

# ANTI-DISCRIMINATION COMMISSION

## ANNUAL REPORT 2020/2021



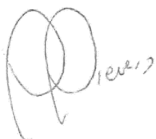
30 September 2021

The Hon Selena Uibo  
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 1992*, I am pleased to present the Annual Report on the operations of the Northern Territory Anti-Discrimination Commission for the period 1 July 2020 to 30 June 2021.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Sally Sievers".

Sally Sievers  
Anti-Discrimination Commissioner

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# COMMISSIONER'S MESSAGE




It gives me great pleasure to provide my ninth annual report for the Anti-Discrimination Commission (ADC) as the Northern Territory's (NT) Anti-Discrimination Commissioner.

Restrictions on travel and access to communities due to COVID-19 continue to impact on the timely resolution of some complaints, but has had limited impact on our education and training program which has been delivered throughout the Territory (see page 29), with many sessions taking the ADC well off the Stuart Highway. However as the training is provided on a user pays model we are unable to provide much needed rights based and community education and training.

The work of the ADC has also been impacted by me acting as the Children's Commissioner which has put great stress on the team and has in some ways limited the public profile of the ADC as I split my time between the two offices.

However the work of both Commissions has been enhanced as we bring the voices of children and young people to the work of the ADC and an intersectional lens to the work of the Office of the Children's Commission, including a focus on rights of children and caregivers with a disability.

A milestone was reached this year as the Community Visitor Program (CVP) celebrated 20 years of service to the community. The photos of the celebration and ongoing impact of the program can be found in the CVP Annual Report. The CVP is a means of protecting and implementing in a very concrete way, equality of opportunity for those who are detained in closed environments such as mental health wards and forensic disability services.



An area of note for this year is the high number of people using our complaints resolution process who are self-represented. While the process we have is intended to be user-friendly there are some groups, including people living with a disability and those who have experienced sexual harassment, where it is more difficult to self-advocate. The lack of funded advocacy services and threats to existing advocacy services, for women and people with a disability, further entrenches this inequity.

There has been some movement this year in the additional two focus areas of my work as Commissioner. In the area of race discrimination and institutional/systemic racism there have been significant developments at the local and national level, with the launch and funding of NT Aboriginal Justice Agreement, and the Closing the Gap Agreement and implementation plan in the NT.

Gender inequality remains a pressing issue with many disclosures locally and at a national level, and the slow implementation of all the recommendations from the

Respect@Work report. While the prevalence of domestic and family violence in our community continues to be a national tragedy.

In all areas that we work what is apparent is the ongoing need to have a proactive plan for Territorian's mental, social and emotional wellbeing, in particular for young people and in our workplaces.

I acknowledge the outstanding efforts of the long-term staff, Traci Keys, Katie Manley and Janet Bell, who always go above and beyond in their roles within the ADC team.

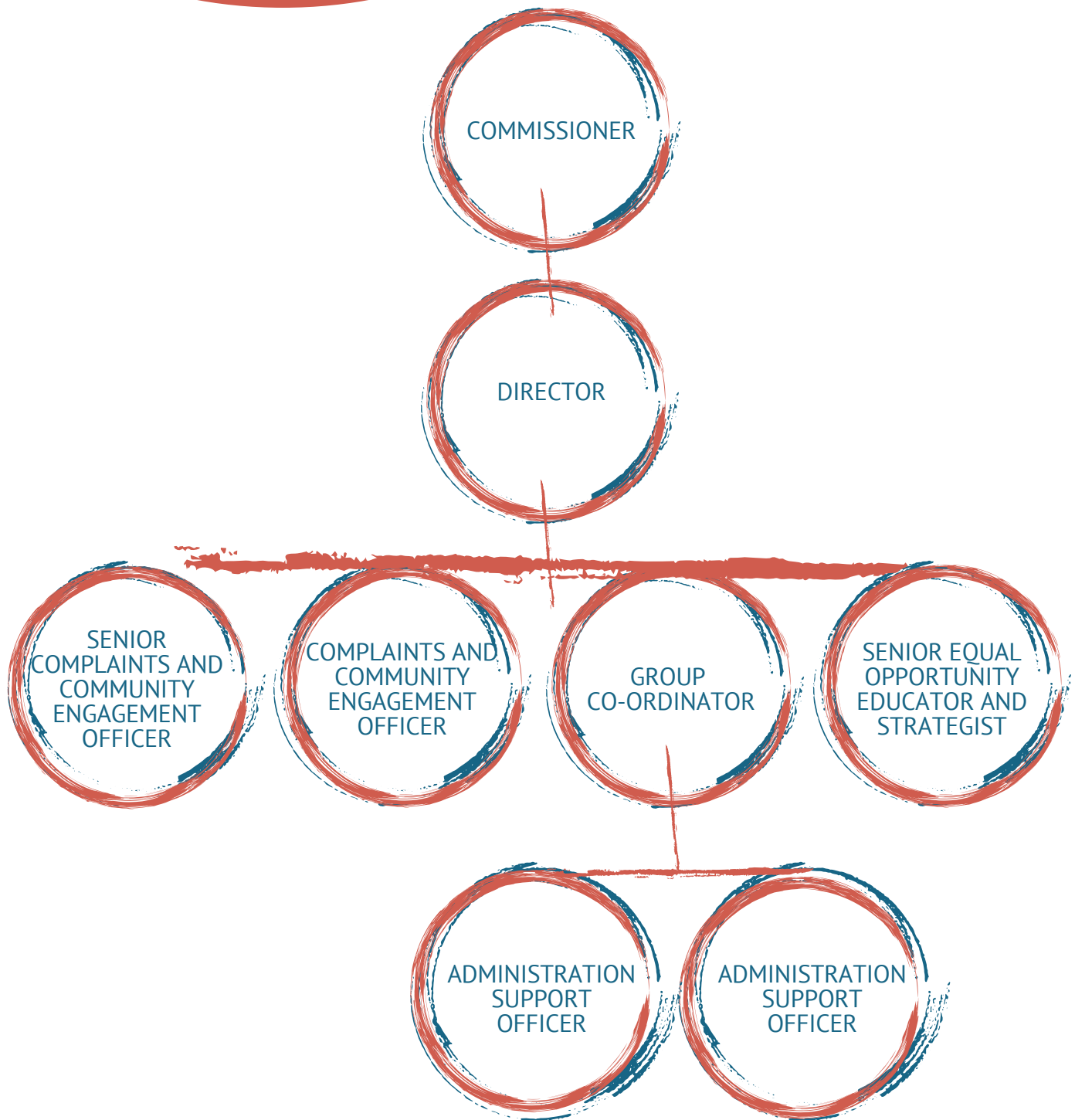
Also acknowledge the courage and resilience of those who use our complaint resolution process, usually with the aim of improving the system for others.

# THE OFFICE OF THE ANTI-DISCRIMINATION COMMISSION



ARTWORK BY HEATH MILES 'FISH FISH' - RIGHTS ON SHOW 2020

# ORGANISATION CHART



# FUNCTIONS OF THE OFFICE



## Educate & Train

- Provide public education through:
  - Formal public training
  - Customised training.

## Complaints & Enquiries

- Free, confidential enquiry service for individuals and organisations to contact the ADC about rights and obligations under the *Anti-Discrimination Act 1992 (ADA)*.
- Take and resolve formal complaints about discrimination under the ADA.

## Community Engagement & Advocacy

- Participate in relevant community events.
- Advocate on systemic issues relevant to the ADC's work, including submissions on new laws and policy.
- Speak up for groups who may not have a voice.



# EMERGING ISSUES



ARTWORK BY POLLY JOHNSTONE 'UNITED' - RIGHTS ON SHOW 2020

# DISABILITY & RACE

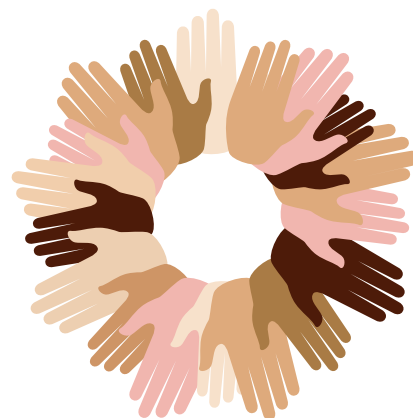
Complaints about disability and race remain the most common concerns raised with the ADC, with a slight increase in both this year.

The most common disability discrimination complaints were about people living with physical (27%), mental health (24%) and neurological (mostly Autism Spectrum Disorder) disabilities. A majority of complaints were about work or while receiving a service.

