

Equal Opportunity Commission

2008/09



 *Equal Opportunity Commission*

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I have pleasure in submitting this Annual Report for the year ended June 30, 2009, for your information and presentation to Parliament.

This report has been prepared in accordance with section 62 of the *Financial Management Act 2006*, section 95 of the *Equal Opportunity Act 1984*, and Section 31 of the *Public Sector Management Act 1994*.

I draw your attention to my overview that describes achievements for this financial period.

A handwritten signature in black ink, appearing to read 'Yvonne Henderson', with a long horizontal flourish extending to the right.

Yvonne Henderson
Commissioner for Equal Opportunity

14 September 2009

About this report

This report aims to provide an overview of The Equal Opportunity Commission's activities during 2008/09.

The first chapter provides an overview and executive summary of the Commission's activities, operational structure, state and commonwealth legislation affecting the Commission's activities and the Commission's performance management framework. The Chapter 2 reports on the Commission's operations and key performance indicators. The third outlines significant issues and trends impacting on the Commission's operations, with the fourth chapter dealing with disclosure and legal compliance issues. The Chapter 5 includes a selection of case studies and a feedback form.

This Report is available from the publication's section of the Commission's web page located at www.eoc.wa.gov.au. Printed copies may be requested from the Commission.

Feedback

As the Commission is constantly striving to improve its services, any comments, observations or queries relating to the contents of this Annual Report will be appreciated.

To provide feedback on the effectiveness of the Commission's 2008/09 Annual Report, please refer to the Feedback Form in Appendix B at the end of this Report.

Equal Opportunity Commission directory

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Overview

Commissioner's summary

In 2008/09 the Equal Opportunity Commission continued its focus on working with the community to eliminate discrimination. Our year was busy and demanding.

We visited and consulted with a number of different communities and influenced public policy.

As well as handling over 870 complaints of discrimination, we conducted 241 presentations and training courses.

The inquiry into race discrimination in the private rental housing market, the Narrogin race relations project and community reporting on the progress made in substantive equality were responses to community concern about racism. More complaints about impairment discrimination (107) were received by the Commission than any other ground, including race (102), sexual harassment (92) and sex (53).

Complaints about sexual harassment in the workplace increased markedly this year, from 62 in 2007/08 to 92 this year. This is a disturbing trend and underlines the continuing need to deliver equal opportunity training to all employers and employees.

Over 37.7% per cent of the 612 complaints closed this year were conciliated. A continuing reduction in the number of complaints which lapsed - down to 9.6% from 16.3% in the previous year - reflects the reforms put in place to improve complaint handling procedures.

The Commission staff has commenced working together to develop a new strategic plan to determine priorities for the future direction of the Commission. This is expected to be completed by the end of 2009.

Our year in review

Performance highlights of 2008/09

Accommodating Everyone

The Commission consulted with community groups and took submissions for the inquiry into race discrimination in the private rental housing market throughout metropolitan and regional areas of Western Australia. The report *Accommodating Everyone* was released which makes a range of recommendations aimed at eliminating discrimination against indigenous people and people of minority ethnic backgrounds.

Further progress has been made in implementing the recommendations of the Finding a Place report in partnership with the Department of Housing.

Substantive equality

The first of a series of community forums was held to report to interested groups on the progress made towards addressing systemic race discrimination in the delivery of public services. The WA Police, together with the Departments of Health and Housing showcased the work they have done to address systemic racism issues.

Agencies participating in the program to implement the Policy Framework for Substantive Equality have moved to the next phase and are now addressing a second service area.

Complaint handling

The number of new complaints received has stabilised, following the decision of the State Administrative Tribunal in 2006, which required the Commission to review the way in which complaints are accepted. Over 37.7% per cent of the 612 complaints closed this year were conciliated. A further 12.6% per cent were referred to the State Administrative Tribunal by the Commissioner. Complaints which lapsed have continued to decline to 9.6% of the total reflecting the efforts of the conciliation section to ensure that complaints which are made to the Commission are handled effectively and efficiently.

Community education and training

The number of training courses was down this year, due to staff movements, however, the Narrogin project, which is in its early stages, is trialling a new way of working with a community to build capacity and strengthen relationships between different racial groups.

Finding a place

The Commission continued to work with the Department of Housing to implement the recommendations of the investigation into discrimination against Aboriginal people in public housing.

Publications and community information

The quarterly publication *Discrimination Matters* continues to be a primary source of information for the community, with over 3000 print subscribers and a growing list of people receiving their edition by email. The Commission commenced an upgrade of its website, which will be completed in 2010.

Community events

As in previous years, the Commission partnered with organisations to bring information to a wide variety of audiences, such as during NAIDOC Week, and conducted events to celebrate key international human rights events, including Human Rights Day and International Women's Day.

Organisational issues

In March 2009, the Commission's financial and human resources functions were rolled into the Office of Shared Services. This was a complex and challenging process and the commitment and hard work of the staff, particularly in Corporate Services ensured that deadlines were met and new processes implemented with a minimum of disruption to the business of the Commission.

Challenges

The challenges ahead are to resolve increasingly complex complaints more quickly and to work to eliminate systemic discrimination within organisations, both public and private.

The year ahead

- Working to encourage key stakeholders to address the recommendations of the inquiry into discrimination against ethnic minorities and Indigenous people in the private rental housing market
- Completion of the Commission's review of performance indicators and new strategic plan

Operational structure

Enabling legislation

The Office of the Commissioner for Equal Opportunity is established under Part VII, Division I of the *Equal Opportunity Act 1984* as amended, and under the provisions of the Public Sector Management Act 1984.

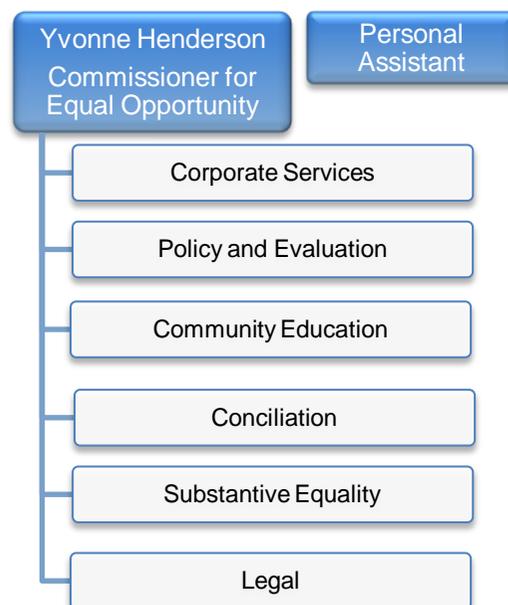
The Commissioner for Equal Opportunity is appointed by the Governor and is the Accountable Officer under the *Financial Management Act 2006*.

Responsible Minister

The Hon. Christian Porter, BA (Hons) BEc LLB(UWA) MSc(Dist) LSE MLA

Attorney General; Minister for Corrective Services

Organisational chart



Senior officers

- Ms Yvonne Henderson, Commissioner for Equal Opportunity
- Mr Allan Macdonald, Senior Legal Officer
- Ms Kathy Digwood, Manager Conciliation
- Ms Cathy Groves, Manager Substantive Equality Unit
- Ms Christine Johnson, Manager Community Education and Training
- Ms Anne Giles, Manager Policy and Evaluation
- Ms Zarin Milambo, Manager Corporate Services

Administered legislation

The Commissioner for Equal Opportunity also administers the following related Act:

- ☞ Spent Convictions Act, 1988 – Division 3

Other key legislation impacting on the Equal Opportunity Commission's activities:

State

- ☞ Auditor General Act 2006
- ☞ Disability Services Act 1993
- ☞ Electoral Act 1907
- ☞ Financial Management Act 2006
- ☞ Freedom of Information Act 1992
- ☞ Gender Reassignment Act 2000
- ☞ Government Employees Superannuation Act 1987
- ☞ Industrial Relations Act 1979
- ☞ Minimum Conditions of Employment Act 1993
- ☞ Occupational, Safety and Health Act 1984
- ☞ Public Interest Disclosure Act 2003
- ☞ Public Sector Management Act 1994
- ☞ Salaries and Allowances Act 1975
- ☞ Spent Convictions Act 1988
- ☞ State Records Act 2000
- ☞ State Supply Commission Act 1991; and

- ☞ Workers Compensation and Injury Management Act 1981.

Commonwealth

- ☞ Age Discrimination Act 2004
- ☞ Disability Discrimination Act 1992
- ☞ Human Rights and Equal Opportunity Commission Act 1986
- ☞ Racial Discrimination Act 1975
- ☞ Sex Discrimination Act 1984: and
- ☞ Fair Work Act 2000

Performance management framework

Government Goal:

The Equal Opportunity Commission's work is aligned to the new government goal:

Outcomes Based Service Delivery

Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.

