



ANNUAL REPORT

2021 - 2022



NT ANTI-
DISCRIMINATION
COMMISSION



ACKNOWLEDGEMENT OF COUNTRY

The Northern Territory
Anti-Discrimination Commission
acknowledges the traditional owners
of the country on which we work and
live. We pay our respects to
Aboriginal and Torres Strait Islander
Elders past and present, and we
acknowledge the continuing
connection of Aboriginal and Torres
Strait Islander people to land, sea
and community.

We recognise that Aboriginal and
Torres Strait Islander people are
disproportionately affected by
discrimination and harassment, and
acknowledge our shared
responsibility to prevent and address
discrimination and harassment in the
Territory.

30 September 2022

The Hon Chansey Paech
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 2021 to 30 June 2022.

Yours sincerely,



Sally Sievers
Anti-Discrimination Commissioner



TABLE OF CONTENTS

06	Commissioner's message	09	The Office of the Anti-Discrimination Commission
16	Complaints	29	Complainant and Respondent feedback
31	Public education	40	Community
44	Out and About	49	Appendices
47	Social Media		

COMMISSIONER'S MESSAGE

It is a privilege to deliver my tenth and final Annual Report as Anti-Discrimination Commissioner. Over the last ten years I have heard many community concerns and we have received complaints particularly in relation to the everyday occurrence of race and disability discrimination and sexual harassment. Whilst community knowledge of the harm this conduct causes to individuals and the impact on community cohesion has increased, the prevention and change has not occurred at a rate I would expect from this increased awareness.

In the first half of the year I continued in the additional role of Children's Commissioner. The oversight and supervision of the Commission was affected and the public profile and availability to attend public events was reduced by this.

There was an increased number of enquiries and complaints raised with the Commission about COVID-19 related matters.



It was also a very different year in terms of the type of work undertaken by the Commission.

There was an increased number of enquiries and complaints raised with the Commission about COVID-19 related matters. While many fell outside the framework of the *Anti-Discrimination Act 1992* (the Act), the matters raised were often complex, and people calling were more heightened than people who usually use our process.

The changing Chief Health Officer (CHO) directions relating to issues such as mask wearing, isolation and vaccinations all resulted in increased work load. This is reflected in slower times for all complaints to work their way through our process and a unusually high number of declined complaints, as matters raised did not fit under the Act. This was also the experience of Commissions across Australia.

The increased work load also affected the resolution of complaints. Limitations on travel meant obtaining instructions from complainants via lawyers and advocates, which also had an effect on timeliness of resolution. Further, whilst we moved conciliations online these processes are often not as successful at resolving matters as face to-face conciliations.

COVID-19 also had an impact on the way we did our business, as staff and their families became unwell resulting in absences, staff worked from home and on occasion we were unable to open our front counter.


Throughout the year many of the complaints and enquiries received from the public were outside the framework covered by the Act.

Of the enquiries which were within scope, disability and race discrimination in accessing goods, services and facilities were the top two topics of concern. However this was not the case for complaints, for reasons set out in the body of the report. The impact of COVID-19 (including limitations on travel and the availability of representation) seems to have been a factor in race discrimination not being in the top two bases of complaints received. This is not consistent with every day race discrimination we hear about when in the community and across social media.

A further COVID-19 impact was that for the first time the area of work was not the

number one area for complaints. This reflected the type of complaints coming in, rather than a reduction in workplace issues. Another area of note, not totally explained by COVID- 19, was the high number of complaints about seeking unnecessary information. We will need to monitor this in coming years to see if the trend continues.

The education and training provided by the Commission is an evolving space, with high quality and responsive training products being provided across the NT. New products were designed this year including a sexual harassment bystander intervention course. The trend in the NT which is similar across Australia is for customised training to be provided in work places or professional bodies. Our trainer is the most well travelled member of our team, as the self-funded model enables travel to towns and some remote communities, as those seeking training require.



New products were designed this year including a sexual harassment bystander intervention course

In the second half of the year time was spent in community engagement raising awareness of how the Act is operationalised and the need for key reforms to enable the Commission to better serve the NT community.

Key areas for reforms would enable the burden of change and prevention of discrimination not just to rest on individual complainants adversely affected by the behaviour. Changes to create a positive duty to eliminate discrimination, sexual harassment or victimisation and to accommodate special needs and the ability for the Commission to accept 'representative' complaints, would share the burden of prevention and change across the community.

The modernisation of the Act might introduce a positive duty for workplaces and services to eliminate discrimination, sexual harassment or victimisation and to accommodate special needs.

The proposed reforms would also ensure the NT has vilification provisions to fill the current gap and cover offensive conduct in the public sphere.

A very positive development in NT this year is the finalisation and implementation of first Northern Territory Disability Strategy and Action Plan with a focus on disability advocacy, an area I have been passionate about for the last ten years.

I thank the long term staff of the Commission who worked tirelessly to keep the doors open during COVID-19 impacted year.

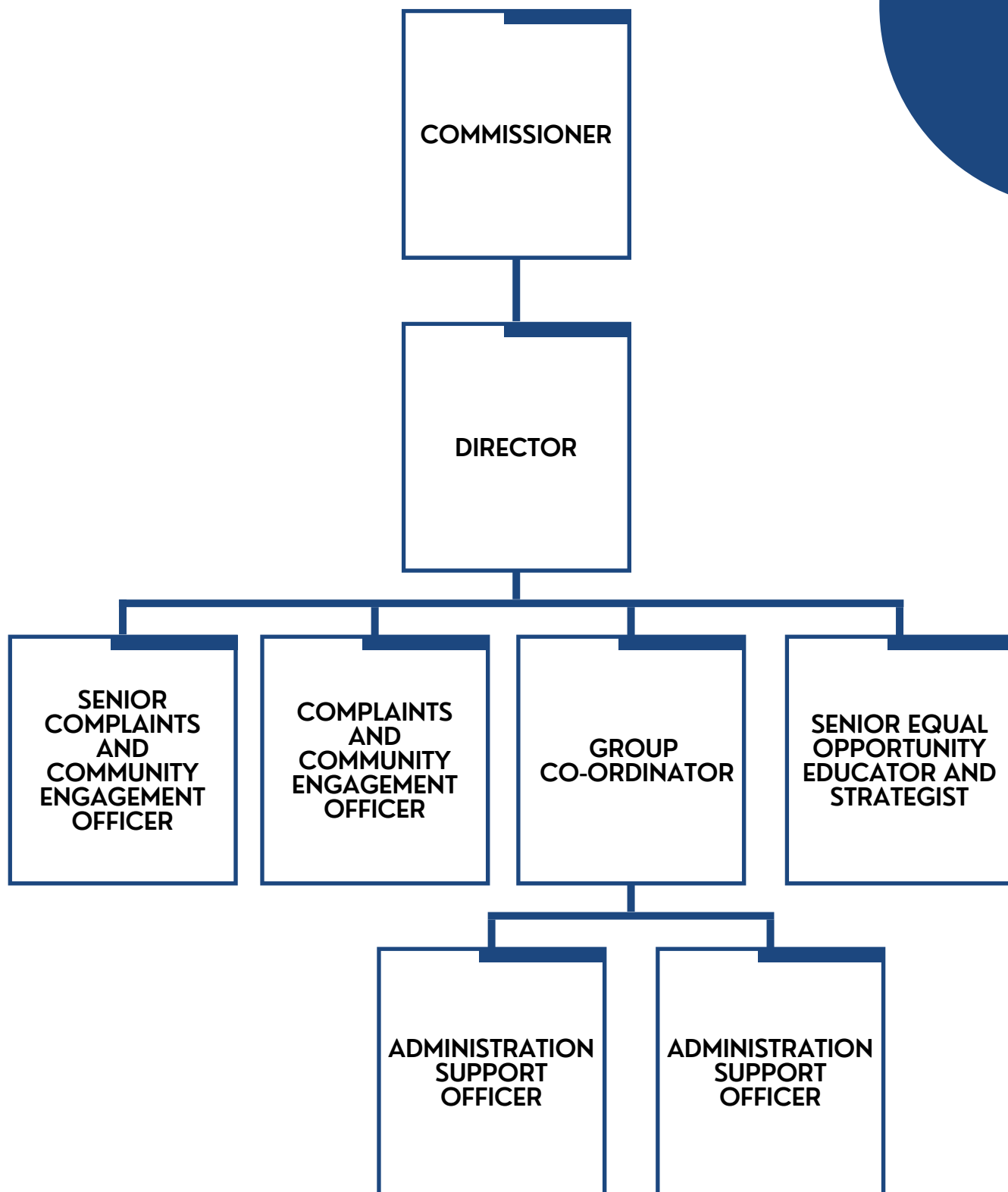
I thank all those members of our community who have taken time to raise concerns with me and the Commission, and all those who continued to advocate for the reforms to the Act to be finalised.