The ADC continues to see workplaces struggle to know how to safely and respectfully manage people with mental health conditions. We have also observed that many individuals who complain about other forms of discrimination claim poor mental health as a result of poor responses by their workplace to their complaint. Quick and low level resolution of peoples' complaints is a high priority for the ADC as delay can impact on individual's wellbeing. We aim to cause no further harm through our process.

## People experienced poor mental health because of discrimination or because of poor responses to their complaints

In relation to race, 55% of complaints about race discrimination were from Aboriginal Territorians, with 9% from Asian backgrounds and 7% from African backgrounds. Aboriginal Territorians continue to feel discriminated against in the NT both at work and while receiving services.



# SELF-REPRESENTED

In 2020/21, 69% of complaints against individuals and organisations were made by individuals with no legal or advocacy support, representing themselves through the ADC complaint process. The ADC works hard to make the complaint process accessible so anyone can make a complaint. This includes the use of sign and language interpreters, and scribing services, where someone is unable to write or convey their own complaint.

Many individuals represent themselves well through the ADC process and are able to advocate for their needs. However, it is also noted that 35% of self-represented people identify as living with a disability and 26% as Aboriginal Territorians. This may indicate a need for more advocacy support for these groups. It is noted that of the individuals who are represented most are represented by legal aid services, with the North Australian Aboriginal Justice Agency providing most of the representation.

Complaints from self-represented parties settled in 43% of complaints handled compared to 42% if parties were represented by a lawyer or an advocate.



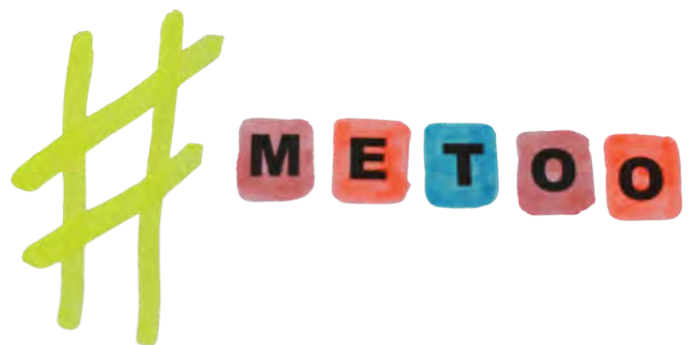
# SEXUAL HARASSMENT

Sexual harassment in the workplace remains a significant issue both nationally and locally. In 2020/21 we saw more sexual harassment and sexual assault disclosures including from the High Court and Parliament. We saw the Respect@Work report and discussions of its implementation continue to shine a light on what is an endemic issue in many workplaces in Australia, including in the NT. We continue to hear stories at ADC about sexual harassment in the workplace, and continue to receive formal complaints.

In 2020/21 the Northern Territory Working Women's Centre (NTWWC) was advised it had been unsuccessful in retaining its federal funding. While we understand discussions are still being had about the fate of this funding, the removal of this service will greatly undermine the ability for Territory women to speak up about sexual harassment. This is antithetical to the objects of the Respect@Work report and a serious obstacle in achieving the elimination of this issue from our workplaces and communities.

ADC continues to hear stories and receive complaints about sexual harassment in the Northern Territory.

While we welcome the federal reforms based on the Respect@Work Report, we say they do not go far enough and fail to implement the heart of the reforms proposed by this report, in particular the requirement for a duty of care to be placed on employers.



# VILIFICATION

Vilification remains a hot and crucial topic, with different views about who should be covered and what the appropriate test is.

While the Australian Capital Territory and Tasmania have quite broad scope other jurisdictions are limited in their scope, such as the Federal jurisdiction that only covers race vilification, rather than other characteristics such as sexuality and gender identity.

Also in issue, is the test being used in some jurisdictions, as the test is arguably unworkable and no longer fit for purpose. In response to this, the Victorian Parliament in March 2021 announced an inquiry into anti-vilification protections by the Legal and Social Issues Committee. The Parliaments of Queensland and Western Australia, as part of a broader discrimination legislation review are also reconsidering their vilification laws. Advocacy bodies have also become critical of New South Wales' vilification laws demanding review of them.

The Northern Territory still waits for vilification legislation while nationally states look to improve their laws. Vilification remains a significant issue in Australia.

In the NT, vilification laws were proposed as part of the modernisation of the *Anti-Discrimination Act 1992*, but we are still waiting.



# COMPLAINTS



AIDS CANDLELIGHT MEMORIAL - MAY 2021

# ENQUIRIES

371

enquiries made in 2020/2021. Enquiries are made by members of the public or organisations, seeking information about rights and obligations under the ADA or about the complaint process. There was a 38% increase in enquiries compared to 2019/20 in which 268 enquiries were received.

66  
%

enquiries were by phone, 25% by email and 4% in person.

95  
%

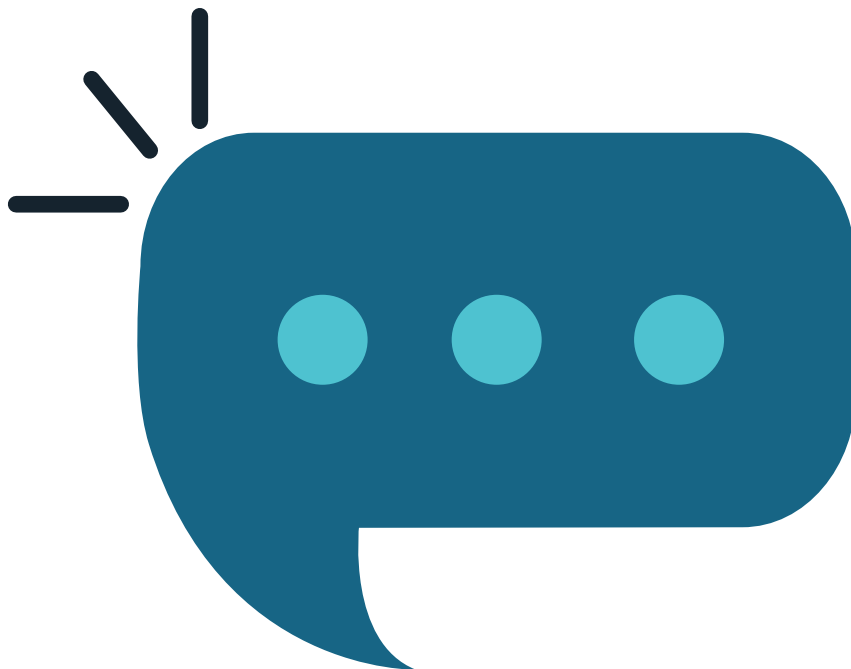
were general enquiries from the public, while 5% were professional enquiries from organisations.

# ENQUIRY SERVICE



The enquiry service means people can get information about the ADA, in relation to situations they are managing or experiencing. While this is not legal advice, it can assist people in understanding what their options are and to inform their next step.

The enquiry service is free and confidential and run by senior staff. The ADC also ensures this service is accessible by arranging the use of sign and language interpreters as required. The service can be accessed via email: [antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au), phone 08 8999 1444 / free call 1800 813 846, or in person at our office.





# ENQUIRIES

22  
%

of enquiries were about race discrimination. This was followed by disability (19%), sex (6%) and failure to accommodate a special need (6%). This pattern is slightly different to the enquiries received in 2019/20, where race and disability were slightly higher (27% and 21%). 18% of enquiries were classified as not under the ADA. The enquiry process allows people to check if their issues are covered by the ADA and if not, advise on where they might go to solve their issue.

44  
%

of enquiries were about access to goods, services and facilities, with 34% being about the workplace and 6% being about accommodation. Enquiries about services can often be dealt with quickly and informally, making the enquiry process a useful way to address these types of concerns without the need for a formal complaint.

11  
%

of enquiries were about race and access to goods, services and facilities. A further 11% of enquiries were about disability and access to goods, services and facilities.

# OBSERVATIONS

In 2020/21 we saw an increase in the use of the ADC enquiry line compared to our formal complaint process. While many enquiries at the ADC result in formal complaints, arming people with the right information can mean they solve their own issues independent of the ADC. On some occasions the ADC can also assist in resolving caller's issues without the need for a formal complaint.

A decrease in declined matters in our formal complaint process may also reflect that some issues were re-directed at this stage and referred to other complaint bodies or forums that were a better fit for the complaint.

The enquiry line is not only for individuals seeking information on their rights, but for organisations who need information on how to meet their obligations.

# COMPLAINTS

190

new complaints about individuals and organisations were received in 2020/21, a 10% decrease from 2019/20 where 213 new complaints against individuals and organisations were received.

248

complaints against individuals and organisations were handled in 2020/21, this includes new complaints and those not finalised in 2019/20. In 2019/20 250 complaints were handled.

