



Northern Territory  
Anti-Discrimination Commission

# ANNUAL REPORT

## 2019/2020



Anti-Discrimination Commission

Postal Address

LMB 22 GPO

Darwin NT 0801

Office Address

NT House

9<sup>th</sup> Floor

22 Mitchell Street

Darwin NT 0800

General Enquiries

08 8999 1444

Freecall

1800 813 846

Website

[www.adc.nt.gov.au](http://www.adc.nt.gov.au)

Email

[antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au)



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



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

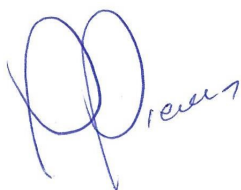
30 September 2020

The Hon Selena Uibo  
Attorney-General and Minister for Justice  
Parliament House  
Darwin NT 0800

Dear Minister,








In accordance with the requirements under section 16 of the *Anti-Discrimination Act 1992*, I am pleased to present the Annual Report on the operations of the Northern Territory Anti-Discrimination Commission for the period 1 July 2019 to 30 June 2020.

Yours sincerely,



Sally Sievers  
Anti-Discrimination Commissioner

# CONTENTS

<b>From the Commissioner</b>	<b>5</b>	
<b>The Office of the Anti-Discrimination Commissioner</b>	<b>7</b>	
<b>Emerging Issues</b>	<b>11</b>	
<b>Complaints</b>	<b>17</b>	
<b>Public Education</b>	<b>27</b>	
<b>Community</b>	<b>33</b>	
<b>Appendices</b>	<b>41</b>	

## FROM THE COMMISSIONER



Another year, another move. I thank the staff of ADC and CVP for their flexibility and the many hours of additional work to again move the office. Hopefully this will be the last move for many years as we settle into our new home.

I would particularly like to thank Raychael Brown who as our temporary Group Co-ordinator moved us twice in two years. Raychael did a stellar job, making the move appear seamless despite dealing with many issues that would have brought the rest of us undone. I thank her for all of her efforts in the time she had with us and wish her well in her new role.

This year also saw change internally within the office with long standing complaints staff moving to new roles and one moving interstate. Both had provided many years of dedicated service to ADC, managing high workloads, and each bringing their own unique skills to resolving complaints and conducting community engagement. I thank Bronwen McLauchlan and Anne Hébert for all that they brought to the office.

In a year of change it has also been a very busy year with a high demand for training and a noticeable increase in formal complaints. In fact in the first 6 months of 2019/20 we received almost as many complaints as we received for the whole of 2018/19.

The most complained about issue was disability. This is consistent with other equality commissions around Australia. Disability and race are often very close in terms of number of complaints, however this year disability was notably higher, most being in relation to mental health. This is an issue we will need to continue to monitor.

We also saw a 91% increase in complaints from Aboriginal Territorians, and a 35% increase in complaints outside of Darwin, including a greater number of complaints coming from remote NT, most from Aboriginal Territorians; often under-represented in our process. We have been aware for many years that Aboriginal Territorians have been under-represented in our complaints across the NT. While not all of these complaints were about race, it is clear that race discrimination remains a major issue in the NT both individually and systemically.

This increase may in part be due to discussions with the Aboriginal Justice Agreement team about the impact and nature of our work, information they have shared as they consulted across the NT raising awareness of rights. We have also worked with the Northern Australian Aboriginal Justice Agency over a number of years on what is covered by the Act and the processes available under the *Anti-Discrimination Act 1992*.

It is an important area of our work, to work with Aboriginal controlled organisations to raise awareness of rights amongst Aboriginal people including options available if they want to pursue a formal complaint. We always look out for opportunities to work with communities to raise awareness of rights, however it has been an issue during my time as Commissioner that we have been restricted by a budget that only allows minimal travel and there is only so much an online or social media profile can achieve in this space. Those who do complain often get good outcomes including personal remedies in the form of compensation and systemic outcomes such as discrimination or cross-cultural training for organisations.

It is also necessary for me to comment on COVID-19 and the opportunities it has presented for us as an organisation to adapt and to think about how we can work flexibly at a broader societal level. Flexibility in our workplaces is key to achieving gender equality, it is important we learn from this experience that everyone can work flexibly including men who also need to balance work and family obligations. It will be necessary to keep a watch on the gendered impact of COVID-19, as we move into the recovery phase, to ensure projects and programs are seen through a gender lens.

Other areas we continue to focus on are how we can disrupt and look for new allies in combatting the prevalence and pervasiveness of sexual harassment in our community. Sexual harassment remains a significant issue for Territorians with a noticeable increase in complaints this year and stories continuing to break nationally regarding sexual harassment in different sectors and professions. Of particular note were the allegations against former High Court Judge, Justice Heydon. We look forward next year to broader sexual harassment protection as proposed in the modernisation of the *Anti-Discrimination Act 1992* to support our office in this important work.

We also look forward to reforms such as vilification and the representative complaint model which will bring welcome protection for a range of groups who currently are either not adequately protected or who cannot exercise their rights. During the height of COVID-19 it was evident that greater protections were needed, in particular race vilification laws to protect our local Asian communities. These reforms and others will result in greater protection and more options for both race and disability discrimination. We look forward to these and other reforms being progressed next year.

