

ANNUAL REPORT

2017-2018



Angela Bruhn - Exploring the Country
(Rights on Show 2017)



Anti-Discrimination Commission

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28 September 2018

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 2017 to 30 June 2018.

Yours sincerely,

SALLY SIEVERS
Anti-Discrimination Commissioner



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FROM THE COMMISSIONER



It continues to be a privilege to serve as the Anti-Discrimination Commissioner for the Northern Territory.

The year has been a challenging one as we managed with limited capacity to conduct the usual day to day business and functions of the Anti-Discrimination Commission (ADC) as well as assisting with the consultations on the modernisation of the *Anti-Discrimination Act* (Act) and meeting increased calls for public education and training.

A key feature of the year has been the stability of the staff at the ADC, as this has enabled us to work with employees' strengths to make the most of opportunities for information sessions, training and education for the community on the importance of equality of opportunity for all Territorians. I am surrounded by a small but dedicated and committed team who I thank for all their hard work.

The year has highlighted a need for a greater number and more diverse advocacy options for vulnerable Territorians. It has also revealed how vulnerable our complaint resolution process is to changes in advocacy options in the Northern Territory (NT) such as increased demands on advocacy for the National Disability Insurance Scheme (NDIS) or changes to services that provide advocacy.

As the NDIS has been rolled out across the whole of the Territory the limited available advocacy services to assist people and their families plan for their involvement in NDIS has been stark. The limited advocacy that is available has been consumed in helping people negotiate NDIS, leaving limited capacity for the issues we have commonly seen from people with a disability such as access, inclusion in education, workplaces and the community.

A personal highlight this year, and one aimed at starting to address the issues around advocacy, was working with young people with intellectual disabilities and their families in "Building for success with NDIS" workshops (See page 46). The ADC were fortunate to work with long term disability advocates and educators Deb Hall and Rachel Kroes. I acknowledge and thank them for sharing their years of experience and working well beyond the paid scope of the project to make it such a success.

Prevalent in 2017-18 was also a high demand for public education and training, with requests at an all-time high across the NT. Demand was such that on some occasions we were unable to meet requests.

Of note was a drop in recorded complaint numbers. There are very clear reasons for this including as set out above, reduced advocacy options for potential Complainants, particularly those living with a disability, changes in how we work with Respondents, changes to advocacy



services and the impact of the publicity around the modernisation.

This year was the first full year of attempting to resolve complaints first with organisations only.

The ADC has always recorded complaints by Respondent. For example one Complainant may complain about an organisation and complain about an individual within that organisation. Individual Respondents maybe identified by the Complainant on their complaint form or may be identified by the ADC throughout the process. Our observation is that including individual Respondents in early conciliation may preclude resolution, damage relationships and incur cost and stress for individuals which organisations are better placed to bear. Since January 2017 we decided to initially only accept matters against the corporate entity, unless there were clear reasons to do otherwise. This resulted in the organisation being the only party required to attend conciliation. The aim was to resolve matters in a timely way and to ensure retention of relationships. Our finalisation numbers show that 98% of complaints are finalised within 6 months, many sooner than this.

However an unintended consequence of this was that complaints against named individual Respondents were not always being captured in our data system, causing an artificial decline in complaint numbers. In 2018-19 we will need to consider if and how we respond to this unintended consequence. The bulk of the decline in numbers across measures is because of this reason.

A further possibility for lower complaint numbers is that people are waiting for the changes to the Act, if the reforms are a better fit for their complaint.

Another challenge in 2017-18 with our data is the number of ambit complaints received. An ambit claim is where a number of repeat Complainants tick the majority of boxes available on the complaint form for attributes and areas with no clear link to the story told in the complaint form. This is discussed more at page 15.

In the year ahead we face many challenges, including skeletal funding, restricting any travel to meet with the wider NT community; to just up and down the Stuart Highway. We will also be moving office in 2018-19, after 25 years in the current premises. The focus for the year will be on continuing timely complaint resolution and self-funded education, training and information sessions. A further key area will be our ongoing contribution to the much needed reform of the Act with the challenge of balancing competing human rights of Territorians. It is important that we ensure moving forward that the Act meets the needs of a diverse Territory as well as ensuring it is a safe and inclusive place to live, work and a place to thrive for all Territorians.

THE OFFICE OF THE ANTI-DISCRIMINATION COMMISSION



Marita Albers - The Returning Crows
(Rights on Show 2017)



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 or about 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.

COMMUNITY ENGAGEMENT AND ADVOCACY

The ADC participates in community events and may advocate on systemic issues relevant to the ADC's work. This may include making submissions on new laws or inquiries and may include consulting with relevant sections of Territory public to give a voice to views that may not otherwise be heard in such formal venues.



ANTI-DISCRIMINATION COMMISSION ORGANISATIONAL CHART STRUCTURE AS AT 30 JUNE 2018

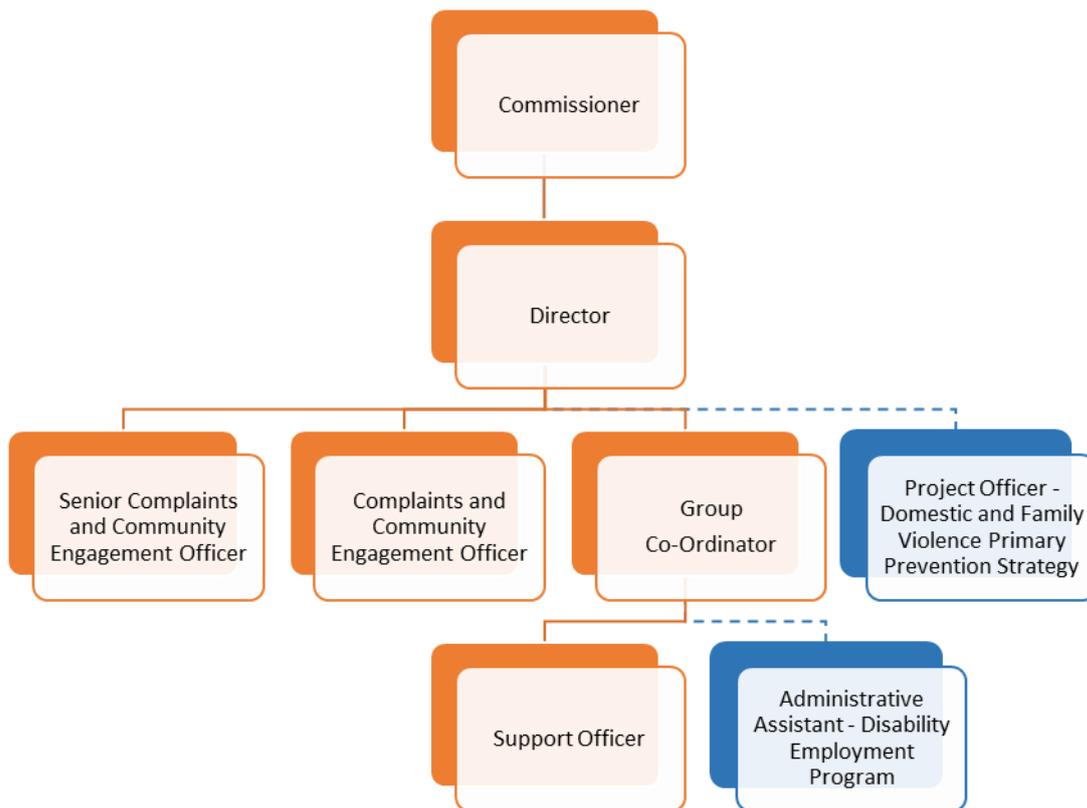


Figure 1

EMERGING ISSUES



David Gardiner - Kakadu
(Rights on Show 2017)



ADVOCACY

Effective advocacy is essential to achieving the objectives under the Act. Advocacy is a particularly critical issue now that we live in a National Disability Insurance Scheme (NDIS) landscape.

Advocacy may be self-advocacy, informal advocacy (friends or family or a supportive bystander), trained advocates including lawyers or it may more broadly be about community advocacy. Effective advocacy is critical for real and lasting change to achieve non-discrimination and equality of opportunity.

For many groups in the Northern Territory (NT) there is an absence of readily available, sufficiently qualified advocates, particularly in the disability sector. People living with disabilities are distributed throughout the NT and live with a diverse range of disabilities. Disability groups and advocates are often poorly funded and required to support the needs of high numbers of people in often diverse locations. The ADC in 2017-18 acknowledged this disparity of resources in a developing NDIS environment. Funding was obtained to support young people living with an intellectual disability and their families to self advocate see page 46.

Advocacy is also critical in our complaints process. We acknowledge and express gratitude to the many advocates, mostly for free, who help individuals every day to tell their story and to help negotiate meaningful solutions. The complaints process is set up to provide the best environment possible to enable self-advocacy. Supports that exist at the ADC to assist in self-advocacy include:

- Access to information prior to making complaints.
- Information about appropriate referrals.
- Permission to bring relevant other supports.
- Accommodations to address special needs.
- Scribing services.
- Interpreters.
- Ability to say no to lawyers if both sides do not have one.
- Support in taking witness statements.



The ADC staff are well placed to observe what constitutes effective advocacy, and would identify it as:

- Supporting a person to tell their story.
- Solution orientated focus.
- Able to see the educative and systemic value in a complaint.
- Able to put themselves in the shoes of the Respondent.
- Good understanding of the process and law.

CULTURAL CHANGE IN WORKPLACES

Also critical to achieving non-discrimination and equality of opportunity is looking at ways to achieve cultural change in workplaces. Workplaces can be a critical point of exposure to diversity and opportunity for education to change broader cultures and attitudes. The individual complaint process at ADC can be a vehicle for systemic cultural change in the workplace but this is dependent on the outcomes being sought by each individual Complainant.

Training has traditionally been the way ADC has tackled this issue. While training has been an effective way to start conversations, re-skill and to challenge workplace attitudes it is acknowledged that more needs to be done in this space.

Work was done this year in preparation for 2018-19, to engage an in-house trainer, who will have the role of designing a public education strategy for the ADC, with at its core, how to use training to drive cultural change. We hope to speak extensively with businesses to find out what supports and training is needed in this regard. Part of this will be to explore refreshing and possibly expanding our training to meet contemporary workplace needs in the NT.

Also on the books for 2018-19 is possible reform to the Act to commence a representative complaint model, aimed at systemic change. This would enable complaints to be made in relation to systemic discrimination; complaints that are able to be made by organisations as opposed to individuals, and which are not dependent on courageous individuals coming forward, a process many find difficult.

Lastly in 2017-18 the ADC worked on a gender equity based strategy as a primary prevention tool to combat domestic and family violence for the Attorney-General and Justice Department. This is detailed at page 48.



MODERNISATION OF THE ACT

In 2017-18 significant contributions were made to the Attorney-General's review of the *Anti-Discrimination Act*. It was heartening to see the level of engagement from the community about this very important reform. Details regarding the key parts of our submission can be found at page 36.

Arising from the public consultation were some issues that clearly polarised the community. Firstly the issue of vilification law in the NT.

The ADC maintains its view that these are important laws required to protect Territorians from harmful conduct in the wider community. It is of concern that some of the debate in this area, has in our view been misinformed by wrong information about the extent and scope of the reforms being sought. Experience shows quite clearly that the protections under the *Racial Discrimination Act 1975 (Cth)*, which we are seeking, are conservative in their reach, and set a very high bar for the conduct which they cover.

The other issue that has polarised the community is that of the removal or rebalancing of some of the religious exemptions. Balancing the interests of different rights is never an easy thing to achieve. The public consultation has given all Territorians an opportunity to raise their concerns, fears or support for this type of reform. Our position has been to support the removal of some of the religious exemptions on the basis that they are no longer necessary in contemporary NT and that the current wording and reach is offensive and permits discrimination towards members of the LGBTIQ community. The exemptions currently apply to the workplace, we are of the view that general workplace rights should apply to all Territorians.

It is conceded that given the competing views a modified approach is required, one that retains some level of protection for religious communities while removing offensive content for the LGBTIQ community.

