

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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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 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

From the Anti-Discrimination Commissioner

I promised last month to share some of the highlights from this year's Annual Report. I have sent the report to the Tasmanian Attorney-General, The Hon Dr Vanessa Goodwin, and look forward to its being tabled in the State Parliament in the near future.

While I can't make my report public until it is tabled, here are the selected highlights for 2013-14:

- Passing by the State Parliament of amendments to the *Anti-Discrimination Act 1998*, which took effect on 1 January 2014. These provide enhanced rights protection and more efficient complaint handling, in particular dispute resolution.
- Positive response to my office's *Insurance, Volunteering and Age* report from the insurance industry with focused work at the national level by the Australian Human Rights Commission.
- Increase in the 2013-14 State Budget allocation to the office that recognised and responded to the increasing level of external demand on the resource of the office and the importance of the office having the capacity to be pro-active in supporting compliance with the Act.
- Co-ordination by the office of the Australian Council of Human Rights Authorities (ACHRA) submission on the amendments to section 18C and related provisions of the *Racial Discrimination Act 1975* (Cth).
- Continuing increase in community understanding of the availability of mechanisms to protect rights as evidenced by increases in complaints received (up 13% on the previous year) and an increase in the willing participation of complaint parties in early dispute resolution processes and in complaints resolving.
- Continuing demand for training and education and increased levels of delivery of training and community education to not-for-profit organisations and the State Government, with workplace training being delivered to 2,530 participants (up from 2,160 in the previous financial year).
- Focus in policy work on transport and justice sector issues for people with disability, and on ensuring government services are inclusive and responsive to the needs of people who are lesbian, gay, bi-sexual, trans or intersex.
- Engagement of public transport providers and local government in the national anti-racism strategy, *Racism. It stops with me.*



The State Budget that was announced in late August 2014 saw my office maintain its level of funding for the current financial year, with a reduction announced for 2015-16.

Robin Banks

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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Anti-Discrimination Commissioner

Exemption process and recently granted exemptions

Under the *Anti-Discrimination Act 1998 (Tas)*, the Commissioner is empowered to grant exemptions that permit a person or organisation to engage in an action or activity that would otherwise be unlawful under the Act. Such exemptions can be granted for up to three (3) years.

Whenever the Commissioner grants an exemption, a notice of this must be published in the *Tasmanian Government Gazette*:

<http://www.gazette.tas.gov.au>

Any person may apply to the Anti-Discrimination Tribunal for a review of the Commissioner's decision within 28 days from the date the notice is published in the *Gazette*.

Exemptions granted and not yet gazetted

Exemption No 14/09/002 granted to **Launceston Women's Shelter Inc** (Magnolia Place LWS) on 1 October 2014 for 3 years. This exemption was granted to permit Launceston Women's Shelter Inc to recruit and employ women only in the identified positions of Chief Executive Officer, Response/ Property Worker, Women and Children's Support workers, On-call Crisis workers and Finance Officer on the basis that it is for the purpose of operating a shelter for women and children escaping domestic/family violence and/or who are homeless to provide a secure, safe and supportive women-only space.

Exemption No 14/09054 granted to **Yemaya Women's Support Services Inc** on 13 October 2014 for 3 years. This exemption was granted to permit Yemaya Women's Support Service Inc to recruit and employ women only in the identified positions of Co-ordinator/Counsellor with Yemaya Women's Support Service Inc.

Exemption No 14/10/002 granted to **Adam Honeyman** on 13 October 2014 for 3 years. This exemption was granted to permit Adam Honeyman and the **Hobart Cat Café** to exclude dogs (including Guide Dogs and Assistance Dogs) from entering that part of the Hobart Cat Café that is physically separate from the food service area and identified as the cat-petting enclosure.

All of these exemptions are subject to conditions that will be set out in the notice published in the Gazette.

Exemptions granted and gazetted on 17 September 2014

The 28-day period in which a person can apply to the Anti-Discrimination Tribunal for review expires on 15 October 2014.

