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In respect of rights



Edition 39

- [From the Anti-Discrimination Commissioner](#)
- [Re-appointment of the Anti-Discrimination Commissioner](#)
- [From the OADC](#)
- [Recently Granted Exemptions](#)
- [Frequently Asked Questions - Respondents to discrimination complaints](#)
- [Law reform on bullying: your chance to have a say](#)
- [Complaint Summaries](#)
- [June and July Training Calendar](#)
- [Training News](#)
- [Local News](#)
- [National News](#)
- [Play by the Rules](#)
- [Awareness days in June](#)

June 2015

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 1300contacted a relevant regulator.

From the Anti-Discrimination Commissioner

A recent well-publicised case of discrimination that resulted in a \$500 fine against a Hobart Taxi driver has highlighted that such complaints, that can be made to the Anti-Discrimination Commissioner, may also be dealt with under other State laws.



A Magistrate found Manveen Singh Gujral guilty of refusing to carry a person with disability who has an assistance animal. The person with the Guide Dog, Mr Menzies, could have made a complaint under the *Anti-Discrimination Act 1998* (or to the Australian Human Rights Commission under the *Disability Discrimination Act 1992* (Cth)) on the basis he was discriminated against because he has disability and uses a Guide Dog.

It is useful to be aware that a refusal of service of this sort is also a breach of the *Guide Dogs and Hearing Dogs Act 1967* (Tas) and a breach of the *Taxi Industry Regulations 2008* (Tas). This case was prosecuted under the Taxi Industry Regulation 57.5(h) by the Department of State Growth. This highlights that more than one government authority has power to deal with a refusal of this sort to provide services.

For more information about this case, please contact: Zoe Polacik Guide Dogs Tasmania 03 6232 1222 / 0466 793 602 zoe@guidedogstas.com.au

This is not the only situation where discrimination law and other laws apply and highlights that it is useful to contact my office even if you have also

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 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

In Mr Menzies' case, the fine imposed on the driver would be paid to the State rather than being compensation paid to Mr Menzies. In recent complaints to me alleging similar discrimination, the complaints have been resolved through conciliation. In the most recent of those cases, the complainant received \$500 in compensation from the owner and driver, the taxi owner agreed to review his policies and procedures, and the driver agreed to do further training. This possibility (of reaching an agreement with the taxi operator and driver about compensation, training and changes to practices) is one of the benefits of making a discrimination complaint even where a prosecution is undertaken by the regulator.

As well as making a complaint under the *Anti-Discrimination Act*, a person refused service by a taxi because of disability can report this to Service Tasmania, and it will be referred through to the appropriate part of government for action.

All taxis must display a phone number that passengers can call if they have a complaint about the vehicle or the driver. This will be a number for the taxi operator. If you are not happy with how the operator handles your complaint, you can contact Service Tasmania.

With any complaint like this, the more information you can provide the better. So it will be helpful if you can provide details of what happened, including the date, time and place it happened and as much detail about the taxi (such as the taxi number) and driver as possible. Taxis are required to have the taxi number in raised text just in front of the handle on the passenger doors.

Robin Banks
Anti-Discrimination
Commissioner

Re-appointment of the Anti- Discrimination Commissioner

At the Legislative Assembly

Budget Estimates this week, the Tasmanian Attorney General, the Hon Vanessa Goodwin, MLC, announced the re-appointment of Robin Banks as Tasmania's Anti-Discrimination Commissioner. In making this announcement, the Attorney General made the following statement:

The appointment of the current Anti-Discrimination Commissioner, Ms Robin Banks, expires on 11 July 2015.

I am pleased to announce that Ms Banks has been reappointed to the position until 31 January 2017.

While Ms Banks was eligible for reappointment for a further 5-year term, she expressed a desire to stay in the role for an additional 18 months only, in order to finalise several key projects.

Projects Ms Banks will focus on during this time include the development of a disability justice strategy, further work around expunging historical records, progressing the implementation of early dispute resolution mechanisms and further work in response to the issue of bullying.

Ms Banks has been the Anti-Discrimination Commissioner since 2010.

In her time as Anti-Discrimination Commissioner, Ms Banks has made a significant contribution to the area of discrimination law in Tasmania, and also driven community awareness and understanding of discrimination and its impact on individuals and society.

