



ANNUAL REPORT

2002-2003



The Hon Peter Toyne MLA
Attorney-General
Parliament House
State Square
DARWIN NT 0800

Dear Attorney-General

Pursuant to section 16 of the *Anti-Discrimination Act 1992*, please find attached the Annual Report on the operations of the Anti-Discrimination Commission for the period 1 July 2002 to 30 June 2003.

Yours sincerely

A handwritten signature in blue ink, which appears to read "Tony Fitzgerald". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Tony Fitzgerald

30 September 2003

CONTENTS

LETTER TO THE MINISTER.....2

INTRODUCING OUR NEW LOGO4

AGENCY ACCESS5

FUNCTIONS OF THE COMMISSIONER6

OVERVIEW8

FROM THE COMMISSIONER9

CONCILIATION, POLICY, AND LAW14

PUBLIC EDUCATION.....39

PUBLICATIONS.....46

Introducing Our New Logo



The Embrace

Shows a simplified icon of a male, a female and a person with a disability embracing.

Represents caring – the figures' arms encircle each other in both a supporting and protective manner; and represents hope – the male figure's head is tilted slightly upwards, looking to the future.

Covers issues of colour, sex and physical disability.

Agency Access

Darwin 7th Floor
9-11 Cavenagh Street, Darwin NT 0801

Postal Address: LMB 22 GPO
Darwin NT 0801

General Enquiries:

Darwin: Telephone: (08) 8999 1444
TTY: (08) 8999 1466
Freecall: 1800 813 846
Facsimile: (08) 8981 3812
Helpline 1800 501 288
Website: www.adc.nt.gov.au

Alice Springs Ground Floor, Centre Point Building
(Opposite Diplomat Hotel)
54 Hartley Street, Alice Springs NT 0870
Telephone: (08) 8951 5818

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.

Section 13 Anti-Discrimination Act 1992

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 grounds and areas specified in the *NT Anti-Discrimination Act 1992* (the Act).

The Commission investigates and conciliates complaints within its jurisdiction. Complaints not resolved by conciliation may proceed to formal hearing convened by the Commissioner where binding orders, including injunctions and the payment of compensation, may be pronounced. The Commission also provides extensive public education and training to individual members of the community and the public and private sectors, and advises generally on rights and responsibilities under the Act.

Most of the Commission's investigation and conciliation activity is complaint driven, but the Commissioner does have power to investigate on his own initiative the activities of a person to determine whether they are inconsistent with the purposes of the Act.

The overwhelming number of complaints are resolved through conciliations managed by our two staff conciliators. Average complaint resolution time is now 3.5 months which is the smartest complaint turn around time in the nation.

The Commissioner is required to assist both government and non-government organisations to develop and implement strategies to overcome unlawful discriminatory acts and practices, and advises the Northern Territory Government on laws and regulations of the Territory to ensure they are consistent with the Act. The Commissioner may also prepare and publish guidelines and codes of practice to assist people and organisations to comply with the Act.

From the Commissioner



Tony Fitzgerald
Commissioner

The Anti-Discrimination Commission is charged with the responsibilities of promoting equality in the Territory and eliminating unfair discrimination and sexual harassment pursuant to the provisions of the *NT Anti-Discrimination Act* (the Act).

Since commencing duties in late October 2002 I have intensified the Commission's ongoing efforts to raise its profile and make itself more accessible to the community. If we attain these goals our prospects of meeting our responsibilities are greatly enhanced.

We have recently introduced measures to improve our performance as follows:

- In March 2003 the Commission opened an office, co-located with the Office of the Ombudsman, in Alice Springs. This is the Commission's first permanent presence outside the Darwin CBD.
- Our negotiations with government to establish an additional and more accessible shop front office in Casuarina are continuing.
- We now issue a quarterly newsletter - in hard copy and on-line - covering current topics of interest.
- We have a new distinctive and appropriate logo, and we ran a Territory wide competition in schools to assist in its design.
- We are also offering prizes to NT school students for poster design and essay writing.
- In May 2003 the Commission became a member of Australian Council of Human Rights Agencies (ACHRA) comprising the Commissioners/Presidents of the State and Territories' equal opportunity and anti-discrimination agencies. Through this membership, and our close relationship with the Human Rights and Equal Opportunity Commission (HREOC), we are able to keep abreast of national issues.
- The Commission has recently engaged an additional Enquiries and Training Officer (we now have two trainers).
- In conjunction with the Aboriginal Interpreter Service we are developing an improved strategy for delivery of our message (ie rights and responsibilities under the Act) to outlying areas of the Northern Territory. We hope to visit these areas accompanied by interpreters who will be more effective after receiving training in the principles of equal opportunity and anti-discrimination.

In addition, the long awaited review of the Act is currently in progress. A discussion paper will shortly issue to stimulate public comment on proposed amendments which seek to broaden the scope of the Act.

Administration

The Commission is now a Division of the Department of Justice, and has contributed to the Department's Annual Report. The Department of Justice Annual Report addresses the reporting requirements imposed under section 28 of the *Public Sector Employment and Management Act 1993* and the *Financial Management Act*. The Commission retains its independent statutory authority status and its direct (statutory) relationship with the Attorney General.

Process

The Commission's aims of eliminating discrimination and promoting equal opportunity and human rights are achieved by investigating complaints, helping to settle complaints through conciliation or hearing, and by educating the community about its rights and responsibilities under the Act. The Commission frequently provides expert and timely advice in an effort to avoid prohibited conduct.

Notably, the Commission doesn't actually represent complainants. Both parties to a complaint are initially assisted through the investigation of their disputes, and then by neutral conciliators who help people resolve their differences as amicably as possible. Conciliation is a powerful process which enables people to work out their own solutions and enables them to treat each other with respect and decency.

If the parties are unable to resolve their differences then the complaint proceeds to a public hearing before the Commissioner. At the hearing the parties may appear unrepresented or seek leave to be represented by a legal practitioner.

A more comprehensive and transparent analysis of the Commission's "process" occurs below under the "Conciliation, Policy and Law" section.

Staffing

The approved staffing level for the Commission is nine including the Commissioner. The Commission currently employs eight staff members comprising two conciliators (both lawyers), two educator/trainers, one office manager, two administrative assistants and a receptionist.

Several positions have been recently upgraded in accordance with the Job Evaluation System.

During the year, one conciliator resigned and was temporarily replaced by a very

capable and experienced conciliator on loan from the Queensland Anti-Discrimination Commission. A permanent replacement will commence duties in November 2003.

The Diagram in page 13 illustrates the current staffing profile of the Commission.

Activities

The following is a snapshot of the Commission's activities during the year.

We have made written and oral submissions on reforms to the Planning Act and the NT Planning Scheme, and contributed to the Australian Council of Human Rights Agencies' (ACHRA) submission to the Senate Inquiry into proposed Federal government changes to the Human Rights and Equal Opportunity Commission (HREOC). Also the Commission has commented on the Office of the Commissioner for Public Employment's Indigenous and Disability Employment Strategies, held discussions with the Productivity Commission during its inquiry into the *Federal Disability Discrimination Act*, and advised the Attorney-General from time to time on NT legislation.

The Commissioner visited HREOC in Sydney and met the HREOC Commissioners, attended a meeting of ACHRA (see above) in Adelaide, addressed the NT Criminal Lawyers Conference, and attended various speaking engagements in Darwin including UN Interfaith Service, Itinerants Forum, school visits, youth groups, Harmony Day, citizenship ceremonies, disability groups, and NT Multicultural Council.

We visited Katherine and Alice Springs, met the mayors and various community organisations, and visited Batchelor Institute of Indigenous Tertiary Education.

We opened our Alice Springs Office, and launched the "Play By The Rules" sports campaign, the 10th Anniversary of the *Disability Discrimination Act*, and hosted a visit by officials of the State Ethnic Affairs Commission of China.

Community Visitor Program (CVP)

This program is operated by the Commission, funded by the Department of Health and Community Services and established pursuant to the *NT Mental Health and Related Services Act 1999* (Part 14).

The Community Visitor Program aims to safeguard the rights and health of community members whose mental health problems limit their capacity to access existing complaint mechanisms

The Program provides an independent mechanism to redress the concerns of clients of Mental Health Services in the Territory. The function of the Anti-Discrimination Commission in operating this program is the subject of a separate Community Visitor Program Annual Report. Briefly, the Anti-Discrimination Commissioner is the

Principal Community Visitor and the conciliation staff of the Commission serve as Community Visitors under the program. Community Visitors undertake visits on their own initiative, at the behest of the Minister, or in response to a complaint/request from a person. The Principal Community Visitor is also responsible for the appointment of Community Visitor Panels which undertake regular inspections of agencies and facilities under the relevant legislation.

Social Change

Whilst the handling of enquiries and complaints results in the enthusiastic and dedicated commitment of a considerable proportion of our resources, the Act unwaveringly directs us to the difficult task of effecting social change by raising community awareness, understanding and acceptance of human rights, equal opportunity and anti-discrimination issues.

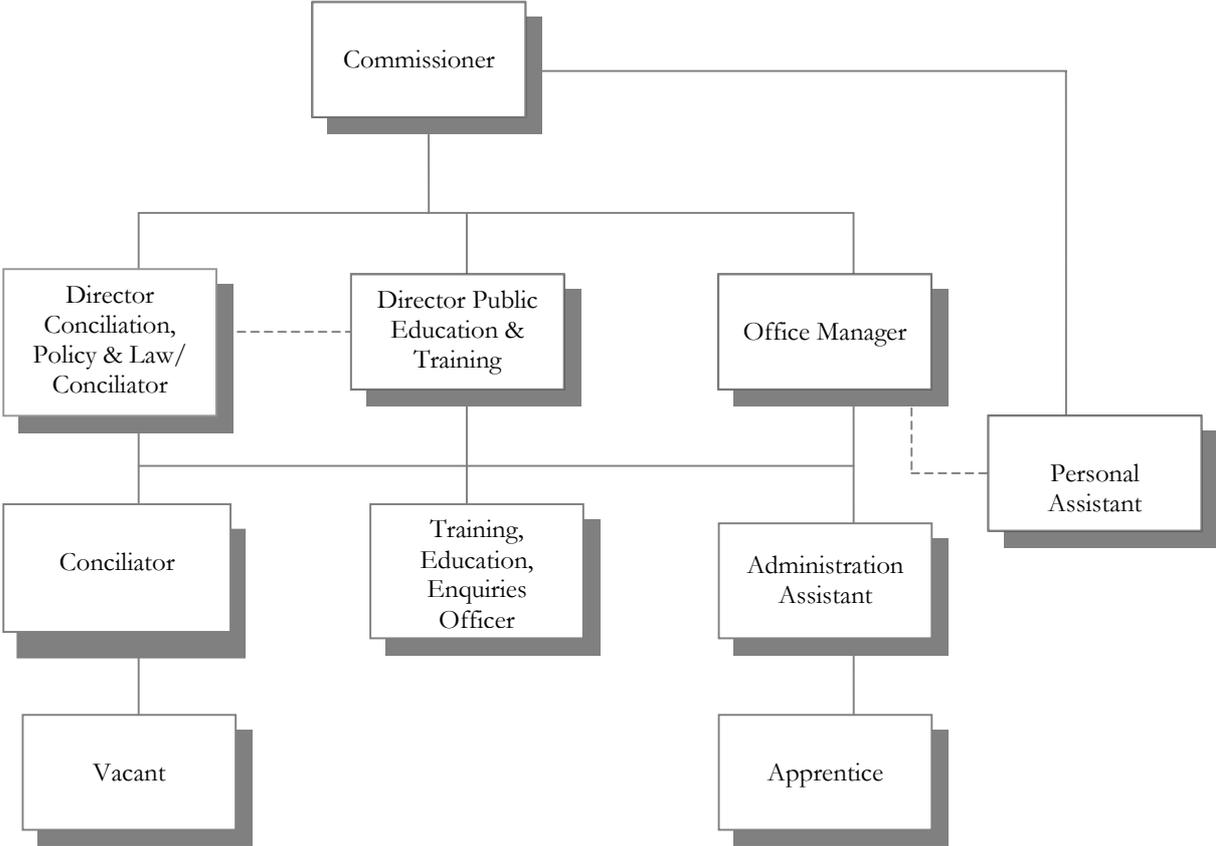
As such we are acutely aware of the need to operate proactively through maintenance and expansion of our education and training initiatives. In this regard we expect positive results from our steadily developing strategy for delivery of information to the more remote regions of the Territory.

