



## Message from the Commissioner



**The recent, (6-9 August) visit to the NT by the UN Special Rapporteur on Adequate Housing, Mr Miloon Kothari, again drew attention to the problems of housing in remote (primarily indigenous) areas.**

The value of external commentators, assuming they're properly briefed, is their ability to bring clarity to issues or conditions which may have clouded or stagnated locally.

Remote indigenous housing is a case in point. Under-supply and sub-standard conditions have not been alleviated for the 28 years I have resided in the Territory. As a community we have become so inured to the plight of remote area dwellers that we shamefully tolerate a continuation of the unacceptable housing situation. That is why the observations of an untainted outsider can be so incisive and revealing.

Mr Kothari didn't pull any punches when he told the media that housing conditions that he observed in NT indigenous communities are amongst the worst on Earth. He couldn't understand

how one of the world's wealthiest countries has for decades failed to ease indigenous housing difficulties.

The right to adequate housing is a fundamental human right recognised in international conventions (eg. Article 11(1) of the *International Covenant on Economic, Social and Cultural Rights (ICESCR)*, to which Australia is a party. This article recognises, "...the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing and to the continuous improvement of living conditions ... and that State Parties will take appropriate steps to ensure the realisation of this right".)

Systematic denial of equal opportunity to adequate housing may also fall within the ambit of the NT *Anti-Discrimination Act*.

Safe affordable and habitable housing is essential to the well-being of all of us. If we deny Territorians adequate housing, then we run the risk of compromising other basic human rights such as rights to family life, privacy, freedom of movement, and a healthy lifestyle. Also, remote housing shortages have resulted in overcrowding (up to 30 people living in one house according to Mr Kothari) which in turn directly and negatively impacts upon health and education, and raises the potential for domestic violence and child abuse.

Current NT Government statistics (cited in Ministerial Statement to NT Legislative Assembly by Minister for Housing, Hansard June 2006) indicate that remote housing construction rates fail even to meet demand for replacement housing and that construction of new housing is falling further and further behind demand. Moreover the remote community population in the NT is expected to double over the next 25 years meaning that a continuation of existing housing policy will condemn the next generation of remote area dwellers to even more dire social consequences. Even if populations were to remain static further construction delay will cause cost increases by operation of inflation.

Clearly, maintenance of current remote housing policy is practically and ethically unsustainable. The current NT Government estimate of unmet need is 4000 dwellings required to achieve an occupancy rate of seven people per dwelling (see previously quoted Ministerial Statement). In order to reach a goal of that magnitude we need to devise a new strategy which includes, but is not necessarily limited to, the following:

- Ask remote area dwellers what sort of housing they want
  - publicly or privately owned housing?
  - communal or limited extended family occupancy?
  - rental or private ownership?
- Accept that remote area housing ownership may in time reflect the range of housing evident in the broader Australian community, ie rental, public and private housing.
- Talk to remote consumers about appropriate housing design. Requirements for Top End housing obviously do not match those for desert regions. Probably demand for housing types will vary within different Top End and desert regions. Initially designs may need to be streamlined to reflect local cost pressures. One type will not fit all.

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- Consider ways to reduce unit construction costs. The current Territory Housing estimate of \$330,000 per dwelling on average appears unsustainable and may be reduced with streamlined designs and utilisation of local labour and resources.
- Conduct an independent audit of overall remote area housing funding from Federal and Territory sources to ascertain the conversion rate into “bricks and mortar”, and hopefully bring an end to interminable inter-government accusations about under spending and misspending.
- Subject to the audit result, develop a willingness to allocate increased budgetary resources to remote area housing to assist in eliminating the housing shortfall.
- Consider ways to encourage and secure private sector investment in remote housing through joint ventures or direct investment in housing stock. Investors require security for their loans so the issues of land tenure on Aboriginal land, and demand for private rental and/or outright home ownership require investigation.
- Entertain local solutions and initiatives. Much maligned Wadeye is in the throes of developing its own housing construction industry using standardised designs and pre-cast concrete wall panels inserted onto concrete slabs by crane. The panels are assembled in a local (Wadeye) factory, which can operate during the wet so that housing construction can take place throughout the whole year. Construction employs local labour, rather than outside contractors, and concrete is made from materials obtained from a local quarry. Roof trusses and steel security frames are also constructed locally.
- Develop public housing repair and maintenance regimes which are fair, regular and systematic rather than ad hoc and dependant upon representations at local level.
- As housing stock increases develop educational support programmes to enable occupants to maintain and preserve housing and understand the rights and obligations associated with tenancies and/or private ownership.