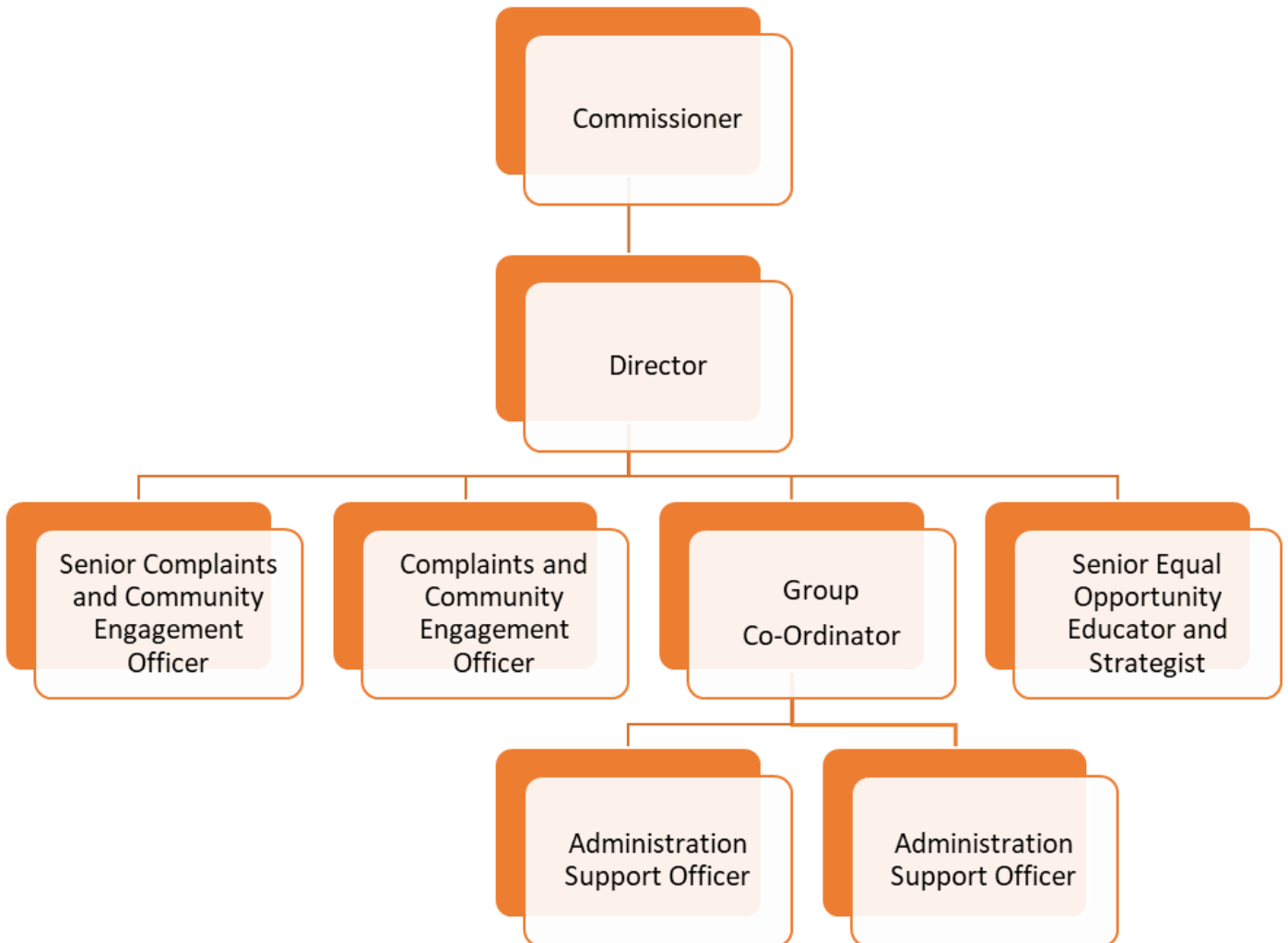
Lastly, thank you to all those members of our community who took time to engage with the office, attend training, speak to us at community events and those who had the courage to make a formal complaint to achieve change not only for themselves but for the whole of the Territory.

# THE OFFICE OF THE ANTI-DISCRIMINATION COMMISSION



View from the Commissioner's Office, decorated with bunting from Project 21 for Territory Day

# ORGANISATION CHART







# WHO ARE WE AND WHAT DO WE DO?

## Educate & Train

Provide public education through:

- Formal public training.
- Customised training.

## Complaints & Enquiries

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

## Community Engagement & Advocacy

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

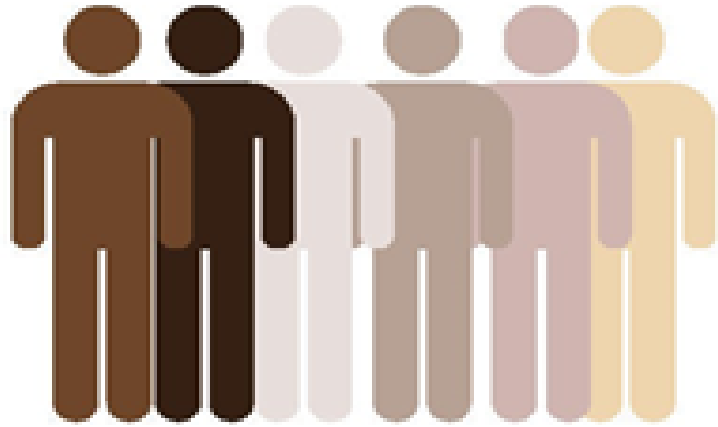


# EMERGING ISSUES



Commissioner Sievers speaking at the National Indigenous Legal Conference

# RACE



## RACE

91%

Increase in complaints received from people who identify on their complaint form as Aboriginal or Torres Strait Islander (103). In 2018/19 only 54 complaints received were from Aboriginal and Torres Strait Islander Complainants.

Complaints were mostly in the area of work about discrimination on the basis of race, disability, age or failure to accommodate a special need; or while receiving a service on the basis of race, disability or failure to accommodate a special need.

Anecdotally we have always been very aware of high levels of discrimination experienced by Aboriginal Territorians, particularly in regard to race, but also intersectional discrimination, particularly disability and gender. We have also been aware of barriers for Aboriginal Territorians in complaining. The increased complaint numbers do not necessarily reflect increased discrimination, which we believe is high, but an increased preparedness and ability to complain which is positive.

Race discrimination for Aboriginal Territorians continues to be a significant issue in the Northern Territory, as complaints came from all regions.

Common complaints include:

- Receiving different treatment based on race, particularly when receiving a service.
- Typecast thinking based on racial stereotypes.
- Cultural ignorance or offensive behaviour in workplaces.

There was a strong sense this year particularly from Aboriginal Territorians of feeling fed up. Often complaints had been made not because a particular incident was unique but because it was one in a long line of incidents and the Complainant felt they had to take some action.

Not all complaints however were about race discrimination, complaints were also received in relation to disability, irrelevant criminal record, sexual harassment, or a combination of these reasons.

# DISABILITY

In 2019/20 there was a 32% increase in disability complaints. Disability and race based complaints have always been the highest grounds of complaint but this is the first year where there has been a noticeable difference between the two. While both remain high, disability complaints are particularly high. This trend is consistent with what is being seen in interstate commissions.

A high percentage of disability complaints were about mental health, followed by physical disabilities and medical conditions. While smaller in number there was a reasonable representation of neurological and cognitive disabilities. Complaints were fairly evenly spread between workplace or service provision.

38% of Complainants identified as Aboriginal or Torres Strait Islander. Complaints were often intersectional (more than one attribute), common combinations being disability coupled with race, age and sexual harassment. While 62% of disability complaints settled, it is noted that more than half of the matters referred to hearing, involved disability.

Related to disability complaints is the high number of complaints about failure to accommodate a special need (81), where most were about special needs arising from a disability. Complaints were also high in regard to seeking unnecessary information upon which discrimination may be based (44) of which most were about disability.

## **Disability - Access to Goods, Services and Facilities**

Jillian was deaf and relied upon captioning to understand what was being said in group settings. She applied to attend a conference for work and was advised by the provider that they could not provide captioning as she was the only one attending who was deaf and it would be too much effort for one person.

Jillian complained to the ADC and her complaint was accepted on the basis that captioning was a special need based on her disability. Following a conciliation the conference provider:

- Apologised for their actions.
- Agreed to make the accommodations so she could attend.
- Provided her with free attendance to a future conference.

# COVID-19

During COVID-19 while limiting front counter services to those with essential needs, the service remained open to ensure all people could still access our service. Steps were taken to ensure both the safety of staff and visitors during this time. In particular, conciliations and training were moved to phone and online respectively. We thank the public for their patience and cooperation during this period.

