



**Anti-Discrimination Commission
Northern Territory**

Annual Report 1999 - 2000

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**OFFICE OF THE NORTHERN TERRITORY
ANTI-DISCRIMINATION COMMISSIONER**

**Tom Stodulka
Commissioner**

The Hon Denis Burke MLA
Attorney-General
Parliament House
State Square
DARWIN NT 0800

Dear Attorney General

Pursuant to section 28 of the *Public Sector Employment and Management Act* 1993, I submit to you the Annual Report on the operations of the Anti-Discrimination Commission for the period 1 July 1999 to 30 June 2000,

In providing this report, I advise that the Commission's system of internal control provides reasonable assurance that:

- a. proper records of all transactions affecting the Commission are kept and that employees under my control observe the provisions of the *Financial Management Act*, the Financial Management Regulations and the Treasurer's Directions
- b. procedures within the Commission afford proper internal control and a current description of such procedures is recorded in the accounting and property manual which has been prepared in accordance with the requirements of the *Financial Management Act*
- c. no indication of fraud, malpractice, major breach of legislation or delegation, major error in or omission from the accounts and records exist
- d. in accordance with the requirements of section 15 of the *Financial Management Act*, the results of the internal audit capacity available to the Commission is adequate and the results of internal audit have been reported to me
- e. the financial statements included in the Annual Report have been prepared from proper accounts and records and are in accordance with Part 2 Section 5 of the Treasurer's Direction
- f. all Employment Instructions issued by the Commissioner for Public Employment have been satisfied.

Yours sincerely

Tom Stodulka

27 September 2000

Agency Access

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From the Commissioner



This is my second annual report written at the conclusion of just over one-year as the Anti-Discrimination Commissioner for the Northern Territory. I look forward with optimism and enthusiasm to the opportunities available to the Commission for promoting and achieving an environment that is free from discrimination.

Public Awareness

It has been a particularly challenging year as the Commission sought to educate and work in partnership with all sectors of the various urban and remote communities across the Northern Territory. The Commission has developed a significant and positive profile with key groups across the Territory. It is the quality of the relationships developed between the Commission, the NT Government and key interest groups that have proved to be of greatest benefit in protecting and promoting human rights issues throughout the Territory.

The Commission has enhanced and upgraded its awareness raising and contact officer training programs. A fee is now charged for training other than for rights-based training. The charging policy has not resulted in a reduction in the demand for training, in fact quite the opposite. The Commission is currently engaged in training both public and private sector organisations and intends to be more proactive with young people in the school environments in the near future.

Office in Alice Springs

In my last report I signalled my intention to establish a greater presence in Alice Springs. Co-location with the Ombudsman's office will occur later this year. Whilst no staff from the Commission will be permanently based in Alice Springs, the establishment of an office base will facilitate service delivery for the Commission's trainer, conciliators and myself. The support from the Ombudsman and Government in bringing this project to fruition is greatly appreciated.

Partnerships

In keeping with Government's policy of "Working in Partnerships" I have actively promoted the development of positive relationships with key government agencies to help us better serve the community. I have recently facilitated the resolution of the high profile Alice Springs Taxi dispute involving five Government agencies, a number of Aboriginal communities and the Taxi industry. It was the first time these parties had come face to face and they evidenced a commitment to work together in the future to achieve improved outcomes. A code of conduct and training program facilitated by the Commission has been put in place with an emphasis on discrimination and cultural awareness issues. The

Commission welcomed the opportunity to work with all parties and help facilitate outcomes that were driven by the parties themselves.

The Commission was also involved as the facilitator in the Ayers Rock Resort Swimming Pool and Mutitjulu community dispute. The parties worked in a spirit of partnership and achieved outcomes that were mutually acceptable.

I continue to meet with both complainant and respondent representative bodies to gauge how the Commission can improve its service to the community. Further, the Commission's staff review and business plan are nearing completion and a new Director of the Law, Policy and Conciliation division has recently been appointed. These are all steps aimed at improving the Commission's performance in protecting and promoting human rights and equal opportunity.

Conciliation

Conciliation continues to be the main process for resolution of complaints brought to the Commission. Due to the number of cases coming to the Commission two additional conciliators were employed on a temporary basis to help ensure the timely management of all matters submitted. Additional funds were sought and obtained from Treasury, and Government support with staffing and other resource issues has ensured the community has received a more timely and effective complaint resolution service.

Mandatory Sentencing

The Commission has played an active role in encouraging Government to rethink its approach to mandatory sentencing. The impact of mandatory sentencing on juveniles, including Aboriginal juveniles has been modified with the Government's recent reforms. The national mandatory sentencing debate generated the necessary impetus for wide community consultation and the Government's agreement to extend diversionary programs to juveniles aged 10 to 17 years has been welcomed throughout the community. The fact that the extension also goes beyond the original Court ordered diversion concept, and allows Police a major role in diverting juveniles to restorative justice, is not only very welcome, but also brings the NT in line with other Australian and overseas jurisdictions that have proved the success of such diversionary programs in recent years. The Police will need a major training program to ensure the appropriate and successful implementation of the Government's diversionary programs policy. The transparency of the diversionary program processes will also be critical to assist the wider community to embrace this contemporary restorative justice model.

When the diversionary programs were introduced in August 1999 many people felt that victim/offender conferencing would not be appropriate in Aboriginal communities and that most conferences would occur in urban centres. This has not been the case. The first conferences have, in fact, taken place in remote Aboriginal communities. As the successful outcomes of these victim offender conferences and other diversionary programs become well known and accepted, it is hoped that similar diversionary programs will become available for adult offenders and the victims of their crimes in appropriate cases.

There are also important questions relating to the impact of mandatory sentencing on other identified groups, including women and those with disabilities. The Commission will continue to work with Government and key community groups to assist in identifying areas requiring modification in this regard.

Aboriginal Interpreter Service

The Commission has been committed to the introduction of an Aboriginal Interpreter Service across the Northern Territory, particularly a service that assists people in obtaining legal and medical services. An Aboriginal Interpreter Service is now in place, however, there is still much confusion and uncertainty relating to its operation. The funding issues, particularly with respect to the Commonwealth/NT funding agreement remain. This requires finalisation and greater publicity.

Confusion over human rights and social justice issues creates divisions within the community and denigrates the many thousands of people working towards a fairer and more equitable Northern Territory.

Conclusion

The Commission's continued ability to work to promote and support a fair and equitable society needs everyone's support. The continued support from, and dialogue with, Government is vital if our charter is to be realised, as is the support and interaction with our communities of interest. The Government's "Working in Partnerships" philosophy is a great concept and one that the Commission proudly embraces. Clearly, as we travel the path of the new millennium it will be through our combined efforts that we will create a Territory that is free from discrimination and where all Territorians have an opportunity to participate equally.

Tom Stodulka

Overview

The Program Objective

The NT Anti-Discrimination Commission's program objective is the promotion of equality of opportunity for Territorians and the protection from unlawful discrimination on defined grounds and in specified areas.

The Commission investigates and conciliates complaints within its jurisdiction. The Commissioner may hold formal hearings where matters cannot be resolved by conciliation and may make certain orders, including the payment of compensation. The Commission provides public education programs, training, consultation and research.

The Commissioner is required to assist both government and non-government organisations develop and implement strategies to overcome unlawful discriminatory acts and practices, and to advise the Northern Territory Government on the laws and regulations of the Territory to ensure they are consistent with the *NT Anti-Discrimination Act 1992* (the Act).

The Commissioner may prepare and publish guidelines and codes of practice to assist people and organisations to comply with the Act.

There is a requirement:

- to research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in the 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 the Act and, when required by the Minister, to report the results of the examination to the Minister; and
- 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.

Special Measures: The Act allows for discrimination to take place in a program, plan or arrangement which is designed to promote equality of opportunity for a group of people who are disadvantaged or have a special need because of an attribute. A special measure could be a training program designed for a group of people to access work in areas where the group have not traditionally been employed such as a pre-vocational course for young women in carpentry, or a course at a university for Aboriginal students who have not previously had access to such courses.

Legislation

The NT *Anti-Discrimination Act 1992* (the Act) is designed, subject to limited exceptions, to eliminate discrimination against persons (and their associates) on the grounds of any of the following attributes:

- race (including ethnic origin)
- sexuality
- age
- marital status
- pregnancy
- parenthood
- breastfeeding
- impairment
- trade union or employer association activity
- religious belief or activity
- political opinion, affiliation or activity
- irrelevant medical record
- irrelevant criminal record

Areas

The Act operates in the areas of work; accommodation and education; the provision of goods, services and facilities; the activities of clubs and in insurance and superannuation. The Act covers both the public and private sectors. Generally speaking, an organisation will be responsible for the activities of its agents, officers or employees while they carry out work on behalf of their organisation.