Outcome based management framework

Agency level desired outcome:

The people of Western Australia are provided with information and advice about equal opportunity and human rights issues and have accessible avenues of redress under relevant legislation

Service 1:

Provision of information and advice regarding equal opportunity and human rights

Service 2:

Provision of redress for unlawful discrimination and unreasonable treatment

Changes to outcome based management framework

The Equal Opportunity Commission's outcome based management framework did not change during 2008/09

Shared responsibilities with other agencies

The Equal Opportunity Commission did not share any responsibilities with other agencies in 2008/09

About the Commission

Our vision

The Equal Opportunity Commission aims to ensure that Western Australia, as part of the international community, becomes a more just and equitable society, by advancing human rights and not tolerating discrimination.

Strategic Directions

The Equal Opportunity Commission's Strategic Directions for 2008-09 are to:

Develop and deliver a whole-of-Commission approach to delivering services to Aboriginal and Torres Strait Islander people.

Involve and engage non-government, government and business communities in the development of a human rights culture.

Improve awareness and understanding of the role and function of the Equal Opportunity Commission.

Use the Act proactively to identify and address systemic discrimination; and

Improve the way the Commission works.

Agency performance: Report on operations

Summary of Key Performance Indicators

Government Goal	Desired Outcome	Service
Outcomes Based Service Delivery Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.	The people of Western Australia are provided with information and advice about equal opportunity and human rights issues and have accessible avenues of redress under relevant legislation	1. Provision of information and advice regarding equal opportunity and human rights 2. Avenue of redress for unlawful discrimination and unreasonable

Agency performance For the year ended June 30, 2009 Actual results versus budget results Summary of key performance indicators			
	2008-09 target ¹	2008-09 actual	Variation ² %
Desired outcome: <i>The people of Western Australia are provided with information and advice about equal opportunity and human rights issues and have accessible avenues of redress under relevant legislation</i>			
Key effectiveness indicators			
<ul style="list-style-type: none"> ● Community awareness of <i>the Act</i> and belief it is of benefit 	79%	81.4	+2.4
<ul style="list-style-type: none"> ● Employer respondents who have revised their policies and/or implemented equal opportunity programs 	20%	22.9	+2.9
<ul style="list-style-type: none"> ● Participants who would recommend the Commission's training courses to others 	97%	95.1	-1.9
<ul style="list-style-type: none"> ● Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination 	75%	70.1	+5.1
<ul style="list-style-type: none"> ● Proportion of closed complaints conciliated 	37%	37.7	+0.7
<ul style="list-style-type: none"> ● Proportion of closed complaints referred to the State Administrative Tribunal 	15%	12.5	-2.5
<ul style="list-style-type: none"> ● Settlement rate of complaints referred to the State Administrative Tribunal by the Commissioner³ 	70%	52.4	-17.6

¹ As in the Budget Papers

² Explanations for the variations between target and actual results are presented in the section on Key Performance Indicators this annual report.

³ Referred by the Commissioner under s93 of *The Act*

<p>Service 1 <i>Provision of information and advice regarding equal opportunity and human rights</i></p> <p>Key efficiency indicators</p> <ul style="list-style-type: none"> ● Average cost per presentation/seminar/workshop ● Average cost per enquiry ● Average cost per policy advice and review ● Average cost per publication 	<p>\$2749</p> <p>\$204</p> <p>\$1,270</p> <p>\$11,034</p>	<p>3,3,40</p> <p>185</p> <p>2,226</p> <p>9,715</p>	<p>+21.5</p> <p>-9.3</p> <p>+75.3</p> <p>-11.9</p>
<p>Service 2: <i>Provision of redress for unlawful discrimination</i></p> <p>Key efficiency indicators:</p> <ul style="list-style-type: none"> ● Average cost per complaint closed ● Average cost per complaint referred to the Tribunal by the Commissioner 	<p>\$972</p> <p>\$3,442</p>	<p>1574</p> <p>5224</p>	<p>+61.9</p> <p>+51.7</p>

Commission role and functions

The Equal Opportunity Commission delivers its services through its two outcome areas:

Outcome 1: Provision of information and advice regarding equal opportunity and human rights by:

- ☞ Community Education including customised training for employers and community groups and organisations on equal opportunity and presentations to community organisations.
- ☞ Promoting recognition, awareness and acceptance through the media
- ☞ Communicating equality of opportunity to potential complainants and respondents in government and non-government sectors
- ☞ Publications
- ☞ Special events and activities

Outcome 2: Provision of avenues of redress for unlawful discrimination and unreasonable treatment by:

- ☞ Enquiry services
- ☞ Conciliation services
- ☞ Substantive equality project on systemic racism in the public sector
- ☞ Special investigations such as the inquiry into race discrimination in the private rental market
- ☞ Recommendations to government arising from a review of the *Equal Opportunity Act 1984*
- ☞ These output areas are aligned to achieve strategic government objectives, as outlined in the Performance Management section of this report.

This chapter on Agency Performance details our performance in each of these outcome areas during 2008/09.

Community Education

The Equal Opportunity Commission continued to promote the objects of the *Equal Opportunity Act 1984* and enhance community awareness through a range of education initiatives and strategies. These strategies included:

- ☞ delivering talks, information and training sessions throughout Western Australia including the presentation of papers and workshops at major conferences
- ☞ helping employer organisations with proactive, preventative strategies to meet their policy objectives regarding equal opportunity law; and
- ☞ developing specialised educational materials and publications to support community education initiatives.

Table 1
Education sessions
2006/07 to 2008/09

Description	2006/07	2007/08	2008/09
Calendar Series of Courses	23	19	22
Customised Courses	166	137	128
Presentations	52	57	14
Guest Speaker	28	20	26
Community Workers Forums	2	2	5
Indigenous and Christmas/Cocos Islands Outreach	61	47	46

During 2008/09 the Commission conducted 241 education and training sessions, guest speaker engagements and outreach programs. This represents a decrease from the sessions held in the previous year due to a reduction in staff and staff absences.

Nineteen training, educational and outreach programs were undertaken on Christmas and Cocos (Keeling) Islands in November 2008, a service which maintains a long-standing delivery arrangement between the State and Commonwealth Governments.

Training programs for employers and service providers

Training programs for small and large organisations, as well as business and service providers were conducted on a fee-for-service basis.

Such training includes:

- ☞ delivering a calendar series of training courses for employers and service providers to increase awareness of equal opportunity law, vicarious liability and identifying discriminatory behaviour, policies and procedures
- ☞ responding to requests for customised training for individual workplaces and developing courses to meet specific organisational requirements
- ☞ helping employers, equity and human resource practitioners to develop workplace cultures that prevent discrimination, harassment and victimisation

- facilitating the integration of equal opportunity principles into organisational programs, policies, procedures and planning
- helping employers deal with enquiries and complaints within their organisation through contact, equity or grievance officer training

Table 2
Participants of customised and calendar courses
 2006/07 to 2008/09

Training Type	2006/07	2007/08	2008/09
Customised courses	2619	2214	1953
Calendar Series of courses	239	218	256
Total	2858	2432	2209

Over 2200 people from a wide range of industries and occupations attended the training sessions.

The Commission's trainers routinely prepare summary reports of training evaluations to measure the effectiveness of training, its content, learning methodology and facilitation style. Courses are constantly revised and updated to meet the changing needs of clients.

Customised and specialist training

To ensure an organisation's training program is developed appropriately and effectively, the Commission expects organisations to complete some essential preparatory work prior to training being confirmed.

Organisations are required to have an up-to-date equal opportunity policy and grievance procedures so that:

- the trainer can direct any employee enquiries and complaints that may result from the training session to the organisation's internal procedures, should the employee choose this option; and

- contact officers, grievance officers, managers and supervisors who have a role to play in handling complaints will feel confident that equal opportunity enquiries will be handled in a fair, sensitive, prompt and confidential manner, free from victimisation.

The Commission's officers provide informal comment and suggestions on organisations' policies and procedures to ensure they are up-to-date and conform to the requirements of equal opportunity law.

The Commission provides a consultancy service to organisations to ensure that training is incorporated as part of a broader program of the organisation's improvements. A summary report is provided to organisations outlining any issues and assessing processes and procedures against best practice standards. Recommendations are also provided to assist organisations to address any identified issues.

