

# Northern Territory Anti-Discrimination Commission



**ANNUAL REPORT**  
**2005-2006**

The Hon Syd Stirling MLA  
Minister for Justice and 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 2005 to 30 June 2006.

Yours sincerely



Tony Fitzgerald

29 September 2006



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## From the Commissioner



Tony Fitzgerald  
Commissioner

Under the *NT Anti-Discrimination Act* (the Act) the Anti-Discrimination Commissioner is appointed for a term of not longer than three years, but is eligible for re-appointment. I have now commenced my second term as Commissioner and I am delighted to present my fourth annual report.

The 2005/2006 'reporting year' commenced and concluded with two fascinating and important NT indigenous ceremonies which I was privileged to attend. The first took place in September 2005 at Galiwinku when representatives of the mainstream NT legal system were invited to witness an "assent" by local clanspeople to a codification of local traditional law (see full description and photos in ADC Newsletter #7 of October 2005). It is my hope that this unique and historic occasion will result in dialogue throughout the Territory between traditional lawmen and government (which adopts the Westminster system) about the co-existence of their respective laws.

The second ceremony took place at Kalkaringi (formerly Wave Hill) in August 2006 to commemorate an important milestone in Australian history – the 1966 strike and walk off by Gurindji workers and their families from the Lord Vestey-owned Wave Hill Cattle Station to highlight their claim for wages and living conditions equal to their non-indigenous workmates. The "Dagaragu Freedom Day", as it was called, took place just outside the reporting period but I will briefly include it now because it will be old news in a year's time. The Gurindji stand is significant because it ultimately resulted in the recognition of Aboriginal land rights nationally, which in turn guaranteed (and continues to guarantee) stakeholder status in all sorts of negotiations to Aboriginals who had been previously dispossessed and/or ignored. Without land rights they would continue to be ignored.

The Anti-Discrimination Commissioner is a creature of statute, namely the *Anti-Discrimination Act*. That is the Act imposes duties on myself and my staff to promote equality of opportunity in the NT, to protect people from unlawful discrimination, to investigate complaints and endeavour to effect conciliation, to provide remedies for persons discriminated against, to advise government on the operation of the Act, to prepare materials to assist persons to comply with the Act etc. The Act also provides us with the powers to discharge our many duties.

During the last 12 months we have continued our efforts to maintain our profile, make ourselves accessible to the community, and deliver education and training. Generally speaking this involves speaking engagements, attendances at conferences, representations on committees, delivery of submissions and advices to government, meetings with government Ministers, attendance at functions, radio and TV interviews,

letters to local media outlets, joint initiatives with other government agencies, advices to the public and private sector, and the publication of a quarterly newsletter.

A snapshot of my activities during the year indicates the breadth of our operations:

- Meetings with NT Ministers for Health, Police, Public Employment, Justice and several MLA's.
- Attendance at NT Criminal Lawyers Conference and ACHRA meetings (Australian Council of Human Rights Agencies).
- Addressed Dripstone High general assembly, Bahai Community UN Day Interfaith Service, Australian Council of Women and Policing Conference, launch of "Play by the Rules" website at Parliament House, Assistive Technology Expo at Charles Darwin University (CDU), Darwin South Rotary Club, Wanderers Football Club, Australian Education Union Annual Conference, CDU social work students, launch of Federal Human Rights Bill, Territory Housing staff, CDU law students, Danila Dilba Health Workers, CDU student teachers, Department of Justice staff.
- Met with Commissioner for Public Employment, HREOC Social Justice Commissioner, Consumer Affairs staffers, Department of Justice Indigenous employees, Health and Community Services Complaints Commission, Health Department staffers, Department of Justice Executive Directors, NT Independent Statutory Officers, HREOC Sex Discrimination Commissioner, NT Liquor and Licensing over Curtain Springs Roadhouse license.
- Attended AASWNT (Australian Association of Social Workers Northern Territory) hypothetical as panel member, Territory Housing forum, Department of Justice briefings on Anti-Social Behaviour legislation, Human Rights Art Awards, NT Correctional Services Art Exhibition, launch of Mental Health Week, Office of the Commissioner for Public Employment Equity and Diversity Awards, 'White Ribbon Day' breakfast, launch of National Mental Health Report.

Our statistics show that we fielded approximately 5 (five) less enquiries per week on average compared with the previous year, and that total complaints were relatively consistent (229 for 05/06 compared to 237 for 04/05). The distribution of complaints through the various grounds of discrimination prohibited by the Act also indicated some differences to the previous year – complaints related to age, impairment, parenthood, race, sex, and sexuality were the most prevalent (parenthood replacing irrelevant criminal record in that regard), complaints related to marital status and sexuality increased, complaints related to impairment and irrelevant criminal record decreased, with the balance of complaints received through the various categories being of a similar magnitude to last year.

In rounded percentage terms then

- 6% of all complaints for 05/06 were age related
- 10% were impairment related
- 4% were marital status related

- 5% were parenthood related
- 24% were race related
- 11% were sex related
- and 5% were sexuality related.

Overall 55% of complaints were work related.

We consistently manage to complete (ie resolve, dismiss, conciliate, conduct public hearings) complaints within time limits stipulated by the Act with an average resolution time of four months. 50% of all complaints accepted are resolved through conciliation which is a resounding endorsement for the process. Conciliation in this regard ranges from formal conciliation conferences pursuant to the Act to informal conciliations by telephone.

The credit for the outstanding and cost effective results which we continue to achieve goes mainly to my staff who are small in number but skilled, committed, vigilant and energetic. I thank them for their tireless efforts.

Our co-location at our Darwin CBD headquarters with the offices of the Information Commissioner and the Community Justice Centre continues to result in some cost efficiencies, facilitates the reciprocity of hearing Commissioner functions between Anti-Discrimination and Information Commissioners should that need arise (the Anti-Discrimination Commission has a dedicated and fully appointed hearing room on location), and facilitates the referral of disputes to the Community Justice Centre which fall outside the ambit of the Act.

The Commission has still not succeeded in persuading government to fund a fully staffed Alice Springs office, or an outreach office at Casuarina. We remain convinced that the establishment of these two offices would satisfy substantial unmet need and obviously impact significantly on our workload.

Funding for the Community Visitor Program (CVP), which is administered through this office and established pursuant to the *Mental Health and Related Services Act (NT) 1998*, was increased this financial year for 2006/2007 and onwards to accommodate increased demand from consumers and to enable the Community Visitor and the Community Visitor Panels to more adequately discharge their statutory functions. The CVP has complaints resolution, inspection and monitoring functions with respect to mental health services in the NT.