193

complaints against individuals and organisations were finalised. This is a 6% decrease from 2019/20 when 205 complaints were finalised.

# FINALISED MATTERS



97

complaints against individuals and organisations settled. In 2019/20 there were 93 settlements.

35

complaints against individuals and organisations were declined. In 2019/20 there were 43 complaints declined. This is a slight decrease in matters declined.

4

complaints against individuals and organisations were finalised on the basis that no further action could be taken on the complaint. In 2019/20 there were 11 matters finalised because no further action could be taken.

19

complaints against individuals and organisations were withdrawn. In 2019/20 there were 24 complaints withdrawn.

11

complaints against individuals and organisations were not referred to evaluation. This is an increase from 2019/20 where two matters were not referred to evaluation. This is following an unsuccessful attempt to conciliate the complaint.

23

complaints against individuals and organisations were referred to the Northern Territory Civil and Administrative Tribunal (NTCAT), resulting in 12 matters before NTCAT. This is similar to the previous year as there was 11 matters referred to NTCAT.

4

complaints against individuals and organisations were not referred to NTCAT. This is similar to the previous year as there were five matters not referred in 2019/20.

# TIMELINESS

While a high percentage of complaints were resolved within six months some were not able to be finalised this quickly. 2020/21 presented some challenges for the ADC in ensuring complaints were dealt with in a timely way. In particular we had staff changes late in the 2019/20 year resulting in a higher number of complaints being carried over into the new year, in contrast to previous years. We also saw COVID-19 delay time frames, particularly for Aboriginal Territorians living in remote parts of the NT who had limited access to lawyers during lockdown and restrictions in the latter half of the previous financial year.

Of the matters outside the timeframe 31 out of the 35 matters were carried over from the previous financial year.

While the ADC tries to resolve and finalise matters quickly we also appreciate that sometimes to ensure justice and procedural fairness, delay is necessary. Our primary goal is to ensure that we are not the source of delay.

A dark blue circular icon containing the number 82 and a percentage symbol below it.

82  
%

complaints were finalised within six months, being 158 complaints against respondents. In 2019/20 this was 86%, and equated to 177 complaints.

A dark blue circular icon containing the number 18 and a percentage symbol below it.

18  
%

complaints were finalised outside of the six month timeframe. This was 35 complaints against respondents.

# ATTRIBUTES

Bracketed figures represent the figure with ambit allegations included. An ambit allegation is where a complaint was received with every attribute ticked, irrespective of the allegations made.

**115**  
(118)

allegations were about disability discrimination. This is an increase from 2019/20 (95). Work complaints made up 39% of these complaints, with 36% being in relation to receiving a service.

**100**  
(105)

allegations were about failure to accommodate a special need. This is an increase from 2019/20 (81). Service complaints made up 44% of these complaints, with 30% being about work, and 12% about education.

**97**  
(100)

allegations were about race discrimination. This represents a small increase from last year (88). Work complaints made up 45% of complaints with 39% being about receiving a service.

**59**  
(74)

allegations were about sex discrimination. This was an increase from 2019/20 (47). Work complaints made up 56% of these complaints and 39% related to receiving a service.

# AREAS

Bracketed figures represent the figure with ambit allegations included. An ambit allegation is where a complaint was received with every attribute ticked, irrespective of the allegations made.

**366**  
(441)

allegations about work, an increase from 2019/20 (244).

**293**  
(352)

allegations about goods, services and facilities, an increase from 2019/20 (205).

**55**  
(61)

allegations about accommodation, a decrease from 2019/20 (67).

**59**  
(88)

allegations about education, a slight increase from 2019/20 (53).

# WHO WAS COMPLAINING



of complaints handled in 2020/21, 133 (54%) identified as male, 110 (44%) female, four (2%) as X and one was unknown (due to being an organisation).



31% of complaints were from people who identified as being from an Aboriginal or Torres Strait Islander background.



complaints handled mostly came from the Darwin region making up 148 (60%) of complaints (including complaints from the Palmerston region). A small portion 16 (6%) were from interstate.



complaints came from outside of the Darwin region, representing a slight decrease from 2019/20. This includes complaints from the following regions: 41 Alice Springs, 12 Katherine, six Nhulunbuy, 21 remote NT and four from rural areas.



# COMPLAINTS

The complaints handled in 2020/21 were against: individuals 36%, government (including local government) 27%, 23% against companies, 12% against non-government organisations, and 1% against clubs.

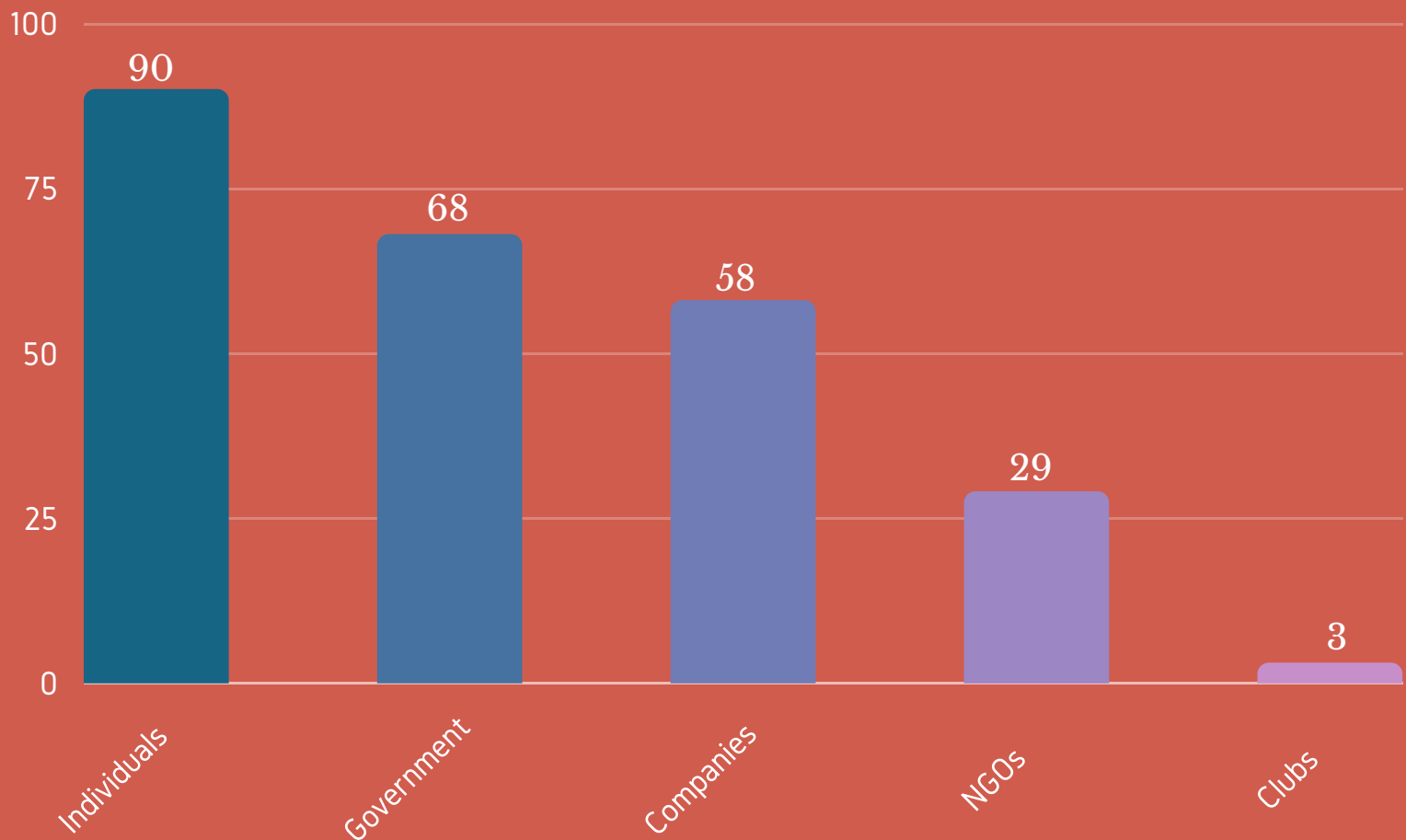
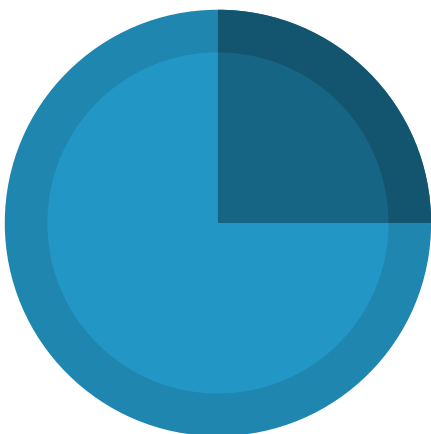


CHART 1 - NUMBER OF COMPLAINTS HANDLED AGAINST RESPONDENT TYPE



There has been a 25% increase in complaints against individuals in 2020/21.

