



HUMAN RIGHTS

Ensuring the individual rights of the people of NSW are understood and respected

Anti-Discrimination Board

President: Chris Puplick

- Investigates and resolves complaints of unlawful discrimination in NSW.
- Conducts research and community education on discrimination issues.
- Provides legal and policy advice to government.
- Advises the Industrial Relations Commission about discrimination in the workplace.
- Liaises with other Federal and State related agencies in the wider promotion of human rights throughout Australia.

Privacy NSW

(Office of the Privacy Commissioner of NSW)

Commissioner: Chris Puplick

Deputy Commissioner: Catherine Riordan

- Investigates complaints and provides advice on privacy issues affecting the people of NSW.
- Advises government agencies on their obligations to deal with personal information fairly and in accordance with legislation.
- Educates the community about privacy obligations.

Office of the Protective Commissioner

Acting Protective Commissioner: Ken Gabb

- Provides financial management services for people whose disabilities prevent them from managing their own finances.
- Provides support and supervision of private financial managers.
- Maintains Supreme Court registry for matters in Protective List.

Office of the Public Guardian

Acting Public Guardian: Ken Gabb

Director: John Le Breton

- Makes lifestyle decisions on behalf of adults who have a disability, an incapacity and a need for a guardian. (The Public Guardian is appointed when no relative or friend is available or suitable to be appointed as guardian.)
- Provides information to the community on the role and function of guardians.
- Provides support and assistance to private guardians.
- Provides advocacy on behalf of people under guardianship for improvements in life circumstances when needed.

Victims Services

Director: Claire Vernon

- Assists victims of crime through services provided by the Victims Compensation Tribunal and the Victims of Crime Bureau.

Victims Compensation Tribunal

- Offers victims of violent crime and their families a system of compensation and counselling.
- Recovers monies paid in compensation from defendants.

Victims of Crime Bureau

- Provides, in conjunction with the Sydney City Mission, a 24 hour information, support and referral service to victims of crime.
- Links a range of victims' services available across NSW.
- Oversees the statutory Charter of Victims Rights.

The Anti-Discrimination Board

The principal role of the Anti-Discrimination Board (the Board) is the promotion of human rights, the advancement of equal opportunity and the elimination of unlawful discrimination throughout NSW. The Board provides education services, conciliating complaints and advice to the Attorney General, the Department and Parliament.

Goal: Reduce social disharmony through programs which prevent crime and protect human rights.

A key role of the Board is to manage, conciliate and resolve specific complaints about unlawful discrimination. The Board's approach is to help the complainant and the person or organisation complained about, the respondent, to try and reach a private settlement. Most complaints can be settled in this way. A total of 1,381 formal complaints were received during the year from people who believed they had experienced discrimination. Sex, disability and race discrimination were the most common grounds of complaint.

The Board received 16,655 enquiries during the year about discrimination and the law, mostly by telephone, from members of the public and through the Board's specialist Employers' Advisory Service. Discrimination on the basis of sex accounted for 16.5 per cent of these complaints and disability for a further 12.5 per cent.

The Board produces a range of publications to assist the community to understand anti-discrimination laws and to develop non-discriminatory practices. These publications help people to understand their rights and responsibilities in relation to issues ranging from harassment in the workplace and handling grievances to equal opportunity in employment. This year, the Board introduced a number of new publications including:

- *Anti-Discrimination Guidelines for Hoteliers;*
- *Anti-Discrimination Guidelines for Managers of Local Councils;*
- *Anti-Discrimination Guidelines for Local Government Councillors;*
- *Anti-Discrimination Guidelines – Identifying and Eliminating Discrimination in NSW Industrial Instruments; and*
- *Discrimination and Harassment: The Rights and Responsibilities of Employees* (a training resource for vocational education programs).

The Board also has an ongoing program of providing training and information sessions to various groups in the community. This year, the Board conducted 708 training sessions involving some 16,000 people representing respondent and complainant groups.

The NSW Law Reform Commission (LRC) released its report on the *Review of the Anti-Discrimination Act 1977* (NSW) during December 1999. The LRC report recommends significant changes to the Act, including a new approach to discrimination and the extension of the Act to cover new ground. The Board held a number of briefings during March 2000 about the report with community organisations, employer groups and various services. A response to the report has been developed by the Board and has been submitted to the Attorney General.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

The Board introduced new systems during 1999–2000 to speed up the investigation and conciliation of complaints. Waiting times for allocation of complaints has been reduced from six months to two months. A system to fast-track priority complaints was also introduced.



The Board moved premises during the year, relocating from Redfern to Elizabeth Street in Sydney. This move locates the Board in the heart of the city, close to public transport links and other centralised services.