Tony Fitzgerald  
Anti-Discrimination Commissioner



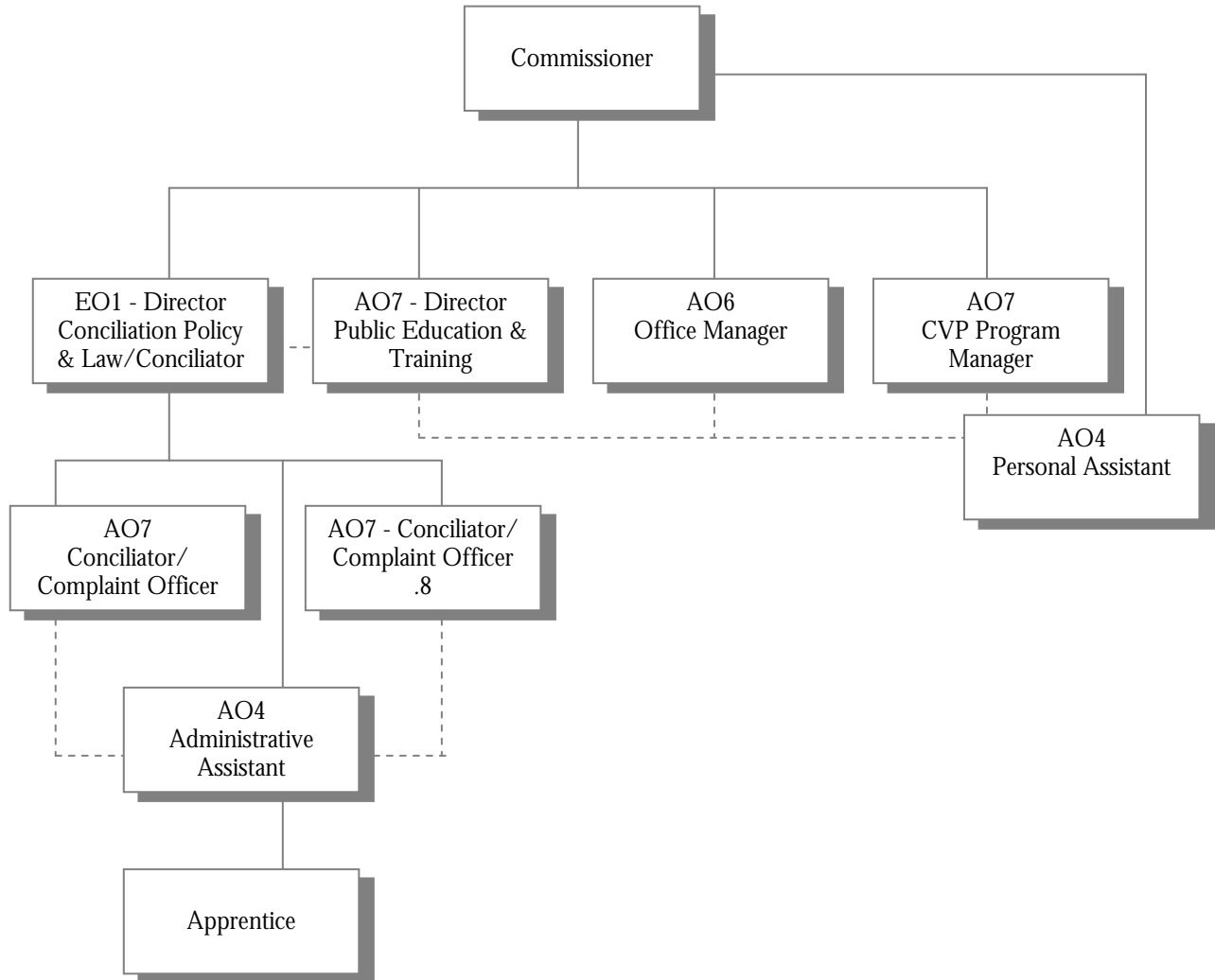
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## Functions of the Commissioner

- (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 2006)**



## Our Talented and Committed Staff



**Tony Fitzgerald**  
Commissioner

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**Terry Lisson**  
Director Conciliation,  
Policy & Law/ Conciliator

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**Sue Rhodes**  
Director Public Education  
& Training

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**Simon Wiese**  
Conciliator

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**Sally Rush**  
Conciliator

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**Somsong Albert**  
Office Manager

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**Judy Clisby**  
Community Visitor  
Program Manager

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**Karyn Jessop**  
Personal Assistant

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**Melanie Campbell**  
Conciliation Support Officer

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**Jodie Whalan**  
Apprentice

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**Statement of Financial Performance**  
For the year ended 30<sup>th</sup> June 2006

	\$'000	\$'000
<b>INCOME</b>		
Output Revenue		964
Sales of Goods and Services		20
Goods and Services Received Free of Charge		195
<b>TOTAL INCOME</b>		<b>1,179</b>
<b>EXPENSES</b>		
Employee Expenses		775
<i>Administrative Expenses</i>		
Repairs and Maintenance		3
Purchase of Goods and Services**		231
Property Management	10	
Accommodation	5	
Advertising	1	
Agent Service Arrangements	1	
Communications	23	
Consumables / General Expenses	5	
Document Production	12	
Information Technology Charges	41	
IT Hardware and Software Exp	1	
Legal Expenses	5	
Library Services	3	
Marketing and Promotion	23	
Membership and Subscriptions	3	
Motor Vehicle Expenses	17	
Office Requisites and Stationery	9	
Official Duty Fares	20	
Other Equipment Expenses	13	
Reg/Advisory Boards/Committee	25	
Training and Study Expenses	9	
Travelling Allowance	5	
Other Expenses*		195
<b>TOTAL EXPENSES</b>		<b>1,204</b>
<b>NET SURPLUS/(DEFICIT)</b>		<b>(25)</b>
* Includes DCIS Services Free of Charge		
** Indicative figures for Purchase of Goods and Services only		

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## Conciliation, Policy and Law



Terry Lisson  
Director

The Conciliation, Policy and Law Unit of the Anti-Discrimination Commission is made up of the Director, two Conciliator/Complaints Officers and one Administrative Assistant. This team handles all enquiries, complaints, investigations, conciliations, policy advices, and the Commission's legal work. As can be seen from the report and statistics below, we have a high rate of successfully resolved complaints and a quick and efficient turn-around time for finalisation of complaints.

