

# 1999-2000 annual report



anti-discrimination board of new south wales

## *From the President*

In many ways this last year has seemed very much preoccupied with preparing and planning for various things.

- we have had to address real issues which were anticipated with the so-called 'Y2K' problem
- we prepared for the introduction of a new database system
- we had to plan for the impact of the Goods and Services Tax (GST)
- we were involved in providing assistance and advice for various authorities in preparation for the Sydney 2000 Olympic Games
- we prepared, planned and executed our physical move from Redfern to the City
- we planned for the co-location of Privacy New South Wales with our offices
- we were involved in planning for an internal restructuring of the Board which came into effect in the subsequent financial year



- we provided detailed policy advice and response to the report of the Law Reform Commission which anticipated the wholesale rewriting of the legislation we administer.

As a result, every part of the Board was involved at some time and to some degree in planning exercises. These were in addition to the usual round of planning which is associated with the development and revision of the Board's business plan and the plans of each of the various Branches.

This planning of course has not diverted us from attention to the 'normal' activities of the Board. As this Report makes clear we have experienced an increase in the number of complaints received, in the number of people we trained, in the number of advices we provided, in the number of cases in which we were involved before the Industrial Relations Commission and in the revenue which we generated.

Pressure on our Complaints Handling staff has been particularly intense and has been added to by the fact that for much of the year we were not at full strength in this Branch. I acknowledge the excellent work done by all members of this Branch to respond to and cope with this pressure. Their dedication to the task is quite remarkable. The Branch has also been without a full-time Manager for much of the year and I pay tribute to Maggie Smyth who has acted in this capacity with great skill and dedication.

There has been, again as the Report indicates, a decline in the rate of finalisation of cases during this year. The reasons for this are complex. They include the fact that with more cases being resolved through the activities of the parties themselves, acting upon our advice, the cases proceeding to a full investigation are those of increasing complexity and

difficulty which take longer to resolve. In addition, changes to administrative law mean that we must take more time in preparing statements of reasons for our decisions. Finally it must be acknowledged that we do allow parties (especially complainants), all the time that they claim they need to respond to our enquiries, especially for information. This is an area which needs attention in the year ahead, and the Board will have to consider the imposition of stricter deadlines for people to respond to our requests so that our rate of complaint finalisation and closure is not reduced by factors outside our control.

The increasing role which the Board plays in the Industrial Relations area is one of the highlights of this Report. We have been generally very pleased with the outcomes of our interventions in matters before the Industrial Relations Commission which we believe have resulted in New South Wales leading the nation in the way in which anti-discrimination principles have been integrated more fully into our system of industrial relations. Angelene Falk and Catherine Duff have made significant contributions in this regard.

Education and training remain central to our activities and will be especially so as we contemplate the possible enactment of a totally rewritten Anti-Discrimination Act with new grounds added and with new procedures in place. The efforts of Anthea Lowe and her team, who have substantially increased both the number of employers and service providers they have trained and the revenue they have generated for the Board, should be noted.

Planning on the Y2K, GST, information technology and office relocation fronts presented Victor del Rio and his Branch with numerous challenges, most of them not faced before. The fact that all of these challenges were met in an outstandingly successful fashion is a tribute to them all.

Our Regional Managers and the members of the Indigenous Outreach Team also had great success this year and their efforts are underscored in the Report.

I would like to thank the members of the Statutory Board and my Executive Assistant, Lorraine Orfanidis, for their exceptional support and assistance during the year.

The Director General of the Department, Laurie Glanfield and a number of his senior officers (of whom Barbara Phillips deserves special mention) have been a source of constant support for the Board and for me personally, particularly in relation to planning for our internal restructuring, our relocation and responding to our constant pleas for adequate resources. I would also like to thank the Hon Jeff Shaw QC MLC who, as our Minister, continued to show his support and encouragement for our work.

The year ahead promises to be another challenging one, especially in relation to the decisions which Government will have to make about the recommendations of the Law Reform Commission and our response to those recommendations which have not always been favourable.

The Anti-Discrimination Act plays a vital part in securing the human rights and equal opportunities which are the right of all the people of this State. However, the Act is old and in many ways inadequate — issues such as the potentially discriminatory use of the findings of genetic testing were mere science fiction when the Act was written. Turning it into an Act which recognises the full flowering of a multicultural State, the widest expression of aspects of human and personal diversity, and the challenges of the new scientific, technological and information era will not be easy. I am however supremely confident that this can be done, and I know that at the Anti-Discrimination Board of New South Wales we have the people to do it.



Chris Puplick  
President

# Contents

<i>From the President</i>	2
<i>Summary of achievements</i>	6
<b>1 What the Board does</b>	<b>9</b>
Functions of the Board	9
Anti-discrimination law	10
Developments in Corporate Services	11
Structure of the Board	12
Organisational chart	13
<b>2 Handling complaints</b>	<b>15</b>
Initial enquiries	15
Legal and policy enquiries	18
Formal complaints	18
How we handle complaints	21
Community initiatives	27
Cases from the Tribunal	28
<i>Indigenous outreach</i>	30
<i>Newcastle office</i>	32
<i>Wollongong office</i>	34
<b>3 Educating the people of NSW</b>	<b>37</b>
Talks & training programs	38
Services for employers & service providers	39
Sessions targeting potential complainants and/or their advisers	41
Publications	44
Internet even more popular	45
Media	46
The Library	46
<b>4 Improving the law</b>	<b>49</b>
Proposed changes to the Anti-Discrimination Act	49
Industrial relations initiatives	50
Submissions	52
FOI requests	52
Talks & conference presentations	52
External involvements	52
The President's involvement	53
Consultations	54
Exemptions	56
<b>Appendix</b>	
The Board's staff	59
Our guarantee of service	60
Publications list	62

27 September 2000

The Hon. R. Debus, **MP**  
Attorney General  
Level 25  
59-61 Goulburn Street  
SYDNEY NSW 2000



Suzanne Jamieson

Dear Minister,

In accordance with section 122 of the *Anti-Discrimination Act 1977*, the Anti-Discrimination Board of NSW presents its Annual Report covering the period 1 July 1999 to 30 June 2000.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Chris Puplick', written over a horizontal line.