The Year Ahead

The key priorities for the Anti-Discrimination Board for the coming year are to:

- press for the enactment of a totally revised Anti-Discrimination Act following the report of the Law Reform Commission;
- further reduce the time for resolution of complaints, particularly in the Newcastle and Wollongong regional offices;
- progress the establishment of a new complaints database on a nationally uniform basis with other Federal, State and Territory jurisdictions; and
- continue appearances of the Board in the Industrial Relations Commission as required.

Privacy NSW

Privacy NSW is the Office of the NSW Privacy Commissioner. Privacy NSW was established in 1999 under the *Privacy and Personal Information*

Protection Act 1998 to replace the former Privacy Committee of NSW.

The Act provides a regulatory framework for the way public sector agencies will deal with personal information. The operational provisions of the Act commence on 1 July 2000.

Goal: Reduce social disharmony through programs which prevent crime and protect human rights.

During the year, Privacy NSW assisted public sector agencies and the Government to prepare for the implementation of the remaining provisions of the *Privacy and Personal Information Protection Act*.

A training and education program was developed and implemented by Privacy NSW to assist public agencies to understand the requirements of the Act.

This included the development of a number of publications, including:

- *Plain English Guide to the Privacy and Personal Information Protection Act;*
- *Guide to the Information Protection Principles;*
- *Guide to making Privacy Management Plans;*
- *Guide to making Privacy Codes of Practice;*

Privacy Commissioner Chris Puplick discusses strategies for implementing the *Privacy and Personal Information Protection Act 1998* with Deputy Commissioner Catherine Riordan and Research Officers Tonya Rooney and Anthony Bendall.



- *Guide to Internal Reviews*; and
- *Guide to Public Registers*.

Information on the impact of the new legislation and the role of the Privacy Commissioner was published on the Privacy NSW web page.

Other initiatives implemented by Privacy NSW to assist public sector agencies prepare for the commencement of the Act include:

- maintaining a network of Privacy Contact Officers from all NSW public sector agencies;
- conducting seminars for client groups about the impact of the Act;
- advising public sector agencies of their obligations to prepare privacy management plans;
- reviewing Privacy Management Plans from public sector agencies; and
- reviewing Codes of Practice from public sector agencies.

Privacy NSW provided particular assistance to Local Councils during the year. Local Councils operate in an environment where large amounts of personal information collected from residents and ratepayers is made publicly available.

An *Issues Paper* on the impact of the *Privacy and Personal Information Protection Act on Local Government* was prepared and distributed.

A working group on the impact of the Act was also established and a model privacy management plan was developed for Local Councils.

The Privacy Commissioner made a number of submissions during the year on privacy issues. These included submissions to:

- the Premier's Department on *Employment Health Assessment Policy and Guidelines*;
- the Department of Health on the review of the *Public Health Act 1991*;
- the NSW Bill of Rights Inquiry; and
- the Federal House of Representatives inquiry into private sector privacy legislation.

Information and advice was also provided to individuals about their rights under the *Privacy and Personal Information Protection Act* and about other privacy related matters.

The Year Ahead

The key priorities for Privacy NSW for the coming year are to:

- monitor public sector agency internal reviews of complaints from individuals who allege that an information principle, a public register provision or a code made under the *Privacy and Personal Information Protection Act* has been breached;
- conduct internal reviews on behalf of public sector agencies if requested and subject to resources;
- provide information and advice to public sector agencies about their obligations under the *Privacy and Personal Information Protection Act*;
- review public sector codes of practice under the *Privacy and Personal Information Protection Act* and make reports to the Minister where appropriate; and
- maintain a register of all public sector agency privacy management plans.

The Office of the Protective Commissioner

The Office of the Protective Commissioner (OPC) and the Office of the Public Guardian (OPG) work together to promote and protect the rights of people with disabilities. The OPC focuses on managing the financial and property interests of its clients, while the OPG makes decisions about personal lifestyle issues for people under its care.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

In July 1999, a revised complaints procedure was introduced by OPC. Some of the resulting improvements included the provision of better information to clients and other stakeholders on how to complain, the introduction of a reply paid *Client Feedback* brochure and a client newsletter. The improved procedure has resulted in more people becoming aware of the process by which they can provide feedback and ask for decisions to be reviewed. Consequently, there has been an increase this year in the number of



complaints lodged, with 163 complaints and Ministerial representations received compared with 67 in 1998–99.

An Advisory Council was established in the latter part of the year to provide OPC with independent advice as well as assist with strategic planning and performance review. Members of the Council have a broad range of expertise and experience in areas such as mental health, finance, human rights and law. In addition, OPC will be meeting regularly with other government and non-government agencies that provide services for people with disabilities.

