

# **Anti-Discrimination Board of NSW**

## **APPENDIX A**

**Extracts from Annual Reports 2003-2013**

## Conciliation service *continued*

complaints (27.6%), an increase from the last two years. Disability discrimination was again the most frequent ground of complaint in this area with 123 complaints, followed by 100 race discrimination complaints.

Women represented 49.7% of all complainants, a decrease from last year's figure of 58.4%, and men lodged 48.9% of complaints. This is contrary to the previous two years, when women lodged more complaints than men. Although a high proportion did not identify their ethnicity, the largest group that did identify their background were Aboriginal complainants at 97.

### Type of employer 2011-12

	No	%
Private enterprise	286	44.1
State govt department	80	12.3
Individual male	74	11.4
Hospital	49	7.6
State stat authority	39	6.0
Local government	24	3.7
Education (public)	21	3.2
Non-profit association	18	2.8
Trade union	14	2.2
Individual female	11	1.7
Registered clubs	7	1.1
Education (private)	2	0.2
Media organisation	1	0.2
Commonwealth dept	1	0.2
Other	21	3.2
Not known	1	0.2
<b>Total</b>	<b>649</b>	<b>100</b>

### Complaint processing

The Board continues to provide an efficient complaint handling process, and there was no backlog of complaints at the end of 2011-12.

The staff have continued to achieve very good results in meeting the target timeframes for finalisation of complaints (see the table below right). We finalised 92.5% of files within 12 months of receipt, again exceeding the target of 85%. The average time taken to finalise files in 2011-12 was 5.9 months, which is slightly quicker than last year.

In line with the Board's commitment to providing an efficient service, complaints were redistributed between the Newcastle, Sydney and Wollongong offices to share the workload.

### Types of employment complaints 2011-12

	No	%
Work environment and harassment	371	57.2
Classification/benefits	126	19.4
Dismissal	73	11.2
Recruitment/selection	50	7.7
Resignation	17	2.6
Promotion	5	0.8
Retrenchment/ redundancy	4	0.6
Demotion	1	0.2
Transfer	1	0.2
Retirement	1	0.2
<b>Total</b>	<b>649</b>	<b>100</b>

To provide an accessible service to rural and remote areas, nine officers made a total of 34 days travel to conduct conciliation conferences in regional and country NSW.

### Complaint outcomes

The Board finalised 1,396 written complaints this year, which is 15.7% more than last year's total of 1,206.

230 complaints were resolved at or after a conciliation conference (16.5% of total complaints resolved), which was less than last year's figure of 250 (20.7%). A further 149 (10.7%) complaints were settled by negotiation without the need for a formal conciliation conference.

In 2011-12, 274 complaints (19.6%) were referred to the Equal Opportunity Division of the Administrative Decisions Tribunal, as they were not conciliable. This is higher than last year's figure of 162 complaints (13.3%).

The President referred one complaint of serious vilification to the Attorney-General for consideration for prosecution as an offence under the ADA. The complaint, which alleged serious homosexual vilification, did not proceed to prosecution as the incident

### Timeframe targets 2011-12

Complaint to be finalised within	Target	Actual
2 months	20%	16%
3 months	30%	28%
6 months	60%	56%
12 months	85%	92.5%
18 months	100%	99%

occurred more than six months before the referral. The prosecution was therefore statute barred under the Criminal Procedure Act 1986.

However, the ADA allows for the lodgement of complaints without time limit, although the President has the discretion to decline to investigate a complaint if the events being complained about occurred more than 12 months prior to lodgement of the complaint. This difference in the two laws can potentially lead to a situation of unfairness to a complainant.

This was brought to the attention of the Attorney-General, who advised that civil procedures for civil wrongs can have different timeframes from those for criminal offences. The Board has since included this information in relevant sections of our website and will update other publications in the coming year.

The number of complaints declined under s 92 of the ADA was the same as the 2010-11 figure of 131, down from 160 in 2009-10. Complaints are declined under s 92 for reasons such as lacking in substance, being misconceived, or not being a contravention of the ADA.

