

In respect of rights



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Issue 17

June 2013

Contact Us

To make a complaint or get information, contact the office or visit the website. Please note, the office cannot give legal advice.

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Telephone
Ph: 1300 305 062 (local call)
Ph: (03) 6233 4841
Fax (03) 6233 5333

Web SMS: 0409 401 083

National Relay Service
TTY users: 133 677 then ask for 1300 305 062
Speak and Listen users: 1300 555 727 and ask for 1300 305 062

E-mail

Message from the Anti-Discrimination Commissioner



It's been a busy month in my office. Everyone was excited to welcome a new member of the 'family' on 24 May. Congratulations to Katrina and Evan on the birth of their son, Owen. Owen arrived earlier than expected and was kind enough to allow all of us in the

office to feel part of his much-heralded arrival!

The visit to Tasmania of the federal Disability Discrimination Commissioner, Graeme Innes, provided an opportunity to review the progress we have made in ensuring that the rights of people with disability are respected and to look to issues that continue to require our attention.

20Years 20 Stories is a diverse collection of short films put together by the Australian Human Rights Commission (AHRC) to mark twenty years since the introduction of the *Commonwealth Disability Discrimination Act 1992*. I can assure you that you will laugh and cry all in quick succession, find yourself whooping for joy and hollering for change. If you haven't caught up with them you can view them by visiting the AHRC website at <http://www.humanrights.gov.au/twentyyears/index.html>

Commissioner Innes' visit also focussed attention on issues that require our ongoing attention. One in particular will be the subject of further work by my office over coming months. Access to justice for people with disability in the criminal justice system is a matter that raises important issues for all involved in the justice system. The AHRC has started work in its project to learn about and from the criminal justice system experiences and knowledge of people with disability who may need communication supports or have complex and multiple support needs. Through the project, the AHRC aims to identify what can be done to improve access to justice for people with disability as victims of crime, witnesses, defendants and offenders.

The project Issues paper is available on the AHRC website at <http://www.humanrights.gov.au/publications/access-justice-criminal-justice-system-people-disability-issues-paper-april-2013>

Responses are due by Friday 9 August 2013.

To understand more about the situation facing people with disability accessing the justice system in Tasmania, my office will be contacting organisations over the coming weeks to arrange a discussion to get views, experiences and ideas. This will ensure that the submission we make to the issues paper reflects changes needed based on direct experiences. If you would like to make a contribution or arrange to meet with us to discuss this important issue, please contact our policy and projects officer, Leica Wagner, on 6233 4741.

Robin Banks
Anti-Discrimination Commissioner

From the OADC

antidiscrimination@ustice.tas.gov.au

Website

www.antidiscrimination.tas.gov.au

Please let the office know before an appointment if you need assistance or the services of an interpreter.

Invitation to all readers

Readers who have particular topics they wish to know more about or items to include in the next issue are encouraged to contact the Editor.

Any comments and feedback about the newsletter to ensure it is a useful resource and information-sharing tool for our readers is welcomed.

Newsletter Editor

Roz Smart

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E-mail roz.smart@ustice.tas.gov.au

FROM THE OADC



Tasmanian Anti-Discrimination Commissioner, Robin Banks, and Federal Disability Discrimination Commissioner, Graeme Innes AM, at the Hobart launch of *20 Years: 20 Stories*.



The Hobart screening of *20 Years 20 Stories*, a celebration of 20 years of the Federal Disability Discrimination Act was a huge success.

Legal News

GLS v PLP (Human Rights) [2013] VCAT 221

Sexual Harassment

A mature-age woman law graduate alleged she was sexually harassed by a senior lawyer in the law firm at which she was doing her practical placement and has been awarded \$100,000 general damages. The Victorian Civil and Administrative Tribunal (VCAT) found that the harassment, which extended over the period of the complainant's placement, was significant, resulting in post-traumatic stress disorder, including extreme depression and anxiety.

The complainant alleged that she was repeatedly harassed by the senior lawyer over the period of her placement at his firm. She claimed that he made advances toward her almost every day, and that she was subjected to sexual harassment of a continuing and extreme form over the 50 days of the placement. The conduct culminated with events of the evening of 4 July 2011, when the senior lawyer pressed her for sexual intercourse 78 times and covertly filmed her. She was dismissed on 12 July 2012.

<http://www.austlii.edu.au/au/cases/vic/VCAT/2013/221.html>

Commissioner reports to Attorney General on insurance discrimination

On 13 May 2013, Commissioner Robin Banks presented the Tasmanian Attorney-General, The Hon Brian Wightman, with her report, *Volunteers, Age and Insurance: Investigation Report*, warning that many insurance companies are engaged in practices that discriminate against young people and older people in terms of volunteer insurance coverage.

