



**Equal Opportunity
Tasmania**

Annual Report 2016–17

Equality Diversity
Rights Reconciliation Engaged
Collaborative Valued
Optimism Community Respect
Inclusive **Free** Courage Humanity
Fair Compassion **Unity**
Generosity Educated Empathetic
Support Love Multicultural

The Honourable Matthew Groom, MP
Acting Attorney-General
Acting Minister for Justice
Parliament House, Hobart

Dear Acting Attorney-General

As required by section 10 of the *Anti-Discrimination Act 1998* (Tas), it is my pleasure to present the 18th Annual Report on the operation of the *Anti-Discrimination Act 1998*.

This report covers my activities and those of my office from 1 July 2016 to 30 June 2017.

I commend the report to you.



Sarah Bolt
Anti-Discrimination Commissioner

29 September 2017

This Annual Report outlines the activities of the Anti-Discrimination Commissioner and Equal Opportunity Tasmania in 2016–17.

It is also available on the Equal Opportunity Tasmania website:

www.equalopportunity.tas.gov.au

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From the Commissioner



After an absence of seven years it is with delight and a sense of privilege to have been re-appointed to the role of Anti-Discrimination Commissioner. Despite the passing of the years one thing remains a constant – the on-going value of having legislation such as the *Anti-Discrimination Act 1998* (Tas) (the Act) which plays such a vital role in fostering a tolerant, inclusive and accepting community. I take this opportunity to acknowledge the work undertaken by the former Commissioner Robin Banks and her commitment in advocating for equality for all Tasmanians.

The complaint handling functions under the Act continue to play a primary role in dealing with discrimination, harassment and prohibited conduct within our community.

The training, education and development function of Equal Opportunity Tasmania also plays a critical role in informing people of their rights and responsibilities under the Act. The more people who are aware of and understand the legislation, the greater the chance of promoting a safe, harmonious and enjoyable community in which to live.

The research undertaken and submissions made by Equal Opportunity Tasmania are a valuable means of informing government and other key stakeholders on discrimination and human rights matters which do, or may, impact upon the rights and responsibilities of all Tasmanians.

The year ahead is set to be a busy and exciting one. In addition to fulfilling core business to the highest standard we hope to streamline our complaint handling processes, reinvigorate our training, education and development programs, and extend our reach into not for profit, public and private enterprise and educational organisations. It is through conversation, co-operation and collaboration that lessons can be learnt, understanding gained and results achieved in the area of equal opportunity.

Over the next year, as a matter of special interest we will focus on engaging with older members of the community and service providers with the view of ascertaining the prevalence, or otherwise, of elder abuse and/or neglect in residential care facilities or within the home care environment.

It is a sad but true fact that every day some members of the elder community are neglected and/or abused.

Every day many of those who suffer abuse or neglect remain silent. Their silence is often a result of fear, emotional isolation, embarrassment, shame or in some cases the inability to communicate at all.

The right to live without fear of physical or emotional harm is a basic human right that most of us take for granted. That basic human right for some members of the elder community is being breached every day.

The Act is a powerful tool in the fight against discrimination, harassment and prohibited conduct.

If a person is discriminated against or harassed on the basis of their age or disability in the provision of goods and services or accommodation they would have good cause to lodge a complaint. I mention disability as it is often a close travelling companion to ageing.

It is also unlawful under section 17(1) of the Act for a person, which includes an organisation, to engage in behaviour which offends, humiliates, intimidates, insults or ridicules another person on the basis of their age or disability. I believe it is fair to say that such behaviours are often linked to elder abuse and neglect. I look forward to being able to report back on what is revealed, addressed and achieved in this important area in next year's annual report.

On behalf of Equal Opportunity Tasmania I would like to thank all government and non-government stakeholders with whom we have worked over the reporting period. There can be no doubt that working in a co-operative and collaborative manner is key in achieving a greater understanding of our collective and individual rights and responsibilities in reducing discriminatory practices and attitudes throughout Tasmania's wider community.

Special thanks must go to the Department of Justice for providing the administrative support and technical assistance which enables us to administratively function at a high level of proficiency.

Finally, our goal is to perform as an advocate for the legislation, to the highest standard. This cannot be done without the ongoing commitment, professionalism and integrity consistently demonstrated by staff. I take this opportunity to express my gratitude and appreciation to each and every one of them for a job well done.

Sarah Bolt

Anti-Discrimination Commissioner

1 - Aims and principles

Equal Opportunity Tasmania aims to foster a society free of discrimination, prejudice, bias and prohibited conduct by administrating the *Anti-Discrimination Act 1998 (Tas)*:

with integrity and impartially;
effectively and efficiently;
professionally; and
in accordance with our legal obligations.

To achieve public confidence in our role and functions, we strive to:

deliver high standards of professional service;
operate in a collaborative manner;
build and foster relationships with key stakeholders;
ensure transparency, fairness, and confidentiality in complaint-handling processes; and
engage community and key stakeholder participation through our training, education and development programs.

Our work at a glance

418 Enquiries answered from members of the public

147 Complaints of discrimination received

52% Complaints alleged disability discrimination

66 Discrimination complaints identified employment

32% Complaints were finalised through conciliation or negotiation

63% Complaints resolved within 6 months

33 days Average assessment timeframe of a complaint

18 Exemption applications granted

226 Training, education and development sessions delivered

7 Policy submissions made

2 - Policy and projects

In 2016-17 Equal Opportunity Tasmania continued to play a strong role in developing policies and procedures aimed at addressing discrimination and prohibited conduct.

Policy projects

Disability Justice Plan for Tasmania

A key focus of our work in 2016-17 was the development of a draft Disability Justice Plan for Tasmania.

To assist in this process we convened high-level cross-Agency Steering Committee and Community Reference Groups. The groups met during the year to develop options for improving current practices for people with disability in the justice system.

A draft report was presented to the Attorney-General in January 2017.

Historical homosexual and related offences

Following a public consultation process over the proposed approach in Tasmania to dealing with historic criminal records for consensual homosexual activity and related conduct, my office received a revised draft Expungement of Historical Offences Bill in February 2017. The Bill included important changes to the proposed scheme to allow for the expunction of criminal records for homosexual and related offences.

The Bill was introduced into the Tasmanian Parliament in April 2017 accompanied by a public apology to those who may have been affected by convictions arising from past laws. It will be considered by the Legislative Council in the 2017-18 reporting year.

Elder abuse and neglect

In February 2017 Equal Opportunity Tasmania commenced exploring issues related to elder abuse and neglect within the Tasmanian community. Concerns included the under-reporting of incidents that may amount to elder abuse and the extent to which abuse is being appropriately addressed in the community. Of particular interest is the effectiveness of current complaint mechanisms in the aged care sector. This issue will continue to receive priority focus for Equal Opportunity Tasmania in 2017-18.

Policy submissions and contributions

Each year Equal Opportunity Tasmania is invited to comment on proposed amendments and development of law and policy, where relevant to our legislation. In 2016-17 we made comment/submissions on the following inquiries, reviews and committees:

- **Anti-Discrimination Act Amendment Bill 2016**

In September 2016, an Anti-Discrimination Act Amendment Bill was tabled in the Tasmanian Parliament. The Bill provided for amendments to the way in which complaints are dealt with if they are complaints made under section 17(1) (conduct that humiliates, intimidates, insults, ridicules or offends because of certain personal characteristics) or section 19 (public acts that incite hatred, serious contempt of severe ridicule on the basis of race, disability, religion and sexual orientation).

Equal Opportunity Tasmania prepared significant advice to the Government on the effect of the proposed changes.

- **Inquiry into Freedom of Speech**

In December 2016, Equal Opportunity Tasmania prepared an extensive submission to the Australian Government's Parliamentary Joint Committee on Human Rights (PJCHR) Inquiry into freedom of speech.

Issues identified by the Federal Attorney-General for inquiry included whether the *Racial Discrimination Act 1975* (Cth) (RDA) imposes unreasonable restrictions upon freedom of speech and/or whether processes for considering complaints under the *Australian Human Rights Commission Act 1986* (Cth) (AHRC Act) require reform.

These are important issues and the outcome of the inquiry had potential to significantly impact on protections against racism, as well as other forms of discrimination, available in Australia.

Equal Opportunity Tasmania also contributed to the Australian Council of Human Rights Authorities submission on this matter. A copy of that submission (no. 149) can be found on the Parliament of Australia website.

- **Marriage Amendment (Same-Sex Marriage) Bill**

On 30 November 2016, the Senate resolved to establish the Select Committee on the Exposure Draft of the Marriage Amendment (Same-Sex Marriage) Bill to inquire into the Commonwealth Government's exposure draft of the Marriage Amendment (Same-Sex Marriage) Bill. The intent of the proposed Bill was to replace the current definition of marriage as between 'a man and woman' and replace it with reference to '2 people'. In addition, the Bill proposed exemptions for ministers of religion, marriage celebrants and religious bodies and organisations to enable them to refuse to conduct or solemnise marriages, and the extent to which those exemptions prevent encroachment upon religious freedoms.

- **Protecting Freedom of Religion or Belief**

In November 2016 the Minister for Foreign Affairs, the Hon Julie Bishop MP, requested that the Joint Standing Committee on Foreign Affairs, Defence and Trade conduct an inquiry into the Status of the Human Right to Freedom of Religion or Belief.

- **Protecting and Strengthening Australia's Multiculturalism and Social Inclusion**

In November 2016 the Senate established a Select Committee on Strengthening Multiculturalism to inquire into and report on ways of protecting and strengthening Australia's multiculturalism and social inclusion.

- **Taxi and Hire Vehicle Industries Regulatory Review**

In late 2015 the Tasmanian Government committed to undertaking a regulatory review of the Tasmanian Taxi and Hire Vehicle Industries as part of the Government's policy to support entry into Tasmania of new ride-sourcing services like Uber. A consultation paper for the review was released in December 2016.

- **Whole of Journey Guide**

In April 2017, the Anti-Discrimination Commissioner was invited to comment on a draft *Whole of Journey: A Guide for thinking beyond compliance to create accessible public transport journeys*. The guide is a key output from the second review of the Disability Standards for Accessible Public Transport 2002, which proposed the development of accessibility guidelines for a whole of journey approach to public transport to act as a planning tool.

- **Tasmanian Disability Framework for Action 2018-2020**

The Disability Framework for Action is a whole-of-Government approach to ensure that all Government agencies implement socially just policies and practices for Tasmanians with disability. The Tasmanian Government has commenced the process for developing a new Disability Framework for Action for the period 2018-2020.

Copies of all our submissions can be found on Equal Opportunity Tasmania's website www.equalopportunity.tas.gov.au, under News, Papers and Submissions.

Other policy work

During the year, Equal Opportunity Tasmania also provided significant input into a number of other government and non-government policy development and review processes. These included:

- Liaison and input to proposed approaches to amending the *Births, Deaths and Marriages Registration Act 1999* (Tas);
- Policy advice and input to the development of a new *Tasmanian Coronial Practice Handbook*;
- Input and advice on Tasmanian Prison Standing Orders in relation to prisoner marriage and transgender prisoners;

-
- Advice on sentencing amendments related to racial motivation and mandatory sentencing for serious sexual offences;
 - Advice to the Tasmanian Law Reform Institute on issues related to its reference on court intermediaries;
 - Advice to the Tasmanian Law Reform Institute on issues related to a possible reference on gay conversion therapies;
 - Input to the 2016 Women and Girls in Tasmania Report and factsheets;
 - Input to the Tasmanian Government's Whole of Service Workforce Diversity Framework;
 - Input to the Australian Council of Human Rights Authorities joint submission into the review of the National Disability Advocacy Program; and
 - Provision of advice to the Tasmanian Government on the regulation of Wicked Campers.