Table 3
Courses conducted in 2008/09

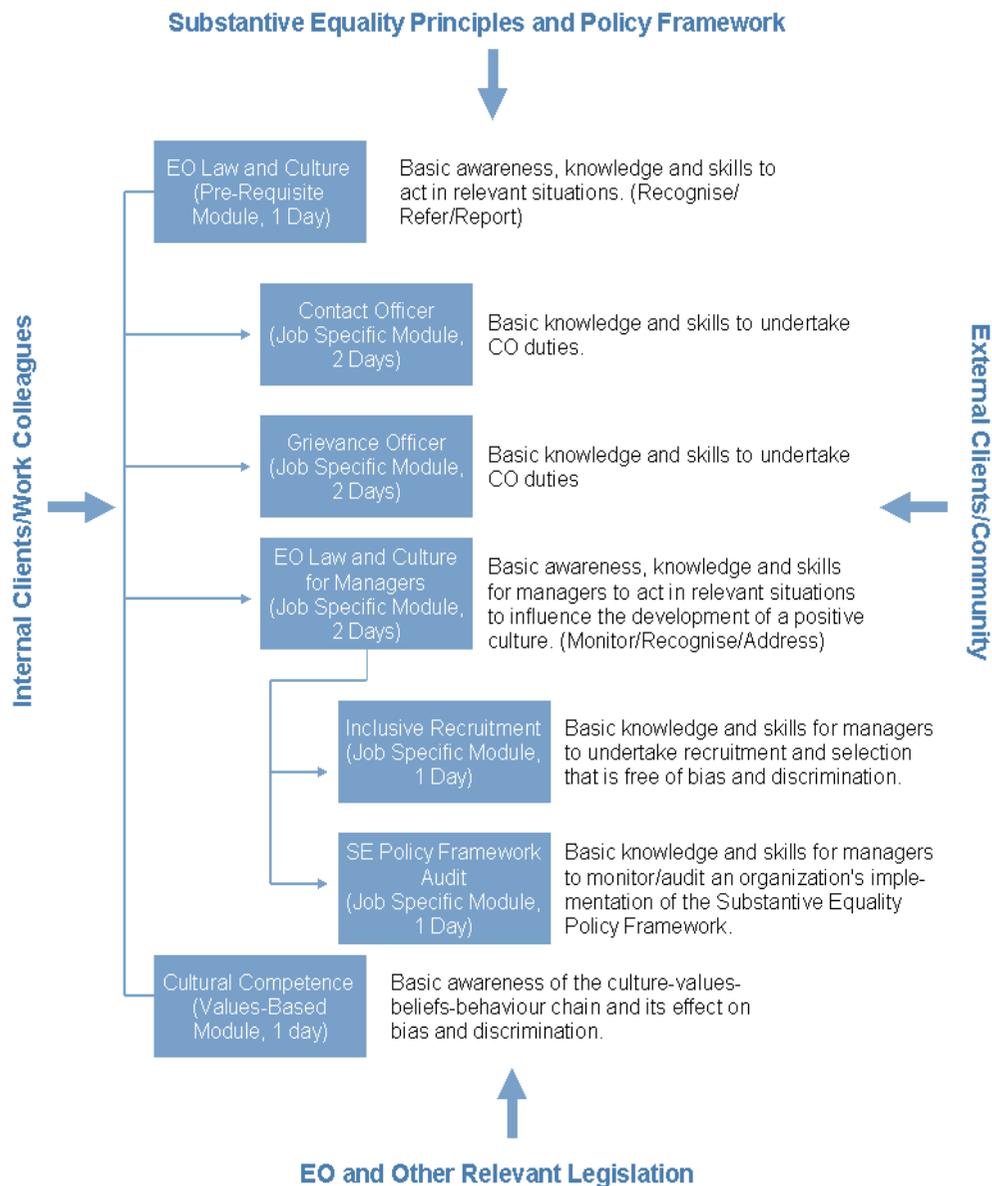
Description of Training	Calendar Series of Courses	Customised Courses
Contact Officer Refresher	2	2
Contact Officer Role	5	2
Grievance Officer and Complaint Handling	4	2
Equal Opportunity Law - An Introduction	2	70
Equal Opportunity Law and Workplace Culture	7	16
Equal Opportunity Law for Managers/Supervisors	0	18
EO Law, Workplace Culture and the Role of the Manager/Supervisor	1	0
Workplace Culture: Bullying and Harassment	1	11
Multicultural Awareness and Cultural Competency	0	4
Other	0	3
Total	22	128

As in past years Equal Opportunity Law – an Introduction was the most popular of the customised or externally offered courses.

The course, Workplace Culture: Bullying and Harassment, was also in high and increasing demand.

Following a review of the Commission’s training and programs by the consultancy service ‘Outside the Square Solutions’ a recommendation was implemented in 2008/09 to combine and redevelop the two half day courses in Equal Opportunity Law and Workplace Culture into a one day course that had a focus on the causes, and impact of inappropriate workplace behaviour and ways of dealing with this. This course is proving very popular and forms the pre-requisite module for further training with the EOC within a competency based framework.

The Competency based framework for the courses provided by the Commission identifies pathways for individuals to address their professional development needs in a progressive and integrated manner. The review did not recommend that the Commission’s training courses become accredited.



The Commission delivered customised training to a wide range of organisations, including state and local government authorities, non-government and private sector companies. Some of these included:

- ☞ City of Bayswater
- ☞ City of Cockburn
- ☞ City of Gosnells
- ☞ City of Melville
- ☞ City of Perth
- ☞ City of Stirling
- ☞ Shire of Augusta Margaret River
- ☞ Builders Registration Board
- ☞ Dental Health Services
- ☞ Department of Commerce
- ☞ Department of Consumer and Employment Protection
- ☞ Department of Corrective Services
- ☞ Department of Corrective Services (Prisons Division)
- ☞ Department of Corrective Services (Casuarina Prison)
- ☞ Department of Premier and Cabinet
- ☞ Department of Water
- ☞ Landgate
- ☞ Public Transport Authority
- ☞ Fire and Emergency Services Authority
- ☞ Southern Cross Care WA
- ☞ TAFE Pilbara

- ☞ TAFE West Coast
- ☞ United Motor Traders
- ☞ Austral Bricks and Bristle Roofing
- ☞ 3M Australia
- ☞ United Motor Traders

Feedback from participants

All participants of the organisation and calendar courses are asked to complete post-training evaluations.

Feedback obtained indicates the Commission's programs were well received by participants and provided practical strategies for dealing with issues of discrimination in the workplace.

Of the 1775 participants who completed post-training questionnaires in 2008/09, 96.7% said they would be able to use what they had learned during the training session in their work and daily lives and 95.1% stated they would recommend the Commission's training courses to their colleagues.

Some comments from these participants' responses to the question 'why would you recommend the Commission's training course to others?' Included:

- ☞ Cultural differences are a big thing in today's prison system, knowledge is needed
- ☞ Comprehensive, balanced; handled questions well
- ☞ Comprehensive information provided

- ☞ Clear, relevant communication
- ☞ Cost effective [the training] when compared with going to the Commission
- ☞ Diverse, good clear examples, true life experiences
- ☞ EEO awareness is a constant challenge in most organisations I've worked in
- ☞ Easy to understand and gets you thinking about multicultural issues.
- ☞ Comprehensive and highest authority on this topic.
- ☞ It was practical and not too technical
- ☞ Empowers employees

When asked how courses could be improved, participants said:

- ☞ Could have read information provided in own time
- ☞ Shortening, condensed course
- ☞ Deliver by DVD or other distance methods for people in regions
- ☞ I would have spent a whole day on this subject – so much information
- ☞ More role plays
- ☞ Longer time to enable greater discussion.

Calendar training courses

The Commission continued its calendar courses in 2008/09 with 22 half, full-day and two-day courses attended by employees, managers, employee relations, human resources and equal opportunity practitioners. The calendar series of fee-for-service courses are offered to mixed profile participants at the Commission premises.

The most popular of the Commission-based courses was Equal Opportunity Law and Workplace Culture which replaced the former Equal Opportunity Law – an Introduction, with 116 participants attending nine (9) half-day sessions of the two courses.

Organisations attending included a wide range of industries, including:

- ☞ accommodation, cafes and restaurants
- ☞ agriculture, forestry, fishing
- ☞ construction
- ☞ education
- ☞ electricity, gas and water supply
- ☞ finance and insurance
- ☞ government administration
- ☞ government administration – defence
- ☞ health and community services
- ☞ manufacturing
- ☞ mining

- personal and other services – unions
- retail trade
- services
- transport and storage
- wholesale trade

Communicating equality of opportunity to potential complainants and the non-government sector

Aboriginal and Torres Strait Islander outreach program

Aboriginal and Torres Strait Islander (ATSI) people continue to face discrimination on a daily basis in many areas of public life including employment, tenancy applications and services offered to the general public.

Outreach programs aim to deliver culturally appropriate education initiatives to ATSI people, communities, representative organisations and particular groups who face similar issues because of their geographic isolation.

This year staff from the Commission's Community Education and Training section, and other staff visited Boulder, Bunbury, Cue, Geraldton, Kalgoorlie, Meekatharra and Wiluna.

To promote human rights and equal opportunity, the Commission produced a 2009 Aboriginal and Torres Strait Islander calendar. The calendar's border and background graphics were inspired by the Kimberley and the central artwork, a handprint, is the Nyungar sign for 'Listen'.

The 4000 copies of the calendar were distributed throughout the State to Aboriginal organisations, regional offices of government agencies and at events such as NAIDOC Week and International Women's Day. Others were sent to individuals and organisations on request, with a copy also available for download from the Commission's website.

This calendar continues to be very popular with indigenous and non-indigenous people alike and is an effective way to bring information about the Commission to a diverse and scattered population.

Christmas Island and Cocos (Keeling) Island outreach

Under the service delivery arrangement between the State and Commonwealth, the Equal Opportunity Act 1984 covers the Indian Ocean Territories of Christmas and Cocos (Keeling) Islands.

Commission staff visited Christmas Island and Cocos (Keeling) Island in November/December 2008.

