



ANNUAL REPORT 2004-2005



The Hon Peter Toyne MLA
Attorney-General
Parliament House
State Square
DARWIN NT 0800

Dear Attorney-General

Pursuant to section 16 of the *Anti-Discrimination Act 1992*, please find attached the Annual Report on the operations of the Anti-Discrimination Commission for the period 1 July 2004 to 30 June 2005.

Yours sincerely

A handwritten signature in blue ink, which appears to read "Tony Fitzgerald". The signature is fluid and cursive.

Tony Fitzgerald

30 September 2005

CONTENTS

CONTACT DETAILS..... 4

FROM THE COMMISSIONER 5

FUNCTIONS OF THE COMMISSIONER 8

STATEMENT OF FINANCIAL PERFORMANCE 11

CONCILIATION, POLICY, AND LAW 12

PUBLIC EDUCATION..... 32

PUBLICATIONS..... 42

Contact Details

Darwin 7th Floor
9-11 Cavenagh Street, Darwin NT 0800

Postal Address: LMB 22 GPO
Darwin NT 0801

General Enquiries:

Darwin: Telephone: (08) 8999 1444
TTY: (08) 8999 1466
Freecall: 1800 813 846
Facsimile: (08) 8981 3812
Helpline 1800 501 288
Website: www.adc.nt.gov.au

Alice Springs: Ground Floor, Centre Point Building
(Opposite Diplomat Hotel)
54 Hartley Street, Alice Springs NT 0870
Telephone: (08) 8951 5818

From the Commissioner



Tony Fitzgerald
Commissioner

The Commission's responsibility for administration of the *Northern Territory Anti-Discrimination Act 1992* ("the Act") principally involves complaint resolution, which is reactive, and a host of important proactive activities aimed at preventing complaints and disputes about unfair discrimination and harassment before they arise.

Our proactive functions are prescribed under the Act and consist of provision of advice and assistance about the operation of the Act, education and training about rights and responsibilities under the Act, promotion of the principles of equal opportunity, promotion of non-discriminatory attitudes, and preparation of publications, guidelines and codes of practice to assist compliance with the Act.

In the proactive sense our statutory functions have this year translated into a wide range of activities on the ground, including:

- developing relationships with, and providing policy assistance to public and private sector "human resources" representatives;
- assisting the Office of the Commissioner for Public Employment in the development of the government's "Willing and Able" employment strategy for people with a disability;
- assisting in the creation of "criminal history check" policy for Department of Health and Community Services recruits and employees;
- consultations with the NT Licensing Commission over the declaration of "restricted areas" (alcohol free zones) in remote NT communities;
- provision of training about rights and responsibilities under the Act to Territory Housing supervisors, police recruits, NT Treasury staff, applicants for real estate and taxi drivers' licences, and a range of corporations such as Bechtel, BAE Systems, Perkins; and
- operation of a Territory-wide freecall manager's helpline to assist managers in the prevention or resolution of a dispute.

These activities clearly indicate that the Commission exists not just for the support of complainants, but offers a forum for the resolution of disputes through the provision of advice, training and services to both complainants and respondents to complaints.

Enquiries and requests for advice, as distinct from complaints, continue to increase as does the popularity of our public and private sector workplace training. This indicates support for our proactive approach, recognition of the quality of the advice and support provided by our competent staff, and a realisation – particularly by employers – of the capacity of the Commission to assist in the planning and review of work practices and grievance procedures, and also in the avoidance of costly complaints and disputes.

The “Play by the Rules” strategy for the promotion of respectful and harassment free sport amongst players (especially kids), coaches, officials and spectators at all levels throughout the NT continues to attract attention and support. Not only are the training and materials (also available online) of great benefit to the sporting fraternity, but we find that sport is a useful and popular vehicle for the promotion of a culture of equal opportunity and “non-discrimination”.

We continue to co-locate with the Office of the Information Commissioner, which results in some cost savings. Since June this year the Community Justice Centre has been co-located with us – an arrangement which will not only enable further cost sharing, but also facilitate the referral of disputes which do not fit within the confines of the Act.

In addition, the Community Visitor Program (CVP), established pursuant to Part 14 of the *Mental Health and Related Services Act (NT) 1998*, is administered through this office, with the Anti-Discrimination Commissioner appointed Principal Community Visitor. The CVP has complaints resolution, inspection and monitoring functions with respect to mental health services in the Northern Territory. An Annual Report detailing the activities of the CVP is submitted separately to the Minister for Family and Community Services.

Our statistics (page 24) show that we received approximately the same number of formal complaints as last year (ie three new complaints each week). The distribution of complaints through the various categories (impairment, race, sex, age, irrelevant criminal record, association with a person with an attribute being the most prevalent) varied slightly in that age related complaints dropped by approximately 30%, association with a person with attribute complaints rose by 50%, irrelevant criminal record complaints rose by 100%, race complaints rose by 37%, sex complaints dropped by 25% and sexuality complaints dropped by 60%.

Complaints continue to be completed (ie resolved by advice, dismissal, conciliation or public hearing) well within our legislative mandates with an average resolution time of four months. **31%** of all complaints and **89%** of complaints proceeding to formal conciliation are resolved through conciliation. Only two complaints were resolved by public hearing during the year.

Our small number of staff members (ten including me) are all committed to promoting an understanding and acceptance of the principles of equal opportunity. It is through the combination of their rare talents (administrative, legal, investigative, education, conciliation, financial) that we continue to come in on budget and discharge our legislative functions. They deserve the highest of praise.

Summary of Activities

Advices to Government

Advices and briefings were provided to government on a range of topics including:

- incorporation of Aboriginal customary law in the NT;
- the effect of criminal records on recruitment; and

- Advice on criminal record history checks provided to the NT Chamber of Commerce.

Speaking engagements

Addresses were given to:

- the Jawoyn Association;
- the Garma Festival – August 2004;
- Dagaragu, Milingimbi, Ramingining, Angurugu and Anindilyakwa Councils;
- combined Aboriginal and Torres Strait Islander Legal Service Conference in Katherine;
- North Australian Aboriginal Legal Service Council;
- O’Loughlin College students and staff;
- “Living in Harmony” Interfaith Service;
- Parap Primary Staff;
- Charles Darwin University (CDU) Indigenous Pre-law Students;
- Palmerston Access Advisory Committee;
- students of the CDU Inclusive Education Unit;
- students of the University of the Third Age; and
- CDU/UNSW Diplomacy Training Program.

Meetings

- Co-chaired National Alternative Dispute Resolution Conference in Darwin;
- Department of Health representatives on mental health issues;
- Australian Council of Human Rights Agencies;
- Office of Reserve Service Protection; and
- Nungalinga College Students.

Other Activities

- Master of Ceremony at Human Rights Art Exhibition;
- attended citizenship ceremonies;
- attended opening of Darwin Correctional Centre’s Minimum Security Area;
- attended 10th Anniversary of NT Working Women’s Centre;
- participated in “International Day for People with Disabilities” activities;
- met with the NT Administrator;
- attended Aboriginal Interpreter Course Graduation Ceremony at Darwin Correctional Centre;
- hosted welcome for federal Human Rights Commissioner Tom Calma; and
- reviewed Gay and Lesbian Legal Education Handbook launched by DCIS.

