

# In respect of rights



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## Edition 33

## November 2014

### Contact Us

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

Office of the Anti-Discrimination Commissioner  
Level 1, 54 Victoria Street, Hobart, Tasmania 7000  
GPO Box 197, Hobart, Tasmania 7001

Telephone  
Ph: 1300 305 062 (local call)  
Ph: (03) 6165 7515  
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  
[antidiscrimination@justice.tas.gov.au](mailto:antidiscrimination@justice.tas.gov.au)

Website  
[www.antidiscrimination.tas.gov.au](http://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

## From the Anti-Discrimination Commissioner

Sometimes even when laws are changed to remove discrimination there can be continuing negative affects. An example of this is the change to Tasmanian criminal law in the 1990s to remove the criminalising of sexual conduct between adult males in private. This important reform of the law came about after Australia was found (because of these laws) to have breached its obligations under international human rights laws.



The impact of these historic provisions (and others) continues, however, to have a negative affect on people who had dealings with the police and courts in relation to them. For some people, it means they have a criminal record for conduct that was directly related to their being homosexual or to their gender identity; conduct that would not otherwise have led to police involvement.

Over the last 12 months work has been going on in Tasmania and other parts of Australia to find appropriate ways to remove this continuing effect. South Australia, Victoria and New South Wales have now all passed laws to do so. My office has developed a discussion paper calling for input from the community on the most appropriate and effective way to address this issue in Tasmania.

Please take the opportunity to consider this issue and respond to the discussion paper (the details of how to get a copy of the paper and to respond are below).

**Robin Banks**  
**Anti-Discrimination Commissioner**

## From the OADC

### Treatment of convictions for consensual sexual activity between adult males

#### Discussion paper open for comment

Public submissions are invited on the discussion paper released by the Tasmanian Anti-Discrimination Commissioner on options for treating historic convictions for consensual sexual activity between adult males.

Copies of the paper are available at  
[http://www.antidiscrimination.tas.gov.au/news\\_and\\_events](http://www.antidiscrimination.tas.gov.au/news_and_events)

Submissions due by Friday 28 November 2014

See the discussion paper for details on how to contribute

## Recently granted exemptions

Under the *Anti-Discrimination Act 1998* (Tas), the Commissioner is empowered to grant exemptions that permit a person or organisation to

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](mailto:roz.smart@justice.tas.gov.au)

empowers 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 14/10/035** granted to the **Archdiocese of Hobart** on 29 October 2014 for 3 years. This exemption was granted to permit the Archdiocese of Hobart to recruit and employ a female DV Case Manager for the Centacare Housing and Tenancy Support (CHATS) Programme.

### Exemptions granted and gazetted on 22 October 2014

**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.

For more information on exemptions go to;

<http://www.antidiscrimination.tas.gov.au/exemptions>

## FAQs - Report it!

Harassment and/or abuse is unacceptable by today's standards. It is often random and unprovoked actions of this kind that have lasting and negative effects on a person's confidence, health and wellbeing, and sense of being part of an inclusive, respectful community.

**I was racially abused by people driving past in a car.**

**Can I report this to your office?**

- Yes you can make a report to the Anti-Discrimination Commissioner's office if this happens to you or you see or hear others being abused or harassed.

**How do I report this to your office?**

- You can report it through the **Report it!** form on our website:

[http://www.antidiscrimination.tas.gov.au/forms/Incident\\_form](http://www.antidiscrimination.tas.gov.au/forms/Incident_form)

You can also phone our office on 0409 3545 or 1300 305 062 and ask to

**Been abused or harassed?  
Seen abuse or harassment?**

# Report it!

**We want to know.**

Help others by telling us about your experience or what you saw.

SCAN with a QR code reader to go direct to the online reporting form.