Of these 131 declined complaints, 60 (4.3% of total complaints finalised) were referred to the Administrative Decisions Tribunal, compared with last year's figures of 51 cases (4.2%).

The number of complaints formally withdrawn this year increased to 265 (19.8%) from last year's figure of 220 (18.2%). Complainants withdraw complaints for a number of reasons: they may be satisfied with the respondent's response, lack support

for the complaint, be unable to provide information requested by the Board, or lack confidence that the respondent will provide a satisfactory response.

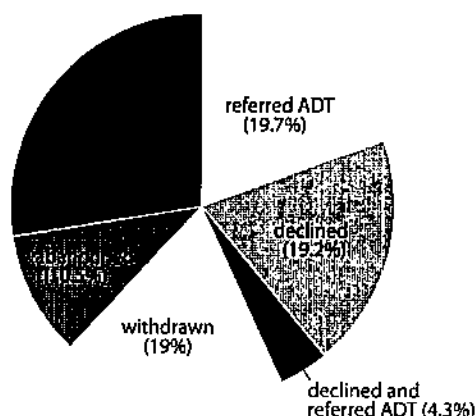
The number of complaints abandoned this year decreased slightly to 146 (10.5%), from 151 (12.5%) in 2010-

11. Complaints may be regarded as abandoned if the complainant does not respond to requests for information, or there is no indication they intend to proceed with the complaint, or we lose contact with them.

### Outcome of complaints finalised 2011-12

	No	%
Settled at or after conciliation	230	16.5
Settled before conciliation	151	10.8
Referred to ADT – conciliation unsuccessful or not suitable	275	19.7
Referred to ADT – older than 18 months	0	0
Referred to Attorney General – serious vilification	1	0.1
Declined before investigation – not a contravention	177	12.7
Declined before investigation – out of time	17	1.2
Declined before investigation – not of vilified group	3	0.2
Declined after investigation – s 92	71	5.1
Declined after investigation and referred to ADT	60	4.3
Withdrawn s 92B	265	19.0
Abandoned s 92C	146	10.4
<b>Total</b>	<b>1396</b>	<b>100</b>

Complaint outcomes





## Consultations

The Board convenes consultations with specific groups to provide an opportunity for networking, for the Board to hear about issues that affect community members, and to provide input on legislative reform.

There are three consultation groups: Aboriginal and Torres Strait Islander; Gay, lesbian and bisexual; and Gender diversity.

### Aboriginal and Torres Strait Islander Advisory Committee

The committee met four times in 2011-12. Some issues included:

- life expectancy and equitable access to superannuation;
- recognition of Aboriginal English as a Community Language;
- race discrimination in employment and accommodation;
- racial harassment and bullying in schools, including cyber bullying;
- continuing removal of children from their families.

#### Members of this consultation

**group include:** National Bank of Australia, NSW Department of Sport and Recreation, Australian Bureau of Statistics, NSW Fair Trading, NSW Crime Prevention Division, Department of Attorney General and Justice, NSW Ombudsman's Office, NSW Industrial Relations, and community members representing Sydney, Central Coast and rural NSW.

### Gay, lesbian and bisexual consultation

The consultation group met three times in 2011-12. Issues this year included:

- Newspaper articles which insinuated that gay men are paedophiles. Requests for apologies from the papers involved were unsuccessful. Such articles are unlikely to be covered by the current vilification provisions of the NSW Anti-Discrimination Act. If vilification came under the Crimes Act, the Police could take action, as is the case in WA. This issue will be raised with the Attorney General for review.
- Discrimination against people with HIV. A national survey has revealed that 26% of respondents with HIV

have experienced discrimination, often from a health service. The consultation felt the Board could raise awareness about the Anti-Discrimination Act and the complaints process, and encourage people to report discrimination. Some people complain to the Health Care Complaints Commission when it may be better for them to come to the Board. The President wrote to the HCCC and the Minister of Health, asking people with HIV discrimination complaints to be referred to the Board.

