

PRODUCTIVITY COMMISSION

Inquiry into

Disability Discrimination Act 1991 (DDA)

SUBMISSION BY

ACT DISCRIMINATION COMMISSIONER

June 2003

This submission represents the views of the ACT Discrimination Commissioner. It is not a submission on behalf of the ACT Government.

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About this Submission

This submission represents the views of the ACT Discrimination Commissioner. It is not a submission on behalf of the ACT Government.

The submission is relatively brief and does not address all of the issues identified in the Productivity Commission's Issues Paper on the Disability Discrimination Act Inquiry. One reason for brevity is that the ACT Human Rights Office is an extremely small agency and does not include specialised law or economics staff. In addition, I have had the benefit of reading other States' submissions to the Inquiry and generally support their comments without repeating them here.

Introduction

The Disability Discrimination Act 1992 (DDA) is an extremely valuable piece of legislation for our community, as it seeks to reduce disadvantage and promote real equality for people with a disability. These are a social objectives which I support totally. The DDA also has strong symbolic value which is difficult to measure; nevertheless the existence of the legislation (and other human rights legislation) marks Australia as a nation which values fairness for all its citizens.

In the ACT, census figures show that some 19 percent of the community have a disability of some kind. In addition, ours is an ageing community, so the incidence and implications of disability in the ACT are likely to grow rather than diminish. The impact of any law which protects such a large group of citizens is likely to be significant; and, as the law seeks to change both behaviour and attitudes towards people with a disability, resistance to the law may also be significant.

Background

Until December 1996, a joint Commonwealth-ACT Human Rights Office had administered both Commonwealth anti-discrimination laws (including the DDA), as well as the ACT's Territory-level anti-discrimination law. When the joint agreement came to an end, the Commonwealth Human Rights and Equal Opportunity Commission closed its Canberra office and has since serviced the ACT from Sydney.

There is currently no formal relationship between HREOC and the ACT Human Rights Office. Nevertheless, considerable co-operation and professional contact does occur through means such as annual meetings of all Commonwealth/State/Territory Commissioners and a variety of joint consultations.

One major difference between the Commonwealth and the Territory's anti-discrimination laws is that the Commonwealth has a number of laws, each of which addresses a particular kind of discrimination. The ACT, like the other States and the NT, has an omnibus law which covers discrimination on a wide range of grounds such as race, sex, sexuality, marital status, age and so on, as well as disability.

The role of ACT Discrimination Commissioner and the ACT Human Rights Office

The Discrimination Commissioner is a statutory office holder appointed under the ACTDA. The responsible Minister is the Attorney-General. The powers and functions of the Commissioner are set out in the ACTDA.

The ACT Human Rights Office is headed by the Discrimination Commissioner; other staff of the Human Rights Office are two Senior Conciliators and an Enquiries Officer employed under the *ACT Public Sector Management Act 1994*. The Human Rights Office promotes human rights in the ACT in three main ways:

- . By investigating and, if appropriate, resolving formal complaints of discrimination, sexual harassment and racial vilification;
- . Providing informal advice and information to people who inquire about their rights or responsibilities under the Act. Advice is given by telephone, e-mail, in person or in writing;
- . Providing education and information programs about a wide range of discrimination issues to the ACT community.

The Discrimination Commissioner does not have a hearing role in complaints. The emphasis is on investigation and conciliation of complaints, resulting in a legally-binding agreement between the parties. A flowchart showing how complaints are handled is at Attachment A.

Disability discrimination in the ACT

Tables A and B below show that impairment/disability has usually been the most common reason for people in the ACT to lodge a discrimination complaint; and that the most usual area complained about has been employment.