Cocos Island

- Delivered a Workplace Culture, Harassment and Bullying on Home Island for community members
- Provided a community engagement session to Malays in the Kampong, on Home Island
- Delivered a workshop on Workplace Culture, Harassment and Bullying to the Shire offices on Home Island
- Delivered a presentation to graduating students at the District High School on Home Island.
- Met with West Island Group's state government departments including, Education Department, Health Department, Water Authority, and Australian Federal Police., the Office of the Attorney General and the Shire Offices and the Cocos (Keeling) Co-op.
- Took individual EO enquiries from the general public (10)

Christmas Island:

- ☞ Provided Equal Opportunity Law and Contact/Grievance Officer training for officers in the Australian Federal Police, the local authority, mining company, Department of Education and non-government and community organisations.
- ☞ Provided a workshop in Workplace Culture, Harassment and Bullying for Christmas Island Health Services, Shire of Christmas Island and the Christmas Island Women's Association and Legal Aid.
- ☞ Provided two workshops on Workplace Culture Harassment and Bullying for Christmas Island Phosphate employees
- ☞ Conducted two meetings with community groups: Christmas Island women's Association and the Chinese Literacy Association.
- ☞ Conducted meetings with Christmas Island Phosphate, Indian Ocean Group Training, Christmas Island Shire, Indian Ocean Health Services
- ☞ Took Individual EO enquiries with the general public (10)

Rights-based education

Rights-based education utilises a human rights framework and focuses on engaging categories of potential complainants who have little access to information about their rights and how to exercise those rights. The broad aim of rights-based education is to build awareness and understanding about human rights and provide participants with the skills to exercise those rights in Western Australia.

These training sessions are delivered free of charge to help those most likely to experience discrimination and to help their advocates understand the scope of the law, their rights and the Commission's complaint process.

Organisations with which the Commission worked in partnership to deliver customised human rights education included:

- ☞ Geraldton Resource Centre
- ☞ Tenants Advice Service
- ☞ Hills Auslan Group
- ☞ TAFE Colleges
- ☞ Department of Education (High Schools)
- ☞ Department of Sport and Recreation
- ☞ Murdoch University
- ☞ Careerlink
- ☞ Fire and Emergency Services Authority (volunteers)
- ☞ Mental Health Law Centre
- ☞ Genetic Support Council

- ☞ Centrelink (African Community Leaders)
- ☞ Narrogin Aboriginal Reference Group
- ☞ Edmond Rice Social Justice Centre
- ☞ Marr Mooditj
- ☞ WA Deaf Society

Publications

The Commission issues a range of publications to provide up-to-date information about the *Equal Opportunity Act 1984*.

During 2008/09 the Commission continued its publications program to provide information to the community on their rights and responsibilities:

- ☞ *Discrimination Matters*: A quarterly newsletter of which 3000 copies are printed and distributed. *Discrimination Matters* is distributed to all Western Australian schools, libraries, government departments, private sector and non-government organisations, as well as to individual subscribers.
- ☞ The Newsletter is also distributed to a growing list of email subscribers and on the website.

- ☞ The *Reference Guide* continues to be one of the most popular publications produced by the Commission. This is an up-to-date guide to the *Equal Opportunity Act 1984*, written in plain English, which broadly outlines how the *Act* is administered; the meanings of direct and indirect discrimination and the grounds and areas of public life covered. It also contains an explanation of each ground of unlawful discrimination, and where protection is provided and details other behaviours or actions that are unlawful under the *Act*. It describes a complaint and explains exceptions for each ground of unlawful discrimination, and how to obtain an exemption or interim order from the State Administrative Tribunal.
- ☞ Training calendars outlining general training programs provided by the Commission were published six monthly; and
- ☞ Brochures on various grounds of the *Act* were updated and reprinted as required, including the *Guidelines for Advertisers* which is now available on the Commission's website.
- ☞ The commission participated; with the Commissioner for Children and Young People in preparing a guide for public sector agencies on how make complaints processes more accessible to young people. The guide *Are you listening* was launched in June and is available on the Commission's website.

- ☞ As part of the project, the Commission engaged Millennium Kids to consult with young people about imparting the message of equal opportunity and anti-discrimination in the most effective manner.

Distribution and evaluation of publications

Each person who attends a Commission training course is provided with a copy of the Reference Guide, and the feedback continues to be overwhelmingly positive. The Guide is also distributed free of charge to individuals and organisations seeking more comprehensive information than that provided in the Commission's brochures on individual grounds of the *Act*.

During 2008/09 Commission literature, including complaint forms, were sent to 651 or around 23% of people making an enquiry by telephone, mail or email.

In recent years there has been a consistently high (96.9%) proportion of the Commission's clients, namely training and presentation participants, complainants and respondents, who state in surveys that they find the Commission's publications useful.

Communications online

- ☞ The Commission's website continues to increase in its role as a source of information about the *Equal Opportunity Act 1984* and the services provided by the Commission. All new and revised publications are available on the website in both text and PDF formats. Materials are also translated into community languages as required.
- ☞ Where ever appropriate, requests for publications are referred to the Commission's website, where appropriate. In 2008/09 Commission staff referred 667 enquirers to the Commission's website. This was nearly twice as many as in the previous year.

The website received 47,120 unique visitors, including 39,400 who accessed the website for the first time. This represented an increase of 8.5% per cent increase of new visitors on the previous year. It is interesting to note that more that 83.6% of visitors were first time users. This represents an increase of nearly 7% on the previous year.

Website updates:

- ☞ New Complaint Form which can be completed online
- ☞ Revision of News and Events pages to include Archives of older material
- ☞ A full review of the website is planned and tenders were called for appropriate companies to undertake the review in the first half of 2009/10.

Special events and activities

The Commission undertakes a program of events and activities to promote the objects of the *Act*. These include guest speakers, participation with other community organisations, staff development sessions and partnerships in a range of projects, as well as making submissions to current enquiries relevant to the *Act*. Some of these are outlined below.

Murdoch University parliamentary internship program

The Commission hosted a luncheon and information visit by participants of Murdoch University's Parliamentary Internship Program in early October. One of the students worked on a project related to inquiry into discrimination in the private rental market.

International Women's Day

The Commission hosted its annual International Women's Day breakfast at the Sheraton Hotel in Perth in March 2009 which was attended by 250 guests. Speakers from the Association for Torture

and Trauma Survivors addressed the breakfast, with ASeTTS' patron, Janet Holmes 'a Court.

The women spoke of their experiences and those of their families of fleeing from their home countries and settling in Australia.

Human Rights Day

The commission marked Human Rights Day, December 10, 2008 with a breakfast "Women working for dignity and justice for all" which was addressed by the Right Reverend Kay Goldsworthy, Bishop of Perth, and June Oscar from the Marninwarntikura Women's Resource Centre and chairwoman of the Kimberley Language Resource Centre who spoke of the women in the Fitzroy Valley's work to tackle the alcohol problems facing the community.

NAIDOC Week

The EOC continued to take part in NAIDOC Week at the Family Day at Ashfield Oval with a popular stall distributing a wide range of information.

Conciliation Services

Handling enquiries and complaints

The Commission receives enquiries from members of the public, public sector agencies, non-government and private organisations seeking information about the *Equal Opportunity Act 1984*, (the *Act*) unlawful discrimination as defined under the *Act*, the complaint handling process, rights and responsibilities of complainants and respondents, community education and information on other services provided by the Commission.

The Commission receives many enquiries regarding alleged discrimination, however the allegations do not necessarily constitute unlawful discrimination as defined by the *Act* and Commission officers attempt to direct the enquirer to the correct agency to deal with their issue.

Where allegations of unlawful discrimination are accepted by the Commissioner as complaints under the *Act*, the Commission's specially delegated officers investigate and attempt to conciliate those complaints on behalf of the Commissioner.

This section:

- ☞ describes the number and nature of enquiries and complaints handled by the Commission;
- ☞ provides demographic profiles of complainants and respondents; and
- ☞ details how complaints were resolved or otherwise finalised.

Answering enquiries

The Commission received 2830 enquiries during 2008/09. Of these:

- ☞ 2276 (80.4%) were made by telephone
- ☞ 413 (14.6%) were made in writing
- ☞ 127 (4.5%) were made in person; and
- ☞ 14 (0.5%) were made by e-mail.

When compared with the previous financial year the number of telephone enquiries has increased by 26.4%.

Who made enquiries and what were they about?

The majority of enquiries received were from individuals, but some were also made by government departments, non-government organisations, private businesses, students and trade unions seeking information on their rights and responsibilities under the *Act*.

Of the 2830 enquiries received in 2008/09, 1989 (70.3%) were about matters that fell within the jurisdiction of the *Act*. Where possible a referral to an appropriate agency or organisation was provided to those whose enquiry was not within the jurisdiction of the *Act*.