Participation in working groups

In 2016-17 Equal Opportunity Tasmania participated in the following working groups and consultative forums:

- Tasmanian Women's Plan 2013-2018 Working Group;
- Tasmanian Family Violence Consultative Group;
- Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Police Strategic Working Group;
- LGBTI Whole of Government Reference Group;
- Tasmanian Active Ageing Plan 2017-2022 Community Advisory Group;
- Youth at Risk Expert Reference Group;
- Department of Health and Human Services and Tasmanian Health Service Advisory Group – LGBTI;
- Tasmanian Multicultural Community Reference Group;
- LGBTI Issues in Education Strategic Working Group;
- Ministerial Taskforce: Review of education of students with disability in Tasmania;
- Department of Education Inclusion Working Group – Disability Focus; and
- Advocacy for Children in Tasmania Expert Reference Group.

3 - Report it!

The *Report it!* process provides a way for victims of discrimination, harassment and abuse and people who witness such discrimination abuse or harassment (bystanders) to report the incident to Equal Opportunity Tasmania. It is not a formal complaint process but enables people to identify problems they are experience or witnessing.

In 2016–17, Equal Opportunity Tasmania received 16 incident reports under the *Report it!* process. Seven involved incidents in which the victim was the person making the report. A further nine reports were made by bystanders who witnessed the conduct (Table 3.1).

Table 3.1 Who made the report

Reported by the targeted person/people	7
Reported by other person	9

Of the seven reports in which the victim was the person making the report, three resulted in the person making a formal complaint.

In 13 cases, information was provided on the Act and how to make a complaint. Other actions included liaising with a transport provider regarding their policy for accommodating mothers with prams, convening a meeting of parties concerned about racism within their industry, contact and follow up with Tasmania Police to identify and address inappropriate behaviour and working with a school to embed cultural change programs to address ongoing racist behaviours.

Report it! Case study¹

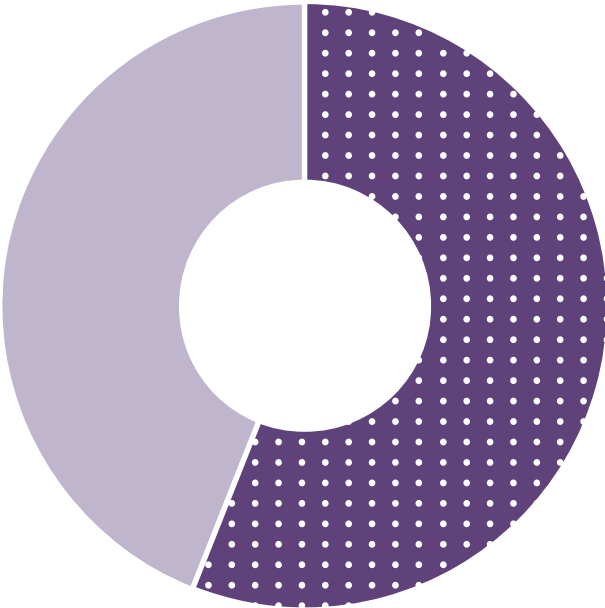
J is a young man who receives supported assistance through a disability provider. During an outing with his support worker and family, a decision was made to have lunch at a local café. Once the family were seated, J's support worker started getting J's prepared lunch ready for him to eat. J has special dietary requirements and was not able to order from the café menu. A waitress at the establishment ordered J and his family to leave despite the fact that the rest of the family were placing an order.

1. Please note, all case studies in this report set out what was alleged by the person making the report or complaint.

The gender of the person who was the victim of the incident was evenly distributed, with 9 women or girls reporting incidents and 7 men or boys (Table 3.2).

Table 3.2 Gender of person targeted

Female	9	56%
Male	7	44%



The age of victims ranged from the very young (under 10 years of age) through to people over 50 years of age, with the majority of victims being in the 30-39 and 50-59 year age brackets (Table 3.3).

Report it! Case study

A young female employee reported that her supervisor said that if she did not do her job according to the standard set by the company, he would 'bend her over his knee and spank her'. On other occasions she was asked by the same person whether she had done anything 'naughty' on the weekends and made comments such as if he were her age they would be 'fooling around'.

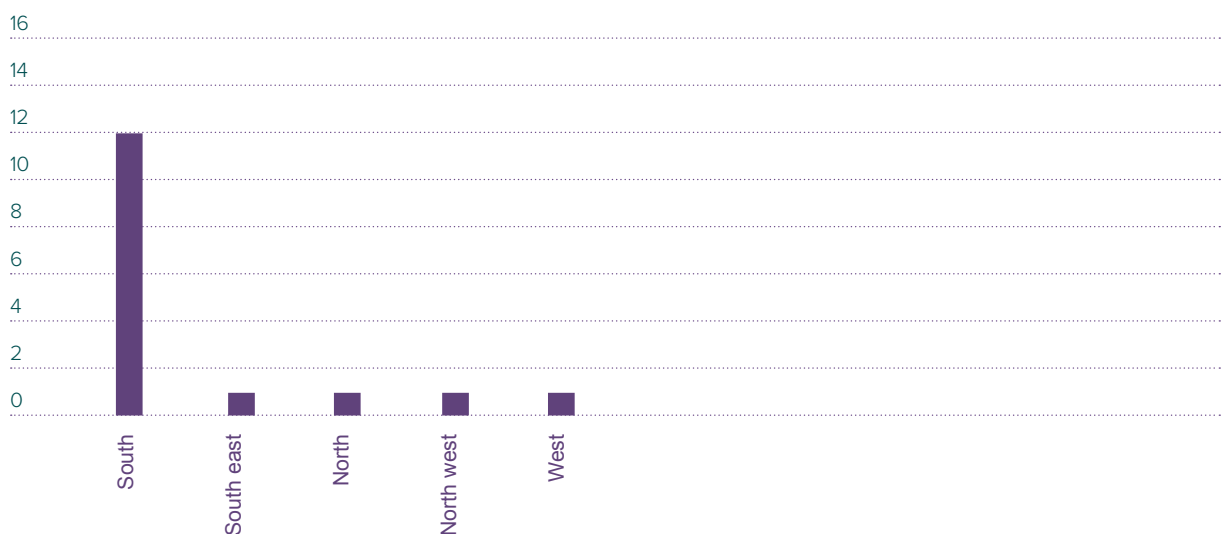
Table 3.3 Age of the person who was the target of the incident

<10	1
10-14	1
15-19	1
20-29	2
30-39	4
40-49	1
50-59	6
60-65	0
> 75	0
Unknown	1

Of the incidents reported to the office, 13 happened in the southern region. One each was in the north, west and north-west coast areas. Of those in the southern region, five were in the Hobart area, two were in the Kingston/Margate area, two were in Glenorchy and one each in South Hobart, Sandy Bay, New Town and Moonah (Table 3.4).

Table 3.4 Region in which reported incident happened

South (7000-7099)	12
South east (7100-7199)	1
North (7200-7299)	1
North west (7300-7399)	1
West (7400-)	1



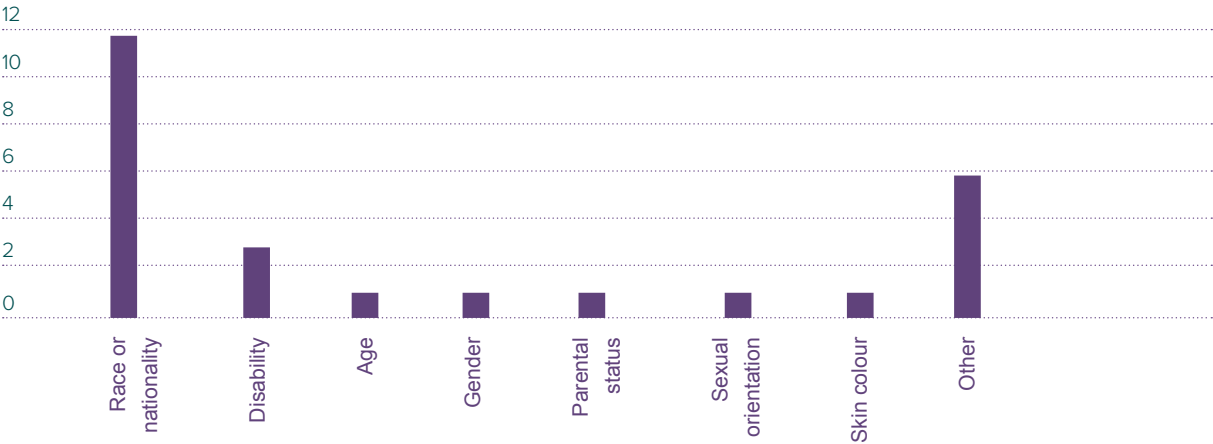
Many of the incidents (6) reported were considered to have taken place on the basis of the victim’s race, nationality or skin colour. A further three reports were linked to a person’s disability. Other reasons for the incident were linked to age, gender, parental status and/or sexual orientation (Table 3.5).

Report it! Case study

C was with her child in a playground when another child jumped on the equipment and shouted at them to move using racist and derogatory language. C was concerned by the behaviour and picked up her child and left the playground. Not only was she concerned about the language used by the child, she was also disappointed that the child’s mother didn’t do or say anything to stop the bullying. C reported the incident and added that she wished that adults would teach their children about discrimination and prevent such behaviour happening in a multicultural community.

Table 3.5 Apparent basis of attack

Race or nationality	5
Disability	3
Age	1
Gender	1
Parental status	1
Sexual orientation	1
Skin colour	1
Other	6

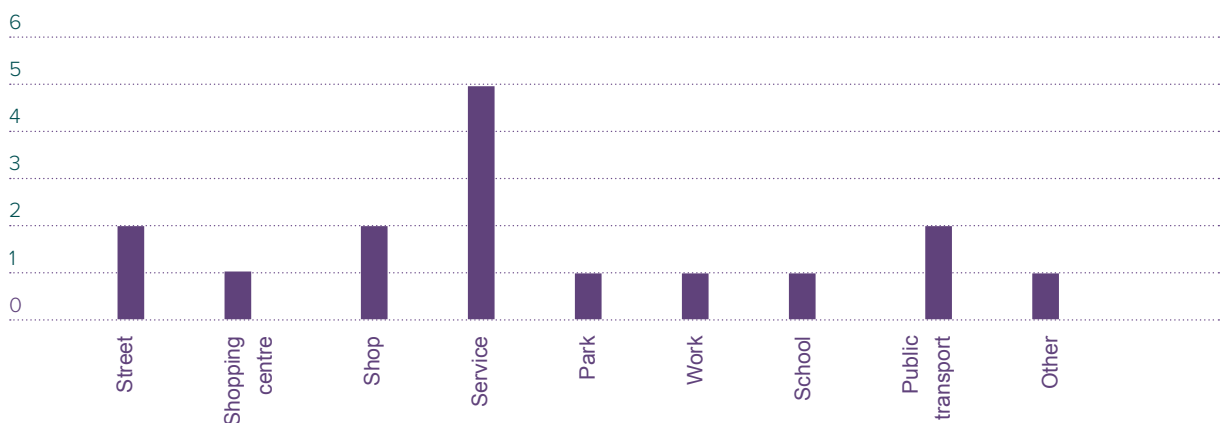


Of particular concern is the number of incidents in which racial discrimination was the apparent motivation.