Prohibited Conduct

The Act makes unlawful the following prohibited conduct in the areas set out above:

- discrimination
- harassment on the basis of an attribute
- victimisation of a party to a complaint (including witnesses)
- discriminatory advertising
- seeking unnecessary information on which discrimination could be based

- unreasonable failure to accommodate a special need because of an attribute (eg: special facilities needed because of age or impairment)
- aiding the contravention of the Act.

Discrimination

The Act covers both direct and indirect discrimination. Direct discrimination occurs when in any of the defined areas a person is harassed or experiences any distinction, exclusion, preference, or other less favourable treatment because of one or more of the attributes in the legislation. Indirect discrimination occurs where conditions are imposed which do not on their face discriminate against persons but in practical effect do so, and such conditions are not reasonable (eg. arbitrary minimum height restrictions for employment which discriminate against women).

Sexual Harassment

Under the Act, sexual harassment is prohibited conduct in itself in respect of any of the areas covered by the Act. That is, discrimination or less favourable treatment need not be established; only the elements of unwelcome acts of physical intimacy; or demands, requests, remarks or other conduct of a sexual nature which are intended to offend, humiliate or intimidate a person or could reasonably be anticipated to do so.

Victimisation

A person who makes a complaint or intends to make a complaint or is otherwise involved in relation to a matter under the Act is protected from victimisation. Victimisation takes place if a person subjects or threatens to subject another person or an associate of the other person to any detriment.

Appeals

Appeals against decisions of the Commissioner are to the local Court.

Protection from legal proceedings

S.113 of the Act provides protection against proceedings, whether civil or criminal for persons lodging a complaint or providing information or evidence to the Commissioner.

Functions of the Commissioner

- (1) The Commissioner has the following functions:
- (a) to carry out investigations and hearings into complaints and endeavour to effect conciliation;
 - (b) to examine Acts and regulations and proposed Acts and regulations of the Territory to determine whether they are, or would be, inconsistent with the purposes of this Act, and to report the results of such examinations to the Minister;
 - (c) to institute, promote or assist in research, the collection of data and the dissemination of information relating to discrimination and the effects of discrimination;
 - (d) to consult with organisations, departments and local government and community government bodies and associations to ascertain means of improving services and conditions affecting groups that are subjected to prohibited conduct;
 - (e) to research and develop additional grounds of discrimination and to make recommendations for the inclusion of such grounds in this Act;
 - (f) to examine practices, alleged practices or proposed practices of a person, at the Commissioner's own initiative or when required by the Minister, to determine whether they are, or would be, inconsistent with the purposes of this Act, and, when required by the Minister, to report the results of the examination to the Minister;
 - (g) to promote in the Territory an understanding and acceptance, and public discussion, of the purposes and principles of equal opportunity;
 - (h) to promote an understanding and acceptance of, and compliance with, this Act;
 - (j) to promote the recognition and acceptance of non-discriminatory attitudes, acts and practices;
 - (k) to promote within the public sector the development of equal opportunity management programs;
 - (m) to prepare and publish guidelines and codes of practice to assist persons to comply with this Act;
 - (n) to provide advice and assistance to persons relating to this Act as the Commissioner thinks fit;
 - (p) to advise the Minister generally on the operation of this Act;
 - (q) if the Commissioner considers it appropriate to do so, to intervene in a proceeding that involves issues of equality of opportunity or discrimination with the leave of the court hearing the proceeding and subject to any conditions imposed by the court;
 - (r) such functions as are conferred on the Commissioner by or under this or any other Act; and
 - (s) such other functions as the Minister determines.

.....s.13 Anti-Discrimination Act 1992

SOME OF THE STRATEGIES

- Factsheets are produced and distributed in:
 - Tagalog
 - Vietnamese
 - Portuguese
 - Indonesian
 - Mandarin
 - Japanese
 - Thai
 - large type for the visually impaired.
 - "Talking tapes" on the Factsheets and the Act are available.
 - There is liaison with Aboriginal Land Councils and Community Government Councils.
 - Publications are distributed through peak Aboriginal groups, Chamber of Commerce and Industry, libraries, local government bodies, schools, Office of Ethnic Affairs, Alice Springs Migrant Resource Centre, Ethnic Communities Council and voluntary organisations.
 - Training material targeting Aboriginal people in remote communities on "rights" and "responsibilities" has been produced in the most common Aboriginal languages.
 - There are regular regional visits.
 - Information on the Commission is available at the electorate offices of all members of the Legislative Assembly.
 - The Legal Aid and Advocacy Services throughout the Territory receive information and briefings from the Commissioner and her staff.
 - The Commission toll free telephone 1800 813 846 is widely advertised.
 - A TTY service is available.
 - Making the Commission more accessible through developing Information Technology.
 - Development of proactive workplace training strategies to reflect the number of work place complaints.
-

Financial Statements

For the period 1 July 1999 – 30 June 2000

CERTIFICATION

The accompanying financial statements in respect of the operation of the Northern Territory Anti-Discrimination Commission have been prepared in accordance with the *Financial Management Act, Procurement Act* and associated Treasurer's Directions and give a true and fair view of the results of the Commission's operations for the financial year ended 30 June 2000.

At the date of signing, we are not aware of any circumstances which would render the particulars included in the accompanying financial statements misleading or inaccurate.

TOM STODULKA
Commissioner
Anti-Discrimination Commission

SOMSONG ALBERT
Finance/Administrative Officer

**A. EXPENDITURE BY ACTIVITY
FOR YEAR ENDED 30 JUNE 2000**

Activity/Program	Final Allocation	Actual Expenditure
	\$000	\$000
Anti-Discrimination Commission	1,101	1,097
TOTAL EXPENDITURE	1,101	1,097

**B. EXPENDITURE BY STANDARD CLASSIFICATION
FOR YEAR ENDING 30 JUNE 2000**

Category of Costs/Standard Classification	Actual Expenditure
	\$000
PERSONNEL COSTS	861
Salaries	522
Payroll Tax	60
Fringe Benefits Tax	7
Superannuation	27
OTHER PERSONNEL COSTS	
Higher Duties Allowance	16
Leave Loading	5
Northern Territory Allowance	4
Other Allowances	
Other Benefits Paid by Employer	15
Overtime	1
Penalty Payments	
Perishable Freight Allowance	
Recreation Leave Fares	
Salary Advances	
Termination Payments	200
Workers Compensation	3

**B. EXPENDITURE BY STANDARD CLASSIFICATION
FOR YEAR ENDING 30 JUNE 2000 (continued)**

Category of Costs/Standard Classification	Actual Expenditure
	\$000
OPERATIONAL EXPENSES/EXPENDITURE	33
NT Government Repairs and Maintenance Program	
Repairs and Maintenance for Recoverable Works	
Property Maintenance	
General Property Management	28
Power	5
Water and Sewerage	
OTHER OPERATIONAL COSTS	204
Advertising	1
Agent Service Arrangement	
Clothing	
Communications	29
Consultants Fees	
Consumables/General Expenses	3
Cross Border Patient Charges	
Document Production	7
Energy	
Entertainment/Hospitality	1
Food	
Freight	
Furniture & Fittings	2
Information Technology	18
Insurance Premium	1
Laboratory Expenses	
Legal Expenses	
Library Services	11
Marketing & Promotion	2
Medical Supplies	
Membership Subscriptions	4
Motor Vehicle Expenses	22
Office Requisite & Stationery	10
Official Duty Fares	23

**B. EXPENDITURE BY STANDARD CLASSIFICATION
FOR YEAR ENDING 30 JUNE 2000 (continued)**

Category of Costs/Standard Classification	Actual Expenditure
	\$000
Other Plant & Equipment	2
Recruitment Expenses	1
Regulatory & Advisory Boards & Committees	36
Relocation Expenses	
Survey, Drafting and Drilling Costs	
Training and Study Expenses	22
Travelling Allowance	12
Bank Charges	
Fees and Other Regulatory Charges	
CAPITAL EXPENDITURE	0
GRANTS AND SUBSIDIES	0
INTEREST	0
ADVANCES	0
TOTAL EXPENDITURE	1,097

**C. RECEIPTS BY ACCOUNT
FOR YEAR ENDED 30 JUNE 2000**

Consolidated Revenue Account	Estimated Receipts	Actual Receipts
	\$000	\$000
Nil	0	0
Total Consolidated Revenue Account	0	0
Operating Account	Estimated Receipts	Actual Receipts
	\$000	\$000
Charges for Goods and Services	0	13
Miscellaneous Revenue	0	8
Sale of Assets	0	0
Intrasector Receipts	0	0
Total Operating Account	0	21
Transfers from Consolidated Revenue Account		1 087
Total Receipts to Agency Operating Account		1 108

**D. RECONCILIATION SCHEDULE
FOR YEAR ENDED 30 JUNE 2000**

Nil

**E. ACCOUNTABLE OFFICER'S TRUST ACCOUNT
FOR YEAR ENDED 30 JUNE 2000**

	Opening Balance	Receipts	Payments	Closing Balance
	1.7.99	(\$000)	(\$000)	30.6.00
Anti-Discrimination Commission	0	110	110	0