Enquiry Line 1300 305 062 or 03 6233 4841  
E-mail [antidiscrimination@justice.tas.gov.au](mailto:antidiscrimination@justice.tas.gov.au)  
Web [antidiscrimination.tas.gov.au](http://antidiscrimination.tas.gov.au)  
Web SMC 0409 401 083  
NRG TTY 133 6177 & ask for 1300 305 062  
NRG Speak & Listen 1300 666 727 & ask for 1300 305 062

Office of the Anti-Discrimination Commissioner



- You can phone our office on 6165 7515 or 1300 305 062 and ask to be sent a **Report it!** form.
- You can phone our office on 616 57515 or 1300 305 062 and ask for help to fill out a **Report it!** form.
- We will provide an interpreter if one is needed.

#### **What will happen if I report this?**

- Your **Report it!** information will be recorded in our confidential database.
- Keeping the information helps us to better understand what people are experiencing in Tasmania so we can develop strategies to stop harassment and abuse continuing.
- If you decide to report it, you can ask (on the form) for someone from this office to contact you to talk about what happened and give you information about other possible options for dealing with it.
- One other options may be to mak a formal complaint of discrimination, but this will depend on what happened, where, and when and who was involved. It helps to collect as much detail of the incident as possible, such as the car number plate, the make and colour of the car, and when and where it happened.

#### **I am sometimes offended by the comments people leave on social media sites (such as FaceBook) that are nasty about gay people. I am not gay but I am still offended. Can I report this to your office and is there anything your office can do about it?**

- Yes you can report this to this office.
- You don't need to be gay (or personally affected) to report an incident like this to us.
- In reporting this incident to us and identifying the social media provider we are able to contact them to remind them of their obligations under discrimination law.
- We also may contact other relevant bodies so they can target their education and training to prevent similar things happening in future.
- The **Report it!** form encourages bystanders to report incidents as this can help us to take action to stop the situation continuing.

#### **I am often treated badly because of the suburb I live in. Is this something I can report to your office and what would that do?**

- Yes you can report this to our office.
- You may want us to contact you to discuss whether or not what has happened might be covered by the *Anti-Discrimination Act 1998* (the Act).
- If incidents are not covered by the Act or you don't wish your report to become a formal complaint the information is still useful to us.
- Information about incidents is often the basis of the Commissioner's discussions with organisations, community groups and government aimed at reducing anti-social behaviour and building a more respectful community. Reporting encourages all Tasmanians to practice and promote respectful relationships.

#### **What also should I know about reporting incidents of harassment or abuse to your office?**

- You can report an incident anonymously (that is, without giving us your name and contact details).
- Reporting incidents is one safe and appropriate action to take.
- Getting your reports allows this office to take action to address anti-social behaviour people's personal characteristics (including those protected under the Act, such as race, religion, disability, gender and sexual orientation).
- Data about reports is contained in the Commissioner's annual report and is used submissions to national and other enquiries.

Help do your bit to stamp out abuse and harassment.

**Report it today!**

To get a copy of the **Report it!** form, fill it out online or for more information on what is unlawful discrimination in Tasmania go to;

[http://www.antidiscrimination.tas.gov.au/information\\_on\\_the\\_act](http://www.antidiscrimination.tas.gov.au/information_on_the_act)

## Case Summary

### **\$27,000 compensation for religious discrimination**

An employee who was asked to leave his job after refusing to work shifts that clashed with his Sabbath observance was awarded just over \$27,000 by the NZ Human Rights Review Tribunal as compensation for lost wages and injury to feelings.

The employee whose religion required him to observe the Sabbath (in this case, from sunset Friday to sunset Saturday) got a job at AFFCO's meatworks. When he was interviewed he was asked if he was available for overtime and he replied that he was but that he was only available for day work.

The employee was required to work on his Sabbath and was also assigned night work. The employee raised the matter with his supervisor and his manager. He was told that doing overtime involved Saturday work and that, if he could not do it, he did not meet AFFCO's needs and should leave.