Mr Wightman said the report, raises questions as to whether insurance companies who refuse insurance to a person on the basis of their age could be breaching Tasmania's *Anti-Discrimination Act 1998*.

'I am concerned that age-based limits in insurance policies could be preventing people from volunteering in our community', the Attorney-General said on receiving the report.

'I believe we need to be doing as much as possible to support those volunteering in our community and encourage others to do the same. Often, because of our increasingly busy lifestyles, it is only when people retire or reduce their working commitments that they have the time to take on volunteer roles.

"The last thing we want is to be putting up barriers to older members of our community, who have so much relevant experience and expertise, from volunteering.

"The report raises concerns that insurance companies are attempting to rely on an age-based exemption under the *Anti-Discrimination Act 1998* to deny the provision of accident and injury insurance to older Tasmanians, effectively stopping them from volunteering.'

The report concludes: 'The decision to exclude persons within particular age brackets from insurance coverage represents a significant barrier to the achievement of broader public policy objectives, including the removal of barriers to both paid and unpaid work . . .'

The Commissioner, in her report, suggests that many insurance companies may not have the necessary evidence of risk to support the age limits imposed.

In her view, the statistical data provided to her did not support the view that age alone was the only or best indicator of risk of accident, injury or other forms of ill-health that may result in a claim under volunteer insurance policies.

Mr Wightman said Ms Banks' report makes a number of recommendations, including having a greater access to data used by insurance companies making decisions on risk, and the removal of age-based limits unless they are backed by evidence.

The Attorney-General indicated that the State Government will examine the report and assess its implications.

The report is available online in both Word and PDF at <http://www.antidiscrimination.tas.gov.au/>

Conciliations

Discrimination on the basis of relationship status in employment:

An employee was sent text messages by his boss saying he was immoral and living an unclean life because he was not married to his partner, and that he wouldn't have been employed if his relationship status had been known at the time. Several days later his employment ended.

The employer denied that the complainant's relationship status was a reason for the employment coming to an end. At an early resolution meeting, the complaint was resolved by the employer agreeing to pay the complainant \$9,000 compensation for hurt feelings. The employer made a verbal apology to the complainant for the hurt caused by the messages.

Local News

The Tasmanian Government is reviewing its **Tasmanian Multicultural Policy (2001)** to ensure it remains relevant and responsive to the State's changing needs.

The 2013 Review will consider how Tasmania can continue to meet the needs of a modern society and derive benefits from its increasingly cultural, religious and linguistically diverse population.

Many Voices Discussion Paper

To assist with the Review, the Tasmanian Government is asking the public for its views on multiculturalism in Tasmania. A Discussion Paper, *Many Voices*, has been released to encourage community feedback. All members of the community are encouraged to read the

Discussion Paper and to provide their comments.

The Discussion Paper considers the current multicultural principles, and raises a number of questions about key areas of multiculturalism, including:

- building on the benefits of diversity;
- fair access to services;
- encouraging participation;
- valuing cultural diversity and promoting social cohesion; and
- understanding your experience.

Submissions will inform the development of the new Tasmanian Multicultural Policy to be released by the end of 2013.

To get a copy of the discussion paper and flyer and to find out how to have your say, go to

http://www.dpac.tas.gov.au/divisions/cdd/for_and_about/migrant_and_multicultural_communities/tasmanian_multicultural_policy_review_2013

National News

New report from the Diversity Council Australia and the Australian Human Rights Commission

The research report, ***Older women matter: Harnessing the talents of Australia's older female workforce***, identifies that women over 45 represent a large and growing segment of the labour force.

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A new Australian Law Reform Commission (ALRC) report, ***The Access All Ages — Older Workers and Commonwealth Laws report***, identifies legal barriers to workforce participation by mature workers, and makes recommendations relating to a range of laws.

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A new guideline has been launched by the Victorian Equal Opportunity and Human Rights Commission. The guideline, ***Transgender People at Work***, explains employer obligations in relation to discrimination against transgender people.

The guideline also offers broad practical information about gender identity issues. It contains numerous examples and case studies, as well as a comprehensive checklist for ensuring compliance with anti-discrimination laws.

*Please be aware that there are differences between the Tasmanian *Anti-Discrimination Act 1998* and the Victorian *Equal Opportunity Act 2010*. For information about coverage and obligations under the Tasmanian Act, contact the OADC.

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New Australian Human Rights Commission publication, ***Women in male-dominated industries: A toolkit of strategies***.

In Australia's general workforce, women represent almost 46% of employees. However, in the industries of construction, mining, and utilities, women account for only around 12%, 15%, and 23% of employees respectively. Recent figures suggest that increasing women's employment rates could boost Australia's GDP by 11%.

The toolkit is an interactive website developed to encourage dialogue, engagement and sharing of approaches about increasing women's representation in male-dominated industries. It is divided into the areas of attraction, recruitment, retention and development of women's skills in industries that have traditionally remained dominated by male leadership and employees.