# HEARINGS, REVIEWS & APPEALS

12

new referrals to NTCAT against 23 individuals and organisations. The ADC intervened in all new matters referred during this period. There were two matters that were self-referred to NTCAT in this period that the ADC did not intervene in.

22

matters before NTCAT during this period against 42 individuals and organisations.

4

matters against 11 individuals or organisations were listed for hearing or decision (details below). Two decisions were handed down during this period. Further decisions are expected in the next reporting period and will be reported then.

0

There were no judicial reviews or appeals during 2020/21. A judicial review of any decision of the ADC is available in the Supreme Court. A request to review a decision must be made within 60 days of the decision.

# HEARINGS

## Sultan v Gapview Hotel & Ors

The Tribunal found that the Gapview Hotel and an employee had discriminated against Mr Sultan on the basis of race when they refused him service. No order was made by the Tribunal as the matter was settled privately after the finding.

## Barnes v Northern Territory of Australia & Ors

The Tribunal found that Northern Territory Police and Officer Reeves did not discriminate against Mr Barnes on the basis of his race, and because of his association with a particular Aboriginal family when they pulled him over to be breathalysed. The Tribunal dismissed the complaint on the basis that there was insufficient evidence to establish his claims.

## Eccles v Nikki Beach One Pty Ltd & Ors

The Tribunal found that the respondents did not discriminate on the basis of impairment against Mr Eccles in refusing to follow through with an agreement to enter into a commercial tenancy with Nikki Beach One Pty Ltd. Mr Eccles claimed that the agreement was not pursued because of marks on his skin, that was wrongly attributed to him being a drug addict, but was in fact due to a skin condition.

## EL v Northern Territory of Australia & Batchelor Institute

The Tribunal found that Northern Territory Correctional Services did not discriminate against the applicant based on a perceived impairment when refusing to enrol them in training with the second respondent, on the basis that they were not an educational institute for the purposes of the ADA. The second respondent was also not liable because they did not refuse the enrolment, this was done by Northern Territory Correctional Services.

# COMPLAINANT AND RESPONDENT FEEDBACK

Complaints staff were very professional, knowledgeable and very responsive to enquiries

Complaints staff were a pleasure to work alongside

Thank you for your help, you made it a really easy process and I really enjoyed talking with you... you make it a safe and friendly space

Complaints staff were extremely knowledgeable and supportive throughout the process

Process was easy to navigate



# PUBLIC EDUCATION



# PUBLIC EDUCATION & TRAINING

The ADC delivers a range of customised and public training packages to help prevent and address discrimination, (sexual) harassment and bullying, and promotes inclusion and diversity.

We specialise in delivering **customised courses** to workplaces by tailoring the training to address certain areas of discrimination, and/or targeting the training specifically for managers, staff or contact officers. We further offer public training courses to all people living and working in the NT. Our customised and public workshops cover the following topics:

## ANTI-DISCRIMINATION, HARASSMENT & BULLYING (ADHB)



- Discrimination, harassment and bullying
- Sexual harassment
- Victimisation
- How to deal with inappropriate behaviour in the workplace
- Impact of discrimination on staff well-being and workplace culture
- The ADA and the role of the Commission

## UNCONSCIOUS BIAS (UB)



- Organisational benefits of inclusion and diversity
- What unconscious bias is and where it comes from
- Impact of unconscious bias on staff well-being and workplace culture
- Strategies to reduce and manage unconscious bias:
  - Personal bias
  - Organisational strategies
  - Organisational culture change

# PUBLIC EDUCATION & TRAINING

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## PREVENTING DISCRIMINATION, HARASSMENT & BULLYING FOR MANAGERS & SUPERVISORS (PDHB)



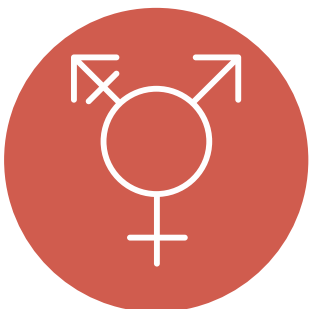
- Discrimination, harassment and bullying
- Sexual Harassment
- Victimisation
- Role and responsibilities of Managers and Supervisors:
  - Duty of care
  - Positive workplace culture
  - Dealing with inappropriate workplace behaviour
- Vicarious liability
- The ADA and the role of the Commission

## CONTACT OFFICER (CO)



- Functions of a Contact Officer - first point of contact for workers with a grievance
- Discrimination, harassment and bullying
- Sexual Harassment
- Victimisation
- Review of relevant policies and procedures
- Contact Officer role - skills practice
- The ADA and the role of the Commission

## TRANS AND GENDER DIVERSE PEOPLE (TGD)



- Biological sex, gender identity, and changing language
- The ADA and trans and gender diverse people
- Transition: medical and legal; documentation of sex and/or gender; in the workplace; at school
- Unconscious bias, diversity and inclusion, in workplaces and service delivery

# OUR PANEL OF TRAINERS

Anika Frieling joined the NT Anti-Discrimination Commission in the role of Senior Equal Opportunity Educator and Strategist in October 2020.



PHOTO: ANIKA DELIVERING TRAINING IN MATARANKA

Anika has a background in community development, with a specific interest in women's leadership, social justice, and homelessness. Over the past seven years, Anika has delivered community education programs to the Northern Territory Government departments, non-government organisations, and community groups including incarcerated women throughout the NT.

Delivering education sessions that change attitudes and discriminatory behaviour is of specific interest to Anika. Her experience managing community programs in the areas of domestic violence, prison throughcare and young

parenting support has fuelled her passion to promote positive workplace behaviours free from discrimination, harassment and bullying.

Sujay Kentlyn, who had left the role of Senior Equal Opportunity Educator and Strategist in July 2020, continues to deliver ADC's Trans and Gender Diverse People training package. The training remains popular and participants enjoy Sujay's professional, personable and interactive delivery style.

We thank Sujay and Anika for their continued commitment to raising awareness and promoting equal opportunity for all Territorians.