In one case a person was in a playground with their child. In another a person was walking down a street with their baby in a pram. In yet another a group of school children were subjected to both verbal and physical abuse (Table 3.6). These were all incidents where a family or group of people were going about their daily business and where they were subject to entirely unprovoked acts of discrimination and offensive conduct. It reinforces the need for all Tasmanians to model respectful behaviour and language, particularly in relation to minority groups.

Table 3.6 Type of location

Street	2
Shopping centre	1
Shop	2
Service	5
Park	1
Work	1
School	1
Public transport	2
Other	1



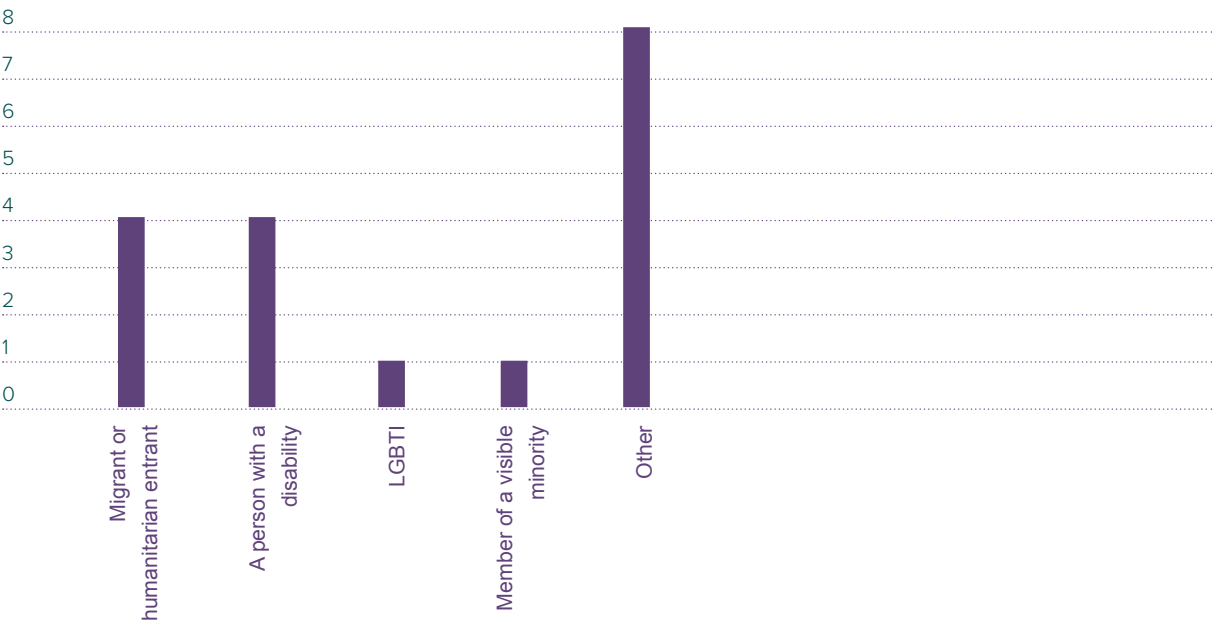
Report it! Case study

R reported an incident on a bus in which a man abused a young woman wearing a hijab. He told us about how other passengers attempted to intervene and were also subject to abuse by the same man.

Table 3.7 describes the status of the victim, with the greatest number of incidents involving a migrant or humanitarian entrant (4 cases) or a person with a disability (4 cases).

Table 3.7 Status of victim

A migrant or humanitarian entrant	4
A person with a disability	4
LGBTI	1
Member of a visible minority	1
Other	8



Report it! Case study

C reported a series of incidents in which young people intimidated his wife and family as they were walking down the street. In one incident a car carrying a group of young men swerved toward his wife and young baby in a pram. One occupant of the car had his body out of the window and yelled at her. As a consequence his wife almost dropped the baby. C’s wife was able take a photo of the car and reported the incident to police.

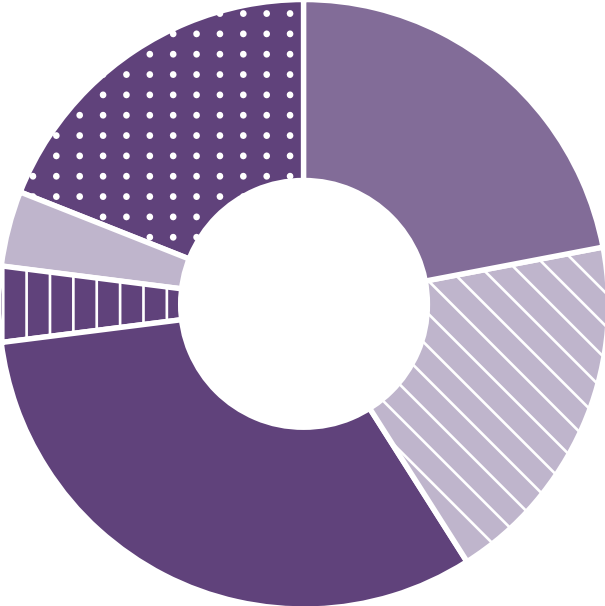
C considers the incident was racially motivated as his wife and mother in law were wearing traditional dress. C reported that as a result of the incidents his wife had become extremely fearful and was scared to leave the house. She had expressed a desire to leave Tasmania.

Following discussions with Tasmania Police, the occupants of the car were able to be identified and an apology letter was written to C’s wife and the young men involved were made aware of the consequences of their actions.

In relation to the type of incident, discrimination was the highest recorded, occurring in 33% of incidents (Table 3.8).

Table 3.8 Type of incident

Harassment	22%
Intimidation	19%
Discrimination	33%
Sexual Harassment	4%
Physical assault	4%
Verbal abuse	19%



Report it! Case study

R reported being physically assaulted and harassed by other tenants in his unit complex. As a result he became fearful of going back to his unit and risked homelessness. He believed that the assaults were related to his sexual orientation.

Report it! Case study

A support teacher at a high school reported several instances of racist violence and abuse against a family who were newly arrived in the State. The situation had got to point where the family were terrified and the children were fearful of attending school.

Whilst the student involved had been suspended and police involved, the school also wished to put in place strategies to address the behaviour and prevent incidents re-occurring. Equal Opportunity Tasmania provided information to the school about whole-of-school prevention strategies and ways in which to encourage a culture of tolerance and respect among students. The school has now developed an anti-racism action plan and identified a number of future initiatives including the development of a respectful schools team and the introduction of the Fairer World Program to engage students in understanding respectful behaviours.

Report it! Case study

After applying for an apprenticeship, J received a voice mail indicating that the position had been filled with a younger person. As a result of his report, Equal Opportunity Tasmania received a formal complaint and following further discussions with the parties J was issued with an apology from the hiring firm.

4 - Training, education and development

Providing education and training programs to the public and private sectors is a core function of Equal Opportunity Tasmania. Over the last ten years, the training program has developed a comprehensive series of training and information sessions that have both inspired and challenged participants across Tasmania.

The training team has had a number of changes over the last 12 months with Senior Training, Education and Development Officer, Roz Smart moving on after 10 years with Equal Opportunity Tasmania. Roz made a huge contribution to the development and direction of the training team and we thank her for her commitment and passion.

The total training and education sessions delivered for 2016-17 has seen a significant increase (Tables 4.1 and 4.2).

Table 4.1 Training and education delivery

	2016-17	2015-16
Total training and community sessions delivered	226	216
Total training and community education hours	499	447
Total training and community education participants	6,331	5,947

Table 4.2 Training and education sessions by location

	2016-17	2015-16
South	147	131
South east	10	7
North	42	38
North west	25	31
West	0	0
State-wide	2	9

In March 2017, a new Senior Training, Education and Development Officer was appointed. The team has seen an increase and demand for further training in many different sectors. To manage this increase we have been able to employ an Administrative Assistant for 12 months to support

the training team. With these changes, there are new opportunities to review our direction and training models over the next 12 months. The training team will be updating and developing new training modules which will focus on disability awareness/discrimination and working on training for the aged care sector and clients regarding discrimination awareness and rights.

In 2016–17 the training program had on offer 22 training programs available on a fee–for–service basis for private and public sector organisations across Tasmania. The income generated from training delivered in 2016-17 was \$93,759 which is a significant increase from the previous year.

In 2016-17 the training, education and development team delivered 115 training sessions, 339 hours of contact with 698 participants.

Training is delivered to a wide range of sectors. As shown in Table 4.3, the greatest number of sessions has been delivered to schools and tertiary education.

Table 4.3 Training and education by sector

	2016-17	2015-16
Local Government	8	16
State Government and statutory authorities and government business enterprises	42	49
Not-for-profit and community organisations, forums and events	21	20
Schools and tertiary education sessions	80	83
Private organisations	61	35
Unions and industry bodies	7	2
Calendar training	7	11
Total	226	216

The most popular training programs during the reporting year have been: Workplace behaviour: Where is the line, Discrimination, Harassment and Bullying and Workplace Support Contact Officers (Table 4.4).

Table 4.4 Training and education by session topic

	2016-17	2015-16
Discrimination, harassment and bullying awareness	37	36
Workplace behaviour: Where is the line	40	35
Workplace Support Contact Officers	16	11
Bullying	13	10
Managers awareness	10	5
Workplace Support Contact Officers Networking	3	4
Workplace Support Contact Officers Refresher	0	3
Train the Trainer	0	1
Total	119	105

Case study¹: Offer of employment revoked after employer realised job seeker was female

The complainant had been offered work as a labourer. The person was female, however, the person's first name is commonly used by both men and women. A few days after offering the person the job, the employer asked the job seeker to provide a picture of themselves, which she did. The employer received the picture and realised the person was female. The employer revoked the offer of employment on the basis that it didn't think it would be a great idea to have a female in a male dominated area of employment.

The complaint resolved at a conciliation conference conducted by Equal Opportunity Tasmania, with the employer agreeing to:

- *pay the complainant \$6,500 compensation;*
- *develop and implement an equal opportunity policy;*
- *provide training to its management on equal opportunity; and*
- *arrange for an external organisation to undertake the company's future recruitment.*

Community education

Community education sessions have continued to be very popular in schools and community groups (Table 4.5). There is certainly a huge interest from the community to tackle discrimination and to bring about awareness of rights and responsibilities.

Table 4.5 Community education by session type

	2016-17	2015-16
Student sessions	52	76
Community awareness	17	18
Community forum	9	8
Other	29	9
Total	107	111

Diversity education: *Let's Get Together* project

Equal Opportunity Tasmania has continued to work in partnership with the community organisation A Fairer World to deliver diversity education to young people at Kingston High School and Huonville High School to foster a school culture free of bullying and discriminatory behaviours.

1. Please note, all case studies in this report set out what was alleged by the person making the report or complaint.

Evaluation and feedback

Regular evaluation of our training and education content, relevance and delivery is essential to maintaining our professional training approach (Table 4.6). Evaluations are compiled, results are recorded and all feedback is reviewed to ensure consistency, currency and professionalism in our product and performance.

Table 4.6 Training evaluation ratings

	2016-17	2015-16
For the question: Please give the training an overall rating	Total of 1038 completed responses	Total of 717 completed response
Excellent	59%	69%
Very Good	30%	28%
Total	89%	97%

Our evaluation forms also include the two questions:

What did you find was the most informative/useful segment of the training session for you?