The good results achieved by our small team are even more impressive when considered against the per capita numbers for enquiries and complaints when compared with other States and Territories. With the implementation by the Australian Council of Human Rights Agencies (ACHRA) of uniform counting methods, we have seen that per capita we have nearly double the number of enquires of any other human rights agency in Australia with the exception of the ACT, which has similar numbers. We have more than four times as many complaints as NSW, WA, SA and VIC, and approximately double that of TAS, ACT and QLD.

We hope that the high numbers of enquiries and complaints received in the Northern Territory reflect the high profile of the Anti-Discrimination Commission, achieved due to our small population size and corresponding ability to reach a significant segment of the public through our education activities and other work. We are less confident that the Commission enjoys a high profile outside Darwin. The role of the Anti-Discrimination Commissioner as an independent statutory officer also helps to promote our visibility and recognisability in the community.

### Enquiries

For most people their first contact 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 571 telephone, email and walk-in enquiries (compared to 795 last year), and continued its excellent response time in relation to enquiries with 99% responded to in less than 24 hours. The smaller number of enquiries this year is a trend occurring nationally at other State Commissions, and we

believe reflects a much higher use of the internet by persons seeking general information.

The Commission operates an Enquiry line and a “Helpline for Managers and Supervisors” on Freecall 1800 813 846, and a website at [www.adc.nt.gov.au](http://www.adc.nt.gov.au)

## Complaints

One of the Anti-Discrimination Commissioner’s functions is to “*carry out investigations and hearings into complaints and endeavor to effect conciliation.*” [NT Anti-Discrimination Act (the Act) section 13 (1)]. 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, provide advice, conciliate, and, if necessary, conduct hearings to determine complaints.

The Act provides that if the Commissioner has been personally involved in the investigation or conciliation of a complaint he cannot conduct a 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; providing advice to both parties; 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 public hearing before the Commissioner.

## Summary of Complaint-Handling in 2005/2006

### 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 and 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 NT Consumer and Business Affairs or the Commonwealth Department of Employment and 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

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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 60 (sixty) days of receipt of the complaint.

A complaint must also be rejected if the Commission 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 in the forthcoming review of the Act suggesting removal of the initial acceptance stage and 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 and this decision is appealable to the Local Court.

**Of the 180 complaints finalised this year, 44 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.

The Commissioner's Delegate under the Act (who is in actual fact one of the Commission's Conciliators) 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 run 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 and 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 to substantiate the alleged prohibited conduct. Sufficient *prima facie* evidence is established in matters where "*if the evidence remains as it is there is a probability that at trial of the action the plaintiff will be held entitled to relief*" (*Beecham Group v Bristol Laboratories (1968) 118 CLR 618 at 622*).

**Of the 180 files completed this year 4 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 at any time in the proceedings 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 180 files closed this year, 16 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

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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 can be 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 been willing to attend voluntary conferences, which suggests they have confidence in the fair and impartial processes of the Commission.

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 180 complaints finalised during the year 61 complaints were resolved by conciliation.**

#### **f. 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). 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, at any time during the hearing process, if the Commissioner considers that a complaint may be resolved by conciliation he, "*may endeavor to resolve the complaint by conciliation.*" Two 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.

**Of the 180 complaints finalised during the year 2 complaints were determined at hearing.**

### Hearings conducted or finalised during 2005/2006

\* Hearing decisions are reported on the Commission website [www.adc.nt.gov.au](http://www.adc.nt.gov.au)

Matter	Outcome
Harbour v. Clive Scollay and Nyangatjatjara Aboriginal Corporation	Alleged discrimination on basis of race and sex.  Dismissed
Wall v. NT Police	This hearing was held in March 2005 and the Commissioner handed down a decision in April finding that the NT Police had discriminated against Mr Wall on the basis of an irrelevant criminal record by having in place a policy that automatically barred applications from all persons with adult convictions for dishonesty, even when such convictions were spent.  The Police appealed the decision to the Local Court. However, prior to the appeal proceeding, an Agreement was reached in March 2006 resolving the matter on the basis that the Police would amend their recruitment policy to remove the inflexible bars to recruitment which the Commissioner had found to be discriminatory.

## Appeals

Pursuant to section 106 of the Act a complainant or respondent may appeal a decision of the Commissioner or his Delegate 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 by the Commissioner at Hearings.

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 2005/2006

Kennedy and Ors v. Anti-Discrimination Commission, Top End Women's Legal Service and Office of Ethnic Affairs	<p>This complaint of discrimination on the basis of sex relating to a legal advice seminar held for women only was dismissed by the Commissioner on the basis that it did not disclose any prohibited conduct because an exemption from the Act applied to non-profit groups carrying out a community service purpose. The Commissioner also found that such programs were also exempted from the Act because they were 'special measures' designed to promote equality for disadvantaged women.</p> <p>An appeal to the Local Court was dismissed by the Magistrate, as was the subsequent appeal to the Supreme Court.</p> <p>The Complainant's further appeal to the Court of Appeal was heard in May 2006. A decision has not yet been handed down.</p>
Lieberth v. Anti-Discrimination Commission and Catholic Education Office	<p>This matter was an appeal of the Commission's decision to reject the complaint on the basis that it was lacking in substance and misconceived. The Magistrate upheld the appeal and ordered costs against the Commission. Ms Lieberth subsequently withdrew her complaint of discrimination and the matter did not proceed.</p>

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## Example Complaints resolved in 2005 - 2006

### **Sexuality and Unreasonable Failure to Accommodate a Special Need**

The Complainant was born a male, however, she had always perceived herself as female. She dressed as a female for many years and changed her name to a female name by deed poll. She had not completed sex reassignment surgery at the time of making her complaint but hoped to do so in the future.

The Complainant alleged she was restricted from using the female toilets at a club and then subsequently banned from the club altogether when she did use the female toilets. The Complainant also advised that she feared for her safety when using the male toilets at the club following previous threats and harassment.

The Respondent submitted that the Complainant was only banned from the female toilets following complaints from female patrons and that the Complainant was not legally female and therefore not entitled to use the female toilets. The Club also submitted that it did not ban the Complainant from entering the club.

The Commission investigated the complaint and found there was sufficient evidence for the complaint to proceed on the basis that there was a possibility the complainant could succeed in establishing that:

1. The Club's action in banning her from using the female toilets was discrimination based on her sexuality; and
2. Even if banning the Complainant from using the female toilets was not discrimination based on her sexuality it was, in any event, a failure to make reasonable accommodation of her special needs based on her sexuality. This finding was made because upon receiving complaints from other female patrons the Respondent simply banned the Complainant from the female toilets without making any effort to consider her needs.
3. The Complainant was subsequently banned from entering the club.

