



**Equal Opportunity  
Tasmania**

**Annual Report 2017–18**

**Kindness is a language which the deaf can hear, and the blind can see**

Mark Twain

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The Honourable Elise Archer, MP  
Attorney-General  
Minister for Justice  
Parliament House, Hobart

Dear Attorney-General

As required by section 10 of the *Anti-Discrimination Act 1998* (Tas), it is my pleasure to present the 19th Annual Report on the operation of the *Anti-Discrimination Act 1998*.

This report covers my activities and those of my office from 1 July 2017 to 30 June 2018.

I commend the report to you.



**Sarah Bolt**  
Anti-Discrimination Commissioner

28 September 2018

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This Annual Report outlines the activities of the Anti-Discrimination Commissioner and Equal Opportunity Tasmania in 2017–18.

It is also available on the Equal Opportunity Tasmania website:

**[www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au)**

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# From the Commissioner



Each year that I work in the area of human rights and equal opportunity, I hope that discrimination, harassment and inequality will become a thing of the past. I hope that one day agencies such as Equal Opportunity Tasmania will no longer be needed and that we will be living in a utopian society of equality, fairness, tolerance and inclusion for one and all.

Unfortunately, despite the existence of legislative protection such as the *Anti-Discrimination Act 1998* (the Act), there are still many people who find themselves being harassed and/or discriminated against - one way or another - every day.

There can be no denying how fortunate we are to live in a country where war, famine, torture, starvation, disease and statelessness exist across the seas. As they say - we live in the 'lucky' country. Yet despite this I am often saddened by the fact that some members of our wider community are capable of inflicting extraordinary cruelty in their actions or words towards another person who may be different from them in some way.

Difference is a concept that should be celebrated, accepted and understood - not attacked, abused or ignored. After all how boring it would be if we were all, in every characteristic, exactly the same.

One thing that is apparent is that legislation does not drive itself. What drives the legislation - what drives cultural change - is people. If we take our foot off the accelerator that drives us towards the goal of achieving a fair, kinder and empathetic civil society, we run the risk of stalling, and even sliding back into an anti-social environment.

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

An issue that continues to be cause for concern is the under-reporting of complaints. The reasons for under-reporting are many and often complex. However it is important to stress the importance of complaints. History has shown that complaints are so often the key to change – change for the better.

It is important to note that, under the Act, the 'intent' of the respondent in relation to what they may have done or said, or how they behaved towards the complainant, is largely irrelevant.

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What is relevant is the ‘impact’ the words, actions or behaviours may have had upon the complainant.

I would encourage those who witness or experience discrimination and other anti-social behaviours to speak up, lodge a complaint or even report it anonymously.

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.

Once again the year ahead is set to be a busy and exciting one. In addition to fulfilling our core business to the highest standard we hope to spread our reach across the State and expand our partnerships. It is through conversation, co-operation and collaboration that lessons can be learnt, understanding gained and results achieved in the area of equal opportunity.

We continue to work hard with our collaborative partners in our quest to shine the light on the issue of elder abuse and neglect. The fact that the issue is gaining increasing attention at a community, media and political level is a promising sign that older persons will, sooner rather than later, have safeguarding legislative protection.

In the area of human rights and anti-discrimination, 2018 is a rather special year. It marks the hundredth year of the end of the First World War, the seventieth year of the Universal Declaration of Human Rights, the thirtieth year of Tasmania’s Human Rights Week Organising Committee and the twentieth year of the Tasmanian *Anti-Discrimination Act 1998*. Each anniversary providing us with the perfect opportunity to pause and reflect on how far we have come and how much we have still to do to achieve a kind, tolerant and inclusive society. In next year’s Annual Report we will report on the events held to celebrate these milestones.

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

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# 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.



**You never really understand a person until you consider things from his point of view... Until you climb inside of his skin and walk around in it.**  
Harper Lee, *To Kill a Mockingbird*

## Our work at a glance

**427** Enquiries answered from members of the public

**147** Complaints of discrimination received

**55%** Complaints alleged disability discrimination

**101** Discrimination complaints in the area of employment

**34%** Complaints finalised through conciliation or negotiation

**64%** Complaints resolved within 6 months

**29 days** Average assessment timeframe of a complaint

**18** Exemption applications granted

**230** Training, education and development sessions delivered

**8** Policy submissions made

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## 2 - Policy and projects

Equal Opportunity Tasmania is responsible for providing advice on proposed policies, programs and laws to promote compliance with the *Anti-Discrimination Act 1998 (Tas)*. In 2017–18 our work continued to play a strong role in helping to develop policies and procedures that address discrimination and related conduct.

### Policy projects

#### Elder abuse and neglect

A priority during 2017–18 has been to increase awareness of the many issues related to elder abuse within the Tasmanian community and help identify effective mechanisms to address abuse when it is present.

Our work in this area stems in part from a finding of the Australian Law Reform Commission which issued its landmark report *Elder Abuse: A National Legal Response* released in May 2017.

Central to this work has been establishing collaborative relationships with key stakeholders.

In November 2017, Equal Opportunity Tasmania partnered with a network of researchers from the University of Tasmania known as Prevention of Elder Abuse Tasmania (PEAT), the Tasmanian Law Reform Institute (TLRI) and the Council on the Ageing (COTA) Tasmania to host a Symposium on Elder Abuse and Neglect at Parliament House.

The Symposium brought together over 60 representatives from the aged care sector, the legal professions, police, unions, clinicians, policy makers and academic researchers to examine the social, legal and clinical dimensions of elder abuse. Collectively those participating in the Symposium called for improved action to address the underlying drivers of elder abuse and provide enhanced safeguarding mechanisms to ensure that those at risk have an avenue for their concerns to be addressed.

Our work in this area has occurred in parallel with reforms at the Commonwealth level to establish a new Aged Care Quality and Safety Commission and ongoing work to increase awareness of the issue at the national level. In February 2018, representatives from Equal Opportunity Tasmania attended the 5th National Elder Abuse Conference hosted by the Seniors Rights Service. The Conference was attended by 550 delegates from across Australia to identify priorities to reduce the risk of elder abuse. At the conference the

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Australian Government's Attorney-General announced that the Council of Attorneys-General had agreed to develop a National Plan on Elder Abuse (the Plan). The development of the Plan has been endorsed by Attorneys-General from all Australian States and Territories.

Work on the Plan commenced in June 2018 and the Plan is expected to be finalised in early 2019. Our work continues to contribute toward its development. Central to our view is the need for enhanced safeguarding mechanisms for those who are at risk of or are experiencing abuse.

### **Disability Justice Plan for Tasmania**

In January 2017, Equal Opportunity Tasmania presented a draft report to the Attorney-General on options for improving current practices for people with disability in the justice system. Arising from this report the Department of Justice prepared a summary document as the basis of a Disability Justice Plan for Tasmania for the period through to 2020. A Final Disability Justice Plan for Tasmania was released by the Attorney-General in December 2017.

The Plan aims to generate a change in the way disability is identified and considered in the justice system and to lead to more seamless service delivery arrangements and greater ease in dealing with the diversity of client and users' needs.

Implementation of the Plan is being monitored by the Premier's Disability Advisory Council. Agencies and service providers will continue to engage with people with disability to take agreed actions forward. Equal Opportunity Tasmania continues to be involved in the implementation phase of the Plan.

### **Historical homosexual and related offences**

Legislation to allow for the expungement of criminal records for homosexual and related offences commenced on 9 April 2018. Under the *Expungement of Historical Offences Act 2017* (Tas) a person (or appropriate representative) can apply to the Secretary of the Department of Justice for a charge relating to a historical homosexual or cross-dressing offence to be expunged.

The establishment of the scheme followed a public consultation over the proposed scheme conducted by Equal Opportunity Tasmania. Introduction of the new law was accompanied by a public apology to those who may have been affected by convictions arising from past laws.

Equal Opportunity Tasmania has continued to participate in the implementation of the scheme through participation in a reference group established by the Department of Justice.

### **Racism. It Stops With Me campaign**

Equal Opportunity Tasmania has continued to be actively involved in the *Racism. It Stops With Me* campaign. In February 2018, Equal Opportunity Tasmania facilitated a Roundtable discussion involving the Race Discrimination Commissioner, Dr Tim Soutphommasane. The purpose of the event was to bring together existing signatories to give the campaign in Tasmania ongoing impetus and profile and identify ways in which we collectively can help to address racism in the Tasmanian community.

The event also provided an opportunity for new supporters to become official signatories to the campaign. Those signing at the event included the Tasmanian Hospitality Association, the

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Legal Aid Commission of Tasmania, Relationships Australia (Tasmania) and the Tasmanian Council of Social Services. The Managing Director of the Pub Banc Group Pty Ltd which operates venues in Hobart including Post Street Social, Observatory Bar, Cargo Bar, Jack Greene and the Telegraph Hotel also signed a supporters agreement at the event.

## 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 2017–18 we made comment/submissions on the following inquiries, reviews and committees:

- Tasmanian Women’s Strategy 2018-2020
- Disability Framework for Action 2018-2020
- Consultation paper on National Plan on Elder Abuse
- Expert Panel on Religious Freedom Protection in Australia
- Department of Justice Disability Action Plan
- Tasmanian Law Reform Institute on Review of the *Guardianship and Administration Act 1995* (Tas)
- Review of the *Disability Services Act 2011* (Tas)
- Evaluation of the Tasmanian Legal Assistance Sector
- Australian Human Rights Commission Issues Paper on Violence against people with disability in institutional settings
- Review of the recommendations of the Royal Commission into Aboriginal Deaths in Custody

Copies of submissions can be found on Equal Opportunity Tasmania’s website [www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au), under News, reports and submissions.