#ME TOO MOVEMENT

In October 2017, following public allegations about sexual harassment and assault by producer Harvey Weinstein in the United States the #Me Too movement went viral. The hashtag encouraged women to speak out about their experiences of sexual harassment or sexual assault, predominantly in the workplace.

The volume of responses to this hashtag has resulted in a raising of the profile of sexual harassment in the developed world, including Australia, with allegations being disclosed against several high profile Australians.

The flow on effect of this movement has seen an increase in sexual harassment complaints in other discrimination jurisdictions. However, the same trend has not occurred in the NT.





The question that needs to be asked is why not, as the ADC's experience is that it is prevalent and pervasive in NT workplaces. Stories of sexual harassment in the NT are very common and appear to cross industry and location.

We have seen a clear increase in preparedness to discuss experiences of sexual harassment in many forums from senior students, senior women public servants and women lawyers. However in the Northern Territory these have not as yet translated into complaints. We will monitor this and participate in the national review into Sexual Harassment in Australian Workplaces in 2018-19.

AMBIT CLAIMS

Every year the ADC receives ambit claims. An ambit claim is where a person complaining ticks all or most attributes and/or areas on the complaint form irrespective of discriminatory conduct alleged.

When this happens the ADC is required to determine each attribute and area alleged and make a decision about whether to accept or decline. If the selected attribute or area does not relate to the allegations made, it will be declined. Considerable work is often involved in making these determinations because of the volume of allegations and because staff have to be clear that the attributes and areas are not relevant to the complaint made, which may require follow up.

Ambit claims are not complaints where someone has wrongly ticked an attribute or where someone ticks an attribute but is unable to establish a link through their account. To qualify as ambit a complaint must have multiple grounds ticked of which all or most don't relate to the account being alleged, with selection appearing random.

These types of complaints are problematic if high in volume as they may skew data and hide real complaint trends in the community. In 2017-18 the number and expanse of these types of complaints significantly skewed our trend data producing misleading results. For example we handled 34 marital status complaints of which 27 (79%) were identified as ambit claims, being complaints where marital status appears to have been randomly selected, alongside other attributes with no link to the discrimination alleged. Including the ambit claims places marital status in our top ten attributes complained of, but once the ambit claims are removed it falls off this list, reducing to 7 complaints. Our top 10 data is critical in helping us prioritise our resources.

In response to this issue we have elected to remove the ambit claims from our trend analysis this year because we believe that it would be misleading to include it. The ADC works hard to ensure our data is representative of the true work we do and identifies fairly the issues being experienced by the community. We will need to watch this issue in 2018-19 and consider if any changes to our data capture is required to account for this issue.

We note that as a consequence of this decision we are limited in our ability to compare 2017-18 data with 2016-17 trend data, because they have been calculated differently.





PERFORMANCE



Alison McShanag - GGY
(Rights on Show 2017)



COMPLAINTS AND ENQUIRIES

ENQUIRIES

A free and confidential enquiry line is available for the general public and organisations, to get information about their rights and obligations under the *Anti-Discrimination Act* (Act). Enquiries may be made by phone, in person or by email.

In 2017-18, 291 enquiries were made which is slightly lower (4% decrease) than 2016-17 in which 304 enquiries were made.

Enquiries provide both individuals and organisations with an opportunity to safely discuss issues they are experiencing prior to taking any action. Enquiries may empower individuals to make complaints or to take other practical steps to address issues they are experiencing. For organisations, it may give them the confidence to work out how to respond to issues that confront them.

Interpreters, both language and sign, are available for enquirers who request this service. There is no cost to the enquirer.

The enquiry line, as well as providing information to the broader community to assist individuals and organisations meet and achieve rights and obligations under the Act, can be a valuable educational tool. It can also assist the ADC get a sense of issues happening in the community.

Not all issues raised with ADC through the enquiry line result in complaints. Sometimes the enquiry line is used to resolve matters immediately if it is clear that ADC intervention may resolve a matter without a complaint. It may also be that issues are raised of a systemic nature by more than one enquirer indicating that the ADC may need to employ other approaches outside the complaint process to seek redress for the issues raised.

PROFESSIONAL ENQUIRIES

Professional enquiries are those from organisations seeking information about how to meet their obligations under the Act. Enquiries may be received from the public, private or community sector. Information is provided for free and the service is confidential.

In 2017-18, 13% of enquiries were professional enquiries, slightly down from 2016-17 in which 14% of enquiries were professional.

Organisational enquiries are often questions about applying special measures or how to deal with particular employment issues.

All professional enquiries are handled by senior staff members.

GENERAL ENQUIRIES

General enquiries are those coming from the general public and are about rights under the Act or information about how to make a complaint to the ADC.

The enquiry line gives people an opportunity to get more information about the Act and about the ADC processes prior to making a formal complaint. It may also enable callers to find their own solution to their issues without the need to lodge a formal complaint. For some callers it is finding out if ADC's process is the correct process. If not the ADC will endeavour to find an alternative place for them to contact.

In some instances we are able to resolve the person's problem by contacting the organisation who is the subject of concern. Organisations often prefer this early intervention approach rather than responding to a more formal process.

Support is provided for enquirers to get initial information, including bringing a support person or lawyer to the visit if coming in person as well as arranging interpreters, including Auslan if required. If resources permit, we can provide a scribing service if the person is unable to put together a written complaint.

In 2017-18, 87% of enquiries were general enquiries compared to 86% in 2016-17.

ENQUIRY TRENDS

In 2017-18, 291 enquiries from individuals were received about 382 attributes and areas. Set out below are the main attributes and areas the subject of enquiry.

ATTRIBUTES

- Not under the Act (25%)
- Race (18%)
- Disability (14%)
- Failure to accommodate a special need (11%)
- Sex (8%)

2017-18		2016-17	
Not Under the Act	25%	Not Under the Act	21%
Race	18%	Race	19%
Disability	14%	Disability	16%
Failure to accommodate a special need	11%	Failure to accommodate a special need	11%
Sex	8%	Sex	8%

Figure 2



The enquiry trends in 2017-18 closely reflect the trends for enquiries in 2016-17.

Not Under the Act

Enquiries that are classified as not under the Act, are those where the enquiry is not something a person can make a formal complaint about. Being able to provide advice at this stage is an efficient use of resources and enables the ADC staff to redirect the person's issue to the better option.

Often matters will not be under the Act because they do not have an attribute or the attribute is one that is not protected by the Act.

Race

The second highest ground of enquiry in 2017-18 was issues relating to race (18%).

Of these enquiries 44% were issues in the workplace and 36% were discrimination experienced while receiving a service.

In response to the high number of race related enquiries ADC senior staff made themselves available at the Multicultural Council of the NT for drop in sessions every third Wednesday of the month. Similar drop in sessions were also made available in Alice Springs when staff were visiting. Unfortunately these sessions did not get the response anticipated. In 2018-19 other ways of reaching out to the multicultural community will be considered.

Disability/Failure to accommodate a special need

A significant number of enquiries were also about discrimination relating to disability (14%) or failure to accommodate a special need (11%).

In regard to disability complaints 43% were in the workplace while 28% related to discrimination experienced while receiving a service, and 19% were about education. In regard to failure to accommodate a special need a majority of these enquiries related to disability (61%) and were mostly at work (37%) and access to goods, services and facilities (34%).

Sex

There was no change in the percentage of enquiries received related to a person's sex (8%) in 2017-18 and 2016-17. Enquiries mostly related to issues in the workplace (55%) and were mostly from women (61%).



AREAS

To establish unlawful discrimination the Act requires that discriminatory behaviour not only occurs in part because of an attribute (Appendix 5), but in a public area (Appendix 5) covered by the Act. Enquiries received were mostly about:

- Work (45%)
- Goods, services and facilities (26%)
- Not under the Act (17%).

Work

The high number of enquiries reflects a similar high number of complaints in this area. Work remains the most common place for people to report experiences of discrimination.

A person who believes they are experiencing discrimination at work can often choose between the ADC, the Australian Human Rights Commission, the Fair Work Commission and Fair Work Ombudsman. However they are not able to use all forums, they must choose. The enquiry line provides an opportunity for people to understand the ADC process and to be referred to organisations or a lawyer to get advice on what forum to use.

It is a difficult decision for an employee, particularly one who remains in their workplace to make a formal complaint. The enquiry line enables callers to get their questions and concerns addressed to inform what steps, if any, they will take.

Goods, Services and Facilities

After work, most enquirers raised concerns about discrimination experienced while receiving a service, with 26% of callers raising this issue. The prevalence of this issue in the NT is something the ADC intends to address through its training program in 2018-19.

Not Under the Act

In 2017-18, 17% of enquirers complained about discrimination in an area not covered by the Act. As with attributes the enquiry line can be a useful screening and referral tool to educate and re-direct enquiries that are not able to be handled by the ADC.

It can also be a useful vehicle to identify places where discrimination occurs that are not covered by the Act in the NT and that should be considered for reform. These include:

- Incidents in public places
- Discrimination experienced by service providers
- Non-traditional work structures.

MODE OF ENQUIRY

In 2017-18 the majority of enquiries were by telephone with a smaller number of enquiries being received in person or by email, website or letter. There was a small decrease in the number of enquiries received by telephone.

Enquiries by phone can be from across the NT. The ADC only has an office based in Darwin, so face to face services are limited to those who can physically attend the office.

A free line from correctional facilities is also available in Darwin and Alice Springs for both male and female prisoners. There is no equivalent for Don Dale or the Alice Springs Youth Detention Centre.

MODE OF ENQUIRY

Mode of Enquiry	2017-2018 (%) ¹	2016-2017 (%) ²	2015-2016 (%) ³	2014-2015 (%) ⁴
Telephone	77%	81%	79%	82%
In person	8%	8%	8%	8%
Email	13%	10%	12%	9%

Figure 3

COMPLAINTS RECEIVED

In 2017-18 formal complaints were received against 124 Respondents. This is a significant decrease (43%) from 177 Respondents in 2016-17. Analysis shows that the drop is predominantly due to a change in complaint practice in early 2017, whereby a decision was made to defer, in a majority of complaints, the adding of individual Respondents at the earlier stage of the complaint, so that an attempt could first be made to resolve the matter with the organisation.⁵

Other factors affecting complaint numbers in 2017-18 may include changes in various legal and advocacy services as well as the introduction of the NDIS to the NT which is likely to have diverted disability advocacy resources away from the ADC.

¹ Two enquiries were made through the website, two by letters and one was listed as unknown.

² Two enquiries were made via the website and three by letters.

³ One enquiry was made via a letter, one through the website and two others were listed as unknown.

⁴ One enquiry was made via a letter and the method of enquiry for another was listed as unknown.

⁵ This change in practice has resulted in some individual Respondents not being captured in the data system, creating a false reduction in complaints when compared with previous years. This is a data capture issue that we did not factor in when the change in practice occurred. We will need to consider how to redress it in 2018-19 to ensure better comparison of data is available.

The current complaint process is set out in Appendix 3 as well as case summaries (Appendix 4).

FORMAL WRITTEN COMPLAINTS RECEIVED

2017-18	2016-17	2015-16	2014-15
124	177	153	165

Figure 4

FINALISATION OF FILES

In 2017-18 there were 154 matters (by Respondent) handled with 117 finalised. This is lower than 2016-17 where 187 matters were finalised representing a 37% decrease in the number finalised during this period. Again this drop reflects a change in the complaint practice rather than an actual drop in complaints finalised.