- The Sydney Park Aids Project (SPAIDS). The group was concerned that trees were removed from a monument to people who have passed away, making the monument more exposed. New trees will be planted in the areas that were cleared.
- The amalgamation of the Gay and Lesbian Counselling Service with Twenty10, a support service for young people of diverse genders and sexualities.
- State MP Clover Moore's request to the NSW Attorney General for advice on options to recognise overseas same-sex marriages and possible legislation to provide for same sex marriage in NSW.
- The Inner City Legal Centre's kit to assist solicitors to bring discrimination complaints to the Board and the Administrative Decisions Tribunal, including pro-bono cases. The Centre will also provide face-to-face training which they will promote through pro-bono coordinators.
- The "gay panic" defence, which has resulted in accused murderers having their charges downgraded

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## CONSULTATIONS

The Board convenes consultations with specific groups to provide an opportunity for networking, for the Board to hear about issues that affect community members, and to provide input on legislative reform.

There are three consultations; Gay, lesbian and bisexual; Gender diversity; and Aboriginal and Torres Strait Islander. For information about the Aboriginal and Torres Strait Islander consultation, see page 29.

### Gay, lesbian and bisexual consultation

The consultation met three times during the year. Some issues discussed included:

- The current vilification provisions of the NSW Anti-Discrimination Act (ADA) which make it very difficult for a complaint of serious homosexual vilification to succeed, as they require threatening physical harm to persons or property.
- The group welcomed the Adoption Amendment Bill to allow same-sex couples to adopt, which was passed by the NSW Parliament in September 2010.
- The lack of regulation of the internet and homophobic material on websites. Members discussed the option of complaining to the Australian Communications and Media Authority.
- Sydney Park Aids Project (SPAIDS) memorial built for people who have passed away, with trees planted in their memory. Trees were recently removed and there was concern that this may have included some

of the memorial trees, and that the monument is now more exposed.

- Homophobic activity and hate crime in Sydney Park, and reluctance of victims to come forward. Also concerns were raised about alleged harassment of gay men in Sydney Park by police. The Commander of Redfern Local Area Command was invited to the meeting, and this led to a number of strategies to build a better relationship between police and the users of the beat at Sydney Park.
- The seminar held at Parliament House on Homophobic Bullying in Schools, and the survey conducted by the Australian Research Centre in Sex, Health and Society which revealed that 44% of same-sex attracted young people experience verbal abuse and 16% experience physical assault.
- The new NSW Police policy on sexuality and gender diversity, which includes two new objectives: to increase the reporting of crime and violence, and to provide effective support and referral for victims of crime and violence.

**Members of this consultation include:** AIDS Council of NSW; Australian Bisexual Network; Australian Federal Parliament; Avalon Media; Bi-NSW; City of Sydney; Coalition of Activist Lesbians; Country Network; Crime Prevention Division, Department of Attorney General and Justice; Electorate Officer for Clover Moore MP; Family Planning Australia; Gay And Married Men's Association; Gay and Lesbian Counselling Service; Gay and Lesbian Rights Lobby; Inner City Legal Centre; Lesbian And Gay Anti-Violence Project; Lesbian and Gay Solidarity, Sydney Park Aids Memorial; Livingstone Lawyers; NSW Police Force; NSW Teachers Federation; Order of Perpetual Indulgence; Positive Life NSW; Public Service Association of NSW; Rainbow Visions Hunter; The Uniting Network; Tropical Fruits; Twenty10 Association; University of NSW.

# Consultations

The Board convenes consultations with specific groups to provide an opportunity for networking for the Board to hear about issues that affect community members, and to provide input on legislative reform.

## Gay, lesbian and bisexual consultation

The consultation met three times during the year. Some issues discussed included:

- Same sex marriage – including the National Year for Equal Marriage Rights.
- Same sex adoption.