## Other policy work

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

- School transport and the National Disability Insurance Scheme
- Approaches to amending the *Births, Deaths and Marriages Registration Act 1999* (Tas)
- Australian Human Rights Commission consultations on implementation of the Optional Protocol to the Convention Against Torture
- My Health Records project
- Updates on implementation of Convention on the Elimination of all forms of Discrimination Against Women

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- Updates on implementation of International Labour Organisation (ILO) Conventions
  - Input to Australian Government briefing on implementation of Convention on the Elimination of Racial Discrimination
  - Integrity Commission Guide to Managing Misconduct in the Tasmanian Public Sector
  - Australian Human Rights Commission Human Rights and Technology Project

## **Participation in working groups**

In 2017–18 Equal Opportunity Tasmania participated in the following working groups and consultative forums:

- Tasmanian Government Family Violence Consultative Group
- Steering Committee for Department of Justice White Ribbon/Diversity and Inclusion projects
- Tasmanian Multicultural Reference Group
- Statewide Elder Abuse Prevention Advisory Committee
- Community Advisory Group on Active Ageing Plan
- Project Vigilance
- Department of Education Inclusion Advisory Panel
- LGBTI Whole of Government Reference Group
- LGBTI Police Strategic Working Group
- LGBTI Issues in Health and Human Services Working Group
- Department of Premier and Cabinet LGBTI Grants Program
- Department of Police and Emergency Management Multicultural Strategic Working Group
- Tasmanian Women's Strategy Interagency Group
- Disability Access to Justice Consortium (national)

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## 3 - Report it!

People who experience or witness discrimination, harassment or abuse are able to provide Equal Opportunity Tasmania with information about the incident using a *Report it!* form. *Report it!* provides a way for victims of discrimination, harassment and abuse and people who witness such discrimination, harassment or abuse (bystanders) to report the incident without making a formal complaint.

In 2017–18, Equal Opportunity Tasmania received 25 incident reports under the *Report it!* process. Fourteen involved incidents in which the victim was the person making the report. A further 11 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	14
Reported by other person	11

Of the 25 reports received by Equal Opportunity Tasmania, four resulted in a formal complaint under the Act.

Other actions included referral to other law enforcement bodies including the Australian Federal Police and legal advisory services including Community Legal Centres and Job Watch.

The gender of the person targeted was evenly distributed, with 8 women or girls reporting incidents; 9 men or boys and 6 people who identified as other than male or female. In a further 2 reports the gender of the victim was unknown (Table 3.2).

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### ***Report it! Case study<sup>1</sup>***

*A bystander reported that a young hijab wearing mother with two small children was approached by an unknown person in the bus mall who yelled at her, calling her a terrorist and threatening her. The person then started to follow the woman and children around. She reported being terrified. To escape the abuse, the woman and her children sought safety in the shop of a local charity. A support worker from the organisation assisted her and walked with her to the police station to report the incident.*

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

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**Table 3.2 Gender of person targeted**

Female	8
Male	9
Other	6
Unknown	2

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**Report it! Case study**

*A young person of Korean-Australian background visiting his local library was told by an older male client to 'go back to your country'. Staff at the library intervened and asked the man to behave respectfully to other clients. The man complied for a while but later called the young Korean person a 'chink'. Staff again intervened and banned the older client from the library for a day. The young person was however extremely upset and left soon after.*

The age of victims ranged from the very young (under 10 years of age) through to over 75 years of age, with the majority of victims being in the 20-59 year age brackets (Table 3.3).

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

<10	1
10-14	1
15-19	2
20-29	3
30-39	4
40-49	3
50-59	3
60-65	0
>75	1
Unknown	7

Of the incidents reported, 16 happened in the southern region; five happened in the north; and four happened in the north-west region (Table 3.4).

**Table 3.4 Region in which reported incident happened**

South (7000-7199)	16
North (7200-7299)	5
North west (7300-7399)	4

The nature of the incidents were diverse (Tables 3.5 and 3.6). They included reports about anti-Semitic hate material being sent by e-mail or being distributed in the community; harassment and bullying of migrant and humanitarian entrants; young people being harassed or insulted whilst walking to school; sex workers engaging in lawful sexual activity being denied accommodation; transgender persons being denied access to bathrooms of their identity; and termination of employment following a workers compensation claim or request to take a sick day.

**Table 3.5 Apparent basis of incident**

Sexual orientation	9
Gender	5
Race or nationality	4
Gender identity	3
Disability	2
Religious belief or affiliation	2
Political belief, activity or affiliation	1
Lawful sexual activity	1
Age	1
Industrial activity	1
Other	3

**Table 3.6 Type of location**

Service	8
Work	5
Street	3
School	2
Mall	2
Bus stop	1
Other	4

### ***Report it! Case study***

*A young female employee who had been bullied and sexually harassed by another employee over a long period of time reported her concern that the processes for dealing with her complaint to management left her feeling that she had been treated unfairly. She reported that she believed that the alleged perpetrator was given more opportunity to have their say and that she had been provided with little information about what was happening. As a result her health deteriorated and she was forced to take more time off work. She believes that the process for dealing with complaints is too arduous and that the alleged perpetrator is given more rights than the victim. As a result she felt she had no option other than to seek the services of a lawyer to have the situation resolved.*



All of these matters represent potentially serious interference in the right of Tasmanians to be free from discrimination and other offensive conduct. As outlined earlier, some of the reports received by Equal Opportunity Tasmania progressed to a formal complaint. In other cases the identity of the person or persons behind the incident was unable to be established. Fear of further repercussions from taking action was cited as a reason for not wanting to lodge a formal complaint in some cases. The latter is particularly worrying. No Tasmanian should be afraid to take action to protect their rights or be concerned about being victimised for doing so.

The majority of reports made to Equal Opportunity Tasmania in 2017–18 raised issues related to discrimination on the basis of sexual orientation. In part this coincided with the marriage law postal survey undertaken by the Australian Government between September and November 2017. The most reported location of incidents was in relation to service delivery or at service delivery locations.

Reflecting the high number of complaints in which the apparent basis of incident related to sexual orientation and/or gender identity, a high number of incidents involved people who identified their status as LGBTI (Table 3.7)

**Table 3.7 Status of victim**

LGBTI	6
A person with a disability	5
A migrant or humanitarian entrant	3
Member of a visible minority	2
Other	14

### **Report it! Case study**

*A student reported his concern about stickers that has been produced and were being circulated at his educational institution which were disparaging of LGBTI people.*

In relation to the type of incident, discrimination was the highest recorded, occurring in 43% of incidents (Table 3.8). A high number of offensive conduct reports were also received in 2017–18.

**Table 3.8 Type of incident**

Discrimination	43%
Conduct that is offensive, humiliating, intimidating, insulting or ridiculing	31%
Inciting hatred	17%
Sexual harassment	2%
Victimisation	2%
None alleged	5%

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## Marriage Law Postal Survey

In August 2017, Equal Opportunity Tasmania partnered with other Government organisations, including Tasmania Police to encourage all members of the community to engage in respectful behaviour during the period of the marriage law postal survey. This was in recognition that public debate around changes to the marriage law may cause some LGBTI people and their families to feel vulnerable and require additional support.

To help prepare for the period of debate around changes to the marriage law, a series of public messages were released encouraging people to contact Tasmania Police, Equal Opportunity Tasmania or other support organisations if they experienced bullying, discrimination or harassment.

Equal Opportunity Tasmania prepared a separate incident reporting form for this purpose which was widely distributed.

Incidents reported during the period of the survey varied widely and were received from both yes and no supporters and from both within and outside the LGBTI community.

They varied from complaints about signage on roadsides and being posted within the community that was offensive and insulting to LGBTI people and their families to physical assault which was reported to both Tasmania Police and Equal Opportunity Tasmania by several concerned bystanders. Other incidents involved verbal arguments and concern about offensive material in the media.

Each of these incidents caused significant distress and left those who reported shaken and angry.

Longer term impacts arising from the postal survey were also raised. One large employer reported that their staff were divided and some were quite distressed about the discussions occurring within their offices on matters that were intensely private to some employees. This was resulting in increased sick leave and heightened tension among work colleagues. Their concern was how to provide a supportive environment after the survey period ended in which the divisions within the community could be healed and the rights of those impacted by the changes to the marriage law respected.

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### **Report it! Case study**

*A member of parliament reported receiving multiple copies of anti-Semitic hate speech in their office. They advised that they had also reported the material to the Australian Federal Police. The source of the material was unknown and was sent anonymously.*


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### **Report it! Case study**

*A support teacher at a high school reported several instances of racist abuse against a young migrant student. The student was sad and angry about their ongoing treatment and asked for Equal Opportunity Tasmania support to help resolve the problem.*

One of the most sincere forms of respect is actually listening to what another has to say.

Bryant H. McGill

  
Equal Opportunity  
Tasmania

## Marriage Law Incident form

During the period of the marriage law postal survey some people may experience harassment or abuse (in person, through written materials or online). To help us to support the community during this period, we encourage you to let us know of incidents. This will mean help or information can be provided where it is needed.

**Your contact details** *(Optional – you can remain anonymous if you wish)*

Name: \_\_\_\_\_  
Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

**Are you the person who was abused or harassed?**  
 Yes  No *If no, please provide details*

**Details of the affected person**

<b>Gender</b>	<b>Age</b>	<b>Is the person?</b>
<input type="checkbox"/> Female	<input type="checkbox"/> <10	<input type="checkbox"/> 40-49
<input type="checkbox"/> Male	<input type="checkbox"/> 10-14	<input type="checkbox"/> 50-59
<input type="checkbox"/> Non-binary	<input type="checkbox"/> 15-19	<input type="checkbox"/> 60-65
<i>Provide details if you wish</i>	<input type="checkbox"/> 20-29	<input type="checkbox"/> 66-75
	<input type="checkbox"/> 30-39	<input type="checkbox"/> >75
	<input type="checkbox"/> Unknown	<input type="checkbox"/> In a same-sex relationship
		<input type="checkbox"/> The child of a person in a same-sex relationship
		<input type="checkbox"/> A student or young person
		<input type="checkbox"/> A member of a religious group
		<input type="checkbox"/> Active in the 'yes' or 'no' campaign
		<input type="checkbox"/> Other
		<i>Details:</i>

**What happened?**

When did it happen (if known) / / at  am  pm  
Where did it happen? Suburb: \_\_\_\_\_  
*(eg. street, shopping centre, through the post, online)*

Did you report the incident? If yes, who to? *(eg. police)*

What happened? *(add extra pages and attach any relevant materials if needed)*


How did the incident affect you?  
Who was responsible (if known)?

**Do you want us to contact you?**  
 Yes  No *(if yes, please make sure we have a contact number)*

We can provide information on where you can get help or explain how to make complaint under the *Anti-Discrimination Act 1998*.