Sadly during this period there were many opportunities that required advocacy by the ADC. In particular incidents of race vilification targeted at Asian communities. While these stories were apparent elsewhere in Australia we were disappointed to hear they were happening in the Northern Territory given the diversity of our community and the critical role Asian communities have had and have in our community.

We also spoke up about the lack of use of Auslan interpreters during the height of the COVID-19 pandemic. We were concerned that messaging was not accommodating the needs of the deaf community who equally needed to know what was happening. We heard stories that members of the deaf community were relying on interstate media (where Auslan interpreters were being used) and consequently getting wrong information about the NT, including information suggesting the risks were higher here than they in fact were, creating unnecessary panic.

We also advocated on behalf of prisoners, supporting and amplifying other voices who were seeking the early release of non-violent prisoners to prevent a major COVID-19 outbreak out in the prison.

Lastly, we spoke up in support of the financial needs of those in the Territory on temporary visas, including those who were working in hospitality, and international students who were hit hard with loss of work and not being eligible for Commonwealth government income support. Temporary visa holders make a significant contribution to the Northern Territory, including to the economy.

Looking forward we must also be conscious around how we re-open and build our communities, given the financial impact. There is a risk that we focus on traditional ideas of rebuilding our community and lose the work of many decades in addressing gender inequality. It is critical moving forward that we retain a gender lens as we rebuild, so we do not lose the progress we have made.



# SEXUAL HARASSMENT

2019/20 saw an increase in sexual harassment complaints, mostly in the workplace. A majority of these complaints came from outside the Darwin area. Most were against companies or government. Most Complainants were female, with just under half identifying as Aboriginal or Torres Strait Islander.

93% of sexual harassment complaints finalised in 2019/20 where a conciliation was offered, settled. Most were settled within two to three months of receiving the complaint.

2019/20 also saw an increase in complaints on the basis of sex, mostly in the workplace. Most complaints came from the Darwin region and most were against government and companies. Most Complainants were female and just over half identified as Aboriginal and Torres Strait Islander. Some complaints were about sex discrimination and sexual harassment.

72% of sex discrimination complaints finalised in 2019/20 where a conciliation was offered, settled. Most were settled within two to three months of receiving the complaint.

Released in March 2020 was the Federal Sex Discrimination Commissioner's Report *Respect@work: Sexual Harassment National Inquiry Report (2020)*, which is the report following the 2018 National Inquiry into Sexual Harassment in Australian Workplaces, a significant Australia-wide consultation, in which the NT ADC participated.

It is hoped that this report is the start of a much larger conversation, including a Territory conversation about how to practically start dismantling the environments that allow sexual harassment to occur, and to ensure those experiencing sexual harassment have a voice and are supported when they speak up.





# COMPLAINTS

*What Pride means to me:*

Show the world  
it is not just  
one or two...  
We are plenty!



Northern Territory  
Anti-Discrimination  
Commission  
SUPPORTS  
LGBTIQ  
COMMUNITIES



Northern Territory  
Anti-Discrimination Commission

Ph. 8999 1444  
Trecall: 1800 813 846  
www.adc.nt.gov.au  
Email: antidiscrimination@nt.gov.au



**#DarwinPrideFestival**

# ENQUIRIES

268

Enquiries made in 2019/20. Enquiries can be made to the Anti-Discrimination Commission to ask questions about rights and obligations under the *Anti-Discrimination Act 1992 (ADA)* or about the complaint process. There was a 21% decrease in enquiries compared to 2018/19 in which 341 enquiries were received.

78%

Enquiries were made by phone. 15% were by email and 6% in person.

87%

Were general enquiries from the public, while 13% were professional enquiries. Enquiries can be made by the general public or by organisations seeking information on how to comply with their obligations under the ADA.

## MORE ABOUT OUR ENQUIRY SERVICE

The enquiry service allows the general public or organisations to call, email, write or drop in to our Darwin office to get information about issues they are experiencing that may be breaches of the ADA. We do not provide legal advice, but provide information on the operation of the ADA including how our complaint process works.

The enquiry service is free and confidential and answered by senior staff. The ADC also ensures this service is accessible by arranging the use of sign and language interpreters as required.

The service can be accessed via email: [antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au); phone 08 8999 1444 / free call 1800 813 846 or in person at our offices at Level 9 NT House, 22 Mitchell Street, Darwin.

# ENQUIRIES



RACE

27% of enquiries were about race discrimination. This was followed by disability (21%), failure to accommodate a special need (6%) and sex (5%). This pattern is consistent with enquiries received in 2018/19.

## 38%

Of enquiries were about access to goods, services and facilities, with 35% being about the workplace and 8% about accommodation.

## 11%

Enquiries were about race and access to goods, services and facilities, and 9% were about disability and access to goods, services and facilities.

## OBSERVATIONS

The public may use this service to get information so they are better placed to self-advocate, rather than bringing a formal complaint. They may also call because they are unsure where their issue fits. We will often provide a warm referral to another service if we are not the right service. We will often do this where a person has already made multiple calls and has become frustrated.

The enquiry line is a good opportunity for members of the public to understand our process and what we do so they can make a decision about whether making a complaint is the right decision for them.

The enquiry line can also assist organisations who have concerns about whether they are meeting their obligations. A common call to the ADC is by businesses wanting to use special measures to recruit for specific groups. Often organisations need practical information about how to do this.

# COMPLAINTS

213

**New complaints** against Respondents were received in 2019/20, a 59% increase from 2018/19 when 134 new complaints against Respondents were received.

250

Complaints against Respondents were handled in 2019/20, this includes new complaints and those not finalised in 2018/19. This is a 46% increase from 2018/19 when 171 complaints were handled.

205

Complaints against Respondents were **finalised**. This is a 49% increase from 2018/19 when 138 complaints were finalised.

## **Sex, Age, Race, Marital status and Victimisation – Work**

Jess was a mature age, Aboriginal woman who worked as an apprentice mechanic. During her time as an apprentice, another staff member sexually harassed her. Jess made a complaint to the Director but the complaint was dealt with poorly and she suffered repercussions in the workplace for making the complaint. Jess resigned from the business before completing her Certificate III in Automotive Mechanical Technology. She was unsuccessful at gaining employment elsewhere as she received a bad reference from the business. Jess was very upset, as she had never been performance managed whilst at the business and worked hard. She brought a complaint to the ADC.

The matter was settled when the business paid for the remaining subjects for Jess to be able to complete her Certificate, paid her \$11,000 in general damages and organised training for all staff in the dealership for Unconscious Bias, and Anti-Discrimination, Harassment and Bullying.

# HOW MATTERS WERE FINALISED

**93**

Settled. In 2018/19 there were 50 settlements. This is a significant increase from 2018/19.

**43**

Declined. In 2018/19 there were 51 complaints declined. There has been a slight decrease in matters declined.

