this contributed to other reporting errors in this report. Each of these errors referred to again has been correctly reported and file noted accordingly.

AREAS OF COMPLAINT

An area of complaint is where alleged discrimination occurred, for example at work. The Act is limited to discrimination in the following public areas of life:

- Work
- Education
- Goods, services and facilities
- Superannuation and insurance
- Accommodation
- Clubs.

AREAS

| Area | 2016-17 | 2015-16 | 2014-15 | 2013-14 |
|-------------------------------|---------|---------|---------|---------|
| Accommodation | 33 | 28 | 37 | 56 |
| Clubs | 0 | 2 | 10 | 2 |
| Education | 49 | 76 | 71 | 19 |
| Goods Services and Facilities | 334 | 349 | 243 | 118 |
| Insurance and Superannuation | 2 | 0 | 0 | 1 |
| Not under Act | 7 | 0 | 32 | 0 |
| Work | 478 | 364 | 419 | 375 |

Figure 18

Work remains the highest area of complaint followed by goods, services and facilities (see Emerging Issues). The most notable change has been the reduction of complaints related to education. Although there were 7 complaints received not under the Act, compared to the previous years of nil, this remains a positive indicator that parties complaining had an understanding of the areas we can look at, or that many Complainants made contact with our enquiry line prior to lodging a complaint and were provided with this information.

AREAS AND ATTRIBUTES

ATTRIBUTES AND AREAS COMPLAINED ABOUT

| Prohibited Conduct (Attribute) | Education | Work | Accommodation | Goods Services and Facilities | Clubs | Insurance and Superannuation | Not Under Act | Total |
|-------------------------------------|-----------|------------|---------------|-------------------------------|----------|------------------------------|---------------|------------|
| Age | 3 | 26 | 1 | 25 | 0 | 0 | 0 | 55 |
| Breastfeeding | 0 | 5 | 0 | 0 | 0 | 0 | 0 | 5 |
| Details Published Under 66M FPA | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| Disability | 6 | 45 | 7 | 30 | 0 | 1 | 0 | 89 |
| Guide/Assistant Dog | 0 | 0 | 1 | 7 | 0 | 0 | 0 | 8 |
| Irrelevant Criminal Record | 4 | 16 | 5 | 23 | 0 | 0 | 2 | 50 |
| Irrelevant Medical Record | 1 | 22 | 3 | 13 | 0 | 0 | 0 | 39 |
| Marital Status | 2 | 22 | 0 | 15 | 0 | 0 | 0 | 39 |
| Parenthood | 2 | 18 | 0 | 13 | 0 | 0 | 0 | 33 |
| Political Beliefs / Opinions | 3 | 13 | 1 | 17 | 0 | 0 | 0 | 34 |
| Pregnancy | 0 | 7 | 0 | 0 | 0 | 0 | 0 | 7 |
| Race | 1 | 35 | 0 | 25 | 0 | 0 | 3 | 64 |
| Religious Belief / Activity | 3 | 13 | 0 | 15 | 0 | 0 | 0 | 31 |
| Sex | 3 | 57 | 1 | 22 | 0 | 0 | 0 | 83 |
| Sexuality | 0 | 16 | 0 | 7 | 0 | 0 | 0 | 23 |
| Trade Union Activity | 0 | 4 | 0 | 3 | 0 | 0 | 0 | 7 |
| Prohibited Conduct (Other) | Education | Work | Accommodation | Goods Services and Facilities | Clubs | Insurance and Superannuation | Not Under Act | Total |
| Aiding Contravention of Act | 3 | 23 | 2 | 12 | 0 | 0 | 0 | 40 |
| Association with a Person | 3 | 10 | 2 | 15 | 0 | 0 | 0 | 30 |
| Discriminatory Advertising | 0 | 0 | 0 | 2 | 0 | 0 | 0 | 2 |
| Failure to Accommodate Special Need | 9 | 46 | 4 | 31 | 0 | 1 | 0 | 91 |
| Sexual Harassment | 0 | 30 | 0 | 2 | 0 | 0 | 0 | 32 |
| Seeking Unnecessary Information | 3 | 47 | 2 | 32 | 0 | 0 | 0 | 84 |
| Victimisation | 3 | 22 | 4 | 19 | 0 | 0 | 0 | 48 |
| Not Under the Act | 0 | 1 | 0 | 4 | 0 | 0 | 2 | 7 |
| TOTAL | 49 | 478 | 33 | 334 | 0 | 2 | 7 | 903 |