**Please return this form to Equal Opportunity Tasmania**  
Reply Paid 83343, Hobart TAS 7001 (no stamp required) or by e-mail: [office@equalopportunity.tas.gov.au](mailto:office@equalopportunity.tas.gov.au)

**Need help?**  
Phone (03) 6165 7515 or 1300 305 062 TTY 133 677  
Web SMS 0409 301 093 Speak and Listen 1300 555 727  
Translating and Interpreting Service 131 450

  
Equal Opportunity  
Tasmania

**Equal Opportunity Tasmania**  
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[www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au)

## MEDIA RELEASE / STATEMENT

12 September 2017

**Australian marriage law postal survey – It is all about respect**

The Tasmanian *Anti-Discrimination Act 1998* exists to protect all Tasmanians from discrimination, sexual harassment and other unlawful conduct.

Equal Opportunity Tasmania encourages all members of the community to show respect and tolerance during the period of the Australian marriage law postal survey.

"Many members of the community will have opposing views and opinions in relation to same-sex marriage. It is up to all Tasmanians, regardless of differing opinions, to respect the right of every individual to vote Yes or No". Anti-Discrimination Commissioner, Sarah Bolt said.

"I would urge all Tasmanians to ensure their opinions are shared in a way that does not discriminate, harass, or bully others for having a different view. Regardless of individual or organisational views the exercise of free speech should operate in a way that is respectful and does not cause harm to those who do not share the same opinion."

"Everybody has the right to feel safe, accepted and included as a member of our community. I encourage anyone, whether a no or yes voter who experiences discrimination or other unlawful conduct on the basis of their sexuality, gender identity, or religion during the survey period to contact Equal Opportunity Tasmania."

**Sarah Bolt**  
ANTI-DISCRIMINATION COMMISSIONER

Celebrating Difference  
Embracing Equality

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## 4 - Training, education and development

Providing education and training programs to the public and private sectors is a core function of Equal Opportunity Tasmania and is key to changing discriminatory cultures and behaviours in our communities and workplaces.

The training team provides high quality, cost effective training for employers and employees, service providers and a range of community organisations and schools across Tasmania. Our aim is to provide participants the skills and knowledge to use anti-discrimination law and principles to develop a healthy, diverse and inclusive organisational culture that is free from discrimination and harassment.

The training team has been updating and re-designing our presentations through the inclusion of plain English text, games, quiz's and updated video clips for the training on Addressing and Preventing Discrimination and Harassment in the Workplace for Managers and Supervisors; Workplace Support Contact Officer Training; Discrimination Law: Rights and Responsibilities and 'Racism. It stops with me!'. Each of the training programs reflect the common areas of conflict in the workplace and how to address these issues. These include areas such as sexual harassment, understanding the language and behaviours of bullying, stereotyping, prejudice and unconscious bias with a particular focus on people from culturally diverse backgrounds, Aboriginal and/or Torres Strait Islander people, people with disability and the LGBTI communities.

In 2017–18 the training team continued to provide tailored on-site training for managers and staff in a wide range of organisations throughout Tasmania to:

- Inform and educate employees about their rights and responsibilities;
- Support managers to make equitable decisions;
- Increase understanding of the requirement to take 'all reasonable steps' to prevent harassment and discrimination;
- Promote diversity and inclusion in the workplace;
- Learn how to build healthy organisational cultures; and
- Develop the skills to handle complaints fairly and effectively.

The total training and education sessions delivered for 2017–18 compared to the previous year are detailed in Tables 4.1 and 4.2.

**Table 4.1 Training and education delivery**

	Current year 2017–18	Previous year 2016–17
Total training and community sessions delivered	230	226
Total training and community education hours	478	499
Total training and community education participants	5,116	6,331

**Table 4.2 Training and education sessions by location**

	Current year 2017–18	Previous year 2016–17
South	156	147
North west	37	25
North	18	42
South east	15	10
West	3	0
State-wide	2	2

In 2017–18 the training team delivered comprehensive training to a number of industries and specialist organisations across Tasmania. 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**

	Current year 2017–18	Previous year 2016–17
Schools and tertiary education sessions	76	80
Private organisations	55	61
State Government and statutory authorities and government business enterprises	40	42
Not-for-profit and community organisations, forums and events	26	21
Local Government	22	8
Calendar training	11	7
Unions and industry bodies	1	7
<b>Total</b>	<b>231</b>	<b>226</b>

The most popular training programs during the reporting year were Discrimination, Harassment and Bullying; Workplace Behaviour: Where is the Line? and Workplace Support Contact Officer (Table 4.4).

**Table 4.4 Training and education by session topic**

	Current year 2017–18	Previous year 2016–17
Discrimination, harassment and bullying awareness *	41	37
Workplace behaviour: Where is the line	39	40
Workplace Support Contact Officer	12	16
Managers awareness	6	10
Workplace Support Contact Officers Networking	4	3
Workplace Support Contact Officer Refresher	3	0
Recruitment and Selection	1	0
Bullying **	0	13
<b>Total</b>	<b>106</b>	<b>119</b>

Note: \* This training is now called 'Discrimination Law: Rights and Responsibilities'.

\*\* Training on bullying is now incorporated throughout all of our training.

## Community education

Community education sessions continued to be very popular in schools and community groups (Table 4.5). In September 2017 we attended the Disability Expo's in Hobart and Launceston where we engaged with many service providers and community members in regards to discrimination issues in education, housing and employment.

**Table 4.5 Community education by session type**

	Current year 2017–18	Previous year 2016–17
Student sessions	63	52
Community forum	11	9
Community awareness	4	17
Other	34	29
<b>Total</b>	<b>112</b>	<b>107</b>

During Harmony Week we attended an event at the Multicultural Hub in Hobart, called Here to Help – The Faces of your Government. This event enabled us to speak directly with members of migrant communities in Hobart, leaders within those communities, other service providers and international students.

As a result of feedback obtained during this expo, we have recently made changes to our *Report it!* form, which encourages members of the community to report discrimination and prohibited conduct.

**Achieving gender equality requires the engagement of women and men, girls and boys. It is everyone's responsibility.**

Ban Ki-moon

### **Diversity education: *Let's Get Together* project**

Equal Opportunity Tasmania continues to work with A Fairer World's - *Let's Get Together* program, which is designed to deliver workshops to young people in selected Tasmanian schools on discrimination. For further information, refer to: [www.afairerworld.org/lgt](http://www.afairerworld.org/lgt).

### **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**

	<b>Current year 2017–18</b>	<b>Previous year 2016–17</b>
For the question: Please give the training an overall rating	Total of 1240 completed responses	Total of 1038 completed responses
Excellent	47%	59%
Very good	48%	30%
<b>Total</b>	<b>95%</b>	<b>89%</b>

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# 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 – Our Languages Matter: 2 to 9 July 2017**

Equal Opportunity Tasmania continues to acknowledge the importance of both participating in and celebrating NAIDOC (National Aboriginal and Torres Strait Islander Day Observance Committee) Week with the Aboriginal community in Tasmania. The National NAIDOC Committee makes key decisions on National NAIDOC activities including the focus city, theme, National NAIDOC Poster Competition winner and National NAIDOC Awards winners. The theme for 2017 was ‘Our Languages Matter’.

Equal Opportunity Tasmania staff attended the flag-raising ceremony at piyura kitina (Risdon Cove) on Monday 3 July 2017. This is always a great opportunity to share and celebrate with Aboriginal community members, and enables us to continue to learn about Aboriginal culture, family and community.

### **Human Rights Week (Tasmania): 2 to 10 December 2017**

Each year there are events held across the week in December that begins with the International Day of People with Disability on 3 December and ends with International Human Rights Day on 10 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.

On 2 December 2017, 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.

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 Awards Organising Committee. As well as the Committee members, thanks goes to all those who made the 2017 Human Rights Week and the Awards a great success.



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Human Rights Week started in December 1988 with a small group of volunteers acknowledging and celebrating local human rights activities and campaigns. 2018 marks the 30th anniversary of Human Rights Week in Tasmania.

## Other events

In addition to the events above, Equal Opportunity Tasmania has participated in:

- Symposium on Elder Abuse and Neglect.
- Launch of the Guide to Managing Misconduct in the Tasmanian Public Sector.
- *'Racism. It stops with me!'* community roundtable.
- Launch of the 2018 Ability to Create exhibition.
- Council of the Ageing Tasmania's Walk Against Elder Abuse.
- Art from Inside 2018 exhibition.
- Judging member of the Whitlam Institute 'What Matters? Tasmania 2017' writing competition.

## Presentations and speaking engagements

During the year, Equal Opportunity Tasmania participated in a number of events across the State to increase awareness of discrimination law and promote diversity. These included:

- Guest speaker at the Art from Inside 2017 Viewing and Prize Giving Ceremony.
- Guest speaker at the SpeakOut Advocacy annual conference.
- Guest speaker at The Law Society of Tasmania Employment Law Conference.
- Guest speaker on the ABC Drive Program.
- Presentation to Carers Tasmania.
- Guest speaker to students of the Independent Health Care Service.
- Presentation of certificates to the Graduates of the Future Leaders Program, as part of the National Disability Services annual symposium.
- Presentations to the Police Academy recruits.
- Guest speaker at the Relationships Australia Tasmania staff conference.
- Presentation to the Migrant Resource Centre.
- Guest speaker at the 10th anniversary of the Launceston Human Library.
- Opening address at the Public Sector Network's 3rd Annual Women in Leadership Roadshow.
- Presentation to the School of Medicine students.
- Presentation to the Australasian Curriculum, Assessment and Certification Authorities.
- Delivery of formal/informal complaint resolution training sessions across the state with Tasmania Police.

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## 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, text, post, on-line enquiry form or through people making an appointment.

In 2017–18, the office received and dealt with 427 enquiries (an increase from 418 in 2016–17). Enquiry staff 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). This is consistent with the enquiries received in 2016–17.