Following the Commission's prima facie determination the parties entered into conciliation. As a result of their discussions the Respondent agreed to make a staff toilet available to the Complainant and other persons who felt uncomfortable using the male or female toilets. The club also agreed to Anti-Discrimination training for its staff and management and agreed to pay the Complainant some compensation.

**Impairment and Irrelevant Medical Record**

An applicant to the Police Force passed the initial physical, intellectual and psychological testing and interview stage but was not permitted to proceed when the required medical examination suggested that a long term physical condition made him unsuitable for appointment. The applicant disputed the medical finding and maintained that he was able to perform the job of a recruit constable. He made a complaint of discrimination on the basis of impairment (disability) and irrelevant medical record.

Through the conciliation process an agreement was reached that the applicant would undergo a further, independent medical examination with a specialist of his choice. The Police agreed to pay for this examination and further agreed that, if the report found that the applicant could meet the physical requirements of a general duties police officer, they would reconsider his application.

The medical report found that the applicant's physical condition was not so serious as to prevent him from carrying out the job, and that this was supported by his many years of working at similar duties. On this basis the applicant was accepted for consideration in the next available recruitment intake. However, in the period of time between his original application and this intake the applicant had become (as indicated in the medical examination) obese, and he elected not to participate in the physical testing, or to re-do the intellectual and psychological testing which would have given him the opportunity to improve his earlier scores. The selection panel was concerned that his current level of fitness and his attitude towards improving this, suggested he would find it difficult to complete the training at the Police College. They also found that he did not meet the standard of other applicants at interview. Therefore his application was rejected on merit, however there is no bar to his reapplying in future.

On this basis the file was closed, since there was no discrimination on the basis of the applicant's disability.

**RACE**

An Aboriginal woman complained because, when travelling through a place in which she did not reside, she was refused sale of alcohol. The reason for the refusal was because, at the request of the local Aboriginal Council, there was a ban on the sale of hard spirit alcohol to all Aboriginal persons.

After receiving the complaint an ADC Conciliator travelled to the town and held a meeting attended by the complainant, some local residents, the local police officers, publicans, Aboriginal elders and Aboriginal and Town Council members and representatives of the Liquor Commission. After discussions about the local concerns regarding alcohol abuse and the issues of race discrimination that arise when absolute bans on sales to Aboriginal persons are in place, all of the participants gave their support to liquor restrictions that would apply to every person, regardless of race. These restrictions limited the sale of spirits on certain days of the week, takeaways sales of liquor after 7 pm and the operation hours of the local liquor outlets.

The meeting gave all participants an opportunity to air their concerns on issues surrounding liquor sales and resulted in other positive outcomes, such as the posting of prominent signs explaining that no one, regardless of race, who was becoming intoxicated would be sold liquor, and the discontinuance of the practice of recording the sale of takeaways only for Aboriginal purchasers.

The complainant was satisfied that her concerns of racial discrimination had been addressed, and all parties indicated they were happy with the result of the conciliation conference.

**Seeking Unnecessary Information**

Two temporary employees of a Government Department were offered renewed contracts on the basis that they had to submit to a criminal history check. They were advised that if the check revealed any significant criminal history they would not be offered employment with the Department.

The complainants did not understand how any criminal history could be relevant to their job duties, which were administrative 'desk jobs' not involving work with finances or other sensitive areas. They also noted that they were not required to undergo the check when they first commenced with the department.

The Commission investigated the complaint and assisted the Department to revise its criminal history checking policy so that in future criminal history checks would only be sought for potential and existing employees where criminal history was assessed as being relevant to the duties of the position.

The Complainants were satisfied that the implementation of the revised policy satisfactorily resolved their complaints.

## Parenthood

In May 2005 the Commission received several complaints about the parenting rooms at Casuarina Shopping Centre. The complaints received local and national media attention through the NT News and "A Current Affair" program, televised on Channel 9.

While many parents were happy with the Centre's initiative at starting the "Bubs Club" and the improved security, privacy and cleanliness created by the introduced system, the complainants had concerns about the mandatory \$5 donation and restricted access.

The parties agreed to early conciliation of the complaints. The complainants' feedback as clients of the Centre was considered and some changes implemented such as:

- The \$5.00 application fee was changed to a voluntary donation to the Breast Feeding Mothers Association of the NT. The Centre will make a donation of \$5 to the Association on behalf of any member who does not wish to make the donation. This means that no-one is required to pay to use the Parents room.
- A letter was sent to all existing members offering to refund the \$5 donation made to the Breastfeeding Association (NT).
- Restricted access to one of the three Parents rooms was removed and the room is accessible without a membership card.
- In addition to the access cards available for non-members from security guards and cleaners, there are now access cards available for use from the customer service desk and retailers close to the two restricted Parents rooms. A sign is posted on the door of each Parents room indicating the retailers and other places where swipe cards can be obtained. One of the Complainants made suggestions as to the format of the non access controlled Parents Rooms door signage, and this suggestion has now been implemented.
- Assistance is available at the customer service desk if persons require assistance filling out the Club application form.
- The application form has been amended and no longer requires the applicant's date of birth. In addition, the form now highlights the paragraph that an applicant must tick to prevent the use and disclosure (as outlined on the form) of personal information.

As a result of the conciliation process and the changes implemented by the Centre all of the complaints were withdrawn.



## **Performance Reporting**

The Anti-Discrimination Commission's functions can be broadly divided into two main activities – complaint handling and 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 function involves 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.