Table A Leading **grounds** of discrimination for complaints from July 1997

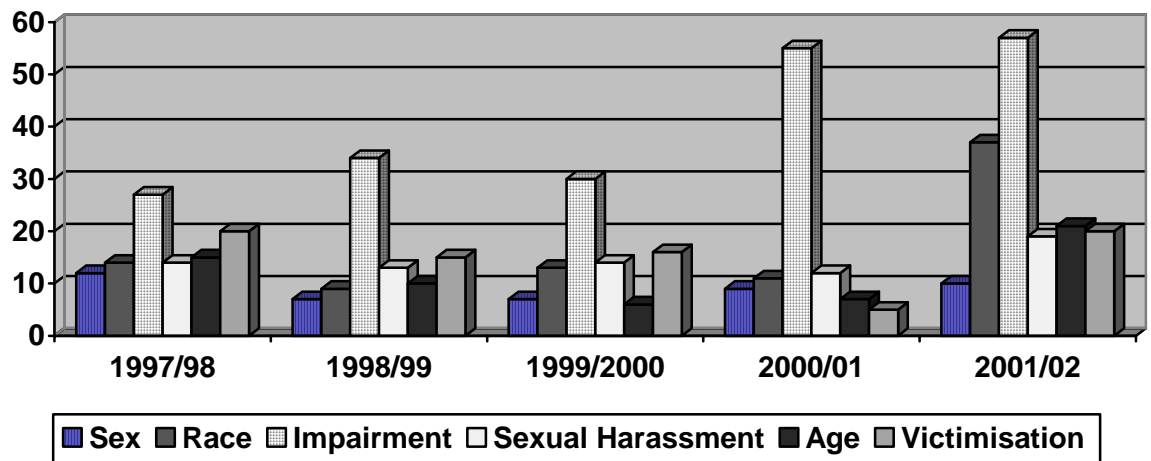
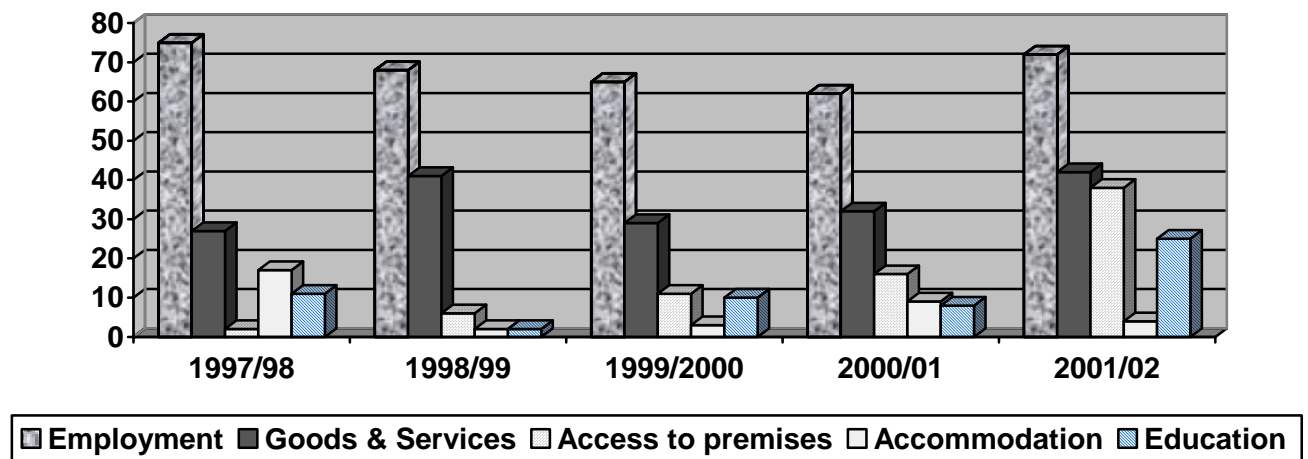


Table B Leading areas of discrimination for complaints from July 1997



The consistent prevalence of disability discrimination complaints indicates to me that the community has great need of both protection from discrimination, and ready access to means of redress when discrimination occurs.

Definitional issues

The ACT's anti-discrimination legislation is called the *Discrimination Act 1991* (ACTDA). In the ACTDA, the definition of "impairment" is virtually identical to the DDA's definition of "disability", and the areas covered by the law, are virtually identical to the DDA's. In the near future, I anticipate that the ACT legislation will drop the word "impairment" in favour of the more usual word "disability", meaning that the two pieces of legislation will be even more similar. In October 2000, the Newsletter of the ACT Human Rights Office, called *Fair for All*, made a comparison of the DDA and the ACTDA; I have attached a copy of the Newsletter (Attachment

B), but it should be noted that there have been some amendments to the ACTDA since that time.

I support the broad definition of disability which is presently in the DDA and the ACTDA. One advantage of the broad definition is that it provides protection against discrimination for a potentially very large group of people. The purpose of all anti-discrimination is to be “broad and beneficial”. It aims to promote the equality of people with disabilities *vis a vis* the whole of the community. In addition, my experience has been that each person’s experience of disability, and of discrimination which may flow from that disability, is individual.

It is also important to recognise that there are degrees of disability which may affect people’s lives very differently. For example, it is possible that a relatively small loss of vision or hearing can have a major impact on a person’s employment prospects in some circumstances. Furthermore, even the *potential* for a person to develop a condition at some future stage can prove a major impediment to employment, insurance or superannuation, even though the person is currently well.

I believe it is important that all of these circumstances should be embraced by anti-discrimination law.

I strongly endorse the broad definition of “disability” in the DDA, and further believe that the definition should be reviewed from time to time to ensure that it remains inclusive, particularly as scientific knowledge grows (for example, in the area of genetic information).

