

# In respect of rights



## TABLE OF CONTENTS

- [Message from the Anti-Discrimination Commissioner](#)
- [From the OADC](#)
- [Legal News](#)
- [Conciliations](#)
- [Human Rights Week 2012](#)
- [January and February Training Calendar](#)
- [Training News](#)
- [Community News and Networking](#)
- [2012 Rainbow Dinner and Speech](#)
- [National Day of Action against Bullying and Violence 2013](#)
- [Play by the Rules](#)
- [Awareness Days in January](#)

## Issue 13

## January 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)  
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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

## Message from the Anti-Discrimination Commissioner



Welcome to the first *In respect of rights* for 2013. For all our Tasmanian readers, everyone here at the OADC hopes that you are well and safe and our thoughts are with everyone who has faced loss through the bushfires that continue to burn around the

State.

I am looking forward to the year ahead as one for building on our proactive work on prevention of discrimination and helping business, government and community organisations to implement effective approaches to prevention and for consolidating positive changes in the complaint handling work of my office.

While the work that the office does can be and is often challenging, the passion and commitment of all of my staff and of so many people across Tasmania to achieve more inclusive communities keeps the work positive and stimulating and reminds us all that change for the better is happening. That change means more people in Tasmania enjoy equality of opportunity in work, education, sport and more. This is why we have anti-discrimination laws and I am confident the year ahead will see further positive developments.

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

## From the OADC

Here are the answers to our December anti-discrimination crossword

### Across

- 1 TWELVE
- 4 TRIBUNAL
- 7 RESPONDENT
- 11 STEREOTYPE
- 13 FREE
- 14 EXEMPTION
- 16 [WWW.ANTIDISCRIMINATION.TAS.GOV.AU](http://WWW.ANTIDISCRIMINATION.TAS.GOV.AU)
- 17 DISABILITY
- 18 IN RESPECT OF RIGHTS
- 19 ROBIN BANKS

### Down

- 2 WORKPLACE SUPPORT CONTACT OFFICERS
- 3 CONCILIATION CONFERENCE
- 5 UNLAWFUL DISCRIMINATION
- 6 PREJUDICE
- 8 CYBERBULLYING
- 9 TWENTY
- 10 VICTIMISATION
- 12 EQUAL
- 15 HARASSMENT

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  
Ph: (03) 6233 7832  
E-mail [roz.smart@justice.tas.gov.au](mailto:roz.smart@justice.tas.gov.au)

## Legal News

### ***Ashby v Commonwealth of Australia (No 4) [2012] FCA 1411*** **(12 December 2012)**

The complainant, Mr Ashby commenced work as an advisor to the respondent, the Hon Peter Slipper in his capacity as Speaker of the House of Representatives.

Mr Ashby, later alleged that Mr Slipper had sexually harassed him (verbally, in text messages, and on one occasion, by stroking his arm in his office) and involved him in 'questionable conduct in relation to travel' during his 3 months of employment.

Mr Slipper sought to have the proceedings dismissed as an abuse of process arguing that Mr Ashby had commenced and prosecuted the proceedings in a manner that was seriously and unfairly burdensome, prejudicial and damaging to Mr Slipper.

The Federal Court of Australia found that the proceedings instituted by Mr Ashby against Mr Slipper were an abuse of process and ordered that costs be paid by the applicant.

Judge Rares said:

'I am satisfied that these proceedings are an abuse of the process of the Court. The originating application was used by Mr Ashby for the predominant purpose of causing significant public, reputational and political damage to Mr Slipper ... To allow these proceedings to remain in the Court would bring the administration of justice into disrepute among right-thinking people and would be manifestly unfair to Mr Slipper...'

and

'Sexual harassment of anyone, including an employee such as Mr Ashby, is a violation of the person's human dignity and rights. The Court must always be available for the hearing and determination of bona fide proceedings to vindicate and protect those rights.'

<http://www.austlii.edu.au/au/cases/cth/FCA/2012/1411.html>

## Conciliations

### **Disability discrimination**

The complaint was about a refusal by a taxi driver to carry a guide dog. There was dispute between the parties about what actually happened, however it was clear that there was an issue and it related to the guide dog travelling in the taxi.

The complaint was resolved by the taxi driver paying to the complainant the sum of \$500.00.

The owner/operator argued that it had taken reasonable steps in training and educating the driver about carrying guide dogs. What became apparent through the complaint is the confusion some taxi drivers have about what a guide dog is and looks like. We take it for granted in Australia that everyone knows about guide dogs and the rules around them, however it appears that in some countries guide dogs are not known. The owner operator asserted that guide dogs don't exist in India and so it may be taxi drivers who have come from India regardless of training don't know how to distinguish a dog from a guide dog.