## COMPLAINTS STATISTICS FINANCIAL YEAR JULY 1 2005 - JUNE 30 2006

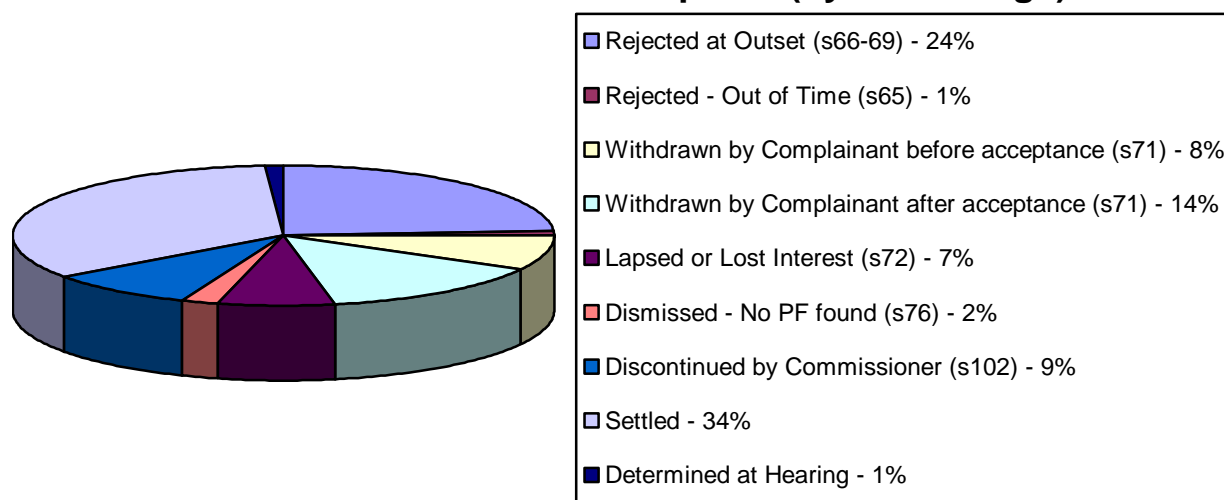
Outputs		2004-05 Actual	2005-06 Actual	2006-07 Target
Quantity	Complaints Received	146	148	147
	Complaints Closed	118	180	133
	Total Complaints Processed	<b>265</b>	<b>329</b>	280
	Complaints Open at 30 June	72	50	61
Quality	Successful appeals in local courts against rejection decisions	0	1	N/A*
	Percentage of accepted complaints conciliated	48%	50%	50%
Timeliness	Complaints processed within statutory timeframes	94%	97%	N/A*
	Average time from receipt of complaint to final resolution	4 mths	4 mths 14 days	6 mths
* Measures discontinued from 2006/2007				

**Outcomes of All Closed Complaints**

Rejected at Outset (s66-69)	43
Rejected - Out of Time (s65)	1
Withdrawn by Complainant before acceptance (s71)	15
Withdrawn by Complainant after acceptance (s71)	25
Lapsed or Lost Interest (s72)	13
Dismissed - No PF found (s76)	4
Discontinued by Commissioner (s102)	16
Settled	61
Determined at Hearing	2
<b>Total</b>	<b>180</b>

**Complaints referred to hearing 2005/2006**

5

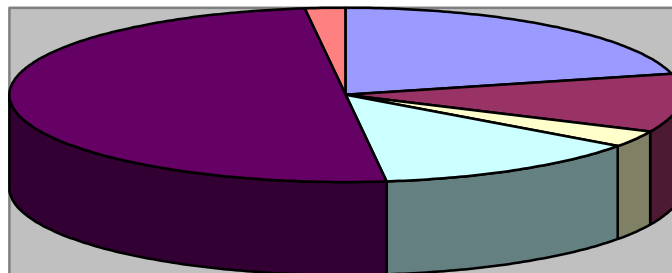
**Outcomes of All Closed Complaint (by Percentage)**

### Outcomes of Accepted Complaints Closed this Year

121 of 180 closed complaints were accepted.

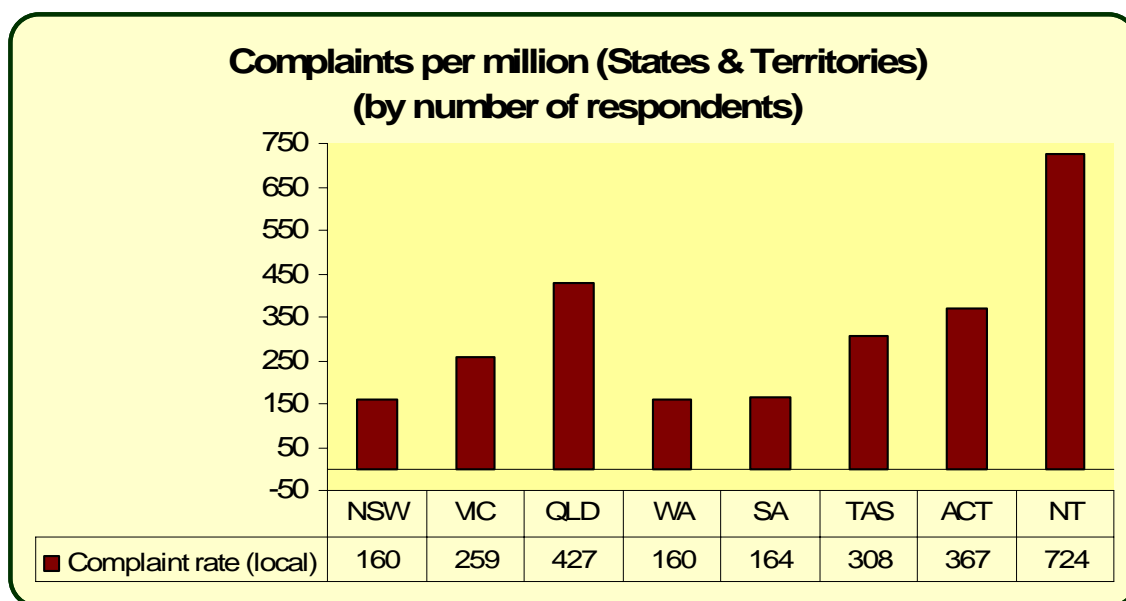
Settled	61
Determined at Hearing	2
Withdrawn by Complainant (s71)	25
Lapsed or Lost Interest (s72)	13
Dismissed - No PF found (s76)	4
Discontinued by Commissioner (s102)	16
<b>Total</b>	<b>121</b>

### Outcomes of Accepted Complaint Closed this Year (by Percentage)



Withdrawn by Complainant (s71) - 21%
Lapsed or Lost Interest (s72) - 11%
Dismissed - No PF found (s76) - 3%
Discontinued by Commissioner (s102) - 13%
Settled - 50%
Determined at Hearing - 2%

## National Comparison of Per Capita Number of Complaints



Jurisdiction	Complaints (local)	Population (% of total)	POPULATION ('000,000)^
NSW	1089	33.3%	6.8030
VIC	1311	24.7%	5.0524
QLD	1709	19.6%	4.0010
WA	324	9.9%	2.0287
SA	254	7.6%	1.5463
TAS	150	2.4%	0.4872
ACT	120	1.6%	0.3267
NT	148	1.0%	0.2045
Overseas			
Total	5105	100.0%	20.4498