**F. WRITE OFFS, POSTPONEMENT AND WAIVERS
FOR YEAR ENDED 30 JUNE 2000**

Nil

G. DEBTOR AS AT 30 JUNE 2000

Activity/Program	External		Total	Intrasector			Total	Total
	Charges	Other		Charger	Other	CSO		
Anti-Discrimination Commission		2	2		1		1	3
Total Less: Provision for Doubtful Debts		2	2		1		1	3
NET DEBTORS		2	2		1		1	3
Classified as:								
Current		2	2		1		1	3
Non-current								
NET DEBTORS		2	2		1		1	3

H. CREDITORS AND ACCRUALS AS AT 30 JUNE 2000

Activity/Program	External		Total	Intrasector		Total	Total
	Creditor	Accruals		Creditor	Accruals		
Anti-Discrimination Commission Operating	4	0	4	0	20	20	24
Total	4	0	4	0	20	20	24
Classified as:							
Current							
Non-current							
TOTAL	4	0	4	0	20	20	24

I. EMPLOYEE ENTITLEMENTS OUTSTANDING AS AT 30 JUNE 2000

Entitlement	\$000
Current	
Recreation Leave	91
Leave Loading	11
Long Service	62
Non Current	
Long Service Leave	13
TOTAL	177

METHODOLOGY

1. **Recreation Leave:** Recreation Leave entitlements are calculated by Personnel and Integrated Payroll System (PIPS) based on employees' actual salaries and entitlement at 30 June 2000.
2. **Leave Loading:** Leave Loading entitlements are calculated by PIPS based on employees' actual salaries and entitlement at 30 June 2000.
2. **Long Service Leave:** Long Service Leave entitlements are calculated in accordance with Australian Accounting Standard AAS30. The calculation takes into account the probability of employees reaching ten years of service, the future increases in salary costs and discount rates to achieve the net present value of the future liability.

J. LEASES LIABILITIES AS AT 30 JUNE 2000

Nil

Administration

Staffing

Section 12 of the Act states that the Commissioner shall be provided by the Minister with such staff, who shall be employees within the meaning of the *Public Sector Employment and Management Act*, as is necessary for the administration of this Act.

The approved staffing levels as at 30 June 2000 were:

- Director, Law, Policy and Conciliation
- Director, Public Education and Administration
- Conciliators x 2
- Finance/Administrative Officer
- Personal Assistant to Commissioner
- Receptionist
- Administrative Assistant

Two trainees, employed within the Commission, assist with the public education program and the dissemination of information on the Commission's activities.

In addition two temporary conciliators were appointed. One was temporarily transferred from the Attorney-General's Department. The other was employed from outside the public service.

The Commissioner is also investigating the use of sessional trainers and conciliators on an 'as required' basis.

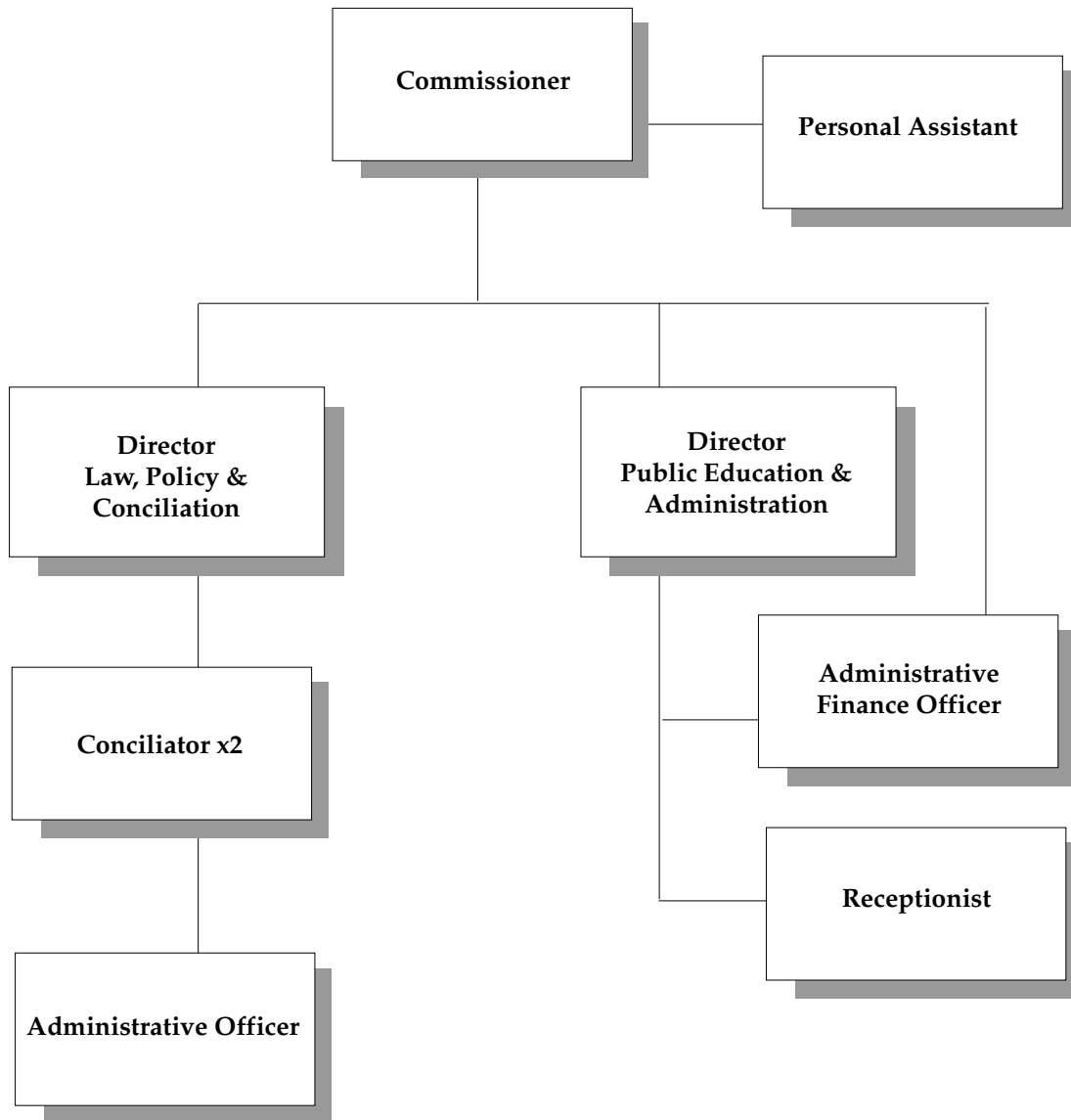
Occupational Health and Safety

The Commissioner affords Occupational Health and Safety a high priority. A formal policy is in place and forms part of the Commission's Policies and Procedures Manual. Formal qualifications are maintained and training is conducted as necessary.

Staff Development and Training

The Commission spent 6.38% of its 1999/2000 personnel budget on staff development activities.

**APPROVED STAFFING ESTABLISHMENT
(as at 30 June 2000)**



Publications

FACTSHEETS

- Fair Go For All Territorians
- Functions Of The Commissioner
- Sexual Harassment
- Eliminating Sexual Harassment – Guidelines for Employers
- Are You Treated Unfairly Because You Are Aboriginal
- People With An Impairment (Disability)

- Guidelines for Preventing Sexual Harassment in the Workplace (joint publication with Northern Territory Chamber of Commerce and Industry Inc)
- How We Handle Complaints
- A Guide on Conciliation Conferences within the Anti-Discrimination Commission

Most Factsheets are available in seven languages:

- Tagalog
- Portuguese
- Mandarin
- Japanese
- large type for the visually impaired
- "talking tapes" are also available
- Vietnamese
- Indonesian
- Thai

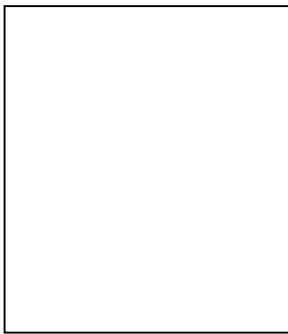
POSTERS

- Fair Go – This is what it's really about!
- Fair Go – Creating a Fair Go for everyone!
- Sexual Harassment – Nobody has to put up with it!
- Know Your Rights, Know Your Responsibilities
- Welcome to my Country

TRAINING CALENDAR

A schedule of formal training programs offered by the Commission is published twice a year.

Public Education



Sue Kasparek
Director Public Education
and Administration

Objectives:

- Provide people with enough information so that they can recognise the potential for discrimination and harassment in their community.
- Empower people to prevent, confront and resolve discrimination and harassment issues themselves.
- Promote an understanding and acceptance of, and compliance with the Act including the principles of equal opportunity.
- Support the NT Government's commitment to equal opportunity for all people in the Northern Territory by fostering fairness.
- Consult with organisations, departments, local government, community government bodies and associations to promote the recognition and acceptance of non-discriminatory attitudes, acts and practices.