I might add that our complaint handling process, which is inherently reactive, also contains a proactive element. During conciliation the parties often develop an enduring respect for one another and develop an awareness of human rights and anti-discrimination principles. Moreover a not uncommon conciliation outcome is that one of the parties agrees to undertake a course of instruction in such principles. The overall tendency of decent conciliated outcomes is to raise the level of social harmony as participants and their associates appreciate the value of treating each other respectfully.

At the Commission we look forward to a productive, creative, challenging and harmonious year of activity.

Tony Fitzgerald
Anti-Discrimination Commissioner

APPROVED STAFFING ESTABLISHMENT
(as at 30 June 2003)



Conciliation, Policy and Law



Terry Lisson
Director

One of the Anti-Discrimination Commissioner's functions is to "*carry out investigations and hearings into complaints and endeavour to effect conciliation.*" In performing this function the Anti-Discrimination Commission is a neutral body which does not represent either side in a complaint. There is a perception that the Commission assists or advocates for complainants. This is not correct. The function of the Commission in relation to complaints is to impartially assess, investigate, conciliate, and if necessary conduct hearings to determine complaints.

The *Anti-Discrimination Act 1992* ('the Act') provides that if the Commissioner has been involved in the investigation or conciliation of a complaint he is unable to conduct a hearing into the same matter. For this reason the Commissioner delegates the powers to investigate and conciliate complaints to senior Commission officers. The delegates' functions include receiving complaints; deciding whether to accept or reject complaints; conducting investigations; making decisions as to whether or not a complainant has established a *prima facie* complaint; and endeavouring to conciliate complaints including conducting conciliation conferences. If a complaint is not resolved through conciliation it is referred to a hearing before the Commissioner.

In the past the Commission tended to refuse permission for parties to have legal representation during the complaint-handling process. This policy was changed several years ago and the normal practice now is to permit representation unless a particular detriment to a party can be demonstrated. We have found that allowing legal representation often results in prompter investigation of complaints and a quicker achievement of reasonable settlements without the need to refer matters to hearing. If parties, particularly respondents, are permitted legal representation at all stages of a complaint, they are more inclined to feel that the process is fair and their rights adequately protected. However, in general, the complaint-handling process is still intended to accommodate unrepresented parties and parties are encouraged to avoid the cost of legal representation by taking advantage of the impartial services of the Commission's conciliators.

Enquiries

For most people the first contact they have with the Anti-Discrimination Commission is when they make an enquiry. The Commission provides free and confidential advice in response to these enquiries. The Commission's website is also used by many to obtain information that might otherwise be obtained by using the telephone or by coming in person to the Commission's office.

The Commission has had an increased number of telephone and walk-in enquires (from 666 to 796) but has nevertheless continued its excellent response time in relation to enquiries with 99% responded to in less than 24 hours. Enquiries often involve follow-up calls and work to provide general information and to attempt to resolve disputes before they become full-blown complaints.

The Commission also operates a dedicated “Helpline for Managers and Supervisors” (NT Freecall number 1800 501 288), which aims to prevent discriminatory conduct by providing advice to assist managers in dealing effectively with complaints

Summary of Complaint handling in 2002/2003

The number of complaints handled by the Commission (219) and the number of files opened (150) is virtually identical to last year. What is significant however is that the number of conciliated complaints increased from 47 to 59. (This includes 8 complaints that proceeded to hearing this year, and were then settled by conciliation during the course of the hearings.) Also, all stages of complaint-handling have shown a reduction in the time taken by the Commission, with the average time from acceptance to resolution now only 3.5 months.

The high rate of conciliated settlements achieved, and the timely provision of service, is a reflection of the continued refinement and improvement of the processes of the Conciliation, Policy and Law section, particularly in the areas of:

- earlier and better communication with respondents
- early intervention and preliminary conciliation conferences held prior to a respondent making a formal response
- more flexible processes including voluntary conciliation conferences at any appropriate stage
- permitting legal representation
- prompt and well-reasoned decisions rejecting complaints which do not meet the criteria for acceptance under the Act.

Complaint Process (Overview)

a. Discrimination, Prohibited Conduct and Areas of Activity

The Act prohibits discrimination on the ground of any of the following attributes:

- (a) race
- (b) sex
- (c) sexuality

- (d) age
- (e) marital status
- (f) pregnancy
- (g) parenthood
- (h) breastfeeding
- (i) impairment
- (j) trade union or employer association activity
- (k) religious belief and activity
- (l) political opinion, affiliation and activity
- (m) irrelevant medical records
- (n) irrelevant criminal record
- (o) association with a person who has, or is believed to have, an attribute referred to in this section.

The Act also sets out other forms of prohibited conduct including:

- (a) refusing to allow guide dogs
- (b) sexual harassment
- (c) failure to accommodate a special need
- (d) victimisation
- (e) seeking unnecessary information
- (f) discriminatory advertising
- (g) aiding contravention of the Act.

Discrimination on the basis of any of these grounds is only unlawful if it occurs in one of the following areas of activity set out in the Act:

- (a) education
- (b) work
- (c) accommodation
- (d) goods, services and facilities
- (e) clubs
- (f) insurance and superannuation.

Many misunderstandings concerning discrimination arise from a misconception that the *Anti-Discrimination Act 1992* covers any conduct that may be described as discrimination. It is important to note that unlawful discrimination is limited to the attributes contained in the Act. People often complain about forms of unfair treatment or harassment that are not based on any attribute under the Act or do not occur in an area of activity covered by the Act. They are advised that not all conduct that appears to be discriminatory is unlawful, only matters defined by the Act.

b. Acceptance of Complaints (Sections 65, 66, 67 and 68)

Complaints alleging discrimination or other prohibited conduct must be in writing and be made not later than 6 months after the alleged prohibited conduct took place.

Once the Commission receives a written complaint, an initial decision is made as to whether the complaint should be accepted or rejected. The Act requires this decision to be made within 60 days.

Although a complaint must be rejected if it is outside the 6-month time limit, the Act does give discretion to accept complaints outside the time limit when it is "*appropriate*" to do so. This discretion will generally be exercised if a complainant is able to demonstrate that the justice of the case requires an extension. Conduct that occurred out-of-time will also usually be allowed to form part of a complaint if it is shown that it is part of a continuing pattern of prohibited actions.

A complaint must also be rejected if the delegate reasonably believes that it is frivolous, vexatious, trivial, misconceived, lacking in substance or if it fails to disclose any prohibited conduct. If this appears to be the case, the Commission will often utilise the 60 day period to make preliminary inquiries regarding the complaint. Complainants may be asked to provide further information in support of their complaint and potential respondents are often contacted at this stage, particularly if it appears that the information provided by the complainant is incomplete or if the complaint is outside the 6-month time limit. If further information is obtained at this early stage, all parties are given an opportunity to comment on it before a decision is made regarding acceptance. It is worth noting that often, by making early contact with a potential respondent to discuss the complaint, disputes can be de-fused and a satisfactory resolution can be achieved, without the need to proceed through the formal complaint-handling process.

Once a complaint is accepted, it is the Commission's general practice to contact the Respondent by telephone before sending out the formal complaint notification letter. This initial contact is used to explain the nature of the complaint, why it was accepted, and the Commission's complaint-handling processes. We are certain that speaking to a respondent at this early stage helps to allay any concerns or misconceptions held by respondents, in particular the most common misconception, which is that the Commission represents a complainant or is promoting a claim.

95% of complaints lodged with the Commission last year were assessed and either accepted or rejected within the sixty days required by the Act. Those that were not dealt with within this statutory time limit often took longer because parties were difficult to contact or were slow in providing information needed for the delegate to make a decision.

If a complaint is rejected the Commission must notify the complainant in writing of the reasons for the rejection. Of the 170 complaints finalised for this year, 60 were rejected at the outset.

c. Investigation

After acceptance a complaint is investigated to determine if the complainant has established a *prima facie* case of discrimination. The investigation phase of complaint-handling gives the parties the opportunity to comment on any of the issues which may affect their interests. This is consistent with the principles of natural justice. It involves giving parties time to gather relevant information, allowing them to answer allegations, and to clarify the issues.

A delegate has wide discretion in the form of investigation under the Act, subject to the requirements of procedural fairness. The delegate may interview witnesses, seek medical or business records, and obtain other relevant records. If necessary, production of records may be compelled or a person may be compelled to attend proceedings under the Act.

In recent years the Commission has encouraged early conciliation of complaints. It is important to note that the investigation and conciliation phases of complaint handling are viewed as running concurrently, not consecutively. That is, conciliation does not have to take place at the conclusion of an investigation, but rather at any time that the parties can reach an acceptable resolution of the complaint.

d. Section 76 Prima Facie Decisions & Section 102 Decisions

At the end of the investigation stage, if the matter has not been conciliated, the delegate makes a *prima facie* decision from information gathered in the investigation. This decision is not a finding of fact or liability, but rather a finding made after testing whether there is sufficient *prima facie* evidence of the alleged prohibited conduct. *Prima facie* evidence is evidence which, if uncontradicted, would sustain the complaint. Of the 170 files completed this year 11 were dismissed at the *prima facie* stage on the basis that there was insufficient *prima facie* evidence.