What two things will you implement/change in your workplace because of this session?

These questions create a reminder and final reflection opportunity for participants.

Feedback received included:

- Felt comfortable asking questions of the speaker.
- I am going to help someone that needs my help to do with bullying and harassment.
- Appreciate that council provides this training. Gives confidence in the organisation as a safe place.
- Excellent and engaging presentation and training. Great presentation.
- Trainer had excellent knowledge of subject. Very detailed on legislation.
- Reinforces appropriate behaviour, makes sure all staff are aware of policies and procedures.
- Practice the different types of questions (open/closed and reframing).
- Fantastic, sensitively managed and highly relevant, great group work.
- Very relevant great to know background. Good delivery very individual for our needs. Good open discussions around enrolment processes and services. Improved understanding of disability, diversity and discrimination in the context of services delivered to children and families.
- LGBTI discrimination training improved our attitudes and defining what discrimination is and how it works.

5 - Community engagement

Functions and events

During the year there were a number of events held that had direct relevance to the work of Equal Opportunity Tasmania. Participating in the following events keeps our work relevant and connected with both the issues and people in the Tasmanian community.

NAIDOC Week: 3 to 8 July 2016

Equal Opportunity Tasmania continues to acknowledge the importance of both participating in and celebrating National Aborigines and Islanders Day Observance Committee (NAIDOC) Week with the Aboriginal community in Tasmania.

The theme for 2016 was Songlines: “The living narrative of our nation”.

Songlines have been passed down for thousands of years and are central to the existence of Aboriginal and Torres Strait Islander people. They are imperative to the preservation of Aboriginal and Torres Strait Islander cultural practices.

NAIDOC invited all Australians to learn more about Songlines. It was also an opportunity to learn how Aboriginal and Torres Strait Islander communities are today using digital technologies and modern mediums to record and celebrate these ancient Songlines or dreaming stories.

Through learning more about Songlines and how they connect people to Country and the Country to people, we celebrate the rich history and diversity of Aboriginal and Torres Strait Islander cultures - the oldest continuing cultures on the planet.

The Commissioner and several staff attended the flag-raising ceremony at piyura kitina (Risdon Cove) on 4 July 2016. This is always a great opportunity to share and celebrate with Aboriginal community members and continue to learn first-hand the value of Aboriginal culture, family and community.

Human Rights Week (Tasmania): 2 to 10 December 2016

The celebration of Human Rights Week in Tasmania continued in 2016 with several events across the State.

Human Rights Week started in December 1988 with a small group of volunteers

acknowledging and celebrating local human rights activities and campaigns. Since then, Human Rights Week and the Human Rights Week Launch and Awards announcements have grown and been an opportunity for many more human rights-focused activities across the State.

Each year there are events held across the week in December that begins with International Day of People with Disability on 3 December and ends with International Human Rights Day on 10 December. There are strong links to other international days including World AIDS Day on 1 December and International Volunteer Day on 5 December.

Human Rights Week in Tasmania is an opportunity to both acknowledge and celebrate the progress and achievements that have been made towards the protection, promotion and fulfilment of human rights here and globally.

The local theme for Human Rights Week 2016 was: *'Human Rights – It's up to us'*.

On 2 December 2016, the launch of Human Rights Week was held at Tasmania's Parliament House. It was an opportunity to recognise the contribution of local human rights defenders through the announcements of human rights awards.

The commitment in Tasmania to celebrate Human Rights Week was again evident with several large events held across the State. Human Rights Week Committee members organised another successful event on 8 December 2016 with a reception at the Launceston Town Hall to celebrate northern recipients of Tasmanian Human Rights awards. A similar reception for north-western recipients was held at Wynyard High School on 9 December. Both receptions were highly successful and well attended.

The success of Human Rights Week in Tasmania is due to the hard work and dedication of a diverse group of organisations and volunteers who make up the Human Rights Week Organising Committee. As well as the Committee members, thanks goes to all those who made 2016 Human Rights Week and the Awards a great success.

More information about Human Rights Week and Award winners in Tasmania is available at: <http://afairerworld.org/hrw/>. Human Rights Week activities and announcements are also available through the Facebook pages of both Human Rights Week Tasmania and Equal Opportunity Tasmania.

2017 is an important year marking the 30th Anniversary of Human Rights Week in Tasmania.

Other events

In addition to the events above, we have also attended and participated in a number of community events to connect with and support the diversity inclusion work of the community. These include:

- Council on the Ageing World Elder Abuse Awareness Day walk.
- Working It Out breakfast to commemorate the International Day Against Homophobia, Transphobia and Biphobia.
- Launch of the State Service Diversity and Inclusion Policy Framework.
- Hobart Human Library workshop at Government House.

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- Launch of the Gender Diversity in the Tasmanian State Service initiative.
 - Domestic Family Violence Candle Lighting Ceremony.
 - Launch of the Commissioner for Children and Young Person's Report into Family Violence.
 - Harmony Day Premiers Event.
 - Professor Triggs, President of Australian Human Rights Commission visit to Equal Opportunity Tasmania.
 - Luncheon with Federal eSafety Commissioner, Andree Wright at Rokeby Police Academy.
 - Co-hosted event with newly appointed Federal Disability Discrimination Commissioner, Alastair McEwin.

Commissioner's presentations and speaking engagements

During the year, the former and current Commissioner participated in a number of events across the state to increase awareness of discrimination law and promote diversity.

Former Commissioner, Robin Banks

- Presentation to Friends School students regarding discrimination legislation.
- Hypothetical panel participant for State Service Management Program.
- Lecture to University of Tasmania 1st Year Medical students on Equity and Discrimination.
- Presentation to participants in the Anna Stewart Program on the role of the Anti-Discrimination Commissioner and relevance of Equal Opportunity Tasmania and union delegates.
- Presentation to Soroptimist International Hobart.
- Presentation at Worksafe Month Conference, Launceston.
- Formal opening of Speak Out Conference, Ulverstone.
- Guest speaker at Discrimination Awareness Session at Tailgate Riverside, Launceston.
- Presentation at Mission Australia session on Mental Health and Reasonable Adjustments in the workplace.
- Opening address and facilitation of a workshop at TasCOSS Conference, Hobart.
- Address and presentation at Commonwealth Department of Human Services leadership forum.
- Presentation to ANU Legal Workshop 'Becoming a Practitioner' course, Federal Court of Hobart.

Current Commissioner, Sarah Bolt

- Panel speaker at the United Nations Youth Tasmania's State Conference.
- Presentation at the Department of Police, Fire and Emergency Management, Senior Executive Officer meeting.
- Panellist at the Women Supporting Women in Leadership– 'Be Bold for Change' Forum.
- Guest speaker to members of the Tasmanian Women's Council on flexible workplaces.
- Presentation to Tasmania Police, Commissioned Officers Seminar on overview of Anti-Discrimination legislation and unconscious bias.

Case study: Access to accessible toilets at club

The complainant alleged the toilet at her local football club was not accessible because of her disability. The complaint was investigated because it showed possible indirect discrimination on the basis of disability in connection with the areas of the provision of facilities, goods and services and membership and activities of clubs.

Indirect discrimination on the basis of disability occurs when:

- a) a person imposes a condition, requirement or practice;*
- b) the condition, requirement or practice disadvantages a person who is a member of the group of people with disability, more than a person who is not a member of that group (who does not have disability); and*
- c) the condition, requirement or practice is unreasonable in the circumstances.*

To be able to access the toilets, a person had to be able to go up steps and to open a door and enter a toilet cubicle without help. The Anti-Discrimination Commissioner considered this condition may disadvantage people with physical disability and/or people who use devices to assist them to walk or who need help from a carer. The Commissioner also said it was possible the condition may be unreasonable in the circumstances.

In their response to the complaint, the respondent said it had commenced work on a new accessible toilet in another building on the sporting ground. It had also obtained costings to make the existing toilet accessible, and that the work would be done no later than the 2017-18 financial year.

The complainant was satisfied with the steps outlined in the response and applied to withdraw the complaint. Before granting a withdrawal, the Commissioner must consider whether the application to withdraw was made voluntarily. The Commissioner decided the complainant had made a voluntary application to withdraw the complaint on the basis the respondent was fixing the problem, and granted the withdrawal.

6 - Enquiries

Equal Opportunity Tasmania seeks to maximise the range of ways general and complaint-related enquiries can be made. We do this to ensure our services are accessible to everyone.

Enquiries can be received by telephone, e-mail, web SMS, fax, post, on-line enquiry form or through people making an appointment.

In 2016–17, the office received and dealt with 418 enquiries (down from 577 in 2015–16). Despite this decline, enquiry staff have consistently dealt with many complex and detailed enquiries relating to the provisions of the Act and the complaint processes.

The highest ground of alleged discrimination recorded by the enquirers was disability (Table 6.1) in the areas of employment; provision of facilities, goods and services; and education and training (Table 6.2). Enquiries were also raised in relation to other prohibited conduct, with offensive conduct being the highest, followed by sexual harassment (Table 6.3).

A number of informal enquiries were also dealt with at community events and training, education and development sessions.

Table 6.1 Top 5 attributes raised from enquiries in 2016-17

Disability	208
Race	60
Age	56
Sexual orientation	33
Irrelevant criminal record	31

Table 6.2 Top 5 areas raised from enquiries in 2016-17

Employment	243
Provision of facilities, goods and services	191
Education and training	72
Accommodation	68
Membership and activities of clubs	20

Table 6.3 Other prohibited conduct in 2016-17

Offensive conduct	89
Sexual harassment	33
Victimisation	31
Inciting hatred	25

Case study: Access to part-time study due to family responsibilities

The complainant alleged discrimination and conduct that is humiliating, intimidating, insulting, ridiculing or offensive on the basis of family responsibilities, parental status and race as well as incitement on the basis of race and victimisation in connection with education and training on the basis that:

- the complainant was not allowed to finish a course at 2 pm to pick up his child (complainant is the sole carer) while studying full time; and*
- the complainant believed a teacher ignored his requests for help in the class room because of the colour of his skin.*

The complainant withdrew his complaint after reaching an Agreement with the education provider to study part-time.

Case study: Complaint led to accessible car parking space being provided

The complainant's main source of mobility is a wheelchair. The complaint alleged that a popular car park in Launceston had no wheelchair accessible car parking spaces and as a result the complainant had great difficulty finding a suitable parking space.

The complaint resolved at a conciliation conference conducted by Equal Opportunity Tasmania with the company responsible for the car park agreeing to create an accessible car parking space in the car park.

Case study: Complainant bullied in the workplace

The complainant alleged discrimination on the basis of race and conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of race in connection with employment.

The complainant alleged that she was called a 'wog', sworn at, taunted, alienated and that derogatory comments were made about her in relation to her race.

The complaint was accepted and resolved at an early conciliation conference.

7 - Complaint handling

A significant function of Equal Opportunity Tasmania is to receive, investigate and attempt to resolve complaints of discrimination and prohibited conduct.

The Act provides that a person can complain about conduct that could be one or more of the following breaches:

- discrimination on the basis of one or more of 22 protected attributes;
- conduct that offends, humiliates, intimidates, insults or ridicules on the basis of one or more of 14 protected attributes;
- sexual harassment;
- incitement, by a public act, to hatred, serious contempt or severe ridicule on the basis of one or more of six protected attributes;
- promoting discrimination or prohibited conduct;
- knowingly causing, aiding or inducing another person to breach the Act; and/or
- victimisation: which is protection against retaliation for making a complaint or participating in the complaint process.