Figure 19

The most common combinations of complaints were as follows:

- Sex discrimination in the workplace
- Seeking unnecessary information in the workplace
- Failure to accommodate a special need in the workplace
- Disability discrimination in the workplace
- Race discrimination in the workplace
- Seeking unnecessary information in goods, services and facilities.

HEARINGS

In 2016-17, two hearings were case managed. These hearing cases were determined in 2015-16 but had pending orders not finalised. The pending orders were completed in 2016-17 and the matters closed.

APPENDICES



**Kerrie Taylor – The Flyway and the Whimbrel
(Rights on Show 2016)**

KEY DELIVERABLES 2016-17

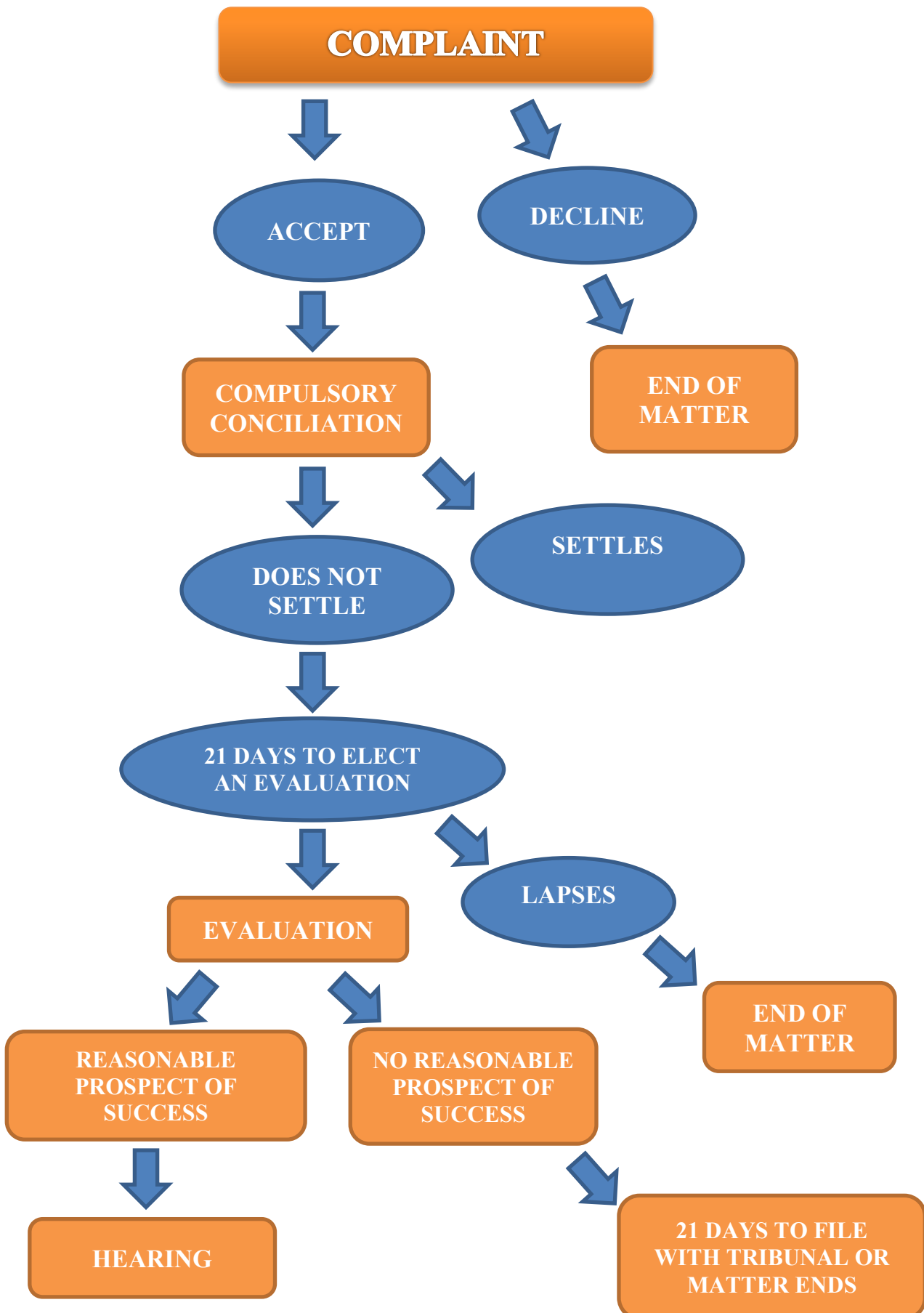
| Key deliverables | Current Year | | Targets | Previous Years | |
|---|--------------|---------|----------|----------------|---------|
| | 2016-17 | 2016-17 | 2017-18 | 2015-16 | 2015-16 |
| | Estimate | Actual | Estimate | Estimate | Actual |
| Public awareness / community-based events, development of educational resources and training (hours) | 80 | 184 | 80 | 80 | 586 |
| Public awareness / community-based events, development of educational resources and training (sessions) | 30 | 70 | 30 | 30 | 123 |
| Complaints (includes complaints carried over) | 200 | 217 | 200 | 200 | 236 |
| Complaints conciliated | 40% | 52% | 40% | 40% | 62% |
| Complaints closed within 8 months of receipt | 40% | 95% | 40% | 40% | 86% |