One area of difference between the DDA and the ACTDA lies in the definition of what constitutes discrimination. The DDA describes discrimination as treating the person with a disability *less favourably* in the same or similar circumstances as a person without the disability. The ACTDA definition does not require such comparison to be made. To quote from an early Administrative Appeals Tribunal decision under the ACTDA (Prezzi, C95/2):

The ACT Discrimination Act does not include any like definition, or any definition at all, of unfavourable treatment. Thus it does not invite a comparison between the way in which a person who has a particular attribute is treated compared with a person without that attribute or who has a different attribute. All that is required is an examination of the treatment accorded the aggrieved person or the conditions upon which the aggrieved person is or is proposed to be dealt with. If the consequence for the aggrieved person of the treatment is unfavourable to that person, or if the conditions imposed or proposed would disadvantage that person there is discrimination where the treatment is given or the condition is imposed because of the relevant attribute possessed by the aggrieved person.

It is my view that the lack of a comparator in the ACTDA may be helpful to people wishing to make a complaint about disability discrimination as it allows for unique circumstances and for each individual’s experience of discrimination to be explored on its own merits.

Effectiveness of the DDA in Achieving Objectives

Measuring the effectiveness of the DDA will be a difficult task. For one thing, the Act is aspirational in its objectives and, even within its own provisions, recognises that there will be limits on meeting those objectives (for example, by the use of phrases like “as far as possible” and “as far as practicable” within section 3; and the many provisions for exceptions in the Act).

The DDA was not enacted in a vacuum, nor does it operate in one. The legislation followed widespread focus on human rights for people with disabilities, through means such as the International Year of Disabled People, and the development of “normalisation” policies by governments. Social change is a continuous process although its pace is not uniform, and the DDA currently operates in an ever-changing social, economic and political climate. The impact of any piece of legislation cannot be gauged without considering its context.

I would also argue that 10 years in the life of legislation like the DDA – which seeks to redress major social imbalance and alter centuries of belief about people with disabilities – is not a long time.

The number of discrimination complaints, or the outcomes of those complaints, may not be a useful guide in measuring the effectiveness of the legislation. There are many reasons why people may not make complaints; and even where complaints are lodged, they may be treated confidentially. From experience with the ACTDA, I am aware that on at least some occasions, provision of information and advice about anti-discrimination law may prevent an issue developing further – such matters are rarely fully recorded or reported. There is a danger too, in examining complaints, that the negative experiences of some people using the complaints system, may disproportionately colour the overall impression of the system.

One way to measure the effectiveness of the DDA might be to examine the areas where the Act applies and try to gauge whether there has been improvement in the outcomes for people with disabilities over time. For example, examining the practices of major employers in relation to pre-employment testing, recruitment, employment conditions, superannuation and so on may give a good idea of whether the DDA has had an impact. Likewise, examining the physical environment, particularly new public buildings or spaces, by way of an access audit, may give a guide as to the DDA’s impact in that area.

Access to anti-discrimination law

It is true to say that, for *some* people making a discrimination complaint, they have the choice of whether to pursue it under Commonwealth or ACT law. In practice, for people living in the ACT, the vast majority use the ACT law if they can. I believe there are a number of reasons for this choice – primarily, using a local office seems to suit many people; the statutory time-limit (60 days) on an investigation under the ACTDA means that there is no backlog and people know exactly when they may have

an “answer” at least to the first stage of the complaint process; and HREOC rightly refers Canberra people to the ACT Human Rights Office when it appears appropriate.

Overlap issues

Any “overlap” in jurisdiction is, however, more perception than reality. In fact, I believe that for ACT people, there are many more gaps in their access to disability discrimination law than there are overlaps.

To turn first to any “overlap”, and referring to page 21 of the Issues Paper, I believe it is essential to qualify the statement that “...a person injured at work who has residual injuries might, if made redundant, have the scope to make claims in all of the following areas: workers compensation, unfair dismissal, discrimination and negligence”.

The ACT does not have its own Territory-level industrial relations machinery. The overarching employment law is the Commonwealth Workplace Relations Act (WRA) and the machinery is the Australian Industrial Relations Commission. In relation to an unfair dismissal claim, it is important to bear in mind that: not all workers have the right to make a claim (for example, casual, contract or short-term workers, apprentices, people who have been in the job less than a year, etc do not have access to unfair dismissal provisions); for people who do make a claim, the period in which they can lodge is extremely short (21 days) and most people seem unaware of this time limit or are too “shellshocked” by losing their job to be able to act within it; for people who have lodged an unfair dismissal claim, the WRA specifically allows the same claim to address discrimination issues (and, at the same time, proscribes the lodging of such a claim if there is a separate action under discrimination law).

The ACTDA, on the other hand, *requires* that the Discrimination Commissioner decline a complaint where the matter has been adequately addressed elsewhere (such as in the AIRC or private litigation) or where there is a more appropriate remedy available to the complainant (for example through workers compensation).

Through the above means, whilst “overlap” may appear technically possible, in reality there are a number of checks and balances which reduce, or even eliminate, “double-dipping”, “forum-shopping”, etc.

At other times, it is perfectly appropriate for a complainant to have more than one remedy available. For example, if a person is denied further employment because of previous workers compensation claims, then a discrimination complaint may be their only recourse.

Gap issues

I believe the gaps in access to discrimination law are far more significant in the ACT than any perceived overlap.