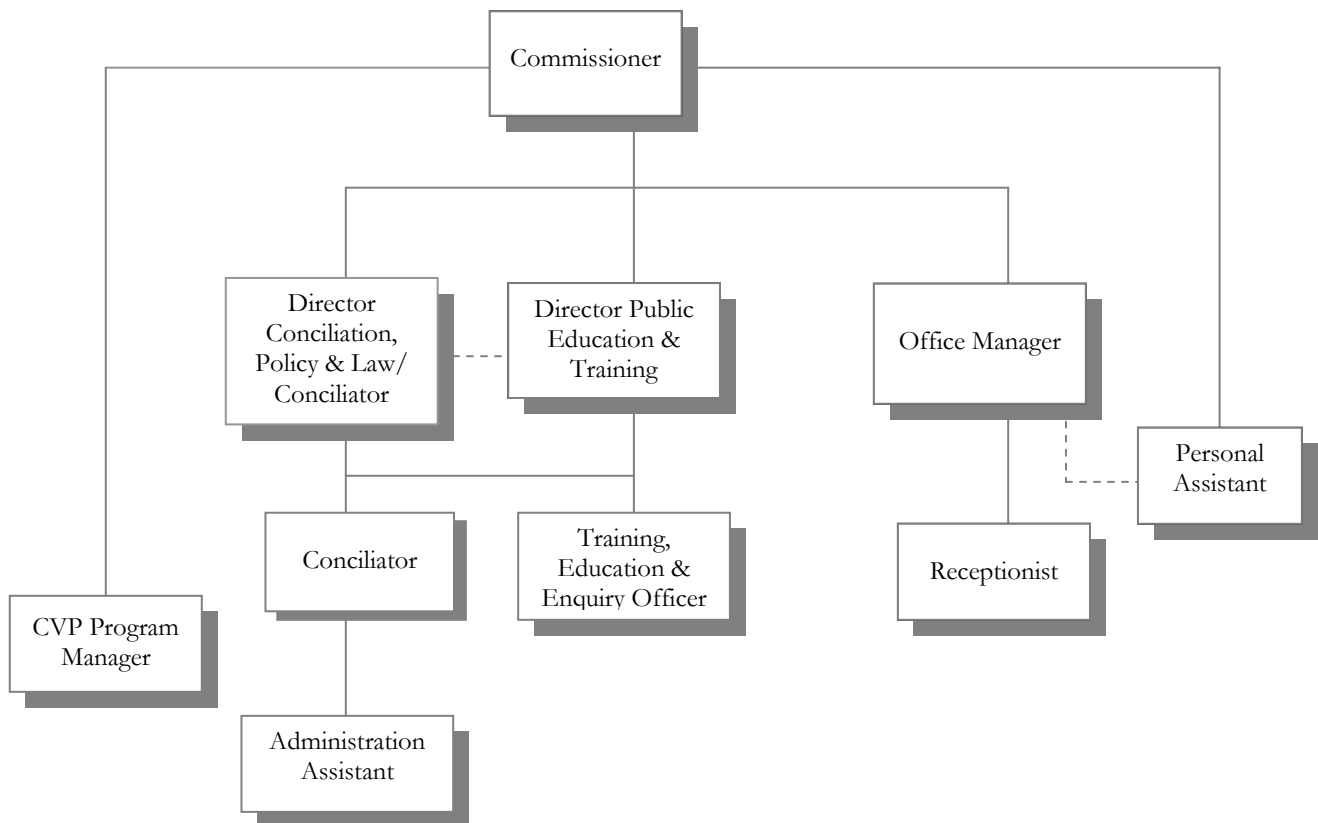
Tony Fitzgerald
Commissioner

Functions of the Commissioner

- (1) The Commissioner has the following functions:
 - (a) to carry out investigations and hearings into complaints and endeavour to effect conciliation;
 - (b) to examine Acts and regulations and proposed Acts and regulations of the 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;
 - (c) to institute, promote or assist in research, the collection of data and the dissemination of information relating to discrimination and the effects of discrimination;
 - (d) 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;
 - (e) to research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in this Act;
 - (f) 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;
 - (g) to promote in the Territory an understanding and acceptance, and public discussion, of the purposes and principles of equal opportunity;
 - (h) to promote an understanding and acceptance of, and compliance with, this Act;
 - (j) to promote the recognition and acceptance of non-discriminatory attitudes, acts and practices;
 - (k) to promote within the public sector the development of equal opportunity management programs;
 - (m) to prepare and publish guidelines and codes of practice to assist persons to comply with this Act;
 - (n) to provide advice and assistance to persons relating to this Act as the Commissioner thinks fit;
 - (p) to advise the Minister generally on the operation of this Act;
 - (q) 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;
 - (r) such functions as are conferred on the Commissioner by or under this or any other Act; and
 - (s) such other functions as the Minister determines.

Section 13 Anti-Discrimination Act 1992

**APPROVED STAFFING ESTABLISHMENT
(as at 30 June 2005)**



Our Talented and Committed Staff



Tony Fitzgerald
Commissioner



Terry Lisson
Director Conciliation,
Policy & Law/ Conciliator



Sue Rhodes
Director Public Education
& Training



Simon Wiese
Conciliator



Kathryn Ganley
Conciliator/ Solicitor
From June 2005



Somsong Albert
Office Manager



Judy Clisby
Community Visitor
Program Manager



Roxanne Sheehan
Training, Education &
Enquiries Officer
Until March 2005



Amy Wilson
Training, Education &
Enquiries Officer
From April 2005



Karyn Jessop
Personal Assistant



Melanie Campbell
Conciliation Support Officer



Shirley Gotting
Receptionist
Until April 2005

ANTI DISCRIMINATION COMMISSION
STATEMENT OF FINANCIAL PERFORMANCE
For the year ended 30 June 2005

	\$'000	Total \$'000
OPERATING REVENUE		
Output Revenue		973
Other Agency Revenue		21
Services Free of Charge - DCIS		65
TOTAL OPERATING REVENUE		1 060
OPERATING EXPENSES		
Employee Expenses		840
<i>Administrative Expenses</i>		
Purchases of Goods & Services		197
<i>Property Maintenance</i>	2	
<i>Power</i>	4	
<i>Accommodation</i>	5	
<i>Agent Service Arrangements</i>	8	
<i>Communications</i>	21	
<i>Consumables / General Expense</i>	2	
<i>Document Production</i>	10	
<i>Fess & Regulatory Charges</i>	20	
<i>Information Technology Charges</i>	52	
<i>IT Hardware & Software</i>	2	
<i>Library Services</i>	2	
<i>Marketing and Promotion</i>	11	
<i>Membership and Subscriptions</i>	3	
<i>Motor Vehicle Expenses</i>	19	
<i>Office Requisites</i>	6	
<i>Official Duty Fares</i>	10	
<i>Other Equipment Expenses</i>	5	
<i>Relocation Expenses</i>	6	
<i>Training & Study Expenses</i>	5	
<i>Travel Allowance</i>	4	
Repairs & Maintenance		2
Services Free of Charge - DCIS		65
Grants and Subsidies		3
TOTAL OPERATING EXPENSES		1 107
NET OPERATING SURPLUS / (DEFICIT)		(47)

Conciliation, Policy and Law



Terry Lisson
Director

The Conciliation, Policy and Law Unit of the Anti-Discrimination Commission is a small team consisting of the Director, a Conciliator/Complaints Officer and one Administrative Assistant. This team handles all complaints, investigations, conciliations, policy advices, and the Commission's legal work. As can be seen from the report below, the results over the past year have been impressive, with a high rate of successfully resolved complaints and a quick and efficient turn-around time for finalisation of complaints.

Enquiries

For most people the first contact they have with the Anti-Discrimination Commission is when they make an enquiry. The Commission provides free and confidential advice in response to these enquiries. The Commission's website is also used by many to obtain information that might otherwise be obtained by using the telephone or by coming in person to the Commission's office.

This year the Commission handled 795 telephone, email and walk-in enquiries (compared to 896 last year), and continued its excellent response time in relation to enquiries with 99% responded to in less than 24 hours. Enquiries often involve follow-up calls to provide general information and to attempt to resolve disputes before they become full-blown complaints.

The Commission operates a Freecall number 1800 813 846 as well as a dedicated "Helpline for Managers and Supervisors" Freecall number 1800 501 288, which aims to prevent discriminatory conduct by providing advice to assist managers in dealing effectively with complaints.

Complaints

One of the Anti-Discrimination Commissioner's functions is to "*carry out investigations and hearings into complaints and endeavor to effect conciliation.*" In performing this function the Anti-Discrimination Commission is a neutral body which does not represent either side in a complaint. The function of the Commission in relation to complaints is to impartially assess, investigate, conciliate, and, if necessary, conduct hearings to determine complaints.