COMPLAINTS FINALISED

2017-18	2016-17	2015-16	2014-15
117	187	196	156

Figure 5

REASONS FOR FINALISATION

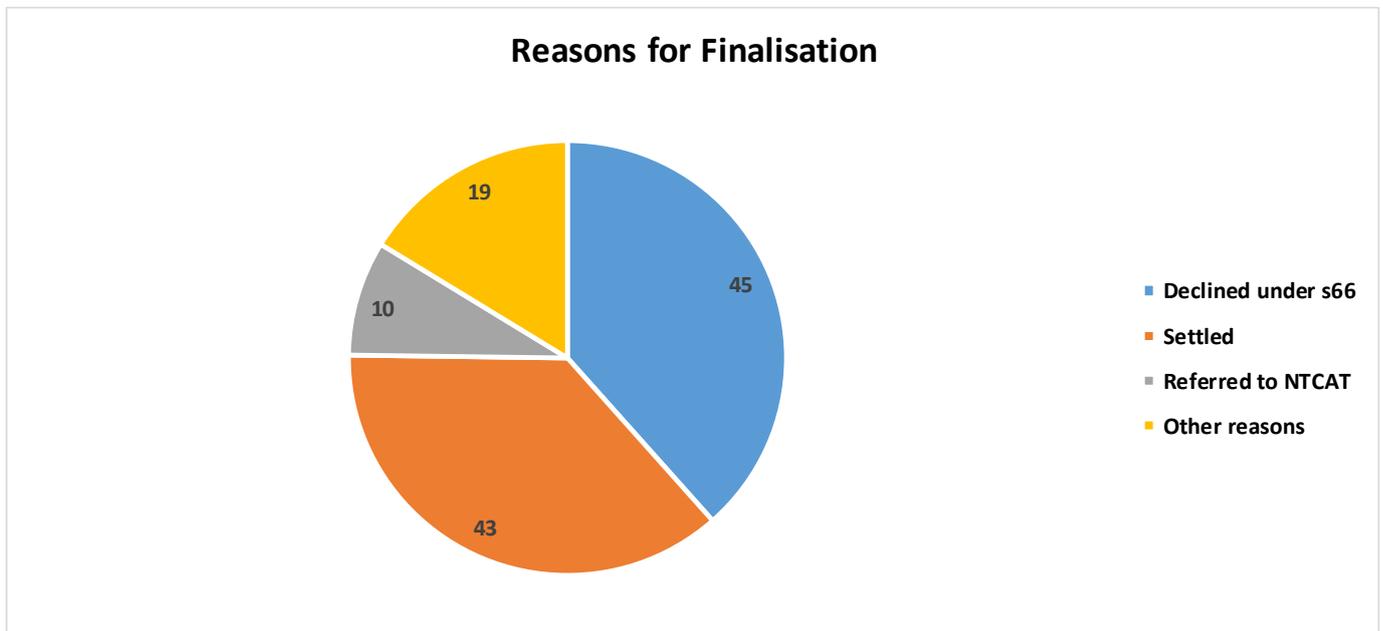


Figure 6

COMPARATIVE DATA

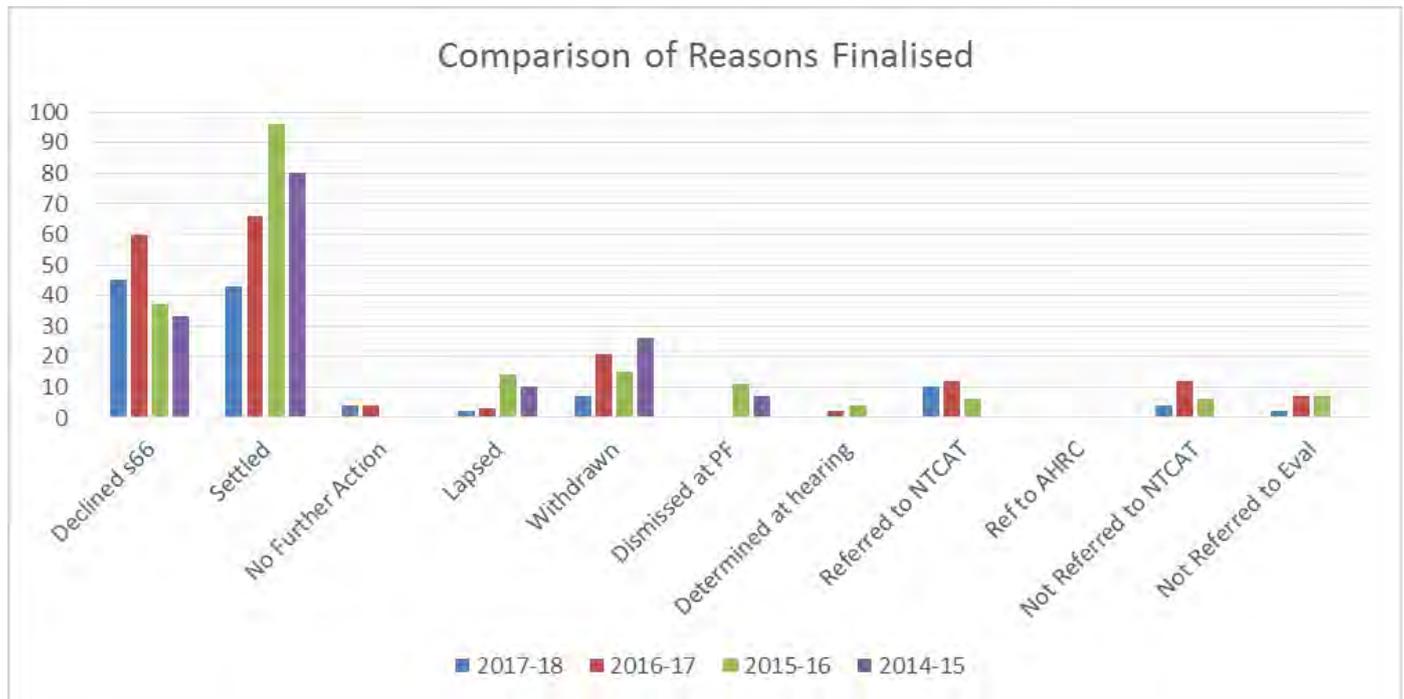


Figure 7

The following is a breakdown of the ways in which a matter may be finalised and the number of complaints concluded for 2017-18.

DECLINED UNDER SECTION 66

In 2017-18, 45 complaints were declined under the Act, compared to 2016-17 when 60 complaints were declined, representing a 25% decrease. Again this decrease is likely to be because of the change in complaint practice rather than fewer complaints being declined.

If a matter is declined there is no right of appeal, only a right of judicial review. Most complaints are declined because they fail to disclose prohibited conduct including:

- No attribute or no area, or both
- Exemption clearly applies
- The allegations are not about discrimination
- Out of time.



LAPSED

In 2017-18, only 2 complaints were lapsed. This is a decrease from 3 complaints in 2016-17. A lapse is where a Complainant has stopped communicating with the ADC. Many attempts are made to reconnect with Complainants when this occurs. The Complainant is advised in writing and given 60 days to respond. If after this time, no contact is made the complaint is lapsed and may not be re-opened.

WITHDRAWN

In 2017-18, 7 complaints were withdrawn, compared to 21 complaints in 2016-17, this is a 67% decrease.

A complaint may be withdrawn at any stage. Reasons for withdrawal are varied but may include a Complainant no longer wanting to continue, wanting to deal with their issues in another way or it could be because they are satisfied with explanations received and that is sufficient.

NO FURTHER ACTION

In 2017-18, 4 complaints were closed due to no further action. The same number of complaints were closed due to no further action in 2016-17.

No further action is used where the ADC staff feel they cannot continue a complaint. This may be where a Complainant is not participating in the process or could be where there is no value in the complaint continuing because there is no remedy to seek.

SETTLED

In 2017-18 43 complaints settled compared to 2016-17 when 66 complaints settled. This is a 35% decrease in settlements. It is noted however that settlement figures for this period are significantly affected by the change in practice in data capture making it difficult to compare with 2016-17 settlement figures.

NOT REFERRED TO EVALUATION

In 2017-18, 2 matters were not referred to evaluation compared to 7 in 2016-17 which is a 71% decrease. Complainants following an unsuccessful conciliation have the option to either refer their matter to an evaluation or end their complaint at this point. This option enables Complainants to access the conciliation process without proceeding through to the more formal end of the process.

REFERRED TO NTCAT

In 2017-18, 10 matters were referred to the Northern Territory Civil and Administrative Tribunal (NTCAT). This is a 17% decrease from 12 matters referred in 2016-17. This decrease is a reflection of matters with fewer parties rather than a drop in the number of matters being referred.



NOT REFERRED TO NTCAT

In 2017-18, 4 matters were not referred to NTCAT. This is a 67% decrease from 12 matters not referred to NTCAT in 2016-17. Matters not referred are matters where the delegate has found following an evaluation that a matter does not have a reasonable prospect of success. In 2017-18, 4 matters were determined not to have a reasonable prospect of success.

If the delegate determines that a complaint has not got a reasonable prospect of success a Complainant may on their own still ask the NTCAT to hear their matter. The Complainant has 21 days to file with NTCAT. In 2017-18 2 matters were self-referred.

TIME FRAMES

In 2017-18, of the complaints finalised (115) 98% were finalised within 6 months of receipt. This is a 30% improvement from 2016-17 where 88% of complaints were finalised. However, it is noted that more complaints (164) were finalised in 2016-17. This difference again is likely to be a reflection of the ADC's change in practice than statistically significant.

Under the Act there are no statutory time frames to dictate how quickly a matter must be completed. It is the aim of the ADC to conclude matters within 6 months of the date of receipt and staff work hard to achieve this.

For all new complaints received in 2017-18, 86 or 98% were finalised within 6 months. Matters that are not completed within this time frame are generally matters where the nature of the issues require a longer period to respond to, or where parties have contributed to the delay.

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 quicker completion of matters including the referral of matters to hearing.

There remains to be matters that the ADC is unable to finalise quickly because of the nature of the complaint. In particular matters where one or all parties reside outside major town areas and access for instruction is limited. Complaints may also require more prolonged settlement discussions because of the complexity of the issues involved or because of the accommodations required to support a party to participate in the process. As indicated above, in a small number of matters delay may also be a result of the conduct of the parties.

The ADC believes a quick process is a good process but also appreciates that procedural fairness must always be followed, even if this extends the time to finalise a matter. However the majority of matters are finalised in a relatively short time frame.

APPEALS

APPEAL NUMBERS AND OUTCOMES

In 2017-18 1 judicial review was lodged in relation to decisions of the ADC. This matter was not determined at the end of the financial year. No appeals were lodged against NTCAT decisions in 2017-18.

YEAR	NUMBER	OUTCOMES
2014-15	Nil	N/A
2015-16	Nil	N/A
2016-17	Nil	N/A
2017-18	1	Not yet determined

Figure 8

JUDICIAL REVIEW

In 2017-18 judicial review was sought in relation to 1 decision being the matter of

Lavery v Northern Territory Anti-Discrimination Commission & Ors. The grounds for review sought were quite extensive but essentially relate to a decision by a delegate of the Commissioner to decline a complaint under section 66 of the *Anti-Discrimination Act*. The review has been heard by the Supreme Court, with a decision pending in 2018-19. The outcome of this matter will be reported in next year's Annual Report.

MANNER OF REFFERAL

Under legislation, the ADC refer matters to the Northern Territory Civil and Administrative Tribunal for hearing, or Complainants may self-refer 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
2017 - 18	10	2	12
2016 - 17	12	0	12
2015 - 16	4	0 ⁶	4

Figure 9

There was the referral of complaints against 12 Respondents which constituted 8 matters to the NTCAT. The figure includes all matters before NTCAT, new referrals in this period were made up of complaints against 5 Respondents and represented 4 new matters before NTCAT.

The ADC intervened in 11 of the 12 matters. The ADC will continue to make applications to intervene in matters before NTCAT while the jurisdiction remains relatively new. The role of the ADC in intervening is not to advocate for either party but to advocate for the law and to bring its expertise to the interpretation of the law as it relates to the communities affected by it.

TOTAL NUMBER OF NTCAT MATTERS ADC INTERVENED IN

2017-18	2016-17	2015- 16
11	16	4

Figure 10

TYPES OF MATTERS GOING TO NTCAT

A majority of the matters before NTCAT during this period related to race or disability. The most common area was work followed by goods, services and facilities. There were no final decisions from NTCAT during this period to report on, with most matters either settling prior to hearing or remaining on foot at the end of 2017-18.

⁶ In relation to 1 of the 4 referrals by the ADC, an aspect of the complaint that was not referred to the Tribunal, was 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 objectives 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 with:

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

Through each of these services we gain a picture of issues facing the NT community. This information assists us in setting our priorities, and informs necessary law reform.