Exemption No 14/09/006 granted to **Hobart Women's Health Centre** on 4 September 2014 for 3 years. This exemption was granted to permit Hobart Women's Health Centre to:

1. provide services and facilities to women and women's groups;
2. recruit and employ women only in all paid and volunteer positions with the Hobart Women's Health Centre on the basis that it is for the purposes of providing specific health and wellbeing services to women, by women; and
3. recruit and engage women only to the Board of Governance.

Exemption No 14/07/017 granted to **Anglicare Tasmania** on 27 August 2014 for 3 years. This exemption was granted to permit Anglicare Tasmania to advertise and employ women only in the positions of Community Support Worker and Residential Disability Support Worker in the Disability and Acquired Injury Support Service/Community Aged Care service at Anglicare Tasmania on the basis that the recruitment and appointment is for the purposes of:

1. ensuring the individual needs of clients are met, specifically in the areas of personal care needs such as toileting, showering, dressing and dressing in accordance with Client plans;

- grooming and dressing in accordance with client plans;
- 2. ensuring the individual needs of clients are met and respected, specifically in the areas of developmental, social, recreational and emotional needs in accordance with rehabilitation, healthcare and support focus plans;
- 3. providing appropriate support to Anglicare's clients by ensuring the continued presence of female staff in these positions whilst this need from its clients remains.

Exemption No 14/08/065 granted to **Speak Out Association of Tasmania Inc** on 27 August 2014 for 3 years. This exemption was granted to permit Speak Out to restrict its full membership to people with intellectual disability on the basis that it is for the purposes of:

- 1. ensuring people with intellectual disability have a secure role in Speak Out management and shaping the future of the organisation and developing pertinent self-advocacy training; and
- 2. maintaining Speak Out's traditional membership base as a self-advocacy organisation by and for people with intellectual disability.

All of these exemptions are subject to conditions that are set out in the notice published in the Gazette of 17 September 2014.

Frequently Asked Questions (FAQs) - Incitement and bystander options

Have you witnessed someone shouting 'go back home to where you came from' in the street?

On your way into church, the synagogue or the mosque, have you seen people being confronted by a group of passers-by yelling out: 'religion controls the masses and religious fanatics should be eliminated'?

Have you been received a pamphlet in the mail and thought the content was extremely negative and ridiculing of people who are gay?

These may be incidents of **incitement to hatred, serious contempt or severe ridicule and may be unlawful.**

Under the *Anti-Discrimination Act 1998* a person, by a public act, must not incite hatred towards, serious contempt for, or severe ridicule of, a person or a group of persons on the ground of race, religious belief, affiliation or activity, disability, sexual orientation or lawful sexual activity.

Incitement takes place when:

- A person takes an action that is public;
- An ordinary reasonable person would understand from that public action that they are being prompted to feel hatred, serious contempt or severe ridicule about a person or group;
- The conduct is on the ground of race, religious belief, affiliation or activity, disability, sexual orientation or lawful sexual activity.

The prohibition against incitement covers situations where the inciter assumes or imputes that someone has one of those personal characteristics, even if they don't, and takes the public action on the basis of that assumption.

While travelling on a bus I witnessed another passenger being racially abused and harassed. I did not feel confident to say anything and everyone else on the bus tried to ignore what was happening. I feel guilty for not saying anything but what could I do?

- Firstly, everyone has the right to use public transport and feel safe doing so.
- Second, make a note of the bus number and the time.
- You could report the incident directly to the public transport operator. If they have cameras on their vehicles (Metro does on its buses) they will view the footage to see if anyone involved can be identified and they may report it to the police for follow up.

- You could report the incident directly to the police with details of when and where it happened.
- You could report the incident to this office: the Office of the Anti-Discrimination Commissioner (OADC). If the report indicates a possible breach of the Act, we can ask for any footage and also follow up with you if you wish to be contacted.
- If you can do it safely, take a photo or video of the incident and provide it to the transport operator, the police and this office.

I use social media, but I am fed-up with seeing insensitive and prejudiced remarks that hurt others. I feel powerless to comment and not sure if reporting these remarks to the social media administration would change anything. What can I do?