### Members of this consultation include

Acceptance, AIDS Council of NSW, Australian Bisexual Network, Australian Federal Parliament, Avalon Media, Bi-NSW, Bi Pride Australia, City of Sydney, Coalition of Activist Lesbians, Country Network, Crime Prevention Division, Attorney General's Department, Crossroads Community Care Centre, Electorate Officer for Clover Moore MP, Family Planning Australia Health, Gay and Lesbian Counselling Service, Gay and Lesbian Rights Lobby, Gay And Married Men's Association, Inner City Legal Centre, ISO and Gay Lesbian Immigration Task Force, Lesbian & Gay Solidarity, Sydney Park AIDS Memorial, Lesbian And Gay Anti-Violence Project, Lesbians On The Loose, NSW Police Force, NSW Teachers Federation, Order of Perpetual Indulgence, PositiveLifeNSW, PSA of NSW, Rainbow Visions Hunter, Sex Workers Outreach Project, Swallow NSW, Sydney Beat Project, The Hon. Tanya Plibersek MP, Minister for Status of Women, The Uniting Network, Tropical Fruits, Twenty 10 Association, University of NSW, University of Wollongong, UTS Students Association.

- World AIDS Day.
- Homophobic violence and IDAHO – International Day Against Homophobic Violence.
- Police initiatives dealing with hate crime.
- The inadequacy of current legislative provisions relating to homosexual vilification in NSW.
- The exemption from the NSW Anti-Discrimination Act for religious organisations and private education – no change is anticipated. Members felt that if these organisations receive public funds they should not be exempt from anti-discrimination laws.
- Members reported hearing anecdotal evidence about alleged police harassment at Sydney Park Aids Memorial.

## Successful conciliation

### Homosexual discrimination

A man lodged a complaint of homosexual discrimination against a large community organisation of which he was a member. He said that another member had made offensive comments about his sexuality and discouraged other members from participating in a group that the complainant was running. This member had also questioned his right to be a member of the organisation.

At conciliation, the organisations' representatives said that the questioning of his membership was not another reason unrelated to his homosexuality, and they had agreed to question it on that basis. They agreed that they had not particularly supported the group in any other reasons that were also unrelated to his homosexuality.

The complainant said that he had not known about these reasons and that what he wanted was clear grievance procedures within the organisation so that he could have had his problems addressed internally. The complaint was settled when the parties agreed that the complainant would submit proposals for improved grievance procedures, and the representatives would submit and support these to the organisation's management. They also agreed to provide the complainant with a statement of regret.

## Consultations continued

### Sex and gender diversity consultation

The consultation met three times during the year. Some issues discussed included:

- Rights regarding name changes – in NSW people can change their name through the Registry of Births, Deaths and Marriages, and this becomes their legal name. It states at the bottom of the birth certificate that there has been a name change but does not mention the previous names. The new birth certificate can be used anywhere in Australia, but the old birth certificate has to be used in countries where gender reassignment is not recognised. People who were born overseas still face a problem.
- The inclusion of gender, previous names and aliases in ordinary police checks for employers and the RTA.
- The RTA identity card also states gender, which may cause embarrassment.
- Passport applications require a person to give full details and the data is then available to other government agencies.
- Proposed X-ray security searches at airports.
- Violence against transgender people.
- Transgender people in employment.
- Vilification laws under review by the Attorney General.
- Criminal record checks being a barrier to transgender people finding employment.

Members of this consultation include

AIDS Council of NSW (ACON), City of Sydney, Clayhills Solicitors, Crime Prevention Division, Department of Justice and Attorney General, Family Planning NSW, Frankel Lawyers, Gender Centre, Inner City Legal Centre, MOD Films, NSW Police Force, NSW Registry of Births Deaths and Marriages, Sex Workers Outreach Project, Sydney Beat Project, University Of Sydney, University of Western Sydney, Women and Girls Emergency Centre.

### Successful conciliation

#### Disability discrimination

A woman working as a merchandiser made a complaint of disability discrimination after she had a mastectomy, and her manager became unsympathetic to her condition and discontinued arrangements to accommodate her inability to lift above the shoulder. She also alleged that the manager subjected her to bullying, intimidation and harassment.