It has been an honour to service the public in the role of Anti-Discrimination Commissioner.



**THE OFFICE OF THE ANTI-
DISCRIMINATION
COMMISSION**

ORGANISATIONAL CHART



FUNCTIONS OF THE OFFICE

1

Education and Training

Provide public education through:

- Formal public training
- Customised training.



2

Complaints & Enquiries

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

3

Community Engagement & Advocacy

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



REPRESENTATION

In 2021/22, 23% of people complaining had a lawyer or advocate assisting them, 74% were self-represented and 3% were partially represented at some stage of the process.

Where a complainant was represented, 18 (29%) matters were finalised in the reporting period. 10 settled, 2 were declined, 2 were referred to Northern Territory Civil and Administrative Tribunal (NTCAT), 2 were not referred to NTCAT and in 2 matters no further action was taken. The remaining matters were still open at the end of the reporting period.

Where a complainant was unrepresented 167 (84%) were finalised in the reporting period, with 33 settling, 91 being declined, 10 requiring no further action, 3 not referred to evaluation, 5 not referred to NTCAT, and 25 withdrawn.

It is clear that being unrepresented does not prevent a complainant from resolving their matter, but it may limit their ability to sustain a complaint throughout the entire process.



The challenge for many self-represented parties is selecting the right jurisdiction for their issue, or being able to tell their story in a way that reveals why it is unlawful discrimination.

By contrast being self-represented can assist with resolution of a complaint as it keeps resolution at a low and practical level, and can mean outcomes better targeted to the individual needs of the complainant.

We encourage self-represented complainants to come with a clear expectation of what they want out of the process.

**74% of people
complaining
were self-
represented**

RESPECT@WORK

In 2021/22 we began working with Worksafe NT to consider how we could assist each other and the public to navigate federal changes that allow those who speak up about sexual harassment the option to go to Worksafe. A change in leadership has meant a transition period but we hope to resume this work in the next reporting period. The ADC is also represented on the Northern Territory Respect@Work Implementation Working Group and via Australian Council of Human Rights Authorities on the Respect@Work Council where we contribute to the implementation of the of the Respect@Work: *Sexual Harassment National Inquiry Report* (2020) (Respect@Work Report).

In 2021/22 we saw an increase in sexual harassment complaints. Of these 59% of complainants identified as female and 41% as male. A majority were complaints about the workplace (69%), the remainder being in relation to goods, services and facilities or education.

There was also some increase in 'out of time' or historic complaints, many of a very complex nature. While not all of these complaints were about sexual harassment, most related to gender issues or were made by women, and may be a result of the #MeToo movement and the national Respect@Work report. In 2021 the *Sex Discrimination Act 1984* (Cth) was amended to extend the statutory period to complain from six months to two years. *The Anti-Discrimination Act 1992* 'the Act' has a 12-month limitation period. This is something we may need to watch going forward.



COVID-19



As was the case with many organisations, the ADC experienced impacts in 2021/22 due to COVID-19. COVID-19 related enquires and complaints were often legally complex, required an urgent response, and involved parties who were distressed.

ENQUIRIES



24%

of enquiries related to COVID-19 in 2021/22

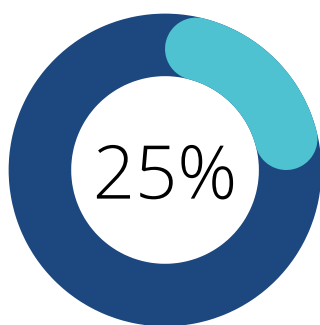
37%

of enquiries were regarding COVID-19 in November 2021

58%

of enquiries were regarding COVID-19 in January 2022

COMPLAINTS



25%

25% (54) of new complaints received related to COVID-19

19%

19% (10) of new complaints received were about COVID-19 in November 2021

48%

Particularly high volumes were received in January 2022 (26)

61%

61% were declined and 19% were settled



The ADC complaints team is comprised of two people. These spikes in complaints and enquiries were difficult for the team to manage in addition to regular work. In January 2022 this was compounded by the fact staff were on leave. Periods of leave were also required due to illness, including COVID-19.

The ADC also saw changes in staff in late 2021 which meant some of the ADC team during the height of this work were relatively new.

During 2021/22 the ADC office was required to close for periods totalling 38 days. In addition to closures due to lockdowns, it was also closed due to staff shortages arising from leave, including due to COVID-19 and other staff illness.

COVID-19 also had other impacts on the ADC complaint work, including matters being delayed due to parties or their representatives having COVID-19. Our conciliation service also felt the impact, as all conciliations were run remotely.

While it is great that the ADC has this option, and settlement is possible through this medium, our experience is that the nature of the complaints are very personal, and face-to-face conciliation can assist in achieving resolution. We will seek to resume this in the next reporting period, as long as it is safe.



COMPLAINTS

ENQUIRIES

386

of enquiries were made to ADC between 2021/2022. This is a 4% increase from 2020/21.

88%

of enquiries were from the general public and 12% were from organisations seeking information about the operation of the Act. There has been an increase in enquiries from organisations, with only 5% of enquiries in 2020/21 being from organisations. This is a positive sign as it means organisations are proactively seeking information to ensure compliance with the Act.

66%

of enquiries were received by phone, with 30% by email, 3% in person and 1% via the website. There was a slight decrease in people attending the office and a slight increase in enquiries received by email. This is likely to be due to COVID-19.

73%

of enquiries came from Darwin with 6% from Alice Springs, 4% from remote communities, 3% from Katherine and the remainder from other regions including Tennant Creek, Nhulunbuy and rural areas.

ENQUIRY SERVICE

The public and organisations can contact the ADC to ask about information related to the Act or about our complaint services and processes. This allows people to get information about how to proceed with their issue, including whether to advocate for themselves, address their concerns formally or approach a different organisation for solutions. For organisations, it is an opportunity to get information that may inform how they respond to an incident or potential incident or to shape organisational policies.

The service is free and confidential. Enquirers are able to speak with a senior staff member. ADC arranges any accessibility needs for enquirers to use this service including language and sign interpreters. The service can be accessed by phone 08 8999 1444 / free call 1800 813 846, email antidiscrimination@nt.gov.au or in person at our office.