Complaints may also be discontinued pursuant to section 102 of the Act if the delegate or Commissioner believes that the complaint is frivolous, vexatious, trivial, misconceived, lacking in substance or fails to disclose any prohibited conduct. We have tended to use this section to deal with complaints which were referred to hearing without a *prima facie* decision having been made or for complaints that were initially accepted and subsequently found not to disclose prohibited conduct. Of the 170 files closed this year, 15 were discontinued under section 102.

e. Conciliation

The conciliator's functions are to assist, as a neutral party, in the conciliation process by providing impartial advice, explaining options, helping to identify problems and legal issues and giving general advice regarding possible, probable and desirable outcomes for resolving complaints.

Conciliation processes take many forms, including formal confidential conciliation conferences that allow the parties to come together with a conciliator to discuss the

issues of the complaint and explore possible resolutions. Conciliation conferences may be held at various stages of the complaint-handling process. The most common conferences are voluntary ones which are held at any appropriate time in the process.

The Act does provide that, after a *prima facie* decision, the delegate may refer a complaint to a compulsory conciliation conference. However, no compulsory conciliation conferences have been held at the Commission in the past year. We believe that this is a reflection of the fact that parties have confidence in the fair and impartial processes of the Commission and are therefore willing to attend voluntary conferences.

If the parties are able through conciliation to resolve a complaint to their mutual satisfaction it is usual for a written settlement agreement to be prepared by the Commission for execution by the parties. Typical conciliated settlements might include such things as an apology, an agreement by a respondent to participate in anti-discrimination training, a commitment to change policies and practices, re-instatement in employment, and payment for damages in any amount agreed upon by the parties.

Of the 59 files that were accepted for conciliation during this year, 51 settled at the conciliation stage and 8 failed to conciliate and were referred to hearing. This represents a settlement rate for accepted complaints of 86%, which increased to 96% because the 6 matters that did proceed to hearing within this financial year also settled by conciliation. This leaves outstanding only 2 complaints which were pending hearing and still unresolved at the end of the financial year. (Two other complaints dating from previous years also settled by conciliation this year, after being part-heard by the Commissioner.)

Overall, of the 170 files closed this year, 60 were rejected at the outset, 21 were withdrawn, 11 were dismissed at *prima facie*, 15 were discontinued pursuant to section 102, 4 lapsed due to lost interest, and 59 were accepted for investigation and conciliation. This means that, out of all complaints finalised this year, 64% were rejected, withdrawn or dismissed, 1% were unresolved pending hearing, and 35% were resolved by conciliation (an improvement of almost double the 18% that were settled by conciliation last year).

f. Hearings

If an accepted complaint is not resolved by conciliation the delegate refers it to hearing for determination by the Commissioner. The hearing is the final stage of the complaint-handling process. A complaint may proceed to a formal hearing by one of three ways:

- a complaint fails to conciliate after being referred for conciliation following a delegate's decision that there is *prima facie* evidence to substantiate the allegation of prohibited conduct

- a complaint is referred directly to hearing after a *prima facie* decision because the delegate is satisfied that the complaint cannot be resolved by conciliation
- pursuant to section 84 of the Act either party requests that the complaint proceed directly to hearing because the Commission has failed to deal with a complaint within six months (as very few complaints are now unresolved after 6 months this section is rarely invoked).

The hearing stage begins with a Registrar's Conference during which the parties meet to establish dates for the complainant to file Points of Claim which set up the substance of the complaint, and for the respondent to file Points of Defence, which set out the nature of the defence. The parties also discuss with the Registrar whether or not they wish to be legally represented, the number of witnesses they intend to call, how much hearing time they estimate will be needed, a suitable hearing date and any other matters that need clarification.

The hearing is, in appearance, similar to other hearings of tribunals or courts. However, in practice, Anti-Discrimination Commission hearings often are less formal and the Commissioner is not bound by the rules of evidence and may obtain any information on any matter, as the Commissioner considers appropriate. The Act requires the Commissioner to "*act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms*".

At hearing, the complainant has the onus of proving the case on the balance of probabilities. If so, the Commissioner then has the power to award damages of not more than the amount prescribed in the Regulations (which is currently \$60,000.00). The Commissioner may also order apologies, anti-discrimination training, that a respondent not repeat or continue a prohibited conduct, or that a person be employed, promoted or reinstated, etc.

The Act provides that if, at any time during a hearing, the Commissioner considers that a complaint may be resolved by conciliation he, "*may endeavour to resolve the complaint by conciliation.*" This has in fact occurred in all of the 8 complaints heard this past year. That is, all of the complaints commenced hearing and were then adjourned partway through the proceeding for a conciliation conference with a delegate which led to a negotiated settlement.

In the past there were often substantial delays in bringing complaints to hearing, but it is now common practice for the Registrar's conference to take place within two weeks, and the hearing within 3 months, of the date of referral to hearing.

The backlog of hearings carried over from previous reporting periods has now been cleared with the exception of two matters (*McDonnell v Richards* and *Bernabe v Myers*), which are currently before the Commissioner on applications for decisions under section 102 of the *Anti-Discrimination Act 1992*.

Hearings conducted or finalised during 2002/2003

Matter	Outcome
Ankin & Ors v Northern Territory (a large number of complaints were comprised in this hearing)	Dismissed by Hearing Commissioner Southwood in a decision delivered on 12 March 2003
Garovic v Pinecot Pty Ltd	Victimisation complaint set for hearing in March 2003 settled by conciliation in December 2002.
Garovic v Mudge	Hearing conducted in March 2003 with parties reaching a conciliated settlement during the hearing.
Powell v Mudge	Hearing conducted in March 2003 with parties reaching a conciliated settlement during the hearing.
McDonnell v Richards	Currently before the Commissioner awaiting section 102 decision.
Bourke v Department of Employment, Education, Training & McCormick	Hearing was scheduled for 22 January 2003. Matter settled by conciliation in November 2002.
Bernabe v Myers	Currently before the Commissioner awaiting section 102 decision.
Smith & Ors v Camm (4 Complaints)	Hearing conducted in April 2003 with parties reaching a conciliated settlement during the hearing
Rykiet v Camm	Hearing conducted in April 2003 with parties reaching a conciliated settlement during the hearing
Cubillo v Camm	Hearing conducted in April 2003 with parties reaching a conciliated settlement during the hearing
Two other complaints referred for hearing in this financial year settled at conciliation prior to hearing and, at the parties request, names are not to be made public.	

Appeals

Pursuant to section 106 of the Act some decisions of the Commissioner or his delegates may be appealed to the Local Court. This includes decisions to reject complaints, dismiss complaints at the prima facie decision-making stage, section 102 decisions to discontinue, or a decision at the hearing stage.

A number of recent decisions of the Magistrates and Supreme Court make it apparent that appeals to the Local Court from Anti-Discrimination Commission decisions will generally be decided by way of a re-hearing on the written material that was before the Commission and not as a *de novo* (new) hearing.

Appeals finalised during 2002/2003

Fiorido v Anti-Discrimination Commission & Territory Housing	Appeal dismissed by Local Court in January 2003.
Lee v Anti-Discrimination Commission & Darwin Bus Service	Withdrawn.
Tah v Anti-Discrimination Commission	Withdrawn.
Lone Father's Association v Anti-Discrimination Commission, Top End Women's Legal Service and Office of Ethnic Affairs	Appeal allowed. Returned to the Anti-Discrimination Commission for further investigation.

Example Complaints

Breastfeeding

The Complainant alleged that when she began breastfeeding her 10-month old baby she was suddenly asked to leave the bar where she had been drinking with her husband for a few hours. Investigation revealed that the Manager had asked her to move out of the bar and had said it was because "other patrons were complaining." However, the Manager denied that breastfeeding was the reason and claimed that the Complainant was only asked to leave because "club rules prohibited children at the bar". The Complainant disputed this and was adamant that the manager had asked her to leave because she was breastfeeding.

At a conciliation conference the matter was settled when the Respondent agreed to:

- Apologise to the Complainant
- Post a public notice advising all patrons that the *Anti-Discrimination Act* makes it unlawful to treat a person unfavourably because they are breastfeeding and confirming that the club would in the future follow a non-discriminatory policy regarding breastfeeding
- Make a donation of \$500.00 to the Australian Breastfeeding Association (Northern Territory Region)

Race

An Aboriginal woman sought help from a domestic violence intervention centre which attempted to find rental accommodation for her. When she and a care worker arrived to see the property, the landlord told them that he would not rent to "her kind" and went on to say that Aboriginal people didn't need units, "just a place on the floor for them and all their relatives".

The complainant was very upset and lodged a complaint of race discrimination that same day. The respondent was served with the written notice of complaint within 2 more days. He consulted a lawyer who advised the Commission that the respondent was prepared to meet with the complainant to apologise and attempt to find a conciliated resolution of the complaint. Unfortunately, almost immediately after being turned down for the accommodation, the Complainant had returned to her abusive spouse, and then left with him to go to a remote locality. All attempts to reach her over the next six months were unsuccessful.

Rather than let the complaint lapse because the Complainant had lost interest, the Commission decided to advise the Respondent that, pursuant to section 74(2), the Commissioner could proceed with the complaint on his own and would do so unless a satisfactory resolution could be achieved. This was accomplished when the Respondent agreed to receive education in discrimination issues and to write a letter confirming his understanding that his actions were unlawful and had caused terrible consequences. The Respondent also agreed to donate \$500.00 for the purchase of Christmas gifts for children who are victims of domestic abuse.

The Respondent advised the Commission that in his view the resolution was fair and

worthwhile.

Sex

The complainant alleged that she was discriminated against on the basis of her sex and sexually harassed. She said comments were made to her such as 'The boys are wondering why there are no customers, maybe you could go and stand out front with your top off', and suggestions that she had previously worked as a topless waitress.

The matter resolved when the respondents agreed to provide training for management and staff in discrimination and sexual harassment issues.

Special measures

The Complainant alleged race discrimination after an employer told him that he wasn't eligible to apply for a job that was advertised for persons of Aboriginal or Torres Strait Islander descent. It was explained to him that, while this is a form of race discrimination, it is not unlawful because the 'special measures' section of the *Anti-Discrimination Act 1992* provides an exemption for programs, plans or arrangements designed to promote equality of opportunity for a group of people who are disadvantaged. Aboriginal people are a disadvantaged group within society. Therefore specifically designating jobs for this group is a special measure and exempted from the Act. The complaint was dismissed as not disclosing prohibited conduct.