***My disability exists not because I use a wheelchair, but because the broader environment isn't accessible.***

*Stella Young*



**Table 6.1 Top 5 discrimination attributes raised from enquiries in 2017–18**

Disability	148
Gender	49
Age	42
Race	35
Sexual orientation	17

**Table 6.2 Top 5 discrimination areas raised from enquiries in 2017–18**

Employment	143
Provision of facilities, goods and services	135
Education and training	43
Accommodation	39
Membership and activities of clubs	14

**Table 6.3 Other prohibited conduct enquiries in 2017–18**

Offensive conduct	70
Sexual harassment	41
Victimisation	30
Inciting hatred	21

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

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## 7 - Complaint handling

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

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

- 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 6 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;
- education and training;
- provision of facilities, goods and services;
- 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 2017–18, 147 complaints were received under the Act (Table 7.1). This was the same number of complaints as was received in 2016–17. As with other years the vast majority of complaints alleged discrimination as a possible breach (93.9%).

**True equality means holding everyone accountable in the same way, regardless of race, gender, faith, ethnicity - or political ideology.**

Monica Crowley

**Table 7.1 Type of breach alleged**

	Current year 2017–18	Previous year 2016–17
<b>Total complaints</b>	<b>147</b>	<b>147</b>
<b>Allegations raised in complaints</b>		
Discrimination	138	137
Conduct that offends, humiliates, insults, intimidates or ridicules	87	99
Victimisation	61	50
Incitement	44	40
Sexual harassment	21	14
Promoting a breach	3	1
Causing, inducing or aiding a breach	0	0
None alleged	0	1

When comparing 2017–18 to 2016–17, complaints alleging offensive conduct reduced, however there was an increase in complaints alleging victimisation, incitement, sexual harassment and/or promoting discrimination or prohibited conduct.

***Discrimination on the basis of mental illness resolves at conciliation<sup>1</sup>***

*The complainant alleged discrimination on the basis of disability and irrelevant medical record, conduct that is humiliating, intimidating, insulting, ridiculing or offensive on the basis of disability and victimisation.*

*The complainant alleged that the employer doubted their capacity to work in their profession because of a mental health issue and because they took some personal leave. The complainant resigned. The complaint resolved at conciliation with the payment of \$20,000 and a statement of service.*

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

## Discrimination complaints

During 2017–18, as in most previous reporting periods, disability continued to dominate the discrimination complaints, with it being identified in 81 of the 147 complaints (55%) (Table 7.2).

**Table 7.2 Complaints of discrimination by attribute**

	Current year 2017–18	Previous year 2016–17
<b>Total complaints in which discrimination alleged or identified</b>	<b>138</b>	<b>137</b>
Disability	81	76
Age	23	39
Gender	23	15
Race	19	17
Industrial activity	16	11
Irrelevant medical record	11	20
Association	11	11
Gender identity	9	6
Sexual orientation	9	9
Religious belief or affiliation	8	10
Irrelevant criminal record	8	9
Relationship status	7	9
Marital status	7	2
Political activity	6	5
Political belief or affiliation	5	4
Family responsibilities	3	13
Pregnancy	3	1
Religious activity	2	5
Parental status	2	8
Lawful sexual activity	2	3
Intersex	0	2
Breastfeeding	0	1
Unknown	0	1

The next highest levels of discrimination allegations related to the attributes of age and gender (both 16%), race (13%), and industrial activity (11%).

As noted earlier, for discrimination to be unlawful it must be connected with an area of activity. In 2017–18, for complaints alleging discrimination, the main areas of activity were employment and/or provision of facilities, goods and services (Table 7.3).

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**Table 7.3 Discrimination complaints by area of activity identified**

	Current year 2017–18	Previous year 2016–17
Employment	101	66
Provision of facilities, goods and services	85	58
Education and training	45	13
Accommodation	44	10
Administration of any law or program of the State	28	9
Awards, enterprise and industrial agreements	7	4
Membership and activities of clubs	5	12
Unknown	1	3

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 33 complaints, followed by employment in 22 complaints. Whereas in relation to age and gender, employment was the most identified area of activity (in 12 and 11 complaints respectively).

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**Conciliation restores working relationship**

*The complainant was in their 60s. The complainant alleged that managers were discussing who would replace them when they retired. The complaint was accepted for investigation because it disclosed possible age discrimination and offensive, humiliating, insulting or ridiculing conduct on the basis of age.*

*The complainant also complained about other staff, but those matters did not indicate a possible breach of the Act.*

*At the time of making the complaint, the complainant was on extended sick leave.*

*The complaint was resolved following a conciliation conference. The employer agreed to take reasonable steps to facilitate the complainant's return to work in accordance with its policies and procedures. The employer also agreed to arrange external mediation between and the complainant and other staff.*

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

Discrimination on the basis of:	Employment	Provision of facilities, goods and services	Education and training	Accommodation	Administration of State laws and programs	Awards, enterprise and industrial agreements	Membership and activities of clubs
Disability	22	33	21	10	5	0	1
Age	12	5	3	4	3	2	1
Irrelevant medical record	7	3	1	3	1	0	0
Race	8	7	3	4	4	0	0
Industrial activity	12	2	3	2	1	0	0
Gender	11	5	1	3	1	2	1
Religious belief or affiliation	2	3	2	3	2	0	0
Irrelevant criminal record	2	5	2	1	3	0	0
Family responsibilities	3	0	0	0	0	0	0
Parental status	1	1	1	0	1	0	0
Sexual orientation	3	2	1	2	0	1	0
Relationship status	3	1	0	2	0	0	1
Political activity	1	4	1	1	1	0	0
Gender identity	1	5	1	3	1	1	0
Religious activity	0	2	0	2	2	0	0
Political belief or affiliation	0	2	2	0	1	0	0
Lawful sexual activity	2	0	0	0	0	0	0
Intersex	0	0	0	0	0	0	0
Marital status	4	2	1	1	1	1	0
Pregnancy	3	0	0	0	0	0	0
Breastfeeding	0	0	0	0	0	0	0
Association with a person who has, or is believed to have, any attribute	4	3	2	3	1	0	1
<b>Total</b>	<b>101</b>	<b>85</b>	<b>45</b>	<b>44</b>	<b>28</b>	<b>7</b>	<b>5</b>



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## Prohibited conduct complaints

Prohibited conduct refers to any of the types of unlawful conduct other than discrimination. It includes offensive conduct, sexual harassment, incitement and victimisation.

Complaints alleging offensive, humiliating, intimidating, insulting or ridiculing conduct that identified disability as the relevant attribute decreased in 2017–18, although it remained the most complained about attribute. A decrease was also seen in relation to age and family responsibilities, however there was an increase in relation to gender (Table 7.5).

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

	Current year 2017–18	Previous year 2016–17
<b>Total complaints in which offensive conduct alleged or identified</b>	<b>87</b>	<b>99</b>
Disability	45	60
Gender	25	15
Age	22	33
Race	14	13
Sexual orientation	7	7
Relationship status	7	9
Marital status	7	2
Gender identity	5	4
Parental status	3	7
Pregnancy	3	1
Family responsibilities	1	9
Lawful sexual activity	0	4
Breastfeeding	0	1
Intersex	0	2

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### ***Disability discrimination in employment***

*The complaint took leave from work to undergo scheduled surgery. The complainant alleged that despite being given clearance to return to work, aside from one restriction for a period of time their employer prevented them from returning to work and did not provide reasonable accommodation to enable a return to work.*

*The complaint was resolved at early conciliation with the respondent acknowledging the complainant's frustration during the return to work process and agreeing to review its return to work process. The respondent also agreed to ensure a fair and equitable rostering practice.*

With regard to the area of activity identified in prohibited conduct complaints, employment and the provision of facilities, goods and services were the most identified areas, with these identified 115 and 79 times respectively (Table 7.6).

Complaints in relation to sexual harassment and victimisation have both increased when compared to the previous year. There was a 50% increase in complaints of sexual harassment and a 22% increase in complaints of victimisation (see Table 7.1). There was a lot of reporting in the media about sexual harassment and the #MeToo campaign, and it is possible this may have contributed to increased awareness and the rise in complaints of sexual harassment.

The highest area of activity for these types of complaints was employment (see Table 7.6).

**Table 7.6 Prohibited conduct complaints received: by attribute and area of activity alleged or identified**

	Employment	Provision of facilities, goods and services	Education and training	Accommodation	Administration of any State law or program	Awards, enterprise and industrial agreements	Membership and activities of clubs	Unknown
<b>Conduct that is offensive, humiliating, intimidating, insulting or ridiculing on the basis of:</b>								
Disability	15	13	15	6	3	0	0	0
Age	13	4	3	3	2	2	1	1
Race	5	6	2	5	4	0	0	0
Gender	11	8	1	4	3	2	1	1
Relationship status	3	2	0	2	1	0	1	0
Family responsibilities	1	1	0	0	1	0	0	0
Parental status	1	1	2	0	1	0	0	0
Sexual orientation	2	1	1	3	0	0	0	0
Gender identity	0	3	0	1	0	1	0	0
Marital status	4	2	0	1	1	1	0	0
Pregnancy	3	0	0	0	0	0	0	0
<b>Victimisation</b>	<b>30</b>	<b>14</b>	<b>16</b>	<b>10</b>	<b>6</b>	<b>2</b>	<b>3</b>	<b>1</b>
<b>Sexual harassment</b>	<b>13</b>	<b>2</b>	<b>2</b>	<b>2</b>	<b>1</b>	<b>1</b>	<b>1</b>	<b>1</b>
<b>Promoting discrimination or prohibited conduct</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total</b>	<b>102</b>	<b>56</b>	<b>42</b>	<b>38</b>	<b>23</b>	<b>9</b>	<b>7</b>	<b>4</b>

Complaints alleging incitement to hatred, serious contempt or severe ridicule increased slightly in 2017–18 compared with the previous year, with disability continuing to be the most complained about attribute (Table 7.7).

**Table 7.7 Complaints involving alleged incitement to hatred, serious contempt or severe ridicule by attribute**

	Current year 2017–18	Previous year 2016–17
<b>Complaints in which incitement alleged or identified</b>	<b>44</b>	<b>40</b>
Disability	29	23
Race	11	8
Sexual orientation or lawful sexual activity	8	11
Religious belief or affiliation or activity	6	6

Incitement does not need to happen in connection with an area of activity to be unlawful. Instead, it requires a public act from which an ordinary member of the audience could understand that they were being incited to hatred, serious contempt or severe ridicule.