# TRAINING SESSIONS DELIVERED

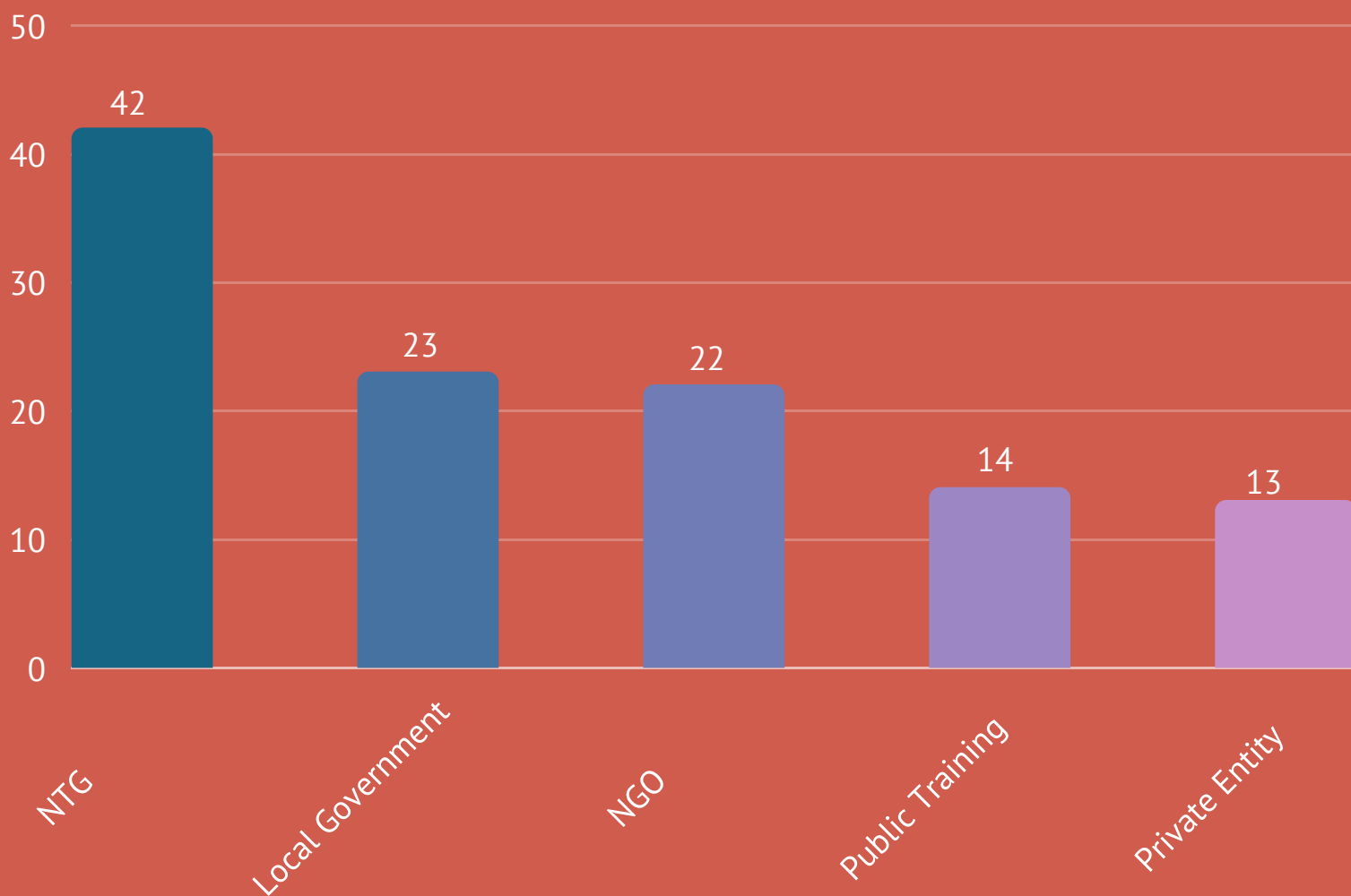


CHART 2 - TRAINING SESSIONS BY TYPE OF ORGANISATION

## Training demand

Between July 2020 and June 2021, the ADC delivered 114 education sessions over 403.5 hours to 1259 participants. The demand for training was high and included light aircraft travel to remote regions of the NT.



# TRAINING SETTINGS

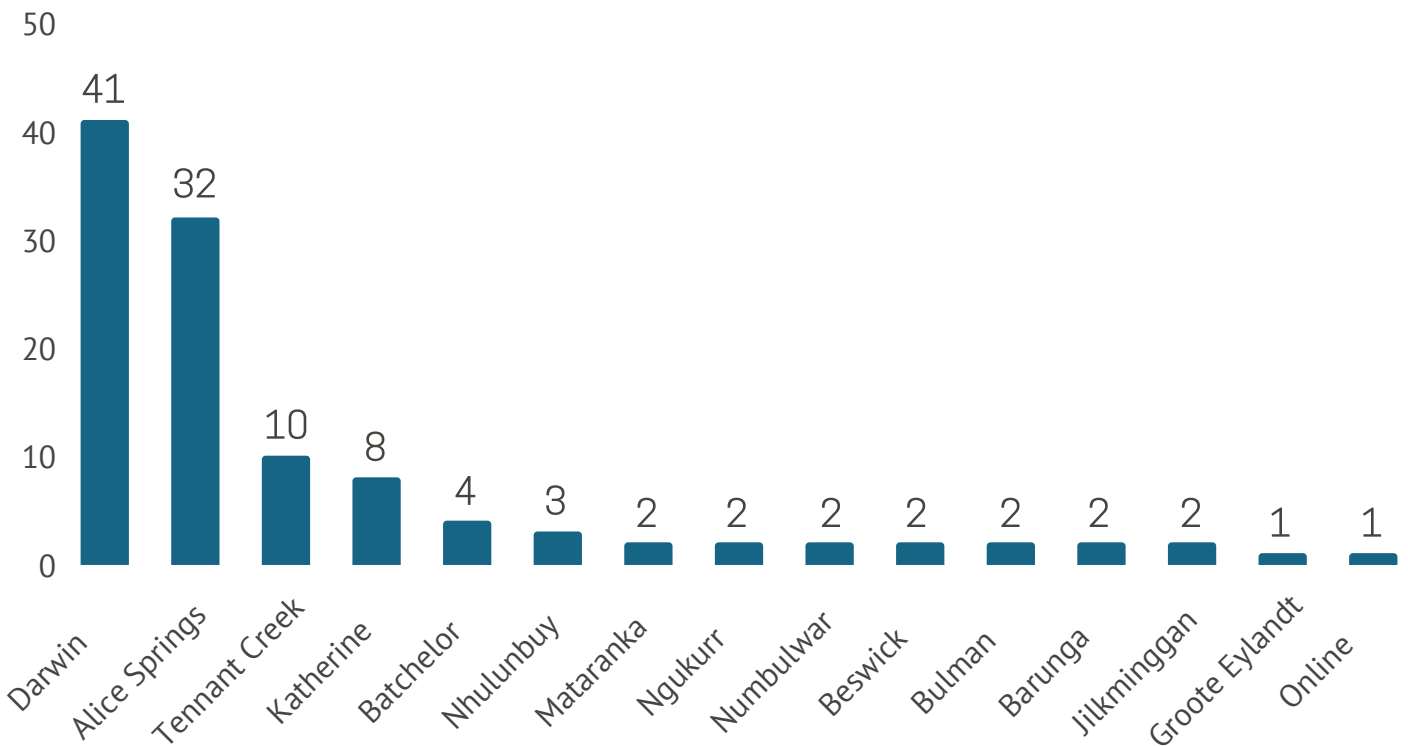


CHART 3 - TRAINING SESSIONS BY LOCATION

The majority of training sessions were delivered outside of Darwin, with a particular interest in changing workplace cultures and addressing disharmony as a result of discrimination and bullying.

All of the remote trips were financed by the organisations booking the training. The ADC training and education is provided on a user pays model and therefore focuses on preventing and addressing discrimination, harassment and bullying in workplaces. We would like to expand our services to deliver free rights-based community education, particularly in rural and remote areas of the the NT. Further funding will be required to meet this service gap.

# OVERALL CLIENT SATISFACTION

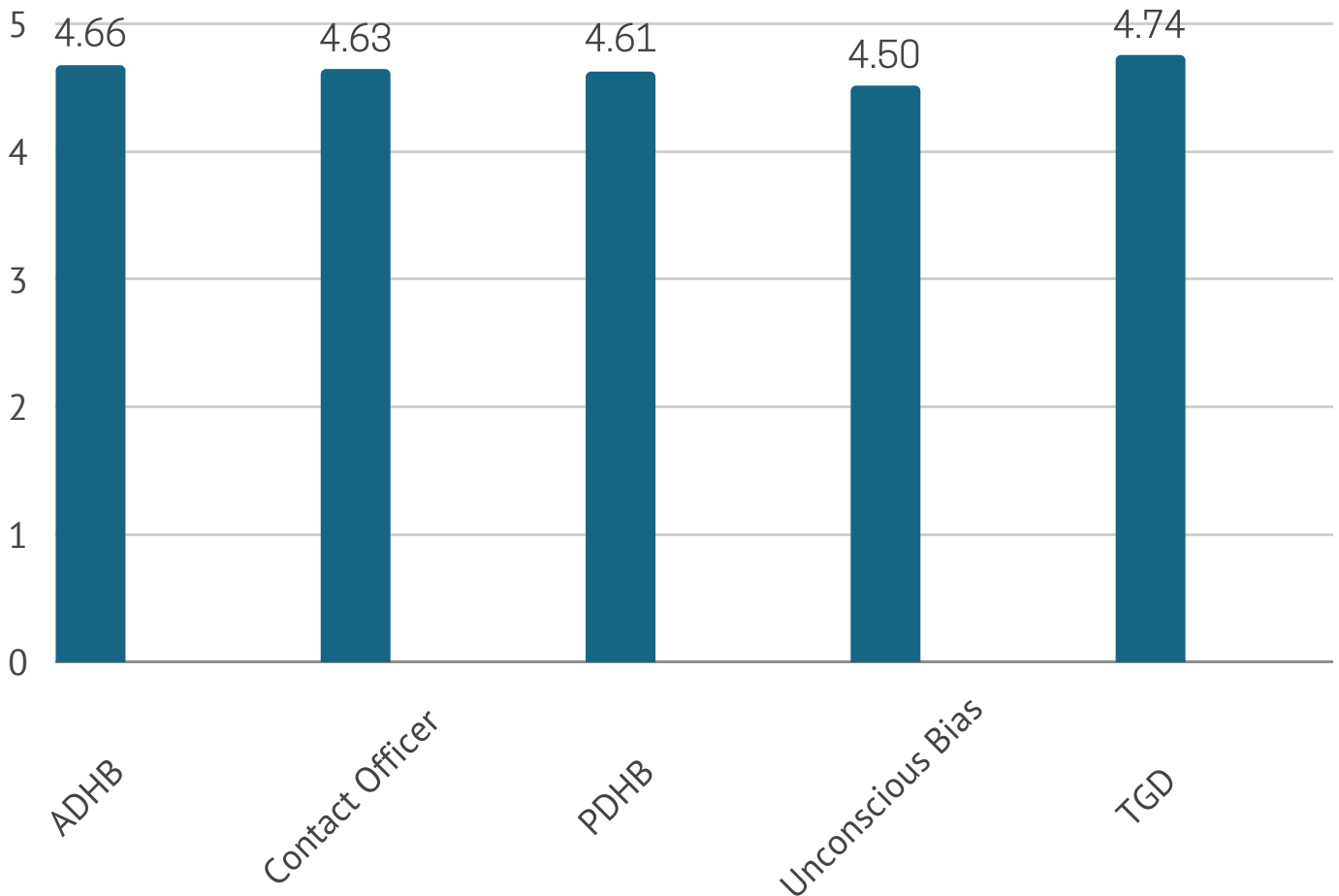


CHART 4 - OVERALL CLIENT SATISFACTION BY TYPE OF TRAINING

Participant feedback was consistently high in the 2020/21 financial year. We gathered feedback after every education session, and achieved an overall training satisfaction of above 91%. The ADC received particularly positive feedback in relation to the quality, relevance and effectiveness of the training. The following pages further detail the feedback we received during the last financial year.