This complaint is a chance to remind readers that refusing to allow a person with a guide dog or assistance animal into a public transport vehicle (including a taxi), into a restaurant or other public venue or event is a form of unlawful disability discrimination under both the Tasmanian *Anti-Discrimination Act 1998* and the Federal *Disability Discrimination Act 1992*. For more about disability discrimination, see the disability discrimination pamphlet available on the OADC website at:

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

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### Discrimination on the basis of disability and victimisation.

A person complained that he was stood down from his work after taking sick leave and producing a doctors certificate. He also alleged that he had been victimised because he had made an earlier complaint under the *Anti-Discrimination Act 1998* (Tas).

The alleged victimisation took the form of warnings in circumstances that he said other employees were not given warnings and not being appointed to a position he was qualified for when he was the only candidate for the position.

The complaint was resolved through the provision of extra Employee Assistance Program (EAP) sessions and the signing off by all parties on a Mutual Employment Principles Agreement.

## Human Rights Week 2012



Human Rights Week  
Tasmania was celebrated  
3 - 10 December 2012.

We have included some of our  
favourite photos from the  
week.

For more information about Human Rights Week Tasmania go to:  
[http://www.afaairworld.org/\\_HRWeek/index.html](http://www.afaairworld.org/_HRWeek/index.html)



An excellent turn out for the  
launch of Human Rights Week  
2012



Katanya Maynard performing at  
the launch of Human Rights  
Week



His Excellency, The Hon Peter  
Underwood, Governor of  
Tasmania, congratulating the  
Human Rights Award Winners at  
Government House



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Government House



Robin Banks speaking at  
the Human Rights Week Rally at  
Parliament Lawns





Teresa Saintry and her granddaughters welcoming us to Country at the Human Rights Week Rally at Parliament Lawns



Speak Out Tasmania members marching for Human Rights



Marching down Murray Street, Hobart



Face painting at the Women's International League for Peace and Freedom's stall



Louise Adams getting into the spirit of the Great Toilet Tour, Give Poverty the Flush campaign.

## January and February Training Calendar

### Workplace Support/Contact Officer Role Hobart

Monday 21 (1:00 - 5:00 pm)

AND

Tuesday 22 (9:00 am - 1:30 pm) January

**\$440.00 (pre GST)**

**Train the Trainer  
Conduct your own discrimination, harassment & bullying  
program  
Hobart**

Monday 25 AND Tuesday 26 February  
(9:30 am - 4:30 pm both days)  
**\$770.00 (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](http://www.antidiscrimination.tas.gov.au/education_and_training)

## Training News

The OADC's training team, Roz Smart and Louise Adams, is all rested and ready for 2013.

2012 was a busy year with lots of travel across the State and varied and interesting training and education sessions. We were thrilled with the many opportunities to speak to schools and hope this increase in commitment to student diversity, and awareness and prevention of discrimination, bullying and harassment will continue in 2013.

We heard many reports and stories of bullying in workplaces and community organisations and focused many of our discussions on identifying, dealing with and preventing these behaviours. Register for our new course ***Bullying - what it is, what it's not and what to do about it*** for some useful information and tools.

It is important for organisations to have training on the *Anti-Discrimination Act 1998* (Tas) for everyone involved in their organisations as this is a positive way to ensure everyone in the organisation is treated fairly and without discrimination and to ensure that the organisations has complied with its obligations under the Act.

Check out the training available in 2013. We have added Devonport sessions to our training calendar again this year and hope to see many participants from north-west Tasmania attending.

[http://www.antidiscrimination.tas.gov.au/education\\_and\\_training](http://www.antidiscrimination.tas.gov.au/education_and_training)

## Community News and Networking



### Does your workplace celebrate difference?

Applications now open

The Australian Human Resources Institute (AHRI) Diversity Awards recognise the outstanding individuals and organisations who have demonstrated a commitment to positive diversity practices.

Apply for an award in the area of age, gender, cross-cultural management, flexibility, disability, Indigenous employment, Lesbian, Gay, Bisexual, Trans and Intersex (LGBTI) or show an overall strategy of inclusiveness.

Human resources professionals and business leaders are encouraged to apply for themselves and on behalf of their team. Winners will share their success stories with the business community at a lunch in 2013.

To enter and for more information go to;

[http://www.awards.ahri.com.au/diversity/index.php#2?  
utm\\_source=ahri\\_edm\\_pd&utm\\_medium=edm&utm  
\\_campaign=ahri\\_diversity\\_2013](http://www.awards.ahri.com.au/diversity/index.php#2?utm_source=ahri_edm_pd&utm_medium=edm&utm_campaign=ahri_diversity_2013)

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## Cross Cultural Awareness Training

The **Migrant Resource Centre** is offering a full-day Cross Cultural Awareness Training session on 18 January 2013.

