

In respect of rights



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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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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
antidiscrimination@justice.tas.gov.au

Website
www.antidiscrimination.tas.gov.au

Please let the office know before an

From the Anti-Discrimination Commissioner

This week is NAIDOC Week. NAIDOC stands for National Aborigines and Islanders Day Observance Committee. Its origins can be traced to the emergence of Aboriginal groups in the 1920s which sought to increase awareness in the wider community of the status and treatment of Aboriginal and Torres Strait Islander peoples.

Each year's NAIDOC Week has a theme. The theme for 2014 is

Serving Country: Centenary & Beyond.

The NAIDOC website tells us that:

'This year's NAIDOC theme honours all Aboriginal and Torres Strait Islander men and women who have fought in defence of country.

'From our warriors in the Frontier Wars to our warriors who have served with honour and pride in Australia's military conflicts and engagements across the globe.

'We proudly highlight and recognise the role they have played in shaping our identity and pause to reflect on their sacrifice. We celebrate and honour their priceless contribution to our nation.'

Staff of my office were very pleased to be able to attend the flag raising ceremony at Risdon Cove on Monday 7 July. It was an opportunity to share in reflection on that contribution to Australia and to celebrate the strength of Aboriginal culture and community in Tasmania.

Robin Banks
Anti-Discrimination Commissioner

For more about NAIDOC: <http://www.naidoc.org.au/>

From the OADC



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

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

Signing up to the National 'Racism. It stops with me' Campaign

Federal Race Discrimination Commissioner Dr Tim Soutphommasane joined Anti-Discrimination Commissioner Robin Banks to support and endorse the signing of the 'Racism. It stops with me' pledge by City of Hobart, Metro Tasmania, Glenorchy City Council, Yellow Cabs Tasmania, Taxis 131008 Hobart and Taxis Combined.

Keep a look out for the buses, taxis and council vehicles in your area.

Photo (L to R): Glenorchy City Council Mayor Alderman Stuart Slade, Metro CEO Heather Haselgrove, Anti-Discrimination Commissioner Robin Banks, Race Discrimination Commissioner Dr Tim Soutphommasane, 131008 Hobart's Ian Cartledge on behalf of Manager Andrew Lovell, Yellow Cabs Tasmania Manager Roger Burdon, Taxi Combined Services Hobart Manager Robin Jones, City of Hobart Lord Mayor Alderman Damon Thomas (Photo courtesy of Hobart City Council)

If your organisation would like to sign up to the campaign contact the OADC or go to <http://itstopswithme.humanrights.gov.au/>

The OADC out and about



On Saturday 7 June, Louise Adams (Training, Education and Development Officer) and Commissioner Robin Banks had a great day at Salamanca Market chatting to shoppers about discrimination and encouraging them to take the 'Racism. It stops with me' pledge.

FAQs - Discrimination due to association with a person who has or is believed to have an attribute

Mary's sister has recently been in the newspapers as part of a criminal investigation for theft and fraud and now Mary's boss has said that she doesn't want Mary to manage the office credit card any longer. Could this be discriminatory?

- It depends on why Mary's duties have changed. If Mary has been asked not to manage the credit card because of the investigation involving her sister that could be discrimination based on **association with a person who has or is believed to have an attribute (the attribute being 'irrelevant criminal record')**.
- If Mary made a discrimination complaint her employer would need to show it had a non-discriminatory reason for changing her work responsibilities.

Toby is harassed and bullied at school because there are rumours that his mother is HIV positive. The school did not take any action to stop the bullying and Toby eventually leaves. Could this be unlawful?

- If Toby has been bullied because of his mother's disability (real or imputed) he could make a complaint that he has been subjected to conduct that was offensive, humiliating, intimidating, ridiculing or insulting on the basis of his association with a person with an attribute (under section 17 of the Act).
- Toby could also make a complaint of discrimination based on **association with a person who has or is believed to have an attribute, being disability (real or imputed)**.
- The school would have to show that the reason for not taking action to stop the bullying was not because of Toby having a mother with disability (or imputed disability).

Raj is quite a social person. He has a number of friends,

including several who are transgender. Raj is out one night with his friends and is refused entry to a nightclub. The bouncer on the door tells him, 'we don't want your kind in here'. Does the club have the right to do this?

- The security person's comment may mean that he has made an assumption that Raj is also transgender. If this is the case Raj could make a complaint of discrimination because of **gender identity** as a person having OR being imputed to have an attribute covered by the Act.
- Raj could also make a complaint of discrimination based on **association with a person who has or is believed to have an attribute**.
- The nightclub would have to show that it had a valid, non-discriminatory reason for refusing entry and that Raj was not refused entry because he has friend who are transgender.