Communication with clients and client family members and carers improved during the year with the introduction of a client newsletter, a suite of new and revised publications and the commencement of regular mailings of client trust account statements. Community education seminars also increased in number this year from 26 to 42, including 17 held in regional and country areas.

Together with other government agencies, OPC participated in *Law Week 2000 Dementia Awareness Day* on 16 May 2000 and co-hosted the *7th National Guardianship and Administration Conference* on 21–22 October 1999. Over 200 national and international delegates attended the conference.

The Trustee Act 1925 was amended in 1997 to allow trustees to invest in a wider range of investments than was previously permitted. The basis upon which trustees may now invest funds is called the *Prudent Person Principle*. Amendments to the *Protected Estates Act 1983*, enacted by the Parliament in May 2000, will enable OPC to invest client funds upon the same basis as trustees. OPC will be able to convert the present common fund into a series of unitised funds to provide clients with a range on investment options to suit their individual needs.

During the year a survey of Private Managers' satisfaction with OPC services was conducted. Private managers are persons who have been appointed to manage the financial affairs of someone with a disability. Information gained from the survey will be used to review services

and provide a benchmark against which to measure satisfaction levels in the future.

A survey was also conducted with clients whose affairs are directly managed by the Protective Commissioner. This is the second year this survey has been conducted and aimed to ascertain the degree to which those with impaired decision making abilities are, and can be, involved in decisions about their lives, actions and finances. The results of the survey will assist in the development of strategies to improve communication and the services provided to clients.

The Year Ahead

The key priorities of the Office of the Protective Commissioner in the coming year are to:

- conduct a review of fees charged by the OPC and introduce more transparent funding of the OPC, in accordance with Audit Office recommendations and after consultation with stakeholders;
- introduce the *Prudent Person Principle* in accordance with amendments to the *Protected Estates Act* and the *Trustee Act*;
- implement the outcomes of OPC's *Risk Management Project*; and
- implement a new structure to support service delivery and streamline administration costs.

The Office of the Public Guardian

The Office of the Public Guardian provides guardianship and advocacy services for people with disabilities who need a guardian because no relative or close friend is available or suitable to act as a guardian.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

The Office of the Public Guardian (OPG) introduced a number of initiatives during the year to improve client service.

A key priority for OPG was to develop a process for providing written reasons for all major

decisions made by the Public Guardian. The establishment of this process, complete with policies and procedures, will improve the transparency of the decisions of the Public Guardian. It is anticipated that the process will be finalised and implemented next year following approval from the OPG Standards Committee.

OPG also developed a set of 27 guardianship decision-making standards following consultation with a broad range of stakeholders. These standards, which were operational by 30 June 2000, provide a means whereby stakeholders can assess guardianship interventions by OPG staff against minimum practice requirements and ensure greater accountability.

Training has been provided to all OPG staff in relation to these decision-making standards. This training will ensure that clients receive a service which is consistent with the standards. The OPG complaints handling process will provide an important means of monitoring the extent of how effectively these standards are met by staff.

To support the introduction of the decision-making standards, policy and practice guidelines for complaint handling have been revised. A new complaint handling system is being piloted across OPG and a review undertaken to ensure a full and effective operation of the system was possible from 1 July 2000.

OPG continued to promote the use of enduring guardianships by the community to further ensure the appointment of the Public Guardian as a last resort. A total of 98 community education sessions were held in metropolitan and country areas during the year, with an average of approximately 20 to 30 participants per session.

A discussion paper on brain injury services was developed by OPG following extensive external consultation. This initiative forms part of the OPG's role to respond to government and community issues that impact on people with disabilities under guardianship. A discussion forum concerning this issue was convened by OPG in May 2000.

A restructure the OPG/OPC Consultative Council, and the need to bring forward some projects as a result of recommendations made following the Audit Office review of OPG and OPC, has delayed the establishment of a Medical Consultative Committee until 2001. The aim of this Committee will be to ensure Public Guardian decision-making and policies are based on best practice medical opinion.

An Advisory Council was established to provide independent advice to the Protective Commissioner.

The Year Ahead

The key priorities for the Office of the Public Guardian for the coming year are to:

- examine and consult on ways of diverting people from unnecessarily coming under guardianship through the use of advocacy;
- establish a Medical Consultative Committee to ensure Public Guardian decision-making and policies are based on best practice medical opinion;
- ensure guardianship interventions by OPG staff meet OPG minimum practice standards;
- address necessary administrative and organisational changes should OPG and OPC separate; and
- continue to provide information to the community concerning guardianship and the role of a guardian.

Victims Services

Victims Services encompasses the Victims Compensation Tribunal and the Victims of Crime Bureau.

Goal: Continuously improve our services and increase satisfaction among our diverse clients.

The Victims Compensation Tribunal continued to provide victims of violent crime and their families with a system of counselling and compensation.