FUNCTIONS OF THE COMMISSIONER

The Anti-Discrimination Commissioner is appointed by the Administrator under section 6 of the Act. The functions of the Commissioner are set out in section 13 of the Act.

- To assess complaints, conduct conciliations in relation to complaints and evaluate and refer complaints for hearing by the Tribunal.
- To examine Acts and regulations and proposed Acts and regulations of the Northern Territory to determine whether they are, or would be, inconsistent with the purposes of this Act, and to report the results of such examinations to the Minister.
- To institute, promote or assist in research, the collection of data and the dissemination of information relating to discrimination and the effects of discrimination.
- To consult with organisations, departments and local government councils to ascertain means of improving services and conditions affecting groups that are subjected to prohibited conduct.
- To research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in this Act.
- To examine practices, alleged practices or proposed practices of a person, at the Commissioner's own initiative or when required by the Minister, to determine whether they are, or would be, inconsistent with the purposes of this Act, and, when required by the Minister, to report the results of the examination to the Minister.
- To promote in the Northern Territory an understanding and acceptance, and public discussion, of the purposes and principles of equal opportunity.
- To promote an understanding and acceptance of, and compliance with, this Act.
- To promote the recognition and acceptance of non-discriminatory attitudes, acts and practices.
- To promote within the public sector the development of equal opportunity management programs.
- To prepare and publish guidelines and codes of practice to assist persons to comply with this Act.
- To provide advice and assistance to persons relating to this Act as the Commissioner thinks fit.
- To advise the Minister generally on the operation of this Act.
- If the Commissioner considers it appropriate to do so, to intervene in a proceeding that involves issues of equality of opportunity or discrimination with the leave of the court hearing the proceeding and subject to any conditions imposed by the court.
- Such functions as are conferred on the Commissioner by or under this or any other Act; and such other functions as the Minister determines.

COMPLAINT PROCESS



CASE SUMMARIES²³

Age and Race discrimination in the area of Goods, Services and Facilities

An older Aboriginal man went into a shopping centre and was stopped before entering the supermarket by a security guard and told he was not allowed to shop there. When the man asked why, the security guard in a loud voice told him it was because of his bad behaviour when he came into the shopping centre last time. The man was embarrassed and humiliated by the event and did not know what the security guard was talking about. The man became angry and an argument ensued. Two security guards escorted the man out of the shopping centre.

The man with the support of a local community legal centre lodged a complaint of age and race discrimination with the ADC. The matter was referred to conciliation where it was revealed that there had been a previous case of an issue with an older man a month before but this incident was a case of mistaken identity. The man was offered a letter of apology and the security guards agreed to attend anti-discrimination training. The supermarket also offered the man a voucher with which to buy groceries.