Sexual Harassment - Vicarious Liability

The complainant alleged that a co-worker touched her sexually and made inappropriate sexual comments to her in the workplace. She made a complaint of sexual harassment and sex discrimination against the co-worker and also alleged that the respondent was vicariously liable. She claimed that, by failing to respond quickly and adequately to the incident of sexual harassment, the respondent contributed to her anguish over the matter. She also felt that the programs the respondent had in place regarding workplace harassment and discrimination had not been properly implemented and that this had contributed to the workplace atmosphere in which the sexual harassment had occurred, and to the hostile attitude of her co-workers after she reported it.

At a conciliation conference the Respondent agreed to the following terms of settlement:

- (a) To provide a written apology to the Complainant for any hurt, humiliation, anguish or stress caused through any actions of the Respondent
- (b) To make reasonable efforts to ensure that a female Sexual Harassment Contact Officer is available at all times
- (c) To prominently display the company's Sexual Harassment Policy and Equal Employment Opportunity Policy statements in all NT workplaces

- (d) To re-credit the Complainant 2 days of sick leave
- (e) To pay \$3500.00 to the Complainant.

Impairment

The complainant alleged that his body corporate refused him permission to install a handrail which, due to a physical impairment, he needed for safer access to his unit. The respondent said permission for the handrail was withheld to exert pressure on the complainant to clean and tidy his unit and maintain it to the standards required by the body corporate.

After discussions with the Anti-Discrimination Commission regarding obligations to accommodate special needs pursuant to the *Anti-Discrimination Act 1992*, the respondent agreed to permit the handrail, provided the body corporate's concerns and frustration over the state of the complainant's premises were conveyed to him along with a request that he meet with them to discuss the issues. The parties were also referred to the Community Justice Centre to deal with these aspects of their dispute which did not come under Anti-Discrimination legislation.

Guide Dogs - Section 21

The Complainant attempted to travel on a small commercial airline accompanied by his hearing dog. He was told by airline staff that due to health and air-safety regulations his guide dog could not fly with him and would have to be stored in a cage and shipped in baggage. He contacted the ADC for immediate assistance as his flight was leaving in a few hours.

The ADC contacted the airline and advised them of the relevant law relating to guide dogs, in particular the provisions of section 21 of the *Anti-Discrimination Act 1992*. Information was also given regarding making reasonable accommodation of the Complainant's special need.

Based on this information, the airline agreed to apologise to the Complainant and to permit his guide dog to travel with him on the flight. It also agreed to ensure that all staff were made aware of the law regarding assistance dogs so that a similar situation would not arise in the future.

The complaint was resolved in less than a few hours.

Performance Reporting

The Anti-Discrimination Commission functions can be broadly divided into three main activities – investigation of complaints of discrimination received in accordance with the *Anti-Discrimination Act 1992*; assisting in the resolution of complaints through conciliation and by conducting hearings; and providing education and training regarding anti-discriminatory practices and human rights generally. Reflecting these functions, the Commission's outputs are divided into two groups, Complaints and Investigations, and Training and Public Awareness. Each output group is subdivided to allow analysis of the major activities within the function.

Complaints and Investigation

This describes the complaint acceptance, investigation, conciliation and hearing function of the Commission to achieve the resolution of complaints in accordance with the provisions and requirements of the *Anti-Discrimination Act 1992*.

Answer enquiries

Telephone, electronic mail, written or in person enquiries about rights and obligations under the *Anti-Discrimination Act 1992*.

Performance measures	Unit of Measure	2001 – 02 Actual	2002 –03 Actual	2003-04 Target
Quantity	Number of Enquiries	666	795	800
Quality	Negative comments to ADC supervisor		0	0
Timeliness	Average under 24 hours	99%	99%	99%

Assess Complaints

The acceptance or rejection of written complaints lodged with the Commission under section 66 of the *Anti-Discrimination Act 1992*.

Performance measures	Unit of Measure	2001 – 02 Actual	2002 –03 Actual	2003-04 Target
Quantity	Number of Complaints processed	223	219	220
Quality	Successful appeals against rejection to Local Court	0	6*	0
Timeliness	% Under statutory limit (60 days)	94%	95%	99%

* All six complaints arose from the same set of facts, but six separate ADC files were created because there were six complainants.

Investigate Accepted Complaint Files

Performance measures	Unit of Measure	2001 - 02 Actual	2002 -3 Actual	2003-04 Target
Quantity	Number of Complaints investigated	150	150	150
Quality	Number of successful appeals against rejection to Local Court	0	1	0
Timeliness	% Under statutory limit (6 months)	99%	97%	99%

Conciliate Complaints

Complaints proceeding to conciliation under section 78 of the *Anti-Discrimination Act 1992*.

Performance measures	Unit of Measure	2001 - 02 Actual	2002 - 3 Actual	200- 04 Target
Quantity	Number of Complaints conciliated	47	59	50
Quality	% of matters settled by conciliation	94%	96%	96%
Timeliness	Average time from reference to conclusion	3 mths	3.6 mths	3 mths

Hear Complaints

The hearing of complaints under section 83 of the *Anti-Discrimination Act 1992*.

Performance measures	Unit of Measure	2001 - 02 Actual	2002 -03 Actual	2003-04 Target
Quantity	Number of Complaints Heard	19	8	4
Quality	Number of successful appeals against decision to Local Court	0	0	0
Timeliness	Average time from reference to conclusion.	15 mths	6 mths	6

*Enquiries**1 July 2002- 30 June 2003*

PROHIBITED CONDUCT	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Total
Discrimination	15	19	23	22	24	14	19	21	16	14	31	30	248
Sexual Harassment	1	5			3			1		2	1	4	17
Victimisation					3	3		2		1			9
Failure to Accommodate a Special Need	2								1	2	1		6
Discriminatory Advertising	3												3
Seeking Unnecessary Information	1			1		1				2	2		7
Aiding Contravention of Act													
NOT UNDER ACT													
Referred to other Agencies	10	14	10	12	14	13	3	5	8	10	13	6	118
Information Given/Posted	10	11	13	14	10	7	6	7	8	13	8	17	124
Appointment					1								1
Not Able to be Referred	1												1
GENERAL INFORMATION													
Referred to other Agencies	3	1		3	1	2			3	1	3	2	19
Information Given/Posted	11	15	20	14	12	24	25	29	61	23	8	24	266
Appointment													
Not Able to be Referred													
MODE OF ENQUIRY													
Telephone	47	49	56	54	78	57	43	58	86	49	51	70	698
Personal	7	7	8	9	5	5	6	5	3	10	4	3	72
E-mail		4	1		5	1			3	3		4	21
Mail		2	1		2								5

Enquiries - Grounds & Area

1 July 2002- 30 June 2003

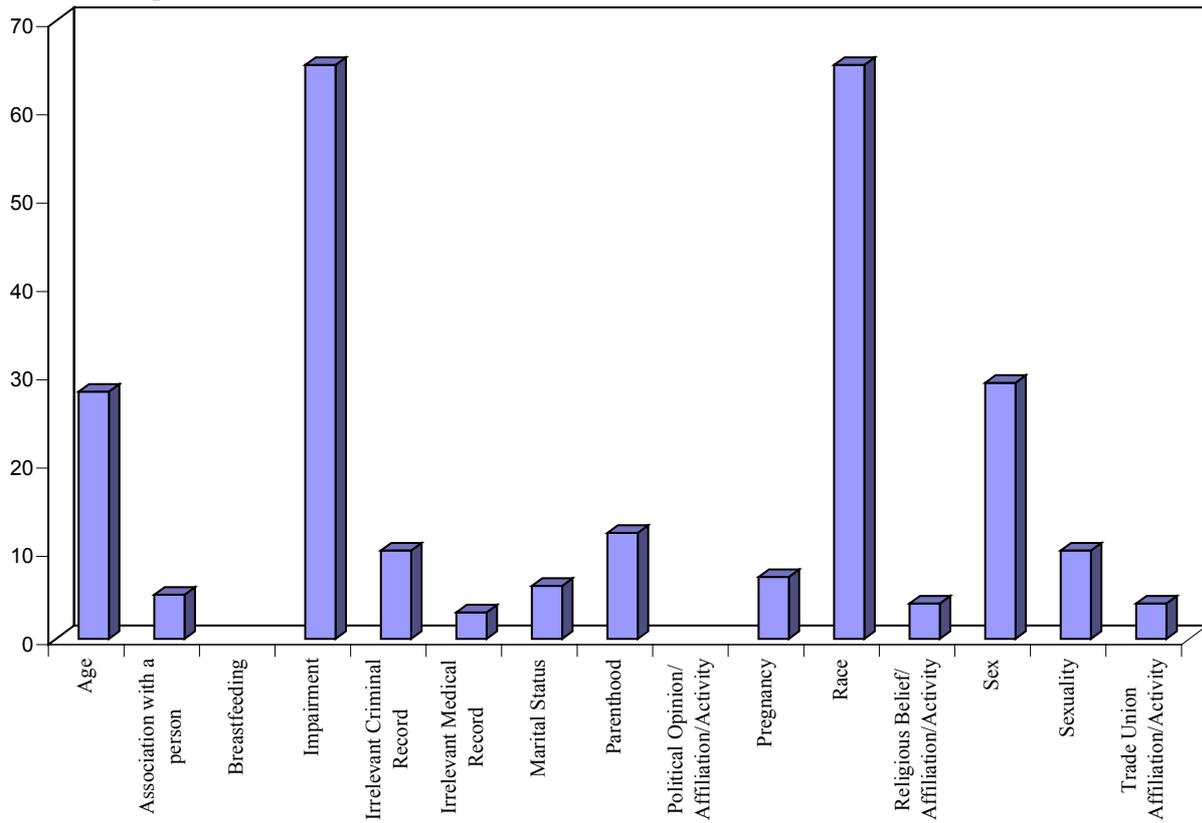
PROHIBITED CONDUCT - DISCRIMINATION Grounds/ Attributes	Education	Work	Accommodation	Goods/ Service/ Facilities	Clubs	Insurance/ Superannuation	Total
Age		19	2	4	3		28
Association with a person		2		3			5
Breastfeeding							
Impairment	6	40	1	17		1	65
Irrelevant Criminal Record		9			1		10
Irrelevant Medical Record		2		1			3
Marital Status	1	4		1			6
Parenthood		8		3	1		12
Political Opinion/ Affiliation/ Activity							
Pregnancy		7					7
Race	3	32	5	25			65
Religious Belief/ Affiliation/ Activity		3		1			4
Sex	2	24		3			29
Sexuality		8		2			10
Trade Union Affiliation/ Activity		4					4
Total	12	162	8	60	5	1	248