Table 4

Table 4
Enquiries by ground
2006/07 to 2008/09

Ground	2006/07	%	2007/08	%	2008/09	%
Age	161	5.2%	109	4.9%	171	6.0%
Family Responsibility/Status	146	4.7%	107	4.8%	146	5.2%
Gender History	9	0.3%	11	0.5%	4	0.1%
Gender Identity	5	0.2%	4	0.2%	9	0.3%
Impairment	488	15.7%	341	15.5%	436	15.4%
Marital Status	24	0.8%	18	0.8%	22	0.8%
Political Conviction	9	0.3%	6	0.3%	4	0.1%
Pregnancy	97	3.1%	92	4.2%	101	3.6%
Race	511	16.4%	364	16.5%	468	16.5%
Racial Harassment	26	0.8%	27	1.2%	30	1.1%
Racial Offensive Behaviour	56	1.8%	22	1.0%	43	1.5%
Religious Conviction	43	1.4%	37	1.7%	54	1.9%
Sex	144	4.6%	133	6.0%	146	5.2%
Sexual Harassment	195	6.3%	138	6.3%	177	6.3%
Sexual Orientation	48	1.5%	21	1.0%	33	1.2%
Spent Conviction	21	0.7%	8	0.4%	10	0.4%
All grounds	310	10.0%	162	7.3%	222	7.8%
Other	819	26.3%	607	27.5%	754	26.6%
Total	3112	100.0%	2207	100.0%	2830	100.0%

The grounds most commonly cited by enquirers correlate closely with those in complaints accepted by the Commission (see Table 7). The most common grounds for 2008/09 were:

- ☞ race - 468 (16.5%)
- ☞ Impairment - 436 (15.4%)
- ☞ sexual harassment - 177 (6.3%)
- ☞ age - 171 (6.0%)
- ☞ sex - 146 (5.2%)
- ☞ family responsibility/family status - 146 (5.2%).

Table 5
Enquiries by area
2006/07 to 2008/09

Area	2006/07	%	2007/08	%	2008/09	%
Employment	1601	51.4%	1241	56.2%	1580	55.8%
Access to Places and Vehicles	51	1.6%	39	1.8%	28	1.0%
Accommodation	146	4.7%	118	5.3%	134	4.7%
Education	97	3.1%	57	2.6%	74	2.6%
Clubs	47	1.5%	30	1.4%	40	1.4%
Goods, Services and Facilities	525	16.9%	256	11.6%	383	13.5%
Sports	10	0.3%	15	0.7%	13	0.5%
Land	2	0.1%	3	0.1%	2	0.1%
Public Place	26	0.8%	6	0.3%	21	0.7%
All Areas	289	9.3%	191	8.7%	249	8.8%
Other	318	10.2%	251	11.4%	306	10.8%
Total	3112	100.0%	2207	100.0%	2830	100.0%

More than one half of these enquiries were about employment 1580 (55.8%), 383 (13.5%) were about goods, services and facilities and 134 (4.7%) were concerned with accommodation.

While workplace bullying is not a ground of unlawful discrimination under the *Act*, the Commission collected data on bullying-related enquires.

In 2008/09, 146 enquiries (5.2%) related to bullying, 135 (92.5%) of which related to the workplace. This is a continuing trend.

Written enquiries and complaints

All written correspondence received at the Commission is reviewed and acknowledged by the Commissioner. Where the written enquiry provides an arguable case of unlawful discrimination or harassment, it is accepted by the Commissioner as a complaint.

If the correspondence falls outside the Commission's jurisdiction a letter is sent explaining why the matter raised does not fall within the jurisdiction of the *Act*. Where possible the enquirer is referred to an appropriate organisation for assistance.

In many cases the enquirer is asked to provide additional information or clarify which ground and or area of the *Act* they believe has been breached. This is to enable a more informed assessment to be made as to whether their concerns do come within the jurisdiction of the *Act* and can be accepted as a complaint.

Handling complaints

Table 6
Number of complaints handled
2006/07 to 2008/09

Complaints Handled	2006/07	%	2007/08	%	2008/09	%
Complaints carried over from previous financial years	197	23.1%	374	40.7%	245	27.9%
Complaints Received	656	76.9%	546	59.3%	634	72.1%
Total Handled	853	100.0%	920	100.0%	879	100.0%
Complaints Closed	479	56.2%	675	73.4%	612	69.6%
Complaints still under investigation	374	43.8%	245	26.6%	267	30.4%

The significance of this change is that should the Commissioner, after conducting an investigation, determine that the complaint should be dismissed under s89 of the *Act* as lacking in substance, or because it is misconceived, then the complainant has the right to have the matter referred to the State Administrative Tribunal (SAT) for an inquiry.

During the current year, where a potential complainant has not clearly identified a ground and/or area of complaint, they are supplied with information about what constitutes a breach under the *Act* and asked to further clarify their complaint.

If an arguable breach of the *Act* cannot be identified, then the allegation is classified as an enquiry and no investigation can proceed under s84.

In 2008/09, 634 new complaints were received by the Commission and 245 were carried over from the previous financial year.

Of the 879 complaints handled in 2008/09 267 (30.4%) are still under investigation.

Throughout 2008/09 the refinement of the complaint acceptance process from changes outlined in the 2006/07 report has continued. From January 2007 the Commission decided to include in the category of complaint all those matters previously excluded on the ground that no arguable breach of the *Act* had been identified or disclosed at the outset.

If a person alleges that he or she has been discriminated against on one or more grounds, and in one of the areas, under the *Act*, then those allegations will now be accepted by the Commission as a complaint, irrespective of how much supporting information is provided.

Table 7
Complaints by ground
2006/07 to 2008/09

Ground	2006/07	%	2007/08	%	2008/09	%
Age	53	8.1%	37	6.8%	31	4.9%
Family Responsibility	34	5.2%	20	3.7%	46	7.3%
Family Status	10	1.5%	19	3.5%	16	2.5%
Gender History	2	0.3%	5	0.9%	3	0.5%
Impairment	110	16.8%	124	22.7%	107	16.9%
Marital Status	8	1.2%	10	1.8%	15	2.4%
Political Conviction	1	0.2%	4	0.7%	6	0.9%
Pregnancy	25	3.8%	12	2.2%	26	4.1%
Race	135	20.6%	87	15.9%	102	16.1%
Racial Harassment	38	5.8%	23	4.2%	32	5.0%
Religious Conviction	11	1.7%	15	2.7%	13	2.1%
Sex	64	9.8%	37	6.8%	53	8.4%
Sexual Harassment	84	12.8%	62	11.4%	92	14.5%
Sexual Orientation	9	1.4%	16	2.9%	5	0.8%
Spent Conviction	4	0.6%	2	0.4%	0	0.0%
Victimisation	64	9.8%	71	13.0%	87	13.7%
Victimisation - PID	1	0.2%	1	0.2%	0	0.0%
Not specified	3	0.5%	1	0.2%	0	0.0%
Total	656	100.0%	546	100.0%	634	100.0%

During 2008/09 the most common ground of alleged unlawful discrimination cited in complaints was impairment, closely followed by race. In the previous year impairment was also the most frequently cited ground. Family responsibility complaints and pregnancy complaints have increased, as has sexual harassment.

Victimisation complaints continue to increase, but this is believed to be a misunderstanding by complainants of the ground, which under the Act, only applies where victimisation is associated with the making of a complaint, and not the original unfair, discriminatory treatment.

The most common grounds were:

- impairment - 107 (16.9%)
- race - 102 (16.1%)
- sexual harassment - 92 (14.5%)
- victimisation - 87 (13.7%)
- sex discrimination 53 (8.4%)

Figure 1
Most frequently cited grounds of complaint
2006/07 to 2008/09

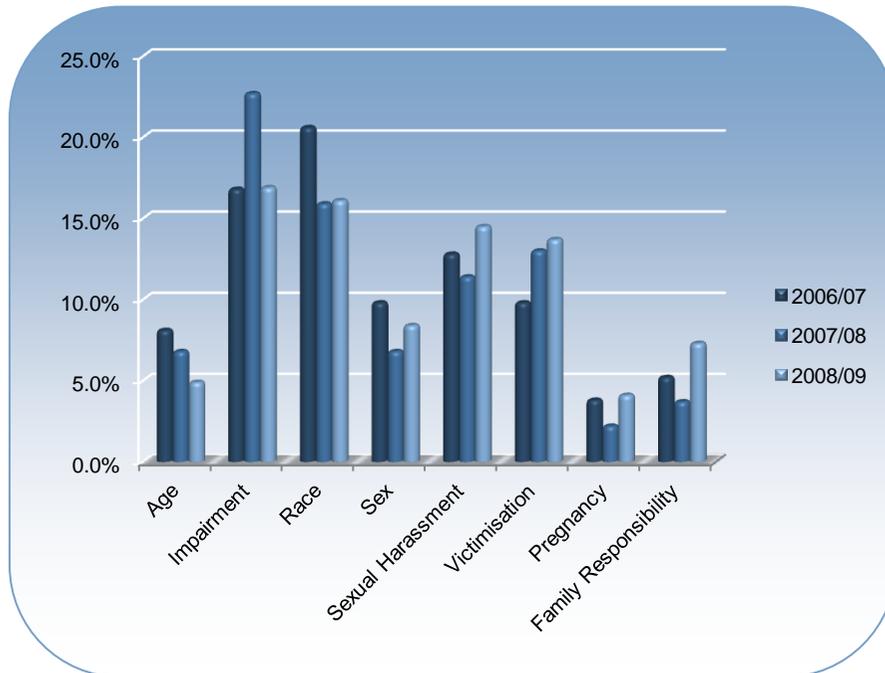


Table 8
Complaints by area
2006/07 to 2008/09

Area	2006/07	%	2007/08	%	2008/09	%
Employment	435	66.9%	369	67.6%	480	75.7%
Access to Places and Vehicles	18	2.8%	17	3.1%	8	1.3%
Accommodation	48	7.4%	30	5.5%	33	5.2%
Education	9	1.4%	20	3.7%	24	3.8%
Clubs	1	0.2%	2	0.4%	6	0.9%
Goods, Services and Facilities	138	21.2%	108	19.8%	83	13.1%
Sport	1	0.2%	0	0.0%	0	0.0%
Total	650	100.0%	546	100.0%	634	100.0%

Of the 634 new complaints, those involving the area of employment continued a three year trend and increased to 480 (75.7%) of the total.