The Act provides that if the Commissioner has been involved in the investigation or conciliation of a complaint he cannot conduct the hearing into that matter. For this reason the Commissioner delegates the powers to investigate and conciliate complaints to senior Commission officers. The Delegates' functions include receiving complaints; deciding whether to accept or reject complaints; conducting investigations; making decisions as to whether or not a complainant has established a *prima facie* complaint; and endeavoring to conciliate complaints including conducting conciliation

conferences. If a complaint is not resolved through conciliation it may be referred to a hearing before the Commissioner.

In the past the Commission tended to refuse permission for parties to have legal representation during the complaint-handling process. This policy was changed several years ago and the practice now is to permit representation unless a particular detriment to a party can be demonstrated. Allowing legal representation often results in prompt investigation of complaints and a quicker achievement of reasonable settlements without the need to refer matters to hearing. If parties are permitted legal representation at all stages of a complaint, experience shows they are more inclined to feel that the process is fair and their rights adequately protected.

However, in general, the complaint-handling process is still intended to accommodate unrepresented parties and parties are encouraged to avoid the cost of legal representation by taking advantage of the impartial services of the Commission's conciliators who are legally trained and well versed in the workings of the Act.

Summary of Complaint-Handling in 2003/2004

The number of files opened by the Commission (147) is similar to the previous year. The number of conciliated complaints decreased significantly from a very high figure of 80 in 2003-04 to 37 in 2004-05.

The decrease reflects an increase in the number of complaints that were either rejected at the outset, withdrawn by the complainant, lapsed due to a lack of interest from the complainant, or discontinued by the Delegate following investigation.

The increase in complaints rejected at the outset and those withdrawn by complainants partly reflects a significant restriction in the Commission's capacity to conciliate complaints at the earliest possible opportunity following a decision of the Local Court late in the previous financial year.

The outcome of that decision is that the Commission is unable to contact respondents in relation to a complaint until the complaint has been accepted, except in very limited circumstances.

The practical effect of the decision has been that a number of complaints which may have been suitable for early conciliation between the parties have instead been rejected or withdrawn following consultation with the complainant.

The Commission intends to make submissions to the forthcoming review of the Act seeking to amend the complaint-handling process to allow for early-intervention conciliation where appropriate.

The average time taken to finalise complaints continues to decrease, with the average time from acceptance to resolution this year being four months.

Complaint Process (Overview)

a. Discrimination, Prohibited Conduct and Areas of Activity

The Act defines discrimination as including any distinction, restriction, exclusion or preference made on the basis of an attribute that has the effect of nullifying or impairing equality of opportunity. Prohibited discrimination also includes harassment on the basis of an attribute.

The Act prohibits discrimination in any of the areas covered by the Act (see below) on the ground of any of the following attributes:

- (a) race;
- (b) sex;
- (c) sexuality;
- (d) age;
- (e) marital status;
- (f) pregnancy;
- (g) parenthood;
- (h) breastfeeding;
- (j) impairment;
- (k) trade union or employer association activity;
- (m) religious belief and activity;
- (n) political opinion, affiliation and activity;
- (p) irrelevant medical records;
- (q) irrelevant criminal record;
- (r) association with a person who has, or is believed to have, an attribute referred to in this section.

The Act also sets out other forms of prohibited conduct including:

- (a) refusing to allow guide dogs;
- (b) sexual harassment;
- (c) failure to accommodate a special need;
- (d) victimisation;
- (e) seeking unnecessary information;
- (f) discriminatory advertising; and
- (g) aiding contravention of the Act.

Discrimination on the basis of any of these grounds is only unlawful if it occurs in one of the following areas of activity set out in the Act:

- (a) education;
- (b) work;

- (c) accommodation;
- (d) goods, services and facilities;
- (e) clubs; and
- (f) insurance and superannuation.

Many misunderstandings concerning discrimination arise from a misconception that the Act covers any conduct that may be described as discrimination. It is important to note that unlawful discrimination is limited to the attributes and areas set out in the Act. People often complain about forms of unfair treatment or harassment that are not based on an attribute under the Act or do not occur in an area of activity covered by the Act. They are advised that not all conduct that appears to be discriminatory is unlawful, only matters defined by the Act. Matters not covered under the Act are often referred to the NT Community Justice Centre (with which we are now co-located) or other appropriate agencies, such as Consumer & Business Affairs or the Commonwealth Department of Employment & Workplace Relations.

b. Acceptance of Complaints (Sections 65, 66, 67 and 68)

Complaints alleging discrimination or other prohibited conduct must be made in writing by the person aggrieved, must set out in detail the alleged prohibited conduct and identify the respondent, and must be made not later than six months after the alleged prohibited conduct took place.

However the Act does give discretion to accept complaints outside the time limit when it is “*appropriate*” to do so. This discretion will generally be exercised if a complainant is able to demonstrate that the justice of the case requires an extension. Conduct that occurred out-of-time will also usually be allowed to form part of a complaint if it is shown that it is part of a continuing pattern of prohibited actions.

Once the Commission receives a written complaint, an initial decision is made as to whether the complaint should be accepted or rejected. The Act requires this decision to be made within sixty days of receipt of the complaint.

A complaint must also be rejected if the Delegate reasonably believes that it is frivolous, vexatious, trivial, misconceived, lacking in substance or if it fails to disclose any prohibited conduct. If this appears to be the case, the Commission will often utilise the 60 day period to make preliminary inquiries regarding the complaint. Complainants may be asked to provide further information in support of their complaint.

In accordance with a decision of the Local Court in the matter of *Gedling v Anti-Discrimination Commissioner* handed down late in 2003-04 the Commission is only able to contact respondents after a complaint has been accepted, except in very limited circumstances.

Prior to the decision in *Gedling* information obtained at this early stage gave parties the opportunity to comment before a decision was made regarding acceptance. In some cases making early contact with potential respondents to discuss a complaint

resulted in disputes being defused and a satisfactory resolution being achieved without the need for the complaint to proceed through the formal complaint-handling process.

The Commission intends to make submissions to the forthcoming review of the Act seeking more flexible provisions which will allow for conciliation at an earlier stage of the process.

Once a complaint is accepted, it is often the Commission's practice to contact the respondent by telephone before sending out the formal complaint notification letter. This initial contact is used to explain the nature of the complaint, why it was accepted, and the Commission's complaint-handling processes. Speaking to a respondent at this early stage often helps to allay any concerns or misconceptions held by respondents, in particular the most common misconception, which is that the Commission represents a complainant or is promoting a claim.

The Act requires that complaints be accepted or rejected within sixty days of being received and in practice this decision is generally made within two weeks of a complaint receipt. If a complaint is rejected the Commission must notify the complainant in writing of the reasons for the rejection.

Of the 118 complaints finalised this year, 26 were rejected at the outset.

c. Investigation

After acceptance a complaint is investigated to determine if the complainant has established a *prima facie* case of discrimination. The investigation phase of complaint-handling gives the parties the opportunity to comment on any of the issues which may affect their interests. This is consistent with the principles of natural justice. It involves giving parties time to gather relevant information, allowing them to answer allegations, and to clarify the issues.

A Delegate has wide discretion in the form of investigation to be conducted under the Act, subject to the requirements of procedural fairness. The Delegate may interview witnesses, seek medical or business records, and obtain other relevant records. If necessary, production of records may be compelled or a person may be compelled to attend proceedings under the Act.

In recent years the Commission has encouraged early conciliation of complaints. It is important to note that the investigation and conciliation phases of complaint-handling are viewed as running concurrently, not consecutively. That is, conciliation does not have to take place at the conclusion of an investigation, it can occur at any stage by agreement between parties.

d. Section 76 *Prima Facie* Decisions & Section 102 Decisions

At the end of the investigation stage, if the matter has not been conciliated, the Delegate makes a *prima facie* decision from information gathered in the investigation. This decision is not a finding of fact or liability, but rather a finding made after testing whether there is sufficient *prima facie* evidence of the alleged prohibited conduct. *Prima facie* evidence is evidence which, if uncontradicted, would sustain the complaint.