**11**

No further action. In 2018/19 there were 3 matters finalised because no further action could be taken. This is an increase from 2018/19. Several of these matters were closed as no further action, as contact with the Complainant was lost during the COVID-19 pandemic. There were a further 4 complaints finalised due to lapses where parties had ceased to participate in the complaint process.

**24**

Withdrawn. In 2018/19 there were 16 complaints withdrawn.

**2**

Not referred to evaluation. This is a decrease from 2018/19 where 5 matters were not referred to evaluation.

**23**

Complaints (based on Respondent) were referred to NTCAT, resulting in 11 matters before NTCAT. In 2019/20, 5 complaints were not referred to NTCAT. This is a significant increase from 2018/19 as only 8 matters were referred to NTCAT with 2 complaints not referred. Further details of matters referred to NTCAT can be found in this report at page 23.

# TIMELINESS

86%

Complaints were finalised within 6 months, being 177 complaints against Respondents. In 2018/19 this was 91%, but equated to 126 complaints.

14%

Complaints were finalised outside of the 6 month timeframe. This was 28 complaints against Respondents.

# JUDICIAL REVIEWS

0

There were no judicial reviews during 2019/20.

## TIMELINESS

While a high percentage of complaints are still being resolved within 6 months, some were not able to be, this was due to the following reasons:

- Difficulty resolving matters from remote communities in a timely way due to distance presenting access issues to parties.
- COVID-19 compounded access issues for parties in remote NT, with lawyers not being able to access their clients and unrepresented Complainants being limited in the ways they could contact NT ADC.
- COVID-19 combined with staff changes at ADC, resulted in internal delays on some files. This is unusual, and was not an issue present in 2018/19. We hope and expect, apart from some flow on from 2019/20, this will not be an issue in 2020/21 as we work hard to avoid internal delays.

# HEARINGS

11

New referrals to NTCAT against 23 Respondents. The ADC intervened in all new matters referred during this period. This represents 11% of complaints handled.

15

Matters before NTCAT during this period against 28 Respondents.

3

Matters against four Respondents were listed for hearing or decision (details below). Three decisions were handed down during this period. Further decisions are expected in the next reporting period and will be reported on then.

## DETAILS OF HEARINGS

### ***Sultan v Gap View Hotel & Ors.***

Mr Sultan alleges he was racially discriminated against when a staff member of the Gap View Hotel refused to serve him because they said he smelt.

A decision was handed down in 2019/20 finding that the hotel and their employer had discriminated against Mr Sultan. A private settlement was arrived at between the parties.

### ***Wolfe v Northern Territory of Australia (Northern Territory Police)***

Ms Wolfe alleges she was discriminated against based on her disability (knock kneed) during training and assessment for her to become a constable. This matter was heard in 2019/20 and the Tribunal found that the actions of the Northern Territory of Australia were reasonable and that the Northern Territory Police, Fire and Emergency Services had not discriminated against Ms Wolfe.

### ***Keyu v Trinh***

Mr Keyu alleged race discrimination by Mr Trinh, his former employer, because of texts he sent that contained comments relating to his race. The Tribunal found that Mr Trinh had discriminated against Mr Keyu and awarded him \$700 which was to be paid to the Australian Marine Conservation society.

# ATTRIBUTES

**95\***<sup>(113)</sup> Allegations were about **disability discrimination**. This is an increase from 2018/19.

\*This statistic removes ambit allegations, where a complaint was received with every attribute ticked, irrespective of the allegations made. The figure in brackets ( ) represents allegations including ambit allegations. This has been done for attributes and areas (page 25).

**88\***<sup>(107)</sup> Allegations were about **race discrimination**. This represents an increase from 2018/19.

**81\***<sup>(92)</sup> Allegations were about **failure to accommodate a special need**. This represents a small increase from 2018/19.

**47\***<sup>(81)</sup> Allegations were about **sex discrimination**. This is a significant increase in complaints from 2018/19.

## **Disability and Failure to accommodate a special need – Access to Goods, Services and Facilities**

Kadek and her son went out to a restaurant for her son's birthday. It was a restaurant they frequented often as it was close to home. Kadek's son's had cerebral palsy and was non-verbal but could make noises. During their dinner, Kadek's son was making noises at the table and the restaurant owner came over and asked them to move to a table outside because the noise was disturbing other patrons. Kadek explained to the manager that the noises were because her son had a disability. The manager proceeded to tell them that they would need to move outside. Kadek was very upset and embarrassed so they left the restaurant and brought a complaint to the ADC.

The complaint settled through an early resolution process. The manager offered Kadek's family a free dinner and apologised in person to her and her son.



# AREAS

**244\*** <sup>(422)</sup> Allegations about **work**. Sex was the highest reason for complaints at work (most Complainants were female) followed by failure to accommodate a special need, age (significantly female complainants), disability and race.

**205\*** <sup>(350)</sup> Allegations about **goods, services and facilities**. Complaints of race, disability and failure to accommodate a special need were the most common in this area.

**67** Allegations about **accommodation**. There is an increase from 2018/19. Complaints received include accommodation providers around the NT and are about a variety of attributes, the highest being race and disability.

**53\*** <sup>(135)</sup> Allegations about **education**. This represents an increase in allegations about education. Most complaints are about disability, including failure to accommodate a special need.

## **Race, Disability, FTASN, Unnecessary Information, Prohibition of Aiding contravention of the Act – Work**

George was employed in a Nightclub as a security guard and a bartender. He was Greek but grew up in Australia and had a limp due to a previous injury. His co-workers often called him names and demanded he confirm his ethnicity. He complained to the Manager about this discrimination but his complaint was ignored. He also applied to have accommodation organised closer to the nightclub due to his disability but this was refused by the Bar Manager. George's mental health deteriorated due to the incidents at work. He brought a complaint to the ADC.

The matter settled at conciliation when the Nightclub offered George an apology, developed a workplace discrimination, bullying and harassment policy, and posters were placed in the nightclub advising patrons and staff that bullying was not tolerated.

# WHO IS COMPLAINING AND ABOUT WHOM?



SEX

Of complaints handled, 130 (52%) identified as male, 117 (47%) female and 3 (1%) as X. Male Complainants mostly complained about race, disability, failure to accommodate a special need and seeking unnecessary information. Female Complainants mostly complained about disability, sex, failure to accommodate a special need, race and sexual harassment. Men were more likely to make allegations about multiple attributes.



Complaints handled were against; government 93 (37%) (including local government), individuals 72 (29%), 57 (23%) against companies, 19 (8%) non-government organisations and 9 (3%) clubs.

## 39%

Increase in complaints against companies and a 27% increase in complaints against government.



Complaints handled came mostly from the Darwin region making up 150 (60%) complaints (including complaints from the Palmerston region). A small portion 10 (4%) were from interstate.

## 90

Complaints came from outside the Darwin region, representing a 35% increase from 2018/19. This include complaints from the following regions: 33 Alice Springs, 18 Katherine, 5 Tennant Creek, 3 Nhulunbuy, 22 Remote NT and 9 from rural areas. 67% identified as Aboriginal or Torres Strait Islander.