Strategies

Throughout 1999/2000, the Commission conducted 102 training sessions which involved more than 2000 people.

These sessions included:

- Formal training programs
- Workplace training
- Awareness raising sessions and talks
- Community involvement

The environment in which we operate is changing and circumstances have meant that in order to meet our objectives of promoting equal opportunity and preventing discrimination and harassment, we have adopted a policy of charging for training provision. We hope to better achieve these objectives by using the extra resources to increase the range of our education program, employing sessional trainers and producing additional educational material.

The Commission continues to be committed to the principal of free “rights based” training to ensure that the information on rights is available for all people in the Territory.

Formal Training Program

The program is produced biannually and circulated throughout the Territory. The main focus is to provide an introduction to Equal Opportunity or Anti-Discrimination laws and courses are widely available to everyone. Participants range from senior executives of large government agencies to year 7 students, to interpreters and aborigines from remote communities, to owners and managers of private sector business to people with disabilities.

The courses include:

- Introduction to Anti-Discrimination Law
- Harassment –What is it and what you can do about it?
- Recruitment
- Introductory Contact Officer Training

Regional visits are an important component of public education, not only in raising public awareness but also in providing crucial feedback to the Commissioner on issues that may be affecting groups in regional and remote areas. Often the Commissioner has an active role in these visits.

Regional centres where training is available:

- Alice Springs
- Tennant Creek
- Katherine
- Nhulunbuy
- Batchelor
- Borroloola
- Jabiru
- Groote Eylandt
- Tiwi Islands

and other Centres as requested.

Each training session is evaluated and reviewed to ensure that the content meets the needs of the participants.

Workplace Training

There has been a gradual movement towards developing and providing individual workplace training packages as managers better understand their legislative obligations. The packages include:

- tailor made training developed specifically to meet organisational and employee needs
- personal assistance in the development of discrimination and harassment policies and grievance handling procedures
- involvement and training of all staff, usually within their workplace, anywhere within the Northern Territory

Awareness Raising Sessions and Talks

These sessions:

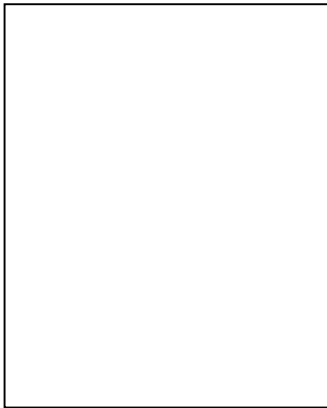
- raise awareness of rights and responsibilities of employees, students, customers, and members of the public
- present a range of options for complaint handling
- provide a source of information for people with disabilities, Aboriginies from remote communities, and community service providers

Community Involvement

- Disability Awareness Week and International Day for the Disabled
- Women's Health Day for NESB
- Humans Rights Week
- Education Careers Expo
- Refugee Week
- Law Week
- NAIDOC

Months	Area of Training												
	Workplace	Disability	Age	Public Sector	Youth	Aboriginal	Education	Formal	Private	Rights Awareness	General Overview	NESB	Cancellation
July	2	1	1	1	1								
August	4			1	1	2	3	1					3
September	2	2	1			1	2	2	1				5
October	3			1		1	4			1			3
November	6			1		1	2	1		2	1		4
December	1			1				1					
January													
February	3	1	1	1			1	1			1		3
March	3	3	1	1			2	2		1			4
April	10	1		6		2	4	3	3	1		1	2
May	12			2		4	2	2	2				3
June	2	1		1		2	4		1	4		1	1
TOTAL	48	9	4	16	2	13	24	13	7	9	2	2	28

Law, Policy and Conciliation



Director

The obligation to investigate, conciliate and, if necessary, hear complaints lies at the core of the Anti-Discrimination Commissioner's functions. The Act provides that if the Commissioner is to hear a matter, he must not have been involved in the investigation or conciliation of the complaint. As a result, the Commissioner has delegated the powers to investigate and conciliate complaints to the conciliators, who act as delegates in receiving complaints, deciding on whether to accept or reject them; conducting an investigation; making a decision as to whether the complainant has established a prima facie complaint; and, where necessary, conducting a conciliation conference.

Throughout all stages of the process the Office of the Anti Discrimination Commissioner maintains both absolute confidentiality and absolute impartiality. Often complainants will believe that the Commission's function is to assist them. This is incorrect. The Commission's function is to investigate, conciliate and if need be determine complaints. Each of these functions requires complete neutrality. Any advice the Commission's staff gives to complainants or respondents only goes to the form and procedure of complaints – not as to how to conduct a complaint.

Complaint Handling in 1999/2000

Complaint numbers maintained roughly the same high level as in the previous year (1998/1999). The steady flow of complaints certainly indicates that discrimination issues are not abating. As well, there has been a significant increase in matters referred to hearing. Appeals remain quite common. The details of hearings and appeals appear below.

With few exceptions, the Commission has fulfilled its statutory obligation to determine the outcome of a complaint to the prima facie stage within six months of accepting the complaint. This is one of the most rapid response times of any similar agency in the country. The Law Policy and Conciliation division is continuing to refine and improve processes to provide for an improved turn around time in complaints. The rapid processing of complaints is one significant factor in their eventual successful resolution.

One significant step in the improved processing of complaints has been the introduction in 1999 of a database within the Law Policy and Conciliation division that facilitates the better management, coordination and reporting of complaints, hearings and appeals. While the introduction of the database has been valuable, there is still significant scope and need to improve information technology within the division in order to both increase effectiveness and user access to the facilities of the Commission.

Representation

The parties, and in particular respondents will, from time to time, request that they be represented in the proceedings by solicitors. Section 62 of the Act gives a delegate a discretion as to whether to allow representation. The normal expectation is that parties will not require representation. Guidelines are in place in relation to the exercise of a delegate's discretion. These guidelines were developed from the decision of Bailey J in *Darwin Port Authority et al v Anti-Discrimination Commissioner*. Briefly stated, a delegate may agree to representation, normally by a solicitor, depending on:

- (a) The seriousness of the matter
- (b) The complexity of the factual and legal issues
- (c) The ability to conduct a case
- (d) Fairness to the opposite party
- (e) The availability of alternative access to legal assistance or advice.

Representation may also be granted where, for example, for reasons of geographical remoteness, it is more convenient to allow representation. The guiding principle is that of fairness to the parties.

There is authority to suggest that review of decisions not to approve representation is by way of judicial review in the Supreme Court and not by way of appeal to the Local Court. (*MAS Berhad v ADC & Lee*)

Enquiries

The first contact most people have with the Office of the Anti-Discrimination Commissioner is by making an enquiry. Advice given in response to enquiries is both free and confidential. Advice that is given goes to the issues covered by the Act and the procedures utilised by the Commission.

There is a low number of calls received from rural and remote communities in the Territory. Due to isolation and language barriers, residents in these communities may be among the most in need of the protection afforded them through the Act. It is hoped that the production of videos and other material in Aboriginal languages, for distribution to these remote communities, will help redress this need.

There was a similar number of enquiries received this year (914) compared with the previous year (1010) indicating significant public awareness of the existence and functions of the Commission.

Complaints

It is a requirement of the Act that all complaints be in writing. Complaints must be lodged within 6 months of the alleged prohibited conduct (which includes discrimination, sexual harassment, seeking unnecessary information, etc) taking place. A delegate has the power to accept complaints out of time, however this discretion is not often exercised, and usually only where a complainant is able to demonstrate that the lapse of time occurred through no fault of their own. The delegate also occasionally allows in material out of time where it forms part of a continuing pattern of prohibited conduct such as sexual harassment.

There is tabular and graphical information relating to complaints at the conclusion of this section.

Upon receipt of a complaint, a delegate, upon being satisfied that a complaint is within time, then examines it to ascertain whether the activity complained of falls within an area covered by the Act and, if it is a discrimination complaint, whether there is any evidence that the activity is related to an area covered by the Act. As noted earlier in this report the Act covers six areas of activity (education, work, accommodation, goods, services and facilities, clubs and insurance and superannuation).

The area that generated the largest number of complaints was that of work. Much educational activity and attention has been directed over the last year to the development and implementation of policies and training in the workplace to help eliminate discrimination.

The other preliminary check is to ascertain whether any of the attributes covered by the Act are related to a complaint of discrimination. The "attributes" as defined by the Act are set out earlier in this report. The Act prohibits discrimination based on any of the specified attributes.

It is here that some misconceptions can arise. The office can be contacted by a potential complainant who alleges that they have been discriminated against, however if they are unable to demonstrate that the discrimination was based on any of the attributes listed above, the complaint is rejected.

The usual practice is to write to the Complainant, pointing out that no attribute appears to be relevant to the complaint.

The decision to accept or reject a complaint must be made by the conciliator within sixty days of the complaint being received by the Commission. If a complaint is accepted an investigation is carried out.

Of the 289 complaints closed for the year 32% were rejected at the outset.