The employee complained to the Human Rights Review Tribunal. The Tribunal concluded that religious belief was a material factor in the treatment of the employee and that he had suffered unlawful discrimination. It said the entire focus of AFFCO and its managers had been on the interests of the company without regard to the prohibition in the law against discrimination and the requirement to accommodate religious practice unless this would result in unreasonable disruption to the business.

AFFCO was ordered to pay \$12,000 in wages; \$15,000 damages for humiliation, loss of dignity and injury to feelings; and to access training for its managers on their human rights responsibilities.

*Nakarawa v AFFCO New Zealand Ltd* [2014] NZHRRT 9

<http://www.justice.govt.nz/tribunals/human-rights-review-tribunal/decisions-of-the-human-rights-review-tribunal/html-decisions-and-headnotes/2014/2014-nzhrrt-9>

## November and December Training Calendar

### **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**

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### **The Workplace Support / Contact Officer (WSCO) Role**

#### **Hobart**

Monday 1 December  
1:00 - 5:00 pm  
&  
Tuesday 2 December  
9:00 am - 12:30 pm

#### **Launceston**

Monday 15 December  
1:00 - 5:00 pm

11:00 - 12:00 pm  
&  
Tuesday 16 December  
9:00 am - 12:30 pm

**\$440.00 p/p (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](http://www.antidiscrimination.tas.gov.au/education_and_training).

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### 2015 OADC Training Calendar

**Our 2015 training calendar will be finalised in time for the December edition of *In respect of rights*. Stay tuned.**

## Training News



What a great WorkSafe month again this year. We thoroughly enjoyed rolling out our two new courses and one revised course.

**Workplace Behaviour: Where is the Line?** proved to be the most popular course answering the difficult question of what is and what is not appropriate behaviour in Tasmanian workplaces.

Participants had the opportunity to explore what is their personal 'below-the-line' behaviour, what is their workplace's below-the-line behaviour, how to proactively avoid crossing the line, and positive steps to take when the line is crossed.

**Writing Anti-Discrimination Policies** was another new course developed in time for WorkSafe month. The uptake of this course was pretty low, but those who did attend were happy with the content, which was less about writing skills (you may have policy staff who are experts in that field) and more about;

- what makes a good anti-discrimination policy;
- how to implement your policy, and
- a policy checklist handout

Our final WorkSafe month course this year was the re-vamped and shortened **Discrimination-Free Recruitment & Selection**, this course generated some great questions and discussion from participants and we all came away from the course more aware of how stereotypes and 'the way we've always done things' can affect the workplace decisions we make.

**We will be offering all three of these courses in our 2015 training calendar, stay tuned.**

Thanks once again to all participants and to WorkSafe Tasmania for including us in the WorkSafe Month program. Thanks also to Stephanie and the other wonderful staff who always ensure such a smooth program of events.





OADC trainer Louise Adams presenting to attendees of the **Workplace Behaviour: Where is the Line?** course at WorkSafe Month 2014.

## Local News



### 2014 TasPride Festival

The theme for TasPride Festival this year is 'Homegrown Pride', in tribute to the TasPride name and its mission of bringing gay, lesbian, bisexual, transgender, intersex, and queer Tasmanians together (with their families, friends, allies and supporters, of course). This year TasPride is putting the emphasis on the TAS in TasPride.

One fantastic way to support the Tasmanian LGBTIQ community would be to march in the Hobart Pride Parade and/or attend the first ever diversity street party in Launceston.

#### Pride Parade

<https://www.facebook.com/events/1501692053405033/>

#### Diversity Launceston Street Party

<https://www.facebook.com/events/344660215689159/>

For more information and to see the great program of events go to:

<http://taspride.com/>

<https://www.facebook.com/TasPride>

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### Healthy Ageing in a Diverse Tasmania

A forum to discuss and hear more about experiences and issues in aged-care services for people from culturally diverse background.