Other than incitement, the conduct listed above is only unlawful if it happens in connection with one or more of the following areas of activity:

- employment (includes both paid and unpaid and is defined to include a range of employment and occupation related activities);
- education and training;
- provision of facilities, goods and services;
- accommodation (includes both residential and business accommodation);
- membership and activities of clubs;
- administration of any law of the State or any State program; and/or
- awards, enterprise agreements or industrial agreements.

In 2016–17, 147 complaints were received under the Act (Table 7.1). This was a slight decrease from 150 complaints received in 2015–16. As with other years the vast majority of complaints alleged discrimination as a possible breach (93.2%).

At the same time the number of complaints alleging offensive conduct, sexual harassment and/or victimisation increased. The increase in the number of complaints in which victimisation was alleged or identified represents a return to levels comparable in earlier years following a marked decline in victimisation complaints recorded in the 2015-16 financial year.

The year saw a slight decrease in the number of complaints in which incitement was alleged or identified.

Table 7.1 Type of breach alleged

	Current year 2016-17	Previous year 2015-16
Total complaints	147	150
Discrimination	137	139
Conduct that offends, humiliates, insults, intimidates or ridicules	99	87
Victimisation	50	38
Incitement	40	43
Sexual harassment	14	12
Promoting a breach	1	3
Causing, inducing or aiding a breach	0	2
None alleged	1	0

Case study: Age discrimination joke cost employer

The complainant alleged discrimination and conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of age and family responsibilities on their own behalf and on behalf of their partner and partner's son. The complaint was accepted for investigation on the grounds that a manager allegedly made negative comments and jokes about the complainant's age, and also told the complainant that they were unreliable when they had to leave work unexpectedly due to their partner having a fall.

The complaint was resolved at a conciliation conference on the basis that the parties agreed to:

- *the complainant receiving \$5,000;*
- *the complainant receiving a verbal apology;*
- *not to denigrate each other; and*
- *the agreement being confidential.*

Discrimination complaints

During 2016–17, disability continued to dominate the discrimination complaints, being identified in 76 of the 147 complaints (52%) (Table 7.2).

The next highest levels of discrimination allegations related to the attributes of age (27%), irrelevant medical record (14%), race (12%) and gender (10%).

Table 7.2 Complaints of discrimination by attribute

	Current year 2016-17	Previous year 2015-16
Total complaints in which discrimination alleged or identified	137	139
Disability	76	68
Age	39	17
Irrelevant medical record	20	5
Race	17	19
Gender	15	22
Family responsibilities	13	8
Association	11	14
Industrial activity	11	12
Religious belief or affiliation	10	8
Irrelevant criminal record	9	18
Relationship status	9	6
Sexual orientation	9	5
Parental status	8	4
Gender identity	6	1
Political activity	5	7
Religious activity	5	13
Political belief or affiliation	4	5
Lawful sexual activity	3	2
Intersex	2	0
Marital status	2	5
Breastfeeding	1	1
Pregnancy	1	2
Unknown	1	0

As noted earlier, for discrimination to be unlawful it must be connected with an area of activity. In 2016-17 the dominant area of complaints alleging discrimination was in connection with the areas of activity of employment and/or provision of facilities, goods and services (Table 7.3).

Table 7.3 Discrimination complaints by area of activity identified

	Current year 2016-17	Previous year 2015-16
Employment	66	59
Provision of facilities, goods and services	58	68
Education and training	13	12
Membership and activities of clubs	12	6
Accommodation	10	11
Administration of any law or program of the State	9	8
Awards, enterprise and industrial agreements	4	1
Unknown	3	0

Table 7.4 shows the type of discrimination complaints received by attribute and area of activity for the year.

In relation to disability the provision of facilities, goods and services was identified in 42 complaints. Whereas in relation to age and gender, employment was the dominant area of activity identified (in 23 and 11 complaints respectively).

Case study: Employees cannot be disciplined for making a complaint under the Act

The complainant alleged discrimination on the basis of association with a person who has an attribute and victimisation in connection with employment.

The complainant's brother has a disability and she was employed as a carer for him. The complainant made complaints of discrimination to another organisation about how their staff treated her brother.

The complainant was stood down from work for unrelated reasons, but the fact she had made complaints to the other organisation formed part of an investigation into her conduct.

The organisation took issue with the complainant failing to inform them about the complaints she had made and that she didn't ask permission.

The Act does not require a person to inform any other person or organisation that they have made a complaint of discrimination to someone else. It also does not require an employee to ask permission from an employer to make a complaint of discrimination.

Under the Act, victimisation can occur when a person is subject to detriment because a person (or organisation) victimised them because they alleged that any person committed an act which would amount to a contravention of the Act or that they made a complaint about that person.

The parties were able to resolve the complaint at an early conciliation conference where the respondent provided a written apology to the complainant.

Table 7.4 Discrimination complaints made by attribute and area of activity alleged or identified

Discrimination on the basis of:	Provision of facilities, goods and services	Employment	Accommodation	Education and training	Administration of State laws and programs	Membership and activities of clubs	Awards, enterprise and industrial agreements
Disability	42	29	6	8	4	6	3
Age	2	23	1	5	2	3	3
Irrelevant medical record	14	10	2	1	3	1	3
Race	11	10	3	1	3	0	3
Industrial activity	4	9	0	2	3	1	3
Gender	3	11	2	2	1	1	0
Religious belief or affiliation	6	5	3	0	3	0	0
Irrelevant criminal record	6	4	2	0	1	1	3
Family responsibilities	2	8	2	2	2	1	0
Parental status	3	4	0	2	1	1	0
Sexual orientation	2	6	2	0	0	0	0
Relationship status	3	4	2	0	0	1	0
Political activity	1	2	3	0	1	1	0
Gender identity	2	3	1	0	0	2	0
Religious activity	1	4	0	0	1	0	0
Political belief or affiliation	1	2	2	0	1	1	0
Lawful sexual activity	1	1	1	1	0	0	0
Intersex	1	1	1	0	0	0	0
Marital status	0	1	0	0	0	1	0
Pregnancy	0	1	0	0	0	0	0
Breastfeeding	0	1	0	0	0	0	0
Association with a person who has, or is believed to have, any attribute	7	7	2	1	2	0	3

Prohibited conduct complaints

Prohibited conduct refers to any of the types of breaches other than discrimination. It includes conduct that is offensive, humiliating, intimidating, insulting or ridiculing and/or behaviour that is capable of inciting hatred, serious contempt or severe ridicule on the basis of specified attributes.

Complaints alleging offensive, humiliating, intimidating, insulting or ridiculing conduct that identified disability as the relevant attribute increased in 2016–17. Similar increases are seen in relation to age and relationship status (Tables 7.5).

Table 7.5 Complaints involving alleged offensive, insulting, intimidating, humiliating or ridiculing conduct by attribute

	Current year 2016-17	Previous year 2015-16
Total complaints in which offensive conduct alleged or identified	99	87
Disability	60	50
Gender	15	18
Race	13	18
Age	33	12
Family responsibilities	9	7
Sexual orientation	7	7
Relationship status	9	6
Marital status	2	5
Gender identity	4	2
Parental status	7	2
Lawful sexual activity	4	2
Pregnancy	1	2
Breastfeeding	1	1
Intersex	2	0

Case study: Employer terminates employee due to age and agility

The complainant alleged discrimination and conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of age in connection with employment.

The complainant was interviewed by the Director of a company who proceeded to offer him a job. After 4 days of work a different Director of the company approached the complainant and told him that the company was ‘seeking someone more agile’ and referred to his age (52). The Director then terminated his employment.

The complainant and respondents attended an early conciliation conference where the complaint was resolved.

Complaints alleging incitement to hatred, serious contempt or severe ridicule decreased slightly in 2016-17 with disability continuing to be the dominant attribute identified (Table 7.6).

Table 7.6 Complaints involving alleged incitement to hatred, serious contempt or severe ridicule by attribute

	Current year 2016-17	Previous year 2015-16
Complaints in which incitement alleged or identified	40	43
Disability	23	24
Race	8	11
Religious belief or affiliation or activity	6	10
Sexual orientation or lawful sexual activity	11	9

With regards to the area of activity identified in prohibited conduct complaints the provision of facilities, goods and services and employment again dominate (Table 7.7).

Case study: Victimisation complaint rejected

The complainant alleged victimisation in connection with the area of education and training. It was alleged that the Principal of the school where the complainant's children attended banned her from the school and school events. The complainant alleged this happened because she made a complaint about a teacher whom she believed was negligent in her duty of care.

Victimisation occurs when a person is subjected to detriment (a substantial disadvantage) because they did or intended to:

- complain about discrimination or other conduct made unlawful by the Anti-Discrimination Act;*
- allege someone did something unlawful under the Act;*
- give evidence or information in proceedings under the Act;*
- refuse to do something that would be unlawful under the Act;*
- do anything in relation to any person under or by reference to the Act.*

In this case, the complainant had been subjected to detriment – she was banned from the school and school events. However, the reason she was banned was not because she had complained about something in connection with the Act. The allegation of negligence in the duty of care was not unlawful conduct under the Act.

The Anti-Discrimination Commissioner rejected the complaint under section 64(1)(a) of the Act because it was misconceived and under section 64(1)(b) of the Act because it did not relate to prohibited conduct (victimisation).

Table 7.7 Prohibited conduct complaints received: by attribute and area of activity alleged or identified

	Provision of facilities, goods and services	Employment	Education and training	Membership and activities of clubs	Accommodation	Administration of State law or program	Awards, enterprise and industrial agreements	Unknown
Conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of:								
Disability	33	23	8	5	4	4	1	1
Age	12	20	4	3	2	2	2	1
Race	8	10	1	0	2	3	3	0
Gender	3	11	2	1	2	1	0	0
Relationship status	5	6	0	1	1	0	3	0
Family responsibilities	2	6	2	1	0	6	0	0
Parental status	1	5	2	1	0	1	0	0
Sexual orientation	3	4	0	0	2	0	0	0
Lawful sexual activity	2	1	1	0	2	0	0	0
Gender identity	1	2	0	2	0	0	0	0
Intersex	1	1	0	0	1	0	0	0
Marital status	0	1	0	1	0	0	0	0
Breastfeeding	0	1	0	0	0	0	0	0
Pregnancy	0	1	0	0	0	0	0	0
Inciting hatred, serious contempt or severe ridicule on the basis of:								
Disability	17	7	2	0	2	2	1	0
Race	6	5	1	0	2	2	3	0
Religious affiliation, belief or activity	4	3	0	1	2	2	0	0
Sexual orientation	3	3	0	0	2	0	0	0
Lawful sexual conduct	2	2	1	0	2	0	0	0
Victimisation	22	26	9	3	6	8	2	2
Sexual harassment	2	10	2	0	2	0	0	1
Promoting discrimination or prohibited conduct	1	0	0	0	0	0	0	0
None alleged / s60 no standing	0	0	0	1	0	0	0	0

Who makes complaints and who are they against

The complainant is the person or person/s that lodges a complaint.

Most complaints are received from individuals who either complain on their own behalf or on behalf of another person or group (Table 7.8). Most of the complaints made by a person on behalf of another are made by a parent on behalf of their child or a family member on behalf of a person with disability.

The respondent is the individual and/or organisation against whom the complaint has been made.