Enquiries - Prohibited Conduct & Area

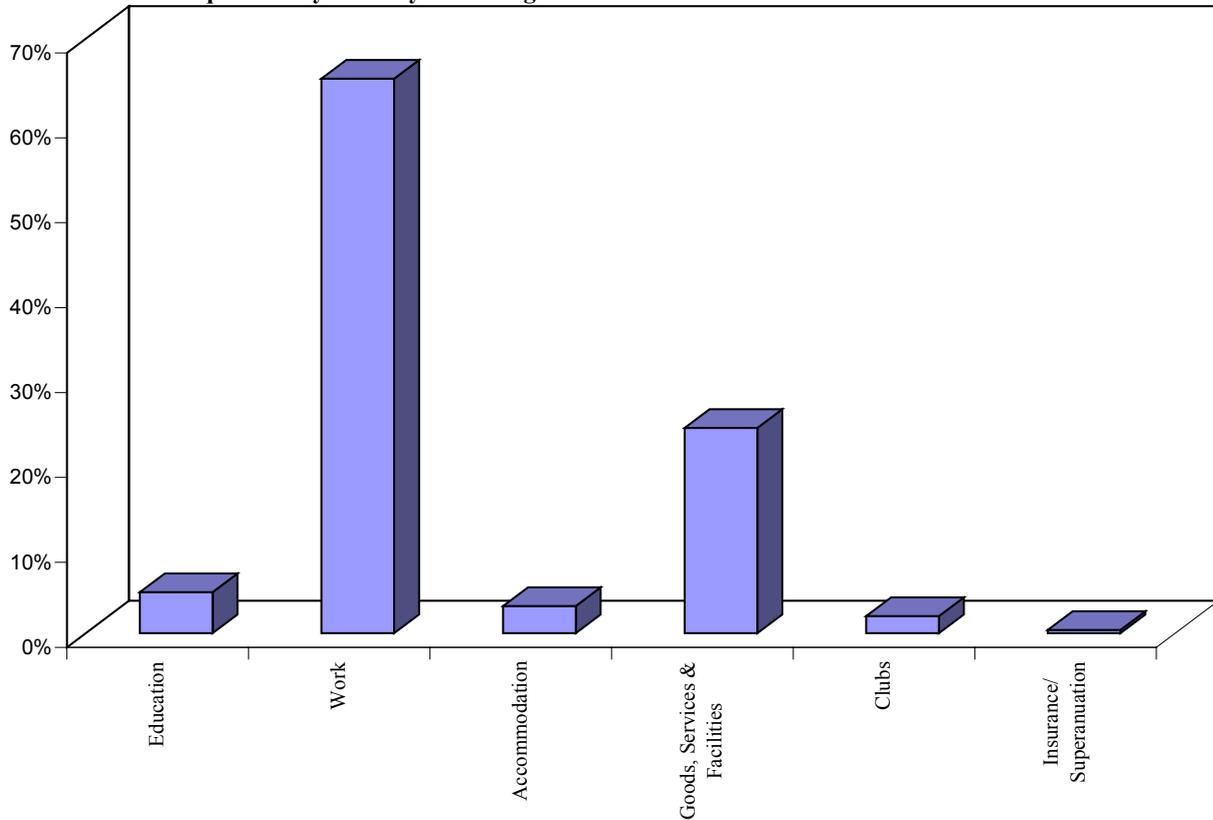
1 July 2002- 30 June 2003

OTHER PROHIBITED CONDUCT Grounds	Education	Work	Accommodation	Goods/ Service/ Facilities	Clubs	Insurance/ Superannuation	Total
Aiding Contravention of Act							
Discriminatory Advertising	1	1		1			3
Failure to Accommodate a Special Need	1	2		3			6
Sexual Harassment	2	15					17
Seeking Unnecessary Info		7					7
Victimisation		8		1			9
Total	4	33		5			42
TOTAL ENQUIRIES	16	195	8	65	5	1	290

Enquiries - Breakdown of Discrimination Transactions

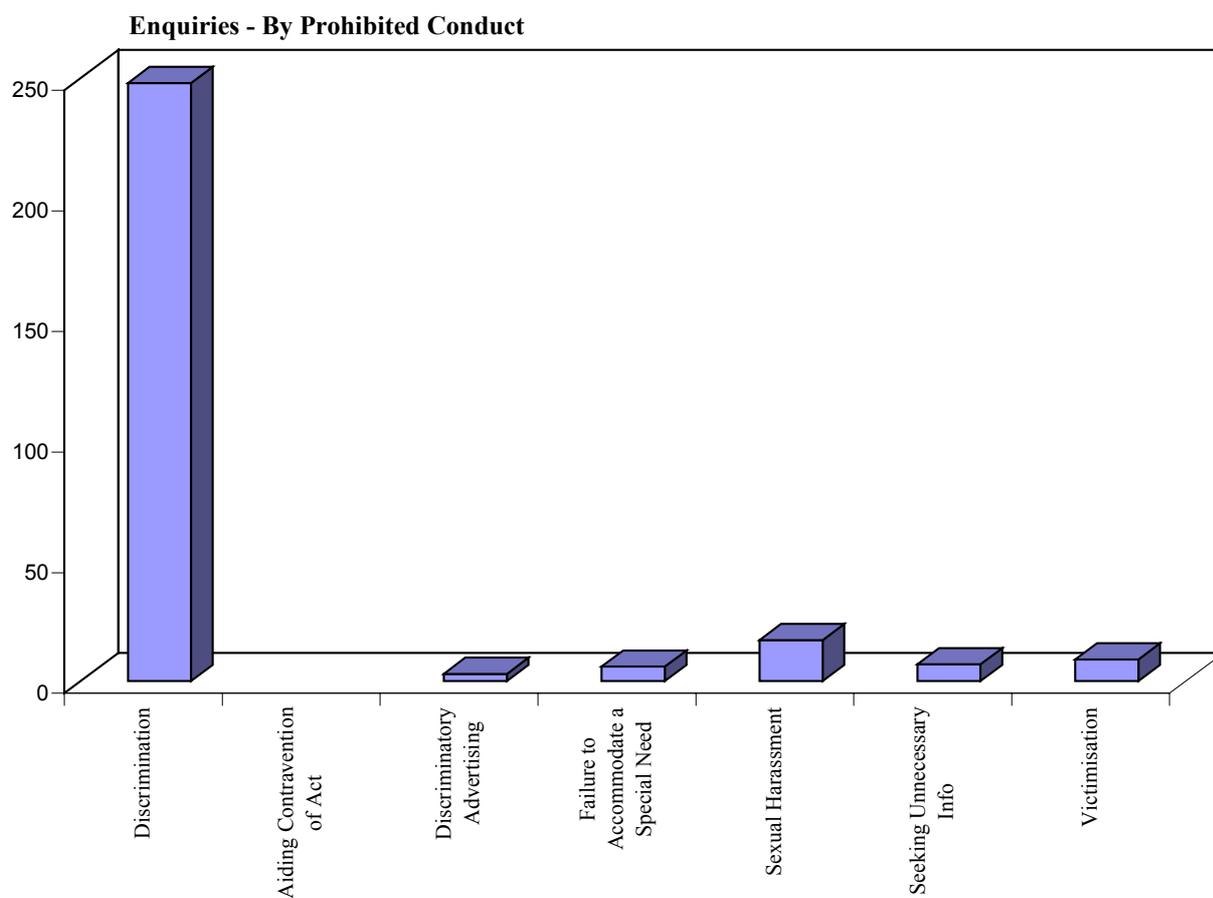


Enquiries - By Area By Percentage



Enquiries - Category of Prohibited Conduct	
Discrimination	248
Sexual Harassment	17
Victimisation	9
Discriminatory Advertising	3
Seeking Unnecessary Information	7
Failure to Accommodate a Special Need	6
Aiding a Contravention	
Total	290

NOTE: does not include enquiries "not under Act".



Comparison of Enquiries Received by Month and Year

	97/98	98/99	99/00	00/01	01/02	02/03
July	78	81	71	60	57	54
August	99	64	82	85	49	62
September	123	120	65	62	64	66
October	91	97	77	56	74	63
November	72	115	74	59	65	90
December	55	49	60	51	36	63
January	72	59	57	32	65	48
February	101	89	77	52	55	63
March	80	101	81	49	42	93
April	76	81	75	46	60	62
May	89	81	106	62	60	55
June	77	73	90	56	39	77
Total	1013	1010	915	670	666	796

Yearly Comparison of Enquiries Received

Year	Total Enquiries Received
1 July 1997 - 30 June 1998	1013
1 July 1998 - 30 June 1999	1010
1 July 1999 - 30 June 2000	915
1 July 2000 - 30 June 2001	670
1 July 2001 - 30 June 2002	666
1 July 2002 - 30 June 2003	796

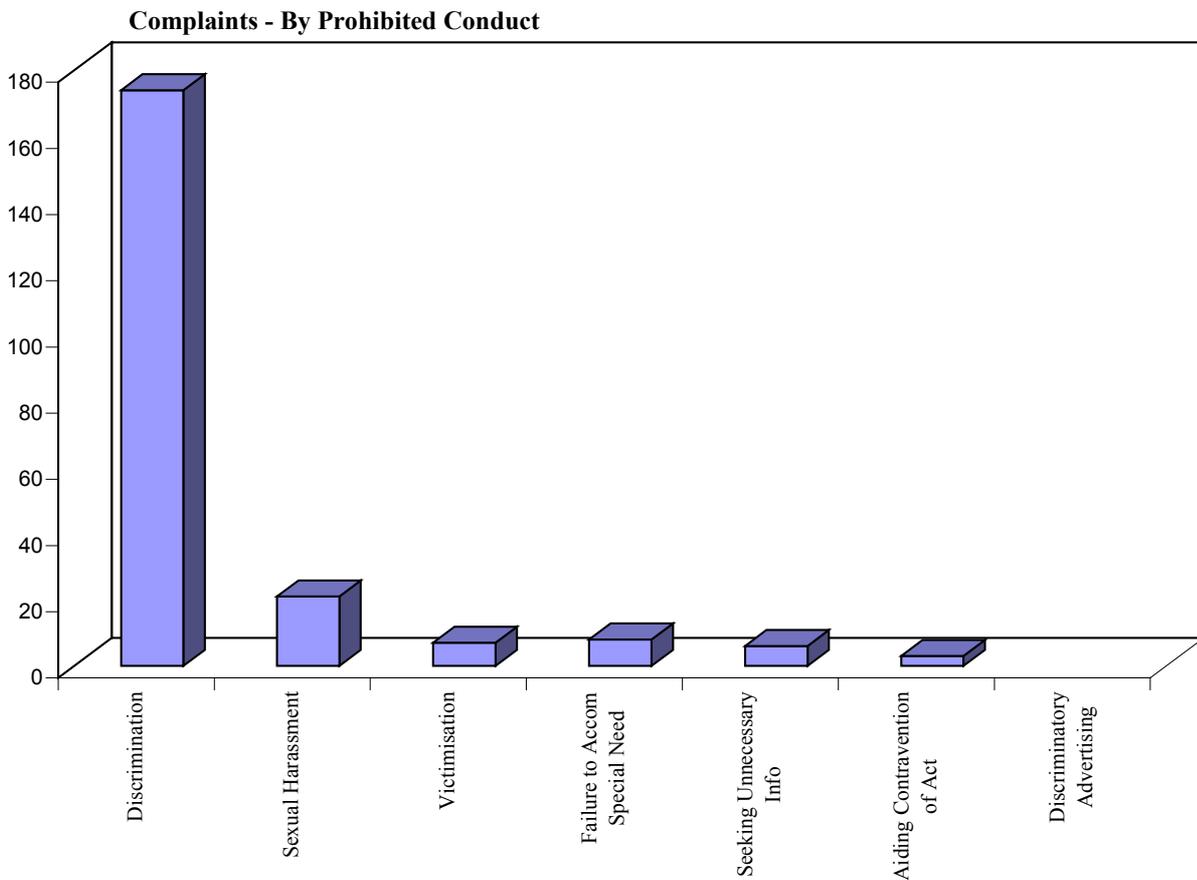
*These figures relate to the particular year, they are not cumulative.