# PUBLIC EDUCATION



# Senior Equal Opportunity Educator and Strategist



Sujay Kentlyn

Sujay Kentlyn continued to ably and enthusiastically lead our 2019/20 education program, providing continuous improvement to our current training materials and packages to meet the needs of Territory organisations.

They also developed a new package, Trans and Gender Diverse People, in response to demand for education in this area. This package will now be offered as a public training module and will also be available within our suite of customised training.

In the period July 2019 through to mid-March 2020, Sujay delivered an extensive program of training across the greater Darwin area, Alice Springs and Tennant Creek. They had scheduled trips to Nhulunbuy, Alice Springs and Katherine from late March through to May which were unable to proceed because of COVID-19 restrictions.

Sujay was able to re-develop our existing training packages into a range of flexible delivery options. These included online components of one or two hours, with the option of including pre and post-training activities to both prime the trainees' thinking and consolidate their learning.

What would have been our June public training week in Darwin became our first set of public training delivered in the flexible-delivery online format. While we anticipate that most of our training will continue to be delivered face to face, COVID-19 showed us that online options meant access to new audiences, so we will continue to provide this option.

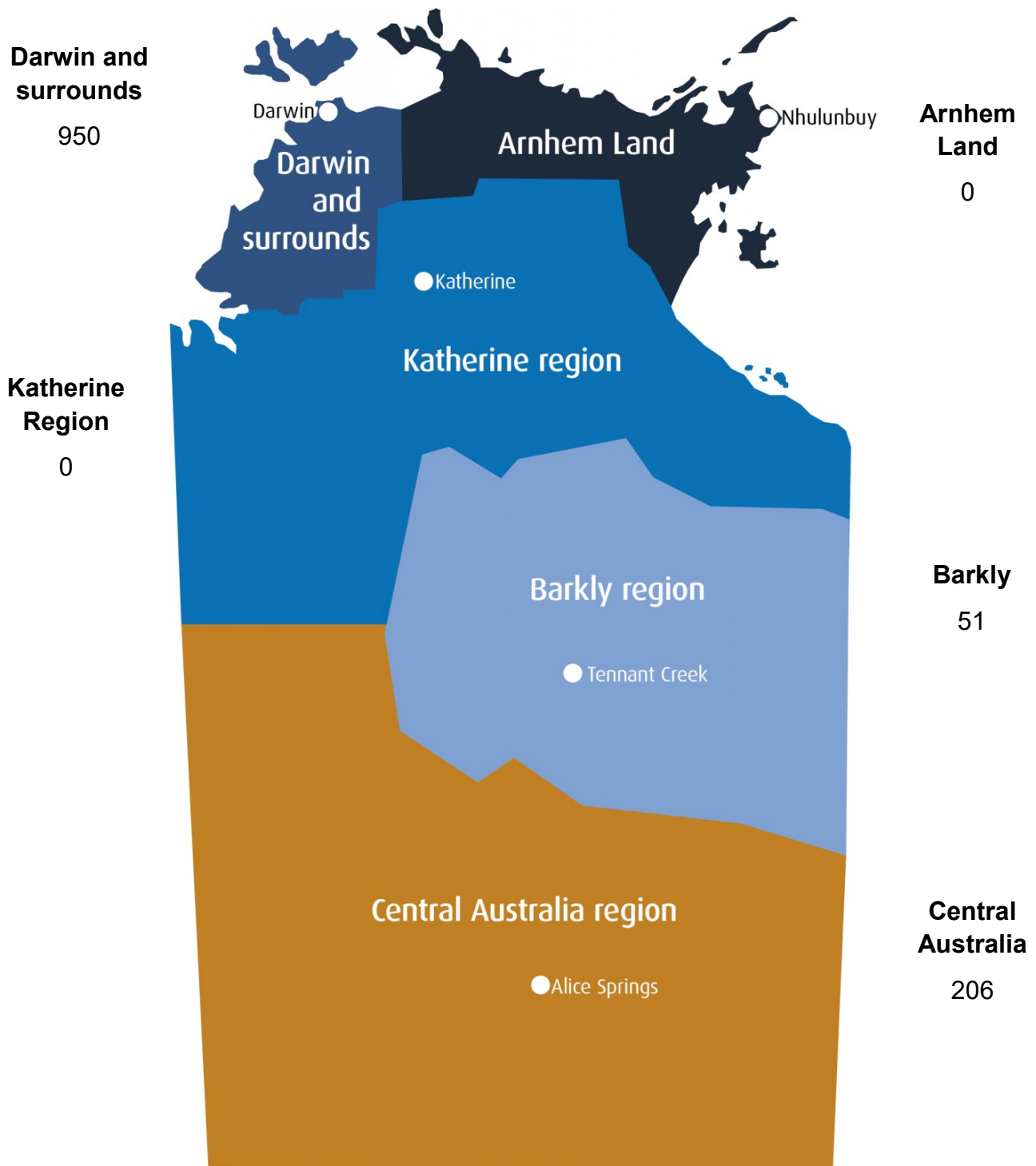
2019/20 was another successful year for training, with lots of positive feedback about the quality and effectiveness of the training. See feedback on page 32.

<h1 style="text-align: center; color: orange;">ADHB</h1>	<p><b>Anti-Discrimination, Harassment and Bullying</b></p> <ul style="list-style-type: none"> <li>• How to deal with inappropriate behaviour in the workplace.</li> <li>• Discrimination, Harassment and Bullying, Sexual Harassment and Victimisation.</li> <li>• NT <i>Anti-Discrimination Act</i> and the role of the Commission.</li> </ul> <p><i>Duration:</i> 3.5 hours  <i>Who:</i> All staff, especially anyone who wishes to become a Contact Officer or Trainer.</p> <p style="color: orange;"><b>2019/20 11 workshops delivered in Darwin and surrounds, Barkly region and Central Australia and one online session that drew participants from Darwin and Alice Springs.</b></p>
<h1 style="text-align: center; color: orange;">PDHB</h1>	<p><b>Preventing Discrimination, Harassment and Bullying for Managers and Supervisors</b></p> <ul style="list-style-type: none"> <li>• Role and responsibilities of Managers and Supervisors.</li> <li>• Positive workplace culture.</li> <li>• Dealing with inappropriate workplace behaviour.</li> <li>• Vicarious liability.</li> <li>• Discrimination, Harassment and Bullying, Sexual Harassment and Victimisation.</li> <li>• NT <i>Anti-Discrimination Act</i> and the role of the Commission.</li> </ul> <p><i>Duration:</i> 3.5 hours  <i>Who:</i> Managers and Supervisors, Human Resources staff.</p> <p style="color: orange;"><b>2019/20 5 workshops delivered in Darwin and surrounds and one online session that drew participants from Darwin and Alice Springs.</b></p>
<h1 style="text-align: center; color: orange;">Tailored</h1>	<p>Specially tailored workshops were delivered to organisations in Darwin and surrounds and Central Australia. Topics included:</p> <ul style="list-style-type: none"> <li>• Trans and Gender Diverse People.</li> <li>• Unconscious Bias and Mental Health.</li> <li>• Reasonable adjustments for invisible disabilities.</li> <li>• Bystanders and discrimination.</li> </ul> <p style="color: orange;"><b>2019/20 6 tailored workshops were delivered in Darwin and surrounds and Alice Springs.</b></p>