Table 7.8 Complaints: complainants and respondents

	Current year 2016-17	Previous year 2015-16
Number of complainants	153	168
Individual complainants	153	165
Male	91	83
Female	61	81
Other	1	1
Organisation or group complainants	0	3
Number of respondents	283	224
Individual respondents	137	77
Male	79	51
Female	58	25
Other	0	1
Organisation or group respondents	146	147

Respondent type identified in complaints

Organisational respondents are categorised according to their respondent type. Complaints received in 2016-17 saw private enterprise as the highest respondent type identified, which was slightly less than the previous year (Table 7.9). There was a notable change in the local government area with a 50% increase in complaints that identified a local government organisation as the respondent.

Table 7.9 Complaints by respondent type

	Current year 2016-17	Previous year 2015-16
State government entities	39	37
Local government	14	7
Federal government	0	2
Private enterprise	61	65
Non-profit entities	25	25

In relation to complaints in which the State government, private enterprise and/or non-profit organisations were identified as the respondent, employment was the dominant area of activity (Table 7.10). However, where local government was identified as the respondent type, the dominant area of activity was the provision of facilities, goods and services.

Table 7.10 Respondent organisation type by area of activity

	Current year 2016-17
State Government	
Provision of facilities, goods and services	17
Employment	18
Administration of any law of the State	8
Accommodation	5
Education and training	7
Awards, enterprise and industrial	2
Membership and activities of clubs	1
Local Government	
Provision of facilities, goods and services	12
Employment	5
Administration of any law of the State	0
Accommodation	2
Education and training	1
Awards, enterprise and industrial	3
Membership and activities of clubs	1
Private Enterprise	
Provision of facilities, goods and services	25
Employment	33
Administration of any law of the State	2
Accommodation	2
Education and training	4
Awards, enterprise and industrial	1
Membership and activities of clubs	3
Non-Profit	
Provision of facilities, goods and services	8
Employment	10
Membership and activities of clubs	9
Education and training	3
Accommodation	2

Access to legal representation, advocacy and support

Some complainants and respondents may choose to seek legal or advocacy representation. Others may enter the complaint process unrepresented and remain so throughout the process.

The relatively informal process of complaint handling within the Equal Opportunity Tasmania setting enables, a timely, creative and flexible approach to resolving matters.

Of the people making complaints under the Act in 2016-17:

- 12 complainants had a lawyer at some stage during the complaint process; and
- 20 had an advocate or other representative involved at some time during the complaint process.

In terms of respondents:

- Of the 148 primary respondents, 37 had a legal representative (private lawyer or in-house counsel) and 14 involved another representative.

Under-reporting of complaints

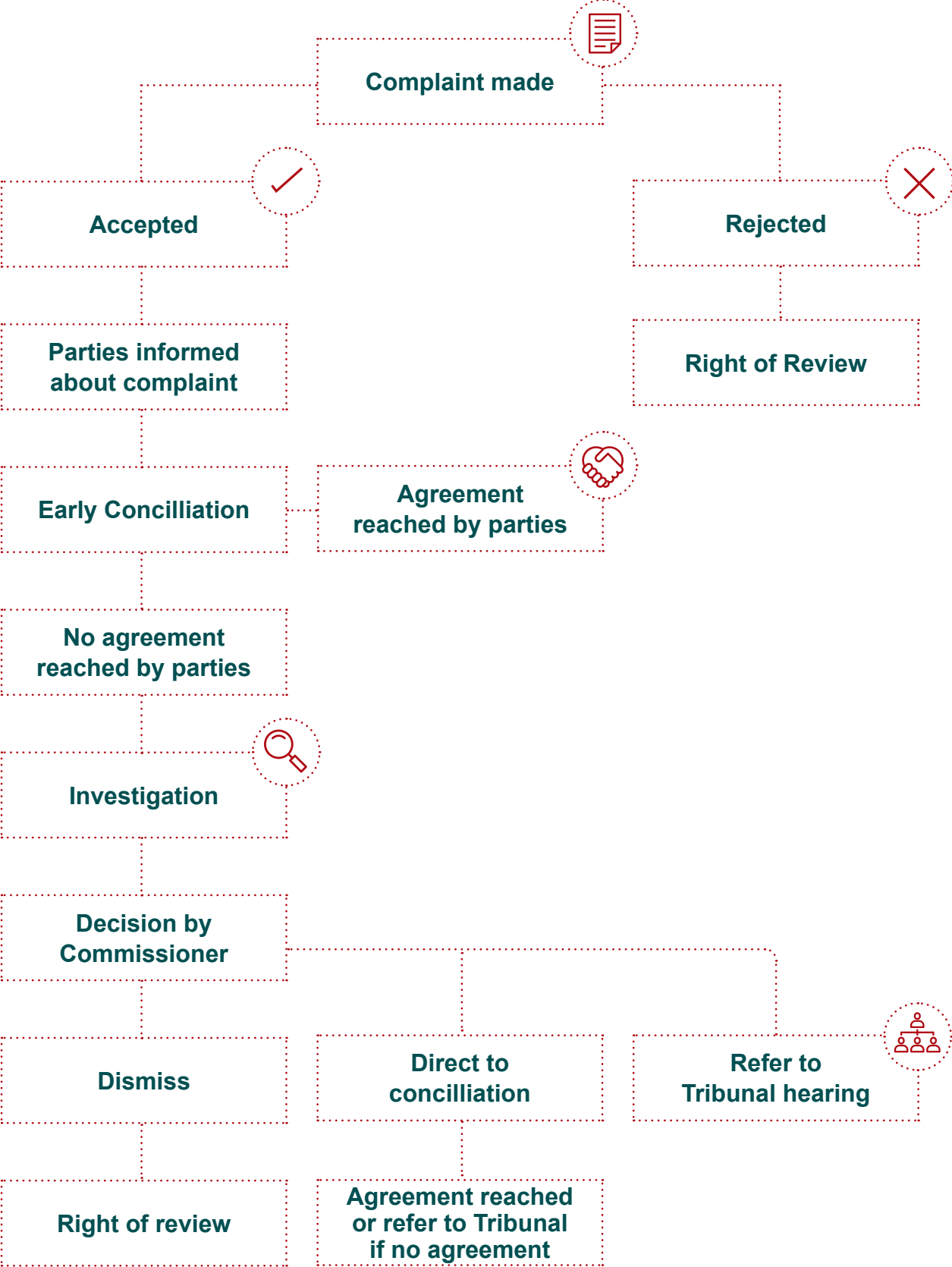
The potential for the under-reporting of complaints by certain members of the community is of continual concern.

Discussions suggested some systemic reasons behind an inability or reluctance on the part of some people to lodge a complaint:

- language and cultural barriers;
- a lack of information available in languages other than English;
- mental health issues;
- low level of literacy;
- lack of awareness of the right to make a complaint;
- a fear or suspicion of authority;
- a fear of retribution; and/or
- the length of time it takes for a complaint to be finalised.

The question of how best to deal with these barriers is a difficult one. Many can be addressed through education and information sharing. It is vital that those who are reticent, for various reasons, to lodge a complaint are informed of their right to complain and what they might expect to occur once a complaint has been lodged. We remain committed to engaging with a wide range of stakeholders to ensure that as many people as possible are aware of their right to lodge a complaint and the roles and functions of Equal Opportunity Tasmania.

Complaint flowchart



Assessment

The critical role of Equal Opportunity Tasmania in the complaint handling process is to operate in a manner that is independent, timely and impartial.

Every complaint made under the Act is assessed to identify whether or not the complaint discloses possible breaches of the Act. Based on their assessment, the Investigation and Conciliation Officer makes a recommendation to the Commissioner on whether or not the complaint should be accepted under the Act.

Acceptance of a complaint **does not** mean the complainant has proved they have been discriminated against or subjected to prohibited conduct. Rather, it means the complaint satisfies the requirement of the Act and discloses possible breaches of the Act through the conduct the complainant alleged has happened.

The Act requires the Commissioner to accept or reject a complaint within 42 days after its receipt.

The Commissioner also has the power to reject part of a complaint, while accepting other parts of it. This is particularly important when a complainant names a number of respondents (people or organisations allegedly responsible for what happened). When this happens, the Commissioner may decide that only some of those respondents could have any possible liability under the Act. Part rejecting a complaint avoids the need for all the named parties having to remain involved in the complaint process.

Table 7.11 provides an overview of complaint assessment decisions made in 2016-17.

Table 7.11 Complaint assessment decisions

	Current year 2016-17	Previous year 2015-16
Assessment decisions	144	147
Accepted	85	102
Rejected	59	45

Of the 144 assessment decisions made by the Commissioner in 2016-17 on whether to accept or reject a complaint:

- 12 were complaints received in 2015-16 and the remaining 132 were received in 2016-17.
- 59 complaints (41.0%) were rejected in part or in whole (up from 30.6% in 2015-16).
- 85 complaints (59.0%) were accepted in part or in whole (down from 69.4% in 2015-16).

Of the 59 complaints rejected:

- 4 complaints were not accepted as they were made outside the time limit of 12 months.
- 28 complaints were rejected under s64(1)(a) which means the complaint was found to be lacking in substance or misconceived.
- 19 complaints did not relate to discrimination or prohibited conduct.
- 7 complaints were rejected because they could be more effectively dealt with by another statutory authority.

- 1 complaint was part rejected, part accepted, and then later withdrawn.

The average timeframe for a complaint to be assessed during the reporting period was 33 days (down from 35 days in 2015-16).

If a complaint is accepted, the Act requires that the respondent(s) be notified within 10 days of that decision and the reasons for it. Notifications that occur later than 10 days are generally due to difficulties with getting current address details for parties.

Early conciliation

Where it is determined that an accepted complaint may be resolved through early conciliation, a conciliation conference will be held prior to a formal investigation commencing.

During 2016-17, 70 early conciliations were held (down from 81 in 2015-16). Of these 32 (45.7%) of the complaints were resolved at or following the meeting. 23 were not resolved and returned to investigation and two were withdrawn with no resolution. Four conciliations were adjourned and the possibility of resolution remains open in these cases.

Investigation

Once parties have been notified of the decision to accept a complaint, Equal Opportunity Tasmania has 6 months to complete the complaint investigation, irrespective of whether or not an early conciliation is held. This is a statutory time limit and requires that a complaint be referred to the Tribunal if the investigation has not been completed within the 6 months allowed. However, there are provisions in the Act that permit the investigation time to be extended with the complainant's consent.

Outcome of investigations

At the completion of an investigation the Commissioner must make one of the following decisions:

- dismiss the complaint;
- refer the complaint to conciliation conducted under the Commissioner's authority; or
- refer the complaint to the Tribunal.

Table 7.12 Complaint investigation decisions

	Current year 2016-17	Previous year 2015-16
Investigation decisions	39	44
Dismissed	12	13
Proceed to conciliation	11	16
Referred to inquiry by Tribunal	14	10
Other (s78(4))	2	5

During the reporting period, investigations were finalised in relation to 39 complaints (Table 7.12).

Of the 39 investigations finalised:

- 12 complaints (30.8%) were dismissed.
- 11 complaints (28.2%) proceeded to post-investigation conciliation.
- 14 complaints (35.9%) were referred to the Tribunal for inquiry.

Outcome of conciliations

Table 7.13 represents the total outcomes of conciliations held during the reporting period including early and post investigation conciliation conferences.