Many of the above initiatives have already been proposed by Government. What has been lacking in the past is the determination to actually implement the various initiatives in a co-ordinated program.

Remote area dwellers are entitled to nothing less than a consistent long-term housing construction program with enough flexibility to accommodate NT regional differences. We must work out ways to effectively deliver the program forever — or the human rights of a significant and growing number of Territorians will never be realised.

**Tony Fitzgerald**, Commissioner



## Welcome to Sally Rush

**Sally Rush has joined the Anti-Discrimination Commission, taking up a position as a Complaints Officer/Conciliator, She will also undertake some training and education projects.**

Sally has previously worked at the NT Legal Aid Commission where she ran the Community Legal Education Program, and before that she worked with the Darwin Community Legal Service. Sally has also been involved with various organisations in Darwin as a sessional mediator.



## Debra Harrison

**Debra is a fourth year Social Work student from CDU who has her final social work placement at the ADC working with the Community Visitor Program (CVP). Debra describes the ADC as “a great work environment” and says she is very happy to be here.**

Debra has lived in the NT with her husband and family for 25 years. She has lived in Darwin, Lajamanu (or Hooker Creek) and Alice Springs. She and her family returned to Darwin 5 years ago, and Debra had the opportunity to study for her social work degree. She brings experience and knowledge of the Territory along with her social work knowledge to her role as community visitor for the CVP.

## Fair Treatment In Tourist Accommodation

**It has been a fantastic tourist season in the Top End and many visitors and locals have been enjoying the hospitality of the tourism industry.**

Unfortunately one group of people who don't always enjoy the same level of hospitality as others are aboriginal people trying to find motel or other accommodation.

The Anti-Discrimination Commission has received a number of verbal complaints this dry season from individuals and organisations trying to book accommodation for themselves or for indigenous employees.

A number of people have been subjected to questioning that seems to have been designed only to find out if the guests would be aboriginal and on one occasion a motel is alleged to have advised an indigenous business that it only had two rooms available “for aboriginals”.

The Anti-Discrimination Commission would like to remind all tourism operators that placing restrictions or conditions on room bookings or any other services based on a person's race is prohibited discrimination under the Anti-Discrimination Act.

The Act also prohibits people from seeking unnecessary information upon which discrimination might be based.

The Commission urges all NT tourist operators to treat all guests and potential guests the same way regardless of their race.

The Commission also takes the opportunity to suggest that providers who treat Territorians of all races with respect and dignity will reap the benefits of return business in the low season.

## Training for October – December 2006

**Introduction to Anti-Discrimination Law** 22 November — Darwin **Contact Officer Training** 16 November — Alice Springs; 30 November — Darwin  
**Prevention of Harassment & Bullying** 13 November — Alice Springs; 28 November — Darwin  
**Disability “It's Your Business Too” Seminar: Education & Training** 26 October — Darwin **General** 1 November — Darwin

For other education and training options, visit our website at [www.adc.nt.gov.au](http://www.adc.nt.gov.au) and click on the education and training icon, or contact us on 1800 813 846.



# Stigma and Discrimination and Mental Health

**Consumers, carers and service providers identify stigma and discrimination as a major problem confronting people with mental illness and their carers. The concepts of stigma and discrimination in the context of mental health are discussed in this article, however their broader application is acknowledged.**

The term stigma is defined in the Oxford On-line Dictionary as “a mark or sign of disgrace”. A thesaurus identifies its synonyms as “shame”, “dishonour” and “disgrace”.