The ACTDA does not have jurisdiction over some major areas of life in our community. For example:

. Employment by Commonwealth agencies (the ACT's largest employer) is not covered by the ACT legislation. This means that a person who wishes to make a complaint about disability (or other) discrimination occurring in a Commonwealth agency can only do so through HREOC in Sydney.

. Major community service providers such as Centrelink, Veterans Affairs, Aged Care, etc, as Commonwealth agencies, are not subject to the ACTDA.

. The Australian Federal Police, which provides policing services to the ACT, is a Commonwealth agency, and is thus not subject to the ACTDA.

Needless to say, the ACT Human Rights Office provides information to enquirers about the DDA and other Commonwealth legislation. We carry stocks of HREOC publications and distribute them. However, we cannot provide the same level of service to potential *complainants or respondents* about matters which are out of our jurisdiction.

I consider that there are also major gaps in the provision of community education about the DDA.

Community education is a major function of the ACT Human Rights Office. We provide a schedule of seminars on discrimination issues each year; in addition we provide in-house training on request to a wide range of organisations, from schools and universities, employers and service providers, through to peak bodies in areas like real estate, health, recruitment, property development. All our community education is provided free of charge. The 2003 Workshop Program can be found at Attachment C.

In most of our seminars and workshops, we are aware of participants from Commonwealth agencies and always seek to ensure that the relevance of Commonwealth legislation, including the DDA, is covered to some extent.

On other occasions, the ACT Human Rights Office has responded to requests from Commonwealth agencies for in-house or special purpose training on discrimination issues. Such agencies have included the Australian Federal Police, Australian Institute of Sport, and various Defence agencies. Because of the importance of these bodies in our community, we continue to try to meet the demand.

It is my strong view that the Commonwealth has a responsibility to provide community education in a variety of formats about the DDA throughout Australia. I am not aware that this has been happening in the ACT, and would urge that the issue be vigorously addressed.

Towards the Future

At the ACT level, the Government is considering the Report of the ACT Bill of Rights Consultative Committee, which canvasses a new Human Rights Act and a Human

Rights Commissioner for the ACT. Also under consideration are the range of matters which might be subject to the new legislation, including economic, social and cultural rights. This development could have major implications for many groups in our community, including people with disabilities.

In relation to the DDA, I would welcome a stronger presence by HREOC in the ACT if resources permitted. I believe it would be to the advantage of people with disabilities if they could have direct access to HREOC services, including complaint-making, within their own community. I also consider it would benefit the whole ACT community – and the objectives of the DDA – if there were an active program of community education in relation to the DDA in the ACT. I would welcome the opportunity to re-examine co-operative arrangements with the Commonwealth if both governments were of a mind to do so.

I believe that the DDA has been, and continues to be, a valuable piece of legislation for the ACT community. Its achievements for individuals should not be underestimated, nor should the flow-on effect of the public cases which have made news under the DDA. Like any legislation, it should be reviewed and updated from time to time to ensure its relevance and efficacy. It seems to me that the Inquiry could usefully outline a process, for the future, for performance measurement of the DDA; and establish a “review period” for the collection of performance information.