Wednesday 5 November

1:00 - 3.:00 pm

Barossa Park Lodge, 17A Clydesdale Ave, Glenorchy

For more information & RSVP please contact Liz Pugh on [liz@fecca.org.au](mailto:liz@fecca.org.au) or by phone (02) 6282 5755; or MCOT on [mcot@tassie.net.au](mailto:mcot@tassie.net.au) or (03) 6224 8838.

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### Walk the Talk: Stop Violence Against Women

Walk to raise awareness to domestic violence

29 November

From the Cenotaph to Salamanca Lawns

For more information contact; [sihobart@siswp.org](mailto:sihobart@siswp.org)

## Human Rights Week News



**The Human Rights Week Organising Committee**

**invites you to**

**the launch of Human Rights Week 2014  
&  
the announcement of**

**the Tasmanian Human Rights Awards winners**

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Aboriginal Acknowledgement: Madeline Wells (Skills Tasmanian  
Aboriginal & Torres Strait Islander Student of the Year 2013)

Singing: Shewit Ghebregabhier-Belay

Guest Speaker

Wednesday 3 December

12:30 – 1:30 pm

Reception Room, Parliament House

(Refreshments will be served at the end of the formalities).

RSVP by: Tuesday, 26 November 2014 to Louise on:

[louise.adams@justice.tas.gov.au](mailto:louise.adams@justice.tas.gov.au)

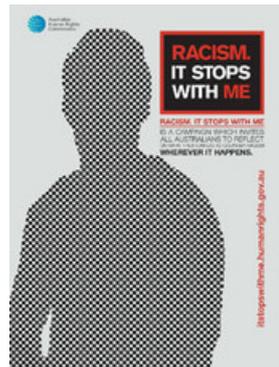
The Human Rights Week Organising Committee acknowledges  
support from:

Hobart City Council, National Disability Services  
& the Office of the Anti-Discrimination Commissioner (Tasmania)

## National News

The **Racism it stops with me!** website has lots a great information and the resource page has plenty of options to get the word out, including; **Create your own poster:** if you send your image, the Racism it stops with me team will create a personalised poster for you to put up at home or in your workplace.

<http://itstopswithme.humanrights.gov.au/it-stops-with-me/campaign-materials>



## 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>.

**You Can Play Forum Online Event  
Wednesday 5 November 2014**

Join Play by the Rules for a unique online event - at 10.30 am (AEDST)

### **Anti-homophobia in Sport** - Live Webcast of the You Can Play Forum

On Wednesday 5 November at 10:30 am you can join Anton Enus, Clyde Rathbone, Heather Reid, Dr Carolyn Symons, Minister Andrew Barr and Gus Johnson for a unique online event - the You Can Play Forum.

The Forum will be webcast nationally - all you need is an internet connection to view the event. You can also make comments and ask questions online through Twitter (#youcanplayforum).

==> <http://livestream.ssc.gov.au/PbtR/November2014/>

It will be similar to an SBS Insight program with award winning broadcaster Anton Enus chairing a panel debate on the issues of homophobia and transphobia in sport.

So get involved and have your say -

==> <http://livestream.ssc.gov.au/PbtR/November2014/>

### **Awareness Days in November**



16 November

#### **International Day for Tolerance**

<http://www.timeanddate.com/holidays/un/international-day-tolerance>

20 November

#### **Transgender Day of Remembrance**

<https://www.facebook.com/transdayofremembrance>

20 November

#### **Universal Children's Day**

<http://www.timeanddate.com/holidays/un/universal-childrens-day>

22 November to 30 November

#### **Social Inclusion Week**

2014 Theme: Collaborate, Connect, Celebrate

[www.socialinclusionweek.com.au](http://www.socialinclusionweek.com.au)

25 November

#### **International Day for the Elimination of Violence against Women**

##### **White Ribbon Day**

Australia's campaign to stop violence against women

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

**16 Days Campaign** from November 25 (International Day for the Elimination of Violence Against Women) and December 10 (Human Rights Day)

<http://www.isiswomen.org/>

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discrimination law and the Tasmanian community and workplaces.