The employer denied the allegations of bullying and harassment. They said she was only required to perform the inherent requirements of her job and was not forced to undertake work that she could not do. The woman said that she that this was not the case as she had been assigned to different stores where assistance was not available.

The complaint was settled at conciliation when the woman accepted a statement of service, a payment of \$8,000 and an undertaking by her employer to review its equity and grievance policies.

# Consultations

*The Board convenes consultations with specific groups to provide an opportunity to discuss issues facing the community in question, relevant trends and legislative change.*

## Gay, lesbian and bisexual consultation

The consultation met three times during the year. Some issues discussed include:

- The purpose and goals of the consultation – the consultation emerged from the Gay and Lesbian Mardi Gras in the 1980s, and has always been informal. The goal is to provide an opportunity for networking, for the Board to hear about issues that affect community members, and to provide input on legislative reform.
- Discrimination against gay people in relation to mental health issues – the need for awareness about current research, and that people with a mental illness can contribute in the workplace.
- The shortage of reliable data on homosexual vilification to determine the extent of the issue.
- The Ally program, which aims to develop networks and provide training to address homophobia by being a visible ally. The program was recently launched by UTS and is now operative at twelve universities around Australia.
- Issues of confidentiality for people who are HIV positive – complaints lodged with the Board are completely confidential, but the respondent has to know who made the complaint in order to respond to it.
- HIV discrimination by health care services – members reported there have allegedly been problems with complaints to the Health Care Complaints Commission about HIV discrimination. Positive Life NSW and the HIV/AIDS Legal Centre have written a submission. There is also a need to educate people on how to lodge a complaint.
- The gendermatters website, which allegedly contains homophobic material – members were advised to write to the Australian Communications and Media Authority.
- World Aids Day events organised by the Attorney General's Department, NSW Police, the City of Sydney and ACON.
- The requirement for Sleaze Ball volunteers to "disclose any medication they were on", requested by the insurance company for risk assessment. This could be disability discrimination or a breach of privacy legislation.
- The exemption from the *Anti-Discrimination Act 1977 (NSW)* for religious organisations and private education – no change is anticipated. Members felt that if these organisations receive public funds they should not be exempt from anti-discrimination laws.
- Members reported hearing anecdotal evidence about alleged police harassment at Sydney Park – members were advised to complain to another police Local Area Command, the Police Integrity Commission, the Ombudsman, or the Alternatives to Violence Project (AVP).
- Mardi Gras Fair Day – the Attorney General's Department hosted a stall to promote the new stand-alone website: [www.safetypartnership.nsw.gov.au](http://www.safetypartnership.nsw.gov.au), which provides access to the Strategic framework 2007-2012 and information on legal rights, discrimination and crime prevention.

*Members of this consultation include: Acceptance, AIDS Council of NSW, Australian Bisexual Network, Australian Federal Parliament, Avalon Media, Bi-NSW, Bi Pride Australia, City of Sydney, Coalition of Activist Lesbians, Country Network, Crime Prevention Division, Attorney General's Department, Crossroads Community Care Centre, Electoral Officer for Clover Moore MP, Family*

*Planning Australia Health, Gay and Lesbian Counseling Service, Gay and Lesbian Rights Lobby, Gay And Married Men's Association, Inner City Legal Centre, ISO and Gay Lesbian Immigration Task Force, Lesbian & Gay Solidarity, Sydney Park AIDS Memorial, Lesbian And Gay Anti-Violence Project, Lesbians On The Loose, NSW Police Force, NSW Teachers Federation, Order of Perpetual*

*Indulgence, PositiveLifeNSW, PSA of NSW, Rainbow Visions Hunter, Sex Workers Outreach Project, Swallow NSW, Sydney Beat Project, The Hon. Tanya Plibersek MP, Minister for Status of Women, The Uniting Network, Tropical Fruits, Twenty 10 Association, University of NSW, University of Wollongong, UTS Student Association.*



## SUCCESSFUL CONCILIATION

### Transgender discrimination

A woman made a complaint of transgender discrimination after an incident on a bus. She alleged that although she rang the bell in plenty of time the driver did not stop, and when she called out the driver addressed her as 'mate', which she found offensive.