Disability and Failure to accommodate a special need in the area of Work

A young woman with a visual impairment sought help from an agency that finds employment for people with a disability. The agency identified an opportunity for a traineeship in a company. Although using a computer was not the main duty she had to perform in her role, she was required at lunch times and other times to provide relief for the receptionist which involved using the computer.

Initially the company agreed to purchase an assistive technology software program to assist her. However as time went on and despite the young woman seeking help from the employment agency to liaise with the company on her behalf the software program was never installed. This caused the young woman considerable anxiety and a growing lack of self confidence in trying to perform the required duties. The young woman was dismissed and her traineeship was not completed.

The young woman lodged a complaint with the ADC and it was accepted on the grounds of impairment and the prohibited conduct of failing to accommodate a special need in the area of work against the company and the employment agency. During conciliation the parties agreed to provide the young woman with an apology, a reference and a sum of compensation for her distress. The employment agency provided an apology and offered to support her in finding another work opportunity.

²³ The Case Summaries are de-identified examples of conciliations undertaken by the ADC in 2016-17.

Sex, Age, Marital Status and Sexual Harassment in the area of Work

The Complainant was a young woman who had been working for a bank for two years since leaving high school. An opportunity arose for a new position in a branch office in a small regional town. The bank had two other employees; the manager and a cashier. The young woman took up the position in the new role as the administrative assistant.

Soon after commencing work the cashier, an older man, started sharing sex jokes with her which she found embarrassing. As time went on he started making derogatory comments in reference to single women living away from home seducing married men. The young woman eventually asked the manager to intervene as she was feeling very harassed. The manager was shocked to hear what she said but when the cashier denied his behaviour the manager said there was nothing she could do. The young woman left the job.

She lodged a complaint to the ADC and it was accepted on the grounds of sex, age, marital status and sexual harassment. The matter was referred to conciliation. The complaint was resolved when the bank offered an apology, compulsory training in sexual harassment for the branch staff and agreed to develop a sexual harassment policy under the *Anti-Discrimination Act* for all branches.

Age, Disability and Failure to Accommodate a Special Need in the area of Goods, Services and Facilities

An elderly woman was told she was unable to board a pre-booked tour bus because she used a walking frame. The tour guides advised the woman she would be unable to use the bus stairs and would be unlikely to enjoy the physical activities offered on the tour. It was said that the extra assistance that the woman required would be an inconvenience for the tour guides.

As a result the woman had to alter her travel plans, an extra financial cost to her. She was also emotionally distressed as a result of being told she could not participate in the tour.

The woman lodged a complaint with the ADC and it was accepted on the grounds of age, impairment and the failure to accommodate a special need in the area of goods, services and facilities.

During conciliation, it was agreed that the tour company would provide financial compensation in conjunction with a written apology. The tour company also agreed to amend the Passenger Details Form and advertising materials to encourage clients to advise of any special needs they may have to allow the company to address the accommodations required.

SECTION 19 – LIST OF ATTRIBUTES

- Race
- Sex
- Sexuality
- Age
- Marital status
- Pregnancy
- Parenthood
- Breastfeeding
- Disability
- Trade union or employer association activity
- Religious belief or activity
- Political opinion, affiliation or activity
- Irrelevant medical record
- Irrelevant criminal record
- Association with a person who has, or is believed to have, an attribute referred to in this section
- The person's details being published under section 66M of the *Fines and Penalties (Recovery) Act*.

SECTION 28 – LIST OF AREAS

- Education
- Work
- Accommodation
- Goods, Services and Facilities
- Clubs
- Insurance and Superannuation.

INFORMATION SESSIONS, INFORMATION STALLS AND COMMUNITY EVENTS

The ADC was also present or participated in the following community events and forums:

July 2016

- NAIDOC March and celebrations.
- Swearing in of Chief Justice Michael Grant.
- Northern Territory Legal Aid Commission (NTLAC) Civil Law Section Opening.
- Trans update from World Forum at Northside Medical – Brisbane General Practitioners.
- Darwin Rally – Youth Detention.
- Bilata Legal Pathways Program Reference Group.