- Accessing any form of social media should be a positive and safe thing to do.
- All social media outlets have a responsibility not to publish or display discriminatory material. If you are accessing Facebook, for example, you could click the 'report' tab which appears alongside the content. The social media administrator should investigate whether the content violates their Community Standards and may remove the content.
- You can report any abuse, harassment, insensitive and/or stereotypical remarks to this office. We will assess whether or not discrimination law applies to the material and, if it does, may be able to seek a resolution to your concerns.
- You may want to contact this office about the possibility of making a formal complaint. We can give you the relevant information.

I was standing in line at the supermarket and two people standing in front of me were making derogatory and insulting comments about people with Down's Syndrome. I was too upset to say anything at the time. Can I do anything now?

- Comments like those you heard can be hurtful and harmful to you or to others. Not everyone has the confidence or feels safe to say something on the spot.
- We need to remind ourselves and others that our comments can be overheard and can cause hurt and harm to others.
- You could approach the supermarket management about putting up posters about respectful behaviour and the impact of insulting behaviour.
- You can report incidents like this to this office. In doing so you are enabling us to better target our community education and training programs to address anti-social behaviour based on disability and other attributes protected under discrimination law.

I was walking along the street when a car drove by. One of the passengers hurled abuse at a couple of young women who were holding hands. I couldn't do anything as the car drove off but I felt really bad for the two people. Is there anything I could do?

- You could ask the couple if they are okay. This lets them know that you witnessed the incident. Checking to see if someone is okay can be reassuring to them that others in the community don't accept anti-social behaviour.
- If possible, make a note of the car's registration number, colour, etc.
- Report the incident to the police.
- Report the incident to this office. In some situations, the Commissioner may be able to request car ownership details and follow it up.

Why should I bother doing anything?

- By doing something, you are standing up for yourself or another person, you are making it clear that you don't accept the behaviour as okay or approve of it, and hopefully you might be stopping it happening to someone else.

Reporting incidents to our office:

- Gives us information that helps us to target our community

education and training programs.

- Gives us information that helps us to take action to address anti-social behaviour based on race, disability and other attributes protected under discrimination law.
- Give you a chance to hear about your rights under discrimination law. You may also be able to find out from us where you can get other help.
- Rather than feeling guilty or helpless for not taking any action for these types of incidents, reporting incidences to us can be a safe appropriate option.

Remember: You can anonymously report incidents to this office.

Next month our Frequently Asked Questions will be about our **Report It! form and process.**

To access the **Report It!** form go to:

http://www.antidiscrimination.tas.gov.au/forms/Incident_form.

For more information on what is unlawful discrimination in Tasmania go to:

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

October and November Training Calendar



The OADC is once again pleased to be presenting **FREE** workshops during WorkSafe Month. The Launceston sessions were very successfully delivered last week, if you are in the Devonport, Burnie or Hobart area we hope to see you at one or more of the below sessions.

Discrimination-Free Recruitment & Selection

Devonport

Entertainment and Convention Centre, Centenary Court
Wednesday 15 October, 11:00 am - 1:00 pm

Burnie

Arts and Function Centre, Braddon Hall
Thursday 16 October, 10:30 am - 12:30 pm

Hobart

Derwent Room, Wrest Point Casino
Monday 20 October, 1:00 - 3:00 pm

Workplace Behaviour: Where is the Line?

Devonport

Entertainment and Convention Centre, Centenary Court
Wednesday 15 October, 3:00 - 5:00 pm

Burnie

Arts and Function Centre, Braddon Hall
Thursday 16 October, 1:00 - 3:00 pm

Hobart

Derwent Room, Wrest Point Casino
Monday 20 October, 9:00 - 11:00 am

Writing Anti-Discrimination Policies

Devonport

Entertainment and Convention Centre, Centenary Court
Wednesday 15 October, 1:30 - 2:30 pm

