
SUBMISSION OF NATIONAL CAPITAL AUTHORITY TO PRODUCTIVITY COMMISSION INQUIRY INTO THE DISABILITY DISCRIMINATION ACT

Submission of Mr Oddy

1. This submission is made in response to the submission of Mr Trevor Oddy dated 1 May 2003 which has been posted by the Commission on a publicly accessible website.

2. Mr Oddy's submission asserts that the Authority and its staff unlawfully discriminated against Mr Oddy on the grounds of his disability during his employment with the Authority. Mr Oddy's submission also asserts other improper conduct on the part of the Authority and its staff. Mr Oddy's submission names some members and staff of the Authority as well as a private individual related to an Authority member.

Rejection of Claims of Improper Conduct

3. The Authority emphatically denies any unlawful or improper conduct by it, its members or its staff, as alleged by Mr Oddy. In particular, the Authority denies that it, or any of its members or staff, unlawfully discriminated against Mr Oddy. The Authority considers that it did reasonably accommodate Mr Oddy's disability during his employment with the Authority.

4. The Authority does not accept the factual matters asserted by Mr Oddy but considers that this is not the appropriate forum to engage in any detailed rebuttal. Whether the Authority, its members or its staff, engaged in unlawful discrimination, or otherwise engaged in improper conduct, is not a matter for determination by the Commission. Mr Oddy's workers compensation claims and disability discrimination claims have been dealt with in accordance with the relevant legislation governing determination of such matters. Those matters should not be reopened before the Commission.

5. The Authority provided detailed submissions to the Human Rights and Equal Opportunity Commission (HREOC) in response to Mr Oddy's complaint of disability discrimination and participated in a private conciliation conducted by HREOC. It is not appropriate for the Authority to disclose the contents of the private conciliation. Whilst it is apparent that Mr Oddy was not satisfied with the outcome of the conciliation, the Authority for its part considers that there was nothing improper in the conduct of the conciliation by HREOC. The Commission might wish to raise with HREOC Mr Oddy's allegations about HREOC's conduct of the conciliation.

6. Mr Oddy states that the HREOC President decided that his claim of discrimination did not lack substance. The Authority notes that there was no positive finding by HREOC that Mr Oddy's claim had substance.

Procedural Issues

7. The Authority accidentally became aware of Mr Oddy's submission on the Commission's public website. The Authority understands that as a matter of normal procedure the Commission would not have alerted the Authority, or any individuals named in Mr Oddy's submission, to the existence of the submission.

8. The Authority has no objection to being accountable for its actions or those of its members and staff. However, the Authority is concerned that the Commission's normal practices could result in a situation where named individual members and staff of the Authority can be the subject of publicly available allegations against them, which could adversely affect their reputations, in circumstances where those individuals might not have any opportunity to respond to the allegations because they do not happen to become aware of them.

9. It seems inappropriate for the Commission to allow its procedures to be used by aggrieved persons to ventilate allegations against named individuals, particularly if the allegations are not of any direct relevance to the matters the subject of the Commission's inquiry.

10. The Authority requests that the Commission review its procedures with a view to avoiding such problems in the future.