## Who makes complaints and who they are 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.

### **Sexual harassment in employment**

*The complainant alleged sexual harassment against their employer. The allegations included comments both written and verbal, and conduct of a sexual nature that was unwelcomed by the complainant. The complainant asserted they did not complain to their employer about the conduct due to the high standing of the respondent in the industry they both worked in, and the possible consequences to the complainant's employment if they did make a formal complaint.*

*The complaint was resolved at conciliation with the individual respondent agreeing to provide a personal written apology to the complainant, and to complete discrimination and prohibited conduct training. The organisational respondent agreed to review its policies and procedures manual and to pay compensation to the complainant. The parties also agreed not to make false or misleading statements about each other.*

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**Table 7.8 Complaints: complainants and respondents**

	Current year 2017–18	Previous year 2016–17
<b>Number of complainants</b>	<b>147</b>	<b>153</b>
Individual complainants	146	153
Male	77	91
Female	69	61
Other	0	1
Organisation or group complainants	1	0
<b>Number of respondents</b>	<b>246</b>	<b>283</b>
Individual respondents	98	137
Male	59	79
Female	39	58
Other	0	0
Organisation or group respondents	148	146

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

### Respondent type identified in complaints

Organisational respondents are categorised according to their respondent type. Complaints received in 2017–18 saw the State government as the highest respondent type identified (Table 7.9), with just over a 50% increase from 2016–17. This was followed by private enterprise, although complaints against private enterprise decreased from the previous year. There was also a significant decrease in complaints that identified a local government organisation or a private enterprise as the respondent. Complaints made against non-profit entities increased by 56%.

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### Complaint highlights rights of parents and step-parents

*The complainant was in a same-sex relationship. The complainant had a child with her former partner and complained that her current partner had been treated less favourably by being excluded from an appointment for the complainant's child. The child's mother had withdrawn permission for the partner to attend. The complainant alleged discrimination on the basis of relationship status and parental status in the provision of a service.*

*The complaint was rejected because the reason why the partner could not attend the appointment was because the legal parent of the child had withdrawn permission. The complainant's current partner was not a legal parent of the child.*

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**Table 7.9 Complaints by respondent type**

	Current year 2017–18	Previous year 2016–17
State government entities	59	39
Private enterprise	48	61
Non-profit entities	39	25
Local government	3	14
Federal government	3	0

Please note that the Act doesn't apply to complaints made against the Federal government and they must be rejected.

### **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, in many instances, a timely, creative and flexible approach to resolving matters without the need for legal representation.

In 2017–18, of the 147 complaints under the Act:

1. 17 (12%) complainants had a lawyer at some stage during the complaint process.
2. 21 (14%) complainants had an advocate or other representative involved at some time during the complaint process.
3. Of the primary respondents, 33 (22%) had a legal representative (private lawyer or in-house counsel) and 8 (5%) involved another representative.

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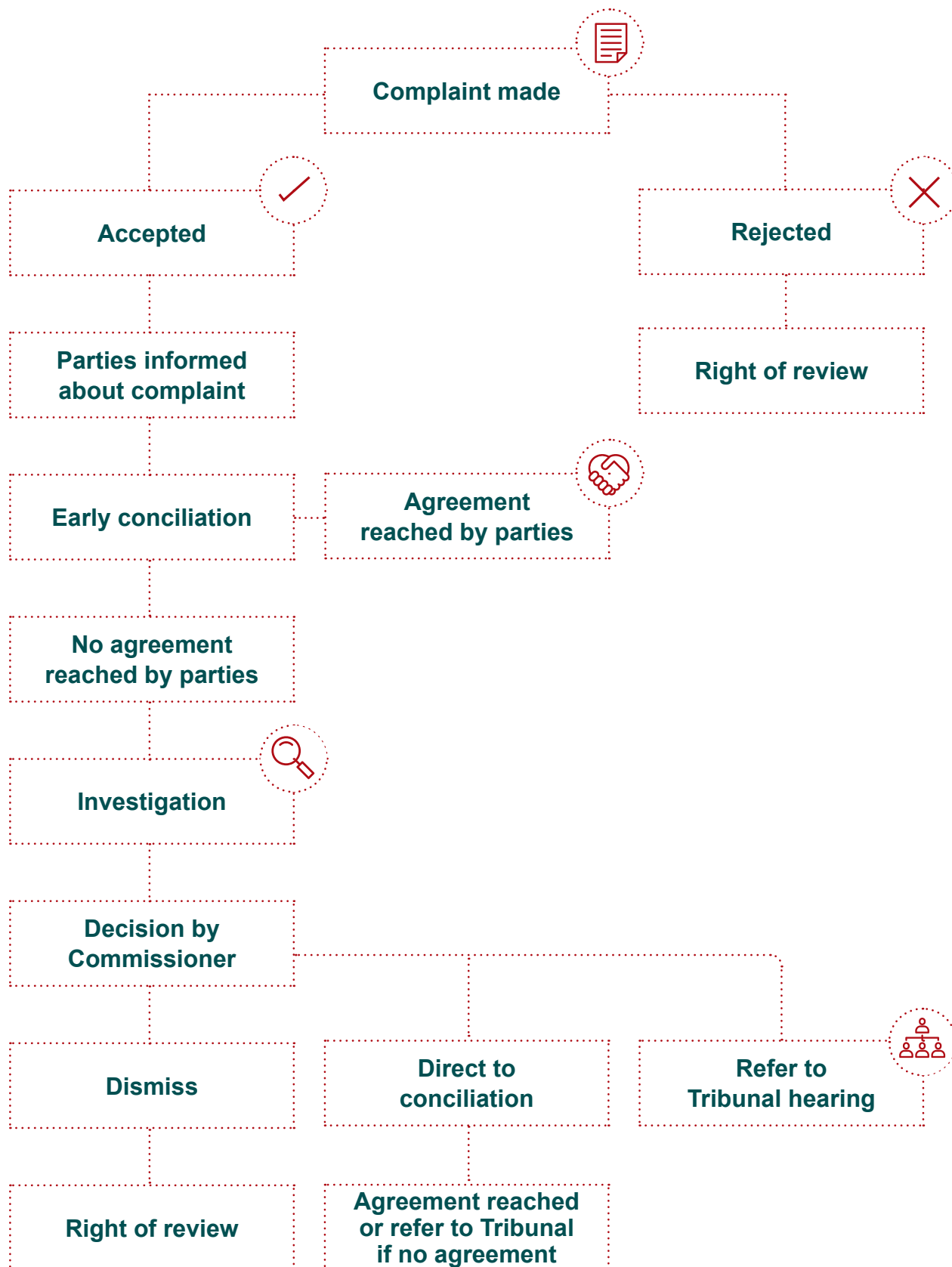
### **Complaint results in local Council developing disability access plan**

*The complainant had lodged a complaint of disability discrimination against a local Council. The complainant used a wheelchair and had alleged the local Council did not provide accessible parking spaces at a Council site.*

*The complaint resolved at a conciliation conference conducted by Equal Opportunity Tasmania. At the conference the complainant and the respondent discussed the parking issue and also discussed wider issues of concern for people with disability in the local area.*

*As well as agreeing to resolve the parking issue, the Council also wanted to develop a disability access plan, in consultation with the complainant and local community groups. The disability access plan will identify areas for improvement, and set out actions to make those improvements, to make the local community more accessible and inclusive for people with disability.*

## Complaint flowchart



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## Assessment

Equal Opportunity Tasmania handles complaints independently, impartially and within the timeframes set by the Act.

The Commissioner assesses every complaint and decides whether to accept or reject it.

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 requirements of the Act and discloses possible breach/es of the Act based on what the complainant alleged has happened.

The Act requires the Commissioner to accept or reject a complaint within 42 days after it is received.

The Commissioner also has the power to reject part of a complaint, while accepting other parts of it. For example, a complainant may name a number of respondents. 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 respondents having to remain involved in the complaint process.

Table 7.10 provides an overview of complaint assessment decisions made in 2017–18.

**Table 7.10 Complaint assessment decisions**

	Current year 2017–18	Previous year 2016–17
<b>Assessment decisions</b>	<b>132</b>	<b>144</b>
Accepted	82	85
Rejected	46	59
Partially accepted/rejected	1	0
Combined with another complaint	3	0

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### ***Employer refused to allow worker who had been off work due to illness to return to work part time***

*Equal Opportunity Tasmania received a complaint from a worker who had been off work due to illness. The worker's doctor had said the worker would need to do a gradual return to work, initially working part-time and building up to full-time hours. The employer refused this and alleged the work required one person working full-time in the role.*

*The complaint resolved at a conciliation conference conducted by Equal Opportunity Tasmania. The complaint resolved by (among other things) the employer agreeing to pay the worker \$20,000 compensation.*

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Of the 132 assessment decisions made by the Commissioner in 2017–18 on whether to accept or reject a complaint:

- 11 were complaints received in 2016–17 and the remaining 121 were received in 2017–18.
- 46 complaints (35%) were rejected (down from 41% in 2016–17).
- 82 complaints (62%) were accepted (up from 59% in 2016–17).
- 1 complaint (1%) was partially accepted and partially rejected.
- 3 complaints (2%) were combined with another complaint.

Of the 49 complaints rejected:

- 8 complaints were not accepted as they were made outside the time limit of 12 months.
- 20 complaints were rejected because the complaint was lacking in substance or misconceived.
- 15 complaints did not relate to discrimination or prohibited conduct.
- 3 complaints were combined into one complaint which was rejected because it was lacking in substance and misconceived.
- 2 complaints were rejected because they could be more effectively dealt with by another statutory authority.
- 1 complaint was rejected because the complainant didn't have standing. This means the complainant wasn't entitled to make a complaint.

The average timeframe for a complaint to be assessed during the reporting period was 29 days (down from 33 days in 2016–17).