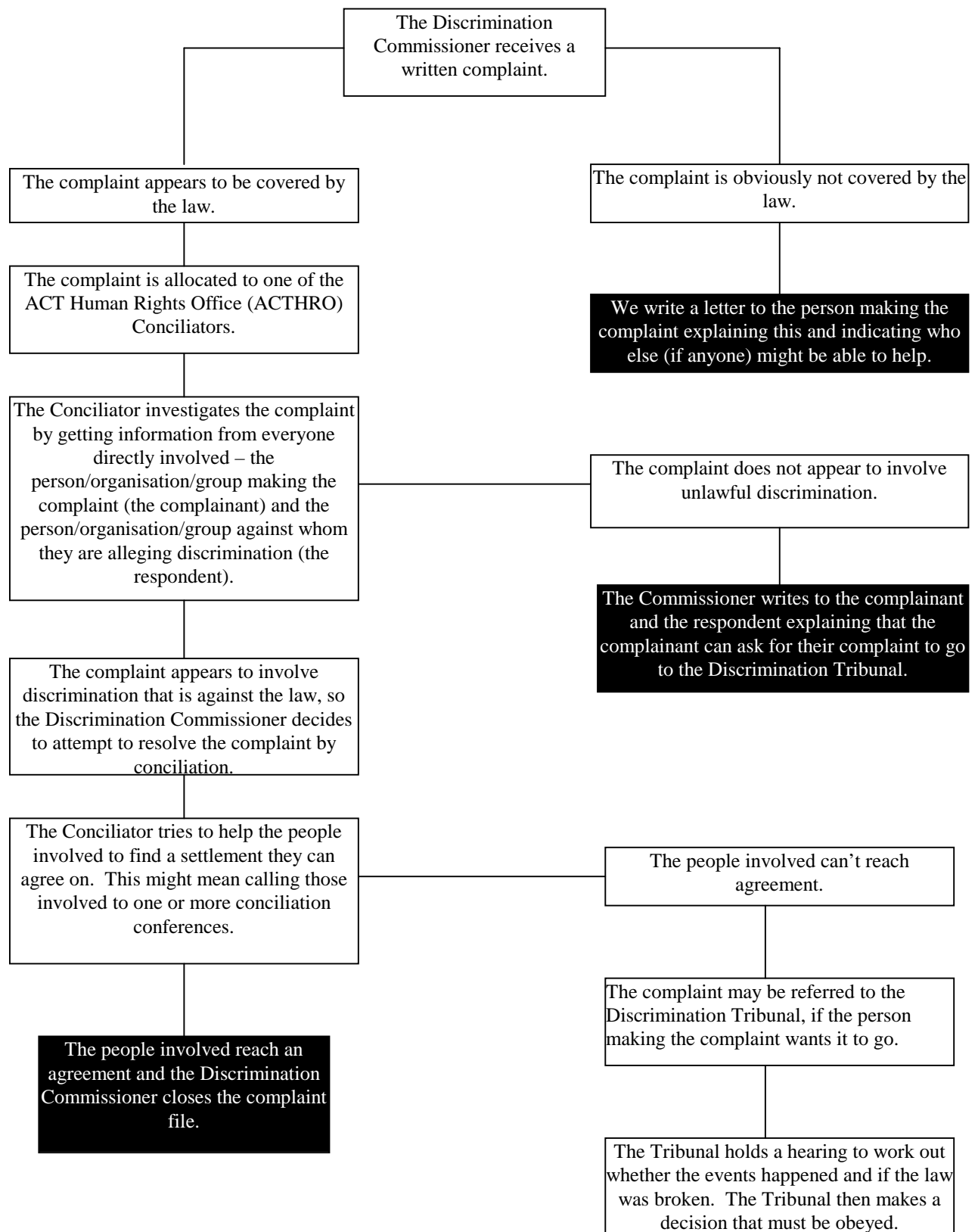
Attachments:

Attachment A – *ACT Human Rights Office* brochure How Complaints are Handled

**Attachment B – *Newsletter of the ACT Human Rights Office Fair For All*, No 4
October 2000**

Attachment C – *ACT Human Rights Office 2003 Workshop Program*

HUMAN RIGHTS OFFICE COMPLAINT FLOWCHART





It's over a year since Fair For All was first published and distributed. I hope you are finding it interesting and useful. If you have any suggestions or ideas on how to improve our Newsletter – or issues you would like included – please let me know, by using any of the contact methods on the back page. Your feedback is always welcome!

This issue focuses on discrimination against people with a disability. Unfortunately, this is the most common kind of discrimination dealt with by the Human Rights Office – and has been so for many years now (see the back page).

There are two main laws protecting ACT people with a disability from discrimination. The Commonwealth law is called the *Disability Discrimination Act 1992* and the ACT law is the *Discrimination Act 1991*. The Human Rights Office administers only the ACT law. However, as both laws apply in the ACT, we have identified the similarities and differences between the two.

Thanks to all our readers for your continued support.

Rosemary Follett
Discrimination Commissioner

ACT YOUTH CHALLENGED!

Recently, the ACT Human Rights Office, in conjunction with HREOC, held a Youth Challenge. The Youth Challenge brings together high school and college students for a one-day event which explores how human rights principles and practices impact on social change, and upon the students' own lives and the lives of others in the community.

The ACT Youth Challenge workshopped a video, 'What About Doug's Rights?', covering Doug's experience following a serious head injury during a basketball game. The students considered questions such as "*Is he being threatened with expulsion because of his disability?*" "*Is it too hard for the school to accommodate Doug's needs?*" and "*Will meeting Doug's needs unjustifiably harm other students or teachers?*"

The ACT students showed great insight and problem solving to ensure that both Doug and the school's interests were met and any potential discrimination avoided. They certainly met the challenge!

Evaluation surveys completed by participants at the end of the day showed very encouraging results, with 90% of students and 85% of teachers rating the seminar as excellent or very good.

DISABILITY DISCRIMINATION

There are two laws that apply in the ACT and protect people with disabilities from discrimination in:

- employment (from who wins the job, training, promotion, conditions and sacking) and employment agencies;
- education (from who is admitted, what courses you can enrol in through to who is awarded a certificate or degree and who is expelled);
- goods, facilities and services (such as the doctor or dentist, insurance, applying for a loan, shopping, etc);
- access (such as getting into the local shopping centre, park, public transport, taxis, etc);
- accommodation (renting a house or flat, how much rent you pay to eviction);
- requests for information (the forms you have to fill in when you apply for a job, a loan, insurance, etc);
- and more.

The two laws are the *ACT Discrimination Act* (ACT DA) and the *Commonwealth Disability Discrimination Act* (DDA).