# TRAINING FEEDBACK



## 91%

OVERALL TRAINING SATISFACTION. PARTICIPANTS FURTHER RATED THE USEFULNESS/RELEVANCE OF THE TRAINING TO THEIR WORK AT 91%.

## 89%

USEFULNESS OF TRAINING MATERIALS. THIS FIGURE HAS FURTHER INCREASED SINCE INTRODUCING THE NEW ADC TRAINING MATERIALS AND WORKBOOKS.

## 94%

TRAINER FACILITATION STYLE. PARTICIPANTS CONSISTENTLY PROVIDED HIGH RATINGS FOR EFFECTIVE FACILITATION STYLE AND DELIVERY.

# CLIENT TESTIMONIALS

★★★★★  
Extremely well run workshop, with good examples provided for staff going through a troubled period

I enjoyed the way it was delivered - it was serious information but we were able to have a laugh throughout

It really gives knowledge regarding day to day discrimination and how to act on it

Everyone needs this training in the workplace

Professional  
Engaging  
Practical



# COMMUNITY



MARCH 4 JUSTICE DARWIN — PHOTO BY REBECCA PARKER

# 2020 HUMAN RIGHTS AWARDS

The Northern Territory Human Rights Awards celebrate notable activities in the NT or by Territorians, which advance human rights. The 2020 awards recognised both individuals and organisations in each of the award categories. Activities recognised by the awards included:

- Promoting human rights and peace through education, sports or other practical activities and or advocacy.
- Promoting equal opportunity and non-discriminatory attitudes and practices.
- Increasing community understanding of human rights for the promotion of greater respect, diversity, inclusion and harmony.
- Challenging human rights barriers or breaches.

## THE FITZGERALD DIVERSITY AWARD

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

### Organisation Winner

Kindness Shake Inc. is a wonderful example of the community responses to the COVID-19 pandemic. The Kindness Shake is an initiative devised and overseen by the international student services team at Charles Darwin University (CDU) Global with the assistance of the alumni and engagement division at CDU. Launched early in the pandemic, they aim to provide weekly meals to individuals experiencing financial hardship, and so much more.



## 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.



### Individual Winner

Jordan Conrad worked with a number of Tennant Creek High school students to create an impressive street mural on the NT Legal Aid Commission regional office in Tennant Creek. The mural helps promote healthy respectful discussion as well as positive community messaging around youth, human rights, law and order.



### Organisation Winner

Spinifex Skateboards is an organisation providing training and opportunities for young people to become involved in skateboarding in the remote community of Ltyentye Apurte/Santa Teresa. Spinifex Skateboards embodies and is committed to encouraging creative expression, risk taking, mastery of new skill, bravery and commitment, vital in the development and empowerment of young people.



## 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.



### Individual Winner

Emma Sharp experienced how inflexible the *Fair Work Act 2009* (Cwlth) entitlements for parental leave were after the premature birth of her son and how they did not support her family's needs. In conjunction with the NTWWC and other affected parents, Ms Sharp successfully advocated for amendments to the *Fair Work Act 2009* (Cwlth) which were passed in September 2020.

### Organisation Winner

Top End Mental Health Consumers Organisation is a not for profit consumer operated drop in centre in Palmerston in which board members have lived experience of mental illness. They provide a service where people living with mental illness can enjoy a non-judgemental, friendly, safe environment and participate in a wide range of recovery-focused therapeutic activities.

### Organisation Winner

Northern Land Council's (NLC) Caring for Country Branch Women's Employment Program. The NLC is responsible for assisting Aboriginal people in the northern region of the NT to acquire and manage traditional land and seas. Through consultation with women rangers and community elders, barriers to women's participation were identified and actions to overcome these barriers were developed. The women's employment program has contributed significantly to social change by working for equal opportunity in remote NT communities.



## 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.

### Individual Winner

Serena Dalton is a respected elder and community leader who founded the community advocacy group Grassroots Action Palmerston in response to community hostility towards young people in Palmerston in 2017. At the heart of her work is changing the story about young people in Palmerston - fighting racism and prejudice and transforming the story that young people tell themselves.



### Organisation Winner

Birds Eye View Podcast is Australia's first podcast made by and with, women in prison. More than two years in the making, the 10-part audio series takes listeners inside the Darwin Correctional Centre to meet the women of Sector Four, who bravely share their stories, hopes and humour.



### Special Commendation

Natasha Chong (Chongy), a special acknowledgment of the life-time of work of a much loved and highly respected advocate who had recently passed away. Chongy was a senior client service officer at North Australia Aboriginal Justice Agency's (NAAJA) Katherine office.

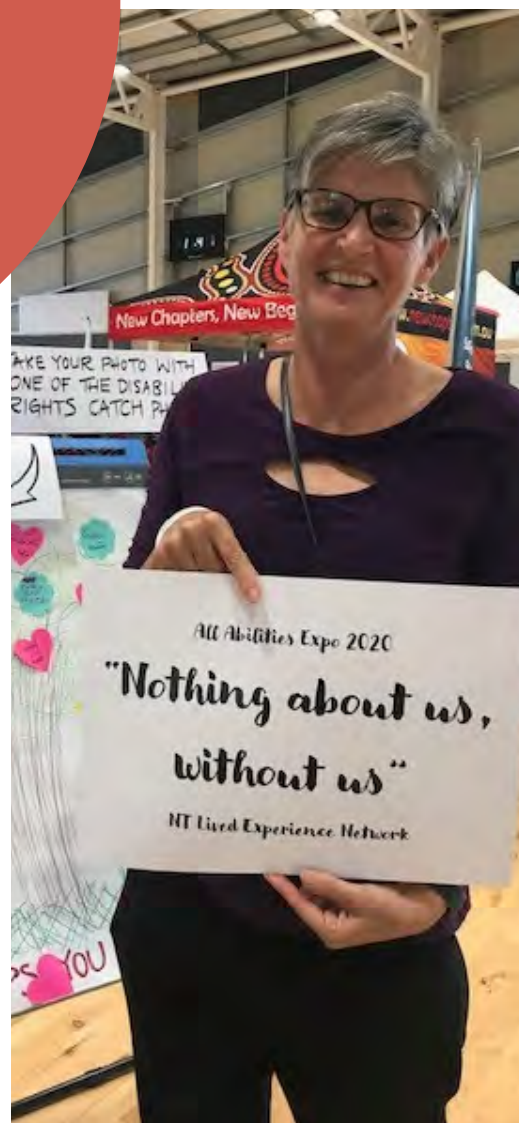
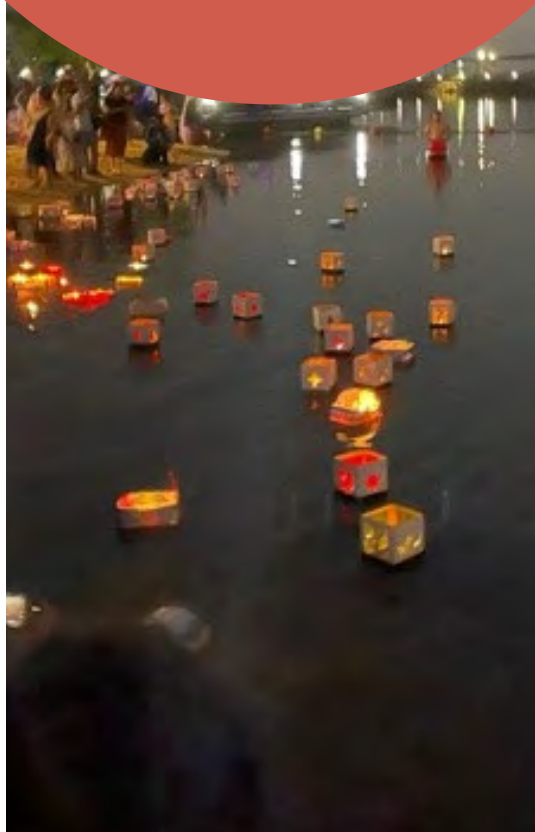
Chongy was an indispensable link between clients and lawyers at NAAJA, and a champion of Aboriginal rights and justice for Aboriginal people.