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### ***Complaint withdrawn after receiving response to complaint***

*The complainant alleged age discrimination in the provision of facilities, goods and services. The complainant, an older athlete, entered a sporting event to be held in Tasmania. The rules of the sporting event said that sports could combine age groups if there were not enough competitors in one age group. The complainant was concerned that older athletes would need to compete against younger athletes and would not be able to win medals.*

*After being notified of the complaint, the organiser of the sporting event explained that sports were allowed to combine age groups if there were not a minimum number of participants. This was to ensure meaningful competition and that events were run in a timely manner. However, medals would still be awarded for each age group.*

*The complainant was satisfied with this explanation and withdrew the complaint.*



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## Early conciliation

When the Commissioner thinks that an accepted complaint may be resolved, a conciliation conference will be held at an early stage prior to a formal investigation commencing. If a complaint cannot be resolved by early conciliation it is investigated.

During 2017–18, 75 early conciliations were held (up from 70 in 2016–17). Of these:

- 34 complaints (45%) were resolved.
- 33 complaints (44%) were not resolved and returned to investigation.
- 2 complaints were withdrawn with no resolution.
- 1 complaint was withdrawn and resolved by external negotiations.
- 5 conciliations were adjourned with the possibility of resolution remaining 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. 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 (another) conciliation; or
- refer the complaint to the Tribunal for inquiry (hearing).

During the reporting period, investigations were finalised in relation to 34 complaints (Table 7.11).

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**Table 7.11 Complaint investigation decisions**

	Current year 2017–18	Previous year 2016–17
<b>Investigation decisions</b>	<b>34</b>	<b>39</b>
Proceed to conciliation	13	11
Referred to inquiry by Tribunal	10	14
Dismissed	8	12
Other (s 78(4))	3	2

Of the 34 investigations finalised:

- 13 complaints (38%) proceeded to post-investigation conciliation.
- 10 complaints (29%) were referred to the Tribunal for inquiry.
- 8 complaints (24%) were dismissed.
- 3 complaints (9%) were dismissed under s 78(4) of the Act. Under this section, the Commissioner can decline to refer and dismiss a complaint if the complainant has failed to pursue the complaint or the resolution of the complaint.

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**Complaint about offensive sign during the period of the same-sex marriage law survey**

*During the same-sex marriage law survey, a person had put a sign up at his property describing anal sex in a crude way and linking this to same-sex marriage. There had been media reporting of the sign. A person who had driven past the sign had made a complaint.*

*Equal Opportunity Tasmania conducted a conciliation conference between the person who had made the complaint, and the person who was displaying the sign. Following a discussion of the issues, the parties agreed to issue a joint statement and agreed to resolve the complaint. The joint statement said (amongst other things) that:*

- *Both of the parties agree that in public debates everyone has the right to express an opinion.*
- *Both of the parties agree that this needs to be done in a respectful way and that does not breach the Anti-Discrimination Act 1998 (Tas).*
- *The respondent stated that given their time again, they would not have used the words they did.*

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## Outcome of conciliations

Table 7.12 below represents the total outcomes of all conciliations held during the reporting period, including early and post-investigation conciliation conferences.

**Table 7.12 Conciliation outcomes**

	Current year 2017–18	Previous year 2016–17
Resolved	40	52
Not resolved and returned to investigation	33	29
Not resolved and referred	6	5
Adjourned	5	4
Withdrawn with no resolution	2	2
Withdrawn resolved	2	1

Please note that if a complaint cannot be resolved through post-investigation conciliation, the Act requires the Commissioner to automatically refer the complaint to the Anti-Discrimination Tribunal for inquiry.

Conciliation can result in the parties agreeing to resolve a complaint in many different ways. The 4 most common outcomes to resolve a complaint reached at conciliation during the reporting period were:

1. The respondent making modifications for the complainant.
2. The respondent providing an apology/acknowledgement to the complainant.
3. The respondent paying compensation to the complainant.
4. The respondent reviewing its anti-discrimination and complaint policies and procedures.

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### ***Disability discrimination in the provision of services complaint***

*The complainant who uses crutches to walk booked a cruise through her travel agent in response to reading a flyer from the cruise company.*

*The complainant alleged disability discrimination after they were charged more for the accessible cabins located on the outside of the cruise ship.*

*At conciliation the parties agreed to resolve the complaint by reimbursement of the extra cost and for the cruise company to include information in its flyer about the limitations of its vessel for people with limited mobility.*

## Finalising complaints

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

- rejection;
- resolved through early conciliation;
- withdrawal;
- resolved through conciliation following investigation;
- referred to Tribunal; or
- dismissal.

During the reporting period, there were 132 complaints finalised. This is a decrease compared to 162 complaints finalised in 2016–17.

Table 7.13 shows the various outcomes for complaints finalised in 2017–18.

**Table 7.13 Complaints finalised in 2017–18 by the Anti-Discrimination Commissioner**

Complaint outcomes	Current year 2017–18	Previous year 2016–17
Resolved through conciliation or negotiation	40	49
Rejected	46	56
Referred to Tribunal after investigation complete	10	15
Dismissed	11	12
Withdrawn having been resolved	7	8
Referred to Tribunal after unsuccessful conciliation	6	6
Withdrawn without being resolved	5	10
Combined with another complaint	4	0
Part-resolved, part-dismissed	1	1
Part-resolved, part-rejected	1	0
Part-resolved, part-rejected, review sought, rejection upheld	1	0
Part-resolved, part-withdrawn	0	2
Part-rejected, part-withdrawn	0	1
Part-resolved, part-referred after unsuccessful conciliation	0	1
Part-resolved, part-referred after investigation completed	0	1
Part-resolved, part-referred due to the expiry of the six-month investigation deadline	0	0
Referred to the Tribunal due to the expiry of the six-month investigation deadline	0	0

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## Timeliness of the complaint process

The average time from receipt to finalisation for complaints finalised in 2017–18 has reduced to under 6 months. In 2017–18:

- 64% of complaints were finalised within 6 months (an increase from 63% in 2016–17).
- 82% within 9 months (up from 81% in 2016–17).
- 90% within 12 months (up from 86% in 2016–17).

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### ***Complaint rejected and decision reviewed by the Anti-Discrimination Tribunal***

*The complainant alleged discrimination on the basis of age and industrial activity in the area of employment. The complainant's employment was terminated and they alleged they were bullied and mistreated by staff.*

*When the Anti-Discrimination Commissioner sought more information about the complaint, the complainant said they didn't believe they had been discriminated against on the basis of age.*

*The complainant thought the discrimination related to industrial activity because they had made an application to the Fair Work Commission against their previous employer.*

*The Commissioner rejected the complaint because there was insufficient information to show that the complainant was discriminated against on the basis of age and industrial activity. There was no information to show that the employer was aware that the complainant had made an application to the Fair Work Commission against their previous employer.*

*The complainant applied to the Anti-Discrimination Tribunal to review the Commissioner's decision to reject the complaint.*

*The Tribunal reviewed the decision and decided the Commissioner made a correct decision to reject the complaint. The Tribunal looked at the information the complainant had provided to the Commissioner and more information provided by the complainant to the Tribunal. The further information included that a supervisor said to the complainant 'I am older than you'.*

*The Tribunal noted that it is not enough that someone has a belief they have been discriminated against because of their age or industrial activity, there must be facts that support it. In this case, there was no evidence to support it. There was only one instance of a supervisor saying he was older than the complainant. The Tribunal also held there was no evidence to support that the complainant's employer knew about the employee's previous application to the Fair Work Commission or discriminated against them because of it.*

---

## 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 2017–18, 26 reviews were sought of the Commissioner's decision to reject the complaint.

Of these reviews, 5 were upheld and none were overturned in whole or part by the Tribunal. Six of the review applications were withdrawn and 15 were pending a Tribunal decision at the end of the reporting period (Table 7.14).

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### ***Conciliation provides avenue for parties to repair ongoing professional relationship***

*The complainant is profoundly deaf. In the complaint, it was alleged that the respondent, although being aware of the complainant's need for an interpreter, refused to provide one to assist them to complete a course.*

*The Commissioner accepted the complaint on the basis the allegations disclosed possible indirect discrimination.*

*Indirect discrimination occurs when:*

- *There is a condition, requirement or practice.*
- *The condition, requirement or practice is unreasonable in all the circumstances.*
- *The condition requirement or practice has the effect of disadvantaging the complainant.*
- *The complainant is disadvantaged as a member of a group of people who are, or are believed to share, a prescribed attribute, more than a person who is not a member of that group.*

*An early conciliation conference was held and the parties came to an agreement to resolve the complaint. The parties were then able to move forward with an ongoing professional relationship.*

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**Table 7.14 Outcomes of rejection reviews conducted and finalised by the Tribunal in 2017–18**

Reviews withdrawn	6
Commissioner's rejection decision upheld by the Tribunal	5
Commissioner's rejection decision overturned (in whole or in part) by the Tribunal	0
Pending decision	15

### Review of decision to dismiss

In 2017–18, 4 reviews were sought of the Commissioner's decision to dismiss or part-dismiss the complaint. Of these, 2 dismissal decisions were upheld, 1 decision was withdrawn and 1 was pending at the end of the reporting period (Table 7.15).

**Table 7.15 Outcomes of dismissal reviews conducted and finalised by the Tribunal in 2017–18**

Commissioner's dismissal decision upheld by the Tribunal	2
Commissioner's dismissal decision overturned by the Tribunal	0
Reviews withdrawn	1
Pending decision	1

### Referral to the Tribunal for Inquiry

During 2017–18, 22 complaints were referred either in their entirety or in part to the Anti-Discrimination Tribunal.

During the reporting period 15 complaints were finalised by the Tribunal. Of these, 1 complaint was upheld after inquiry, 6 were resolved before hearing, 1 was dismissed before hearing and 7 were withdrawn (Table 7.16).

Fourteen complaints were pending a Tribunal decision at the end of the reporting period.

**Table 7.16 Referred complaints finalised by the Tribunal in 2017–18**

Complaints withdrawn	7
Resolved before hearing	6
Complaints upheld	1
Complaints dismissed before hearing	1
Complaints pending a decision	14

Published decisions of the Tribunal can be found on the Austlii website at:  
[www.austlii.edu.au/au/cases/tas/TASADT](http://www.austlii.edu.au/au/cases/tas/TASADT).

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## Under-reporting of complaints

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

Some reasons for this may be:

- language and cultural barriers;
- lack of information available in languages other than English;
- illness/disability;
- low level of literacy;
- lack of awareness of the right to make a complaint;
- fear or suspicion of authority;
- 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.