The driver said that the woman had only rung the bell at the last minute, and he had not seen her and had thought it was a man's voice that was calling out. He said that the complainant approached him, and he was afraid that he would be hurt.

He therefore did not stop at the following stop, which appeared to be in an isolated spot. An altercation ensued in which the complainant alleged that the driver pushed her to the ground, and the driver alleged that he 'poked' her.

The complaint was resolved when the bus company agreed to pay the complainant \$2,500. The bus driver also lost his job as a result of the incident.

## Consultations continued

### Sex and gender diversity consultation

The consultation met three times during the year. Some issues discussed include:

- Rights regarding name changes – in NSW people can change their name through the Registry of Births, Deaths and Marriages, and this becomes their legal name. It states at the bottom of the birth certificate that there has been a name change but does not mention the previous names. The new birth certificate can be used anywhere in Australia, but the old birth certificate has to be used in countries where gender reassignment is not recognised. People who were born overseas still face a problem.
- Facilities for transgender people – the President wrote to the Department of Community Services about the lack of facilities in Woolloomooloo/Kings Cross and Surry Hills for transgender people, and the response was tabled.
- Intersex discrimination – intersex people are not protected against discrimination anywhere in Australia. The President will bring this to the attention of the Attorney General.
- Terminology – the Board's position is that gender recognition should not rest on a gender reassignment surgery.
- Surgery is expensive and the consultation's view is that it should be available free of charge for all. The consultation regards the term "sex affirmation" as an insult to people who cannot afford to have surgery.
- The Human Rights Commission's project on Sex and Gender Diversity – includes an on-line blog to discuss terminology. In the US, the term "Transgender" is used in a broader way, a person who goes from one social role to the other. The NSW definition does not include transvestites.
- Crisis accommodation needs – representatives from Edgar Eager Lodge attended the consultation to discuss the crisis accommodation needs of non-recognised transgender people. Suggestions to improve this situation included: compiling a list of transgender-friendly services; training for staff through the Gender Centre; simple changes to make services more transgender-friendly. The Board also produced and distributed a leaflet titled "Transgender Women are Not Men" in partnership with the Gender Centre.
- Vilification laws under review by the Attorney General.
- Criminal record checks being a barrier to transgender people finding employment.

*Members of this consultation include: AIDS Council of NSW Inc (ACON), City of Sydney, Clayhills Solicitors, Crime Prevention Division, Attorney General's Department, Family Planning NSW, Frankel Lawyers, Gender Centre, Inner City*

*Legal Centre, MOD Films, NSW Police Force, NSW Registry of Births Deaths and Marriages, Sex Workers Outreach Project, Sydney Beat Project, University Of Sydney, University of Western Sydney, Women and Girls Emergency Centre*

## Consultations

Consultations provide a forum for the Board to discuss issues of concern to particular community groups and identify areas for action.

### Sex and Gender Diversity Consultation

This consultation met three times during the year. The main topics of discussion were:

- Crisis accommodation and homelessness issues for transgender people. These discussions arose out of the exemption granted to Mission Australia in 2004-05 to provide services to women only at three of its crisis accommodation centres. The exemption effectively allowed the exclusion of non-recognised transgender/transsexual women. The Board arranged a series of meetings about the issue with key government departments and community groups. As a result, the Department of Community Services funded the Women's and Girls' Emergency Centre to employ a case worker to work on the issues. The Board will continue to work with the Centre in 2005-06.
- An amendment to Part 9A of the Anti-Discrimination Act which would allow NSW government agencies to provide affirmative employment programs for transgender people.
- Concerns about sex or gender being included on the Federal government's proposed national