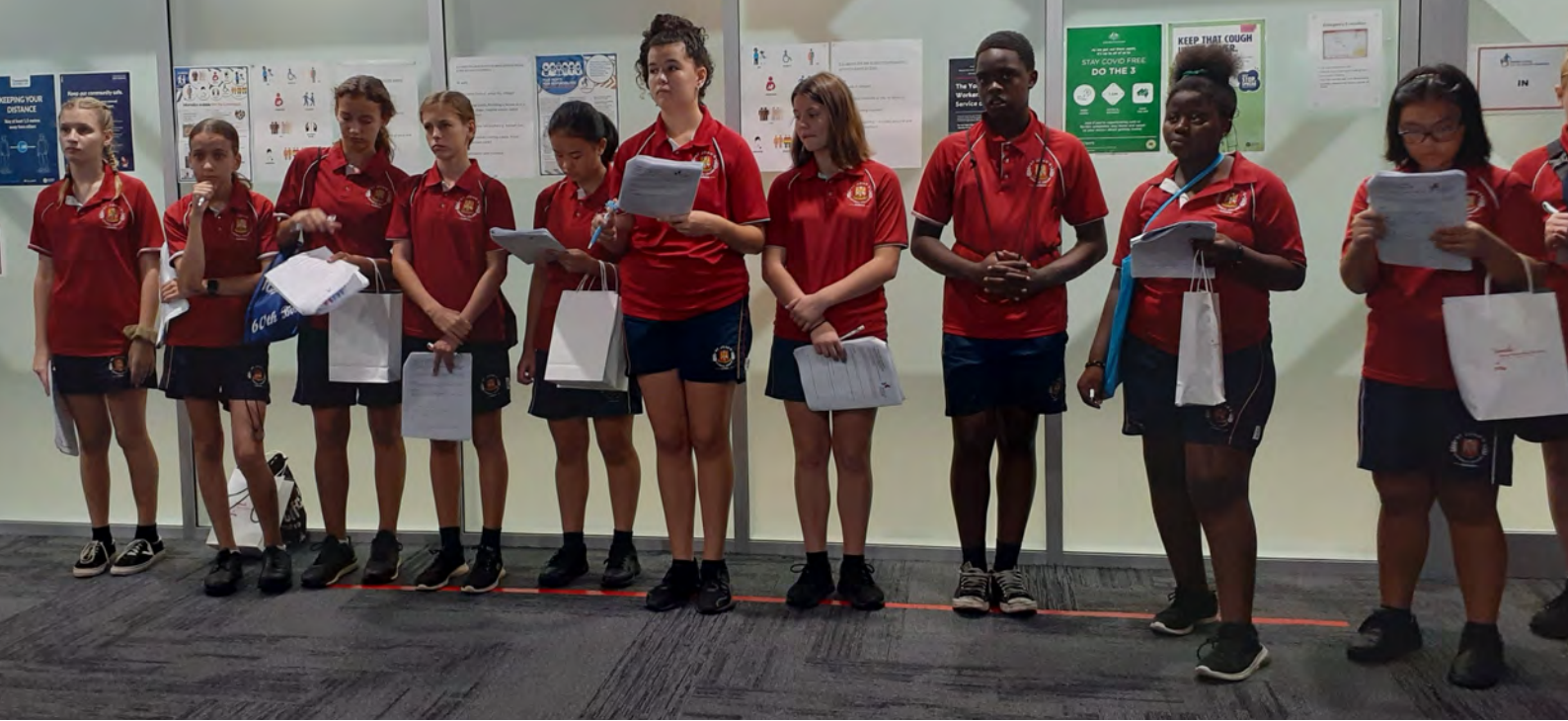
But for her passing, her work as a human rights advocate would have been recognised by an Award.





# OUT AND ABOUT





# PRIDE FESTIVAL



# SOCIAL MEDIA



# APPENDICES



PRIDE FESTIVAL 2020

# KEY PERFORMANCE INDICATORS

KEY DELIVERABLES	2020/21 ESTIMATE	2020/21 ACTUAL	2019/20 ACTUAL	2018/19 ACTUAL
PUBLIC EDUCATION SESSIONS	70	129	87	65
PUBLIC EDUCATION HOURS	80	525	312	425
COMPLAINTS (INCLUDING CARRIED OVER)	200	248	250	171
CONCILIATED COMPLAINTS	50%	61%	57%	57%
COMPLAINTS CLOSED WITHIN 8 MONTHS	50%	89%	90%	98%



# FUNCTIONS OF THE COMMISSIONER

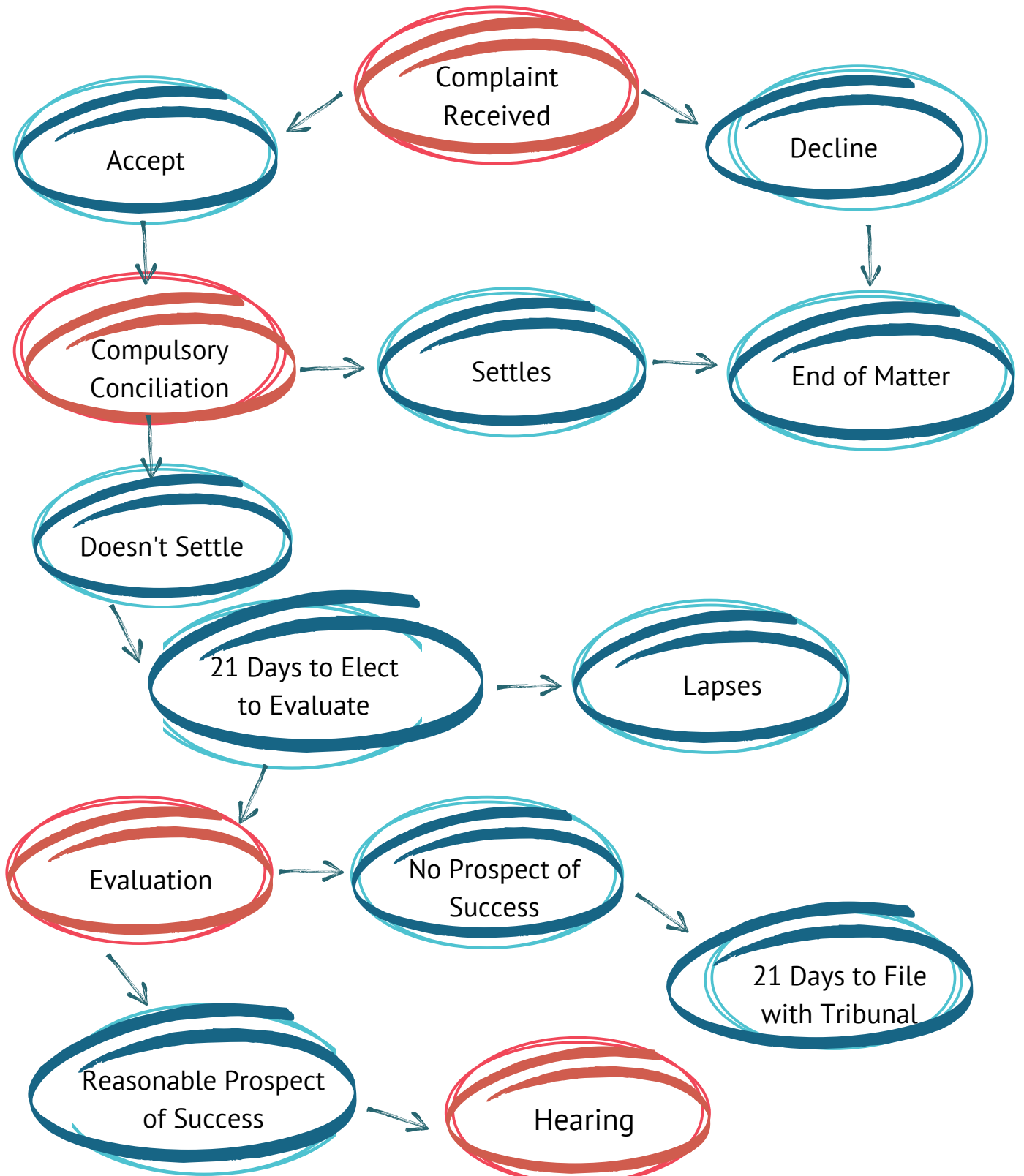
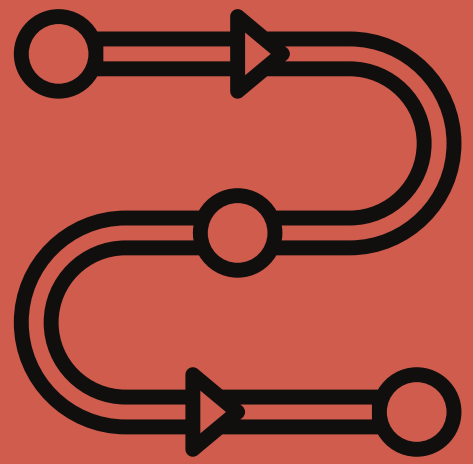
The Anti-Discrimination Commissioner is appointed by the Administrator under section 6 of the Act. The functions of the Commissioner are set out in section 13 of the Act.