ENQUIRIES

16%

of enquiries were about impairment discrimination, with 15% being about race discrimination and 7% being about sex discrimination and failure to accommodate a special need. The largest group of enquiries did not come under the Act, representing 34% of all enquiries. Most of these enquiries related to COVID-19.

42%

of enquiries were about goods, services and facilities, with 32% being about work, 19% not being under the Act, 4% about accommodation and 3% about education.

19%

of enquirers identified as living with a disability, 12% as Aboriginal or Torres Strait Islander and 4% as being from a non-English speaking background. 47% of enquirers were female and 43% were male with the remainder identifying as another gender or not known.

COMPLAINTS

218

new complaints about individuals and organisations were made in 2021/22. This is a 15% increase from 2020/21 where 190 complaints were made against individuals and organisations.

270

complaints against individual and organisations were handled during this period, a 9% increase compared to 248 in 2020/21. Complaints handled includes new complaints made in the reporting period as well as complaints that continued from last financial year into this reporting period.

180

complaints were finalised during 2021/22. This represents a 7% decrease from 2020/21 when 193 complaints were finalised.



FINALISED MATTERS

46

complaints against individuals and organisations were settled in 2021/22. This is a 53% decrease from 2020/21 when 97 matters were settled. This is attributed to the impacts of COVID-19, including high numbers of declined complaints, and the level of staffing change during this period.

93

complaints against individuals and organisations were declined. This is a 126% increase from 2020/21 when 38 complaints were declined. Many of these complaints were COVID-19 related.

12

complaints against individuals and organisations resulted in no further action being taken, compared to 4 in 2020/21.

25

complaints against individuals and organisations were withdrawn, compared to 19 in 2020/21.

3

complaints were not referred to evaluation, compared to 11 in 2020/21.

2

complaints against individuals and organisation were referred to NTCAT after evaluation, compared to 23 in 2020/21.

7

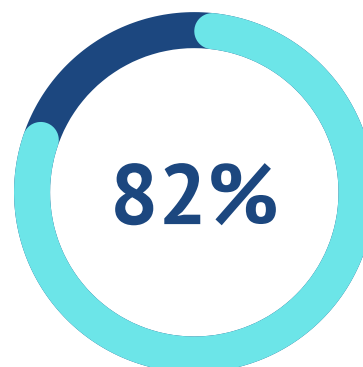
complaints against individuals and organisation were not referred to NTCAT after evaluation, compared to 4 in 2020/21.

TIMELINESS

A high percentage of complaints were finalised within 6 months, with much of this attributable to a high number of complaints declined in this period (78 compared to 38 in 2020/21). Many of these complaints related to COVID-19 and issues that fell outside our jurisdiction. We experienced considerable delay with complaints especially during peak periods where new CHO directions were being issued. Our team is too small to quickly manage these issues as well as our usual work.

Also contributing to delay was the level of staff change throughout this period. The ADC has historically had quite stable staffing, but during this period we saw long term staff move interstate, or take up promotions as well as having a number of people on short term contracts, and some temporary change in supervision structures during this period.

We anticipate the impact of this delay will have a continued impact in 2022/23. As a service we are working as quickly as we can to address current backlogs. We note the carry-over of complaints from 2021/22 is less than from 2020/21, but we anticipate some of those matters will be well outside the 6 month time frame when we report next year.



82% of complaints against individuals and organisations were finalised within 6 months.



12% of complaints against individuals and organisations were not finalised within 6 months. A majority of these matters were finalised within 8.5 months. All of these matters either settled (52%), were not referred to NTCAT (26%), not referred to evaluation (13%), withdrawn (4%) or required no further action (4%). 43% were complaints from outside the Darwin area.

ATTRIBUTES

120

allegations about impairment (disability). This is a slight increase from 2020/21 (115).

116

116 (112)^[1] allegations about failure to accommodate a special need (comparable with 115 in 2020/21).

96

96 (92) allegations about seeking unnecessary information. This is a significant increase from 2020/21 when there were four. Some of the increase can be attributed to COVID-19 however not all. This will need further analysis in the coming year.

75

allegations about race. This is a decrease from 2020/21 (97). The ADC continues to hear frequent accounts of race discrimination outside the complaint process and does not see this drop as reflecting less race discrimination in the community. It is likely COVID-19 has prevented some complainants coming forward during this period. Reduced travel for those who convey information about the Commission and people's rights into remote towns and communities may have also had an impact.

77

77 (64) allegations about sex. This is an increase from 2020/21 (59).

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

AREAS

445

445 (395) allegations about goods, services and facilities, which is an increase from 2020/21 (293). Historically work has been the highest area of complaint, and this is the first year that it is goods, services and facilities. Part of this increase is due to complaints about mask wearing and mandatory vaccinations related to COVID-19 and CHO directions.

434

434 (372) allegations about work, which is an increase from 2020/21 (366). While work is not the highest area of complaint it remains very high, with many complaints regarding risk of employment loss due to COVID-19 directions.

55

55 allegations about accommodation, which is same as 2020/21 (55).

31

31 (20) allegations about education, which is a decrease from 2020/21 (59).

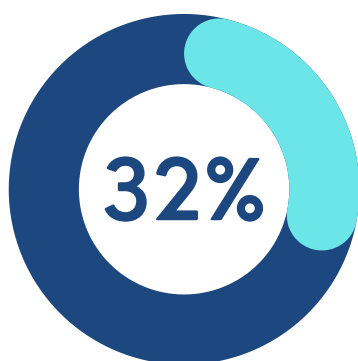
WHO WAS COMPLAINING

51%

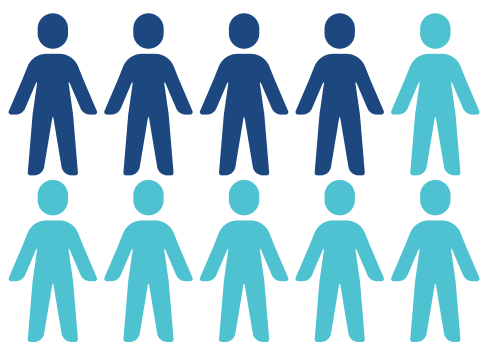
139 (51%) of complainants in 2021/22 identified as male

47%

131 (47%) of complainants in 2021/22 identified as female and 2% ticked X

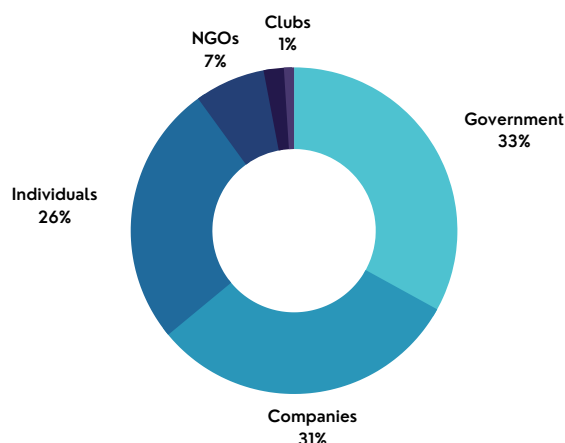


32% of complainants were people who identified as Aboriginal or Torres Strait Islander