<p style="text-align: center;"><b>UB</b></p>	<p><b>Challenging Unconscious Bias</b></p> <p>Organisational benefits of Inclusion and Diversity.</p> <p>Strategies to reduce and manage unconscious bias:</p> <ul style="list-style-type: none"> <li>• personal bias</li> <li>• organisational strategies</li> <li>• organisational cultural change.</li> </ul> <p>What unconscious bias is and where it comes from? Impact of unconscious bias in the real world.</p> <p><i>Duration:</i> 3.5 hours <i>Who:</i> All staff, especially those involved in recruitment.</p> <p><b>2019/20 17 workshops delivered in Darwin and surrounds, Barkly region and Central Australia and three online sessions that drew participants from Darwin and Alice Springs.</b></p>
<p style="text-align: center;"><b>CO</b></p>	<p><b>Contact Officer</b></p> <ul style="list-style-type: none"> <li>• Functions of a Contact Officer; first point of contact for workers with a grievance.</li> <li>• Review of organisation policies and procedures.</li> <li>• Discrimination, Harassment and Bullying, Sexual Harassment, and Victimisation.</li> <li>• NT <i>Anti-Discrimination Act</i> and the role of the Commission</li> </ul> <p><i>Duration:</i> Full day workshop – 7 hours <i>Who:</i> New Contact Officers, and those who haven't done training in a while.</p> <p><b>2019/20 3 workshops delivered in Darwin and surrounds.</b></p>
<p style="text-align: center;"><b>NTP UB</b></p>	<p><b>NT Police Unconscious Bias</b></p> <ul style="list-style-type: none"> <li>• Police operations-based and focused on operational effectiveness, workplace relations, and service delivery.</li> <li>• Personal and organisational strategies to reduce and manage personal and institutional bias.</li> </ul> <p>Examples and activities relating directly to policing.</p> <p><i>Duration:</i> 3.5 hours</p> <p><b>2019/20 36 workshops delivered in Darwin, Tennant Creek and Alice Springs, including to the Senior Executive.</b></p>

## Training participants 2019/2020

Total: 1207



Picture credit: <https://www.ntgpe.org/become-gp-registrar/training-nt>

**ADHB** was delivered in Darwin and surrounds, Central Australia and the Barkly Region. **PDHB** was delivered in Darwin and surrounds and Central Australia. **UB** was delivered in Darwin and surrounds, Central Australia and the Barkly Region. **Contact Officer** was delivered in Darwin. Further sessions were planned for Nhulunbuy, Katherine and Alice Springs but were cancelled due to COVID-19.

# Training Feedback

This affects every organisation and every employee should be aware of this.

Kept it interesting – made you feel very important and no question or discussion is dumb.

Great trainer, relevant material and kept all the class engaged.

Very clear presentation at a good pace. Good examples given. (online session)

It is good to know our rights. Especially people have so much fear on speaking out to anyone.

Great balance of talk and task.

Provides information in a way that is relevant and thought-provoking.

Interactive, relaxed atmosphere, information sharing.



# COMMUNITY



Commissioner Sievers at the Disability Services & Inclusion Awards

# 2019 NT Human Rights Awards



## The Fitzgerald Diversity Award

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

**Individual Winner Colleen Rosas** who pioneered the Aboriginal Languages Interpreting sector in Australia, and worked with the Aboriginal Interpreter Service in NT from 1997 to 2018.



**Organisation Winner City of Palmerston** for programs that celebrate culture in a way that values diversity, including the successful youth festival, International Women's Day events, Harmony and Migrant days as well as community dinners and Drag Queen Story time.



## The Fitzgerald Youth Award

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

**Individual Winner Jubilee Weo**, a young woman working with young Yolgnu people in Yirrkala to hold youth events on Friday nights with food and activities. She coordinates and resources the initiative herself with the support of her family.



**Organisation Winner Alice Springs Youth Accommodation and Support Services Inc.** for providing youth-informed assistance to young people and children who are homeless or at risk in Alice Springs for 30 years.



## The Fitzgerald Social Change Award

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

**Individual Winner Casey Bishop**, long serving Safety and Wellbeing Program Manager at Kalano Community Association. Highly regarded by his teams for his leadership, clear communication and well managed programs for the Aboriginal communities that they serve.



**Organisation Winner Variety NT Starfish Swim Group** providing one on one tailored swimming lessons for children with a disability since 2007. Also offering social networks and advocacy to the families of the children.



## The Fitzgerald Justice Award

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

**Individual Winner Maxine Carlton**, a senior Aboriginal woman, has held numerous leadership roles in Alice Springs and worked as Senior Client Services Officer for NAAJA and CAALAS for 16 years. Maxine is unrelenting in her pursuit of justice for Aboriginal people.



**Organisation Winner Top End Women's Legal Service Inc.** a community legal provider for women since 1996, for developing accessible and innovative resources for women to remove barriers to justice.

# OUT & ABOUT



**Australian Baha'i Community 200th Anniversary of the Birth of Bab**



**NAIDOC march July 2019**



**Steps Group Palmerston October 2019**



**Democracy Dash September 2019**



**IdA Know Your Rights**



**Alice Springs Seniors Health & Wellness Day**



**Austin Asche Oratorion September 2019**



**Wear it Purple Day**



**AFL Grand Final Cup**

# COVID 19

## Contact Anti-Discrimination Commission if you are facing Racial Discrimination due to COVID-19

Racial Discrimination and Vilification as a result of COVID-19 are unacceptable behaviours

You are encouraged to record and report such incidents by emailing [antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au)

To report incidents or for complaints resolutions, you can also ring NT Anti-Discrimination commission on 1800 813 846

MCNT wants everyone to know that we are by their side during this time of crisis. STAY SAFE AND STAY CONNECTED!



Made with PosterMyWall.com

### The NT Anti-Discrimination Commission, is open for business.

We would prefer to take enquiries about what we do, how we can help, is this discrimination, what can I do? Via email ([antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au)) or over the phone (89991444). However we are still offering limited front counter service, if you do not have access to a phone or email.

We are still accepting and progressing formal complaints, the complaint form can be found at <https://adc.nt.gov.au/>

We are conducting conciliations over the phone and are up for trying other platforms depending on their privacy settings and availability to all parties.

Our training arm should be up and running again in the next few weeks as we move education and training to the online world.