Ms Banks' strong focus on promoting awareness of discrimination law and issues has seen her office extending its reach through greater use of electronic and social media. The improved awareness of rights has resulted in a 50% increase in complaints since Ms Banks took office, and an increase in the number of requests received from employers and service providers for assistance in understanding how to avoid discrimination.

Ms Banks is to be commended on her efforts to

raise the profile of the office through her attendance of and support for many community events.

Ms Banks has also worked closely with Government, the private sector and community members to develop solutions to some systemic and often unintended barriers to participation that people from all parts of our community face, including in the areas of insurance, access to public transport and the expunging of historic criminal records, and I am pleased to announce her reappointment today.

From the OADC

Welcome Jessica Knight

The OADC is pleased to be involved in the Rosny College VET Business Program again this year providing work placement for a student wanting to gain an insight into business administration in an office environment. The placements in the past have been very rewarding for both our office and the student. It is hoped that the students gain valuable skills and knowledge during the placement period for their future careers.

Jessica is a Year 12 student at Rosny College studying VET Business, Barista Operations and Photography. She is doing the VET Business program so one day she can work in an office environment like the Office of Anti-Discrimination Commissioner and do what she can to achieve an exciting and challenging career path.

"Racism. It Stops With Me" campaign continues to be supported

Anti-Discrimination Commissioner, Robin Banks, joined the Mayor of City of Clarence, Alderman Doug Chipman to support and witness several organisations and schools working in the Clarence municipality to sign up to the National 'Racism. It Stops with Me' campaign.

The City of Clarence signed up to the campaign on 1 July 2014. In recognition of its commitment, and to help spread the word that racism is not okay in any community, Clarence City Council planned to have a media launch early May 2015 in the lead up to the World Games Day on 25 May at Blundstone Arena. The event took place in Eastlands Shopping Centre on Thursday 21 May and was well attended.

Eastlands Shopping Centre, Rose Bay High School, Cambridge Primary School, Colony 47, Migrant Resource Centre Southern Tas, Soroptimist International Hobart, Clarendon Vale Neighbourhood Centre and the Passion of Purpose Group all participated in the event and added their signatures to the

event and added their signatures to the national agreement.

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



Photo of a person's hand signing the City of Clarence, **Racism. It Stops with Me!** campaign



Photo of Robin Banks speaking at the City of Clarence, **Racism. It Stops with Me!** campaign launch

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.

Exemption granted 5 May and gazetted on 13 May 2015

Exemption No. 15/03/054 granted to **ParaQuad Association of Tasmania Inc** on 5 May 2015 for 3 years. This exemption was granted to ParaQuad Association of Tasmania Inc to recruit and employ only individuals with a physical disability in the identified positions of Presenter and Community Engagement Officer in the BodySafe Education Program for the purposes of:

1. presentation of the ParaQuad Body Safe Education Program (Presenter and Community Engagement Officer);
2. providing support to people who have recently acquired spinal cord injuries to assist them with their rehabilitation, recovery and re-integration into the community (Community Engagement Officer).

Exemption granted 6 May and gazetted on 13 May 2015

Exemption No. 15/04/031 granted to **Launceston City Mission Inc** on 6 May 2015 for 3 years. This exemption was granted to Launceston City Mission Inc to recruit and employ a female or male Youth Mentor to work with 'at-risk' female or male youth aged between 13 and 25 years, in a mentoring role as part of Launceston City Mission's KidShed and The Mish Youth programs on the basis that:

1. providing one-on-one mentoring for 'at-risk' youth, helping young people overcome issues that lead to social exclusion; helping young people re-engage with the education system and liaise with other support agencies;

2. providing mentoring and facilitation of the KidShed and The Mish programs provided by Launceston City Mission Inc;
3. providing gender-appropriate support services to young people, who seek the assistance of a Youth Mentor of a particular gender due to cultural and/or emotional needs; and
4. ensuring that Launceston City Mission Inc has both a male and female Youth Mentor available to work with the at-risk youth in its KidShed and The Mish programs.

Exemption granted on 24 May 2015 and gazetted on 3 June 2015

Exemption No. 15/04/046 granted to **Karinya Young Women's Service Inc** on 24 May 2015 for 3 years. This exemption was granted to Karinya Young Women's Service Inc to advertise and employ women only to the identified position of Youth Crisis Accommodation Worker with Karinya Young Women's Service Inc. on the basis that:

1. the discrimination is for the purposes of operating a crisis accommodation service for young women aged between 13-20 who are homeless or at risk of homelessness, being a scheme for a benefit of a group-women at risk of homelessness-that has special needs because of gender; and
2. being a women is a genuine occupational requirement of working with young women who require crisis accommodation and other services provided by Karinya Young Women's Service Inc.