We have recently commenced distinguishing between general enquires, more detailed enquiries, and simple enquiries requiring only referral to other agencies. Next year we intend to report on these statistics.

Formal Complaints

1 July 1 July 2002- 30 June 2003

Categories of Prohibited Conduct	
Discrimination	174
Sexual Harassment	21
Victimisation	7
Failure to Accommodate a Special Need	8
Seeking Unnecessary Information	6
Aiding Contravention of Act	3
Discriminatory Advertising	0
Total	219



COMPLAINTS*1 July 2002- 30 June 2003*

PROHIBITED CONDUCT - DISCRIMINATION Grounds/Attributes	Education	Work	Accommodation	Goods/ Service/ Facilities	Clubs	Insurance/ Superannuation	Not Under Act	Total
Age	1	7	3	3	1			15
Association with a person	2	9	1	5				17
Breastfeeding								
Trade Union Activity				1				1
Impairment	4	10	4	8		1		27
Irrelevant Criminal Record		3						3
Irrelevant Medical Record		1						1
Marital Status	2	9		2				13
Parenthood		3						3
Political Opinion/ Affiliation/ Activity		3						3
Pregnancy		3						3
Race		21	3	13				37
Religious Belief/ Affiliation/ Activity		1		4				5
Sex	2	20		2	1			25
Sexuality		1		4			1	6
Trade Union Affiliation/ Activity		8						8
Not Under Act		3		2			2	7
Total	11	102	11	44	2	1	3	174

OTHER PROHIBITED CONDUCT	Education	Work	Accommodation	Goods/ Service/ Facilities	Clubs	Insurance/ Superannuation	Not Under Act	Total
Aiding Contravention of Act		3						3
Discriminatory Advertising								
Failure to Accommodate a Special Need		1	2	5				8
Sexual Harassment		20		1				21
Seeking Unnecessary Info		5		1				6
Victimisation		1		4	2			7
Total		30	2	11	2			45

TOTAL COMPLAINTS FOR 2002/2003	219
---------------------------------------	------------

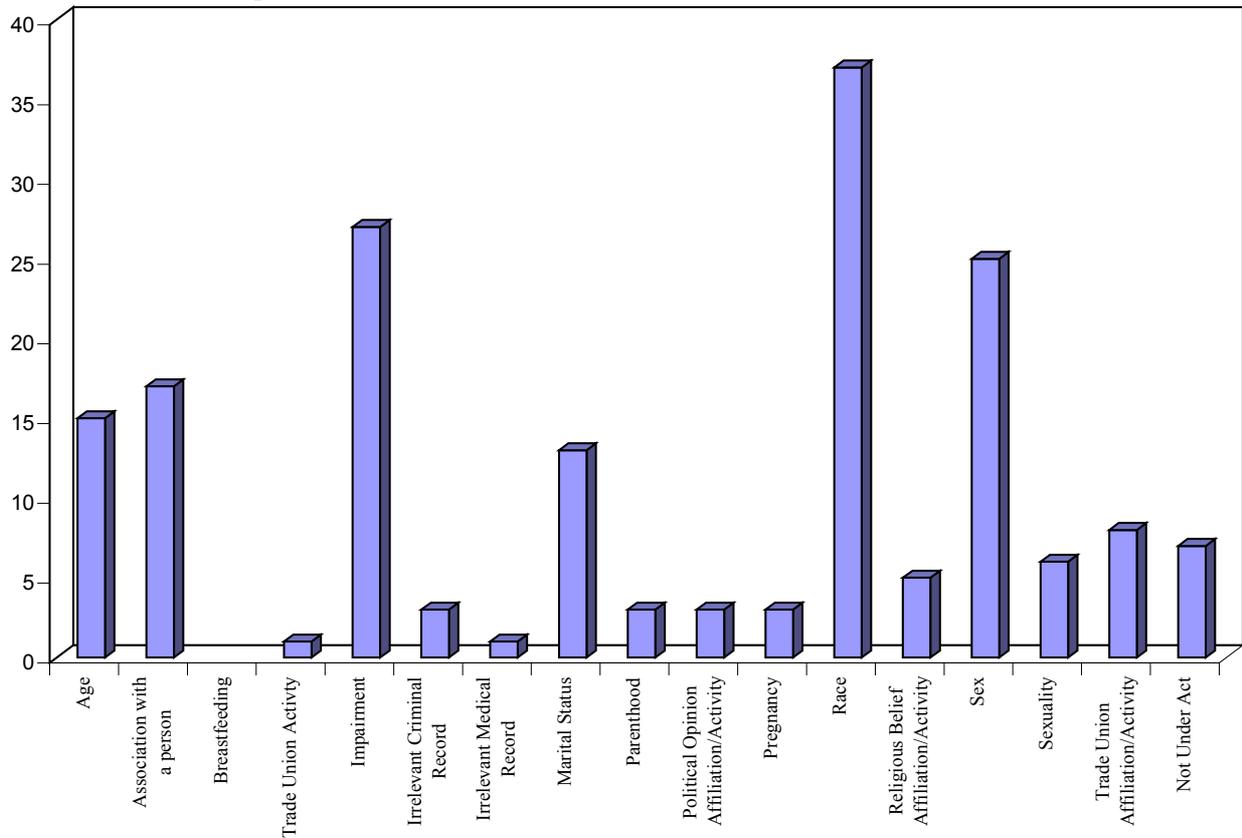
FORMAL COMPLAINTS ON HAND

	OPENED					CLOSED				
	98/99	99/00	00/01	01/02	02/03	98/99	99/00	00/01	01/02	02/03
July	39	46	8	16	14	26	29	49	15	18
August	19	32	8	9	9	30	31	12	24	13
September	18	32	13	15	14	30	26	16	21	17
October	25	18	9	8	16	11	7	21	18	11
November	52	19	15	22	9	10	16	19	17	14
December	31	14	6	11	17	28	17	18	9	23
January	15	16	20	13	7	21	29	13	9	11
February	23	8	22	13	17	18	25	15	5	7
March	85	30	12	6	16	23	36	26	13	15
April	49	15	7	10	14	52	23	8	9	22
May	23	24	12	13	13	29	34	12	19	9
June	68	25	28	14	4	39	16	7	8	10
Total	447	279	160	150	150	317	289	216	167	170

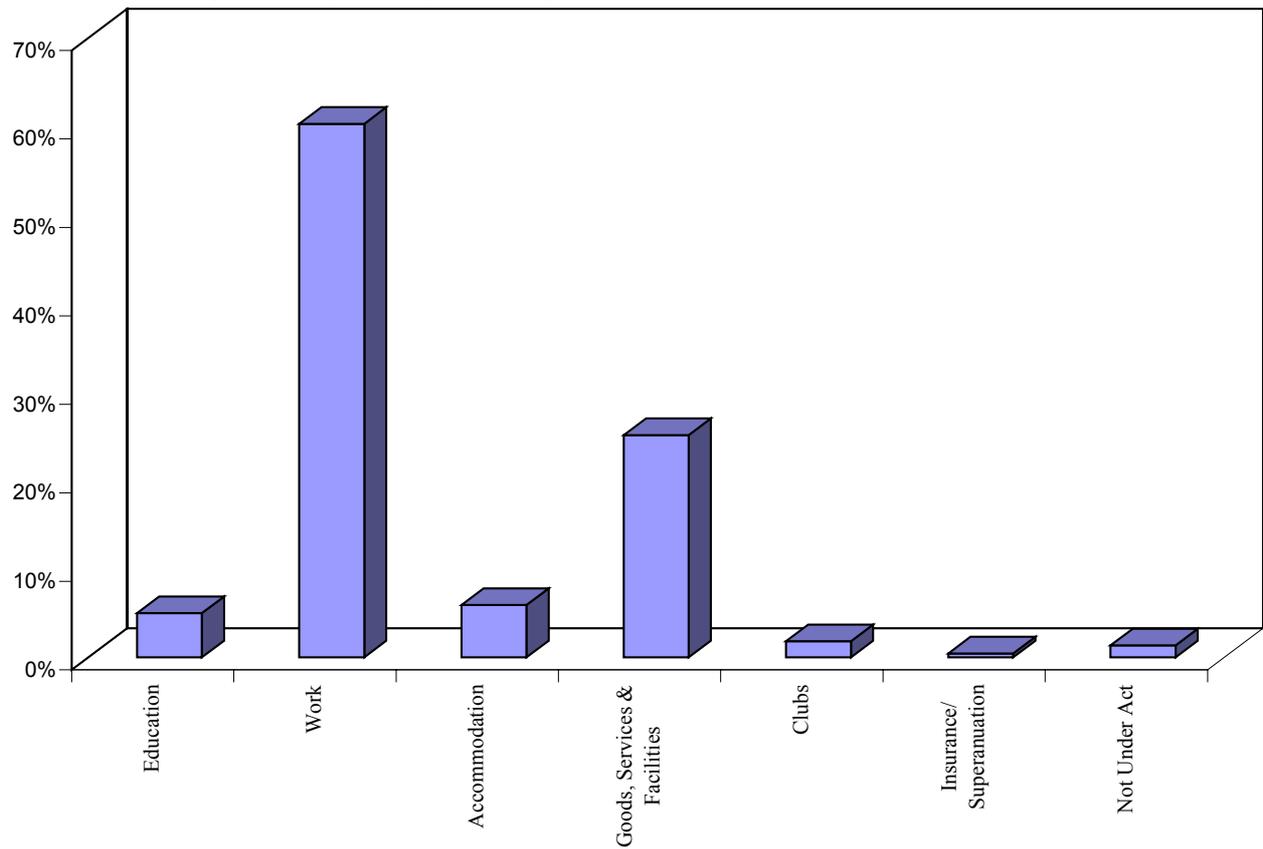
Outcomes of Formal Complaints Files

Discontinued by Commissioner (s102)	15
Dismissed - No PF found (s76)	11
Lapsed or Lost Interest (s72)	4
Rejected at Outset (s66-69)	60
Settled	59
Withdrawn by Complainant (s71)	21
Total	170