Burnie

Arts and Function Centre, Braddon Hall
Thursday 16 October, 9:00 - 10:00 amW

Hobart

Hobart
Derwent Room, Wrest Point Casino
Monday 20 October, 11:30 am - 12:30 pm

To register for sessions and more information on WorkSafe Month go to
http://worksafe.tas.gov.au/events/worksafe_month/program_of_events_2014

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OADC NOVEMBER TRAINING SESSIONS

Workplace Support / Contact Officer (WSCO) Networking Meetings

Hobart

Monday 10 November
9:00 am - 12:00 noon

Launceston

Tuesday 11 November
12:30 - 3:30 pm

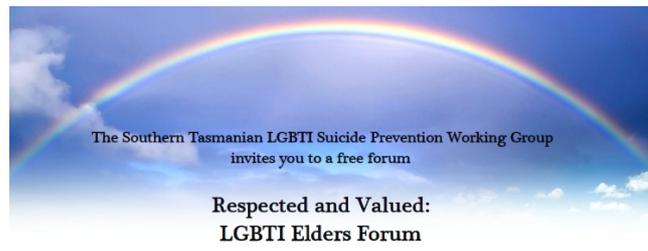
Burnie

Tuesday 18 November
9:00 am - 12:00 noon

FREE

For more detailed course information, price, registration forms or contact details for this or other OADC courses, follow this link
http://www.antidiscrimination.tas.gov.au/education_and_training

Local News



Respected and Valued: LGBTI Elders Forum

Wednesday 15 October 2014

10:30 am – 3:00 pm

Lunch provided

ACST Industry Training Centre
at Glenview

2 -10 Windsor Street, Glenorchy
(near bus stop 24, Main Road, Glenorchy)

A forum to talk about issues that are important for older members of the LGBTI communities. This is an opportunity to start the conversation and to listen to the voices of LGBTI seniors.

Topics include:

- What some care providers do to be more inclusive of older LGBTI people
- Changes in legislation and **the role of the Anti Discrimination Commissioner and discrimination law**
- The 'Tasmanian Elders Abuse Helpline'
- Wills, power of attorney, enduring power of attorney and why they are important
- Current research into LGBTI health and ageing and how you can participate

RSVP to Virginia Bashford at virginiab@reltas.com.au

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Hobart Human Library taking stories into schools

Traditional sharing of stories and narratives has been part of almost every culture throughout history. Before books, movies and television, people passed stories in person.

Now the Hobart Human Library is doing the same with their collection of 'human books': storytellers going into schools in southern Tasmania to tell their stories of discrimination and stereotyping.

Sitting in a semi-circle of four to five people facing the human books, it is like a speed-dating session. The 'books' have seven minutes to tell their stories and then three minutes for questions from the students.

Helen Hortle organised the trial 'lending' of the human books at Claremont College and said the project aims to create understanding of difference, but not alienate it.

To read the full story go to:
<http://abc.net.au/news/5777034>

Human Rights Week News



The Tasmanian Human Rights Week Committee has extended the deadline for nominations for Tasmanian Human Rights Awards to 13 October 2014.

Nominations can be made in nine categories:

- Individual Award
- Organisation Award
- A Fairer World School Award
- Lucy Henry Mental Health Award
- Angus Downie Print Journalism Award
- Culturally and Linguistically Diverse Community Focussed Activity Award
- LGBTI Cultural Awareness Award
- Youth Award
- Sports Award

Nominations close 5:00 pm, Monday 13 October 2014

For each award a certificate and prize of \$500 will be presented at the conferring ceremony on Wednesday 3 December, 2014.

For more information or to download a nomination form go to www.afairerworld.org/_HRWeek or phone (03) 6165 7512.

Flyer to download
www.afairerworld.org/_Coming_events/2014HRAwards.jpg

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.
Article 1, *Universal Declaration of Human Rights*

National News

Supporting Carers Week and Seniors Week this month are two resources developed by the Australian Human Rights Commission.



Investing in care: Recognising



and valuing those who care
report and **Supporting carers in
the workplace: A toolkit**

The Toolkit provides practical examples of mechanisms that workplaces can use to support unpaid carers and help them to meet their caring responsibilities.