^ ABS - 3101.0 - Australian Demographic Statistics, Dec 2005

\* Complaint numbers is by number of complainants according to Australian Council of Human Rights Agencies definition

**Complainant Region**

Darwin	69
Alice Springs	20
Palmerston & Rural	25
Interstate	9
Other	25

**Complainant Target Groups**

Non-English Speaking Background	11
Women	46
Disability	16
Aboriginal	29

**Complainant Entity**

Individual Female	84
Individual Male	64

**Respondent Profile**

Individual	30
Company	46
Community	1
Club	5
Government	49
Association	12
Local Government	1
NGO	4

**COMPLAINTS - (AREAS OF ACTIVITIES) 1 July 2005 - 30 June 2006**

GROUNDS/ATTRIBUTES Prohibited Conduct – Discrimination	AREAS	Education	Work	Accommodation	Goods/ Service/ Facilities	Clubs	Insurance/ Superannuation	Not Under Act	Total
Age		1	10		1	1	1		14
Association with a person			1	1	6				8
Breastfeeding			2						2
Impairment		3	9	1	10				23
Irrelevant Criminal Record			3		1	1			5
Irrelevant Medical Record			1		1				2
Marital Status			7	2		1			10
Parenthood			9		2	1			12
Political Opinion/ Affiliation/Activity			1			1			2
Pregnancy			1						1
Race		5	25	2	22				54
Religious Belief/ Affiliation/Activity			2		3				5
Sex		1	14		8	1			24
Sexuality		4	5		3				12
Trade Union Affiliation/Activity			1						1
Not Under Act			2					3	5
<b>Total (Based on Closed Complaints)</b>		<b>14</b>	<b>93</b>	<b>6</b>	<b>57</b>	<b>6</b>	<b>1</b>	<b>3</b>	<b>180</b>

OTHER PROHIBITED CONDUCT Grounds	AREAS	Education	Work	Accommodation	Goods/Service/ Facilities	Clubs	Insurance/ Superannuation	Not Under Act	Total
Aiding Contravention of Act									
Discriminatory Advertising			1						1
Failure to Accommodate a Special Need		4	8	3	6				21
Sexual Harassment			10						10
Seeking Unnecessary Info			9		2				11
Victimisation			3		1				4
<b>Total</b>		<b>4</b>	<b>31</b>	<b>3</b>	<b>9</b>				<b>47</b>

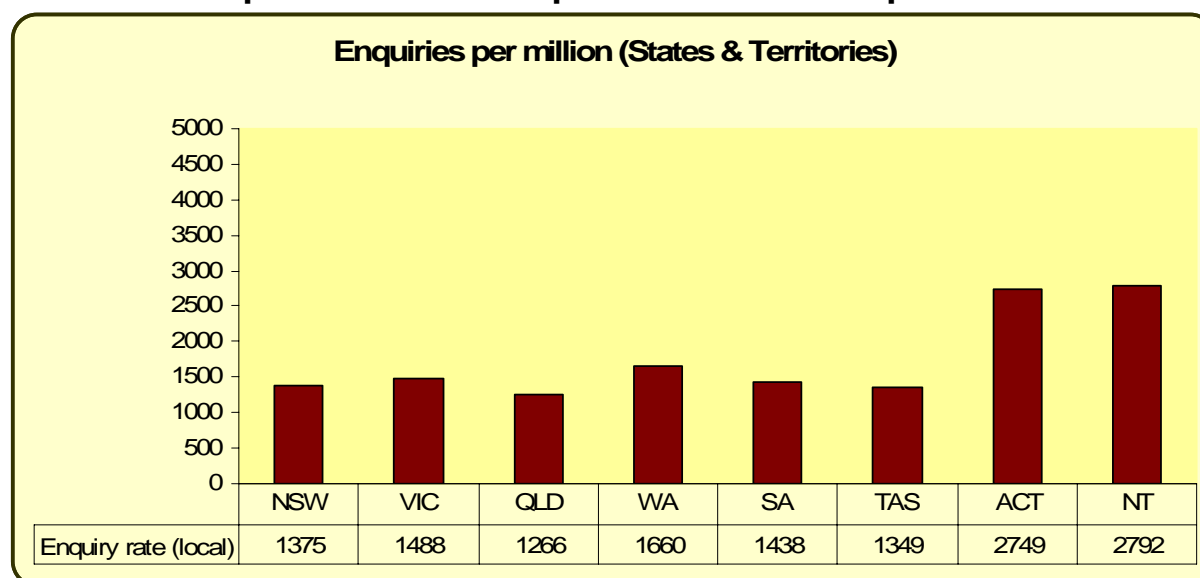
**TOTAL COMPLAINTS FOR 2005/2006****227**

## ENQUIRY STATISTICS FINANCIAL YEAR JULY 1 2005 - JUNE 30 2006

## Answer enquiries

Telephone, electronic mail, written or in person enquiries about rights and obligations				
Performance measures	Unit of Measure	2004 –05 Actual	2005-06 Actual	2006-07 Target
Quantity	Number of Enquiries	795	571	
Quality	Negative comments to ADC supervisor	0	0	
Timeliness	Average under 24 hours	99%	99%	99%

## National Comparison of Per Capita Number of Enquiries

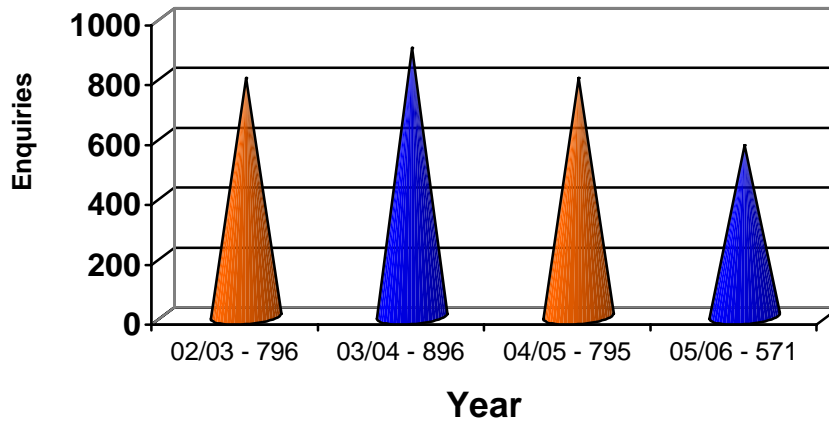


Jurisdiction	Enquiries (local)	Enquiries (national)	Enquiries (local + national)	Population (% of total)	POPULATION ('000,000)^
NSW	9355	4528	13883	33.3%	6.8030
VIC	7517	1958	9475	24.7%	5.0524
QLD	5064	1542	6606	19.6%	4.0010
WA	3368	577	3945	9.9%	2.0287
SA	2224	738	2962	7.6%	1.5463
TAS	657	168	825	2.4%	0.4872
ACT	898	224	1122	1.6%	0.3267
NT	571	154	725	1.0%	0.2045
Total	29654	9889	39543	100%	20.4498