PUBLIC EDUCATION & TRAINING

In 2017-18 our public education and training was provided primarily by contracting two external training consultants, selected for 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 basis.

For the third consecutive year we saw an increase in demand for training.

In 2017-18 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
- Train the Trainer
- Challenging Unconscious Bias.

The public program was offered four times in Darwin, twice 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.





CUSTOMISED TRAINING

Customised training is available upon request from an organisation. This training is designed to meet the unique training needs of the organisation and involves customising existing packages 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 & 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 employees with the knowledge and resources to be a first point of contact for other employees who have a workplace-related grievance that may involve discrimination, harassment, victimisation and/or sexual harassment.

This is a full day of training.

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

Building on the work completed in 2016-17 in developing this course, several more workshops were delivered in 2017-18, including the course being offered as a public course for single subscribers. This training is an introduction to challenging unconscious bias that explores diversity, improves inclusivity and tackles stereotypes in the workplace.

All humans have a preference for people who resemble themselves. This form of bias could be unconsciously impacting on decision-making in the workplace. Unconscious bias can take effect at various stages during employment as early as the recruitment stage, through training and promotion, and in how teams work together.

To challenge unconscious bias a person needs to understand what unconscious bias is, recognise its prevalence in the workplace, and learn how to identify, address and reduce its impact on their 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.
- Identifying 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 and particularly for those involved in recruitment, and can be tailored for management.

Program	Workshops	Participants	Training delivered (Hours)	Organisations
Information sessions	22	438 ⁷	23.75	20
Public training	16	136	66.5	52
Customised training	47	652	197	28 ⁸
TOTAL	85	1226	287.25⁹	100¹⁰

Figure 11

The public program, whilst less popular than customised training, was provided to participants from 52 organisations as well as a small number of private individuals, 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 how organisations' policies and procedures align with this.

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 demand and interests. The following courses have been identified for future offerings in addition to our current suite of training packages:

- Unconscious Bias in a service delivery setting.
- Conflict resolution and complaint management in the workplace for managers.
- Anti-Discrimination and Harassment for service providers.

⁷Attendance numbers are for 21 sessions—1 session we don't have data for.

⁸OCPE contracted 6 of these session and offered the places to NTPS employees. Actual attendees at these sessions represented 14 different NTG entities. Several attendees also attended in a private capacity.

⁹ The hours reported here differ from the KPI's as there was a last minute addition for the NDIS sessions which were not originally included.

¹⁰Building for success with NDIS sessions (Pg 46) - 20 young people and 29 parents took up this opportunity.

Towards the end of 2017-18, the ADC was given approval to recruit a Senior Equal Opportunity Educator and Strategist to develop a strategic training plan, new training packages and to deliver training in conjunction with a pool of external trainers. The role will also include the planning and provision of the ADC's community engagement work. The role is expected to be filled in early 2018-19.

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 2017-18 free information sessions were provided to key stakeholder organisations and covered rights and responsibilities under the Act, youth focussed discussions to multicultural groups and high school business classes, gender equality and workplace diversity and inclusion. ADC staff also presented sessions in Darwin, Tennant Creek, Alice Springs and Katherine on the proposed Modernisation of the Act during the public consultation period, as well as rights-based sessions around sexual harassment after the #MeToo movement went viral.



The ADC was also involved in the Youth Week Democracy Dash for the second year. This Youth Week event is organised by the Electoral Commission and 10 organisations participated in the event.



This year, the participating organisations were clustered more closely together, as last year none of the teams managed to visit every organisation and complete the required activities.

The ADC used an exercise in which the students were required to identify areas and attributes covered by the Act and remove ones not covered by the legislation.

The feedback received from teachers on the day was that the students were more engaged with our activity than they had been at other organisations. This feedback was also provided to the Electoral Commission who advised us our task was a success with students and teachers alike.





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 2017-18. 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

SUBMISSIONS

In 2017-18 we made submissions to:

- NT Correctional Services “Review of the ‘Standard Guidelines for Corrections in Australia.’”
- Chair of the Social Policy Scrutiny Committee re draft NT Bill to implement OPCAT monitoring in the NT by the International Subcommittee.
- Submission to the Australian Law Reform Commission Inquiry into Incarceration Rates of Aboriginal and Torres Strait Islander Peoples.
- Religious Freedom Review.
- Modernisation of the *Anti-Discrimination Act*.

A comprehensive submission was provided to the Australian Law Reform Commission about the incarceration rates of Aboriginal and Torres Strait Islander peoples. The submission touched on many issues relevant to the NT. Key messages were about the use of interpreters, cultural safety and the importance of Aboriginal and Torres Strait Islander peoples being part of the pathways as stakeholders or employees.

Our submission to the Religious Freedom Review emphasised that freedom of religion is an absolute right, but that the expression of that right is relative to other rights. We proposed the introduction federally of a human rights framework to balance rights.

On modernising the *Anti-Discrimination Act*, our submission supported each of the rights based reforms suggested in the Discussion Paper. We also supported removal of exemptions relating to religion that we believe unduly reduce the rights of members from the LGBTIQ community. In relation to exemptions we stressed the importance of remembering that the Act is rights based legislation and any exemptions must be justified against this objective.

Our submission acknowledged that the existing Act is 25 years old and any reform needs to support the Territory communities for the next 25 years.

It emphasised that the Act is more than a vehicle for complaint; it is an important educational and advocacy tool, it guides organisational policy and practice and sets a standard of expected behaviour for our community.

We look forward to continued discussions on progressing the proposed reforms in 2018-19.

EVIDENCE AT SENATE INQUIRIES

The Commissioner and ADC staff appeared to provide evidence to the Expert Panel on Religious Freedom when they appeared in Darwin.

PRESENTATIONS

The ADC is often asked to present at events in the NT on a range of topics. In 2017-18 there was a strong focus on topics relating to unconscious bias, general information on your rights and responsibilities under the Act, sexual harassment and the Modernisation of the Act.

Of note in 2017-18 were the following presentations:

- Women in Leadership Summit, The Territory - Utilising the momentum of #MeToo to address and prevent sexual harassment.
- International Day against Homophobia, Biphobia, Intersexism and Transphobia: Alliances for solidarity—Charles Darwin University.
- Building for Success with NDIS: Rights for all.



The ADC team also had the opportunity to visit Government House and have tea with the Administrator of the Northern Territory, Her Honour the Honourable Vicki O'Halloran AM.

NORTHERN TERRITORY HUMAN RIGHTS AWARDS “The Fitzgeralds”

In 2017-18 ADC was part of the steering committee for the 4th 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.
- Wendy Morton, Northern Territory Council of Social Services.
- Caitlin Perry, Executive Director, Darwin Community Legal Service
- Sally Sievers, Commissioner, Anti-Discrimination Commission
- Louise Bennett, Criminal Lawyers Association of the Northern Territory
- Kwame Selormey, Chief Executive Officer, Melaleuca Refugee Centre
- Justine Davis, Former award recipient.



ADC Employees: Desmond Campbell, Anne Hebert and Bronwen McLauchlan

The awards are to celebrate the United Nations Day for Human Rights, which occurs on the 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 couldn’t attend due to work commitments in Melbourne.

The awards evening was opened with a welcome to country by Larrakia elder, Bilawara Lee followed by the guest speaker for the evening Olga Havnen. Ms Havnen is of Western Arrernte descent and grew up in Tennant Creek. She has been CEO of Danila Dilba Health Service since 2013 and has held a range of senior public and non-government roles in her long career in Indigenous Affairs including NT Co-ordinator general for remote service delivery, head of Indigenous strategy with Australian Red Cross, Deputy Director of the Northern Land Council and Manager of Indigenous program at the Fred Hollows Foundation.

Ms Havnen has held many board positions as a Director, including the Indigenous Land Corporation, Voyages Indigenous Tourism Australia, NT Primary Health Care and the Deputy Chair of Aboriginal Medical Services Alliance NT (AMSANT). She has also been appointed to high level advisory bodies including NT Government's Expert Reference Panel on Early Childhood Development and Vice Chancellor's Indigenous Advisory Council, Charles Darwin University. Ms Haven is currently a member of the NT Community Justice Council and is a Director of the MJD Foundation and Stars Foundation Boards.

Ms Havnen spoke of Australia's track record in human rights and the recent selective adherence to Australia's human rights obligations noting that Australia played a leading role in the 80's, however since 'Tampa' Australia's role has diminished.



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: Olga Havnen

Individual Winner – Antoinette Carroll

Antoinette Carroll has been a youth worker for 20 years and is a strong, passionate and relentless advocate for the voice of young people in Central Australia. She is a member of many committees and working groups promoting and advocating for the human rights of young people. In 2007 Ms Carroll obtained funding for the youth justice advocacy project and was the coordinator for 10 years working holistically and closely with young people, community members, lawyers, teachers and service providers to provide young people with the support they need and advocate for their human rights. She was instrumental in exposing mistreatment of young people at the Don Dale Detention Centre as seen on the ABC Four Corners Program. She had a challenging year as she provided numerous statements and gave evidence before the Royal Commission.



Organisational Winner – Life Education NT

Life Education NT and their much loved mascot Healthy Harold have been operating for 30 years in the Territory, empowering school children to make safe and healthier choices through education. The Community based, not for profit education organisation has grown and expanded the range of programs it provides, using mobile classrooms and creative and collaborative learning programs about challenges our children face, from tobacco to e-safety programs. Life Education NT has increased its reach across the NT and in 2017 they provided health education programs to 30 remote communities and reached a total of 18,000 students.

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: Gus and Shane Fitzgerald

Individual Winner – Russell Goldflam

Russell Goldflam is well-known in Alice Springs and to the NT Legal Community. He has held many roles over his 20 year legal career including Principal Legal Officer at NT Legal Aid Commission in Alice Springs, Legal Aid Commissioner, President of Criminal Lawyers Association of the NT and numerous community roles such as White Ribbon Ambassador and is an active member of the Peoples Alcohol Action Coalition. Russell is recognised in the profession for his leadership, mentoring, teaching and ability to inspire many young lawyers. However what was most compelling in the nomination for Russell were the voices of clients and their families, for the compassion and thoughtful intellect with which he practices his craft. Clients and families speak of his dedication and commitment to helping them. He has a passion for protecting the human rights of people experiencing mental illness or cognitive impairment who are involved with the criminal justice system.



Organisational Winner – Kurdiji Law and Justice Group from Lajamanu



The group was established in 1998 by strong Warlpiri elders and community leaders from Lajamanu, who are actively involved in promoting respect for Aboriginal and non-Aboriginal law and justice within their community through practising traditional dispute resolution and engaging with the justice system to achieve social change and better outcomes for Aboriginal people living in Lajamanu. They now receive governance support from Central Land Council, but until recently had been entirely unfunded

and operated on a voluntary basis. The group has worked with NAAJA's Community Legal Education team since 2010 to facilitate pre-court meetings with elders and community leaders and to write pre-sentence recommendations and reference letters to the presiding judge. The Kurdiji Law and Justice Group had a very busy year in 2017 as the group extended its work, sitting alongside judges, giving evidence at the Royal Commission, being active in NT Correction's Elders Visiting Program and, for the first time, being involved in civil jurisdiction meetings and workshops with Territory Families.

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: Gus and Shane Fitzgerald

Individual Winner – Marguerite Baptiste Rooke

Marguerite arrived in Alice Springs in 1989 and for the last 28 years has been a dedicated and passionate voice for the multicultural community in Alice Springs. She has held numerous positions; President of the Migrant Resource Centre, Community Settlement Support Worker and more recently Co-ordinator of the Multicultural Community Services of Central Australia, a small non-government organisation providing settlement services, and so much more for newly arrived migrants. Marguerite's work goes beyond events like harmony day and the bangtail muster in her aim of increasing understanding of and appreciation for cultural diversity in Alice Springs. She advocates on the harder and less attractive issues in Australian society such as domestic and family violence, human slavery and family welfare issues. A telling quote from the nominator was: "The beautiful thing about Marguerite is she knows when to tread lightly and when to be fierce."



Organisational Winner – Incite Arts Inc.