Table 7.13 Conciliation outcomes

Conciliation outcomes	Current year 2016-17	Previous year 2015-16
Resolved	52	55
Not resolved and returned to investigation	29	30
Not resolved and referred	5	8
Withdrawn with no resolution	2	2
Withdrawn resolved	1	2
Adjourned	4	16

Finalising complaints

Complaints received by the Commissioner are finalised and closed in a range of ways:

- Rejection;
- Early conciliation;
- Withdrawal;
- Resolution through conciliation following investigation;
- Referred to Tribunal; or
- Dismissal.

During the reporting period, there were 162 complaints finalised. This is a slight increase compared to 156 in 2015-16.

Table 7.14 shows the various outcomes for complaints finalised in 2016-17.

Table 7.14 Complaints finalised in 2016-17 by the Anti-Discrimination Commissioner

Complaint outcomes	Current year 2016-17	Previous year 2015-16
Resolved through conciliation or negotiation	49	54
Rejected	56	42
Referred to Tribunal after investigation complete	15	9
Dismissed	12	16
Withdrawn without being resolved	10	5
Withdrawn having been resolved	8	7
Referred to Tribunal after unsuccessful conciliation	6	7
Part resolved, part rejected	0	1
Part resolved, part withdrawn	2	1
Part resolved, part referred due to the expiry of the six-month investigation deadline	0	1
Part resolved, part dismissed	1	1
Part rejected, part withdrawn	1	0
Part resolved, part referred after unsuccessful conciliation	1	1
Part resolved, part referred after investigation completed	1	3
Combined with another complaint	0	6
Referred to the Tribunal due to the expiry of the six-month investigation deadline	0	2

Timeliness of the complaint process

The average time from receipt to finalisation for complaints finalised in 2016–17 has reduced to just under 6.5 months. In 2016-17:

- 63% of complaints were finalised within 6 months (an increase from 53% in 2015-16).
- 81% within 9 months (up from 72% in 2015-16).
- 86% within 12 months (up from 83% in 2015-16).

Anti-Discrimination Tribunal

Under section 13 of the Act, the Anti-Discrimination Tribunal's functions in relation to complaints made under the Act are:

- to conduct an inquiry into a complaint; or
- to review a decision of the Commissioner relating to exemptions, withdrawals, rejections and dismissal of complaints.

Review of decisions to reject or part reject complaints

A decision by the Commissioner to reject (or part reject) a complaint must be reviewed by the Tribunal if the complainant applies for a review within 28 days of being notified that their complaint has been rejected (or part rejected).

In 2016–17, 9 complainants sought review by the Anti-Discrimination Tribunal of the Commissioner’s decision to reject the complaint.

Of these 9 reviews, 5 were upheld and 2 were overturned in whole or part by the Tribunal. One of the review applications was withdrawn and one was pending a Tribunal decision (Table 7.15).

Table 7.15 Outcomes of rejection reviews conducted and finalised by the Tribunal in 2016–17

Reviews withdrawn	1
Commissioner’s rejection decision upheld by the Tribunal	5
Commissioner’s rejection decision overturned (in whole or in part) by the Tribunal	2
Pending decision	1

Review of decision to dismiss

In 2016-17, two complainants sought review by the Anti-Discrimination Tribunal of the Commissioner’s decision to dismiss or part-dismiss their complaint. Of these one was withdrawn and in the other a decision was pending at the end of the reporting period (Table 7.16)

Table 7.16 Outcomes of dismissal reviews conducted and finalised by the Tribunal in 2016-17

Reviews withdrawn	1
Commissioner’s dismissal decision upheld by the Tribunal	0
Commissioner’s dismissal decision overturned by the Tribunal	0
Pending decision	1

Referral to the Tribunal for Inquiry

During 2016-17, 23 complaints were referred either in their entirety or in part to the Anti-Discrimination Tribunal.

Four complaints were finalised by the Tribunal during the reporting period. Of these, three were finalised through withdrawal and one was resolved prior to hearing. There were 19 complaints pending a Tribunal decision at the end of the reporting period.

Published decisions of the Tribunal can be found on the Austlii website at www.austlii.edu.au/au/cases/tas/TASADT .

Case study: Unresolved conciliation referred to Tribunal

The complainant alleged conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of gender in connection with the provision of facilities, goods and services. She said a sign on the side of a club displayed an overly sexualised image of a woman, which she found offensive and intimidating.

The respondent did not provide a response to the complaint.

The complainant and respondent participated in a conciliation conference but the complaint was unable to be resolved.

The Anti-Discrimination Commissioner referred the complaint for inquiry by the Anti-Discrimination Tribunal. One issue that may be considered by the Tribunal at inquiry is whether the exception in section 55 of the Anti-Discrimination Act applies. An exception is a defence to a complaint.

Section 55 is a defence to a complaint of conduct that is offensive, humiliating, intimidating, insulting or ridiculing. It says this is not unlawful if:

- a) it is a public act done in good faith for academic, artistic, scientific or research purposes; or*
- b) any purpose in the public interest.*

Supreme Court decisions on the Act

Pervan v Blow [2017] TASFC3

This case involved an application to the Full Court of the Supreme Court for judicial review of the decision made by the Honourable Chief Justice Alan Blow (*Ralph v State of Tasmania* (unreported Supreme Court of Tasmania, Blow CJ, 7 October 2015))

The Applicant, Mr Pervan, applied for an order pursuant to section 27(1)(a) of the *Judicial Review Act*, that the decision of the Chief Justice be quashed and costs for the application be provided. The applicant argued that:

- The Respondent erred in law in construing the phrase ‘a copy of the record made under section 76’, appearing in s90(1)(b) of the *Anti-Discrimination Act*, in such a way as to encompass a document which was not ‘signed by each party’ as required by s76(2) if [sic] the *Anti-Discrimination Act* (s17(2)(f) *Judicial Review Act*);
- The Respondent erred in law in determining that an agreement, which purported to be a copy of the record referred to in s76(1) of the *Anti-Discrimination Act*, was such a record when such document was not and could not be found to be such a record (s 17(2)(f) *Judicial Review Act*.)”

The Full Court in a majority decision dismissed the application for review. The decision can be viewed on the Austlii website www.austlii.edu.au under Supreme Court of Tasmania (Full Court).

Case study: Complaint rejected - does not relate to discrimination

The complainant alleged discrimination on her own behalf and on behalf of her female partner in connection with provision of facilities, goods and services on the basis of relationship status and parental status because her partner was excluded from attending a medical appointment with the complainant's son. The child's mother (the complainant's ex-partner) had withdrawn permission for the female partner to attend. The complaint was rejected because the partner was not excluded from the appointment because of relationship status and parental status, rather, the health care professional did not have authority or power to allow the partner to attend the sessions when one of the child's legal parent's had withdrawn consent for this to happen. The complaint was rejected because it did not relate to discrimination under the Act.

Case study: Allegedly offensive comments about cancer made during business negotiations

The complainant was receiving treatment for cancer. The person ran a business and was involved in business dealings with another company. The complainant alleged that in the course of his business discussions with a company, the company manager allegedly made offensive comments in relation to the fact that he had cancer.

The Anti-Discrimination Act prohibits offensive conduct on the basis of disability in the areas of employment and the provision of facilities, goods and services. The matter was referred to conciliation and settled between parties.

The parties sought to repair their business relationship and the respondent agreed to make a \$6,000 donation to a charity organisation.

Case study: What is the true and genuine reason for the alleged conduct?

The complainant alleged discrimination on the basis of political activity and political belief or affiliation in connection with employment. He said his application for volunteer status had been rejected based upon his attendance at a political rally.

The complaint was accepted. The respondent provided a response that included a video which showed the complainant burning an effigy of a woman and spitting on her, as well as social media posts by the complainant demonstrating homophobia and racism.

The respondent said this online activity was the reason for the rejection of the complainant's application for volunteer status.

When considering if the alleged conduct possibly breaches the Act, the Anti-Discrimination Commissioner must consider the true and genuine reason for the conduct.

The complaint was dismissed on the ground that the complaint did not relate to discrimination or prohibited conduct, as the true and genuine reason for the complainant's rejection of volunteer status was his online activity.

8 - Exemptions

During the reporting period, the Commissioner received a total of 18 exemption applications (down from 19 in 2015–16). Of these applications, 14 were granted with conditions, two applications were yet to be determined and two applications were withdrawn. There were also three exemptions granted that were received in 2015-16.

Exemption orders set out specific conditions that the applicant must satisfy within a set timeframe to be compliant with the granted exemption. If these conditions are not satisfied any future applications they seek may not be granted.

Section 57(2)(b) of the Act states the Commissioner can revoke an exemption if a condition of the exemption is contravened. Therefore, not complying with the exemption condition/s could result in the exemption being revoked.

A common condition made for almost all exemptions granted is that the applicant must organise and undertake community education for its members, employees or volunteers for example through Equal Opportunity Tasmania's community education program to increase awareness of rights and obligations under the *Anti-Discrimination Act 1998* (Tas).

It is important that senior representatives including board members of any organisation have a sound understanding and knowledge of Anti-Discrimination legislation and should be included in exemption training that's provided. This can be incorporated as part of their professional development, strategic planning or risk management programs.

The exemptions granted are specific in terms of what is permitted—and might otherwise be unlawful under the Act—and do not exempt any other form of discrimination or prohibited conduct.

Notice must be published in the *Tasmanian Government Gazette* of every exemption granted. There is a right to seek a review of the granting of an exemption and of a decision to refuse to grant an exemption.

Exemptions granted are reported in our monthly electronic newsletter, *In respect of rights*. This encourages greater awareness of the exemption process and provides an alternative format to the Gazette.

Exemptions granted

Support, Help and Empowerment Inc

Exemption no: 16/06/020

Granted on 14 July 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 26, 27(1)(d)

This exemption was granted to permit Support, Help and Empowerment Inc to recruit and employ women only in the roles of Counsellor, Project Worker, Executive Officer and Volunteer Administrator.

Tasmanian Centre for Global Learning Inc trading as A Fairer World

Exemption no: 16/05/071

Granted on 5 August 2016 for 1 year

Relevant exceptions under the Act: Sections 25, 26, 37, 38

This exemption was granted to permit the Tasmanian Centre for Global Learning Inc trading as A Fairer World to create a group that meets regularly and supports male migrants aged between 16 and 25 years, and create a workshop/presentation that can be delivered at schools, colleges and workplaces to increase understanding of new migrants and people who have come to Tasmania as refugees or asylum seekers.

Anglicare Tasmania Inc - Community Services Worker

Exemption no: 16/06/048

Granted on 5 August 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 41

This exemption was granted to permit Anglicare Tasmania Inc to recruit and employ Aborigines only in specifically Aboriginal-designated Community Services Worker roles (approximately six (6) positions).

Pakana Services Ltd

Exemption no: 16/07/063

Granted on 5 August 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Pakana Services Ltd to recruit and employ Aboriginal and Torres Strait Islanders only for field worker positions.

Positive Solutions: Mediation Counselling Training

Exemption no: 16/07/068

Granted on 18 August 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 26, 27(1)(d)

This exemption was granted to permit Positive Solutions: Mediation Counselling Training to:

- recruit and employ only men as mediators for family mediation services to the extent necessary to ensure it is able to consistently provide co-mediations facilitated by a team made up of a male and a female mediator; and
- recruit and employ only women as mediators for family mediation services to the extent necessary to ensure it is able to consistently provide co-mediations facilitated by a team made up of a male and a female mediator.