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### ***Sexual harassment complaint goes to Anti-Discrimination Tribunal***

*The complainant alleged that the respondent made comments about her being a 'pretty girl', 'having what it takes', that 'sex sells', looked her up and down and encouraged her to dress in a certain way.*

*The respondent also allegedly told the complainant to get used to inappropriate sexual comments from customers because it happens often.*

*The complaint was accepted for investigation on the basis that the complainant may have been:*

- *discriminated against on the basis of gender;*
- *offended, humiliated, intimidated, insulted or ridiculed on the basis of gender; and*
- *sexually harassed.*

*The complaint was unable to be resolved by conciliation and the complaint was referred to the Anti-Discrimination Tribunal for inquiry.*



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## Impact of recent High Court decision

### ***Burns v Corbett [2018] HCA 15***

This case involved a discrimination complaint made by a NSW resident (complainant) alleging breaches of the NSW anti-discrimination legislation, by a person who lives in Queensland (respondent 1) and a person who lives in Victoria (respondent 2). The complainant alleged that the respondents had made comments published online that vilified homosexuals.

The High Court held that a state Tribunal cannot determine complaints between residents of different states. This has implications for the Tasmanian Anti-Discrimination Tribunal as it significantly limits the types of complaints that can be decided by the Tribunal.

Further the Tribunal cannot determine complaints made by a person residing outside of Tasmania against a Tasmanian state authority.

It is anticipated that, as a consequence of the decision, some complainants may choose to make a complaint to the Australian Human Rights Commission.

The Tasmanian Government is aware of the implications of the decision and is seeking to remedy the matter.

---

### ***Complaint resolved at conciliation***

*The complainant is a member of a religious organisation. The respondent posted a link on their Facebook page to a video which said that the complainant and their religious organisation engaged in paedophilia.*

*The complaint was accepted for investigation because it raised possible:*

- Discrimination on the basis of religious belief or affiliation: this takes place when a person is treated less favourably because of their religious belief or affiliation, than a person who does not have this religious belief or affiliation.*
- Inciting hatred on the basis of religious belief or affiliation: this takes place when a person does a public act from which an ordinary member of the audience could understand that they were being incited to hatred, in this case on the basis of the complainant's religious belief or affiliation.*
- Promoting discrimination and prohibited conduct: this takes place when a person publishes or displays a sign, notice or advertising matter that promotes, expresses or depicts discrimination or other conduct made unlawful by the Anti-Discrimination Act 1998 (Tas). The Anti-Discrimination Commissioner decided it was possible that a post on Facebook could be an electronic sign or notice.*

*The complaint was resolved at conciliation with the respondent agreeing to remove the posts and post an apology on Facebook. The apology said that the respondent had not watched the whole video and there was no proof of the allegations made in the video in relation to the complainant and their religious organisation.*

---

### **Complainant and respondent work together to sort complaint out**

*The complainant alleged discrimination on the basis of disability, in connection with accommodation.*

*The complainant had a lease agreement with the respondent.*

*The complaint was accepted for investigation on the ground that the respondent sent a letter to the complainant which said that the complainant's lease was unable to be renewed because of their health condition.*

*The complaint was resolved at an early conciliation conference where the parties had an in-depth discussion about the issues in the complaint and how to move forward.*

*The parties came to an agreement to resolve the complaint, which included the continuation of the complainant's lease.*

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### **Complaint rejected as complainant could not show the reason he did not get a job was his race**

*A complaint was received from a person who was born overseas. The complainant had applied for a job, but was not successful. The complainant alleged that this was race discrimination.*

*The Anti-Discrimination Commissioner rejected the complaint. In rejecting the complaint, the Commissioner said that there needs to be some evidence to show that the person's race was the reason for the alleged discrimination (in this case not getting the job). The Commissioner noted that there was no evidence (other than the complainant's belief) to show the complainant's race was the reason they did not get the job, and rejected the complaint on this basis.*



**Overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life.**

Nelson Mandela

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## 8 - Exemptions

Exemptions may be granted subject to conditions set by the Commissioner and are limited to a term of not more than three years. For further information in relation to the exemption provisions under the Act, refer to our website at:

**[www.equalopportunity.tas.gov.au/exemptions](http://www.equalopportunity.tas.gov.au/exemptions)**.

During the reporting period, the Commissioner received a total of 19 applications for exemption (up from 18 in 2016–17). Of these applications, 18 were granted and there was one application yet to be determined. No applications were withdrawn. Two applications for exemption that were received in 2016–17 were granted by the Commissioner in July 2017. One application that was originally received in 2012–13, and subsequently revived in 2017–18, was refused.

There was one review sought of an exemption granted by the Commissioner through the Anti-Discrimination Tribunal. That review resulted in changes to the exemption order, to which the exemption was granted.

Exemptions granted are reported in our regular electronic newsletter, *In respect of rights* and on our website. This encourages greater awareness of the exemption process and provides an alternative format to the *Tasmanian Government Gazette*, where they are also published.

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## Exemptions granted

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### **The Maxima Group Incorporated**

Exemption no: 17/06/010  
Granted on: 6 July 2017 for 3 years  
Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit The Maxima Group Incorporated to conduct advertisement, recruitment and employment services aimed specifically at Aboriginal and/or Torres Strait Islander job seekers in Tasmania.

---

### **UTAS Women's Collective**

Exemption no: 17/05/024  
Granted on: 6 July 2017 for 3 years  
Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit the University of Tasmania Women's Collective to restrict membership to women, including transgender or non-binary people, and excluding men.

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### **Migrant Resource Centre (Southern Tas) Inc**

Exemption no: 17/07/005(a)  
Granted on: 18 August 2017 for 3 years  
Relevant exceptions under the Act: Sections 25, 41

This amended exemption was granted to permit the Migrant Resource Centre (Southern Tas) Inc to advertise, recruit and employ people based on their cultural background in relation to positions of Projects Bicultural Workers.

---

### **Tasmanian Centre for Global Learning Inc auspicing Students Against Racism**

Exemption no: 17/08/008  
Granted on: 23 August 2017 for 60 days  
Relevant exceptions under the Act: Sections 25, 26, 27(1)(f)

This exemption was granted to permit Students Against Racism to advertise and host 4 women-only events called 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.

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## **Women’s Health Tasmania Inc**

Exemption no: 17/08/036

Granted on: 8 September 2017 for 3 years

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

This exemption was granted to permit Women’s Health Tasmania Inc to provide services to women only for the benefit of women; recruit and employ women to work for the organisation; recruit women to the Board of Governance; and provide facilities to women and women’s groups.

---

## **Kingborough Council**

Exemption no: 17/10/028(a)

Granted on: 30 October 2017 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This amended exemption was granted to permit Kingborough Council to provide a support program specifically for young men aged 12-24 (inclusive) who relate to the specific targeted group for the program.

---

## **Department of Education (TasTAFE)**

Exemption no: 17/10/022

Granted on: 7 November 2017 for 2 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit TasTAFE to advertise for and enrol female students in a pilot programme offered as one of three Certificate III courses in Information Digital Media Technology specifically designed for female participants.

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## **Launceston Women’s Shelter (Inc)**

Exemption no: 17/10/036

Granted on: 16 November 2017 for 3 years

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

This exemption was granted to permit Launceston Women’s Shelter (Inc) to recruit and employ women only in the identified positions of Manager, Response/Tenancy Worker, Women’s Support Worker, Family Support Worker, On-Call Worker, Relief Worker, Finance Officer, Administrative Assistant and Cleaner. This is on the basis that Launceston Women’s Shelter (Inc) is an organisation that provides crisis accommodation for homeless single women and women with children; the majority of service users are escaping domestic/family violence; and the service provides a secure, safe and supportive women-only space.

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## **Relationships Australia Tasmania**

Exemption no: 17/11/019

Granted on: 16 November 2017 for 722 days

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

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

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## **Relationships Australia Tasmania**

Exemption no: 17/12/021

Granted on: 21 December 2017 for 2 years

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

This exemption was granted to permit Relationships Australia Tasmania to recruit and employ two male practitioners to work in the Men Engaging in New Strategies Program. One male is to be based in the south of the State and one male in the north of the State. This is to enable the program to be facilitated by a team of one man and one woman (in both the north and south of the State).

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## **Warrawee Committee Inc (Warrawee Women's Shelter)**

Exemption no: 17/12/015

Granted on: 3 January 2018 for 3 years

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

This exemption was granted to permit Warrawee Women's Shelter to recruit and employ women only in the identified positions of Child Support Worker, Offsite Worker and Shelter Service Co-ordinator on the basis that the discrimination is for the purposes of operating a shelter that provides emergency and short-term accommodation services for women and children experiencing homelessness and/or crisis accommodation due to domestic or family violence.

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## **Department of Primary Industries, Parks, Water and Environment trading as Tasmania Parks and Wildlife Service**

Exemption no: 18/01/017

Granted on: 24 January 2018 for 3 years

Relevant exceptions under the Act: Sections 25, 26, 27(1)(d), 41

This exemption was granted to permit the Department of Primary Industries, Parks, Water and Environment trading as Tasmania Parks and Wildlife Service to recruit and appoint a female or male Aboriginal and/or Torres Strait Islander, whichever is required to maintain the gender and cultural representation of the Tasmanian Aboriginal Community, to the identified position of member of the National Parks and Wildlife Advisory Council.

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## **Tasmanian Centre for Global Learning Inc auspicng Students Against Racism**

Exemption no: 18/02/014

Granted on: 7 March 2018 for 3 years

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

This exemption was granted to permit Tasmanian Centre for Global Learning Inc auspicng Students Against Racism to advertise and host women-only events called Women's Business on the basis that the events encourage and support women of migrant, refugee and/or asylum seeker backgrounds to participate and celebrate their cultural differences through storytelling and song to explore the cultural heritage of the women, and fashion and performances of their homelands, without fear of disrespecting their culture.

---

## **Yemaya Women's Support Service Inc**

Exemption no: 18/03/008

Granted on: 22 March 2018 for 3 years

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

This exemption was granted to permit Yemaya Women's Support Service Inc to recruit and employ women only in the identified positions of Coordinator / Counsellor / Community Development Worker(s) on the basis that the discrimination is for the purposes of operating a Yemaya Women's Support Service providing medium to long term support for women who have experienced or who are experiencing domestic violence.