Of the 118 files completed this year two were dismissed at the *prima facie* stage on the basis that there was insufficient *prima facie* evidence.

Complaints may also be discontinued pursuant to section 102 of the Act if the Delegate or Commissioner finds that the complaint is frivolous, vexatious, trivial, misconceived, lacking in substance or fails to disclose any prohibited conduct. Section 102 tends to be used to deal with complaints that were initially accepted but were subsequently found not to disclose prohibited conduct, or to be lacking in substance.

Of the 118 files closed this year, 20 were discontinued under section 102.

e. Conciliation

The conciliator's functions are to assist, as a neutral party, in the conciliation process by providing impartial advice, explaining options, helping to identify problems and legal issues and giving general advice regarding possible, probable and desirable outcomes for resolving complaints under the Act.

Conciliation processes take many forms, including formal confidential conciliation conferences that allow the parties to meet together with a conciliator to discuss the issues in the complaint and explore possible resolutions. Conciliation conferences may be held at various stages of the complaint-handling process. The most common conferences are voluntary ones which are held at any appropriate time in the process.

The Act provides that, after a *prima facie* decision, the Delegate may refer a complaint to a compulsory conciliation conference. However, no compulsory conciliation conferences have been held at the Commission in the past year. This is a reflection of the fact that parties have confidence in the fair and impartial processes of the Commission and are therefore willing to attend voluntary conferences.

If parties are able to resolve a complaint through conciliation it is usual for a written settlement agreement to be prepared by the Commission for execution by the parties. Typical conciliated settlements might include such things as an apology, an agreement by a respondent to participate in anti-discrimination training, a commitment to change policies and practices, re-instatement in employment, and payment for damages in any amount agreed upon by the parties.

Of the 118 complaints finalised during the year 37 complaints were resolved by conciliation. Of that 37, 33 (89%) settled before being referred to hearing and four (11%) were referred to hearing but settled before the hearing commenced. In other words 100% of the finalised matters that did proceed to hearing within this financial year settled by conciliation during the hearing process. Two matters that proceeded to hearing were not finalised at the end of the financial year.

f. Summary of complaints closed in the financial year

Overall, of the 118 files closed this year, one was rejected as being out of time (s65), 26 were rejected at the outset (ss66-67), 17 were withdrawn (s71), 14 lapsed due to lost interest (s72), two were dismissed at the *prima facie* decision stage (s76), 20 were discontinued after investigation (s102), and 37 were accepted for investigation and conciliation (s66). This means that, out of all complaints finalised this year, 69% were

rejected, withdrawn, lapsed or discontinued, and 31% were resolved by conciliation. The reduction to 31% of complaints settled by conciliation is a significant drop from a high figure of 54% in the 2003-04 year, however, it is only slightly lower than the 2002-03 figure of 35%.

g. Hearings

If an accepted complaint is not resolved by conciliation then the Delegate refers it to hearing for determination by the Commissioner.

The hearing process begins with a Directions Conference during which the parties meet before an Anti-Discrimination Commission Registrar to establish dates for the complainant to file Points of Claim which set out the substance of the complaint, and for the respondent to file Points of Defence, which set out the nature of the defence. The parties also discuss with the Registrar whether or not they wish to be legally represented, the number of witnesses they intend to call, how much hearing time they estimate will be needed, a suitable hearing date and any other matters that need clarification.

The hearing process is in many ways, similar to proceedings in courts or before tribunals. However, in practice, Anti-Discrimination Commission hearings are less formal and the Commissioner is not bound by the rules of evidence. The Act requires the Commissioner to "*act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms*".

At hearing, the complainant must prove the case on the balance of probabilities. The Commissioner then has the power to award damages of not more than the maximum amount prescribed in the Regulations to the Act (currently \$60,000.00). The Commissioner may also order apologies, anti-discrimination training, that a respondent not repeat or continue a prohibited conduct, or that a person be employed, promoted or reinstated, etc.

The Act provides that if, at any time during a hearing, the Commissioner considers that a complaint may be resolved by conciliation he, "*may endeavor to resolve the complaint by conciliation.*" Four complaints referred for hearing in this financial year settled confidentially at conciliation prior to hearing.

In the past there were often substantial delays in bringing complaints to hearing, but it is now common practice for the Registrar's conference to take place within two weeks, and the hearing within three months, of the date of referral to hearing.

The backlog of hearings carried over from previous reporting periods has now been cleared with the exception of two matters (*McDonnell v Richards* and *Bernabe v Myers*), which are currently before the Commissioner on applications for decisions under section 102 of the Act.

Hearings conducted or finalised during 2004/2005

Matter	Outcome
McDonnell v Richards	Currently before the Commissioner awaiting section 102 decision.
Bernabe v Myers	Currently before the Commissioner awaiting section 102 decision.
Wall v NT Police	<p>The first hearing was conducted on 14 March 2005. The Commissioner handed down a decision on 22 April 2005 finding that the NT Police had unlawfully discriminated against the complainant on the basis of an irrelevant criminal record.</p> <p>The Commissioner proposed to order that the complainant be re-instated to the Police recruitment process and sought further submissions from the parties in relation to his proposed orders.</p> <p>A further hearing in relation to the proposed orders was conducted on 2 June 2005 however, the matter was not finalised at the end of the financial year.</p>
Harbour v Scollay & Nyangatjatjara Aboriginal Corporation	The hearing into this complaint commenced in Yulara in May 2005 but was not completed in the three days set aside. The hearing is scheduled to be completed in Alice Springs in September 2005.

Appeals

Pursuant to section 106 of the Act a complainant or respondent may appeal a decision of the Commissioner or his Delegates to the Local Court. This includes decisions to reject complaints, decisions to dismiss complaints at the *prima facie* decision-making stage, section 102 decisions to discontinue, or decisions at the hearing stage.

A number of recent decisions of the Magistrates and Supreme Court make it apparent that appeals to the Local Court from decisions of the Anti-Discrimination Commissioner or a Delegate will generally be decided by way of a re-hearing on the written material that was before the Commission and not as a *de novo* (new) hearing.

Appeals finalised during 2004/2005

Brady v Anti-Discrimination Commission	This appeal against a section 76 <i>prima facie</i> decision of a Delegate of the Commissioner was heard in the Local Court on 23 May 2005. The Magistrate did not find that the <i>prima facie</i> decision had been made in error, however, he had some concerns about the procedure adopted by the Commission and remitted the complaint back to the Commission for further investigation.
Kennedy & Ors v Anti-Discrimination Commission	This appeal against a section 102 decision by the Commissioner; to discontinue the complaints against the Top End Women's Legal Service and the Office of Ethnic Affairs was dismissed by the Local Court on 15 February 2005. The Commissioner's section 102 decision was upheld.

Example Complaints resolved in 2004 - 2005

Failure to accommodate special need

The complainant, who suffered from kidney disease, alleged that the respondent (his employer) failed to accommodate his special need for alternate duties in the workplace, and later failed to accommodate his need to work flexible hours so that he could access dialysis treatment.

The complainant says that he took leave without pay from his full-time job to work casual shifts (to accommodate his dialysis), however, the respondent offered him only two or three shifts over a period of six months and eventually required that he return to full-time work or resign.

The respondent denied all of the allegations and said that it was not possible to match the rotating shift pattern to the complainant's dialysis times. The respondent also said that the complainant was unable or unwilling to work a number of casual shifts that were offered to him and could have remained on leave without pay rather than resigning from his full-time position.

A *prima facie* determination found that there was insufficient evidence to find that the complainant had a special need for alternate duties, however, there was sufficient evidence that the subsequent complaints of failure to accommodate special need could succeed at hearing.

The complaint was referred to a hearing, however, it was resolved at the registrar's pre-hearing conference through an agreement that the respondent pay \$5000 compensation with no admission of liability.