37%

of complainants identified as living with a disability

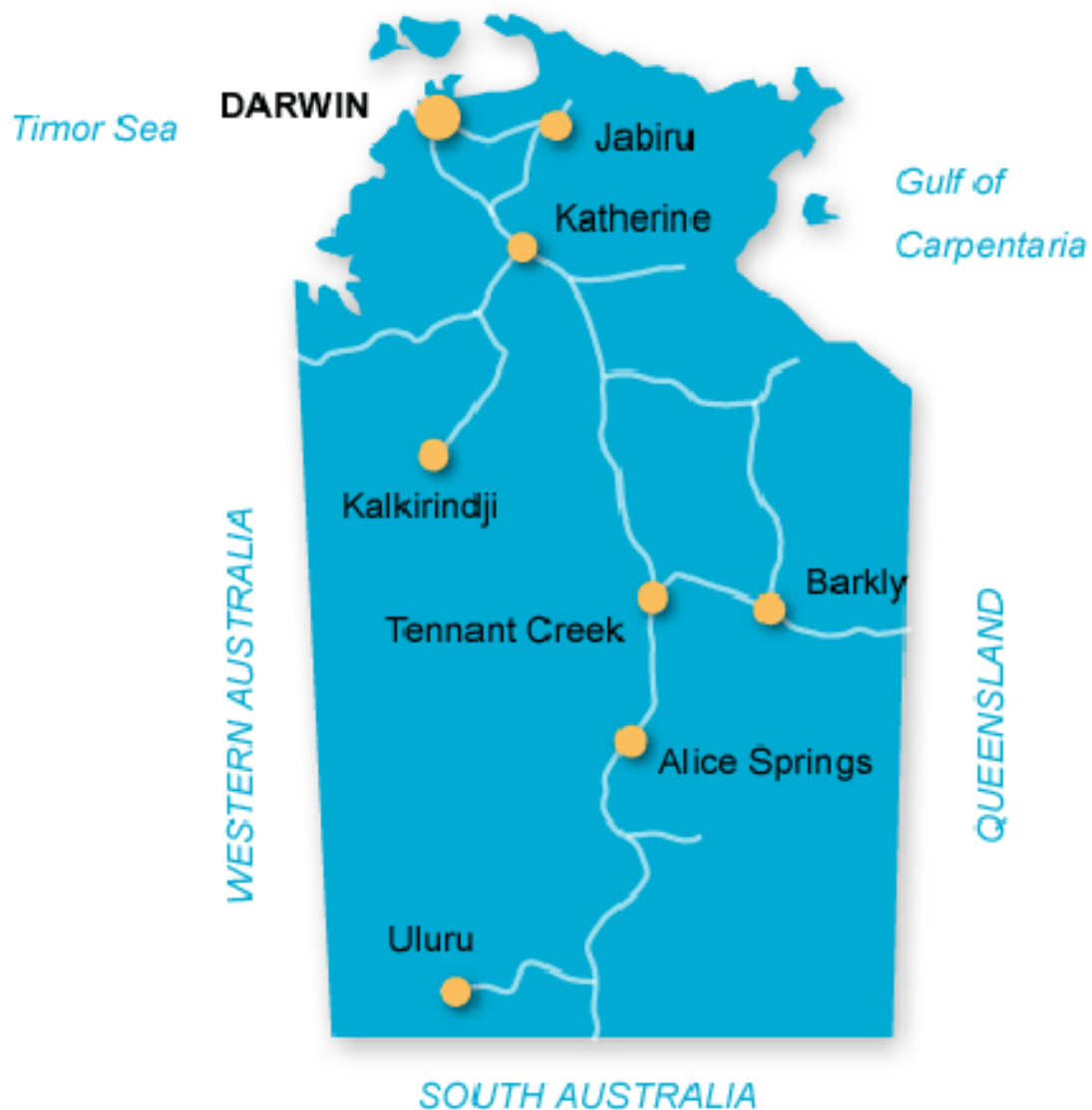


33% of complaints were against government, 31% against companies, 26% against individuals, 7% against non-government organisations, 2% against Local Councils and 1% against clubs

COMPLAINTS

183 (68%) of complaints handled came from Darwin including the Palmerston region. This is a slight increase from 2020/21 (148 60%).

87 (32%) of complaints came from outside of the Darwin Region, including 36 from Alice Springs, 13 from remote areas, 11 from rural areas, 14 from interstate, and 13 from other regional centres.



HEARINGS, REVIEWS AND APPEALS

2

new referrals to NTCAT against 2 organisations. The ADC has intervened in both matters.

16

matters before NTCAT during this period against 22 organisations and individuals.

7

matters were listed for hearing, with decisions being handed down in 3 of these matters.

2

internal reviews of NTCAT decisions, but no judicial reviews or appeals of ADC decisions in 2021/22. The modernisation reforms of the the Act propose removing internal reviews by NTCAT, leaving the Supreme Court as the appropriate appeal body.

HEARINGS

Marchesi v Northern Territory of Australia & Or

NTCAT found the Respondents did not discriminate against the Complainant on the basis of impairment in the area of work or fail to accommodate her special need arising from her impairment at work. The matter was dismissed.

The matter was subject to an internal NTCAT review, where the original decision was confirmed.

Trainor v Goodstart Early Learning Ltd

NTCAT found the Respondent did not fail to accommodate the special needs of the complainant's son on the basis of religious belief in the area of service provision.

The matter was subject to an internal NTCAT review, where the original decision was confirmed.

Lynch v Northern Territory of Australia

NTCAT found the Respondent did not fail to accommodate the special needs of the Complainant on the basis of impairment in the area of service. The matter was dismissed.



COMPLAINANT AND RESPONDENT FEEDBACK

““

Complaint staff work in a dynamic way, rather than taking a fixed approach

““

Complaint staff are well mannered

““

From my perspective the discussion was genuinely valuable, and I appreciate the role the complaint officer had in making it happen

““

Staff were very reassuring

““

It gives me comfort to know that ADC is an approachable service



PUBLIC EDUCATION



PUBLIC EDUCATION & TRAINING

2021/22 was another busy year in the training space. 1,003 people living and/or working in the Territory participated in Anti-Discrimination Commission training in the last financial year and we delivered over 300 hours of training.

Despite a slight decrease in training sessions due to a rise in COVID-19 cases in early 2022, we still delivered 84 training sessions (compared to 114 in the previous financial year) in 16 different regions/locations.