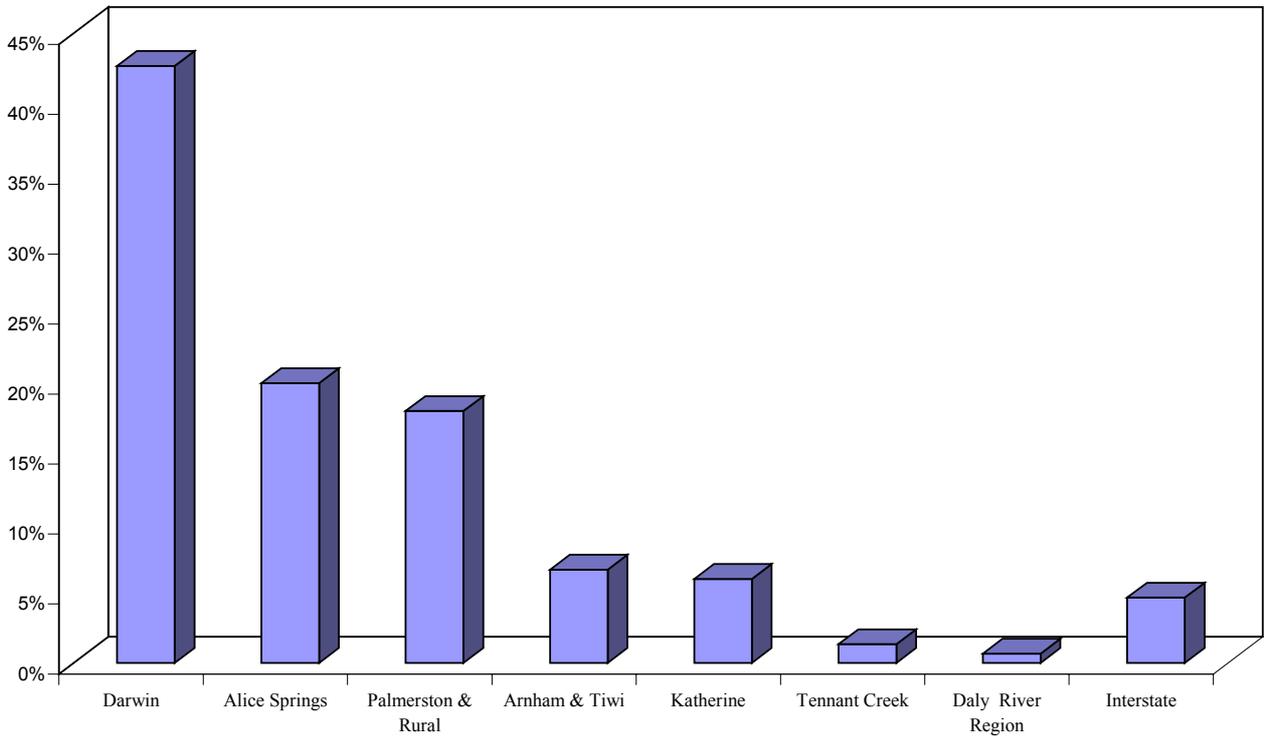
Formal Complaints: Breakdown of Discrimination