Impairment & Irrelevant medical record

The complainant applied for a job and undertook a pre-employment medical examination. The complainant was subsequently advised that his application was unsuccessful on medical grounds.

The complainant spoke to the Doctor who conducted the examination and was told that he was unsuccessful because he was overweight and that it was medically proven that obese people who incur back injuries take longer to recover. The complainant noted that the medical opinion did not take into account his active sporting lifestyle or his height when considering his weight.

Following intervention from the Commission the complainant undertook a second medical examination and was passed fit for employment.

The complaint was resolved when the respondent apologised to the complainant and offered him full-time employment.

Race

The indigenous complainant attended the respondent's motel where she had booked accommodation for the night.

The complainant arrived late at night after a long drive and had difficulty finding anyone to check her into her room. Once she was able to locate the staff she was given the keys to her room only to find that the room had not been made up after the previous guests had left.

The complainant located the staff again and was provided with keys to another room. The complainant was upset by her treatment and by the quality of the room which she believed was related to her Aboriginal race.

The complainant also believed that the motel had a practice of assigning certain rooms, which were of a lesser standard, to Aboriginal people.

The parties agreed to conduct conciliation at a very early stage and at that meeting the respondent was able to explain that the problems the complainant experienced were caused by errors on the part of the motel through staff failing to check that the room had been cleaned.

The respondent explained that there were no rooms set aside for Aboriginal people and in fact the assignment of rooms was purely based on the rate paid by the organisation. The respondent also explained the efforts made to accommodate all guests and noted that all rooms had been upgraded recently.

The respondent offered the complainant a written apology and free accommodation for one night with breakfast. The complainant accepted the respondent's apology, offer of accommodation and a meal in settlement of the complaint.

Pregnancy

The complainant alleged that her employer abolished her job while she was on maternity leave and required her to return to a job of lower status. The complainant's unhappiness with the new working arrangements led to her resigning and taking up lower-paid employment.

The respondent said that the duties the complainant was performing before going on maternity leave were temporary and only performed on an acting-up basis. The respondent contended that there was no "job" as such and that an organisational review and restructure during the period of the complainant's maternity leave abolished the acting-up arrangement.

The respondent also contended that the complainant was paid the same remuneration when she returned from maternity leave.

The complainant said that she was not consulted about the organisational restructure.

The complaint was resolved when the respondent offered the complainant a written apology, a Statement of Service and \$1000 in damages for any distress she suffered.

Performance Reporting

The Anti-Discrimination Commission's functions can be broadly divided into three main activities – investigation of complaints of discrimination received in accordance with the Act; assisting in the resolution of complaints through conciliation and by conducting hearings; and providing education and training regarding anti-discriminatory practices and human rights generally. Reflecting these functions, the Commission's outputs are divided into two groups, Complaints and Investigations, and Training and Public Awareness. Each output group is subdivided to allow analysis of the major activities within the function.

Complaints and Investigation

This describes the complaint acceptance, investigation, conciliation and hearing function of the Commission which operates to achieve the resolution of complaints in accordance with the provisions and requirements of the Act.

Answer enquiries

Telephone, electronic mail, written or in person enquiries about rights and obligations				
Performance measures	Unit of Measure	2003 –04 Actual	2004-05 Actual	2006-07 Target
Quantity	Number of Enquiries	896	795	850
Quality	Negative comments to ADC supervisor	0	0	0
Timeliness	Average under 24 hours	99%	99%	99%

Quantity of Complaints

	2003 –04 Actual	2004 –05 Actual	2005-06 Target
Complaints Received	151	146	150
Complaints Closed	149	118	170
Complaints Open at 30 June	49	72	52

Assess Complaints

The acceptance or rejection under section 66 of written complaints lodged with the Commission.				
Performance measures	Unit of Measure	2003 -04 Actual	2004-05 Actual	2005-06 Target
Quantity	Number of Complaints Accepted	107	103	105
	Number of Complaints Rejected	44	43	45
Quality	Successful appeals against rejection to Local Court	1	0	0
Timeliness	% Under statutory limit (60 days)	98%	94%	98%

Disposition of Accepted Complaints

Lapsed or Lost Interest under section 72 Withdrawn under section 71				
Performance measures	Unit of Measure	2003 -04 Actual	2004-05 Actual	2005-06 Target
Quantity	Lapsed or Lost Interest	3	14	10
	Withdrawn	6	17	10
Quality	Negative comments to ADC supervisor	0	0	0
Discontinued under section 102 Dismissed under section 76				
Performance measures	Unit of Measure	2003 -04 Actual	2004-05 Actual	2005-06 Target
Quantity	Discontinued Under s102	6	20	
	Dismissed at <i>Prima Facie</i>	10	2	
Quality	Successful appeals against Discontinuance or Dismissal to Local Court	0	0*	0
Timeliness	Average time from acceptance to conclusion by Discontinuing or Dismissing	Discontinued 7.4 mths Dismissed 8.8 mths	Discontinued 3mths 15 days Dismissed 5mths	

- One appeal against a *prima facie* decision to dismiss a complaint was heard in the Local Court. The Magistrate did not find that the delegate's decision to dismiss the complaint was made in error, however, he had some concerns about the procedure adopted by the Commission and remitted the complaint back to the Commission for further investigation.

Referred to Conciliation pursuant to section 78				
Performance measures	Unit of Measure	2003 -04 Actual	2004-05 Actual	2005-06 Target
Quantity	Number of Complaints conciliated	80	37	
Quality	% settled by conciliation	100%	100%	100%
Timeliness	Average time from acceptance to conclusion	5.2 mths	4 mth 10 days	
Referred to Hearing under section 83				
Performance measures	Unit of Measure	2003 -04 Actual	2004-05 Actual	2005-06 Target
Quantity	Number of Complaints Heard	2	2*	2
Quality	Number of successful appeals against decision to Local Court	0	0	0
Timeliness	Average time from referral to conclusion.	3.5 mths	NA**	6 mths

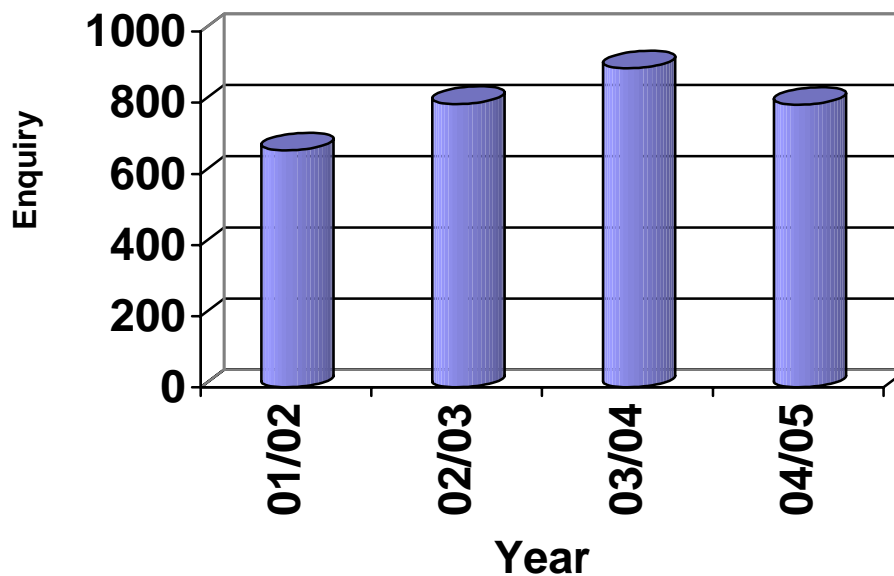
* Two complaints proceeded to hearing, however, neither hearing process was completed at the end of the financial year.

** As the two hearings were not completed within the financial year it is not possible to record a timeliness measure in this financial year.

*** Resolution of the two hearings carried over from the 2004-05 year will occur in the 2005-06 year and will have a significant impact on the average time from resolution to conclusion.