Transtrain Pty Ltd

Exemption no: 16/08/016

Granted on 5 August 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit TransTrain Pty Ltd to recruit and train women only in a program designed to support them to develop skills and knowledge to take up roles in the Tasmanian transport and logistics industry, in particular truck driving roles.

Tasmanian Centre for Global Learning Inc auspicing Students Against Racism

Exemption no: 16/08/020

Granted on 12 August 2016 for a period of one week.

Relevant exceptions under the Act: Sections 25, 26, 27 (1)(f)

This exemption was granted to permit Students Against Racism to advertise and host a women-only 2-day event, Women's Business, for the purposes of:

- encouraging and supporting women of migrant, refugee and/or asylum seeker backgrounds to participate and celebrate their cultural differences through fashion and performances without fear of disrespecting their culture; and
- respecting the participating women's cultures by excluding men from attending the Women's Business event.

Womens Shelter Inc trading as Hobart Womens Shelter

Exemption no: 16/08/052

Granted on 12 October 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 27(1)(d)

This exemption was granted to permit Womens Shelter Inc trading as Hobart Womens Shelter to recruit and employ women only in all paid positions with Hobart Womens Shelter; and recruit and engage women only in all positions on the volunteer governance board of the Hobart Womens Shelter.

Relationships Australia Tasmania Incorporated trading as Relationships Australia Tasmania

Exemption no: 16/10/029

Granted on 7 November 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 27(1)(d)

This exemption was granted to permit Relationships Australia Tasmania Incorporated trading as Relationships Australia Tasmania to recruit and employ one woman practitioner to work in the Men Engaging in New Strategies ('MENS') Program, to be based in the north of the State, to enable the program to be facilitated by a team of one man and one woman.

Colony 47 Incorporated (Mara House)

Exemption no: 16/11/008

Granted on 23 November 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 27(1)(c), 27(1)(d)

This exemption was granted to permit Colony 47 Inc to recruit and employ females only for the positions of Mara House Co-ordinator, Residential Response Worker and Residential Youth Worker at Mara House.

Department of Primary Industries Parks Water and Environment

Exemption no: 16/12/030

Granted on 23 December 2016 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit the Department of Primary Industries Parks Water and Environment to recruit and employ women only in two of the three cadet positions available each year in the Department of Primary Industries Parks Water and Environment (DPIPWE) Cadet Program.

Department of Premier and Cabinet

Exemption no: 16/12/027

Granted on 6 January 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit the Department of Premier and Cabinet to specifically recruit and employ graduates with a disability into the Tasmanian State Service who are eligible to participate in the Graduate Program for People with Disabilities.

Tasmanian State Service

Exemption no: 17/01/018

Granted on 23 January 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit the Tasmanian State Service to specifically recruit and employ graduates with a disability into the Tasmanian State Service who are eligible to participate in the Graduate Program for People with Disabilities.

Port Arthur Historic Site Management Authority

Exemption no: 16/01/024

Granted on 24 February 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 26, 27(1)(d)

This exemption was granted to permit the Port Arthur Historic Site Management Authority to emphasise female leadership and involvement in the design and construction phases of a history and interpretation centre at the Cascades Female Factory.

Bethlehem House Tasmania Inc

Exemption no: 15/11/054

Granted on 7 March 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 27(1)(d)

This exemption was granted to permit Bethlehem House Tasmania Inc to recruit and employ males only to the roles of Case Worker and Support Worker.

South East Tasmanian Aboriginal Corporation

Application no: 17/03/048

Granted on 15 May 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit South East Tasmanian Aboriginal Corporation to specifically recruit and employ Aboriginal and/or Torres Strait Islanders to the identified positions of Chief Executive Officer, Senior Management, Aboriginal health workers and Receptionist.

Workskills Incorporated

Exemption no: 17/03/060

Granted on 18 May 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Workskills Incorporated to specifically recruit and employ at least one Aboriginal and/or Torres Strait Islander to the position of Youth Coach, as part of the Empowering Youth Initiative through Impact Communities.

Australian Red Cross Society - Tasmanian Divisional Advisory Board

Exemption no: 17/03/025

Granted 23 May 2017 for 3 years

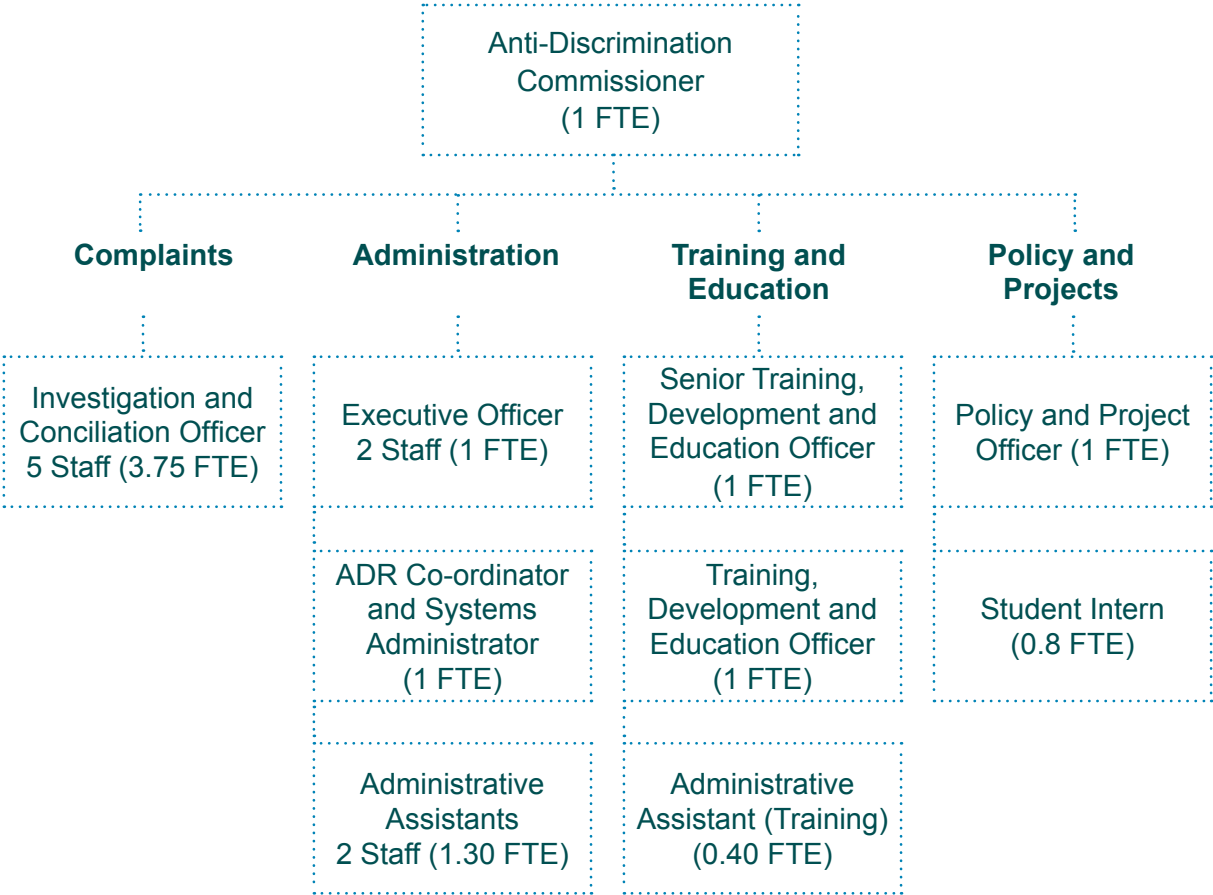
Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Australian Red Cross Society to advertise and appoint an Aboriginal and/or Torres Strait Islander to a volunteer position on Australian Red Cross Society's Tasmanian Divisional Advisory Board.

9 - Our people

Equal Opportunity Tasmania has a permanent staff complement of ten (four of whom are part time) and four fixed term contract positions. The staff work together in teams to support the Commissioner to perform the functions set out in section 6 of the Act and strategic activities planned each year. Staff members often collaborate on work across the teams. The teams are Administration; Policy and Projects; Training, Education and Development; and Complaint Handling.

Organisational chart



FTE – Full Time Equivalent is the hours worked by one employee on a full-time basis.

Interns and work placement

The internship programs provided by the University of Tasmania continue to be of great value to the work of this office.

During 2016–17 we had two student interns from the University of Tasmania who provided assistance with the drafting of the Disability Justice Strategy for Tasmania.

During the reporting year Equal Opportunity Tasmania also participated in the Rosny College work placement program. The program provides students studying Certificate II in Business experience in working in a real office environment. The student attends the office one day a week for period of 10 weeks.

Staff training

During 2016–17 staff members participated in training as part of their continuing professional development, and included:

- Basic Peer Debriefing. Presented by Beverley Schiller.
- Introduction to Acquired Brain Injury. Presented Mark Lamont, Clinical Neuropsychologist.
- Family Violence E-learning Course. Provided online by the Department of Justice.
- Workplace Health and Safety Refresher. Provided online by the Department of Justice.
- Clear Speech and The Level of Understanding of What Is Said. Presented by Rosalie Martin.
- Workplace Behaviour – Where is the Line? Presented in-house by our Senior Training, Education and Development Officer.
- Write for the People: Plain English and The Law. Presented by 26TEN.
- Elder Mediation Training. Presented by Associate Professor Dale Bagshaw, University of South Australia.
- Working with Challenging Customers. Provided through The Training Consortium.

During the reporting year our Training, Education and Development Officer completed a Certificate IV in Training and Assessment through TasTAFE and one of our Executive Officers participated in the Springboard Women's Development Programme.

10 - Anti-Discrimination Tribunal

For more information about the Anti-Discrimination Tribunal functions and activities during 2016–17, you can access the Tribunal's latest Annual Report on their website at www.justice.tas.gov.au/tribunals/tribunal_sites/Anti-Discrimination_Tribunal.

Tribunal membership

Tribunal membership during 2016–17 was as follows:

- Stephen Carey (Member and Chair – South) Until 12 October 2016.
- Robert Webster (Member and Chair – South) From 18 November 2016.
- Lucinda Wilkins (Deputy Chair – South) From 6 February 2017.
- Simon Brown (Member – North)
- Kate Cuthbertson (Member – South)
- Audrey Mills (Member – South)
- Robert Winter (Member – South)
- Stephen Bishop (Member – North)

Ms Cate McKenzie of the Victorian Civil and Administrative Tribunal is appointed to sit on Anti-Discrimination Tribunal cases where conflicts mean that Tasmanian members are unable to sit.

All Tribunal members carry out their responsibilities on a part-time basis.

Contact

Registrar
Anti-Discrimination Tribunal
Level 7, NAB House
86 Collins Street, Hobart
Phone: (03) 6166 4750
Fax: (03) 6234 3304
E-mail: ADT@justice.tas.gov.au

11 - Financial situation and statement

The Diversity Education: *Let's Get Together* project for which Equal Opportunity Tasmania received one-off project funding from the Solicitors' Guarantee Fund is almost complete and it is anticipated that the last aspects will all be completed in the 2017–18 financial year.

A Financial Statement for the office is provided under Output Group 1 – Administration of Justice in the Department of Justice's Annual Report 2016–17. The Department of Justice Annual Report for 2016–17 and previous years can be found at: www.justice.tas.gov.au

12 - Contact

If you have any questions about the work of Equal Opportunity Tasmania or this report, or would like to be sent this report in a different format, please contact Equal Opportunity Tasmania.

The report is available on our website at
www.equalopportunity.tas.gov.au/about_us/annual_report

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