A total of 6,025 claims for compensation were determined during the year, with \$88.19 million paid out by the Tribunal on a cash basis. This includes more than \$79.93 million in awards to victims of crime and \$8.26 million in professional costs and expenses.

In recognition of the particular needs of family members of homicide victims, the Tribunal reviewed its procedures for processing claims for compensation and counselling by family members of homicide victims. As a result, a package of reforms were introduced, including the development of a protocol with the Homicide Victim Support Group, Victims Services and the NSW Police Service to ensure that families of homicide victims can access counselling, should they wish to, at the first available opportunity. Monthly progress checks are undertaken by the Tribunal to ensure claims for compensation by family members are processed expeditiously. To support these initiatives introduced by the Tribunal, the Victims of Crime Bureau now nominates a specific officer responsible for assisting the relatives of homicide victims.

In addition, standard letters were reviewed to ensure that they were written in plain English

and sensitive to the trauma which many victims of crime have experienced and continue to experience.

The Tribunal has the power to locate and recover compensation from convicted defendants. This restitution action can only be commenced by the Tribunal once a person has been convicted of an offence that resulted in injury to another person and that person has claimed and been awarded compensation. Approximately 58 per cent of the awards made by the Tribunal are able to have restitution action initiated.

This year, the Tribunal rationalised existing restitution procedures in order to maximise the amount of money received from defendants. This rationalisation included the final development of a computerised debtor management system which is scheduled to commence operation from July 2000. The level of restitution recovered from defendants increased by 2 per cent from \$3.2 to \$3.3 million.

The Approved Counselling Scheme run by Victims Services was promoted during the year, resulting in a 10 per cent increase in the number of victims of crime applying for counselling within three months of the act of

Pictured from left: Angela Dertis, Karen Kelly, Sally Douglas and Karen Eldridge from Victims Services at the International Women's Day Celebration for Koori Women.



violence. This year, the Victims Compensation Tribunal approved approximately 20,000 counselling hours for victims of crime under the scheme, with the majority of claims by victims for two hours initial counselling, processed within 48 hours.

Other achievements for Victims Services during the year include:

- producing a pamphlet for victims on what to expect from counselling;
- establishing a list of qualified professionals and a Professional Advisory Panel to improve the quality of reports on psychological injury received by the Victims Compensation Tribunal; and
- participating in the pilot *Flexible Service Delivery* model which aims to improve our service delivery to people with disabilities. Initiatives include an audio tape of the information package on *Victim Impact Statements* and an audio tape of the booklet *Your Day in Court*.

Goal: Reduce social disharmony through programs which prevent crime and protect human rights.

The Victims of Crime Bureau (VCB) oversees the implementation of the statutory Charter of Victims Rights and responds to alleged breaches to the Charter. As part of this process, VCB this year undertook 10 regional forums, in conjunction with the NSW Police Service and the Director of Public Prosecutions, to promote awareness of the Charter and the services available to victims of crime and to assist government agencies in improving their response to victims of crime consistent with the Charter. The forum targeted all government agencies in regional areas providing services to victims of crime.

Staff from VCB also spoke at numerous government and non-government forums, raising the awareness of victims' rights and the services provided by the Bureau. The VCB also held a stall at *Seniors Expo 2000* and was involved in Police training sessions at the Goulburn Police Academy.

VCB's Interagency Forum, established in 1997, continued to meet regularly. Members, comprising key government, victim support and

volunteer agencies, coordinate the delivery of services to victims of crime. The Interagency Forum developed a Standards Manual on Court Support Services to assist agencies to provide high quality services.

VCB runs a 24 hour victim support service in partnership with Mission Australia which assists in the provision of information, support and referral services to victims of crime. During 1999–2000 the line received over 10,000 victim and victim related calls.

The Victims Advisory Board, which is comprised of four government and four non-government representatives, provides advice to the Attorney General about legislative reforms and policy issues regarding victims of crime. This year, the Board made recommendations to the Attorney General in relation to the problems associated with the operation of sub-section 48(E)(5) of the *Justices Act 1902*.

The Year Ahead

The key priorities for Victims Services for the coming year are to:

- increase compliance with the Charter of Victims Rights in partnership with key government agencies;
- promote, in partnership with Mission Australia, the 24 hour Victim Support Line to ensure that victims of crime are informed and supported following the crime;
- implement the recommendations of a flexible service delivery team which is currently looking at the particular service needs of people with disabilities;
- develop *VOCLink*, a website for victims of crime which links them to key agencies and services;
- conduct a two day phone-in for victims of crime to inform them of further ways to improve response to victims' needs and rights; and
- develop new and review existing policies to improve the quality and effectiveness of service delivery, particularly in relation to applications for counselling and compensation including interim awards.