Enquiry Statistics Financial Year July 1 2004 - June 30 2005**Comparison – Number of Enquiries Received by Month & Year**

	01/02	02/03	03/04	04/05
July	57	54	57	63
August	49	62	75	61
September	64	66	76	79
October	74	63	91	62
November	65	90	69	65
December	36	63	61	70
January	65	48	64	54
February	55	63	77	74
March	42	93	113	62
April	60	62	79	59
May	60	55	68	68
June	39	77	66	78
Total	666	796	896	795

Comparison - Number of Enquiries

Average Time Spent on an Enquiry

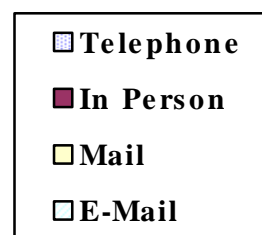
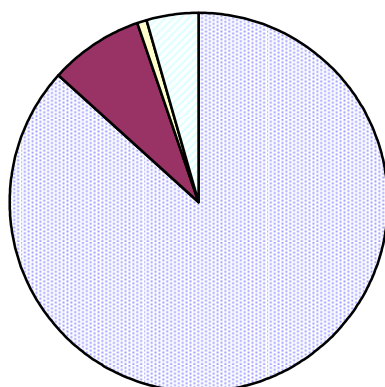
	Average time in minutes
July	28
August	23
September	25
October	51
November	22
December	55
January	25
February	22
March	27
April	24
May	15
June	19
Average Time 04/05	28

Type of Enquiry

	Professional	General Information
July	16	47
August	14	47
September	25	54
October	20	42
November	16	49
December	12	58
January	18	36
February	17	57
March	24	38
April	21	38
May	13	55
June	19	59
Average Time 04/05	215	580

Mode of Enquiry

	Telephone	In Person	Mail	E-Mail
July	59	2		2
August	54	5	1	1
September	69	2	1	7
October	45	9	2	6
November	54	7	2	2
December	63	3	1	3
January	48	5		1
February	61	6	1	6
March	58	1	1	2
April	54	1		4
May	59	8		1
June	65	13		
Total 2004-2005	689	62	9	35

Mode of Enquiry

Complaints – (Areas of Activities) 1 July 2004 – 30 June 2005

PROHIBITED CONDUCT – DISCRIMINATION Grounds/Attributes	Education	Work	Accommodation	Goods/ Service/ Facilities	Clubs	Insurance/ Superannuation	Not Under Act	Total
Age		10			2			12
Association with a person		7	4	1				12
Breastfeeding				1				1
Impairment	2	11	3	16				32
Irrelevant Criminal Record		7		5				12
Irrelevant Medical Record	1	4	1	3				9
Marital Status		2	1	2				5
Parenthood		4		6				10
Political Opinion/ Affiliation/Activity		2						2
Pregnancy		10						10
Race		19	7	22				48
Religious Belief/ Affiliation/Activity		2		2	2			6
Sex		16		1				17
Sexuality		5						5
Trade Union Affiliation/Activity		4						4
Not Under Act		1		4				5
Total	3	104	16	63	4			190

OTHER PROHIBITED CONDUCT Grounds	Education	Work	Accommodation	Goods/Service/ Facilities	Clubs	Insurance/ Superannuation	Not Under Act	Total
Aiding Contravention of Act								
Discriminatory Advertising								
Failure to Accommodate a Special Need	2	7	3	10				22
Sexual Harassment		14						14
Seeking Unnecessary Info	1	4	2	4				11
Victimisation								
Total	3	25	5	14				47

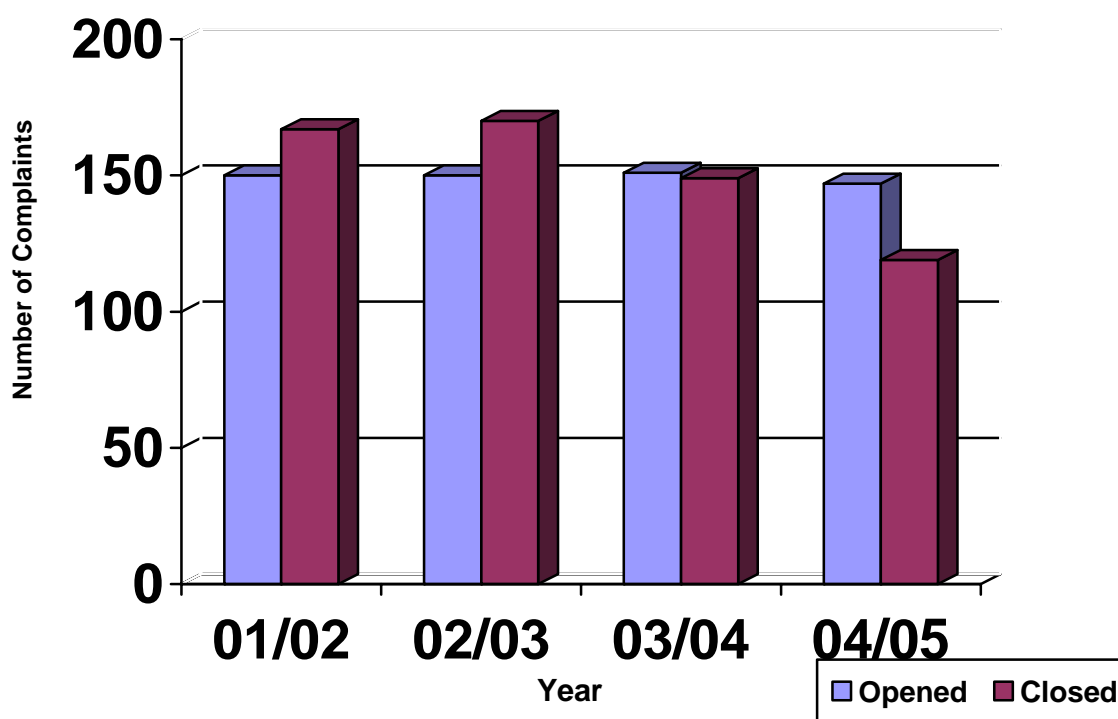
TOTAL COMPLAINTS FOR 2004/2005**237**

Complaints Statistics Financial Year July 1 2004 – June 30 2005

Complaints – Opened and Closed by month

	OPENED				CLOSED			
	01/02	02/03	03/04	04/05	01/02	02/03	03/04	04/05
July	16	14	8	13	15	18	3	5
August	9	9	20	8	24	13	14	8
September	15	14	23	13	21	17	18	14
October	8	16	21	14	18	9	12	6
November	22	9	10	8	17	16	8	9
December	11	17	9	9	9	23	10	9
January	13	7	7	9	9	11	12	13
February	13	17	7	10	5	7	8	7
March	6	16	8	25	13	15	18	5
April	10	14	13	3	9	22	9	21
May	13	13	12	16	19	9	19	7
June	14	4	13	18	8	10	18	14
Total	150	150	151	146	167	170	149	118

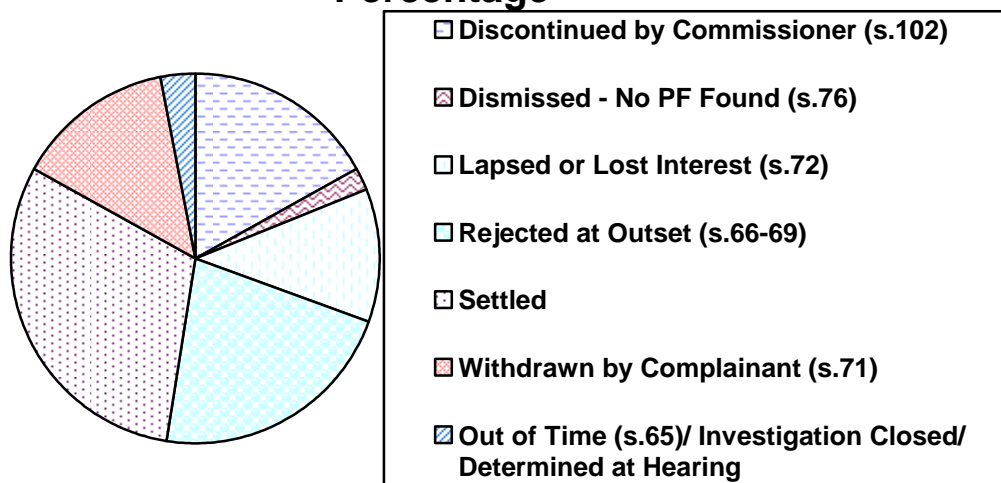
Comparison - Opened & Closed Files



Outcomes of Formal Complaints Files

Discontinued by Commissioner (s102)	20
Dismissed - No <i>prima facie</i> found (s76)	2
Lapsed or Lost Interest (s72)	14
Rejected at Outset (s66-69)	26
Settled	37
Withdrawn by complainant (s71)	17
Out of Time (s65) or Determined at Hearing	2
Total	118
Complainants referred to hearing 2004/2005	8