Chris Puplick  
President



Phillipa McDermott

A handwritten signature in black ink, appearing to read 'Suzanne Jamieson', written over a horizontal line.

Suzanne Jamieson  
Member

A handwritten signature in black ink, appearing to read 'P. McDermott', written over a horizontal line.

Phillipa McDermott  
Member



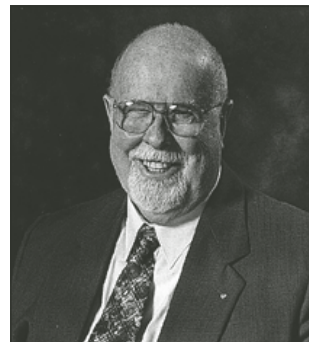
Shaughn Morgan

A handwritten signature in black ink, appearing to read 'Shaughn Morgan', written over a horizontal line.

Shaughn Morgan  
Member

A handwritten signature in black ink, appearing to read 'H. E. Murray', written over a horizontal line.

Hugh Murray **QAM**  
Member



Hugh Murray

## *Summary of achievements*

### **Review of the Anti-Discrimination Act**

In early 2001 amendments to the Anti-Discrimination Act introducing a new ground of discrimination on the ground of carers' responsibilities will commence. The Board has been campaigning for this amendment for some time.

The NSW Law Reform Commission's long-awaited report into the Anti-Discrimination Act was published in December 1999. The Board held consultations with stakeholders in order to formulate a response to government.

### **Access and equity plan**

The Board finalised its Access and Equity Plan in 1999/2000. The plan aims to provide improved and equal access to the Anti-Discrimination Board's services for all. The plan should help the Board extend its service delivery where gaps exist and empower community groups to play a greater role in working with us to achieve shared goals.

Recommendations in the plan include improving access and equity for people with a disability, Indigenous Australians, people from non-English speaking backgrounds, women and older people.

Better access will ensure that the Board's services are more widely and genuinely available to anyone in NSW who needs them. Greater effort is required to further extend our service delivery to regional and remote areas of NSW, and to people with particular disabilities and disadvantages.

### **New training resource**

*Discrimination & harassment: The rights and responsibilities of employees* was specially piloted and developed for use in entry-level training in the vocational education and training sector. These resources were developed with funding from the Australian National Training Authority, through the NSW Department of Education and Training.

Published in February 2000, the resource aims to make people of all ages entering or re-entering the workforce aware of their rights and responsibilities in relation to discrimination and harassment at work. More practically, it demonstrates some steps that students can take themselves to deal with and prevent discrimination and harassment at work.

### **Continued success of our education programs**

Once again the Board's talks and training program has been a great success attended by over 16,000 people. The revenue raised from our publications sales and training fees fully funded the education services we provided to employers and service providers.

### **International Year of Older Persons Forum**

In November 1999 the Board held a very successful forum on age discrimination attended by 50 people from a variety of community and government agencies. A number of recommendations were made to the NSW Government about how to address discrimination against older people.

## Industrial relations work

The Board did a substantial amount of industrial relations work during the year including:

- preparing for and appearing before the Equal Remuneration Principle State Case
- contributing to the Review of the Principles for Approval of Enterprise Agreements
- intervening in the Salaried Senior Medical Practitioners Award
- intervening in a case which raises the issue of access to Personal Carers Leave by people in de facto and same sex relationships.

In addition, we published new guidelines jointly with the NSW Department of Industrial Relations, *Identifying and eliminating discrimination from industrial awards and agreements*.

## New rights posters

In June 2000, the Board published a series of three vibrantly coloured posters designed to help raise people's awareness of their rights under anti-discrimination law. As well as a poster generally promoting the Board's services, one poster is aimed at an Indigenous audience and the third poster is aimed at people from a non-English speaking background. The posters have been freely distributed to organisations such as community centres and legal centres that advise people about their rights. Otherwise the posters are available at a minimal cost of \$3 per poster.

*Right: Dannielle Spokes, Wollongong's Senior Workplace Adviser at an employer's policy launch.*

## Success of website

The popularity of the Board's website continued to increase during 1999/2000, receiving on average 81,049 hits per month, a 120% increase over the average 36,704 hits per month in 1998/99.

## Complaints handling

In 1999/2000, the Board received 1,381 formal complaints, an increase of 10% over the previous year. Of the complaints finalised during the year, the conciliation rate increased by a pleasing 7%. In addition, all complaints were finalised at a rate that equalled or bettered our targets.

## Relocation

After nine years in Redfern, the Board moved its Sydney office to the centre of the city in March 2000. Privacy NSW has co-located with the Board. The move locates the Board in the heart of the city, close to public transport links and other centralised services.

The Board's Newcastle office also moved its offices at short notice with minimal disruption of services to the public.