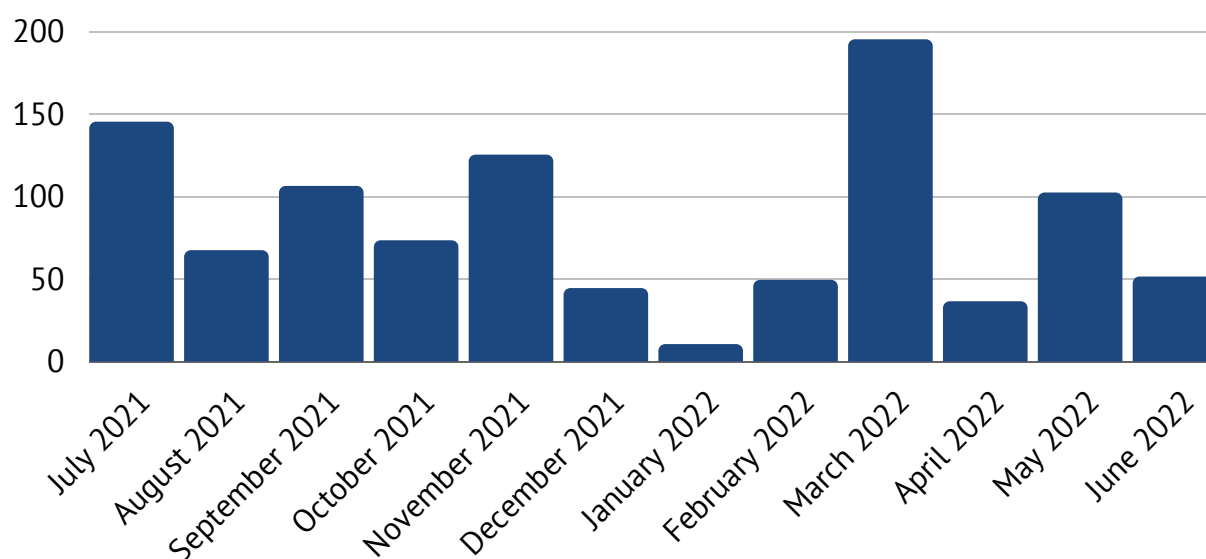


CHART 1 - NUMBER OF PARTICIPANTS
TOTAL JULY 2021 - JUNE 2022: 1003

LOCATIONS & TYPE OF ORGANISATIONS

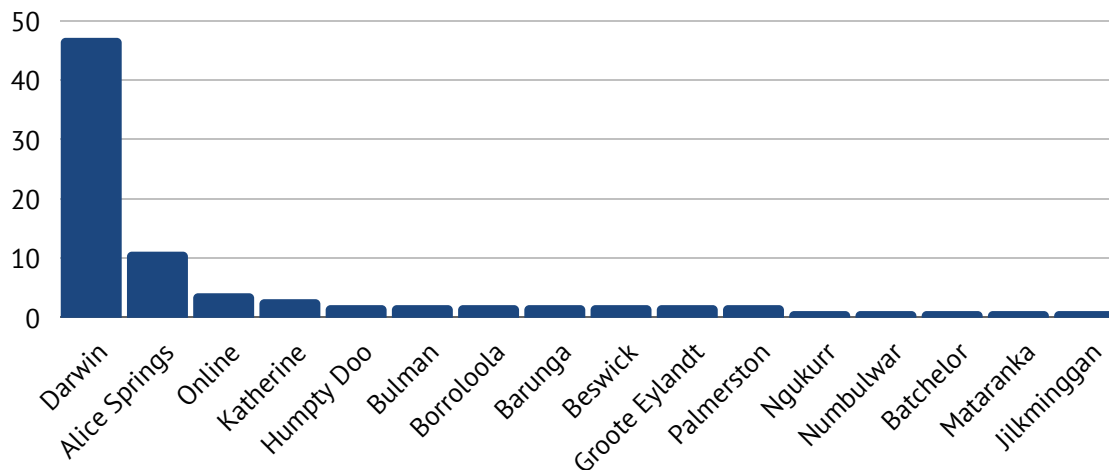


CHART 2 - TRAINING SESSIONS BY LOCATION

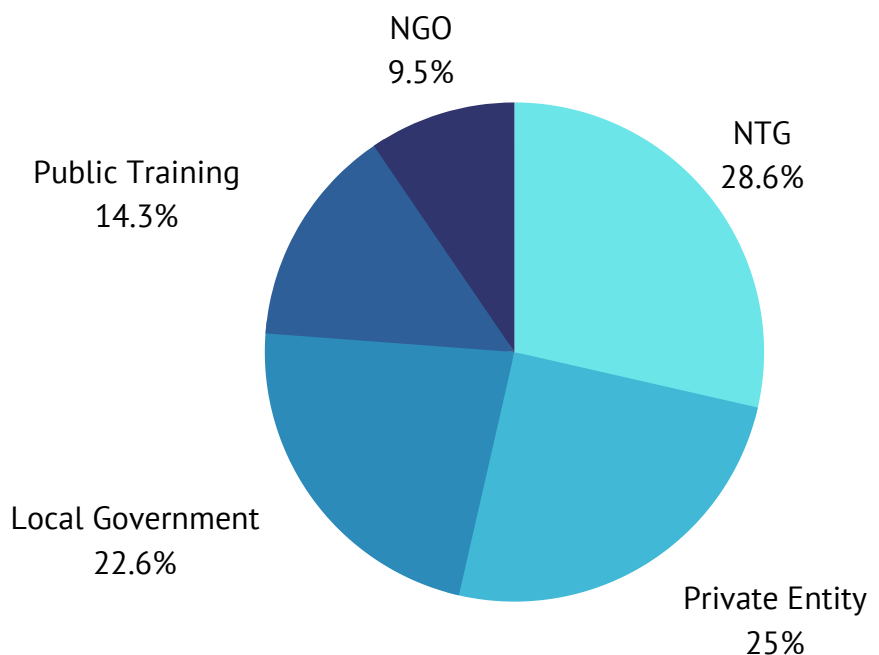


CHART 3 - TRAINING SESSIONS BY TYPE OF ORGANISATION

Training demand continues to be high and many organisations access our training on an ongoing basis. With no budget to deliver anti-discrimination training, our training is delivered by a fee-for-service model. As a result, very few not-for-profit organisations can afford to access our training. We will continue to search for funding opportunities to reduce or remove the financial burden for organisations.

TRAINING UPDATES

This year, we reviewed our full-day Contact Officer training, and introduced a new range of training and networking options for Contact Officers in the NT. Contact Officers play an important role in preventing and addressing occurrences of discrimination, harassment and bullying in workplaces. They act as the first point of contact and provide information to employees about complaint resolution options.

By providing an opportunity for employees to have their story heard in a confidential and non-judgmental environment, Contact Officers empower employees to make informed decisions about how to resolve complaints. The new training and network options include:

- Free 2 hour online information session for managers and HR staff to learn how to get the most out of workplace Contact Officers.
- Free 2 hour online network meeting for Contact Officers trained by the NT ADC to get together to practice skills, share information and build capacity throughout the NT. The network is held every two months online.
- Half-day Contact Officer refresher training for existing Contact Officer who would like to refresh their Contact Officer knowledge and skills.

We further designed Sexual Harassment Bystander Intervention Training in 2022. The training was designed in response to increased sexual harassment complaints and the added trauma for victims/survivors of sexual harassment as a result of inadequate responses from peers, witnesses and workplaces. The training aims to better equip people who witness sexual harassment (bystanders) to recognise sexual harassment and learn to support, report or intervene. The training covers the following content:

- Knowledge Quiz
- Definitions of sexual harassment
- Underlying circumstances creating risk of sexual harassment
- Bystander role
- Barriers and facilitators of bystander intervention
- Bystander intervention: direct intervention, indirect intervention, supporting someone who has experienced sexual harassment
- Skills practice

We conducted three bystander training trials with relevant stakeholders to ensure the training was relevant, engaging and effective. We are currently in the process of implementing the feedback and look forward to rolling out the training in the new financial year.

TRAINING PACKAGES OFFERED



We aim to prevent discrimination and harassment in the community. To do this, we raise awareness through education and training. We offer regular public training available to all people living and working in the NT in Darwin, Alice Springs, Katherine and other locations on request. We also deliver customised workshops to meet the individual needs of each organisation. We can tailor training to target managers, staff or contact officers. We also link training directly to organisational policies and procedures. Below is an overview of the public and customised training packages offered by the ADC:

ANTI-DISCRIMINATION, HARASSMENT & BULLYING (ADHB)

- Discrimination, harassment, bullying, sexual harassment and victimisation
- How to deal with inappropriate behaviour in the workplace
- Impact of discrimination on staff well-being and workplace culture
- The Act and the role of the ADC

UNCONSCIOUS BIAS (UB)

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

CONTACT OFFICER (CO)

- Functions of a Contact Officer - first point of contact for workers with a grievance
- Discrimination, harassment, bullying, sexual harassment and victimisation
- Review of relevant policies and procedures
- Contact Officer role - skills practice
- The Act and the role of the ADC