Stigma, or the shame of mental illness, is associated with stereotypes, which are commonly held negative beliefs about people with mental illness based on misunderstanding and generalisation (eg the mistaken, but commonly held belief that people with mental illness are dangerous).

In turn, stereotyping generates the use of labels. For example, words such as “psycho”, “loony”, “schizo” and “nutter” are all labels that we hear daily. Labels deny the person the right to be viewed as an individual with likes and dislikes, strengths and weaknesses. With the use of labels, people with mental illness may become “them” or “the other” as opposed to “us normal people”.

People with mental illness, their carers and service providers understand and feel shame because they may have shared the same negative beliefs about mental illness prior to their experience with it. They are certainly aware of the labels.

As with stigma, discrimination or restriction of equal opportunity is a product of stereotyping. A person with a mental illness may experience discrimination in many life domains such as work, accommodation and access to goods and services. This discrimination, or unfair treatment, may take place because people in the community share mistaken beliefs about, for example, giving a job to a person with mental illness, or living next door to a person with mental illness, or providing a particular service for a person with mental illness.

Although both stigma and discrimination occur in an environment of stereotyping, they are not the same.

Stigma is the *social effect* of negative stereotyping and subsequent labelling. This social effect can best be described as a general sense of shame experienced by people with a mental illness and their carers, and a general sense of disgrace that surrounds the person with mental illness.

Discrimination on the other hand is the *behaviour* of unequal or unfair treatment of a person, which occurs on the basis of an attribute (in this case impairment or disability).

**Judy Clisby**

Manager Community Visitor Program

## What's News in Public Education

### **Launch of the Anti-Discrimination Commission publication “Preventing Discrimination — It's Good for Business!”**

Keep your eyes open for the launch of this new publication during October Business Month. These guidelines have been developed to provide crucial information about anti-discrimination rights and responsibilities in small business. Many small businesses are short on time and resources. Information and training activities are often last on their list of priorities. However knowledge of the guidelines is essential to ensure compliance with the law, increase productivity and promote good business practices.

The guidelines provide information in an easy to understand format on such topics as:

- anti-discrimination law in relation to employment
- what managers and supervisors need to know
- strategies for preventing discrimination and harassment in the workplace
- the benefits to be gained by complying with the law
- where to get more information, advice and assistance.

## The new Harassment-free Sports Education and Training packages

### **The new Harassment-free Sports Education and Training packages are ready to go!!!!**

These training packages provide practical tools to enable organisations and participants in the sports sector to prevent and deal effectively and appropriately with issues involving discrimination, harassment, child abuse and other forms of inappropriate behaviour in sport.

The five new and improved training packages are:

#### **Harassment-free Sports Overview Workshop 3-4 hrs**

For anyone who is interested in obtaining basic information and understanding of harassment, discrimination and child protection issues, individual and organisational rights and responsibilities, and how to handle sports complaints.

#### **Member Protection — Management Briefing Workshop 2-3 hrs**

For anyone who is in a decision making position at Territory level of their sport. Includes information on legal and moral member protection rights and obligations of their organisations.

#### **Complaint Resolution for Clubs Workshop 2 hrs**

For anyone in sporting clubs who handles complaints.

#### **Member Protection Information Officer (MPIO) Course 1-2 days**

For those who have been nominated by their sport to be trained as a MPIO. The course covers Territory Anti-Discrimination and child protection legislation, the role of the MPIO, complaint processes, and practical skills for receiving complaints from adults and children.

#### **Defusing Conflict and Anger in Sport Workshop 2-3 hrs**

For people in crowd control positions including officials, referees, umpires, line and ground managers. Covers behaviours of people who are in dispute, empathy, active listening, assertiveness and risk management.

**If you are interested in participating in any of these workshops, contact Sue Rhodes at the NT ADC on freecall 1 800 813 846 or Annette Duncan at the NT Office of Sports and Recreation 1 800 045 678.**



# Case Studies

## Sex and Sexual Harassment – Employment

### **A young woman lodged complaints of both sex discrimination and sexual harassment against her former employer and a complaint of sexual harassment against a former manager.**

She alleged that on two separate occasions, whilst he was visiting Perth for monthly sales meetings, the manager sent text messages of a sexual nature on her mobile telephone. The first message was sent to her in the evening after a work function and was sexually explicit. She was shocked and did not reply to the message. She did not raise her concerns with her employer as she had only recently commenced work with the company and feared her employment could be jeopardised.