WHO LOOKS AFTER EACH LAW?

The ACT Human Rights Office looks after the *ACT Discrimination Act* (ACT DA). The ACT Human Rights Office is in Canberra.

The Human Rights and Equal Opportunity Commission looks after the *Disability Discrimination Act* (DDA). HREOC is in Sydney.

WHERE DOES EACH LAW APPLY?

The ACT DA only applies to the Australian Capital Territory, while the DDA applies throughout Australia. Therefore, a person with a disability cannot use the ACT DA to make a complaint about what happens, for example, in Queanbeyan.

WHAT IS CONSIDERED TO BE DISCRIMINATION UNDER EACH OF THE LAWS?

Both laws cover direct and indirect discrimination. (For further information about the differences between direct & indirect discrimination, contact the ACT Human Rights Office or HREOC) However, the DDA describes discrimination as treating the person with the disability *less favourably* in same or similar circumstances to a person without the disability. It requires a comparison.

On the other hand the ACT DA does not require such a comparison to a person without the disability. It simply asks “*were you treated unfavourably because of your disability?*” and consequently, is a less complex test of discrimination.

Neither law looks at the intention of the person who did the alleged discrimination. Irrespective of whether the person intended to discriminate or not, discrimination can be found.

WHO CAN I MAKE A COMPLAINT AGAINST?

You can use the ACT DA to make a complaint about any private organisation or company, ACT Government Departments and agencies, public places, licensed clubs, community organisations and ACT Government Ministers. You cannot use ACT DA to make complaints about Commonwealth Departments and agencies, Commonwealth laws and programs, or Commonwealth Government Ministers. For example, if you wanted to make a complaint about the Australian Federal Police, Centrelink, the Child Support Agency or your Commonwealth employer, then you would need to contact HREOC and talk to them about making a complaint.

DOES THE ACT DA AND THE DDA COVER THE SAME RANGE OF DISABILITIES?

In the ACT DA a disability is referred to as an “*impairment*”.

Generally both laws cover the same extensive range of disabilities, such as:

- total or partial loss of a bodily function;
- total or partial loss of a part of the body;
- malfunction of a part of the body;
- the presence in the body of organisms that cause or are capable of causing disease;
- an illness or condition which impairs a person’s thought processes, perception of reality, emotions or judgment or which results in disturbed behaviour;
- and intellectual or developmental disability;
- and more.

They both cover discrimination against a person who uses aids or assistance animals.

Both laws cover a disability that:

- you may have had in the past or currently have; and
- a disability that is imputed to you (a disability you don’t have but others say, or treat you as though, you have).

The DDA also covers a disability that you might have in the future.

ARE THERE DIFFERENCES BETWEEN THE ACTS ABOUT WHAT YOU CAN COMPLAIN ABOUT?

There are some subtle but important differences. While both laws cover areas such as employment; goods, services and facilities; education; access; accommodation and more, there are some specific differences:

- under the ACT DA you cannot sack a person because they have a disability, while under the DDA you can sack a person in certain circumstances such as the person can no longer carry out the inherent requirements of the job;
- under the DDA, it is possible to make a complaint of harassment against an individual; such as a work colleague sales assistant or student who might be harassing you. Under the ACT DA you would have to make your complaint about your employer (if it is a work colleague), the sales assistant’s employer or your school, college or university; and
- the DDA clearly covers discrimination because a person with a disability is accompanied by an interpreter, reader, assistant or carer.

MAKING COMPLAINTS ABOUT SPECIAL MEASURES

Special measures are programs or services designed to ensure that people with disabilities achieve equal opportunities, or provide people with disabilities with special services or facilities to meet their needs.

Both the ACT DA and the DDA protect such special measures as lawful discrimination. However, making a complaint of discrimination against a special measure that you are using is a complex matter and rather than give advice here, we suggest that you contact the ACT Human Rights Office and HREOC to discuss your concerns.

WHAT ABOUT REASONABLE ACCOMMODATION AND UNJUSTIFIABLE HARDSHIP?

Both the ACT DA and DDA generally require that employers, schools, providers of goods, services and facilities, access of premises and accommodation should make reasonable accommodation for people with disabilities. This can include providing a special piece of equipment, altering duties, changing access to a building that will allow the person to do the work, attend the school, get into the shopping centre or rent the house.

However, both laws say that such changes are only required up to a point; where those changes might cause unjustifiable hardship to the employer, school, service provider, owner of the shopping centre or landlord. In order to work out what is unjustifiable hardship, you need to consider the specific circumstances of all of the people concerned, including the financial circumstances of the person who would have to make or pay for those changes and the cost of making such changes.

ACTION PLANS AND STANDARDS

Only the DDA has the capacity to make standards about employment, education, access and transport and other key areas that affect people with disabilities. This means that the DDA takes an overview of these areas and tells the relevant national industry-wide groups what standards they have to meet in order to comply with the DDA. For example, a standard about public transport might be made that tells bus companies what sort of access they have to provide in order not to discriminate.