CONTACT OFFICER REFRESHER

- Refresher: Functions of a Contact Officer
- Refresher: differences between discrimination, harassment, bullying, sexual harassment and victimisation, and what is acceptable behaviour
- Contact Officer role - skills practice
- Skills, knowledge and resources to act as a first point of contact in dealing with complaints

SEXUAL HARASSMENT BYSTANDER INTERVENTION

- What is sexual harassment
- Drivers of sexual harassment
- Impacts of sexual harassment on staff well-being and workplace culture
- Barriers to bystander intervention
- Bystander role and skills

TRANS AND GENDER DIVERSE PEOPLE (TGD)

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

Our courses help you to:

- Understand appropriate behaviour
- Establish good workplace policies and procedures
- Create safer and more inclusive workplaces
- Understand discrimination law
- Deal appropriately with complaints
- Assist staff going through grievances at work

We can custom
design training to
meet the specific
needs of each
organisation

PARTICIPANT FEEDBACK

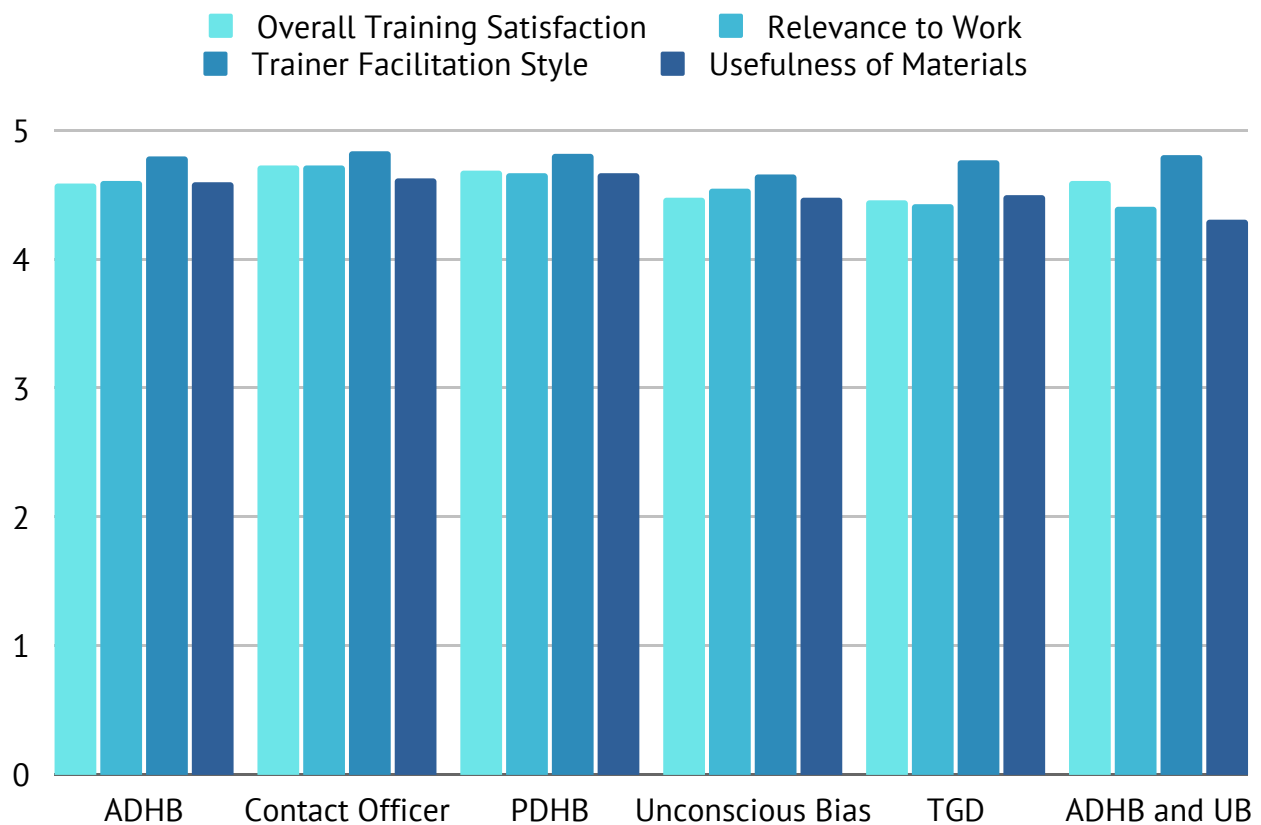


CHART 4 - PARTICIPANT FEEDBACK BY TRAINING

Our training packages continue to be very popular with training participants and organisations with a training satisfaction of 91.8% in the 2021/22 financial year. The next page provides an overview of the training feedback received by participants in the last financial year.

CLIENT TESTIMONIALS



Excellent - clear,
factual, relevant
and very
engaging



Extremely
engaging &
approachable



One of the
best training /
facilitation
styles I've
seen



Fantastic,
relatable



Excellent trainer -
knowledgeable,
confident, and created
an open and positive
environment for
participation

TRAINING SATISFACTION 2021-22

**OVERALL TRAINING
SATISFACTION**

91.8%

**RELEVANCE TO
WORK**

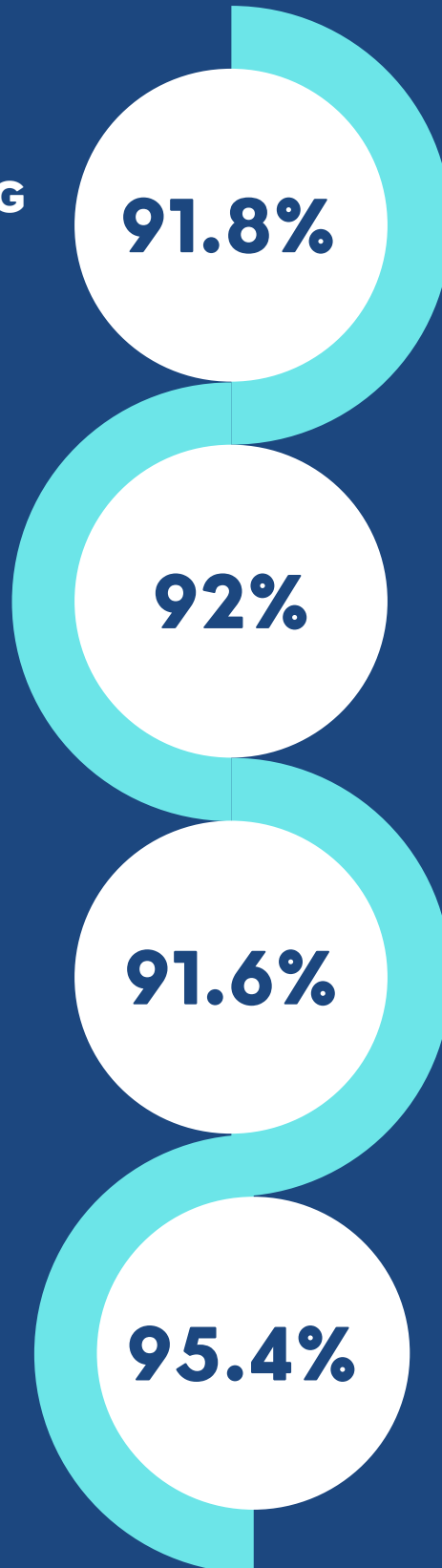
92%

**USEFULNESS OF
TRAINING
MATERIALS**

91.6%

**TRAINER
FACILITATION
STYLE**

95.4%





COMMUNITY

2021 NT Human Rights Awards

The Northern Territory Human Rights Awards acknowledges the work of Territorians to advance human rights. The awards recognise individuals and organisations in each award category. The categories are:

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

The Fitzgerald 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



Julie Weber-O'Bryan has been the youth court education officer for 10 years. She works with children and families to make connections back into school possible. She provides vital information to the court on ways forward for young people.