The Community Visitor Program which we also run, is also still operating. See the poster attached. We have continued with in person visits, and have set up with mental health wards and forensic disability facilities to be able also to continue to visit virtually if it is not safe to visit. Our website is <https://cvp.nt.gov.au/>



## Northern Territory Anti-Discrimination Commission

### THE ANTI-DISCRIMINATION COMMISSION IS OPEN.

We are taking calls (8999 1444) or emails ([antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au)) if you want to ask us about your rights or obligations under the *Anti-Discrimination Act 1992*. If this is not possible, we have a limited reception.

We are still accepting and progressing formal complaints. Complaint forms can be found at <https://adc.nt.gov.au/>; or give us a call if you need us to send one to you.

We are conducting conciliations over the phone and can use private online conferencing if appropriate, safe and fair for everyone.

Our training is now up and running and we are able to deliver online. Give us a call and talk to us about what you need.



PAGE 5

[www.nemariukschool.com.au](http://www.nemariukschool.com.au)

## Office of Multicultural Affairs

OMA Newsletter—Special Edition on COVID-19 Update 21 April 2020

### Message from the NT Anti-Discrimination Commissioner

Racial discrimination and vilification are unacceptable behaviours at any time and are strongly condemned. If you or someone you know have experienced discrimination, including as a result of the COVID-19 pandemic, you are encouraged to report and record such incidents.



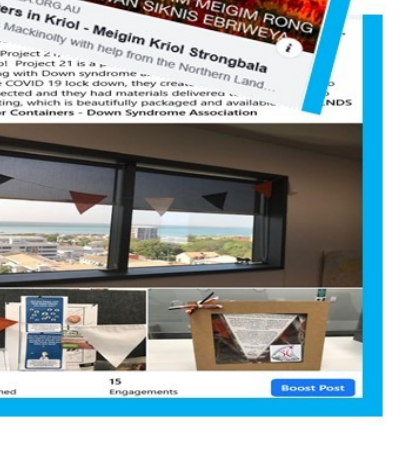
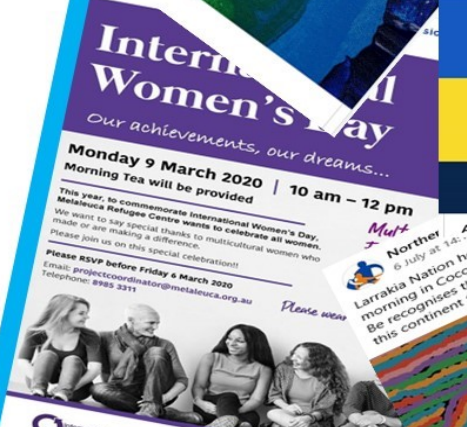
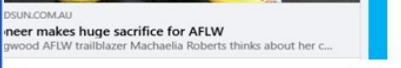
By doing this you can help build a picture on what and where these instances may be occurring and how it could be addressed. You can report any incidents by emailing [antidiscrimination@nt.gov.au](mailto:antidiscrimination@nt.gov.au).

You can also ring the NT Anti-Discrimination Commission on 1800 813 846 to report incidents, or if you would like to know about options for complaint resolution.

# PRIDE FESTIVAL



# SOCIAL MEDIA





# APPENDICES



Commission staff at the NAIDOC March

# KEY PERFORMANCE INDICATORS

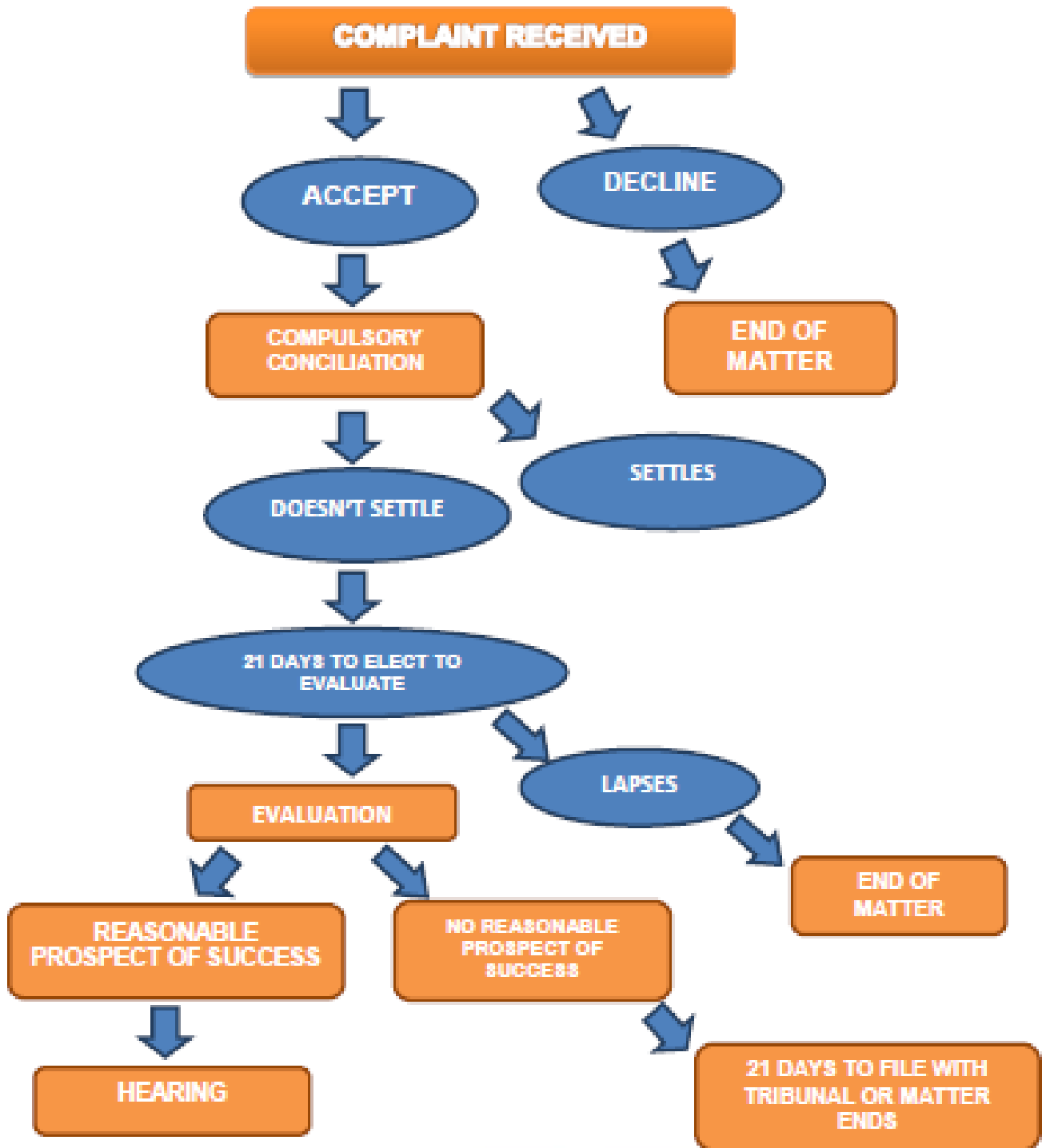
Key deliverables	Current Year		Targets	Previous Years	
	2019-20 Estimate	2019-20 Actual	2020-21 Estimate	2018-19 Actual	2017-18 Actual
Public awareness / community-based events, development of educational resources and training (hours)	80	312	80	425	269
Public awareness / community-based events, development of educational resources and training (sessions)	30	87	30	65	83
Complaints (includes complaints carried over)	200	250	200	171	154
Complaints conciliated	50%	57%	50%	57%	60%
Complaints closed within 8 months of receipt	50%	90%	50%	98%	100%