For more information on exemptions go to;
<http://www.antidiscrimination.tas.gov.au/exemptions>

Frequently Asked Questions - Respondents to discrimination complaints

I have received a letter saying I am the respondent in a discrimination complaint. This is unfair and everyone is against me.

- The Anti-Discrimination Commissioner (ADC) is a neutral authority who has the role of investigating complaints under the *Anti-Discrimination Act 1998* (the Act).
- The ADC and her staff are not on anyone's 'side' and do not act for a complainant or a respondent.
- A complaint is 'accepted' under the Act if the Commissioner is satisfied it describes a **possible** breach of the Act. At the assessment stage, which usually happens before the respondent is told about the complaint, the complainant does not have to prove the discrimination or prohibited conduct occurred. The law says it is enough at this stage for the complainant to provide sufficient information to show there is a possible breach of the Act.

What is a conciliation?

- A conciliation conference or meeting is an opportunity in the complaint process for you and the complainant to try to find an agreed solution to the complaint.
- Generally, the complainant and respondent(s) will be given this opportunity before the complaint investigation is fully underway. If an agreement is reached, no further investigation will take place and the complaint will be closed.

- A conciliation allows time for the complainant and respondent(s) to have their say, to find common ground, and to potentially find a way they can agree on to resolve the complaint.
- This agreement is written down for the complainant and respondent(s) to sign.
- The agreement that is reached is legally binding (even if it is not signed by everyone who participated in the meeting) and all those who agreed to it must comply with it.

What happens to the response I make to the complaint?

- The Commissioner will send a copy of your response to the complainant so they can think about what you have said.
- This will usually happen before any conciliation meeting is held so the complainant goes into that meeting knowing how you responded.

I am worried the discrimination complaint made against me will mean I have a criminal record.

- The Act is not a criminal law.
- This means a complaint made against you is not a criminal charge recorded against your name. It does not appear on any form of police record.
- Discrimination and other conduct that is prohibited under the Act are not crimes, but they are still unlawful.

Why do I have to respond to this complaint? If I ignore it will it just go away?

- The Commissioner asks for a response from you so you have an opportunity to say what happened in response to what is alleged by the complainant.
- 'Natural Justice' means you must have an opportunity to explain your side of the situation.

What happens at the end of an investigation?

- At the end of the investigation, the Commissioner will decide whether the complaint should be: (a) dismissed, (b) be subject to a further conciliation, or (c) referred to the Anti-Discrimination Tribunal for inquiry.

If you are still unsure of your responsibilities as a respondent or have any questions, please contact the Commissioner's office for further information. The office website also has information about the complaint process and being a respondent in a complaint

http://www.antidiscrimination.tas.gov.au/complaints/responding_to_complaint

Law reform on bullying: your chance to have a say

The Tasmanian Law Reform Institute has released Issues Paper No 21, *Bullying*.

The Issues Paper is on the capacity of current Tasmanian laws to address the issue of bullying and cyber-bullying. The Institute is inviting people and organisations to make

and organisations to make submissions by 31 July 2015, either by completing the Submission Template or by providing a more detailed written response.

The issues paper and the submissions template can be accessed at <http://www.utas.edu.au/law-reform/news-and-events/tri-news/new-issues-paper-released>

Complaint Summaries

Gender discrimination

A complainant who works in a bar alleged a regular patron engaged in bullying behaviour toward her ('snarky' comments and rude gestures) because of her gender. She also alleged she had reported this to her employer and her employer did not take sufficient action.

The complaint was resolved through conciliation by:

- the Hotel agreeing to display a notice in the bar that states all Hotel staff have the right to refuse service due to disorderly or intoxicated conduct;
- the bar patron agreeing to do training provided by the OADC; and apologising to the complainant.

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Disability discrimination

A mother, on behalf of her son who has oppositional defiant disorder, depression and anxiety, alleged that the respondent school expelled her son for reasons associated with his disabilities.

The complaint was resolved through conciliation by:

- a refund of the school fees and the cost of the school uniform.

Because the complaint was made on behalf of a child, the Anti-Discrimination Commissioner had to approve the settlement. She did this on

the basis that she meet with the school to discuss its policies and procedures.

June and July Training Calendar

Racism. It stops with me!