Investigation

Most people are unfamiliar with an investigation or inquisitorial process, many having only had experience of the adversarial process experienced in the courts. The process gives the parties time to think about the issues and clarify them and to gather relevant information. It removes the risk of "sudden death" for the complainant because the necessary information to support the case is not in the first document. It also benefits respondents by acting as a screening process for complaints before they become public matters.

A delegate has a wide discretion in the form that an investigation under the Act may take. The issues may be clear after an initial exchange of correspondence, or after a second exchange it is normal for both parties to twice be able to provide material rebutting the position of the other party, or putting evidence favourable to their case to a delegate.

From time to time, it is necessary to interview witnesses. Up to a dozen witnesses have been interviewed in relation to one complaint. All interviews are taped. The transcript is then provided to both parties for their comment. Taking transcripts slows down our process somewhat and is extremely resource intensive, but provides certainty about what the witness can attest to and the issues in a complaint, and is considered a worthwhile sacrifice for this reason.

Medical or business records may also be sought, and occasionally police records. There are powers to compel attendance at proceedings under the Act and the production of records if necessary.

Prima Facie Decisions

A delegate makes the prima facie decision from information on file. It is not a finding of fact or of liability. But, essentially a test. The test to be applied in order to find that there is prima facie evidence is that there is sufficient evidence that there is a probability that if the matter went to a hearing the complainant would be found to be entitled to an order under Section 88 of the Act. The complainant bears the burden of proof, i.e. the complainant must be able to demonstrate that there is evidence to establish the probability that they would be entitled to an order as described. At this stage, the complaint is either dismissed or prima facie evidence is found and the complaint proceeds to a conciliation conference or a hearing depending on the circumstances.

Of the 289 complaints closed for the year 65 (23%) were dismissed at the prima facie stage.

Following the decision of Trigg SM in *MAS Berhad v ADC & Lee* appeals from a prima facie decision can only be made by the complainant if a decision is made to reject a complaint. There were six appeals from a prima facie finding either concluded or on foot in 1999/2000

Conciliation Conferences

Conciliation is at the heart of the Act. Conciliation allows the parties to come together to reach a mutually satisfactory agreement about the complaint. At a conciliation conference the complainant and respondent meet, with a conciliator, to discuss, and if possible, resolve the complaint in an environment that is free from the emotion and formality of a hearing. It also reduces the delay, time and inconvenience of a full hearing.

A conciliation conference can occur during either the investigation phase or after a favourable prima facie decision for the complainant. A Hearing Commissioner may also determine that there is scope for conciliation between the parties during the hearing stage.

Hearings

If a complaint cannot be settled by conciliation after the finding of a favourable prima facie decision for the complainant the matter will be referred to hearing. The Commissioner initially holds a directions hearing. At these hearings the parties come together to establish dates for filing Points of Claim by the Complainant (a document setting out the substance of

the complaint), Points of Defence by the respondent (a document setting out the nature of the defence), the number of witnesses and how much time will be needed, whether or not the parties will be represented, a hearing date and any other matters that need to be clarified.

A total of 51 matters have been referred to hearing over the year. This is a marked increase from 19 in the previous year. However, many of the 51 matters referred to hearing involve a single complaint against a number of respondents. Further, 29 of the matters referred to hearing consist of complaints surrounding the establishment of an Aboriginal Interpreter Service. Hearing of these matters has been delayed to allow for further discussions between the parties. It is hoped these matters will be resolved before going to hearing.

The Commissioner has held 13 directions hearings this year. At a directions hearing the matter may be referred back to conciliation or a hearing date may be set. Six cases were referred back to conciliation and those six settled. The parties may continue to hold discussions amongst themselves concerning settlement right up until hearing.

While the outcome of conciliated settlements is generally confidential, two matters may be cited by way of example. In *MAS Berhad v Lee*, Malaysian Airline Systems published an apology to Mr Jude Lee in the NT News on 29 November 1999. In the apology MAS acknowledged that seeking certain medical information from Mr Lee and seeking him to sign an indemnity agreement was alleged by Mr Lee to be unlawful discrimination. MAS apologised to Mr Lee for any hurt and embarrassment caused.

In *Sutherland v Rorkes Drift (Fugitives Drift P/L)* an apology was published in the NT News on 6 December 1999. In that apology, Mitch McNamee acknowledged the current design of his popular bar did not properly consider the needs of people with impairments. He undertook to ensure that any future development of Rorkes Drift would properly address equality of access. Mr McNamee also acknowledged that as a result of Ms Sutherland's complaint he acquired a much better understanding of the obligations of building owners under the Act.

The most notable of the hearings has been the interlocutory proceedings in *Garovic v Pinecot*. The respondents raised questions of jurisdiction of the Commission in relation to vicarious liability (where the employer is held to be responsible for the actions of their employee). The decision, handed down in September 2000, finds that an employer is vicariously liable for the actions of their employees under the terms of the Act.

MATTER	OUTCOME
Sutherland v Rorkes Drift Pty Ltd	Settled prior to hearing
Goude v Ayers Rock	Adjourned for conciliation and settled
Lambe v Singleton	Discontinued by Commissioner pursuant to s. 102
Lambe v Cox Peninsula Community Government Council	Discontinued by Commissioner pursuant to s. 102
Bernabe v Meyers & AIMMS	Adjourned for conciliation (in progress)
Arthur v NT Police & Whittaker	Adjourned for conciliation and settled
Powel & Garovic v Mudge) Garovic v Pinecot P/L)	(Interlocutory Application heard, (awaiting listing
Sfiligoj v Parry	Adjourned, attempting to locate respondent
Cooper v Jewel Group	Awaiting Listing
Lewin v TEABBA & Cummings	Adjourned for conciliation
Smith v Ciarla	Interlocutory application heard, awaiting listing
Weigand v Pidgeon & NT Correctional Services	Adjourned for conciliation, awaiting re-listing
Bishop v Lend Lease	Adjourned for conciliation, awaiting relisting
Renouf v ABC & Gibson, Chalada, Bowden & Edwards	Awaiting Listing
MacLeod v JSK Nominees P/L	Awaiting Listing
Powell v Woolworths	Awaiting Listing
Barton-Johnson v Darwin Turf Club	Awaiting Listing
McGreevy v Anyinginyi Congress	Settled prior to hearing
McDonnell v Richards	Awaiting Listing

Appeals

Appeals lie from the Commission to the Local Court under s.106 of the Act. In *MAS Berhad v ADC & Lee Trigg SM* interpreted this section as providing for appeals only on decisions that effectively bring a matter to finality (i.e. the rejection of complaints, negative prima facie decisions or hearing orders).

Appeals Finalised During 1999/2000

Lee v ADC & Mc Aliece , Thompson & Dept of Education

Appeal against prima facie finding of delegate. Matter settled and appeal discontinued.

Lambe v ADC & Cox Peninsula Community Government Council

Appeal against s. 102 decision by Commissioner. Dismissed.

Kalich v ADC & Es

Appeal from hearing. Matter settled and appeal discontinued.

Fiorido v ADC

Appeal from decision of delegate not to accept complaint. Appeal upheld.

Braun v ADC & Imparja

Appeal against prima facie finding of delegate. Appeal dismissed.

Matters Part Heard

Spires v ADC & NTETA

Appeal against prima facie finding of delegate.

Spires v ADC and Dept of Transport & Works

Appeal against prima facie finding of delegate.

Fiorido v ADC & Territory Housing

Appeal against prima facie finding of delegate.

Anderson v ADC & Kernich and Eight Ball Assoc of NT Inc.

Appeal against prima facie finding of delegate.

Indicative Complaints

Indicative complaints that the Commission has dealt with are:

Case Study 1: Parenthood

The Complainant was employed as a casual bar worker. She had been employed for about six years working an average of 18 – 20 hours per week. The Complainant learnt that her daughter had been sexually assaulted. She sought one weeks “compassionate leave” (totalling about six shifts).

On her return the Complainant was advised that her shifts would be taken by someone else. She stated she believed she was being sacked and this was not disputed. The next day the Complainant was contacted and offered one shift per week. A complaint of discrimination on the grounds of parenthood was made out.

Case Study 2: Smoking (Impairment and Failure to Accommodate A Special Need)

A person who had a reaction to smoking experienced breathing difficulties, burning sensations in the throat and a shortness of breath each time they visited a shopping centre. Although the shopping centre displayed ‘no smoking’ signs at the entrance, smoking was still allowed in cafés located throughout the centre. The complainant wrote complaining to the Manager and provided a letter from their doctor explaining the condition and also stated that they were unable to continue shopping there because of their reaction to smoking. They did not receive a reply.

They then made an inquiry to the Commission, and lodged a complaint against the shopping centre management.

With conciliation, management agreed that they would include a ‘no smoking’ clause in all new leases. The management further agreed to provide extra signage and to continue support for a smoke free complex.