The Toolkit can be accessed at: www.humanrights.gov.au/women-male-dominated-industries-toolkit-strategies

June and July Training Calendar

Workplace Support / Contact Officers Networking Meeting

Hobart

Tuesday 4 June
9.00 am - 12.00 noon

Launceston

Wednesday 5 June
1.00 - 4.00 pm

Devonport

Thursday 6 June
9.00am - 12.00 noon

FREE to existing Workplace Support / Contact Officers

Investigating Workplace Complaints

Hobart

Monday 17 June

&

Tuesday 18 June

9.00 am - 4.00 pm both days

\$770.00 (pre GST)

We are not all the same but we are equal, GLBTI anti-discrimination awareness

*This course will greatly assist tourism businesses wishing to apply for
Rainbow Tasmania Tourism Accreditation

Hobart

Tuesday 9 July

9.00 - 11.30 am

Launceston

Wednesday 10 July

12.30 - 3.00 pm

\$165.00

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for more detailed course information, price, registration forms or contact
details, follow this link

http://www.antidiscrimination.tas.gov.au/education_and_training

Training News

Our **July - December training calendar** is now finalised and available
on our website.

If you have had a look at our course descriptors and are interested in
attending one of the courses that is not listed, contact us or fill out an
expression of interest form.

http://www.antidiscrimination.tas.gov.au/education_and_training

Bullying

I had the privilege of attending the No 2 Bullying Conference on the Gold
Coast 22 - 23 May and it was inspiring to meet so many people
passionate about the same topic. Some interesting discussion points
included; the role of bystanders, the similarities in the effects to both
complainants and respondents in cases of alleged bullying, early
intervention approaches, bullying and mental health and the shared
frustration from all of us in relation to the increase of alleged bullying
Nationally and internationally.

There is plenty of work to be done in this space but its promising to have
such dedicated professionals focusing on the topic.

Thanks to the conference organisers and WorkCover Tasmania for their
assistance in getting me to the conference

assistance in getting me to the conference.

Also keep an eye out for the WorkSafe Tasmania month program, which will feature some great information sessions on workplace bullying.

Roz Smart
Senior Training, Education and Development Officer

Rainbow Tasmania Tourism Accreditation

Rainbow Tasmania Tourism Accreditation has been developed in partnership with the Tasmanian LGBTI community, to provide a practical way for tourism operators to demonstrate that their business treats members of the LGBTI community in a non-discriminatory manner and provides a safe and comfortable environment for their LGBTI customers, while ensuring they are also meeting their legal responsibilities under the *Anti-Discrimination Act 1998*.



The accreditation framework asks tourism operators wishing to promote their business as 'LGBTI friendly' to demonstrate a level of compliance against the following criteria:

- Undertaken reasonable steps to ensure their workplace is free from harassment and discrimination;
- Undertaken themselves, and/or introduced as part of their staff induction and workforce development processes, Anti-Discrimination training;
- Signed a Code of Ethics Statement on behalf of their business that they aspire to meet basic standards in their service delivery to the LGBTI community; and
- Committed to display within their business information on LGBTI services and other Rainbow Tasmania Tourism Accredited operators.

The OADC training course, **We are not all the same but we are equal, GLBTI anti-discrimination awareness**, will greatly assist tourism businesses wishing to apply for accreditation.

For more information, go to:
http://www.antidiscrimination.tas.gov.au/education_and_training.
To find out about our 'accreditation discount' rate, contact roz.smart@justice.tas.gov.au.

For further information on gaining Rainbow Tasmania Tourism Accreditation visit www.tict.com.au/rainbow or contact TICT on 03 6224 1930 or info@tict.com.au

Community News and Networking



Film competition: 'Everyone is Welcome Here'

If you are a high school student with a passion for activism then be part of the Justice Action Network's initiative to promote anti-discrimination by making a short film to submit for their upcoming film competition. The theme of the competition is 'Everybody's Welcome Here'.

To be eligible for the competition, films need to include in some way the slogan, 'Everybody's Welcome Here', and be in digital format. You could apply the anti-discrimination message to your school setting, Tasmania or Australia. The film style can include anything, from animation to black and white. Any content, including music, needs to be copyright free.

There are three entry categories: Years 7 & 8, Years 9 & 10 and Years 11 & 12. There will be a public screening of successful films in late August and they will also be presented at Justice Action Network colleges.

Entries close 26 July 2013:

<http://www.amnesty.org.au/tas/event/31534/>

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ABC news correspondent, **Sally Sara**, will be speaking about **Afghan women's rights for Refugee Week** at 5.30 pm on Friday 21 June at the Farrall Centre, Friends Argyle St Campus.