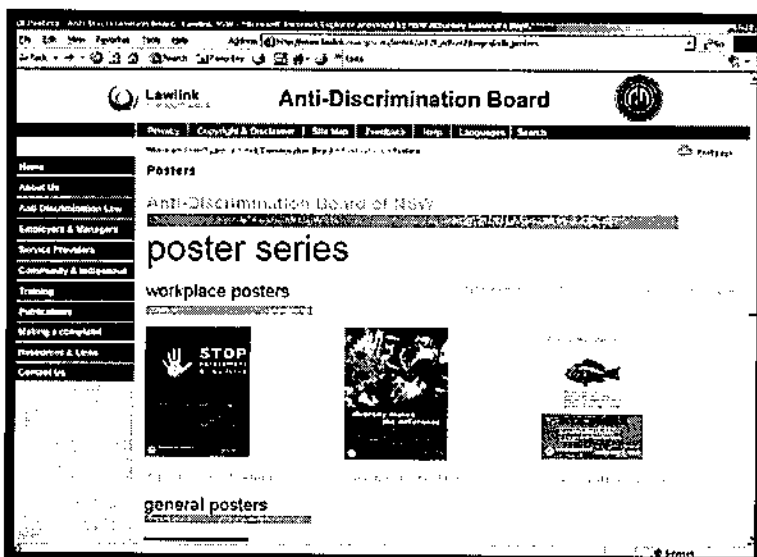
identification cards.

- Amendments to the Births, Deaths and Marriages Act to provide recognition of people born overseas or in Australian jurisdictions that do not provide for change of sex.

### Lesbian, Gay and Bisexual Consultation

Topics discussed in 2005-06 included:

- Ageing and discrimination issues facing gay, lesbian and bisexual people. The Board met with interested parties to try and progress some of the issues raised at forums held in 2004-05. A project under the auspices of the Aids Council of NSW is proposed.
- Violence towards lesbian and gay people and relationships with the NSW Police Service. There are concerns that the Police's Gay and Lesbian Liaison Officer (GLLO) network is becoming less effective and there are less officers being trained in these roles.
- Exemptions under the Anti-Discrimination Act for private schools.
- Decisions made in the Administrative Decisions Tribunal regarding homosexual vilification, notably the matters of Burns vs Radio 2UE [2005] NSWADT 24, where the Tribunal found that comments made by John Laws and Steve Price amounted to a breach of the legislation.



*The Board's website contains a range of information about rights and responsibilities under discrimination law and provides an increasingly important and efficient information source.*

# STATUTORY BOARD 2004-05

## Stepan Kerkyscharian AM

Stepan became President of the Anti-Discrimination Board in September 2003, and continues as CEO and Chair of the Community Relations Commission For a Multicultural NSW. He became a Member of the Order of Australia in 1992, and received the Olympic Order in 2000.

He is also a member of the NSW Board of Studies, the NSW Geographical Names Board, the Independent Complaints Review Panel of the ABC, and the Police and Ethnic Advisory Council.

## Suzanne Jamieson

Suzanne is a Senior Lecturer in work and organisational studies at the University of Sydney. She has completed a doctorate in women and occupational health and safety, and has done extensive research in gender and discrimination issues in the workplace.

## Phillipa McDermott

Phillipa is the Manager of Communications at ATSIC NSW. Her main professional interests are Indigenous media and arts and Indigenous and human rights. She is on the

Board of the Gadigal Information Service, the Lloyd McDermott Rugby Development Team and the Tullagulla Aboriginal Cultural Centre. She has been a radio broadcaster for the past 12 years, and has represented Indigenous media interests at the United Nations.

## Cameron Murphy

Cameron is a full time member of the Consumer Trader and Tenancy Tribunal and President of the NSW Council for Civil Liberties. He has been extensively involved in working to eliminate discrimination, particularly in the areas of gender discrimination, HIV/AIDS and ethnicity.

## Peter Wertheim AM

Peter is a lawyer. He has been the Honorary Solicitor for the Aboriginal Medical Service for over 20 years. He has also been Honorary Solicitor and Board Member of the Australian International Fund for Disadvantaged Children in Vietnam, Honorary Secretary of the Joint Jewish Communal Appeal, and the President and Chair of the Joint Committee for Jewish Higher Education. In 2004 he was appointed Chair of the Attorney General's Working Group to review the effectiveness of the criminal laws prohibiting serious vilification.