Organisation Winner



Days for Girls Darwin Team is a volunteer organisation addressing “period poverty” by fund raising and making menstrual products for young women, in NT remote communities.

The Fitzgerald Justice Award

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



Individual Winner

Mr John Fitz Jakamarra is a very well respected Warumungu Elder described in the nomination as a community champion and community legend, providing connection and mentoring for many across the Barkly.



Organisation Winner

Set them Free is a group of Darwin locals who came together at the beginning of 2021, to campaign for the release of 15 refugees held in detention in Darwin. All families were released in August 2021, after daily vigils at the fence and many other events to keep the injustice in the spotlight.

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

Linda Keating a dedicated and exceptional health professional, working in remote communities as CEO of Urapuntja Health Service and Congress. She continuously works to achieve excellence herself and foster it in those she works with.



Organisation Winner

Guts Dance works with children across Central Australia. They conduct Alice Dance with school children across Alice Springs, working with the hard issues raised by children and young people.

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



Olga Havnen for her outstanding contribution to human rights and social change in the NT including her tireless advocacy on justice and health issues affecting Aboriginal and Torres Strait Islander people.
(Olga's daughter Kate accepting the award on her behalf).

Organisation Winner



Created on Larrakia Country and telling stories from Larrakia, Tiwi and Yolngu to inspire better healthcare, 'Ask the Specialist' in seven 20-minute podcasts reveals the reality of the hospital experience for Aboriginal people and is a starting point to achieve change.

Organisation Winner



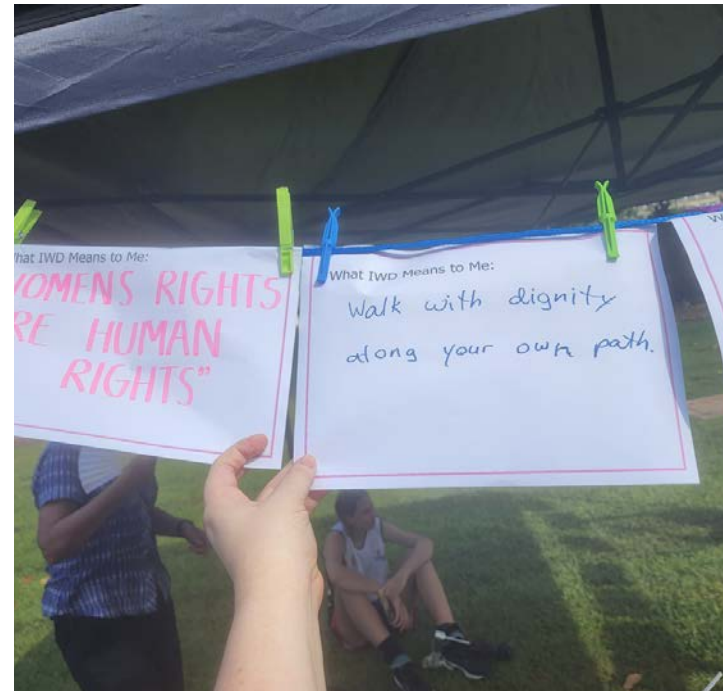
Proper Creative has transformed Darwin through the Darwin Street Art Festival. They have also created murals in Tennant Creek and Katherine, raised the voices of diverse artists and addressed diverse human rights issues.



OUT AND ABOUT



OUT AND ABOUT



INTERNATIONAL WOMEN'S DAY





SOCIAL MEDIA



APPENDICES

KEY PERFORMANCE INDICATORS

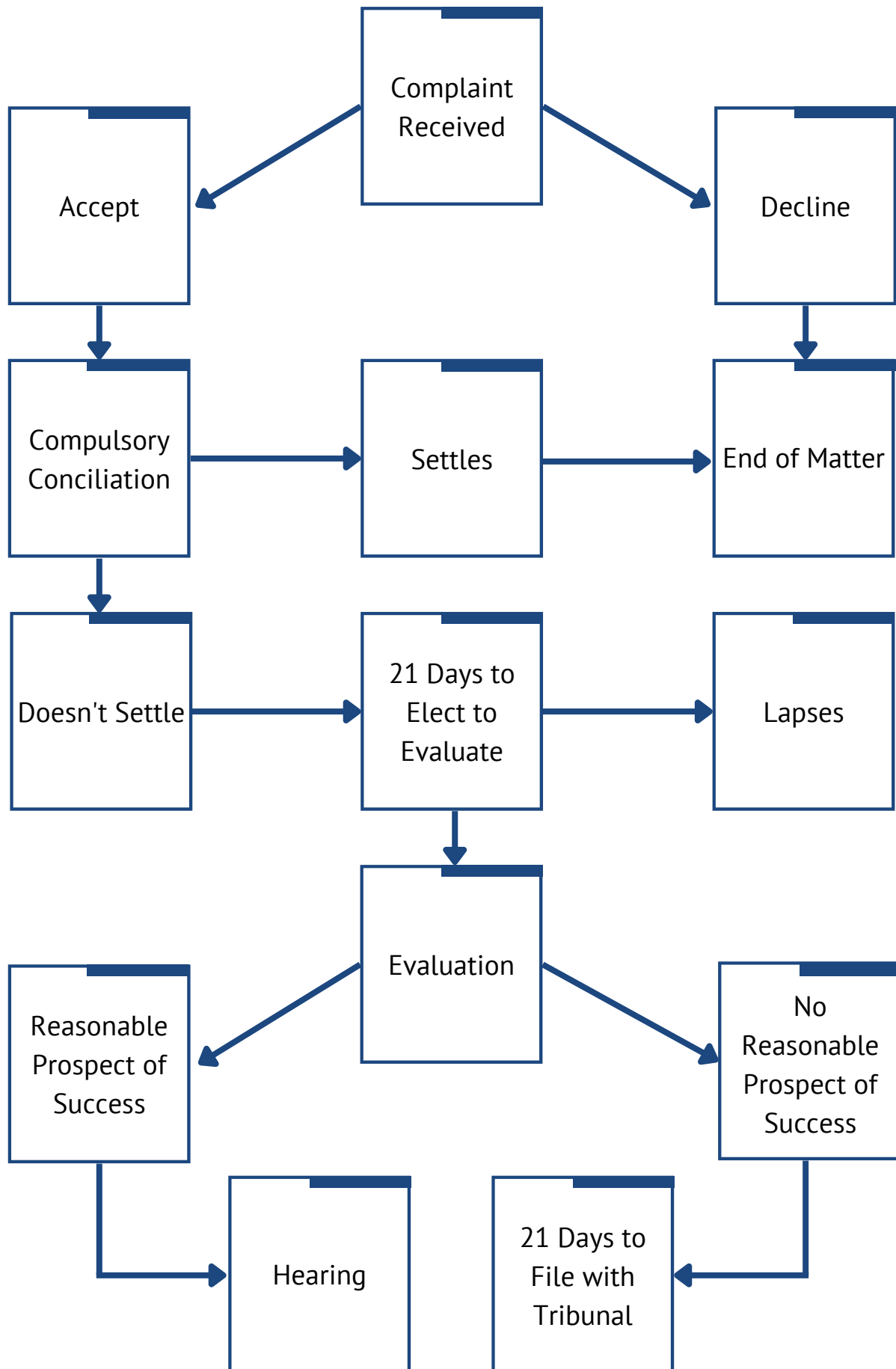
KEY DELIVERABLES	2021/22 ESTIMATE	2021/22 ACTUAL	2020/21 ACTUAL	2019/20 ACTUAL
PUBLIC EDUCATION SESSIONS	70	97	129	87
PUBLIC EDUCATION HOURS	80	348	525	312
COMPLAINTS (INCLUDING CARRIED OVER)	200	270	248	250
CONCILIATED COMPLAINTS	50%	47%	61%	57%
COMPLAINTS CLOSED WITHIN 8 MONTHS	50%	90%	89%	90%