Outcomes of Closed Complaint Files by Percentage



Complainant Profile

Individual Female	78
Individual Male	68

Respondent Profile

Individual	34
Company	46
Community	4
Club	6
Government	42
Association	3
Local Government	4
NGO	7

Complainant Target Groups

Non-English Speaking Background	15
Women	60
Disability	22
Aboriginal	32

Complainants by Region

Darwin	63
Alice Springs	32
Palmerston and Rural	19
Interstate	10
Other	22

Public Education



Sue Rhodes
Director
Public Education & Training

Objectives of the Public Education Unit:

- Promote an understanding and acceptance of, and compliance with, the Act including the principles of equal opportunity;
- Support the NT Government's commitment to equal opportunity for all people in the Northern Territory by promoting fairness;
- Provide people with enough information so that they can recognise the potential for discrimination and harassment in their community;
- Empower people to prevent, confront and resolve discrimination and harassment issues themselves; and
- Consult with organisations, departments, local government, community government bodies and associations to promote recognition and acceptance of non-discriminatory attitudes, acts and practices.

Strategies

Throughout 2004/2005, the Commission's public education and training strategies included:

- Formal training programs;
- Workplace training;
- Improved access to information for people from equal opportunity target groups- advocate training, interpreter training etc, contact with legal aid and advocacy services throughout the Territory;
- Community involvement and public events;
- Promotion of the toll free Helpline for Managers and Supervisors;
- Implementation of the "Play by the Rules" Harassment Free Sports strategy;
- Implementation of the new Remote Area Aboriginal Strategy;
- Publication and distribution of regular newsletters called "Fair Go";

- Production and distribution of fact sheets in many languages and in large print for the visually impaired;
- Supply of "Talking tapes" on the fact sheets and the Act;
- Liaison and consultation with all levels of government, peak community groups, Aboriginal organisations, employer/employee groups and advocates;
- Production of training material in written, electronic, and video formats;
- Distribution of publications through peak Aboriginal groups, Chamber of Commerce and Industry, libraries, local government bodies, schools, Office of Ethnic Affairs, Multicultural Community Services of Central Australia, Multicultural Council of the Northern Territory and voluntary organisations;
- Training packages designed for Aboriginal people in remote communities on their "rights" and "responsibilities" under the Act. Specific training material has been produced in the most common Aboriginal languages;
- Regular regional visits involving training and community consultation;
- The Commission's toll free telephone number 1800 813 846 is widely advertised
- The Commission has an extensive web site contained at www.adc.nt.gov.au; and
- A Telephone Typewriter (TTY) is available for hearing impaired clients.

This year emphasis has been placed on the implementation of the improved strategy for the delivery of anti-discrimination, human rights and equal opportunity information to remote areas of the Northern Territory. Fundamental to the achievement of this strategy was the co-operation of the Aboriginal Interpreter Service in providing its interpreters for equal opportunity and anti-discrimination training, and the recruitment of an additional enquiries/education officer.

Summary of Training Activities for 2004 - 2005

Performance Measure	Unit of Measure	2004-2005 Actual	2005 – 2006 Estimate
Quantity	Public Awareness and training hours	438	400
	Number of participants	3719	3600
Quality	Positive feedback from training participants	98%	98%
Timeliness	Time from desired date of engagement by client to attendance by official or training.	2 weeks	4 weeks

Each training session is evaluated and reviewed to ensure that the content meets the needs of the participants. The Commission consistently receives positive feedback about its education and training.

Anti-Discrimination formal training

This is the regular programmed training delivered by the Commission on rights and responsibilities under the Act to public and private sector.

Performance measures	Unit of Measure	2003–04 Actual	2004 –05 Actual	2004-05 Target
Quantity	Number of “participant-hours” of training provided	677	338	NA*
	No of participants		92	100
	No of hours of training		69.5	50
Quality	Positive feedback from participants	98%	98%	98%

* changed method of calculation from participant hours to training hours.

The decrease in formal training reflects the fact that more organisations look at the formal training offered and choose which courses is to be presented in-house for staff or clients. In response to this trend the range of formal courses offered has been modified and is more specific to topical issues such as disability awareness and the conciliation process seminar.

The formal training program is produced biannually and circulated throughout the Territory. The main focus is to provide an introduction to equal opportunity or anti-discrimination laws. Courses are widely available to everyone. Participants on courses have included senior executives and employees of large government agencies and private enterprise, owners, managers and employees of private sector businesses, people with disabilities, and students.

The courses include:

- Discrimination and Harassment;
- Prevention of Harassment and Bullying;
- Recruiting the Best Person for the Job- “The Tricky Bits”;
- Contact Officer Training; and
- How to Handle a Grievance for managers and supervisors.

Formal Training is conducted regularly in regional centres in order to raise public awareness. This visit provide crucial feedback to the Commissioner on issues that may be affecting groups in regional and remote areas.

Regional centres visited this year for community consultation, public education and training have included:

- Alice Springs;
- Tennant Creek;
- Katherine;

- Nhulunbuy; and
- Batchelor.

The Commission visits remote communities and regional centres as the need is identified and requests are made.

Anti-Discrimination workplace training

The training delivered by the Commission on rights and responsibilities under the Act to individual workplaces at the request of that workplace.

Performance measures	Unit of Measure	2003-04 Actual	2004-05 Actual	2006-06 Target
Quantity	Number of "participant-hours" of training provided	4235	4095.75	NA*
	No of hours of training		251.25	200
	Number of participants		1712	1500
Quality	Positive feedback from participants	98%	98%	98%
Timeliness	Weeks from desired date by client to delivery of program	2	2	4

* changed method of calculation from participant hours to training hours.

There has been a gradual move towards developing and providing individual workplace training packages to assist managers to better understand their legislative obligations. The Commission addressed this trend by continuing the appointment of an additional enquiries/training officer. The workplace specific training also provides managers and employees with the ability to identify, respond to and manage instances of discrimination and harassment in their workplace.

The packages can include:

- training developed specifically to meet organisational and employee needs using training material which focuses on their industry issues and incorporates organisational EEO policies and procedures;
- assistance in the development of discrimination and harassment policies and grievance handling procedures;
- involvement and training of all staff, usually within their workplace, anywhere within the Northern Territory;
- development of pro-active workplace training strategies to reflect the number of workplace complaints; and
- provision of a toll free "*Helpline for Managers and Supervisors*" for confidential and free advice on all aspects of discrimination and harassment. Managers and

Supervisors can ring the Helpline as they are confronted with issues in their workplace.

Additional workplace initiative include:

- participation in October Business Month offering training designed specifically for business and industry to keep them up to date with the;
- Development of Small Business Guide to Equal Employment Opportunity- to be published in new financial year; and
- Commercial Passenger Vehicle Driver Training modules have been reviewed and amended to include equal opportunity and anti-discrimination coverage. Topics included are: rights and responsibilities under discrimination law, provision of services to the public, workplace orientation and induction procedures, codes of conduct and reasonably accommodating special needs of passengers and drivers. This self-paced training is compulsory for every new applicant for a passenger vehicle licence.