August 2016

- Charles Darwin University (CDU) School of Law – 2nd Law Research Workshop and Show Case – “Empowering and Disempowering First Nations People Through Law and Policy”.
- Vincent Lingiari Memorial Lecture – Fifty Years since Wave Hill; Vincent Lingiari and the Heartland Legacy.
- Australian Institute of Judicial Administration (AIJA) Indigenous Justice Conference – Alice Springs.
- Women in Super Breakfast with Rosie Batty.
- CDU Cudgarees and Canapés – Bilata Legal Pathways Program.
- Outdoor Film – Opening Disability Awareness Festival.
- Kalkaringi Freedom Festival.

September 2016

- Rice, Browns Mart – Thai, Chinese and Nepalese storytelling and drama.
- Pride Event – Fair day and Pool Party Nightcliff.
- National Foundation for Australian Women (NFAW) Prevalent and Preventable – International Conference on Preventing Violence Against Women and their Children.
- Meeting with South Australia (SA) Public Advocate.
- Meeting with SA Equal Opportunity Commissioner.
- Meeting with Kate Jenkins Sex Discrimination Commissioner.

October 2016

- Hays – Staff Engagement White Paper Launch.
- AFL NT – Umpires presentation to ADC of Umpires shirt from TIO Women Lightning Cup.
- Committee for Economic Development of Australia (CEDA) Event – Dr Tim Soutphommasane – Economics of Diversity and Discrimination.

- Multicultural Council of the Northern Territory (MCNT) Community Forum with Dr Tim Soutphommasane.
- Visit to the CDU Law School with Dr Tim Soutphommasane.
- Mental Health Week Corporate Dinner – Mental Illness Fellowship of Australia (NT) Inc. (MIFANT).
- Australian Council of Human Rights Agencies (ACHRA) Meeting – Canberra.
- “Employing for Success” Business Breakfast – October Business Month.
- Northern Territory Council of Social Services (NTCOSS) 40th Birthday Celebrations.
- Rheumatic Heart Disease Australia (RHDA) NT RHD Education Workshop - Forgotten but not Gone. Why does a ‘Third World’ disease still exist in Australia?
- It’s Time to Walk Together March – Welcome to Australia: For those who’ve come across the seas.
- National Association for Prevention of Child Abuse and Neglect (NAPCAN) and Junior Police Rangers - NT Launch of Children’s Week 2016.
- Shaping our future: Discussions on disability rights – Australian Human Rights Commission (AHRC).
- Reclaim the Night March.

November 2016

- 2017 Northern Territory Australian of the Year Awards.
- 2016 Disability Services Awards Dinner.
- Opening of the Children in Care and Youth Detention Advice Service (CICAYDAS) Darwin Office.
- Play by the Rules National Management meeting.
- Rights on Show – Art Awards Opening.
- Launch World Aids Awareness Week 2016 – Lord Mayors Reception.
- Anti-Discrimination Commission (ADC) staff met Kate Jenkins – Sex Discrimination Commissioner (SDC).
- Function on Chief Ministers Balcony for Kate Jenkins (SDC).
- Dinner with Women from NGO’s hosted by Kate Jenkins SDC.
- Breakfast for Kate Jenkins SDC – Engineers Australia, NT Women Engineers Group.
- Aboriginal women’s consultation for Kate Jenkins SDC.
- Sports Industry dinner/consultation hosted by Kate Jenkins SDC.

December 2016

- Women and Leadership Series, Closing the gender gap – Libby Lyons Workplace Gender Equality Agency (WGEA).
- Red Lantern memorial – AIDS Awareness Week.
- Government House Reception for NT Human Rights Awards.
- NT Human Rights Awards Ceremony.
- CemeNT Stars performance – Dream Baby Dream.
- Northern Territory Working Women’s Centre (NTWWC) celebration of ongoing funding.

January 2017

- Drop in session at Multicultural Community Services of Central Australia (MCSCA).
- First Women's AFL (AFLW) practice match Adelaide Crow v Fremantle Dockers.

February 2017

- Reception at Government House for His Excellency, General the Honourable Sir Peter Cosgrove AK MC (Retd).
- Bilata Reference group.