^ ABS - 3101.0 - Australian Demographic Statistics, Dec 2005

**Comparison of Enquiries Received by Year**

**Comparison - Number of Enquiries**



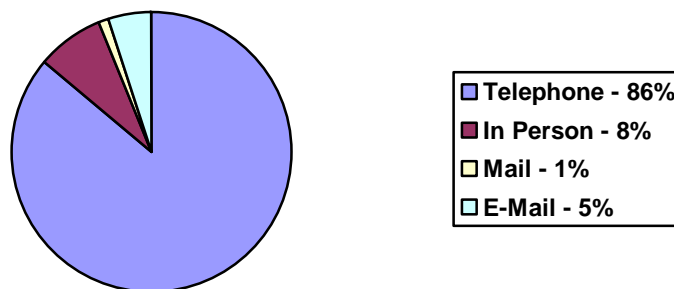
Average Time Spent on an Enquiry	
	Average Time in Minutes
July	23
August	18
September	24
October	19
November	21
December	22
January	18
February	17
March	20
April	17
May	27
June	21
<b>Average Time 05/06</b>	<b>21</b>

Type of Enquiry	
Professional*	General Information#
5	41
6	69
8	29
13	35
10	50
11	17
12	40
14	30
13	50
31	8
9	35
11	24
<b>143</b>	<b>428</b>

\* Professional Enquiry: Executive Office/Employers/Management/Legal/HR staff requesting advice on policy and or application of the Act.

# General Enquiry: Individual requesting information regarding personal grievance and or general advice about discrimination and harassment.

**Mode of Enquiry by Percentage**



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## 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 private sector organisations, departments, local government, community government bodies and associations to promote recognition and acceptance of non-discriminatory attitudes, acts and practices.

### Strategies

Throughout 2005/2006, 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;
- Relaunch of the updated "Play by the Rules" website as part of the national Harassment Free Sports strategy;



- Promotion and distribution of resources raising awareness of "rights" and "responsibilities" under the Act in remote NT. Specific training videos have been produced in the most common Aboriginal languages;
- Quarterly publication and distribution of the "Fair Go" newsletter;
- Production and distribution of fact sheets in many languages and in large print for the visually impaired;
- Supply of "Talking tapes" about the Act, prohibited conduct and areas of activities;
- Liaison and consultation with all levels of government, peak community groups, Aboriginal organisations, employer/employee groups, advocates, private sector businesses and organisations;
- 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;
- 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](http://www.adc.nt.gov.au); and
- A Telephone Typewriter (TTY) is available for clients with a hearing impairment.

### Summary of Public Education and Training Activities for 2005 - 2006

Performance Measure	Unit of Measure	2005-2006 Actual	2006 – 2007 Estimate
Quantity	Public Awareness and training hours	280	302
	Number of participants	2008	2316
Quality	Positive feedback from training participants*	na	80%
Timeliness	Average time taken to provide training#.	na	10 days

\* New measures from 2006-07 amended to provide a more meaningful measure of quality

# New measure from 2006-07 designed to provide a more accurate measure of timeliness

There were 114 public education activities for the year and a further 33 activities were cancelled due to a range of reasons such as breakdown in plant and equipment, extreme weather, death in the family, or the organisation's work pressures.

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	2004 –05 Actual	2005–06 Actual	2006-07 Estimate
Quantity	No of participants	92	197	200
	No of hours of training	69.5	65.5	70

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. Often, HR staff will select one of these training packages to be presented in house for staff or clients.

The courses include:

- Introduction to Anti-Discrimination Law;
- Prevention of Harassment and Bullying;
- Recruitment –Employer Responsibilities;
- Contact Officer Training;
- How to Handle a Grievance for managers and supervisors;
- Disability Awareness Seminars: General; and
- Disability Awareness Seminars: Education.

Formal Training is conducted regularly in regional centres in order to raise public awareness. These visits 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;
- Batchelor;
- Yulara;
- Timber Creek; and
- Nguiu.

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	2004–05 Actual	2005-06 Actual	2006–07 Estimate
Quantity	No of hours of training	251.25	124.25	120
	Number of participants	1712	1140	1200

There has been a gradual move towards developing and providing individual workplace training packages to assist managers to better understand their legislative obligations. 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.

There were 66 workplace training sessions this year and a further 8 sessions were cancelled due to workplace reasons such as extreme weather, breakdown in plant and equipment, or changes in work demands.

Of the workplace training sessions:

- 36.4% were for private sector workplaces;
- 34.9% were for government workplaces;
- 8% were for Non-government organisations; and
- 13% were for education providers.

When the Commission is approached to provide workplace training, discussions with the organisation include:

- Why the need for the training and what training has occurred in the past?
- Does the organisation have discrimination and harassment policies and grievance procedures?

- What type of training is needed?
- Additional training requirements of management covering vicarious liability and how to handle grievances.
- Ongoing support offered by the Commission.

The packages that are then developed can include:

- training developed specifically to meet organisational and employee needs using training material which focuses on their industry issues and incorporates organisational Equal Employment Opportunity policies and procedures;
- assistance in the development or the review 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;
- 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; and
- additional training for workplace trainers and ongoing support in their role.

Other workplace initiatives include:

- Participation in October Business Month offering training designed specifically for business and industry.
- Development of Small Business Publication –“Preventing Discrimination-It’s Good for Business” This publication is being developed to provide crucial guidelines about anti-discrimination rights and responsibilities in small business. Many small businesses are short on time and resources. Information and training activities are often last on their list of priorities. However knowledge of the guidelines is essential to ensure compliance with the law, increase productivity and promote good business practices.