Anti-Discrimination rights based training

The training delivered by the Commission focuses on improving knowledge of rights under the Act to people in the Northern Territory.

Performance measures	Unit of Measure	2003-04 Actual	2004-05 Actual	2005-06 Target
Quantity	Number of "participant-hours" of training provided	1810	1483	NA*
	No of participants trained		1653	1500
	No of hours of training		114.55	100
Quality	Positive feedback from participants	98%	98%	98%
Timeliness	Weeks from desired date by client to delivery of program	2	2	4

* changed method of calculation from participant hours to training hours.

These sessions aim to:

- raise awareness of rights and responsibilities of employees, advocates, students, customers, community groups and other members of the public;
- present a range of options for complaint-handling; and
- provide a source of information for people with a disability, Aboriginal people from remote communities, people from non-English speaking backgrounds, community service providers and other members of the public.

The Commission continues to be committed to the principle of free “rights based” training to ensure that the information on rights is available for all people in the Territory.

Anti-Discrimination public awareness activities

These are activities which raise public awareness of rights and responsibilities under the Act.

Performance measures	Unit of Measure	2003-04 Actual	2004-05 Actual	2005-06 Target
Quantity	Number of participant hours of public awareness work	567	343.5	NA*
	Number of participants		262	500
	No of hours of training		2.2	50**
Quality	Positive feedback from participants	98%	98%	98%
Timeliness	Weeks from desired date of engagement by client to attendance by official	1	1	4

* changed method of calculation from participant hours to training hours.

** More accurate collection of statistics will be in placed for 2005/06 to include Commissioner’s activities.

Some of the public events in which the Commission participated include:

- Women’s Health Day for people of non-English speaking backgrounds;
- International Day for People with a Disability - Darwin and Alice Springs;
- National Youth Week activities;
- Refugee Week;
- Law Week;
- National Aboriginal and Islander Day of Celebration (NAIDOC);
- NTPS Indigenous Employment Forums in all regions
- Pathways 7 Conference- Disabilities and Education; and
- Arafura Games – volunteers.

As well as participating in public events, Public Education focused on:

- publicising the Aboriginal education strategy and circulating the videos targeting Aboriginal groups in remote communities which have been translated into 14 indigenous languages;
- developing and circulating educational material in a range of multimedia formats; and

- updating the website, and regularly publishing the newsletter. The Commission is yet to capture statistically the true impact of this shift in priorities.

Remote Indigenous Strategy

This public education strategy was this year's priority for the Commission and aims at improving the delivery of information relating to rights and responsibilities under anti-discrimination legislation to indigenous persons living in remote communities.

Implementation strategies have included updating and re-issuing of the Commission's video which demonstrates common incidents of discrimination and harassment that affect indigenous people in the Northern Territory and also provides general information about the Commission. The video, made in the Territory using indigenous actors, in conjunction with the Aboriginal Interpreter Service has been produced in 14 Aboriginal languages and English. Aboriginal languages now available are:

- Burrarra
- Murrinh-Patha
- Djambarrpuyngu/Gupapuyngu
- Kriol
- Kunwinjku
- Modern Tiwi
- Anindilyakwa
- Warlpiri
- Western Arrernte
- Southern Arrernte
- Pitjantjatjara
- Alyawarra
- Warumungu
- Eastern Arrernte

The Commissioner has attended community council meetings in all NT regions and Northern and Central Land Councils meetings to raise awareness of the strategy. Working in partnership with these councils, relevant information including fact sheets, newsletters, indicative case examples, posters and the video in the appropriate language have been circulated and discussed.

The Commissioner was invited to visit the North East Arnhem Land Garma Festival and speak to the Jawoyn Association in Katherine, communities councils in Galiwin'ku/Elcho Island, Daguragu/Kalkaringi, Milingimbi, Ramingining, Alyangula, Anindilyakwa and Angurugu.

Invitations and requests to visit other outlying remote community areas will be received as the remote area information strategy is publicised in each region.

The strategy also includes continuing public education throughout the Northern Territory across all sectors, for example:

- Training in schools for teachers and students;
- advocates training such as health workers, Aboriginal Community Police Officers, trainee teachers;
- interpreter training;
- training of all police officers and community services workers;
- Batchelor Institute for Indigenous Tertiary Education (BIITE) and regional annexes for students and lecturers;

- Students and staff at Charles Darwin University relevant courses;
- NTPS Indigenous apprentices; and
- Participating in the Territory wide indigenous employment forums in all regional centres.



Harassment Free sports strategy

The Australian Council of Human Rights Agencies (ACHRA) and the National Standing Committee on Recreation and Sport have endorsed the ongoing development and promotion of Play by the Rules website with a shared commitment of resources and staffing between the State and Territory Equal Opportunity and Anti-Discrimination Commissions and the Federal, State and Territory Sports and Recreation offices.

The Commission's Director Public Education and Training has been nominated onto the national management committee in recognition of the fact that The Northern Territory Office of Sports and Recreation and Anti-Discrimination Commission staff have been working closely together for the past two years to implement and promote harassment free sport at every opportunity right across the Territory resulting in the Northern Territory being in the forefront of this initiative.

The strategy incorporates a website which is an invaluable resource for anyone involved in sport and recreation clubs and associations. The aim is to provide:

- accessible and relevant information on harassment, discrimination and child protection to all participants in the sport and recreation industry at an individual club and association level;
- coaches, umpires, administrators and participants with the knowledge and skills to prevent recognise and respond to harassment, discrimination and child abuse in by providing Member protection policies, codes of conducts and training; and
- a risk management tool for sport and recreation clubs and associations to manage undesirable and unlawful behaviour.

The Commission is now the accredited training provider for all Harassment Free Sports courses in the Northern Territory and Member Protection Officers training weekends are regularly offered in all regions.

The Australian Sports Commission has contracted ACHRA to redevelop four training packages that will underpin their Harassment Free Sport Strategy. As the Commission

already provides training for sporting organisations, the revision will be incorporated into the joint training program already offered through Office of Sports and Recreation.

The four packages are as follow:

- Member Protection Management Briefing Session;
- Harassment-free Sport Overview Workshop;
- Complaint and Conflict Resolution for Clubs Workshop; and
- Member Protection Information Officer Course.

The Member Protection Officer (MPO) is the first point of contact in a club for any complaints or concerns around harassment and abuse in sports. The MPO provides confidential information and support for the person alleging the harassment. Most complaints are effectively resolved at this level if the person is competent and adequately trained.

The two day Member Protection Officer training was offered in Alice Springs, Jabiru and Darwin this year.

Play by the Rules website: www.playbytherules.com.au

ADC Publications

FACTSHEETS

- Fair Go For All Territorians;
- Functions Of The Commissioner;
- Sexual Harassment;
- Eliminating Sexual Harassment – Guidelines for Employers;
- Are You Treated Unfairly Because You Are Aboriginal;
- People With An Impairment (Disability);
- How We Handle Complaints; and
- A Guide on Conciliation Conferences within the Anti-Discrimination Commission.

Most Fact sheets are available in seven languages:

- Tagalog
- Indonesian
- Japanese
- Talking tapes
- Vietnamese
- Mandarin
- Large type for the visually impaired
- Portuguese
- Thai

POSTERS

- Anti-Discrimination Commission Poster;
- Fair Go – This is what it's really about!;
- Fair Go – Creating a Fair Go for everyone!;
- Sexual Harassment – Nobody has to put up with it!;
- Know Your Rights, Know Your Responsibilities – Top End;
- Know Your Rights, Know Your Responsibilities – Central Australia;
- Welcome to my Country; and
- Play by the Rules.

FAIR GO- NEWSLETTER: Three editions of the Anti-Discrimination's newsletter, "Fair Go" were distributed throughout the Northern Territory.

TRAINING CALENDAR: A schedule of formal training programs offered by the Commission is published twice a year.

WEB SITE: The Commission has an extensive web site located at www.adc.nt.gov.au