<https://www.humanrights.gov.au/investing-care-recognising-and-valuing-those-who-care>

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News Item from: Economic Security4Women:

CEOs call for focus on equal pay as gender reporting data exposes widespread inaction

The Workplace Gender Equality Agency has announced an exciting pay equity campaign. The campaign is informed by a preliminary set of data reported to the Agency for the first time this year that shows only one in four employers has done a gender pay gap analysis to check they are paying women and men fairly.

As part of the campaign, the Agency will be sending a bottle of "Daughter Water" (a drink that purports to help CEOs conceive baby girls) to CEOs of employers who have yet to do a gender pay gap analysis.

Why?

Because research found that when CEOs have baby girls, the pay gaps in their organisation shrink! The Agency is hoping that a light-hearted approach to this campaign will help get their attention, and encourage them to make pay equity a priority. Obviously, we don't really need CEOs to have baby girls – we just need more of them to access the Agency's free pay equity tools and resources that will be available via the campaign website: www.inyourhands.org.au. Click here for media release and to view the campaign video: <http://youtu.be/FVI7uKfsrTE>

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Do you know someone with cerebral palsy (CP) or other type of neurological condition such as multiple sclerosis (MS) or an acquired brain injury (ABI)?

Devised by the Australian Institute of Sport (AIS) in collaboration with the Australian Paralympic Committee (APC), the **Para-sport Draft** invites anyone with these conditions or similar, and aged between 15 and 30 and interested in a Para-sport pathway to register.

This new initiative aims to identify the next generation of Paralympians. You don't need to have played sport before to register. The Para-sports Draft may well be the entry point to a Paralympic pathway.

Along with the AIS, the APC is committed to building pathways and providing more opportunities by placing individuals with a disability into the sports which provide the best opportunity for them to progress as far along a Para-sport pathway as their talent and desire enables them to.

Testing for Para-sport Draft will be taking place across Australia.

For further information visit:

http://ausport.gov.au/ais/australias_winning_edge/para_sports_draft

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What is casual racism and what can we do about it?

A RightsTalk about casual racism at the Australian Human Rights Commission with panel members: Dr Tim Soutphommasane, Australian Race Discrimination Commissioner; Hakan Harman, the chief

executive officer at Multicultural NSW; Manam Veiszaden, lawyer, community activist and founder of the Islamophobia Register; and His Excellency Noel White, Ambassador of Ireland will take place on 16 October.

'We all know that racism can take an ugly form. But what about those situations where low-level prejudice and discrimination occur?' asks Dr Soutphommasane.

'Does it matter if someone doesn't intend to cause offence or hurt? And what effect may casual racism have on community relations?'

The panel discussion will be available on YouTube, via a link posted on www.humanrights.gov.au

Play by the Rules



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

Awareness Days in October



1 October

International Day of Older Persons was marked last week to raise awareness of the issues facing seniors across the world.

The 2014 international theme is 'Leaving No One Behind: Promoting a Society for All' which supports National Seniors' own calls for a socially inclusive society for all ages

www.un.org/en/events/olderpersonsday/

2 October

International Day of Non-Violence

www.un.org/en/events/nonviolenceday/index.shtml

9 October

World Sight Day

<http://www.vision2020australia.org.au/events/world-sight-day>

10 October

World Mental Health Day

http://www.who.int/mental_health/world-mental-health-day/en/

6 - 11 October

Mental Health Week

<http://www.mhct.org/mentalhealthweek.html>

12 - 18 October

Anti-Poverty Week

<http://www.antipovertyweek.org.au/about/about-anti-poverty-week>

13 - 19 October

Seniors Week

<http://www.cotatas.org.au/programs-events/seniors-week-2014/>

14 - 20 October

Carers Week

<http://www.carersaustralia.com.au/>

17 October

International Day for the Eradication of Poverty

www.un.org/en/events/povertyday/

25 October

Walk Together

<http://walktogether.welcometoaustralia.org.au/>

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