Incite Arts Inc. is a central Australian community led arts organisation built on trust and enduring community partnerships since 1998. Incite Arts coordinates a range of programs involving Aboriginal communities, emerging artists with a disability, and the multicultural community. It works across numerous art forms including dance, music and site specific performance. The nomination focusses on 'Unbroken Land' a large scale, multi-art form, site specific performance that brings people together to experience diverse stories of belonging, celebration of culture and our place in the unique and ancient Central Australian landscape. Groups involved in the 2016 'Unbroken Land' program included Tangentyere artists, NT Writers Centre, Akeyulerre Healing Centre, The Sikh and Indian Community, and "Starts with D Performance Ensemble". A Genuine Celebration of diversity through collaborative and inclusive creative process.

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: Joanne Schilling

Individual Winner – Dino Hodge & Robyne Burridge

Dino has been a volunteer, activist, historian and active member of the NT LGBTIQ community since the early 1980's. His early activism in the community was during the days of the HIV/AIDS pandemic where he was often a lone voice advocating for rights, recognition and respect against the bigotry and discrimination. Dino was active in the initial drafting of the Anti-discrimination legislation. He has held a long time role with the NT Aids and Hepatitis council, as a board member from 1988-1994, a life member since 2013 and now again a board member. Dino has held many roles in the NT LGBTIQ community from organising the Inaugural Pride Festival, to ensuring LGBTIQ history is included in the NT archives. He has written books and articles, presented at conferences addressing Indigenous LGBTIQ lives and experiences.

Robyne arrived in the NT in 1981 to coordinate celebrations for the International Year of Persons with a Disability and has continued as an advocate and spokesperson since. She has had numerous official roles over the years within government and the community sector. Robyne has the ability to articulate the importance of having persons with a disability involved in conversations about changes to the sector “nothing about us without us”. She was recognised as a life member of Integrated Disability Action Inc. (IDA) in 2016 and despite stepping down from her role at IDA, she has been as active as ever being involved with the National Disability Insurance Scheme, accessible transport and advocating on the every day things for individual people with a disability that ensure inclusion and equal rights.

Organisational Winner – Alparra School—Utopia

Alparra School has responded to the community vision for the education system to recognise and honour Indigenous culture by integrating it into the curriculum into all schools on the homelands. Social change has been achieved by creating two projects within the school. “Country in Curriculum” is a project that resources bush trips to local homelands and is a partnership between elders and school teachers resulting in traditional knowledge, biology, geography and botany being incorporated in all levels of the school from preschool to secondary. The second project is a book production unit within the school, with a local person providing cultural and language guidance. Together, these two programs resulted in increased valuing of the role of parents and elders as well as employment opportunities for community members who are the experts in local knowledge.



RESOURCES – SOCIAL MEDIA

SOCIAL MEDIA

The ADC continued to remain an active user of both Facebook and Twitter in 2017-18. The ADC promotes positive stories on the ADC Facebook page and the figure below displays a collage of some of the positive postings from this year. Social media is used by the ADC as a vehicle to advocate for positive stories and images about groups in the community protected under the Act, who are often the subject of negative coverage in mainstream media. The Commissioner is an avid user of Twitter, using it to convey positive messages to the community and has greatly increased her following over the past year.

In 2017-18 the ADC saw its likes increase on Facebook from 346 to 546. The demographics of viewers remained the same as the 2016-17 with 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. A majority of formal complaints are received via our online complaint mechanism.

In 2017-18 the ADC had:

- 88% of viewers were new visitors to the website.
- 16,069 sessions were recorded with the average session time being 1.32 minutes.
- 13,032 users.
- 30,808 page views.

RESOURCES AND PROMOTIONAL MATERIALS

Resources can be an important tool to support advocacy for the rights of groups protected by the Act. In 2017-18 as part of the National Disability Insurance Scheme (NDIS) Participant Readiness/Quality and Safety project, the ADC developed a three fold brochure which assists people to navigate the complaints process, and understand their rights to reviews and appeals under the new process. There are copies of these brochures available at the ADC office, or alternatively brochures can be posted or emailed out as requested.

NORTHERN TERRITORY NDIS OFFICES

Alice Springs
Level 2, 14 Parsons Street
Alice Springs NT 0870
Monday - Friday 9:00am - 4:00pm

Darwin
220 Adelaide street (Opposite)
24 Knuckey Street Darwin NT 0801
Monday - Friday 9:00am - 4:30pm

Katherine
200 Bourke street (Opposite)
4 Second Street Katherine NT 0850
Monday - Friday 9:00am - 4:30pm

Nhulunbuy
200 Bourke street (Opposite)
74 Cleveland Street
Nhulunbuy NT 0880
Monday - Friday 9:00am - 4:30pm

DISCRIMINATION COMPLAINTS

If you have been treated unfairly contact
The Anti-Discrimination Commission
Telephone: 1800 813 846
Tel: 0899 1444
E: adisc@nt.gov.au

NDIS Quality and Safeguards Commission

FROM 1 JULY 2019 ALL COMPLAINTS ABOUT SERVICES BOUGHT WITH YOUR NDIS PACKAGE SHOULD GO TO THE NDIS QUALITY AND SAFEGUARDS COMMISSION.

<https://www.ndis.gov.au/quality-and-safeguards>
complaints@ndis.gov.au
ndis-qual@ndis.gov.au

NDIS
Related Complaints

1. COMPLAINTS ABOUT NDIS REVIEWABLE DECISIONS

Reviewable Decisions are legislated in the NDIS Act 2013 and are decisions made by the NDIS as part of its processes (eg. A person is advised they are not eligible to access or participate in the NDIS, or is refused funding for support or equipment). You have a legal right to complain about Reviewable Decisions made by the NDIS. This is achieved from making a general complaint to the NDIS or the Commissioner.

YOU CAN REQUEST (VERBALLY OR IN WRITING) AN INTERNAL REVIEW OF THE DECISION. The NDIS must provide a written response to the request. If you remain unhappy with the results of the internal review contact the Appeals Officers at:

Disability Community Legal Centre in Darwin
Telephone: 1800 812 953
Ph: 0892 1111
E: info@dcclaw.org.au

Memberships Services Legal Aid, Ptd. Commission (JCT, ACT)
Telephone: 1800 019 242
E: info@dcclaw.org.au

Or get the Administrative Appeals Tribunal (AAT)
Telephone: 1800 228 333

ASK HOW TO APPLY FOR A REVIEW OF AN NDIS DECISION. Don't delay, because there are time limits you have to comply with in making an application to the AAT.

The AAT has a designated website for NDIS appeals: <http://www.aat.gov.au/ndis>

2. COMPLAINTS ABOUT SERVICES BOUGHT WITH YOUR NDIS PACKAGE

A Tell the worker or provider about the problem.
B If you are uncomfortable doing that, or they don't fix the problem, tell the manager of the service. Keep a record of your communication.
C If the problem is not yet fixed get help from the Health and Community Services Complaints Commission or Advocates listed below.

You can contact these agencies for advice at any stage. For example you can ask for an advocate before talking it with the service if you are not confident about making a complaint to the provider.

<http://www.complaintslegal.org.au/NDIS>
Phone: 1800 812 953
Tel: 0892 1111
E: info@ndis.org.au

Disability Community Legal Centre (Darwin)
Ph: 08 9253 1223
E: info@dcclaw.org.au

Disability Advocacy Inc. (Alice Springs & Tennant Creek)
Ph: 08 8953 1223

NPT Workers' Complaints
Ph: 08 0978 2345
E: ndis@nptworkers.org.au

Health and Community Services Complaints Commission
Telephone: 1800 0304 474
Tel: 08 0799 1748

3. COMPLAINTS ABOUT NDIS STAFF OR PROCEDURES

THE NDIS COMPLAINTS PROCEDURES REQUIRE THAT THE NDIS:

- Tell people the action where there is a high risk of harm or abuse.
- Acknowledge complaints within 24 hours of receiving them.
- Call you within 48 hours of acknowledging a complaint.
- Resolve complaints within 21 calendar days.

THE NDIS ENCOURAGES COMPLAINTS AND THESE CAN BE BY PHONE, BY WRITING OR IN PERSON.

Phone: 1800 800 100
E: feedback@ndis.gov.au
Write to: National Disability Insurance Agency
GPO Box 700, Canberra ACT 2601

If you choose to make a phone complaint, prepare notes detailing your complaint beforehand. Record the name of the person you speak to, the date, time and the advice they give you. This record will help you if the problem is not fixed. Written complaints are recommended.

THE NDIS COMPLAINT FORM CAN BE DOWNLOADED FROM:
<https://www.ndis.gov.au/about/contact-us/#/ndis-complaint-complaint-form.html>

If you complain to the NDIS you are not involved with their resolution you may take your complaint to the Commonwealth Ombudsman. The goal is to mark it up as 'complaint against the NDIS'.
Ph: 1300 283 072
<http://www.ombudsman.gov.au/health-care-complaints>

CAPACITY BUILDING PROJECTS

NDIS

The ADC received financial assistance from the Office of Disability as part of the National Disability Insurance Scheme (NDIS) Participant Readiness/Quality and Safety Project with the aim to build capacity for participants in preparation for the NDIS.



After extensive NT and Australia wide consultation and participation in Zero Tolerance workshops across the NT, it was decided to develop and deliver a workshop to young people living with an intellectual disability and their families. The focus of the project and the workshops was to enhance these young people's understanding of their Human Rights and to develop and strengthen potential NDIS participants' skills and ability to exercise their individual rights, choice and control over decisions when coming to the scheme, also to be empowered to ensure they have a good life and are safe.

The project was ably lead and presented by Deb Hall, a long term advocate for people with disability and educator, and Rachel Kroes, similarly long term advocate and educator. This project would not have been possible without the generous support of VALID, who provided an array of resources and welcomed Deb Hall when she attended a course and their offices in Victoria.

In the first six months of 2018 we were able to offer two sets of workshops, the structure being a Thursday evening and Saturday morning in one week, then the same in a fortnights time with a break in the middle. The first set of workshops was delivered in March/April and the second set was delivered in May/June. Participants were receiving their first letters from the National Disability Insurance Agency (NDIA) during this time. In total 20 young people with intellectual disabilities participated in at least one workshop as well as 29 parents.

Whilst the workshops started and ended each session with both groups together, separate but aligned workshops were conducted for young people and their families. Also separate booklets and power points were written for each group, with one for each of the four sessions. Material was refined and redeveloped between the two sets of the workshops. The foundation for the material was VALID's 'Keys to Success and Families as Planning Partners' course.

The course material for the young people and families covered various learning styles with engaging activities. The content ranged from understanding of Human Rights, communication styles, assertiveness, language used by the scheme, practical guides to first planning meeting as well as various complaints and review mechanisms.

There was very positive feedback from both groups, with one participant being able to use the material immediately in a review of their plan.

Evaluations from the young people focussed on enjoying the learning and wanting more sessions. The family members provided feedback that the workshops allowed them to move through the information at their own pace and the value of having workshops that focus on them as families rather than on service provision as well as the focus on the 'planning meeting'. There were also comments raised about the understanding of the preparation needed for the planning meeting as essential for making the most of NDIS.

The sessions were structured with food breaks to ensure old friendships and support networks could be rekindled or new ones made which is essential for developing informal supports.

The ADC hopes to be able to acquire more funding in 2018-19 to continue the conversations with young people and their families as they commence and work through a life time journey with NDIS.

Further, in response to a request to help navigate complaints, reviews and appeal rights under the new process, a threefold pamphlet was produced.





DOMESTIC AND FAMILY VIOLENCE PRIMARY PREVENTION STRATEGY

The ADC was approached by Greg Shanahan, Chief Executive Officer of the Department of the Attorney General and Justice (AGD) to investigate the role of the workplace in awareness, recognition and prevention of domestic and family violence with the view to developing a relevant strategy. The strategy was intended to replace White Ribbon Workplace Accreditation Program and ensure the AGD's ongoing commitment to addressing domestic and family violence. At the heart of the strategy is an understanding that domestic and family violence is a result of gender inequality and that addressing gender equity will address domestic and family violence. The ADC's expertise on this topic is why they were engaged to drive this strategy.

