



NSW Anti-Discrimination Act amended

In October 2004 a number of amendments to the NSW Anti-Discrimination Act (ADA) were passed in both houses of the NSW Parliament and are to be proclaimed in March 2005. Some of the key amendments relevant to mental health include:

- a complaint of discrimination can now be made by a parent or guardian of a person who lacks legal capacity;
- the Anti-Discrimination Board will now be able to assist a person to make a complaint. This amendment brings the ADA into line with legislation in other jurisdictions and makes explicit the obligation to provide assistance where it is necessary;
- complaints can now be lodged by a variety of means, including email;
- the capacity for an agreement reached as a result of successful conciliation of a complaint to be registered and enforced;
- the ability of the President to 'deem old complaints abandoned' if they are not actively pursued
- there are new powers for the President to decline a complaint if there is seen to be a 'more appropriate remedy' or if it seen to be 'not in the public interest';
- the period of time in which a complaint can be lodged has been extended from six to twelve months.

Further amendments to the Bill are to be considered and may be introduced at a later date. A key proposal yet to be dealt with is disability vilification and People with Disabilities (PWD) continue to pursue its incorporation into the Act as a ground of complaint.

The Anti-Discrimination Board will be running forums to help people to understand the changes. If you'd like more information or would like to register interest in the community forums, you can contact the ADB on: (02)9268 5555 or TTY: 9268 5522 or FreeCall:1800 670 812

**Summer edition 2005
View from the Peak**