Also, employers, schools, shopping centres and others can put in an Action Plan with HREOC that sets out what changes they will make in order to comply with the DDA and when these changes will be made. If HREOC approves the Action Plan it becomes something that will be considered when working out whether that particular employer, school or shopping centre has discriminated against you.

The ACT DA does not have such capacities so the law stands by itself without any reference to standards or action plans.

Generally, the ACT DA is more focussed on individual complaints which means being focussed on the particular circumstances of your complaint.

HOW OLD IS THE COMPLAINT?

Under the ACT DA, the Discrimination Commissioner must decline your complaint if the last alleged event of discrimination occurred more than 12 months before making the complaint.

Under the DDA, there is a little more discretion. If there are good reasons why you did not make your complaint sooner, your complaint can still be dealt with even though it might be more than 12 months old.

WHAT SIMILARITIES OR DIFFERENCES ARE THERE IN HOW COMPLAINTS ARE HANDLED BY THE ACT HUMAN RIGHTS OFFICE AND HREOC?

Both agencies will deal with your complaint in a fair and impartial manner during investigation and conciliation. Both will conduct an investigation to determine whether your complaint appears to have substance OR if there are any reasons why your complaint should be declined (for example, if there is not sufficient information to support your complaint OR the DDA or ACT DA was not designed to deal with your complaint).

The timing of the investigation of your complaint can be different. Under the ACT DA, the Discrimination Commissioner is required to complete her investigation within 60 days of receiving your complaint. This means that you will know whether the Commissioner believes your complaint can be dealt with under the ACT DA at the end of the 60 days. This might mean that your complaint will be dealt with faster because there are no waiting lists and the 60 days cannot be extended.

Both ACT HRO and HREOC use conciliation to try to resolve complaints. Generally, this method brings the complainant and the respondent together to talk about ways of resolving the complaint that are mutually acceptable to both parties. A Conciliator chairs the meeting, makes sure the process is fair and tries to help the parties reach agreement.

HEARING COMPLAINTS

If your complaint is declined or cannot be resolved, you can ask for your complaint to be heard. Under the DDA, the Federal Court will hear your complaint while under the ACT DA, the Discrimination Tribunal will hear your complaint. Some aspects of the hearing will be similar:

- the hearing is to work out whether the law has been broken, and if it has, what should be done about it;
- the Federal Court and the Discrimination Tribunal can make a binding decision. This means there can be consequences if the orders of the Court or Tribunal are not followed;
- both processes are less formal than other courts.

There are some important differences though:

- The Federal Court has a fee for lodging your complaint and the Tribunal does not. The Federal Court may waive the fee if you cannot pay.
- The Federal Court may make orders requiring the person who made the complaint to pay the legal costs of the respondent. The Tribunal, on the other hand, can only make the complainant pay the legal costs of the respondent where the Tribunal has decided that the complaint was not made in good faith.

OTHER PRACTICAL CONSIDERATIONS

After considering all of the above, choosing which Act to use can come down to some fairly practical considerations such as:

- Would you prefer to talk face to face with the person who is handling your complaint?
- Has the ACT HRO and HREOC dealt before with the type of complaint you want to make? What sorts of results have they achieved? (Annual reports and web sites might give you some useful information.)
- Ask other people who have made complaints. How did they find the agency they used?

FURTHER INFORMATION

This information sheet is very general and there may be special circumstances that apply to your complaint. Therefore, this information sheet cannot replace legal advice or talking to the ACT HRO or HREOC about your particular circumstances. You will find our contact information below. You may also want to contact:

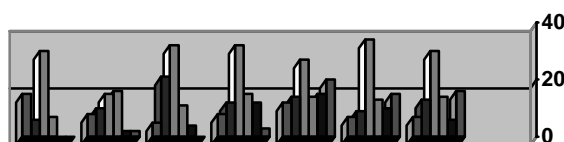
Human Rights and Equal Opportunity Commission
Complaints Infoline 1300 656 419
TTY 1800 620 241

Federal Court – ACT Registry 6267 0566
TTY 6267 0537

Discrimination Tribunal 6217 4279

Disability Discrimination Legal Service
Phone (also TTY compatible) 6247 2018

DID YOU KNOW?



■ Sex ■ Race □ Impairment
□ Sexual Harassment ■ Age ■ Victimisation

Impairment remains the most common kind of discrimination complained about to the ACT Human Rights Office.

CONTACTING THE ACT HUMAN RIGHTS OFFICE

For more information about the ACT anti-discrimination law, or to arrange for training, please contact the Enquiries Officer:

Telephone: (02) 6207 0576
Fax: (02) 6207 0587
TTY: (02) 6207 0525
E mail: human.rights@act.gov.au
Internet: www.hro.act.gov.au

Location: 4th Floor, 4 Mort Street Canberra City
Postal Address: GPO Box 158, Canberra City ACT 2601

THUMBS UP FOR PALM!