Prior to this financial year, work had been commenced in November 2016 up until February 2017 by the ADC to collate the latest research around domestic and family violence (DFV) awareness, prevention and support in the workplace. It was through this research that the clear driver of gender equity emerged.

From this work a strategy options paper was developed identifying four phases required for a strategy:

1. taking stock
2. generating change
3. maintaining momentum
4. evaluation.

To be effective each phase was required to target the four streams of leadership, middle management, grass roots and governance.

The Commissioner presented this information to the AGD Executive Leadership Group which initiated further work around gathering and seeking information about the AGD as an employer in relation to gender equity. This included surveying staff, gathering existing AGD data and getting divisions to complete the Work Gender and Equality Agency (WGEA) diagnostic tool to determine where each division individually and collectively measured against WGEA criterion.

The WGEA criterion is:

Avoiding Gender equality issues are not even recognised.

Compliant Gender equality effort compliance–driven only.



Programmatic	Gender programs are provided for ad hoc needs.
Strategic	Gender strategy and action plans implemented.
Integrated	Gender equality is internalised in systems.
Sustainable	Gender equality is a business and cultural norm.

This information is being used to identify actions via an Implementation Plan that need to be taken by each division and the AGD as a Department to work towards gender equity as an employer and to thereby start addressing domestic and family violence through the AGD workplace.

ACTIONS

In 2018-19 work will be done to look at what steps and actions can be taken to implement this strategy. Actions already being explored are:

- Development of a portal that will give divisions access to material that will support them in implementing this strategy (e.g. information about when mandatory reporting applies, what leave entitlements exist etc.)
- To provide induction and refresher training (every 2 years) about domestic and family violence, including how to manage and address issues in the workplace. Details provided below.

TRAINING AND AWARENESS

A range of local and national training organisations were approached to identify what type of training packages were suitable for this project. After a review of these training packages local provider, NT Working Women Centre (NTWWC) was identified as a suitable and cost effective training provider with a proposed training package which fits in well with the workforce structure.

There have been two components of training identified as a requirement to effectively implement a gender equality strategy in the workplace; induction and refresher.



INDUCTION TRAINING

The induction training should initially be provided to all current employees of each division with a delivery focus that is relevant to that division. This training is important to raise awareness of domestic and family violence. The training is adapted to the division workplace by:

- Providing training to managers and supervisors
- Assisting in introducing a domestic and family violence workplace strategy through policy development
- Providing free and confidential support, advice and referral to women experiencing domestic violence

TRENDS



Helping People Achieve (HPA) - Steps Towards Capability Communi-Tree
(Rights on Show 2017)

COMPLAINTS

WHO IS COMPLAINING?

GENDER

In 2017-18 51% (78) of complaints handled¹¹ were from women compared to 49% (75) of complaints from men. Complaints from women are slightly lower than 2016-17 (117, 54%), but remain fractionally higher than complaints received from men.

GENDER OF COMPLAINANT

Year	Male	Female	X
2017-18	75	78	1
2016-17	97	117	3
2015-16	122	114	0
2014-15 ¹²	121	114	1

Figure 12

REGION

In 2017-18, 105 (68%) complaints handled were from Darwin; a decrease from 158 (73%) in 2016-17. There was a small decrease of complaints from Alice Springs during this period, representing 17 (11%) complaints compared to 20 (9%) in 2016-17. There was a small decrease of complaints handled from interstate in 2017-18 with 7 matters (5%) compared to 10 matters (5%) in 2016-17.

REGION

Year	Darwin	Other NT	Interstate	International	Total
2017-18	105	42	7	0	154
2016-17	158	48	10	1	217
2015-16	150	85	1	0	236
2014-15	139	94	5	0	238

Figure 13

¹¹Complaints handled includes all complaints handled during the reporting period, including complaints received prior to 2016-17 that remained open in 2017-18.

¹²The gender on 2 complaints was unknown.

WHO ARE PEOPLE COMPLAINING ABOUT?

In 2017-18 31% (48) of complaints handled were against government departments, 38% (58) against companies and 16% (24) against individuals. A smaller number of complaints handled were against non-government organisations 8% (13), clubs 5% (8) and local government 2% (3).

Of note is the greater prevalence of complaints against companies in 2017-18. The reduction in individuals is due to the change in practice in relation to individual Respondents at the early stages of the process.

COMPARATIVE DATA

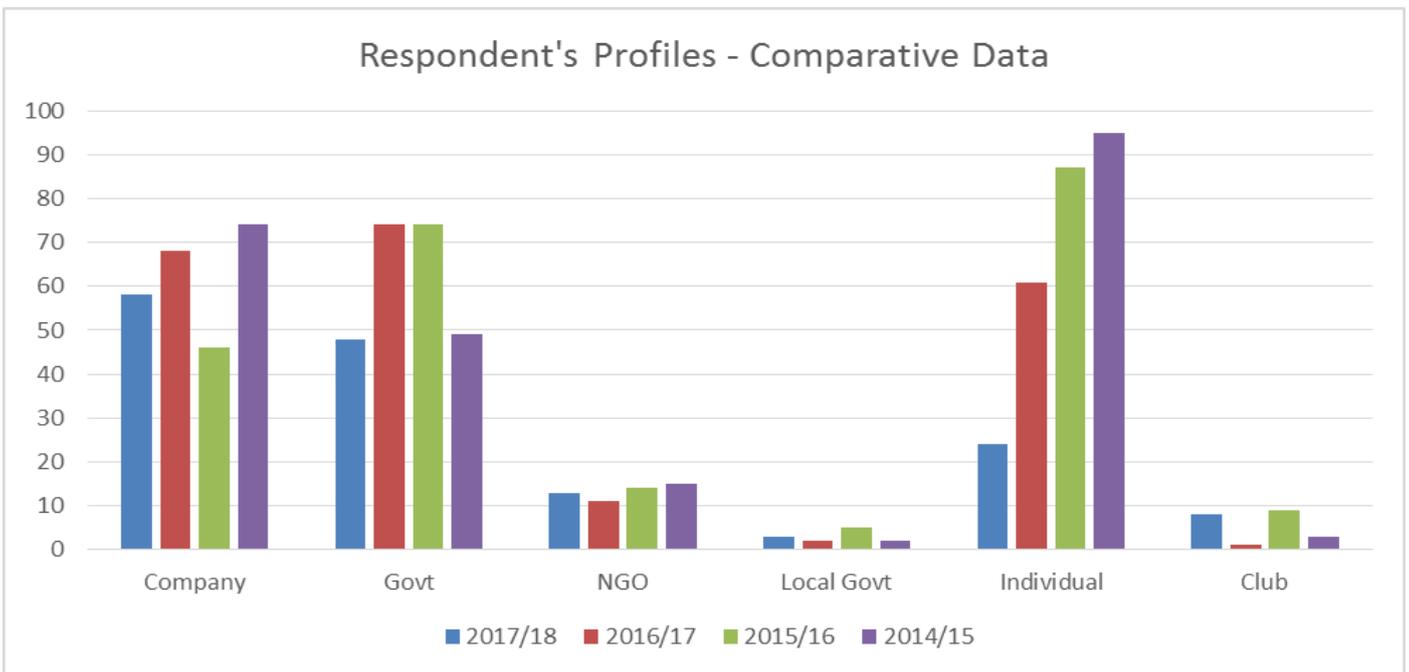


Figure 14

RESPONDENT PROFILE

Year	Company	Govt	NGO	Local	Individual	Club	Total
2017-18	58	48	13	3	24	8	154
2016-17	68	74	11	2	61	1	217
2015-16	46	74	14	5	88	9	236
2014-15	74	49	15	2	95	3	238

Figure 15



WHAT ARE PEOPLE COMPLAINING ABOUT?

ATTRIBUTES

A list of the attributes in the Act is located in Appendix 5. Figure 18 sets out the attributes and other prohibited conduct complained of in 2017-18.

The highest attributes and prohibited conduct complained of in 2017-18 were:

- Race
- Failure to accommodate a special need
- Disability
- Sex
- Seeking unnecessary information.

As identified previously throughout the report there are two issues impacting on the reliability of this data:

- A data capture issue in which not all complaints against individual Respondents are truly captured, making this year's data difficult to compare with previous years; and
- The high number of ambit¹³ claims received. The attributes identified above are based on the removal of ambit claims.

The table at Figure 16 sets out the top ten attributes complained about in 2017-18, with the ambit claims removed. The number in the bracket demonstrates the number of complaints with ambit claims included.

¹³An ambit claim is where a person ticks all or most attributes and areas on their complaint form and there is no obvious alignment with the conduct being complained about. The selection appears to be randomly made.



2017-18		2016-17	
Race	60 (67)	Failure to accommodate a special need	91
Failure to accommodate a special need	46 (67)	Disability	89
Disability	39 (55)	Seeking unnecessary information	84
Sex	39 (70)	Sex	83
Seeking unnecessary information	32 (54)	Race	64
Association with someone with an attribute	23 (37)	Age	55
Sexual Harassment	16 (26)	Irrelevant Criminal Record	50
Age	14 (45)	Victimisation	48
Victimisation	14 (33)	Aiding in contravention of the Act	40
Irrelevant Medical Record	11 (37)	Irrelevant Medical Record / Marital Status	39

Figure 16

RACE

Race on either analysis remains high being 67 of the complaints handled in 2017-18, with only 7 being identified as ambit claims. This is a 5% increase from 2016-17.

Most complaints handled related to work (53%) with common themes being about treatment at work because of race. This demonstrates that there remain to be challenges in workplaces in dealing with diversity well and ensuring culturally safe workplaces. We will endeavour through our training, to continue to explore ways in which we can better support workplaces to do this better.

Also high were complaints against service providers representing 35% of complaints handled. The ADC does not currently provide dedicated training to service providers, having focused its training program on employment. In 2018-19 we will start to explore what work we can do in this space to better help service providers appropriately deliver their service to diverse audiences.

In terms of demographics, complaints from Aboriginal or Torres Strait Islander people made up 62% of complaints against race compared to 2016-17 (64%), with 43% being about work and 46% being about service delivery. Complaints from those identifying as having an Asian background were also highly represented being 12% of complaints handled.

FAILURE TO ACCOMMODATE A SPECIAL NEED

Failure to accommodate a special need was the most complained about ground in 2016-17 representing 91 of all complaints handled. It remains high in 2017-18 representing 67 complaints handled, with 21 complaints being identified as ambit claims.

Failure to accommodate a special need may apply to any attribute in the Act (see appendix 5). It provides that employers, educators, service providers, accommodation providers and insurance and superannuation companies reasonably accommodate special needs a person may have because of an attribute under the Act. An example would be provision of flexible work conditions and leave for a person living with a bi-polar disorder.

In 2017-18 complaints were predominantly in relation to disability (65%; compared to 69% in 2016-17); parenthood (13%) and race (9%). Complaints were mostly about a need for accommodation at work (41%) and while accessing a service (35%).

Areas	2017-18	2016-17	2015-16	2014-15
Work	19	46	46	47
Goods, Services & Facilities	16	31	26	20
Accommodation	4	4	9	6
Education	5	9	19	9
Insurance and Superannuation	0	1	0	0
Clubs	2	0	0	1

Figure 17

A significant issue being faced by employers relevant to this protection is becoming skilled in fairly and appropriately managing mental health in the workplace. It is anticipated that this will be a growing issue and one to continue to watch. A further issue to watch is the emergence of dyslexia as a basis for complaint. Dyslexia is considered an invisible disability, where performance maybe impeded and wrongly attributed to non-performance or behavioural concerns and where appropriate support can make considerable difference. While awareness of this disability exists in the education setting, it appears to be less well known in the work environment.

¹⁴ Note the change in practice with individual Respondents is a significant reason for the decline, likely there has been no real decline.



DISABILITY

In 2017-18, 55 complaints were handled in relation to disability, with 16 being identified as ambit claims. This is a drop from 2016-17 in which 89 complaints handled were about disability. Below is a breakdown of disability complaints based on the type of disability, based on the 39 non-ambit complaints. Mental health remains the most common disability presenting for discrimination complaints, followed by physical disability.