The second text message was received after a work-related dinner the following month. The message suggested she might like to join her manager in his hotel room and gave her the room number. Again she did not respond to the message and resigned from the company the following month. She claimed she left because of both the stress associated with her manager's behaviour and a pay re-structure.

The manager did not deny he had sent the woman the first text message, and he admitted it was unprofessional and unwise. He could not recall giving the young woman his room number and claimed he would not have done so.

The employer acknowledged the manager's behaviour fell short of the standard required and advised that the manager had been counselled regarding his behaviour and was to attend training. However, it did not accept that the young woman had no option other than to resign as clear policies and processes were in place to deal with such matters.

The complaints were resolved by the former manager providing a written apology and the employer making an ex-gratia payment of \$15,000 to the complainant.

Source: WA Equal Opportunity Commission Annual Report 2003-2004

## Reasonable Accommodation of a Special Need

### **A student with a physical disability lodged a complaint with the Commission against an institution that ran computer courses because he believed they had not adequately accommodated his special needs.**

As his physical disabilities were severe, he also believed that teaching staff were confusing these with an intellectual disability, which he did not have. The Commission investigated the complaint and it was found that, in the past, the institution had granted the complainant personal academic assistance for several hours per week. However without consulting the institution the assistant began giving the complainant more help than he was actually entitled to. Some months later this arrangement ended as the assistant left the Territory. A new assistant took over but only helped with original duties and hours. However, the Complainant now had an unrealistic expectation as to the amount of help that he could access.

After discussions with the institution the Commission was able to explain to the Complainant that the institution appeared to be fulfilling their obligations under disability standards and were neither obliged, nor able, to offer him more assistance. However the institution offered to help the Complainant access some extra hours of assistance from another community service. They also agreed to purchase extra computer software to make it easier for the student to utilise the internet which further eased his difficulties with his studies.

As the student's disabilities included difficulties with his speech, staff at the institution found communicating with him very difficult. However this was embarrassing for staff and they found it much easier to tell this to the Conciliation Officer at the Commission, rather than to the student personally. This was explained to the student and the staff apologised to him in writing saying it was not their intention to imply that he had an intellectual disability. The Commission was able to negotiate with the student and suggest to him some strategies to make his communication with the institution easier in the future.

The student successfully completed the course and has moved on to study for a higher qualification. The computer institution decided to purchase more computer software and is now able to offer this facility to other students with disabilities.

## Impairment

### **A woman who uses a wheelchair complained about regular breakdowns of the lifts in her office building.**

The breakdowns impacted on the complainant's ability to enter her workplace, to use accessible toilets which were located on a different floor of the building, or to get out of the building at lunch times and at the end of the work day.

The complainant's inability to rely on the lifts also prevented her from working evening shifts or applying for overtime because she was concerned that she would be stuck in the building after normal business hours.

The complaint was forwarded to the building owner who met with the Commission within days and explained that whilst there had been problems with the lifts the faults had been identified and would soon be repaired.

The complainant was satisfied by the explanation provided by the building owner and by the offer of a mobile phone number to contact him if there were problems with the lifts in future.

The complaint was resolved in less than two weeks.

**FOR FURTHER INFORMATION OR ADVICE, TO REQUEST TRAINING OR TO BE ADDED TO THE MAILING LIST CONTACT:**

**Northern Territory Anti-Discrimination Commission**

**Darwin: 7th Floor, 9-11 Cavenagh St, Darwin • Postal Address: LMB 22, GPO Darwin NT 0801**

**Phone: (08) 8999 1444 • Free call: 1800 813 846 • Fax: (08) 8981 3812 • TTY: (08) 8999 1466**

**Alice Springs: Ground Floor Centre Point Building, 54 Hartley Street, Alice Springs (08) 8951 5818**

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