Cross cultural awareness training aims to raise awareness and knowledge of the needs and experiences of people from diverse linguistic and cultural backgrounds and to develop the cross cultural skills of training participants.

The Migrant Resource Centre provides relevant services and resources to promote the benefit and well-being of migrants and humanitarian entrants in Tasmania, particularly those who are vulnerable or disadvantaged.

To register or for more information, please contact Monika Dutkiewicz on (03) 6221 0999.

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**Soroptimist International of Hobart in partnership with The Hobart Women's Shelter** took to the streets in December as part of the Human Rights Rally Week.

The Walk the Talk started at 11:00 am at the Cenotaph at the Domain and made its way to Parliament House Lawns, where participants joined the Human Rights Rally.

Soroptimist International of Hobart's 'Walk the Talk' is the culmination of a 16-day international campaign ([www.facebook.com/16DaysCampaign](http://www.facebook.com/16DaysCampaign)) involving all Soroptimist clubs in the 13 countries in the Soroptimist International Federation of South West Pacific aimed at raising awareness about the need to stop violence against women.

For many years Soroptimists have worked to raise community awareness about this issue and have been involved in practical projects around the globe aimed at stopping violence against women and girls. 'Walk the Talk' is part of a global 16-day campaign that continues this work. Surely it's time to stop violence against women and girls in any form. For Walk the Talk updates, please visit: [www.facebook.com/soroptimistsouthwestpacific](http://www.facebook.com/soroptimistsouthwestpacific)

Walk the Talk is part of an international campaign with the theme: From Peace in the Home to Peace in the World: Let's Challenge Militarism and End Violence against Women! The theme looks beyond specific forms of violence to underlying societal structures that permit gender-based violence to exist and persist.

For more information please contact: Marie Best at [sihobart@siswp.org](mailto:sihobart@siswp.org) or Wendy Evans at [wendypevans@hotmail.com](mailto:wendypevans@hotmail.com).



Soroptimist International of Hobart's 'Walk the Talk'

## 2012 Rainbow Dinner and Speech

Every year Tasmanian rainbow people (sexual and gender diverse people) gather together as a community of family and friends to celebrate their diversity and acknowledge those who act with courage to work to achieve fairness and equity. The December Rainbow Awards every two years celebrate the diversity and the richness of contributions to the life of our communities.

Tasmanian group, the League of Gentlemen, is behind the dinner which raises funds for the Coming Out Proud Program Trust. The trust supports four regional Tasmanian committees that work towards creating safer communities for lesbian, gay, bisexual, trans and

intersex (LGBTI) people.

It was a privilege to be present at the dinner and to listen to former High Court Justice The Hon Michael Kirby who spoke passionately about Australia's sexual minorities, equality and justice.



Former High Court Justice The Hon Michael Kirby addressed over three hundred people from Tasmania and interstate at the annual Rainbow Dinner.



Michael Kirby and Anti-Discrimination Commissioner, Robin Banks

## National Day of Action against Bullying and Violence 2013



The **National Day of Action Against Bullying and Violence** is an opportunity for students, teachers, parents and the whole community to take a stand against bullying and violence. This annual day provides a focus for schools who want to say Bullying. No way! and to strengthen their everyday messages that bullying and violence at school are not okay at any time.

The first National Day was on 18 March 2011 and is an initiative of all Australian Education Ministers. Check out the great National Day of Action activities, resources and stories from schools from 2012 for the National Day of Action Against Bullying and Violence 16 March 2012.

Register now for the National Day of Action Against Bullying and Violence 15 March 2013: <http://www.bullyingnoway.gov.au/national-day/>

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## 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>

The December issue:

- continues the series on club recruitment and provide some tips on how to recruit the best people to your club;
- has an article on how to recognise eating disorders and their warning signs;
- highlights the Australian Sports Commission's new online courses: The Member Protection Information Officer (MPIO) course and

the member of the team. Information about the course and Complaint Handling course, which are sure to provide essential information for all participants in your sport;

- includes surveys on equal play and kiteboarder safety; new webinars and campaigns; and the winners from the Good Sports Awards and national multicultural awards.

While progress has been made towards making sport safer, fairer and more inclusive this year, Play by the Rules understands that the key is to always be vigilant and persistent, to constantly educate on what is and isn't acceptable behaviour and to draw attention to these issues whenever they occur so that positive cultures are engrained and reinforced in sport.

## Awareness Days in January

### 27 January 2012

International Day of Commemoration in memory of the victims of the Holocaust

<http://www.un.org/en/holocaustremembrance/2012/calendar2012.html>

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