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## **Grange Resources (Tasmania) Pty Ltd**

Exemption no: 18/02/035

Granted on: 19 April 2018 for 6 months

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Grange Resources (Tasmania) Pty Ltd to recruit and employ a woman in the identified position of Dozer Operator on the basis that Grange Resources (Tasmania) Pty Ltd is committed to rectifying their previous gender restrictions of females as Dozer Operators; they have acknowledged that gender is no-longer a safety issue for women operating tracked dozers; and the exemption will enable them to improve their current gender imbalance in the operation of tracked dozers at their Savage River work site.

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## **Kingborough Council**

Exemption no: 18/03/024

Granted on: 19 April 2018 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Kingborough Council to provide a support program specifically for young women aged 12-24 (inclusive) who relate to the specific targeted group for the program.

---

## **Down Syndrome Tasmania Inc**

Exemption no: 18/04/046

Granted on: 14 May 2018 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Down Syndrome Tasmania Inc to restrict participation of dancers in its BrightStars dancing group (excluding support persons) to people with Down Syndrome.

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## **Montagu Community Living Inc**

Exemption no: 18/05/007

Granted on: 18 May 2018 for 3 years

Relevant exceptions under the Act: Sections 25, 26

This exemption was granted to permit Montagu Community Living Inc to recruit and employ an individual with a disability in the position of Trainee to undertake administrative and reception duties.

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## **ParaQuad Association of Tasmania Inc**

Exemption no: 18/05/045

Granted on: 21 June 2018 for 3 years

Relevant exceptions under the Act: Sections 25, 26, 45

This exemption was granted to permit ParaQuad Association of Tasmania Inc to recruit and employ only individuals with a physical disability in the identified positions of BodySafe Education Program Presenter and Peer Support Officer.

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## **Shebah Pty Ltd**

Exemption no: 18/05/028

Granted on: 22 June 2018 for 3 years

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

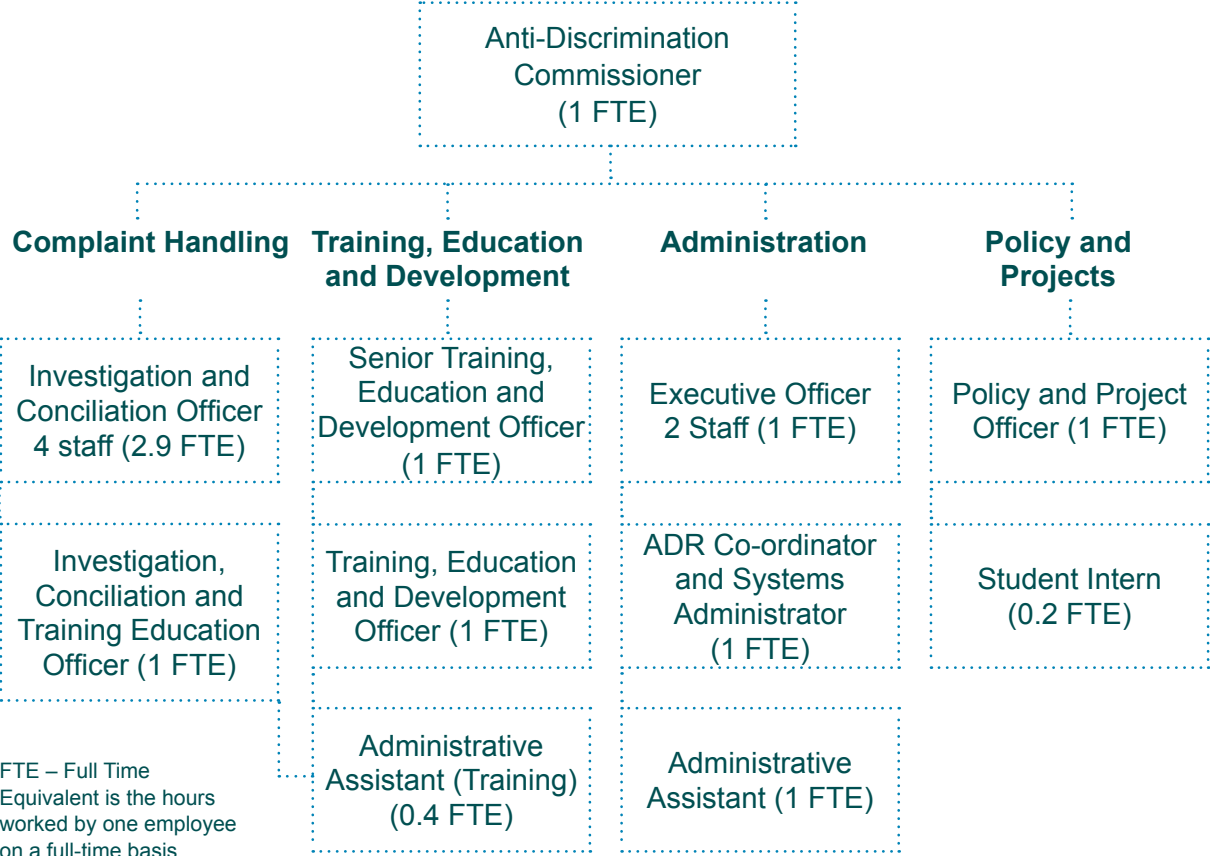
This exemption was granted to permit Shebah Pty Ltd to recruit and employ female drivers only to operate a ridesharing service in Tasmania; and for these female drivers to only drive other females, primary school-aged children (boys and girls), boys up to 18 years of age if accompanied by a female guardian, and a man travelling with his female partner and baby in need of a baby seat or child in need of a booster seat if pre-booked with Shebah and the driver has agreed.



# 9 - Our people

Equal Opportunity Tasmania has a permanent staff complement of ten (four of whom are part time) and five 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.

## Equal Opportunity Tasmania Organisational Chart



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## 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 2017–18 we had one social work placement intern from the University of Tasmania who provided assistance with a research/policy project on elder abuse and discrimination.

## Staff training

During 2017–18 staff participated in training as part of their continuing professional development, and included:

- Mediator Accreditation Assessment delivered by the Resolution Institute.
- Webinar on Elder Mediation and Screening for Elder Abuse delivered by the Resolution Institute.
- Understanding the Law: Delegations of Statutory Functions and Powers and Authority to Contract delivered through the Tasmanian Training Consortium.
- ANZSOG Applied Learning Seminar - The Art of Persuasion: Communicating with Impact: Presentations that Influence delivered through the Tasmanian Training Consortium.
- The Set Up To Settle: How Proactive Lawyers Get the Most Out of ADR delivered through the Resolution Institute.
- Working with High Conflict Parties in Mediation, Negotiation and Facilitative Arbitration delivered by the Resolution Institute.
- Make it Easier: Essentials for Executive Assistants delivered through the Tasmanian Training Consortium.
- Women in Leadership Roadshow delivered through the Public Sector Network.
- Mental Health First Aid for Workplaces delivered by the OzHelp Tasmania Foundation.

During the reporting period, various relevant staff attended and participated in the following conferences/events:

- 5th National Elder Abuse Conference – Together making a change 2018 conference hosted by the Senior Rights Service of NSW and attended by two staff members.
- ACHRA Officer's Conference 2017 hosted by the Anti-Discrimination Commission Queensland – A topic paper was presented by our attending staff member.
- Berkeley Comparative Equality and Anti-Discrimination Law Study Group delivered by the Melbourne Law School and attended by two staff members.
- 2nd National Advancing Community Cohesion Conference hosted by Western Sydney University and attended by one staff member.
- The Art or Ageing: Who is Care and Who Cares? hosted by the Museum of Old and New Art and attended by two staff members.

Staff continue to be committed to completing online training provided through the Department of Justice e-learning programs.

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# 10 - Anti-Discrimination Tribunal

For more information about the Anti-Discrimination Tribunal functions and activities during 2017–18, you can access the Tribunal’s latest Annual Report on their website at: [www.justice.tas.gov.au/tribunals/tribunal\\_sites/Anti-Discrimination\\_Tribunal](http://www.justice.tas.gov.au/tribunals/tribunal_sites/Anti-Discrimination_Tribunal).

## Tribunal membership

Tribunal membership during 2017–18 was as follows:

- Robert Webster (Member and Chair – South)
- Lucinda Wilkins (Deputy Chair – South)
- Simon Brown (Member – North)
- Kate Cuthbertson (Member – South)
- Audrey Mills (Member – South)
- Robert Winter (Member – South)
- Stephen Bishop (Member – North) – Appointment expired March 2018

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) 6173 0203  
E-mail: [ADT@justice.tas.gov.au](mailto:ADT@justice.tas.gov.au)

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# 11 - Financials

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 the last aspects will all be completed in the 2018–19 financial year.

A Financial Statement for the office is provided in the Department of Justice's Annual Report 2017–18. The Department of Justice Annual Report for 2017–18 and previous years can be found at: [www.justice.tas.gov.au/annual-report](http://www.justice.tas.gov.au/annual-report).

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# 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:

**[www.equalopportunity.tas.gov.au/about\\_us/annual\\_report](http://www.equalopportunity.tas.gov.au/about_us/annual_report)**.

## Equal Opportunity Tasmania

**Phone:** 1300 305 062 (in Tasmania) or (03) 6165 7515

**E-mail:** [office@equalopportunity.tas.gov.au](mailto:office@equalopportunity.tas.gov.au)

**Text:** 0409 401 083

**Translating and Interpreting Service:** 131 450

### National Relay Service

TTY Users: Phone 133 677 then ask for 1300 305 062

Speak and Listen: 1300 555 727 then ask for 1300 305 062

**Office:** Level 1, 54 Victoria St, Hobart TAS 7000

**Post:** GPO Box 197, Hobart TAS 7001

**Facebook:** [www.facebook.com/equal.opportunity.tasmania](http://www.facebook.com/equal.opportunity.tasmania)

**Website:** [www.equalopportunity.tas.gov.au](http://www.equalopportunity.tas.gov.au)

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# Notes

**Too often we underestimate the power of a touch, a smile, a kind word, a listening ear, an honest compliment, or the smallest act of caring, all of which have the potential to turn a life around.**

Leo Buscaglia