Hobart

Tuesday 23 June
10.30 am - 12.00 pm

Launceston

Thursday 25 June
12.30 - 2.00 pm

\$80.00 (ex GST)

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**LUNCHBOX LEARNING
Disability Discrimination**

Hobart

Tuesday 28 July
12.00 - 1.30 pm

Launceston

Thursday 30 July
12.00 - 1.30 pm

Burnie

Friday 31 July
12.00 - 1.30 pm

\$80.00 (ex GST)

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

Workplace Support Contact Officer (WSCO) Networking

Those that attended our WSCO Networking Meetings in Hobart, Launceston and Burnie last week had the opportunity to meet, hear from and quiz representatives from services that work with people affected by suicide.

The feedback we received is that the opportunity to hear from and interact with our guests. Kate Taylor (Tasmanian Suicide Prevention Community Network (TSPCN)), Christabel Alliston (StandBy Response (CLS) for those bereaved by suicide) and Louise Leslie (StandBy Response (CLS)) gave participants a 'face' for referral services as well as the reassurance they are 'getting it right' and doing good work.

The role of a WSCO is to 'inform and support' and being aware and confident of the services available (and what they do) within your community is invaluable. For me personally the meetings went beyond my expectations with the message that 'every suicide effects 10 others' a timely reminder that we do not know who in our lives may need support.

Our guests also stressed the importance of self-care for WSCOs. As support people in organisations during a general climate of workplace uncertainty due to the economy it is crucial that WSCOs ensure self-care. Seeking help is a sign of strength; make an appointment with your workplace Employee Assistance Provider (EAP) - make your mental health a priority.

Kate, Christabel and Louise are very happy to visit your organisations or to just chat on the phone. Here are their contact details as well as other support numbers;

Christabel Alliston

StandBy Response (post-vention)

* for those bereaved by suicide

standby@parakaleo.org.au

Response line: 0439 556 660
Office mobile: 0408 133 884

Choose Life Services

(suicide prevention/intervention and community awareness)

para@parakaleo.org.au

1300 132 098

www.chooselifeservices.org.au

Tasmanian Suicide Prevention Community Network

Lifeline: 131 114

www.lifeline.org.au/Get-Help

Beyond Blue: 1300 224 636

www.beyondblue.org.au/get-support

MensLine: 1300 789 978

Kids Help Line: 1800 551 800

Suicide Call Back Service: 1300 659 467

Roz Smart

Senior Training, Education and Development Officer

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July 2015 - June 2016 OADC Training Calendar

Our training calendar is now annual to help you plan your training. The calendar is available on our website

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

There is a registration form and an expressions of interest form also on the website. Please use the registration form to register for courses as you wish. Please use the expressions of interest form for any courses you may be interested in that are not on the calendar, or if you would like a course delivered in an area other than Hobart, Launceston or Burnie.

All our courses require a minimum of four participants to go ahead. For more information about the courses we offer, go to

http://www.antidiscrimination.tas.gov.au/education_and_training/ to see the course descriptors.

We can also deliver all the courses in-house. To talk to us about coming to your workplace, community, school or organisation, phone 6165 7515 or e-mail roz.smart@justice.tas.gov.au or louise.adams@justice.tas.gov.au.

Local News



**SAY YES TO
GUIDE DOGS**
IT'S AN OFFENCE TO SAY NO

For International Guide Dog Day (29 April) Guide Dogs Tasmania launched its campaign: **'Say Yes to Guide Dogs'** to raise awareness of the law and the rights of Guide Dog handlers

According to a recent survey of blind and vision-impaired clients, 33% of Guide Dog handlers have experienced discrimination when attempting to use a taxi. This includes refusal to take the passenger because of the dog. Most people get it right but it's important to realise that saying 'NO' to a Guide Dog or Guide Dog Puppy in Training is against the law.

Say 'Yes' To Guide Dogs

What can you do if you see a person being refused taxi services because they are with a Guide Dog or Puppy in training:

- Tell the driver it is against the law to discriminate because of the Guide Dog or the Puppy-In-Training.
- Tell the driver that penalties of up to \$2,600 can apply for refusing to take the person.

- Take a note of the driver's registration number and the name of the taxi company, and give it to the person with the Guide Dog.
- Tell the person with the Guide Dog they can complain to the Anti-Discrimination Commissioner and to Services Tasmania.