- Mental health 36%
- Physical disability 21%
- Sensory disability 15%
- Cognitive disability 13%
- Medical condition 10%
- Acquired brain injury 5%
- Neurological condition 0%

It is likely that the decrease in disability complaints is due to changes in services and personnel in advocacy services and the diverting of advocacy resources because of the NDIS.

SEX / SEXUAL HARASSMENT

In 2017-18, 70 complaints were handled in relation to sex discrimination, with 31 being identified as ambit claims. Overall there was a decrease in complaints on this ground when compared to 2016-17 when 83 complaints were received.

In 2017-18 of the 39 non-ambit complaints, 74% of sex discrimination complaints handled were in the workplace, with 86% being from women. While 15% were about goods, services and facilities with even number of complaints being from men and women.

In regard to sexual harassment 26 complaints were handled in 2017-18, with 10 of these complaints being identified as ambit claims. Sexual harassment claims are surprisingly low given the profile of the #MeToo movement. Further discussion of this issue can be found at page 14.

SEEKING UNNECESSARY INFORMATION

In 2016-17 there was an increase of 180% in relation to this ground, being the second highest ground complained of. In 2017-18, 54 complaints handled were about this ground, with 22 identified as ambit complaints. On either figure this is a decrease from 2016-17.

In regard to the 32 non-ambit complaints, 56% were complaints in the workplace and 19% related to the provision of goods, services or facilities. In the area of goods, services and facilities, 83% of Complainants were male, in the area of work 72% were women. The most common attributes in which allegations of seeking unnecessary information were raised about were sex, disability and race.



Source: Timeline photos

ATTRIBUTES & PROHIBITED CONDUCT IDENTIFIED IN FORMAL COMPLAINTS¹⁵

Table includes all ambit claims

Attribute	2017-18 ¹⁶	2016-17 ¹⁷	2015-16 ¹⁸	2014-15
Age	45	55	45	37
Aiding the contravention of the Act	29	40	30	22
Association with a person	37	30	46	43
Breastfeeding	5	5	3	0
Details Published under 66M FPA	3	2	0	N/A
Discrimination Advertising	3	2	3	3
Failure to accommodate a special need	67	91	100	83
Guide/Assistance Dog	4	8	0	1
Disability	55	89	114	84
Irrelevant criminal record	37	50	29	29
Irrelevant medical record	22	39	32	31
Marital status	34	39	32	43
Parenthood	30	33	28	27
Political Beliefs/Opinions	30	34	24	15
Pregnancy	6	7	4	8
Race	67	64	74	83
Religious beliefs/activity	37	31	25	24
Seeking unnecessary information	54	84	30	64
Sex	70	83	66	62
Sexual harassment	26	32	49	50
Sexuality	9	23	9	24
Trade union activity	23	7	13	12
Victimisation	34	48	61	58

Figure 18

¹⁵Table includes all ambit claims

¹⁶3 Matters were complaints that did not classify as an attribute or prohibited conduct under the Act and were recorded as 'Not Under the Act'

¹⁷7 Matters were complaints that did not classify as an attribute or prohibited conduct under the Act and were recorded as 'Not Under the Act'

¹⁸2 Matters were complaints that did not classify as an attribute or prohibited conduct under the Act and were recorded as 'Not Under the Act'

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	2017-18	2016-17	2015-16	2014-15
Accommodation	50	33	28	37
Clubs	11	0	2	10
Education	89	49	76	71
Goods, Services and Facilities	217	334	349	243
Insurance and Superannuation	0	2	0	0
Not under Act	3	7	0	32
Work	360	478	364	419

Figure 19

Work remains the highest area of complaint followed by goods, services and facilities.

AREAS AND ATTRIBUTES

ATTRIBUTES AND AREAS COMPLAINED ABOUT (INCLUDING AMBIT COMPLAINTS)

Prohibited Conduct (Attribute) ¹⁹	Education	Work	Accommodation	Goods Services and Facilities	Clubs	Not Under Act	Total
Age	7	20	3	13	2	0	45
Breastfeeding	0	4	0	1	0	0	5
Details Published Under 66M FPA	1	1	0	1	0	0	3
Disability	7	25	5	17	1	0	55
Guide /Assistant Dog	0	0	3	1	0	0	4
Irrelevant Criminal Record	6	14	3	11	1	2	37
Irrelevant Medical Record	0	12	1	7	1	1	22
Marital Status	6	17	1	10	0	0	34
Parenthood	3	16	1	10	0	0	30
Political Beliefs / Opinions	5	13	3	9	0	0	30
Pregnancy	0	6	0	0	0	0	6
Race	4	35	4	23	1	0	67
Religious Belief / Activity	6	16	2	13	0	0	37
Sex	9	41	2	17	1	0	70
Sexuality	0	7	0	2	0	0	9
Trade Union Activity	6	9	2	6	0	0	23
Prohibited Conduct (Other)	Education	Work	Accommodation	Goods Services and Facilities	Clubs	Not Under Act	Total
Aiding Contravention of Act	5	13	3	8	0	0	29
Association with a Person	2	18	4	12	1	0	37
Discriminatory Advertising	1	1	0	1	0	0	3
Failure to Accommodate Special Need	8	28	5	24	2	0	67
Sexual Harassment	2	20	1	3	0	0	26
Seeking Unnecessary Information	6	27	6	14	1	0	54
Victimisation	5	16	1	12	0	0	34
Not Under the Act	0	1	0	2	0	0	3
TOTAL	89	360	50	217	11	3	730

Figure 20



The most common combinations of complaints were as follows:

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

APPENDICES



David Henry - The Shadow
(Rights on Show 2017)

KEY DELIVERABLES 2016-17

Key deliverables	Current Year		Targets	Previous Years	
	2017-18 Estimate	2017-18 Actual	2018-19 Estimate	2016-17 Actual	2015-16 Actual
Public awareness / community-based events, development of educational resources and training (hours)	80	269 ¹⁹	80	184	586
Public awareness / community-based events, development of educational resources and training (sessions)	30	83	30	70	123
Complaints (includes complaints carried over)	200	154	200	217	236
Complaints conciliated	40%	60%	50%	52%	62%
Complaints closed within 8 months of receipt	40%	100%	50%	95%	86%

Figure 21

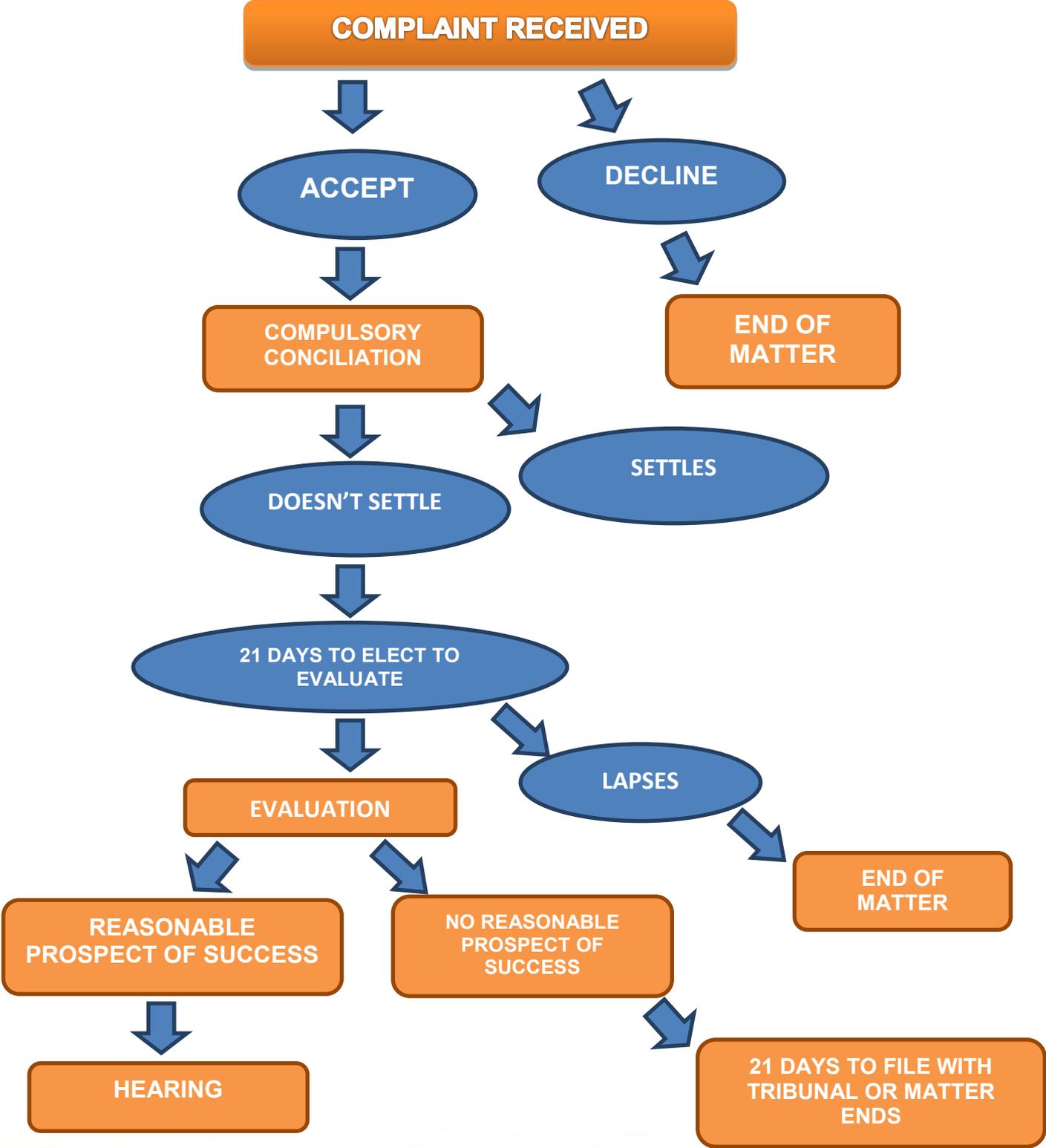
¹⁹The hours reported on page 32 differ from the KPI's as there was a last minute addition for the NDIS sessions which were not originally included.

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 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 and community government bodies and associations 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.

COMPLAINTS PROCESS



CASE SUMMARIES

Impairment discrimination and Failure to accommodate a special need in the area of Accommodation

The Complainant lived with severe physical disabilities and was renting a private house. There was an agreement that the house would be fully accessible but the kitchen and laundry were not preventing the Complainant from being able to cook and store food, or wash clothes. He was unable to wash by hand because of his disabilities. The Landlord refused to make the necessary modifications.

A complaint was lodged at the ADC and it was accepted on the grounds of impairment and failure to accommodate a special need in the area of accommodation. The matter was referred to conciliation.

After the Complainant shared their story with the Respondent an agreement was made to make the necessary adjustments and to reduce the rent while the modifications were being made.

Race discrimination in the area of Goods services and facilities

The Complainant is an Aboriginal man who went to a local clothing shop. When browsing through the clothes, a shop attendant stood behind him, watching as he tried on the items. When the Complainant went to exit, a sales staff member demanded he empty his bag as he did not believe that the Complainant had paid for everything. The supervisor was called but agreed with the attendant that a search was required. Upon checking his bag it became apparent that he had paid for the goods. The incident embarrassed the Complainant and made him feel as if he was being targeted.

A complaint was lodged at the ADC and it was accepted on the grounds of race in the area of goods, services and facilities. The matter was referred to conciliation.

The complaint was resolved when the Respondent agreed to promote employment of Aboriginal people through the clothing stores and through a recruitment group, and that all employees would undertake cultural training provided by a local Aboriginal corporation.



Sex and Parenthood discrimination and Failure to accommodate a special need in the area of Work.

The Complainant worked for a local business. She noticed that male colleagues were being promoted for positions that were never advertised and they were promoting people with less experience and lower qualifications than her. The Complainant was never offered any opportunities for promotion. The owner of the business had also made sexist comments to her about women and had refused her accommodations in relation to the care of her young children.

A complaint was lodged to the ADC and it was accepted on the grounds of sex, parenthood and failure to accommodate a special need at work. The matter was referred to conciliation.