The Migrant Resource Centre, Phoenix Centre and Amnesty International are hosting the event with halal refreshments prepared by members of the local Afghani and Hazara communities and live performance from local Hazaragi musicians. For more information, <http://www.amnesty.org.au/tas/event/31491/> and to RSVP, e-mail rloring@mrchobart.org.au.

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Walk Together is a nationally-held community walk welcoming people from asylum seeker, refugee and all backgrounds. The walk will begin with people gathering at 12.45 pm at Parliament House Lawns on Saturday 22 June and walking together to the Bahai Centre. Joining the event at the Bahai Centre will be Stolp & Allen of Dark MOFO, other live entertainment, refreshments and activities until 3.00 pm

<http://www.facebook.com/events/502059003185579/?fref=ts>

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DisabilityCare Australia – the national disability insurance scheme

Forums will be held in **Hobart, Launceston and Devonport** to provide updated information for potential participants, families and carers about DisabilityCare Australia, information about the progress of the Tasmanian launch site to readiness for 1 July 2013 and an opportunity for attendees to ask questions.

Tuesday, 25 June
7.00 - 9.00 pm

RSVP to Hannah McMahon by e-mail:

hannah.mcmahon@fahcsia.gov.au by Friday 14 June.

<http://www.ndis.gov.au/>

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Federal Government Public Consultations for the Review of the *Disability Standards for Accessible Public Transport 2002* (Transport Standards)

HOBART

27 June 2013

Location: Glenorchy Civic Centre, Cooper Street, Glenorchy

LAUNCESTON

28 June 2013

Location: Tramshed Function Centre, 4 Invermay Road, Inveresk

Commencing 9.30 am – concluding 12.30 pm

Have your say about public transport accessibility for people with disability.

The Federal Government is interested in your views and is inviting the public to comment on the Transport Standards.

The review looks at how well the public transport sector meets the needs of travellers with disabilities and is measuring progress against the targets laid out in the Transport Standards.

Those wishing to participate in this public consultation session are invited to register their interest by Thursday 20 June 2013 by email, post or phone.

Disabilities Transport Access Secretariat
Department of Infrastructure and Transport
GPO Box 594
Canberra ACT 2601

Phone: 1800 044 938

e-mail:

DisabilitiesTransportAccessSecretariat@infrastructure.gov.au

For more information on the review please visit:

www.infrastructure.gov.au/transport/disabilities/review/2012.aspx

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Association for Children with Disability (Tas) Inc. **Training in Participation Workshop**, Wednesday 10 July

Participation is the key to successful inclusion of children and young people with disability in any setting. How can we be sure they are participating to their full potential? Are you aware of a child or young person in your class or group who is not participating, but you're not sure why or how to change this?

Contact ACD on 6231 2466 or e-mail: admin@acdtas.com.au for more information.

Play by the Rules



To see the latest e-bulletin from Play by the Rules please follow this link <http://www.playbytherules.net.au/news-centre/ebulletins>

Racism. It stops with me



The **Racism. It Stops With Me** campaign and the **Play by the Rules**

program have partnered to produce a powerful new TV Community Service Announcement (CSA) for sporting organisations to play at their events and to promote on their websites and through their social media forums.

The TV CSA features an all-star cast of Australia's best known

THE TV CAR features an all-star cast of Australia's best known sporting heroes including: Sally Pearson (athletics), Adam Goodes (AFL), Liz Cambage (basketball), Greg Inglis (rugby league and NRL Indigenous All-stars), Peter Siddle (cricket), Mo'onia Gerrard (netball), AFL Indigenous All-stars, Archie Thompson (football/soccer), Cameron Smith (rugby league), Drew Mitchell (rugby union), Timana Tahu (rugby league), Nick Maxwell (AFL) and some grassroots athletes of different ages and backgrounds. They reinforce the simple message: **Racism. It Stops With Me.**

Sporting organisations can take a strong stand against racism by committing to the **Racism. It Stops with Me** campaign at: <http://itstopswithme.humanrights.gov.au/>.

Clubs can also access tools and resources to stamp racism out of sport at: www.playbytherules.net.au/component/content/article/81-resources/links/1...

See the CSA here: <http://www.youtube.com/watch?v=ASsZ-u9YV3c&feature=youtu.be>

Awareness Days in June

Friday 1 June

National Buddy Day

A day to celebrate friendship and raise awareness about the issue of bullying.

<http://www.buddyday.org.au/>

Monday 4 June

International Day of Innocent Children Victims of Aggression

<http://www.un.org/en/events/childvictimday/>

17–23 June

Refugee Week

<http://www.refugeeweek.org.au/>

Wednesday 20 June

World Refugee Day

<http://unhcr.org.au/unhcr/>

Tuesday 26 June

International Day in Support of Victims of Torture

<http://www.un.org/events/torture/>

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