Case Study 3: Race

The Complainant was engaged to undertake some work. Her supervisor believed she had undertaken the work incorrectly and abused her in racial terms. A complaint was lodged with the Commission. The Complainant was advised that an isolated incidence of verbal abuse does not constitute discrimination under the Act. Her attention was drawn to the Racial Vilification provisions in Commonwealth legislation as perhaps providing a remedy.

Case Study 4: Impairment

A man, who presents with a slight limp from a previous injury, was successful in a job selection process that included a medical questionnaire. He mentioned in the questionnaire that, as a result of that injury, he negotiates stairs somewhat slower than the average person. As this did not impact on his ability to perform the requirements of the position effectively and efficiently, he was offered the job.

When he wished to establish whether the furniture would meet his needs, before starting the job, he received a letter rescinding the offer. This action was based on his medical condition which, the prospective employer said, he should have told them about before the interview. The matter was conciliated with an offer of compensation and the undertaking to attend training provided by the Commission.

Case Study 5: Association With A Person

The complainant was subject to less favourable treatment and racist comments because she had an Aboriginal boyfriend. She resigned and was denied a reference. The Complainant was awarded damages and a reference was provided by the employer.

Case Study 6: Pregnancy

A pregnant worker gave her employer notice of when she would be taking maternity leave and indicated that when she returned to work she wanted to work part time. The business was sold and the new owners offered the woman part time employment until her term date but this was withdrawn when she alleged discrimination. The complainant alleged that her position was terminated because she was pregnant and because of her subsequent desire to work part time to meet her family needs when she returned to work after the birth. The Commission found that the offer of limited work and the failure to re-employ or offer continuing employment to the Complainant is to be contrasted with offers of employment made to other workers to continue on in the new business. The Commission found that the Complainant suffered indirect discrimination on the basis of her parenthood because of the requirement to return to work full time. A settlement was reached in this matter.

Case Study 7: Marital Status/Parenthood

The Complainant was interviewed for a position. During the interview she was asked whether she was married and if so whether she had children. Comments were passed during the interview that the position involved a lot of travelling and that this would be difficult with young children. Other interviewees were not asked these questions. A member of the interview committee suggested the questions were inappropriate. After the Complainant left, the Chair of the interview committee advised the committee not to take matters relating to the applicant's marital status or parenthood into account. The Complainant was unsuccessful. It was found that the Complainant had not discharged the onus of proving that the non-appointment was a result of her marital or parental status. However, the asking of the questions itself was found to constitute discrimination and an award of damages was made on this basis.

Case Study 8: Impairment/Failure to Accommodate a Special Need

A retail outlet had two steps that needed to be negotiated to gain access. The complainant was wheel chair bound. Originally the respondent suggested that wheel chair bound patrons would be assisted by staff to gain access to the premises if they contacted management beforehand. In conciliation, after a prima facie finding, negative to the Respondent, an agreement was reached to provide wheel chair access.

Case Study 9: Race

A group of Aboriginal people was hassled in a busy shopping area. They felt acutely embarrassed and humiliated by this treatment which singled them out from a much larger group of people, who were doing the same things in the same area. Other non Aboriginal people were not hassled. They lodged a complaint and the matter settled in conciliation for compensation for damages and an agreement to provide a training program for the employees working in the area, to prevent situations like these from happening again.

Enquiries
Categories Of Prohibited Conduct
1 July 1999 - 30 June 2000

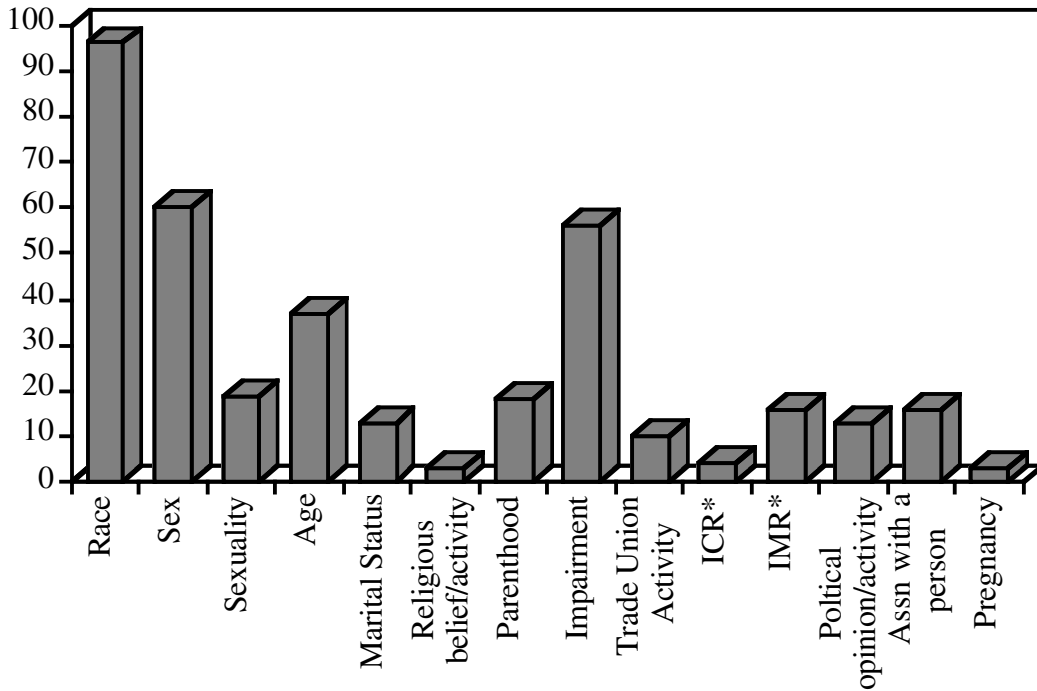
PROHIBITED CONDUCT	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Discrimination	41	38	36	55	39	32	34	37	35	42	47	42	478
Sexual Harassment	2	9	0	4	3	1	3	4	4	2	4	3	39
Victimisation	1	2	0	0	1	0	1	2	0	1	1	0	9
Failure to Accommodate Special Need	1	1	2	1	1	3	1	2	4	3	14	3	36
Discriminatory Advertising	0	0	0	1	2	3	2	4	1	0	1	1	15
Seeking Unnecessary Information	1	2	0	0	4	2	0	0	0	2	1	0	12
Aiding Contravention of Act	0	1	0	0	0	0	0	0	0	0	0	0	1
Total Covered by Act	46	53	38	61	50	41	41	49	44	50	68	49	590
NOT UNDER ACT													
- Referred to other Agencies	10	10	13	4	5	7	5	9	10	9	13	16	111
- Information Posted	2	2	1	0	3	1	1	3	5	1	2	2	23
- Information Given	1	3	6	2	6	5	2	6	5	2	6	5	49
- Appointment	0	0	0	0	0	0	0	0	1	0	0	0	1
Total not under Act	13	15	20	6	14	13	8	18	21	12	21	23	184
GENERAL INFO.													
- Referred to other Agencies	0	1	1	0	0	0	2	1	2	1	2	5	15
- Information Posted	5	4	0	5	3	2	2	3	4	2	5	4	39
- Information Given	7	9	6	4	7	4	4	6	10	10	10	9	86
- Appointment	0	0	0	1	0	0	0	0	0	0	0	0	1
Total General Information	12	14	7	10	10	6	8	10	16	13	17	18	141
MONTHLY TOTAL	71	82	65	77	74	60	57	77	81	75	106	89	915
MODE OF ENQUIRY													
- Telephone	64	72	58	69	63	51	44	66	70	63	97	82	799
- Personal	7	9	5	8	10	8	13	10	10	10	9	8	107
- Mail	0	1	2	0	1	1	0	1	1	2	0	0	9
Mode of Enquiry Total	71	82	65	77	74	60	57	77	81	75	106	90	915

Enquiries (Prohibited Conduct)
Areas Of Activities
1 July 1999 – 30 June 2000

PROHIBITED CONDUCT – DISCRIMINATION Grounds/Attributes	education	work	accommodation	goods/ service/ facilities	clubs	insurance/ super	Total
Age	1	31	0	7	6	0	45
Association with a person who has, or is believed to have, an attribute referred	0	8	0	1	1	0	10
Breastfeeding	1	2	0	0	0	0	3
Impairment	7	54	3	30	0	5	99
Irrelevant Criminal Record	1	12	0	3	0	1	17
Irrelevant Medical Record	0	4	0	1	0	0	5
Marital Status	0	19	5	5	1	0	30
Parenthood	0	15	4	9	0	0	28
Political Opinion, Affiliation or Activity	0	2	0	1	0	0	3
Pregnancy	0	22	0	1	0	0	23
Race	7	49	10	22	1	3	92
Religious Belief/Activity	1	5	0	0	0	0	6
Sex	2	73	1	8	1	1	86
Sexuality	1	20	0	0	0	0	21
Trade Union Activity	0	10	0	0	0	0	10
Total	21	326	23	88	10	10	478