# FUNCTIONS OF THE COMMISSIONER

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

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

# COMPLAINTS PROCESS



# COMPLAINT SUMMARIES

## **Sex, Age, Race, Marital status and Victimization – Work**

Jess was a mature age, Aboriginal woman who worked as an apprentice mechanic. During her time as an apprentice, another staff member sexually harassed her. Jess made a complaint to the Director but the complaint was dealt with poorly and she suffered repercussions in the workplace for making the complaint. Jess resigned from the business before completing her Certificate III in Automotive Mechanical Technology. She was unsuccessful at gaining employment elsewhere as she received a bad reference from the business. Jess was very upset, as she had never been performance managed whilst at the business and worked hard. She brought a complaint to the ADC.

The matter was settled when the business paid for the remaining subjects for Jess to be able to complete her Certificate, paid her \$11,000 in general damages and organised training for all staff in the dealership for Unconscious Bias, and Anti-Discrimination, Harassment and Bullying.

## **Disability and Failure to accommodate a special need – Access to Goods, Services and Facilities**

Kadek and her son went out to a restaurant for her son's birthday. It was a restaurant they frequented often as it was close to home. Kadek's son had cerebral palsy and was non-verbal but could make noises. During their dinner, Kadek's son was making noises at the table and the restaurant owner came over and asked them to move to a table outside because the noise was disturbing other patrons. Kadek explained to the manager that the noises were because her son had a disability. The manager proceeded to tell them that they would need to move outside. Kadek was very upset and embarrassed so they left the restaurant and brought a complaint to the ADC.

The complaint settled through an early resolution process. The manager offered Kadek's family a free dinner and apologised in person to her and her son.

## **Sex and Sexual Harassment – Work**

Lila was an apprentice chef in a large hotel kitchen. She was the only female in the kitchen and the work environment was toxic and she was often sexually harassed. Lila was often overlooked for development opportunities or training and the kitchen had a very 'boys club' feel where they were referred to as boys or gents when addressed as a group. Lila felt uncomfortable in this environment and was often overlooked so she brought a complaint to the ADC.

The matter settled at conciliation when the employer paid general damages to the Lila for to the value of \$37,000.

## **Sex, Pregnancy and Parenthood – Work**

The Complainant was working in the senior management team on a contract at a large organisation when she found out she was pregnant. She applied to take maternity leave, which was accepted on the basis that her contract would be extended and she would be able to return to work after having the baby. The Complainant went on maternity leave with further assurances her employment contract would be extended but whilst on maternity leave she was advised she no longer had a position to return to. The Complainant was distraught and was not able to enjoy time with her new baby so she brought a complaint to the ADC.

The matter went to conciliation where it was settled, with the employer paying \$12,000 to the Complainant for loss and damages.

## **Race, Disability, FTASN, Unnecessary Information, Prohibition of Aiding contravention of the Act – Work**

George was employed in a Nightclub as a security guard and a bartender. He was Greek but grew up in Australia and had a limp due to a previous injury. His co-workers often called him names and demanded he confirm his ethnicity. He complained to the Manager about this discrimination but his complaint was ignored. He also applied to have accommodation organised closer to the nightclub due to his disability but this was refused by the Bar Manager. George's mental health deteriorated due to the incidents at work. He brought a complaint to the ADC.

The matter settled at conciliation when the Nightclub offered George an apology, developed a workplace discrimination, bullying and harassment policy, and posters were placed in the nightclub advising patrons and staff that bullying was not tolerated.

## **Disability and Failure to accommodate a special need – Access to Goods, Services and Facilities**

The Complainant organised an appointment with an optometrist using the online booking system. The appointment was booked and scheduled for the following week. The Complainant phoned the service using an interpreter and requested that the optometrist use a telephone interpreter when they attended the service for their appointment. The receptionist said they were not able to do that and the phone disconnected. The Complainant had never had problems with any specialists using an interpreter service before so brought the complaint to the ADC.

The matter was resolved when the Complainant and Respondent discussed the incident. An apology was offered to the Complainant from the receptionist and practice, the practice organised anti-discrimination and interpreter training for their staff and paid the Complainant compensation for hurt and humiliation.

## **Irrelevant Criminal Record – Work**

Isaiah worked as a bus driver for six years but resigned with notice as he received an opportunity to work with a different company. Isaiah didn't like the new position so approached his previous manager to ask for his job back. He was advised he needed to re-apply for the position with a recruitment agency and was asked to undertake a criminal history check. Isaiah declared he had a previous conviction but had been working with the company for six years and the conviction was three years prior to commencing work with them. The recruitment agency denied his application on the basis of his criminal history. Isaiah was upset by this decision as he had worked with the company for six years so submitted a complaint with the ADC.

The matter was accepted and conciliated with a successful outcome for Isaiah. The company and recruitment agency both paid Isaiah \$1500 in compensation and he was provided with a statement of service for the six years worked with the company.

## **Disability - Access to Goods, Services and Facilities**

Jillian was deaf and relied upon captioning to understand what was being said in group settings. She applied to attend a conference for work and was advised by the provider that they could not provide captioning as she was the only one attending who was deaf and it would be too much effort for one person.

Jillian complained to the ADC and her complaint was accepted on the basis that captioning was a special need based on her disability. Following a conciliation the conference provider:

- Apologised for their actions.
- Agreed to make the accommodations so she could attend.
- Provided her with free attendance to a future conference.

# AREAS AND ATTRIBUTES

## SECTION 19 – LIST OF ATTRIBUTES

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

## SECTION 28 – LIST OF AREAS

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



# SUBMISSIONS

## August 2019

- Northern Territory Sexual Violence Prevention and Response Framework 2019
- Residential Tenancies Review
- NT Gender Equality Framework 2019/2024

## October 2019

- Inquiry into the Sex Industry Bill
- Religious Freedom Reforms (1st Exposure Draft)
- Social Security (Administration) Amendment (Income Management to Cashless Debit Card Transition) Bill 2019
- NT Sexual Violence Prevention and Response Framework

## January 2020

- Religious Discrimination Reforms Bill (2nd Exposure)
- Aged Care Program Redesign—Services for the future submission to Royal Commission into Aged Care Disability and Safety, Consultation Paper 1
- NT Health Care Decision Makers Discussion Paper

## May 2020

- NT Draft Aboriginal Justice Agreement
- Draft Social Outcomes Framework