Complaint Outcomes

Disability Discrimination

A complainant alleged disability discrimination on the basis that building work was being done at a shopping centre and, as a result, the accessible toilets were not available and no alternative was provided. This meant the complainant had to cross a major road to get to an accessible toilet and, in doing so, he damaged his wheelchair. The complaint was settled by agreement between the parties, with assistance from the OADC. Without admissions of liability, the respondent agreed to pay the cost of replacing the complainant's wheelchair and an additional \$1,500 in compensation.

Disability and Age Discrimination

A complainant alleged disability and age discrimination. The club she belonged to provided club information by e-mail to members. The complainant did not have e-mail access because, in part, of a medical condition that meant reading screen-based text caused her to feel ill. It was also noted that there is evidence that older people have a lower level of comfort relying on electronic communications. The complaint was resolved through a process facilitated by the OADC shortly after the complaint was accepted. The respondent agreed to provide club information by post to the complainant and to provide information by post to any other members who indicated they want to get information this way.

July and August Training Calendar

What is Sexual Harassment?

Hobart

Monday 14 July, 10:00 - 11:30 am

Launceston

Thursday 24 July, 10:00 - 11:30 am

\$80.00 (pre GST)

Addressing and Preventing Workplace Bullying for Managers and Supervisors

Launceston

Wednesday 20 August, 1:00 - 5:00 pm

Hobart

Monday 25 August, 9:00am - 1:00 pm

\$220.00 (pre GST)

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

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

WorkSafe Tasmania Month 2014



29 September - 31 October
2014

WorkSafe Tasmania Month is approaching and will be bigger

than ever. The OADC will again be involved with and delivering free training and information sessions around Tasmania.

This year, the OADC contribution will be courses on: Discrimination-free Recruitment; Workplace Behaviour; and Discrimination Policy Writing. Stay tuned for more information as well as a great program of other free training opportunities.

http://worksafe.tas.gov.au/events/worksafe_month

Human Rights Week 2014 - Award nominations



Nomination forms will be available in the next month or so and their availability will be promoted in the August issue of *In respect of rights*.

Local News



Community Achievement Awards for Tasmania

The **Community Achievement Awards for Tasmania** are about recognising individuals, organisations and groups who are making a difference in our local communities and State. There can never be enough encouragement and support for those working towards making their State a better place. Awards such as these create an opportunity to say thank you to those who work tirelessly to develop and improve in their chosen field of endeavour.

For more information go to: <http://www.awardsaustralia.com/community-achievement-awards/tas>

Great work by Hobart City Council

The City of Hobart website now includes:

- the Racism. It Stops With Me Campaign information
http://www.hobartcity.com.au/Community/Culturally_Diverse_People/Racism_It_stops_with_me
- the Cultural Diversity and Youth Services Map
http://www.hobartcity.com.au/Community/Culturally_Diverse_People/Cultural_Diversity_and_Youth_Services_Map
- the Council information sheet: these will be translated into an additional six languages in the next few months
http://www.hobartcity.com.au/Community/Culturally_Diverse_People/Information_in_other_languages

National News

Disability Discrimination Commissioner Graeme Innes AM has held this post since 2005 and his term ends this month. Age Discrimination Commissioner, The Hon Susan Ryan AO, has been appointed acting Disability Discrimination Commissioner.

Read Graeme's final speech as Disability Discrimination Commissioner here; <http://www.humanrights.gov.au/news/speeches/national-press-club-address>

New Mental Health Resource

The newly launched **Heads Up website** provides a range of valuable information to help businesses to improve mental health in the workplace.

The website, an initiative of beyondblue and the Mentally Healthy Workplace Alliance, outlines the steps that businesses can take to reduce costs by improving mental health, and provides a range of practical resources for businesses of all sizes. An interactive guide allows businesses to create a free, tailor-made mental health plan.

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

Play by the Rules



Play by the Rules has an online, interactive bi-monthly magazine. To catch up with the latest news and to subscribe, go to <http://pbtr.com.au/>.

Awareness Days in July



2014 | SERVING COUNTRY – CENTENARY & BEYOND



NAIDOC Week 2014

6-13 July

The theme for NAIDOC Week 2014 is Serving Country: Centenary & Beyond.

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

Lifeline's Stress Down Day

26 July 2013

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

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