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 NTCAT.
- 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 Northern Territory an understanding and acceptance, and public discussion, of the purposes and principles of equal opportunity.
- To promote an understanding and acceptance of, and compliance with, this Act.
- To promote the recognition and acceptance of non-discriminatory attitudes, acts and practices.
- To promote within the public sector the development of equal opportunity management programs.
- To prepare and publish guidelines and codes of practice to assist persons to comply with this Act.
- To provide advice and assistance to persons relating to this Act as the Commissioner thinks fit.
- To advise the Minister generally on the operation of this Act.
- If the Commissioner considers it appropriate to do so, to intervene in a proceeding that involves issues of equality of opportunity or discrimination with the leave of the court hearing the proceeding and subject to any conditions imposed by the court.
- Such functions as are conferred on the Commissioner by or under this or any other Act; and such other functions as the Minister determines.

COMPLAINTS PROCESS



COMPLAINT SUMMARIES

Discrimination on the basis of impairment in the area of work

The Complainant was employed on a six month contract. She disclosed to her employer that she was experiencing mental ill health. The Complainant's manager told her that her contract would not be renewed due to her mental health issues and that they did not want staff with mental health issues. The matter was resolved with the Respondent paying the Complainant \$8,000 compensation.

Asking unnecessary information and discrimination on the basis of pregnancy in the area of work

The Complainant was asked by her employer to act in a managerial role. A few months later the Complainant informed the Respondent that she was approximately three months pregnant. The Respondent then contracted external specialists to complete a review of the department in which the Complainant worked. As a result of this review, the full time managerial role was re-advertised and the Complainant applied.

The Complainant was asked questions about how she was coping with the pregnancy and raised concerns about the work she would be able to perform as her pregnancy progressed and after she returned to work from parental leave. The Complainant was interviewed for the position but was unsuccessful. The position was given to another applicant, who the Complainant was then required to train.

The matter was resolved with the Respondent paying the Complainant \$6,000 in general damages compensation.

Failure to accommodate special needs on the basis of impairment in the area of work

The Complainant completed an online job application that included a psychometric assessment. The Complainant felt that the application process failed to accommodate his special needs based on his physical disability as it only allowed 30 seconds per question without an option to pause and did not allow for appropriate adjustments such as changing the appearance of the text.

The Respondent acknowledged its online platforms can pose challenges for people with certain disabilities. Advised that the psychometric assessment was not a compulsory part of job applications and that they would consider removing it entirely. The Respondent also advised that it would accept job applications outside of the online platform and would look into placing a message on its website informing applicants of this and providing contact details for HR representatives for applicants to contact regarding alternative ways to apply for jobs.

Sexual harassment and discrimination on the basis of sex and race in the area of work

The Complainant was a woman working in a retail store while on a visa. The Complainant alleged repeated unwanted sexual advances and inappropriate personal questions by her manager over a prolonged period of time. She reported the behaviour to her manager, who threatened she would lose her visa if she complained.

She resigned and made a complaint to the ADC. The matter was resolved with the Respondent paying the Complainant \$21,000, providing a statement of regret and committing to provide employees with face-to-face training on sexual harassment.

Failure to accommodate special needs on the basis of impairment in the areas of education and work

The Complainant was required to complete a work placement to finalise his traineeship. The Complainant was hearing impaired and required particular equipment and accommodations to undertake the placement. The Respondent did not provide any of these accommodations and removed the Complainant from the traineeship as he was unable to meet the required performance standards.

The complaint was resolved with the Respondent paying the Complainant \$5,500, providing a letter of apology and agreeing to amend its traineeship policy to further define the Respondent's responsibilities regarding placement for students with disabilities. The Respondent also agreed to pay the Complainant \$12,000 as reimbursement for lost fees and costs associated with the traineeship, and to provide equity and inclusion training to all staff within six months.

Discrimination on the basis of impairment in the area of goods, services and facilities

The Complainant spoke slowly and had poor peripheral vision. He was denied entry to a venue as staff believed that he was intoxicated. His friends tried to explain he was not intoxicated but had an impairment, but they refused to allow him entry.

To resolve the complaint, the Respondent provided the Complainant with a \$150 voucher for use at the venue and a letter of regret which stated that the employees involved had received feedback and further training.

Discrimination by refusing to allow a guide dog in the area of goods, services and facilities

The Complainant, who is blind, attended a café with her guide dog. The café manager approached the Complainant and told her she had to leave as dogs were not allowed inside. She tried to explain it was a guide dog.

The complaint was resolved after the Respondent apologised to the Complainant and updated the employee handbook, making clear provision to allow guide dogs into the café and agreed to educate staff about the issue.

Discrimination on the basis of race in the area of accommodation

The Complainant and her partner are both Aboriginal. When they were checking in to a motel, the manager told them that no alcohol or visitors were allowed at the motel. While staying at the accommodation they noticed other customers who were not Aboriginal were allowed to drink alcohol.

The matter was resolved prior to formal conciliation with the Respondent agreeing to provide the Complainant a full refund of \$225.

Discrimination on the basis of impairment and irrelevant medical records in the area of goods, services and facilities

The Complainant was an older woman who lived with mental health issues. She was refused service to purchase food by a retail store because the owner had heard about her mental health issues. A complaint was made and the Respondent provided a written apology which resolved the complaint.

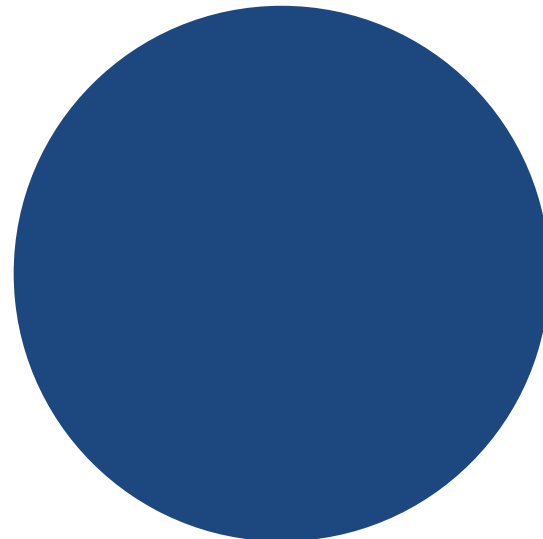


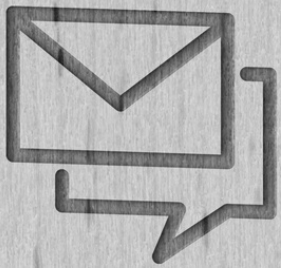
ATTRIBUTES

- Race
- Sex
- Sexuality
- Age
- Marital Status
- Pregnancy
- Parenthood
- Breastfeeding
- Disability
- Trade Union or employer association activity
- Religious belief or activity
- Political opinion, affiliation or activity
- Irrelevant medical record
- Irrelevant criminal record
- The person's details being published under section 66M of the *Fines and Penalties (Recovery) Act 2001*.
- Association with a person who has, or is believed to have, an attribute referred to in this section

AREAS

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





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Northern Territory Anti-Discrimination Commission



https://twitter.com/ADC_Commission