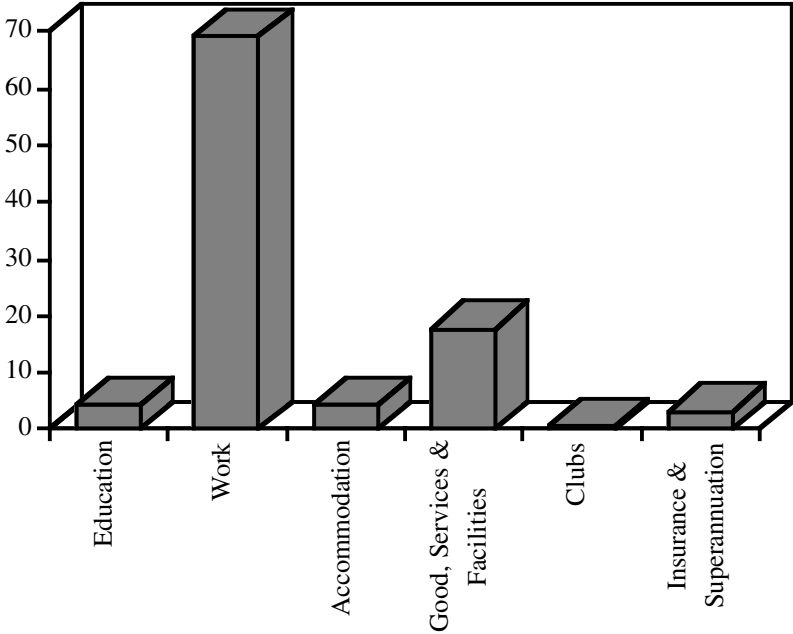
PROHIBITED CONDUCT Grounds	education	work	accommodation	goods/ service/ facilities	clubs	Insurance/ Super	Total
Aiding Contravention of Act	0	1	0	0	0	0	1
Discriminatory Advertising	0	12	1	1	0	1	15
Failure to Accommodate Special Need	4	20	3	9	0	0	36
Sexual Harassment	2	36	0	1	0	0	39
Seeking Unnecessary Info	0	7	0	4	0	1	12
Victimisation	0	6	0	2	0	1	9
Total	6	82	4	17	0	3	112
TOTAL ENQUIRIES	27	408	27	105	4	19	590

Breakdown of Discrimination Enquiries Transactions



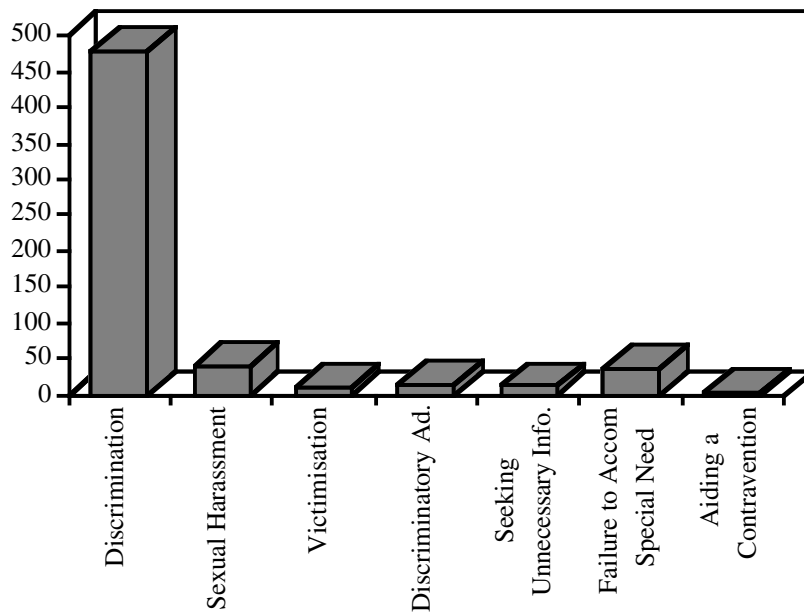
* ICR = Irrelevant Criminal Record
 * IMR = Irrelevant Medical Record

By Areas by Percentage



Enquiries Transactions - 1 July 1999 - 30 June 2000
Category of Prohibited Conduct

Discrimination	478
Sexual Harassment	39
Victimisation	9
Discriminatory Advertising	15
Seeking Unnecessary Information	12
Failure to Accommodate Special Need	36
Aiding a Contravention	1
Total	590

By Prohibited Conduct


Comparison of Enquiries Received by Month and Year

	1995/96	1996/97	1997/98	1998/99	1999/2000
July	52	82	78	81	71
August	68	79	99	64	82
September	71	82	123	120	65
October	78	66	91	97	77
November	94	51	72	115	74
December	50	53	55	49	60
January	54	65	72	59	57
February	102	77	101	89	77
Mary	100	54	80	101	81
April	64	75	76	81	75
May	85	76	89	81	106
June	85	72	77	73	90
Total	903	832	1013	1010	915

Yearly Comparison of Enquiries Received

Year	Total Enquiries Received
1 July 1994 – 30 June 1995	734
1 July 1995 – 30 June 1996	903
1 July 1996 - 30 June 1997	832
1 July 1997 - 30 June 1998	1013
1 July 1998 - 30 June 1999	1010
1 July 1999 - 30 June 2000	915

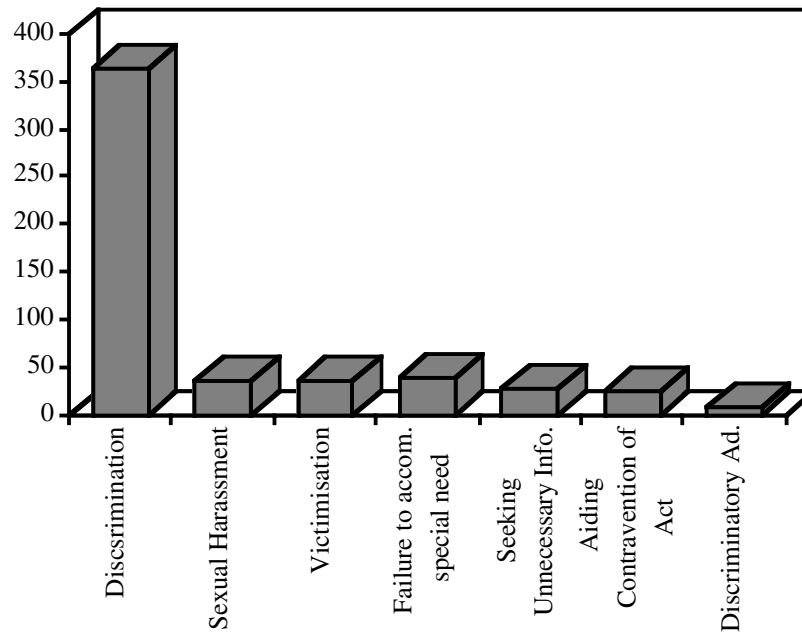
These figures relate to the particular year, they are not cumulative.

Formal Grounds/Complaints 1 July 1999 – 30 June 2000

Categories of Prohibited Conduct

Discrimination	364
Sexual Harassment	35
Victimisation	36
Failure to Accommodate Special Need	37
Seeking Unnecessary Information	26
Aiding Contravention of Act	25
Discriminatory Advertising	8
Total	531

By Prohibited Conduct



**COMPLAINTS
(AREAS OF ACTIVITIES)
1 July 1999 – 30 June 2000**

PROHIBITED CONDUCT – DISCRIMINATION Grounds/Attributes	Educ	work	Accom.	goods/ services/ /Fac	clubs	insurance/ super	Total
Age	3	24	0	6	0	4	37
Association with person who has, or is believed to have, an attribute referred	1	8	0	6	1	0	16
Breastfeeding	0	0	0	0	0	0	0
Trade Union/Employer Assoc. Activity	0	10	0	0	0	0	10
Impairment	7	22	1	22	0	4	56
Irrelevant Criminal Record	0	3	0	1	0	0	4
Irrelevant Medical Record	0	12	0	2	0	2	16
Marital Status	0	9	0	4	0	0	13
Parenthood	0	10	0	8	0	0	18
Political Opinion, Affiliation /Activity	0	7	0	6	0	0	13
Pregnancy	0	3	0	0	0	0	3
Race	4	24	4	64	0	0	96
Religious Belief/Activity	0	2	0	1	0	0	3
Sex	7	46	0	6	1	0	60
Sexuality	3	16	0	0	0	0	19
Total	25	196	5	126	2	10	364

PROHIBITED CONDUCT Grounds	Educ	work	accom	goods/ services/ /Fac	clubs	Insurance /super	Total
Aiding Contravention of Act	7	17	0	1	0	0	25
Discriminatory Advertising	0	3	0	4	0	1	8
Failure to Accommodate Special Need	5	13	0	18	0	1	37
Sexual Harassment	6	27	0	2	0	0	35
Seeking Unnecessary Information	0	20	0	5	0	1	26
Victimisation	1	25	0	10	0	0	36
Total	19	105	0	40	0	3	167