March 2017

- International Women's Day (IWD) 2017 – Multicultural Community Lunch.
- Women's Network IWD breakfast.
- IWD Somerville High Tea.
- IWD March and Parliament House reception - with ADC team.
- AFLW match Marrara Adelaide Crows vs Melbourne.
- Advisory Committee meeting Australian Law Reform Commission (ALRC) Inquiry: Reducing Incarceration of Indigenous Australians – Sydney.
- Reception Parliament House – International Hockey Series - Australia vs Pakistan.
- Attend International Hockey Series Games 1 and 2.
- Dinner ALRC Commissioner and other advisory Committee members.
- MCNT Roundtable.
- CemeNT Star Youth Week performance.
- Integrated disAbility Action Inc – Annual General Meeting.

April 2017

- Play by the Rules – Canberra.
- ACHRA Conference.
- Visit to the offices of WGEA.
- Hosted an exercise for the Democracy Dash.
- PossAbilities Expo at Henbury School.
- Human Resources Forum NTPS – Challenging Unconscious Bias.

May 2017

- Opening of the Alice Springs Supreme Court.
- Visit to Alice Springs.
- 21st Anniversary of Integrated disAbility Action Inc. – Government House.
- NT Women in Sport reception Parliament House.
- Northern Territory Women Lawyers (NTWL) – Bowls afternoon.
- Northern Territory Aids and Hepatitis Council (NTAHC) – International AIDS Candelight memorial.
- Garmalang Festival opening.
- Garmalang Festival Panel 250 Shades of Black.
- Harmony Day Soiree.

June 2017

- Australia Day Council Panel.
- Attend Seniors Expo.
- ALRC Indigenous Incarceration Advisory Committee Meeting.
- Attend Indigenous Family Violence Policing Conference Alice Springs World. Music Festival – Refugee Week 2017.

PRESENTATIONS

As part of its public education, the ADC provides presentations to sectors of the community on current topics relevant to their needs. Presentations in 2016-17 included:

- Top End Health Services (TEHS) Board.
- Willing to Work National Inquiry Report – Susan Ryan, Australian Human Rights Commission.
- “Know your rights” Information Session – Integrated disAbility Action Inc.
- Darwin Premises Standards Workshop – Introduction for Michael Small.
- Building Our Leaders Leadership and Management Development Program (LMDP): Leading a Diverse Workforce – Department of Health.
- It’s Time to Walk Together – Welcome to Australia: For those who’ve come across the seas.
- CEO Presentation – Aboriginal Peak Organisations Northern Territory (APO NT).
- Preventing Domestic and Family Violence Strategy - Department of the Attorney-General and Justice (AGD) – Executive Leadership Group (ELG).
- Be Bold for Change International Women’s Day Breakfast – Engineers Australia NT Women in Engineering Group.
- International Women’s Day Morning Tea – Northern Institute.
- Women who Shoot – Exhibition Opening.
- Scarlet Road – Sex Worker Outreach Program (SWOP NT).
- International Women’s Day Fundraiser film night – NT Working Women’s Centre.
- Unconscious Bias – Human Resources Forum for NT Public Service.
- Unconscious Bias – Office of Commissioner for Public Employment (OCPE).
- Unconscious Bias, Co-ordination and cross agency discussion forum – Coordination Committee (CoOrd), the Peak Chief Executive Officer for NT Government agencies.
- Unconscious Bias – Department of Tourism and Culture (DTC).
- Lunchtime Seminar Series, Leadership Forum Gender Equity – Menzies.
- How can we help? – National Disability Services (NDS) Forum.
- Adaptive Leadership Group – Australia and New Zealand School of Government (ANZSOG).

BROADCASTS

- ABC, Lisa’s Sunday Show - Orlando shooting LGBTI community.
- ABC, Kate O’Toole’s afternoon Show – Sexist jokes.
- ABC, Mick Murdoch - 18C amendments.
- ABC, Emilia Terzon - Domestic violence and employment.
- ABC, TV news and Digital – NT Human Rights Awards.
- ABC, Jacqueline Breen – Race vilification Laws in NT.
- Territory FM, IWD event with CDU and Domestic and Family Violence Prevention.