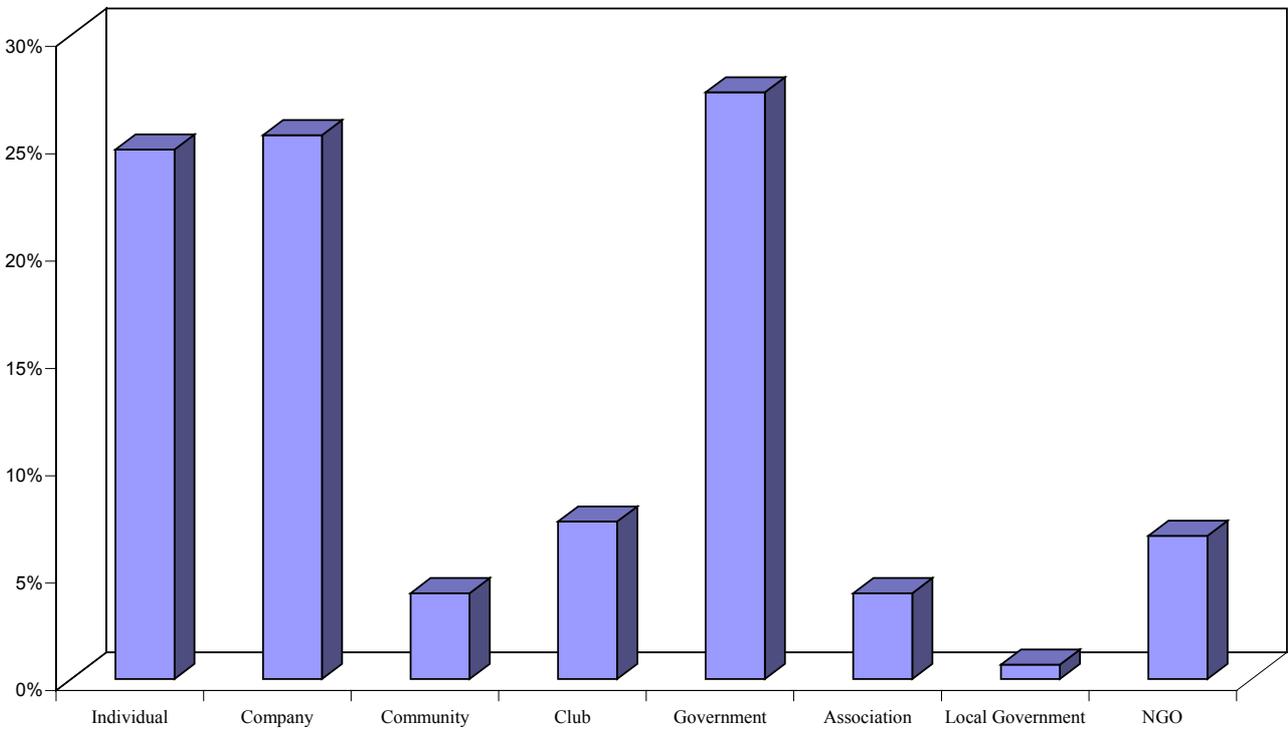
Complaints - By Area By Percentage



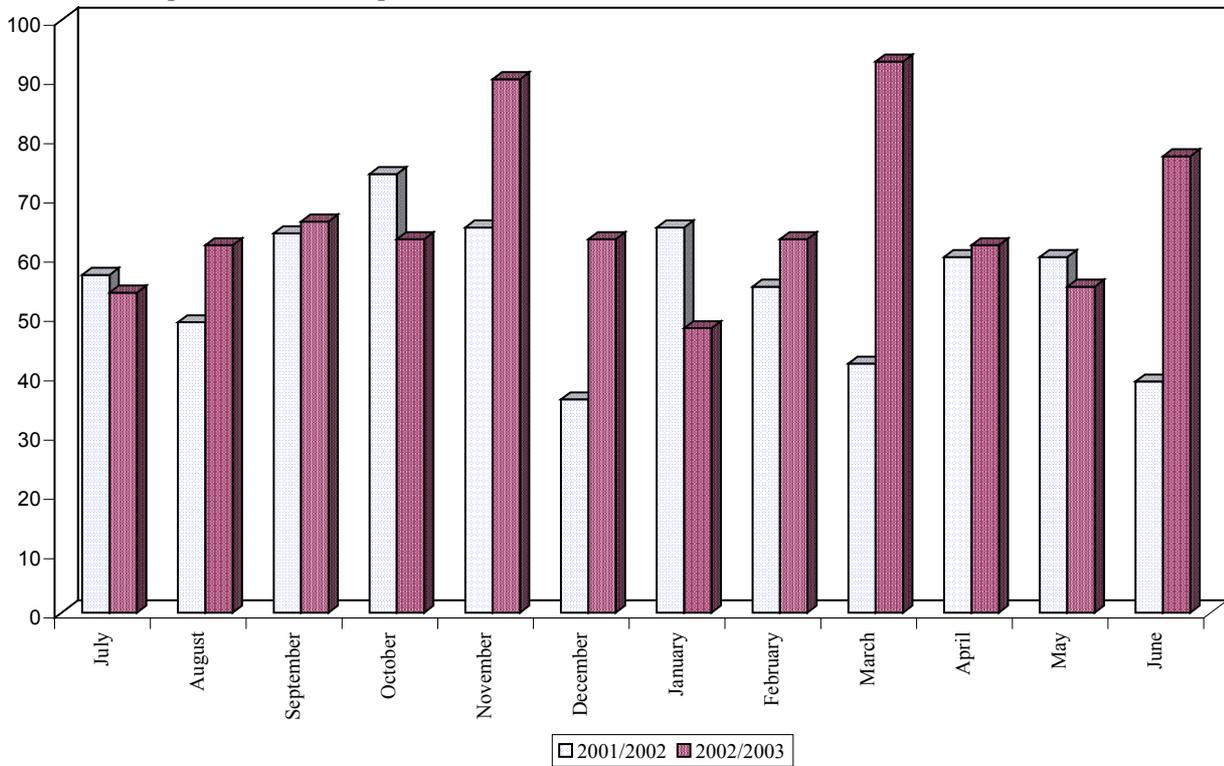
Complaints - By Percentage By Region



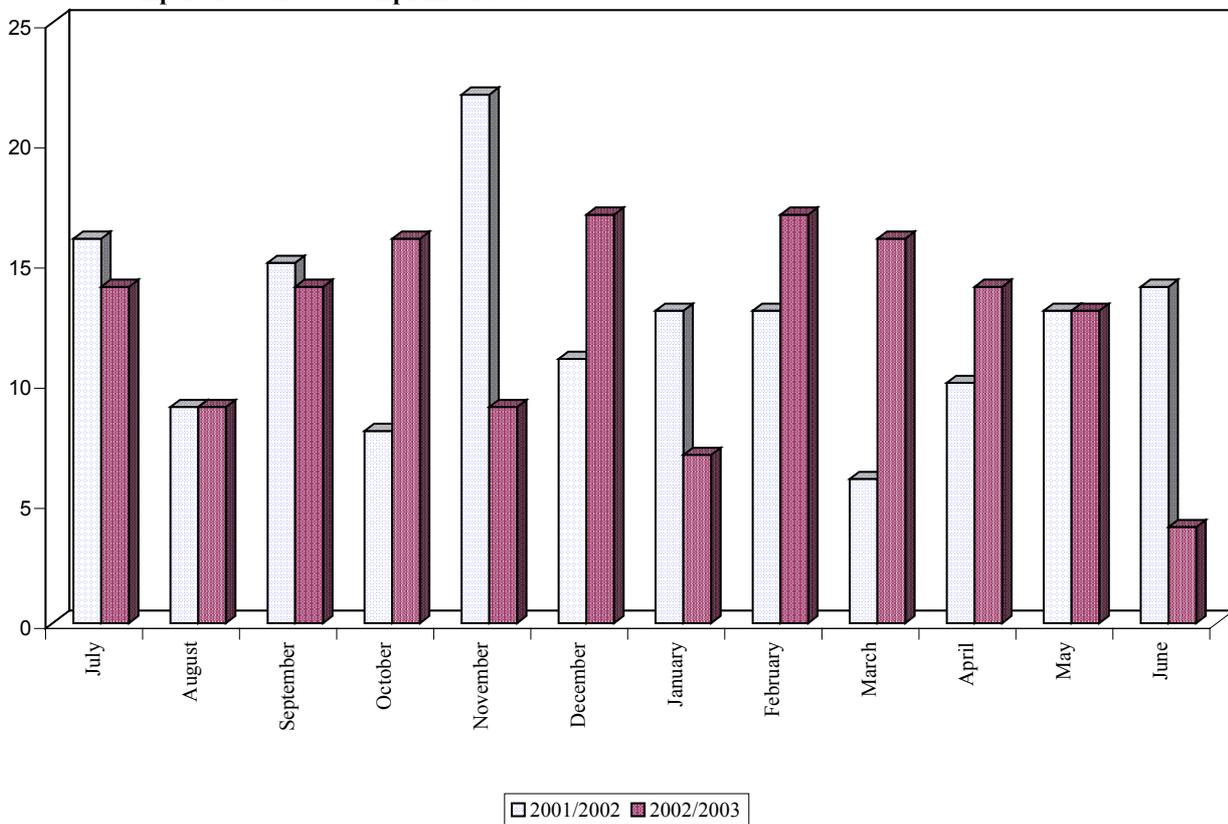
Respondent's Profile By Percentage



Comparative Chart- Enquiries Received



Comparative Chart - Complaints Received



Public Education



Sue Kasperek
Director
Public Education & Training

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 2002/2003, the Commission's public education and training strategies included:

- Formal training programs
- Workplace training
- Awareness raising sessions and talks
- Community involvement and public events
- Promotion of the toll free Helpline for Managers and Supervisors 1800 501 288
- Territory-wide school competitions; developing a logo, new posters and essays
- Re-establishment of regular newsletters

- Launch of "Play by the Rules" Website
- Development of an improved remote area Aboriginal strategy
- Production and distribution of fact sheets in many languages and in large print for the visually impaired
- Supply of "Talking tapes" on the fact sheets and the Act are available
- Liaison and consultation with all level of Government, peak community groups, Aboriginal organisations, employer/employee groups and advocates
- Publications distributed through peak Aboriginal groups, Chamber of Commerce and Industry, libraries, local government bodies, schools, Office of Ethnic Affairs, Multicultural Community Services of Central Australia, Multicultural Council of the Northern Territory and voluntary organisations
- Training packages designed for Aboriginal people in remote communities on their "rights" and "responsibilities" and specific training material has been produced in the most common Aboriginal languages
- Regular regional visits involving training and community consultation
- Information on the Commission is available at the electorate offices of all Members of the Legislative Assembly
- The Commission maintains frequent contact with Legal Aid and Advocacy Services throughout the Territory
- The Commission's toll free telephone 1800 813 846 is widely advertised
- The Commission has an extensive web site contained at www.adc.nt.gov.au
- A Telephone Typewriter (TTY) is available for hearing impaired clients.

This year emphasis has been placed on the development of an improved strategy for the delivery of anti-discrimination, human rights and equal opportunity information to remote areas of the Northern Territory. Fundamental components of this strategy are the co-operation of the Aboriginal Interpreter Service in providing its interpreters for equal opportunity and anti-discrimination training, and the recruitment of an additional enquiries/education officer. Once this strategy has been completed we hope to visit outlying areas accompanied by interpreters to conduct awareness training so that people understand their rights and responsibilities. This part of the strategy is supported by the provision of training to all advocates and supporting organisations such as Aboriginal Community Police Officers, health workers, teachers, lecturers and support staff and legal advocates etc.

Anti-discrimination formal training

The regular programmed training delivered by the Commission on rights and responsibilities under the *Anti-Discrimination Act 1992* to public and private sector.

Performance measures	Unit of Measure	2001 -02 Actual	2002 -03 Actual	2003-04 Target
Quantity	Number of "student-hours" of training provided	945	1 075	1 500
Quality	% of positive feedback from participant	90%	98%	98%

The formal training program is produced biannually and circulated throughout the Territory. The main focus is to provide an introduction to Equal Opportunity or Anti-Discrimination laws. Courses are widely available to everyone. Participants on courses have included senior executives and employees of large government agencies and private enterprise, owners, managers and employees of private sector businesses, people with disabilities, and students.

The courses include:

- Introduction to Anti-Discrimination Law
- Harassment -What is it and what you can do about it?
- Recruitment Seminar
- Introductory Contact Officer Training
- Grievance Handling -for managers and supervisors

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.

Regional centres visited this financial year for community consultation and training have included:

- Alice Springs
- Tennant Creek
- Katherine
- Nhulunbuy
- Batchelor.

The Commission organises visits to remote communities and regional centres as the need is identified and requests are made. It is expected that requests to visit other outlying areas will be received once the remote area information strategy "kicks in".

Each training session is evaluated and reviewed to ensure that the content meets the needs of the participants. The Commission consistently receives positive feedback about its education and training.

Anti-discrimination workplace training

The training delivered by the Commission on rights and responsibilities under the *Anti-Discrimination Act 1992* to individual workplaces at the request of that workplace.

Performance measures	Unit of Measure	2001 -02 Actual	2002 -03 Actual	2003-04 Target
Quantity	Number of "student-hours" of training provided	3024	1 139	2 000
Quality	% of positive feedback from participant	90%	98%	98%
Timeliness	Weeks from desired date by client to delivery of program	4	2	2

There has been a gradual movement towards developing and providing individual workplace training packages as managers better understand their legislative obligations. The training also provides managers and employees with the ability to identify, respond to and manage instances of discrimination and harassment in their workplace. This also reflects the reduction in actual training hours as workplaces implement Equal Employment Opportunity Plans.

The packages include:

- tailor made training developed specifically to meet organisational and employee needs using training material focusing on their industry needs
- 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
- development of pro-active workplace training strategies to reflect the number of work place complaints
- provision of a toll free "*Helpline for Managers and Supervisors*" for confidential and free advice on all aspects of discrimination and harassment. Managers and Supervisors can ring the Helpline as they are confronted with issues in their workplace
- participation in October Business Month- offering training designed specifically for business and industry to keep them up to date with the *NT Anti-Discrimination Act*.

Anti-discrimination rights-based training

The training delivered by the Commission focused on improving knowledge of rights under the *Anti-Discrimination Act 1992* to people in the Northern Territory.

Performance measures	Unit of Measure	2001 - 02 Actual	2002 -03 Actual	2003-04 Target
Quantity	Number of "student-hours" of training provided	2 331	1 578	2 000
Quality	% of positive feedback from participant	95%	98%	98%

Whilst continuing to provide rights-based training and awareness sessions, there has been a major change in public education focus with the development of the improved Aboriginal education strategy and the development and circulation of written educational material both manually and via the website. The Commission is yet to capture statistically the true impact of this shift in priorities.

These sessions aim to:

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

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

Anti-discrimination public awareness activities

The activities undertaken which raise public-awareness of rights and responsibilities under the *Anti-Discrimination Act 1992*.

Performance measures	Unit of Measure	2001 -02 Actual	2002 - 03 Actual	2003-04 Target
Quantity	Number of hours of public awareness work	1 580	678	1 500
Quality	Number of individuals contacted	2 750	2 680	3 500
Timeliness	Weeks from desired date of engagement by client to attendance by official	1	1	1

Whilst continuing to participate in public events, there has been a major change in public education focus with the development of the improved Aboriginal education strategy and the development and circulation of written educational material both manually and via the website. The Commission is yet to capture statistically the true impact of this shift in priorities.

Some of the public events in which the Commission participated include:

- Women's Health Day for NESB (people of non-English speaking backgrounds)
- Humans Rights Week
- National Youth week activities
- Refugee Week
- Law Week
- NAIDOC
- Harmony Week –Alice Springs
- Public launch of the "Play by the Rules" campaign (see below).

Launch of the Play by the Rules Campaign

In February this year the NT Anti-Discrimination Commission and the Office of Sports and Recreation jointly launched the Play by the Rules campaign. This campaign encourages fair and safe sport and it aims to educate administrators, officials, coaches and players that bad sporting behaviour is not only unacceptable, but can be unlawful.

Most people participate in sporting events for fun, fitness and companionship. Unfortunately some participants and spectators also abuse officials, team mates, opponents and even engage in discrimination, harassment or racial vilification.

Suspensions and fines meted out to international cricketers and AFL footballers for breaching racial vilification codes show us that inappropriate comments are no longer acceptable. The old adage of "what happens on the field stays there" no longer applies.

The Play by the Rules campaign emphasises that inappropriate sports behaviour denies people the right to be treated with respect, dignity, fairness and the right to participate in an environment that is enjoyable, fair, safe and healthy.

Also included is a "Play by the Rules" website with information on NT and federal Anti-Discrimination legislation, and frequently asked questions about discrimination in sport and how to overcome it.

The campaign was originally developed by the South Australian Office of Recreation, Sport and Racing and the South Australian Equal Opportunity Commission and has been endorsed by the Australian Sports Commission.

Sporting clubs and organisations, who are often relying on volunteers, are encouraged to examine model codes of practice which combine child protection, safety, discrimination, harassment and vilification policies into a package that they can download and tailor to meet their specific club needs.

In addition to the website, posters and leaflets are being widely distributed throughout the Northern Territory to sport and recreation organisations for administrators, officials, coaches, parents and players encouraging them to log on to the website and participate in training sessions.

Play by the Rules website: www.playbytherules.com.au

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)
- 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
- Vietnamese
- Indonesian
- Thai
- "talking tapes" are also available

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 - Top End
- Know Your Rights, Know Your Responsibilities - Central Australia
- Welcome to my Country
- Play by the Rules

TRAINING CALENDAR

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

WEB SITE

The Commission has an extensive web site located at www.adc.nt.gov.au