TOTAL COMPLAINTS FOR 1999/2000

531

FORMAL GROUNDS/COMPLAINTS ON HAND

	OPENED				CLOSED				ON HAND			
	96/97	97/98	98/99	99/00	96/97	97/98	98/99	99/00	96/97	97/98	98/99	99/00
July	21	15	39	46	22	9	26	29	129	111	170	304
Aug	9	19	19	32	5	26	30	31	133	104	159	305
Sept	25	21	18	32	40	19	30	26	118	106	147	311
Oct	15	17	25	18	14	17	11	7	119	106	161	322
Nov	15	13	52	19	24	23	10	16	110	96	203	325
Dec	18	24	31	14	11	12	28	17	117	108	206	322
Jan	14	20	15	16	15	12	21	29	116	116	200	309
Feb	16	35	23	8	21	9	18	25	111	142	205	292
Mar	15	22	85	30	17	25	23	36	109	139	267	286
Apr	14	30	49	15	8	15	52	23	115	154	264	278
May	11	27	23	24	9	19	29	34	117	162	258	268
June	9	24	68	25	21	29	39	16	105	157	287	277
Total	182	267	447	279	207	215	317	289	105	157	287	277

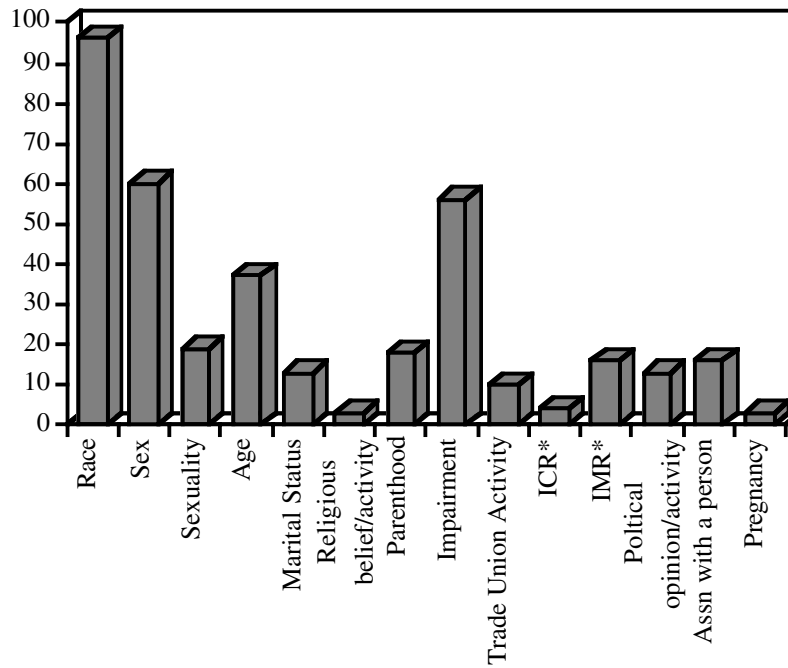
Note: one 'file' may contain a number of different grounds of complaint.

Outcomes of Formal complaints

Discontinuance by Commissioner (s102)	6
Dismissed - no prima facie found (s76)	65
Lapsed or Lost Interest (s72)	21
Referred to Hearing	21
Rejected at Outset (s66-69)	92
Settled	52
Withdrawn by Complainant (s71)	32
Total	289

Areas of Activities 1 July 1999 – 30 June 2000

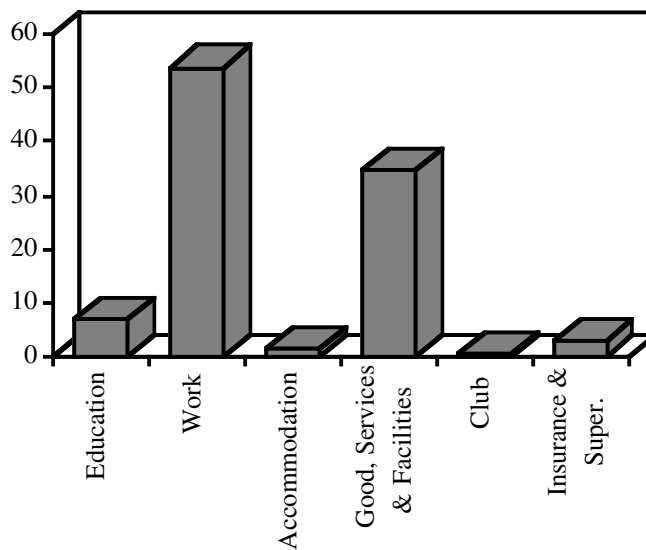
Formal Complaints: Breakdown of Discrimination



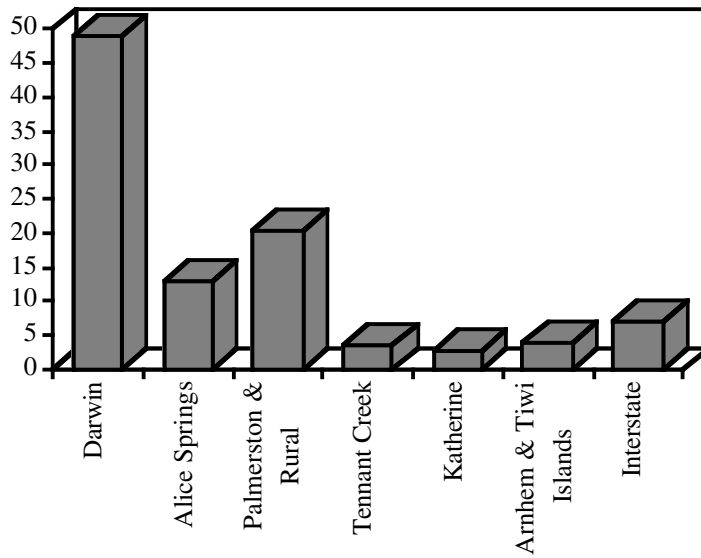
*ICR – Irrelevant Criminal Record

*IMR – Irrelevant Medical Record

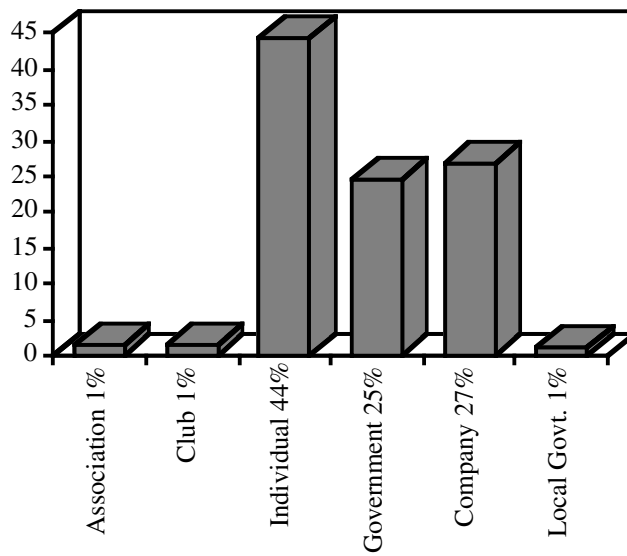
By Area by Percentage



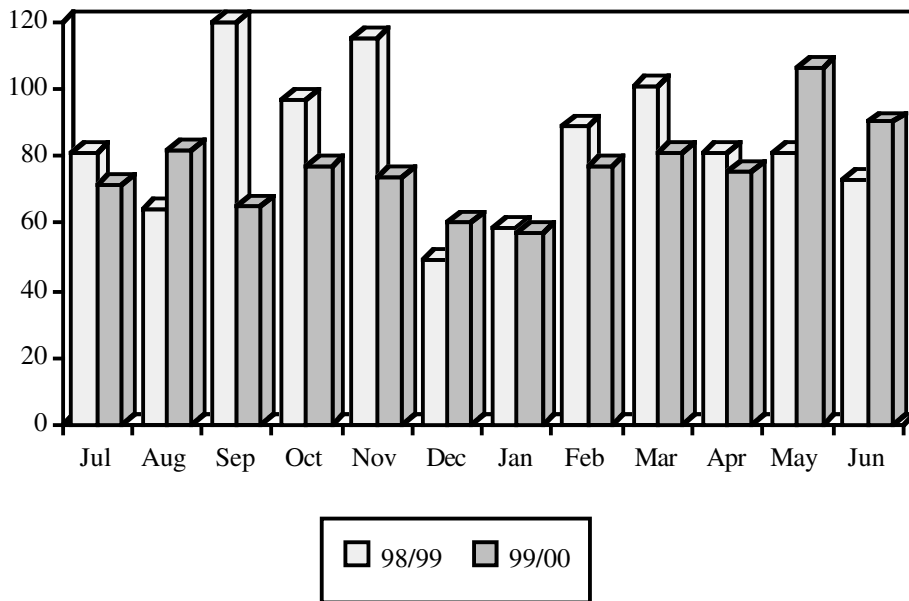
By Percentage By Region



Respondents' Profile By Percentage



Comparative – Enquiries Received



Comparative – Complaints Received