If you are catching a taxi:

- Chat to the driver about the law.
- Remind them that it is against the law to refuse services to a person because they have a Guide Dog with them.
- Remind them WHY a person trains or uses a Guide Dog... to refuse a Guide Dog or Guide Dog Pup access is denying its handler equal rights and is discriminatory

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Autism Tasmania Future Directions Forum

Forum topic: Exploring the opportunities for success in further education and employment for people on the autism spectrum

Forum date: Tuesday 16 June

Forum location: Hobart.

For more information

<http://www.ndcotas.com.au/events/frontpage-events/Future-directions>

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Tasmanian Transcultural Mental Health Network (TTMHN): use of interpreters survey

The purpose of this survey is to identify barriers, limitations and complications to using interpreters in service provision in Tasmania.

The information collected will be used to inform training and education by the Tasmanian Transcultural Mental Health Network (TTMHN). The National Accreditation Authority for Translators and Interpreters (NAATI) Tasmania is working with the TTMHN to conduct the survey.

To complete this survey, please go to

<https://www.surveymonkey.com/r/3XWN3Z3>.

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Tasmanian Community Achievement Awards

The Community Achievement Awards are a fantastic way to say 'thank you' to those who have gone above and beyond.

The 2015 Tasmanian Community Achievement Awards categories include:

- Sustainability
- Health Achievement
- Agriculture
- Outstanding Achiever
- Innovation in Safety
- Community Group of the Year
- Environment
- Disability Achievement

Nominations are free and available at

<http://awardsaustralia.com/community->

achievement-awards/tas

Nomination close on Friday 21 August 2015.

Finalists and category winners will be announced on Friday 4 December 2015.

National News



The Equal Opportunity Commission of Western Australia has produced a new document, ***Guidelines for supporting sexual and gender diversity in schools***

In her foreward Allanah Lucas, the Western Australian Commissioner for Equal Opportunity says, 'The ***Guidelines for Supporting Sexual and Gender Diversity in Schools*** were created to assist schools, in both public and private education sectors, to effectively address bullying specific to sexuality and gender diversity. The Guidelines have also been written to create greater awareness and to encourage a whole school and community approach to this issue. Aligned with the principles of the National Safe Schools Framework, the Guidelines aim to draw on the strengths of school communities to create teaching and learning environments where all members feel, and are, safe from discrimination, bullying and harassment...'

The Tasmanian Department of Education published similar guidelines for schools in Tasmania in November 2012: Guidelines for Supporting Sexual and Gender Diversity in Schools and Colleges, available at <https://www.education.tas.gov.au/documentcentre/Documents/Guidelines-for-Supporting-Sexual-and-Gender-Diversity-in-Schools-and-Colleges.pdf>

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Vision Australia's May Digital Access Newsletter includes an article titled; *Make PDFs readable by people who are blind with InDesign.*

PDF files, like other web content, must be accessible. In this article you'll learn key techniques for creating PDF files from InDesign that can be read by people who are blind.

<http://www.visionaustralia.org/living-with-low-vision/learning-to-live-independently/using-technology-and-computers/blog—accessibility-and-assistive-technology-blog/blog/accessibility-blog/2015/03/10/make-pdfs-readable-by-people-who-are-blind-with-indesign>

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Australian study of people born with intersex variations

The University of New England is working with a reference group from Oil Australia, AIS Support Group Australia and National LGBTI Health Alliance on the first broad national study of people born with intersex variations in Australia.

The survey can be found here, along with background information: <https://www.surveymonkey.com/s/ausvariations>

Morgan Carpenter
President, Oil Australia
<http://oii.org.au>
0405 615 942

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 June



Refugee Week

National Buddy Day

12 June

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

World Elder Abuse Awareness Day

15 June

<http://www.timeanddate.com/holidays/un/elder-abuse-awareness-day>

http://www.dhhs.tas.gov.au/__data/assets/pdf_file/0010/76672/Protecting_Older_Tasmanians_from_Abuse.pdf

Refugee Week

14- 20 June

Resource Kit

A Refugee Week Resource Kit has been designed to help community organisations, event organisers and teachers to prepare for Refugee Week and is available to download at Refugee Week Resources <http://www.refugeeweek.org.au/refugee-week-resources/>.

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

World Refugee Day

20 June

<https://www.facebook.com/pages/World-Refugee-Day-JUNE-20/332636771184>

International Day in Support of Victims of Torture

26 June

<http://www.timeanddate.com/holidays/un/international-day-support-torture-victims>

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