The next most common area of Goods, Services and Facilities decreased on the previous year to 13.1% or 83 complaints.

Table 9
Complaints by ground and area
2008/09

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Total
Age	21	0	1	2	0	7	31
Family Responsibility	44	0	0	1	0	1	46
Family Status	15	0	0	0	0	1	16
Gender History	2	0	0	0	0	1	3
Impairment	74	1	14	4	1	13	107
Marital Status	13	0	0	0	0	2	15
Political Conviction	3	0	0	1	0	2	6
Pregnancy	23	1	0	0	0	2	26
Race	47	5	12	3	3	32	102
Racial Harassment	28	0	1	1	0	2	32
Religious Conviction	6	0	1	1	0	5	13
Sex	41	1	2	1	1	7	53
Sexual Harassment	88	0	0	3	0	1	92
Sexual Orientation	3	0	0	1	0	1	5
Spent Conviction	0	0	0	0	0	0	0
Victimisation	72	0	2	6	1	6	87
Total	480	8	33	24	6	83	634

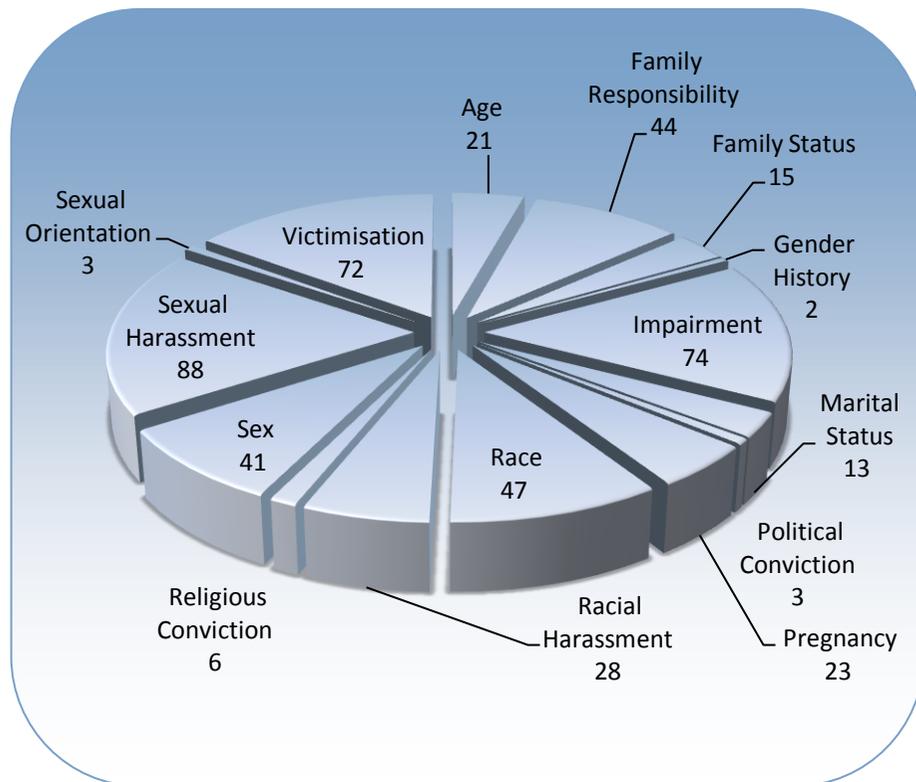
Figure 2 shows that the most frequently cited ground of employment complaints is sexual harassment, followed by impairment.

This pattern differs from the overall picture of complaints where the largest three groups are made up of impairment, race and sexual harassment.

The most frequently cited grounds of discrimination in employment were:

- sexual harassment - 88
- impairment - 74
- victimisation - 72
- race - 47
- family responsibility - 44

Figure 2
Nature of employment complaints
2008/09



Complaints of victimisation

As well as receiving complaints on the various grounds under the *Equal Opportunity Act 1984*, the Commission receives complaints of victimisation lodged under s67 of the *Act*. This section of the *Act* renders it unlawful to threaten or subject a person to any detriment because they have made a complaint of discrimination, or propose to make a complaint of discrimination.

It is also unlawful to victimise someone who has provided information or proposes to provide any information or documents to the Commission's officers while they are performing any function under the *Act*.

Victimisation may also occur if someone is shown to have suffered any detriment because they have agreed to appear, or have appeared as a witness before the State Administrative Tribunal (SAT), if someone attempts to assert the rights of another person under the *Act* or has made an allegation that a person has done something that is unlawful under the *Act*.

The number of complaints on the ground of victimisation continued to increase from 71 in 2007/08 to 87 in this financial year. Of these, 72 involved the area of employment.

There were no complaints of victimisation lodged under the *Public Interest Disclosure Act 2003* this financial year..

Who lodged complaints?

The Commission collects demographic information from complainants on a voluntary basis. Of the 634 complainants who were surveyed in 2008/09, 553 returned completed questionnaires, representing a response rate of 87.2%.

Below is a series of tables showing the breakdown and trends in the demographics of complainants based on gender, birthplace and ethnicity.

Gender of complainants

As in previous years, the majority of complaints received by the Commission in 2008/09 were from women (58.5%).

Table 10
Complaints by gender of complainants
2008/09

Gender	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Female	453	69.1%	308	56.4%	371	58.5%
Male	199	30.3%	231	42.3%	255	40.2%
Mixed Group	2	0.3%	7	1.3%	6	0.9%
Not applicable	2	0.3%	0	0.0%	2	0.3%
Total	656	100.0%	546	100.0%	634	100.0%

As can be seen in Table 11, women lodged a higher number of complaints than men in most grounds. However there were more complaints from men on the grounds of age discrimination, racial harassment, sexual orientation, religious and political conviction.

An upward trend has emerged with sexual harassment complaints received from men increasing from 8 in 2007/08 in 2007/08, to 25 in 2008/09.

Table 11
Complainants by gender and ground
2006/07 to 2008/09

Ground	Female	Male	Mixed Group	Not applicable	Total	%
Age	13	18	0	0	31	4.9%
Family Responsibility	34	12	0	0	46	7.3%
Family Status	13	3	0	0	16	2.5%
Gender History	2	1	0	0	3	0.5%
Impairment	52	52	3	0	107	16.9%
Marital Status	11	4	0	0	15	2.4%
Political Conviction	1	5	0	0	6	0.9%
Pregnancy	25	1	0	0	26	4.1%
Race	50	48	3	1	102	16.1%
Racial Harassment	10	22	0	0	32	5.0%
Religious Conviction	5	7	0	1	13	2.1%
Sex	40	13	0	0	53	8.4%
Sexual Harassment	67	25	0	0	92	14.5%
Sexual Orientation	1	4	0	0	5	0.8%
Victimisation	47	40	0	0	87	13.7%
Total	371	255	6	2	634	100.0%

Birthplace and ethnicity of complainants

Table 12
Complainants by birthplace and ethnicity
2006/07 to 2008/09

Birthplace	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Australia - Non Aboriginal	268	40.9%	253	46.3%	284	44.8%
Australia - Aboriginal	128	19.5%	60	11.0%	83	13.1%
Central and West Africa	2	0.3%	5	0.9%	2	0.3%
Eastern Europe	9	1.4%	0	0.0%	8	1.3%
Middle East	7	1.1%	6	1.1%	5	0.8%
North Africa	0	0.0%	5	0.9%	4	0.6%
Northeast Asia	7	1.1%	3	0.5%	8	1.3%
Northern America	18	2.7%	4	0.7%	8	1.3%
Oceania and Antarctica	15	2.3%	17	3.1%	10	1.6%
Southeast Asia	20	3.0%	22	4.0%	12	1.9%
Southern and East Africa	17	2.6%	20	3.7%	29	4.6%
Southern Asia	18	2.7%	16	2.9%	39	6.2%
Southern Europe	20	3.0%	4	0.7%	7	1.1%
United Kingdom	44	6.7%	44	8.1%	29	4.6%
Other	27	4.1%	28	5.1%	23	3.6%
Not applicable	0	0.0%	0	0.0%	2	0.3%
No survey returned or did not respond to question	56	8.5%	59	10.8%	81	12.8%
Total	656	100.0%	546	100.0%	634	100.0%

In 2008/09, of the 553 complainants who were surveyed and provided information about their birthplace 367 (57.9%) indicated they were born in Australia, compared with 313 (57.3%) the previous year.