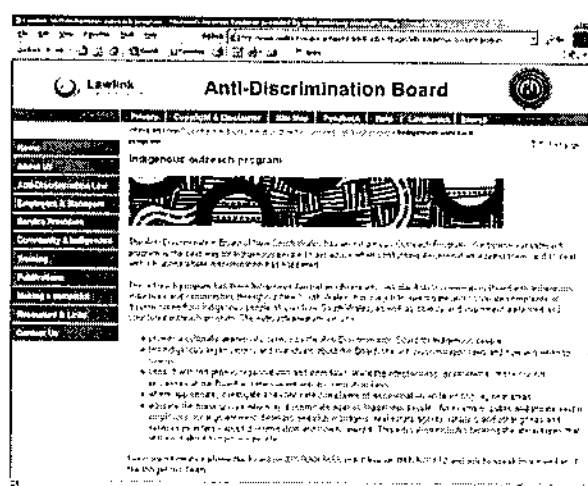
From left to right: Suzanne Jamieson, Peter Wertheim, Stepan Kerkyscharian, Cameron Murphy, Phillipa McDermott



comprehensive range of information that will answer most basic questions. Visitors can also download and print the information from all the Board's factsheets, as well as our newsletter *Equal Time*.

In 2005-06 we will add portable document file (PDF) versions of the factsheets to the website, enabling these to be printed with their original design rather than as text, and make some other publications available on the site.

We will also develop online payment facilities, so users can order publications and register for seminars via the website.



## CONSULTATIONS

Consultations are convened by the Board to provide an opportunity to discuss issues facing the community in question, relevant trends and legislative change.

### Sex and Gender Diversity Consultation

This consultation (formerly the Transgender community consultation) met twice during the year. The main topics of discussion were:

- ❖ The exemption granted to Mission Australia to provide services to women only at three of its crisis accommodation centres. The exemption effectively allowed the exclusion of non-recognised transgender/transsexual women. "Non-recognised" generally refers to people who have not had their NSW birth certificate changed after sex or gender affirmation surgery. The Board held a further meeting in October 2004 to discuss this issue and the accommodation problems facing non-recognised people. Further meetings will be held in 2005-06.
- ❖ The need for a consistent national framework to recognise a person's change of sex or gender if they move from one state to another. This matter is currently before the Standing Committee of Attorneys General.
- ❖ The amendments to the Anti-Discrimination Act and the decision by Parliament not to remove the distinction between recognised and non-recognised status. At present, only those people who are recognised can assert their sex or gender under NSW law, and the law is less clear for people who are non-recognised.

- ❖ The different ways that people can identify including transgender, transsexual and intersex, and the different needs of each group.
- ❖ The possibility of an amendment to Part 9A of the Anti-Discrimination Act which would allow NSW government agencies to provide affirmative employment programmes for transgender/transsexual people.
- ❖ An application to renew an exemption for the exclusion of non-recognised transgender people from Edward Eager Lodge, a crisis accommodation service.

### Lesbian, Gay and Bisexual Consultation

Topics discussed at this consultation in 2004-05 included:

- ❖ Ageing and discrimination issues facing the community. A separate forum was held to explore these concerns – for more information refer to page 27.
- ❖ A homosexual vilification complaint heard by the Administrative Decisions Tribunal, *Burns vs Radio 2UE Sydney Pty Ltd* [2005] NSWADT 24. In this case, the Tribunal found that comments made on radio about two gay men who appeared on the television program *The Block* amounted to vilification.
- ❖ The proposed federal industrial relations reforms and how this may affect employees who are dismissed on the basis of homosexuality or bisexuality.
- ❖ The amendments to the Anti-Discrimination Act and in particular, the decision by Parliament not to extend the provisions of the Act to bisexual people.