The complaint was resolved when the Respondent agreed to send all senior management to anti-discrimination training, and to develop flexible work place policies. The Respondent also agreed to specific accommodations for the Complainant in relation to her children that would allow her to pursue future promotion opportunities.

Age discrimination in the area of Work

The Complainant was an assessor who had extensive experience. He found that younger assessors were continually being given the higher paid and more complex work than he was. It was clear based on his experience and qualifications that he was the most senior assessor available.

A complaint was lodged to the ADC and it was accepted on the grounds of age in the area of work. The matter was referred to conciliation.

The complaint was resolved when the Respondent agreed to review processes in relation to selection and to enrol the managers in anti-discrimination training. Compensation was also agreed to for the loss in wages experienced.



Sex discrimination and Sexual Harassment in the area of Work.

The Complainant was a young woman who had just commenced work in a new business. One evening her supervisor rang her after hours and he starting suggesting ways she could dress at work that would make her look more sexy for him. She felt really uncomfortable talking to him.

She lodged a complaint with the ADC and it was accepted on the grounds of sex discrimination and sexual harassment at work. The matter was referred to conciliation.

The complaint was resolved when the Respondent provided a verbal statement of apology, and agreed to attend training run by the ADC and to pay the Complainant \$4,000 in general damages.

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 & COMMUNITY EVENTS

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

July 2017

- NAIDOC Welcome to Country and Flag Raising Ceremony hosted by Larrakia Nation
- Women in Leadership Summit - The Territory
- United Nations Association of Australia (UNAA) NT Division 10 year anniversary and Launch of UNAA NT Young Professionals
- Institute of Public Administration Australia (IPAA) Work Will Be Transformed – John Lloyd
- NT Department of Health Corporate Service Bureau presentation on Unconscious Bias
- Law Society Annual Dinner
- Wheel Chair Basketball match NSW Blues v Brisbane Bullets
- Manav Dharma - A Hindu Religious and Cultural Celebration
- Migration and Care: A Northern Australian Perspective
- Love your Liver Lunch – Celebrate World Hepatitis Day

August 2017

- School of Indigenous Knowledge and Public Policy – NAIDOC “Our Languages Matter” Summit
- Pesona Indonesia 2017
- Charles Darwin University (CDU) Professorial Lecture - the Hon Michael Kirby AC CMG “The inevitable tension between universal human rights and the three-year national electoral cycle”.
- National Aboriginal & Torres Strait Islander Art Awards - opening
- “The impact of youth programs in remote Indigenous communities: a social return on investment analysis.” Presentation organised by Dale Wakefield, Minister for Territory Families, Ngaree Ah Kit, Minister for Youth Affairs and Central Australian Youth Link-Up Service (CAYLUS).
- Island Queens – Premiere of documentary about the Sistergirls of the Tiwi Islands
- 17th Annual Vincent Lingiari Memorial Lecture – Ms Pat Anderson AO
- NT Working Women’s Centre (NT WWC) Garden Party
- Launch of NT Disability Services Awards
- Integrated DisAbility Action Inc. (IdA) Know your rights Information Session – short presentation
- TEAMhealth 30th birthday celebration breakfast.

- Diversity Council Australia– presentation– Tackling unconscious bias to progress Aboriginal & Torres Strait Islander talent.
- Women in Super National Road Show – Rosemary Addis - Impact Investing

September 2017

- Darwin Zero Tolerance Workshop
- Katherine Zero Tolerance Workshop
- Meeting CEO Katherine Town Council
- Meeting CE and staff Katherine Women’s Information & Legal Service Inc. (KWILS)
- Memorial Service Dr G Yunupingu
- Austin Asche Memorial lecture – Ed Santow
- Australian Human Rights Commission (AHRC) Roundtable Consultations on OPCAT - Darwin
- Pride March & Diverse City Fair Day
- Rainbow Territory Community Forum
- NT Council Of Social Service (NTCOSS) Conference
- *Anti-Discrimination Act (ADA)* Modernisation Consultations - Multicultural Council of the NT (MCNT), Rainbow Territory, Rev Keith Joseph
- Marriage Equality Event

October 2017

- Federation of Ethnic Communities’ Councils of Australia (FECCA) 2017 Conference Darwin
- Chief Minister’s Farewell reception to the Administrator John Hardy – Parliament House
- Mental Health Week Launch
- Mental Health Week Corporate Dinner
- Council on the Aging (COTA) Darwin – AGM as returning officer
- Venture Housing – opening of disability accessible housing
- *ADA* Modernisation Consults - Aboriginal Justice Agreement team
- CDU Lunch and Lead – Unconscious Bias teaser
- Bicentennial Celebration of the Birth of Bahá’u’lláh – Government House reception
- Jesuit Social Service – breakfast- Spotlight on restorative justice
- Walk Together – You are Welcome here – walk and presentations Saturday evening
- Australian Council of Human Rights Agencies (ACHRA) meeting in Melbourne
- Swearing-In ceremony for Vicki O’Halloran as Administrator of the Northern Territory
- Alice Springs – meetings with various community representatives



November 2017

- Life Education 30th anniversary celebration dinner
- MCNT
- Meeting with Paul Lawton, Menzies School of Health Research re modernisation of the ADA
- Human Rights Lunch time talk Pat Sims
- Disability Service Awards Dinner
- 40 year Anniversary Multicultural Council of the Northern Territory reception at Parliament House
- Parliament House event – Royal Commission and Board of Inquiry Findings into the Protection and Detention of Children in the Northern Territory.
- Australian Law Reform Commission (ALRC) steering Committee – Reducing Indigenous Incarceration
- NT Human Rights Lunch time talk Rachel Kroes
- No More Violence Breakfast 2017
- Bilata Legal Pathways Program Annual Cudgarees and canapes
- NT Women Lawyers' Association Christmas Party

December 2017

- IdA's morning tea International Day of People with a Disability
- Darwin City & NDS – Valid workshop self-advocacy and films for International Day of People with a Disability
- Launch of Domestic, Family and Sexual Violence Reduction Strategy
- Government House reception – NT Human Rights Awards
- NT Human Rights Awards – the Fitzgeralds - Awards night
- YouthWorX NT – Celebration
- Territory Day of Action – Darwin Event
- The Official Launch of Bilata Legal Pathways Program – Supreme Court

February 2018

- Presentation to Continuing Legal Education (CLE) Network re CLE opportunities from Modernisation of ADA
 - Breakfast hosted by Vice Chancellor, Indigenous Leadership CDU – to celebrate 10 year anniversary of the Apology to the Stolen Generations
 - Larrakia Nation- morning tea 10yr Anniversary of Apology to Stolen Generation
 - Indigenous LGBTQTI Inclusive Practices in Mental Health and Suicide Prevention
 - Women's Leadership Network – opening event
 - 23rd February Trauma-Informed Education Film & Forum - Paper Tigers Documentary Screenings in the NT
- 

- Women's Stories from the Heart - Treasure Languages Storytelling event

March 2018

- Machado-Joseph Disease (MJD) Foundation 10 year Anniversary celebration
- Government House reception International Women's Day (IWD)
- Chief Ministers - Parliament House reception IWD
- NTWWC – film night IWD – Battle of the Sexes
- Women Engineers Australia's IWD Breakfast
- Northern Institute morning tea & speech IWD
- Northern Institute IWD Panel – Paid work and Parenting: Policy Matters
- Celebration of World Down Syndrome Day at Project 21
- "Building for success with NDIS" Series 1, Workshops 1 & 2
- Visit to Alice Springs – including Multicultural Community Services of Central Australia (MCSCA) Play Group, Information Sessions for the general community
- Women Lawyers Lunch – "Where to from here - #MeToo campaign"
- Meeting with Her Honour the Honourable Vicki O'Halloran, AM the Administrator of the Northern Territory

April 2018

- "Building for success with NDIS" Series 1, workshops 3 & 4
- Team meeting with Her Honour the Honourable Vicki O'Halloran, AM the Administrator of the Northern Territory
- CDU Muslim Student Society and Islamic Society of Darwin film night – Detainee X
- 2 day workshop – Building communication skills of staff working with Aboriginal NDIS clients with hearing loss
- National Trust Barbara James Memorial lecture – Senator Malarndirri McCarthy
- Youth Week Event - CemeNTstars – A Goofy Journey

May 2018

- ACHRA meeting Sydney
- Australian Museum – *Sydney Salon presents: Does Australia Need a Bill of Rights?*
- Sydney Writers Festival panel "Merit over Mates: Women in Media Reach Toward Newsroom Equality"
- Apology to LGBTIQ community by Chief Minister and morning tea
- International Day Against Homophobia, Biphobia, Intersexism and Transphobia (IDAHOBIT) Day event CDU – attended and spoke
- Bilata Legal Pathways mentor and mentoree event and website launch

- Vietnamese Community rescheduled IWD event
- College of Business and Law – Prize Giving Ceremony
- Parliament House Reception –20th Anniversary of Larrakia Nation Aboriginal Corporation
- Women’s Studies year 12 – Darwin High School
- “Building for success with NDIS” Series 2, Workshops 1 & 2
- NT Youth Round Table
- Harmony Day Soiree

June 2018

- COTA’s Seniors expo
- NT Council of Government School Organisations (NT COGSO) new office opening
- Presentation to NT COGSO Executive
- “Building for success with NDIS” Series 2, Workshops 3 & 4
- National Children’s Commissioner’s roundtable to inform her report on the Convention on the Rights of the Child
- Alice Springs Visits to MCASA, Bindi Inc., Waltja Tjutangku Palyapayi Aboriginal Corporation, Office of the Public Guardian (OPG), Alice Springs Women’s Shelter (ASWS), CAYLUS, COTA Alice Springs
- Barunga Festival – discussion on disability advocacy. Also visit to NAAJA Katherine office. Community elders, Human Rights Award promotion
- Restrictive Practices Forum – by OPG & National Disability Insurance Agency (NDIA)
- Elder Abuse Awareness Day – Darwin Community Legal Service (DCLS) & COTA function
- Stories of the Journey - World Refugee Week – Play back theatre
- World Refugee Day – Morning Tea at Melaleuca Refugee Centre with NSW Australian of the Year 2017 Deng Adut and NT Young Australian of the Year 2018 Kevin Kadirgamar
- Refugee Day celebrations – World Music Day – Jingili Water Gardens
- Young Professionals Network NT Event – Rights & Responsibilities – Good Leadership principles

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:

- Women in Leadership Summit - The Territory - Levelling the Playing Field: Striving for Gender Equity in the workplace
- NT Department of Health Corporate Service Bureau - Unconscious Bias
- Integrated DisAbility Action Inc. (IdA) Know Your Rights Information Session
- Darwin & Katherine Zero Tolerance Workshops – panel discussion Restrictive Practices
- Inter-faith meeting – ADA Modernisation consultation
- Northern Institute IWD Panel – Paid work and Parenting: Policy Matters
- Alice Springs Women Lawyers lunch – how to harness the momentum of #MeToo campaign in NT
- NT Public Service Women’s Leadership Network – What’s necessary to achieve gender equality, sponsorship, flexible workplaces and addressing sexual harassment.
- Know your rights practical information session - Sexual Harassment workshop with YWCA, NTWWC and counsellor Tina Namow – Darwin & Palmerston
- CDU IDAHOBIT Day event – Law reform Australia and the NT; what still needs to be done, ongoing advocacy and the need to advocate for Asian and pacific neighbours
- Vietnamese Community IWD event - ADC process and NT women’s issues
- Darwin High School Women’s Studies year 12
- Presentation to NT COGSO Executive
- Elder Abuse Awareness Day: Panel member – Keeping Seniors in the Territory – The Importance of having a retiree friendly NT
- Young Professional Network NT Event – Rights & Responsibilities–Good Leadership principles - #metoo presentation & participation in panel discussion

BROADCASTS

- The “CAALAS Show” on CAAMA Radio
- CDU Top FM – IWD
- ABC Radio Lyrella Cochrane – re vilification complaints re Marriage Equality Survey
- ABC Radio National - Stephanie Zillman on the ADC modernisation
- Territory FM – with Peter Butler – discussing the review of the ADA
- ABC Radio – Adam Steer – address Modernisation of ADA plus the #MeToo movement