Of the 367 Australian born complainants who indicated they were born in Australia, 83 (22.7%) indicated they were of Aboriginal descent. Aboriginal complainants continue to be significantly overrepresented in relation to the population as a whole, indicating the level of discrimination still present.

Aboriginal complainants

As noted above, Aboriginal Australians are disproportionately represented in the number of complaints received by the Commission, with 83 (13.1%) out of 553 complainants surveyed who identified themselves as Aboriginal compared with 2.5% in the population as a whole (ABS 2007).

As illustrated in Table 14, complaints made by Aboriginal people are cited more frequently in the areas of goods, service and facilities, and accommodation than in the overall population. Employment complaints from Aboriginal people comprise 33.7 %, compared with 75.7% of total complaints received by the Commission.

Table 13
Complaints from Aboriginal people by ground
2006/07 to 2008/09

Ground	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Age	2	1.6%	3	5.0%	1	1.2%
Family Responsibility	6	4.7%	0	0.0%	3	3.6%
Family Status	0	0.0%	1	1.7%	1	1.2%
Gender History	0	0.0%	0	0.0%	0	0.0%
Impairment	11	8.6%	8	13.3%	14	16.9%
Marital Status	0	0.0%	0	0.0%	0	0.0%
Political Conviction	0	0.0%	0	0.0%	0	0.0%
Pregnancy	0	0.0%	0	0.0%	0	0.0%
Race	83	64.8%	37	61.7%	43	51.8%
Racial Harassment	7	5.5%	4	6.7%	10	12.0%
Religious Conviction	0	0.0%	0	0.0%	1	1.2%
Sex	13	10.2%	2	3.3%	4	4.8%
Sexual Harassment	1	0.8%	0	0.0%	0	0.0%
Sexual Orientation	2	1.6%	1	1.7%	0	0.0%
Victimisation	3	2.3%	4	6.7%	6	7.2%
Total	128	100.0%	60	100.0%	83	100.0%

Table 14
Complaints from Aboriginal people by area
2006/07 to 2008/09

Area	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Employment	27	21.1%	8	13.3%	28	33.7%
Access to Places and Vehicles	10	7.8%	2	3.3%	2	2.4%
Accommodation	23	18.0%	11	18.3%	21	25.3%
Education	0	0.0%	3	5.0%	5	6.0%
Clubs	0	0.0%	0	0.0%	2	2.4%
Goods, Services and Facilities	68	53.1%	36	60.0%	25	30.1%
Sport	0	0.0%	0	0.0%	0	0.0%
Victimisation	0	0.0%	0	0.0%	0	0.0%
Total	128	100.0%	60	100.0%	83	100.0%

Respondents to complaints

Industry sector and size of respondent organisations

Using classifications developed by the Australian Bureau of Statistics the Commission collects information on the industry or organisations against which complaints are lodged. This information helps the Commission produce publications, conduct seminars and develop relevant, industry specific training programs.

In 2008/09, respondents with the highest number of complaints were from the following industries. There was an increase in complaints about the transport and storage industry, while those in accommodation/cafes/restaurants has decreased.

- ☞ property and business services - 107 (16.9%)
- ☞ retail trade - 68 (10.7%)
- ☞ transport and storage - 64 (10.1%)
- ☞ mining - 63 (9.9%)

Table 15
Complainants by industry
2006/07 to 2008/09

Industry Type	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Accommodation/Cafes/Restaurants	76	11.6%	45	8.4%	25	3.9%
Agriculture/Forestry/Fishing	1	0.2%	7	1.3%	4	0.6%
Communication Services	11	1.7%	16	3.0%	12	1.9%
Construction	24	3.7%	20	3.7%	26	4.1%
Cultural and Recreational Services	15	2.3%	20	3.7%	28	4.4%
Education - Pre, School and Post	51	7.8%	37	6.9%	61	9.6%
Finance and Insurance	9	1.4%	6	1.1%	13	2.1%
Health and Community Services	55	8.4%	44	8.2%	41	6.5%
Manufacturing	12	1.8%	17	3.2%	16	2.5%
Mining	48	7.3%	54	10.1%	63	9.9%
Personal and Other Services including corrective and police services	109	16.6%	55	10.3%	49	7.7%
Property and Business Services	73	11.1%	85	15.9%	107	16.9%
Retail Trade	78	11.9%	57	10.6%	68	10.7%
Transport and Storage	39	5.9%	34	6.3%	64	10.1%
Wholesale Trade	3	0.5%	10	1.9%	3	0.5%
Other Industry	52	7.9%	29	5.4%	54	8.5%
Total	656	100.0%	536	100.0%	634	100.0%

How complaints were finalised

While the most frequent outcome is for complaints to be conciliated, they may also be:

- ☞ withdrawn at any stage by the complainant;
- ☞ dismissed or lapsed by the Commissioner; or
- ☞ referred to the State Administrative Tribunal (SAT) for determination where the parties do not agree to a resolution to the complaint.

Table 16
Outcome of complaints closed
2006/07 to 2008/09

Outcome of Complaint	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Dismissed	54	11.3%	137	20.3%	121	19.8%
Lapsed	67	14.0%	110	16.3%	59	9.6%
Withdrawn	79	16.5%	100	14.8%	124	20.3%
Conciliated	160	33.4%	240	35.6%	231	37.7%
Referred to State Administrative Tribunal	119	24.8%	88	13.0%	77	12.6%
Complaints Closed	479	100.0%	675	100.0%	612	100.0%

Conciliated complaints

After seeking a written statement from the complainant and respondent, the Commission attempts a conciliation process either by the parties attending a formal conciliation conference, participating in a teleconference or negotiation through the exchange of letters and telephone conversations. Sometimes the complainant and respondent meet privately and come to an agreement themselves.

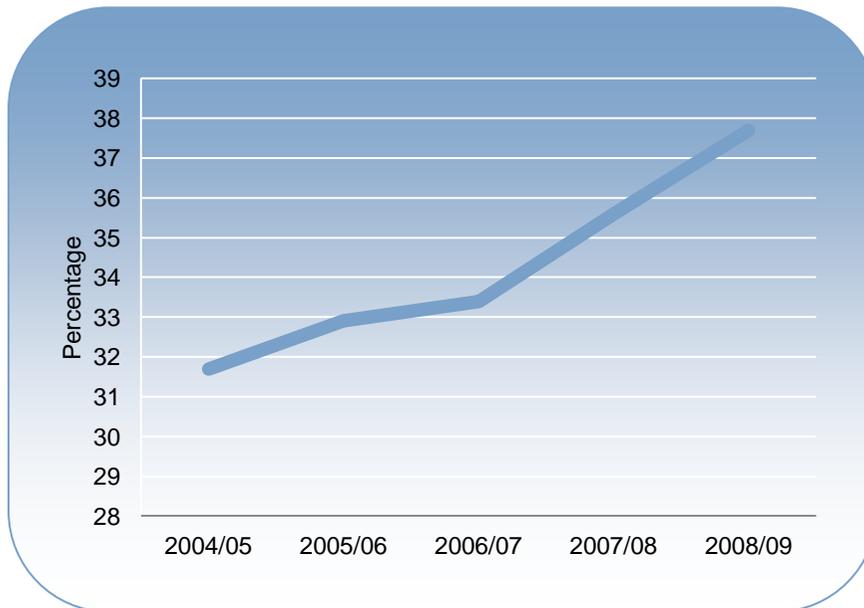
Wherever possible, a face-to-face conciliation conference between the parties is held, facilitated by a Commission officer. The aim of a conciliation conference is to give the parties an opportunity to discuss the complaint itself and, where appropriate, the issues that led to it. Its aim is to help the parties find a fair and equitable way of resolving the complaint. A conciliation conference provides an opportunity for the parties to reach an understanding, although not necessarily agreement, about what happened.

Conciliation can provide an opportunity for the parties to reach a mutual agreement in a non-legal setting, settle the complaint confidentially and cost-effectively and bring the dispute to an end.

In 2008/09, 231 (37.7%) complaints were resolved through conciliation, compared to 240 (35.6%) the previous year.

The Commission aims to increase the proportion of complaints which are conciliated and has put in place a range of measures which are reflected in Figure 3 below which shows the percentage of complaints resolved by conciliation over the last 5 years.