Congratulations to ACT Planning and Land Management (PALM) on the recently created Access and Mobility Committee, chaired by Craig Wallace of DPI. This is a significant step towards achieving access for people with disabilities (whether locals or visitors) to all of Canberra's public areas.

The Committee will comment on all Development Applications that are publicly notifiable, involving design and siting (construction and alteration) of buildings and public places which the public use (including commercial, community, government, industrial, heritage and signs).

The Committee will report each quarter to the Minister for Urban Services.

At its meeting on 29 March 2000, the Committee heard presentations on discrimination law from the ACT Discrimination Commissioner, Rosemary Follett, and the Commonwealth's Deputy Disability Discrimination Commissioner, Graeme Innes.

TRAINING NEWS HAVE YOUR SAY

It's been another successful year in terms of promoting the ACT *Discrimination Act* and the work of the ACT Human Rights Office. Thank you to all those organisations that have invited us to run workshops or make presentations. We have enjoyed working with you.

Its time to start preparing next year's calendar of workshops so if you have any great ideas, please contact us.

NEWS FLASH NEWS FLASH NEWS FLASH NEWS FLASH NEWS FLASH

Discrimination Act amended to include Spent Conviction

On 28 September 2000 the *Spent Convictions Act 2000* was gazetted, amending the *Discrimination Act* to include the new ground of spent convictions. This means that it is now unlawful to discriminate against a person where they have been "*convicted of, generally, a less serious offence and have not reoffended for a specified period of time*" (Presentation Speech, Attorney-General, Mr Gary Humphries, MLA).

We will be producing an information sheet that will be sent to all who receive Fair For All.



ACT Human Rights Office 2003 Workshop Program

Introduction to the Discrimination Act

This workshop will provide participants with a general understanding of how the discrimination law works and how the Human Rights Office handles complaints. It covers the legal framework, the complaint process and rights and responsibilities. **This workshop provides the foundation knowledge that is advisable before taking any other workshops.**

Discrimination in Employment

This workshop will explore the impact of discrimination law on all aspects of employment – from the advertising of a vacancy, through terms and conditions of employment, to how people exit their employment.

Disability Discrimination

The largest number of complaints made to the Human Rights Office are about disability discrimination. This workshop will explore what the law says about disability discrimination in a range of areas including employment, access to premises and in the delivery of services, and participants will develop strategies to ensure people with disabilities are provided with equal opportunities.

Harassment and Bullying

What might be acceptable behaviour in private with friends could be unlawful harassment in many areas of public life, such as at work or at school. This workshop will look at the legal rules and principles about harassment, including sexual harassment, and what organisations and individuals can do to prevent harassment.

Recruitment Traps and Solutions

This workshop will look at how the discrimination law affects the recruitment and selection process. We will identify some of the common recruiting traps, and assist participants in developing inclusive hiring practices.

Developing an Equal Opportunity Policy

Good practice employers develop and promote clear and understandable policies on discrimination and harassment – without them, they can be found liable for the unlawful conduct of employees. This workshop will take participants through a policy development process covering the key elements of a good equal opportunity policy and implementation strategy. Participants will be provided with template policies to use in their business.

Contact Officer Training - 2 Day Course

An important component of effective complaint handling is having a network of people who can provide information about the complaint handling procedure, discrimination issues and employee rights and responsibilities. This workshop will cover the role and responsibilities of Contact Officers and provide participants with skills and strategies to effectively carry out their role.

**ACT Human Rights Office
Workshop Registration Form
2003**

All workshops are **free** and open to the public.

Through our public education service we can also deliver **in-house workshops** for your organisation. Please discuss your needs with the Enquiries Officer by telephone on 6207 0576 or TTY 6207 0525.

To register for a workshop, please complete this registration form and send it to the ACT Human Rights Office. **Registrations will only be accepted within three months of the workshop delivery date.**

Name:

Organisation:

Postal Address:
.....
.....

Email Address:

Phone:

All workshops run from 9:30am to 1:00pm, except Contact Officer Training which is a two day course. Please tick which workshop(s) you would like to attend:

Introduction to the Discrimination Act

- ☐ 26 February
- ☐ 7 May
- ☐ 20 August
- ☐ 19 November

Discrimination in Employment

- ☐ 12 March
- ☐ 17 September

Harassment and Bullying

- ☐ 9 April

Recruitment Traps and Solutions

- ☐ 28 May

Contact Officer Training

- ☐ 24 & 25 June

Disability Discrimination

- ☐ 16 July

Developing an Equal Opportunity Policy

- ☐ 22 October

Once we receive your registration we will send you a confirmation letter and details of the venue.

SEND YOUR REGISTRATION TO THE ACT HUMAN RIGHTS OFFICE AT:

FAX: (02) 6207 0587

POST: GPO Box 158
Canberra City ACT 2601

EMAIL: human.rights@act.gov.au