The publication will provide information in an easy to understand format on such topics as:

- anti-discrimination law in relation to employment;
- strategies for preventing discrimination and harassment in the workplace;

- the benefits to be gained by complying with the law;
  - what managers and supervisors need to know; and
  - where to get more information, advice and assistance.
- Commercial Passenger Vehicle Driver Training modules are being 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 new applicants for passenger vehicle licences in regional areas. Discussions are continuing for the inclusion of these topics in the face to face training that is now offered in Darwin and individual training for taxi drivers who breach the Commercial Passenger vehicle codes of conduct.
  - Development of disability awareness seminars: "Disability- It's Your Business Too" a joint initiative with the regional Disability Liaison Office at Charles Darwin University to support the NT Public Sector 'Willing and Able' Strategy for employing people with a disability. These seminars have been delivered in workplaces that employ or provide services to people with a disability, or in those workplaces who want to know what the law says about disability discrimination and reasonable accommodation of their special needs.

Organisations are encouraged to embrace disability awareness in an attempt to challenge negative stereotypes that exist around disabilities, and assist with the integration of people who have a disability in workplaces. The focus is on the abilities of people with a disability and the reasonable assistance they may require to perform the duties of their job.

- Joint strategy with Territory Housing designed to prevent decisions about accommodation being made on discriminatory grounds, accommodating the special needs of clients and addressing personal biases of staff.

### Anti-Discrimination rights based training

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

Performance measures	Unit of Measure	2004-05 Actual	2005-06 Actual	2006-07 Actual
Quantity	No of participants trained	1653	685	650
	No of hours of training	114.55	57.25	55

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.

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

- International Day for People with a Disability – In Darwin in December;
- “Rights on Show” Human Rights Art Exhibition in Darwin in December;
- Pride Week in Darwin in May;
- “Building Bridges” support Workers Conference in June in Darwin;
- Islamic Youth Forum in Darwin in April;
- Improving Policing for Women Conference, Liquor Licensing Conference; and
- Law Week in May in Darwin and Alice Springs.

As well as participating in public events, Public Education:

- publicises the Aboriginal education strategy and circulates the videos targeting Aboriginal groups in remote communities ;
- develops and circulates educational material in a range of multimedia formats; and
- updates the website, and regularly publishes the newsletter and new fact sheets.

### **Remote Indigenous Strategy**

This public education strategy aims at improving the delivery of information relating to rights and responsibilities under anti-discrimination legislation to indigenous people living in remote communities.

Letters and packages went out to all Land Councils, Community Councils, major outstations and Aboriginal organisations across the NT and a free copy of the training video in the relevant Aboriginal was included.

The Strategy offers a range of options as follows:

- to arrange a visit by the ADC to the community and talk at a public meeting about the Commission and how to lodge a complaint;
- to invite the ADC to hold a special viewing of the video at an appropriate location;
- to invite the ADC to talk to local council and any other organisation in the community;
- to train people in the community so that can assist others in lodging complaints;
- to show people how access the website;
- to speak on indigenous radio and TV about cases of discrimination and harassment; and
- to promote and distribute the Aboriginal resources as widely as possible through all training sessions and relevant public education activities and meetings.

The strategy also includes continuing public education throughout the Northern Territory across all sectors, in the hope that people who attend these sessions will take the information back to their communities and share it with others. These sessions include:

- Training in schools for teachers and students;
- Advocates' training such as Aboriginal Health Workers, Aboriginal Community Police Officers, Legal aid workers, trainee teachers, Aboriginal Women's Shelter and any interpreters who happen to be at the sessions;
- Training of all police officers and community services workers;
- Batchelor Institute for Indigenous Tertiary Education (BIITE) and regional annexes for students and lecturers; and
- Students and staff at Charles Darwin University relevant courses.

Working in partnership with these organisations, relevant information including fact sheets, newsletters, indicative case examples, complaint forms, posters and the video in the appropriate language are circulated and discussed.

Assistance by an interpreter from the Aboriginal Interpreter Service is offered as a matter of course.

As the remote area information strategy is publicised, the invitations and requests to visit outlying remote community areas are acknowledged and trips are prioritised, and planned.

This year the response has been limited with the Commissioner and staff visiting Nguiu, Yirrikala and Timber Creek after invitations from these communities.

The continuing challenge for the Commission is to increase our exposure in remote areas of the NT within the limitations of budgetary constraints.

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The Commission's training video 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 available are:

<ul style="list-style-type: none"><li>• Burrarra</li><li>• Murrinh-Patha</li><li>• Djambarrpuyngu/Gupapuyngu</li><li>• Kriol</li><li>• Kunwinjku</li><li>• Modern Tiwi</li><li>• Anindilyakwa</li></ul>	<ul style="list-style-type: none"><li>• Warlpiri</li><li>• Western Arrernte</li><li>• Southern Arrernte</li><li>• Pitjantjatjara</li><li>• Alyawarra</li><li>• Warumungu</li><li>• Eastern Arrernte</li></ul>
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## 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 Director Public Education and Training represents the Commission on 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 three 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. This year the NT Office of Children and Families joined the Territory representation in anticipation of the changes expected to the *NT Care and Protection of Children Act*. This will significantly impact on sporting organisations and clubs as part of the anticipated changes will include the introduction of mandatory screening procedures and the need for all volunteers working with children to have a current criminal history check.

The strategy incorporates a recently revamped and updated 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 training is regularly offered throughout the Northern Territory.

The Australian Sports Commission contracted ACHRA to redevelop five training packages that 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 five new and improved training packages are:

**Harassment - free Sports Overview Workshop** 3-4 hrs

For anyone who is interested in obtaining basic information and understanding of harassment, discrimination and child protection issues, individual and organisational rights and responsibilities, and how to handle sports complaints.

**Member Protection -Management Briefing Workshop** 2-3 hrs

For anyone who is in a decision making position at Territory level of their sport. Includes information on the legal and moral member protection rights and obligations of their organisations.

**Complaint Resolution for Clubs Workshop**-2 hrs

For anyone in sporting clubs who has to handle complaints.

**Member Protection Information Officer (MPIO) Course** 1-2 days

For those who have been nominated by their sport to be trained as a MPIO. The course covers Territory Anti-Discrimination and child protection legislation, the role of the MPIO, complaint processes, and practical skills for receiving complaints from adults and children.

**Defusing Conflict and Anger in Sport Workshop** 2-3 hrs

For people in crowd control positions including officials, referees, umpires, line and ground managers. Covers behaviours of people who are in dispute, empathy, active listening, assertiveness and risk management.

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.

**Play by the Rules website:** [www.playbytherules.com.au](http://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;
- Criminal History Checks and
- A Guide on Conciliation Conferences within the Anti-Discrimination Commission.

Most Fact sheets are available in seven languages:

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

### 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](http://www.adc.nt.gov.au) containing all fact sheets, past and present newsletters and annual reports, the most recent training calendar, ADC decisions and related links