- 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 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 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.

# FUNCTIONS OF THE COMMISSIONER CONTINUED

- 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 of hearing the proceeding and subject to any conditions imposed by the court.
- Such functions are as conferred on the Commissioner by or under this or any other Act, and such functions as the Minister determines.

# COMPLAINTS PROCESS



# COMPLAINT SUMMARIES

## **Disability and failure to accommodate a special need – Goods, services and facilities**

Bob was a wheelchair user but was able to drive using a specially upgraded car. He liked to get out and about and do his shopping at the local shopping plaza however the car spaces were not suitable for people living with a disability and made it difficult for Bob to get in and out of the car. Bob brought a complaint to the ADC.

The matter was accepted and the ADC facilitated a conciliation. At conciliation, the shopping plaza agreed to update their disability car parking spaces so they were in line with current standards whilst ensuring there were the correct amount of spaces for their clients living with disabilities.

## **Race - Accommodation**

Warren was an Aboriginal man who was travelling in the NT to visit the different communities for work. He had pre-organised all his travel and booked accommodation prior to leaving Darwin. When he arrived at a motel to check in, he was told he could not stay there despite having a booking and was under the impression it was due to his race. Warren was annoyed at this decision, as he had pre-booked the accommodation and now had no-where to stay so he brought a complaint to the ADC.

The matter was accepted and resolved through an early resolution process. The Respondent apologised to Warren and organised seven nights of free accommodation at the motel.



## **Failure to accommodate a special need, marital status, parenthood and disability – Work**

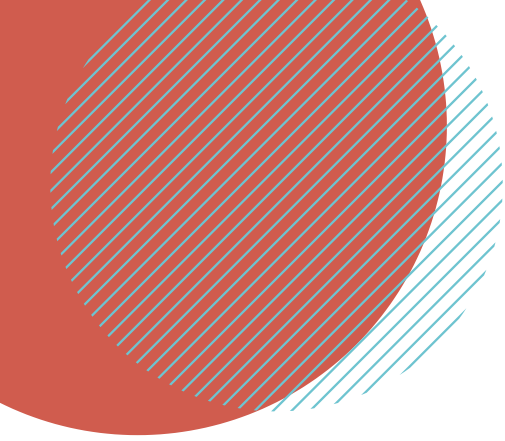
Davinder was a single father working for a large hotel chain. He requested to change his roster due to discrimination he was experiencing from clients and the impact this was having on his mental health. Management refused to change his hours. Davinder also requested to swap a shift one day due to needing to attend his children's school for an appointment, the manager declined this request while another employee was permitted to change their shift. Davinder lodged a complaint with the ADC saying he had developed mental health problems due to the lack of support of his workplace to meet his special needs on the basis of his marital status (being a single parent), disability (mental health) and parenthood.

The complaint was accepted and set down for a conciliation. At conciliation, the matter was resolved. The respondent paid Davinder \$14,000 in compensation including what was owed to him in entitlements, a state of service was provided outlining the description of tasks undertaken and the parties agreed to end the employment relationship.

## **Sexual Harassment - Goods, services and facilities**

Jacinta was seeking health treatment for a medical condition and engaged the services of a practitioner. The practitioner started to contact Jacinta privately outside of the usual consultation process and expressed an interest in getting to know her in a capacity beyond the professional relationship. He sent her messages asking to kiss her. Jacinta ceased contact with the health practitioner following these messages.

A complaint was brought to the ADC and the matter accepted for conciliation. Through conciliation an agreement was reached that the respondent would implement a Sexual Harassment Policy for his business and pay Jacinta \$20,000.

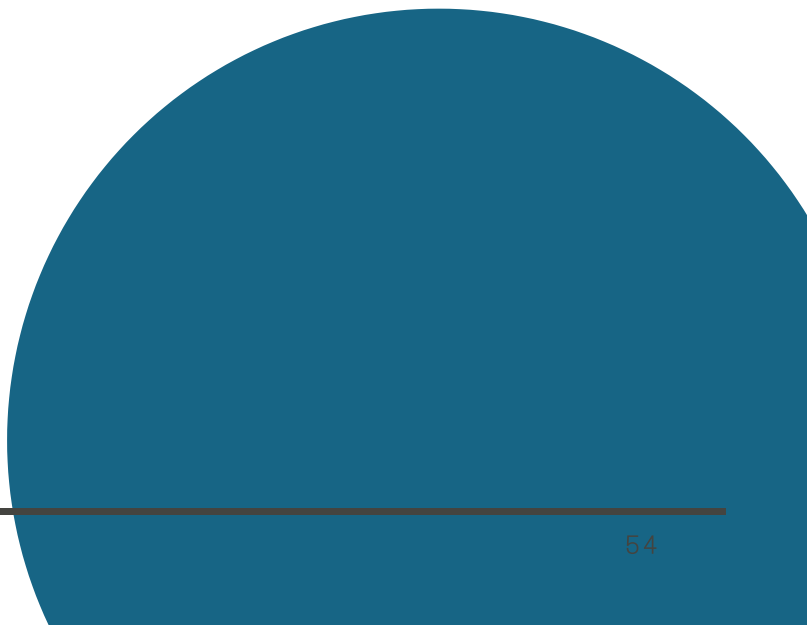


## **Disability, failure to accommodate a special need and unnecessary information - Work**

Anastacia was working at a supermarket doing night fill. She had sustained an injury at a young age which resulted in hearing loss but was able to undertake the night fill work well. Due to a business restructure Anastacia was moved to day shift. As Anastacia was hard of hearing she needed to be facing the person to understand them. There was also a lot of other noise during the day which made it more difficult for her to hear. Her new managers criticised the pace of her work and that she didn't listen to instructions.

Anastacia's manager questioned her about her disability and when she got it. Anastacia didn't like to share information about her disability unless required. Anastacia felt uncomfortable with the change in role and also the continued derogatory remarks about her work so she brought a complaint to the ADC.

The complaint was accepted and a conciliation was held. The matter was settled at conciliation and the respondent paid Anastacia six weeks of pay and organised training as well as a policy to be developed for all staff and managers around respectful workplace behaviour.



# AREAS AND ATTRIBUTES

## 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
- The person's details being published under section 66M of the *Fines and Penalties (Recovery) Act 2001*.
- Association with a person who has, or is believed to have, an attribute referred to in this section

## SECTION 19 - LIST OF AREAS

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

# SUBMISSIONS AND POLICY

## **JULY 2020 - JUNE 2021**

### **OCTOBER 2020**

- NT COVID-19 Recovery
- Social Security (Administration) Amendment (Continuation of Cashless Welfare) Bill 2020

### **NOVEMBER 2020**

- COVID-19 Draft Directions 2020 - Safety Measures for Places, Businesses, Activities, Services and Premises - Draft Consultation
- Sexual Violence Prevention and Response Framework Priority Action 6.1

### **DECEMBER 2020**

- Submission to the Northern Territory Law Reform Committee – Mandatory Sentencing and Community-based Sentencing.

### **JANUARY 2021**

- NT Correctional Services Management of Transgender and Intersex Offenders Policy

### **APRIL 2021**

- MusicNT Safe Venue Program Policy
- Letter of Support - NTWWC Funding

### **MAY 2021**

- Respect@Work: Sexual Harassment National Inquiry Report





## **Anti-Discrimination Commission**

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**9th Floor**

**22 Mitchell Street**

**Darwin NT 0800**

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**[https://twitter.com/ADC\\_Commission](https://twitter.com/ADC_Commission)**