Figure 3
Percentage of Complaints Conciliated
2004/05 – 2008/09



Types of outcomes in conciliated complaints

Outcomes that can be negotiated during the conciliation of complaints include:

- ☞ introducing or improving equal opportunity policies or practices
- ☞ providing staff training programs on equal opportunity and discrimination
- ☞ compensating for a specific loss, for example income or medical expenses
- ☞ compensating for pain, suffering, hurt or humiliation

- ☞ making and receiving an apology, and
- ☞ making something available that was previously refused such as accommodation, admission to a course or access to a shop or nightclub.
- ☞ It is common for one or more of these outcomes to be negotiated in conciliation.

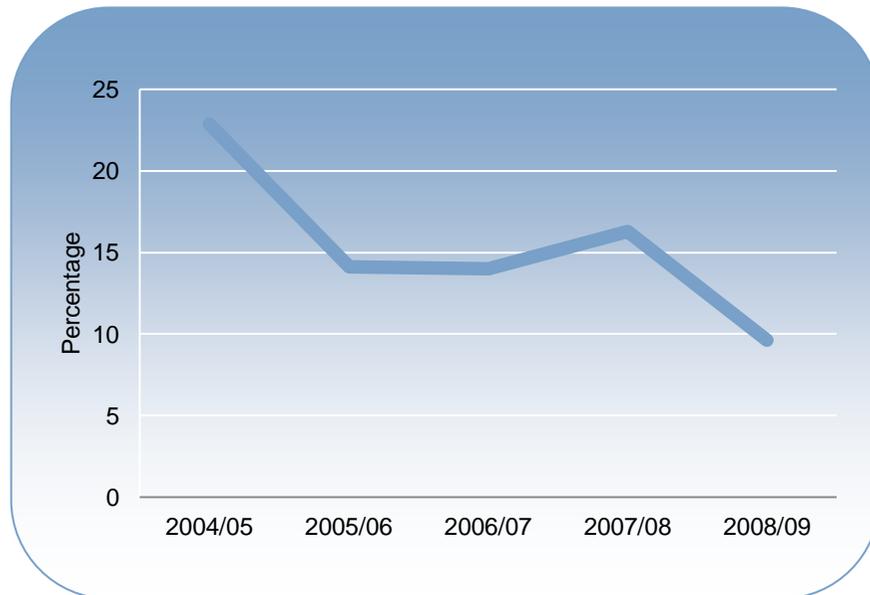
In 2008/09 the most common types of outcomes negotiated during the conciliation of complaints included:

- ☞ monetary settlement - 89
- ☞ apology - 70
- ☞ respondent's explanation satisfactory to complainant - 41
- ☞ equal opportunity law program/education - 36
- ☞ private settlement between parties - 26
- ☞ policy change within the organisation - 13

Case studies of complaints handled

As part of the Commission's community education focus, case studies of complaints handled by the Commission are provided in Appendix A. These case studies illustrate the various outcomes of complaints lodged with the Commission.

Figure 4
Percentage of Complaints Lapsed
2004/05 – 2008/09



Lapsed complaints

Complaints are considered to have lapsed when complainants abandon their complaint, or do not wish to proceed with it and have not advised the Commissioner, in writing, as required under the *Equal Opportunity Act 1984*. In some instances the Commission has been unable to maintain contact with the complainant and after a period of time the complaint lapses.

Before the Commissioner makes a decision to lapse a complaint, the Commission's officers attempt to make contact with the complainant either by letter or telephone, or a combination of both. In other cases complainants do not continue with their complaints because they are able to resolve the dispute themselves. Others are satisfied with the Commissioner's correspondence to the respondent and the respondent's explanation.

Some complainants are disheartened by their onus of proof which requires complainants to support their allegations with evidence such as witness statements and documents.

Withdrawn complaints

Complainants may choose to withdraw their complaints for a number of reasons. Throughout the complaint handling process conciliation officers discuss the strengths and weaknesses of a complaint with all parties. In some cases complainants choose to withdraw their complaint if they are satisfied with the respondent's reply to their allegations or following a conciliation conference.

A complainant can decide to withdraw their complaint if they do not have sufficient evidence to substantiate their claim of unlawful discrimination.

Dismissed complaints

Under the *Equal Opportunity Act 1984* the Commissioner may dismiss complaints that are found to be lacking in substance, frivolous, vexatious or misconceived. In 2008/09, 121 (19.8%) complaints were dismissed, reflecting a similar trend from the previous year's number of 137 (20.3%).

Where a complaint has been dismissed by the Commissioner the complainant, under s89 of the *Act*, within 21 days of the notice of dismissal, may require the Commissioner to refer the complaint to the State Administrative Tribunal (SAT) under s90 of the *Act*. From July 2006 all such complaints have been listed as dismissed by the Commission for statistical purposes.

Complaints referred to the State Administrative Tribunal

Where a complaint has not been resolved, the Commissioner may refer a complaint to the State Administrative Tribunal (SAT).

Referral of complaints to the SAT can occur in one of two ways:

- the Commissioner may refer a complaint under s93 of the *Act*; or
- the complainant may refer the complaint themselves under s90 of the *Act*. (see above)

The Commissioner may refer a complaint to the SAT where she is of the view the complaint cannot be resolved by conciliation, or has attempted to resolve the complaint by conciliation but has been unsuccessful, or is of the opinion the nature of the complaint is such the matter should be referred to the SAT.

The Commissioner may provide some level of legal assistance to those matters she has referred. Complainants whose matter has been dismissed by the Commissioner are not provided with any assistance.

In 2008/09, 77 (12.6%) of total complaints were referred to the SAT by the Commissioner compared to 88 (13.0%) the previous financial year. No specific trends are identifiable here, or can be attributable to any change in policy, merely the different nature of the complaints received in the respective years.

Figure 5
Time taken to close complaints by months
2004/05 to 2008/09

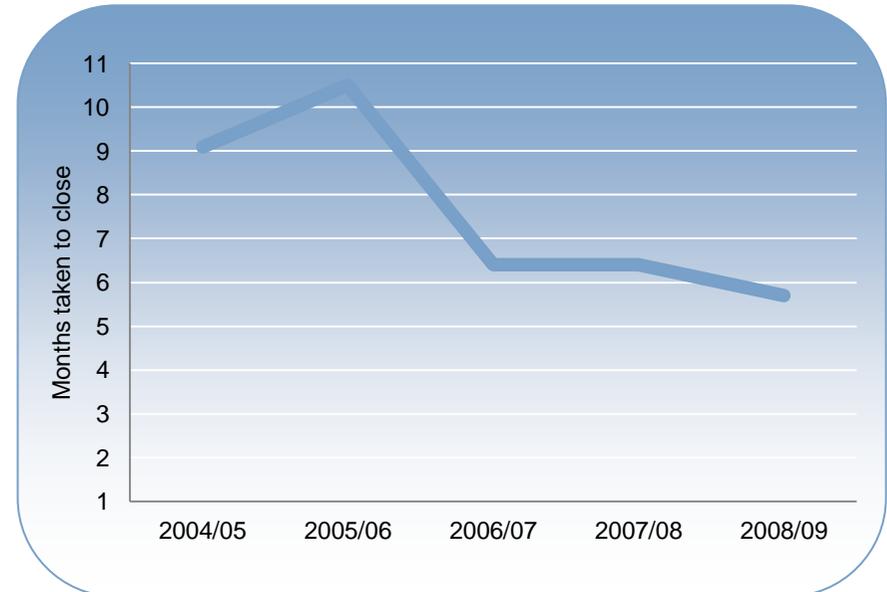


Table 17
Time taken to close complaints
2006/07 to 2008/09

Outcome of Complaints Closed	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
0 - 6 months	317	66.2%	405	60.0%	414	67.6%
7 - 12 months	115	24.0%	210	31.1%	153	25.0%
13 - 18 months	34	7.1%	48	7.1%	31	5.1%
19 - 24 months	5	1.0%	12	1.8%	10	1.6%
2 years or more	8	1.7%	0	0.0%	4	0.7%
Total	479	100.0%	675	100.0%	612	100.0%

Of the 612 complaints closed in 2008/09, 414 (67.6%) were closed within 6 months, Another 153 (25.0%) were closed by 12 months. This continues the improvement achieved in the previous year with over 567 (92.6%) of complaints being closed within 12 months.

The Commission's complaint handling process continues to be reviewed with the aim of helping the parties move through the process expeditiously.

Table 18
Number of matters by legal assistance
2006/07 to 2008/09

Legal Assistance	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Number of matters referred by the Commissioner and carried over from previous financial years	32	38.1%	28	33.3%	37	44.6%
Number of appeals to the Supreme Court or Exemption Orders carried over from previous financial years	1	1.2%	3	3.6%	3	3.6%
Number of matters referred by the Commissioner this financial year	49	58.3%	51	60.7%	42	50.6%
Number of appeals to the Supreme Court or Exemption Orders received each financial years	2	2.4%	2	2.4%	1	1.2%
Total number of matters handled each financial year	84	100.0%	84	100.0%	83	100.0%

The number of matters referred by the Commissioner to the SAT and carried over from the previous financial year increased from 28 (33.3%) in 2007/08 to 37 (44.6%) in 2008/09. The number of matters referred by the Commissioner during 2008/09 decreased from 51 (60.7%) in 2007/08 to 42 (50.6%) in 2008/09.

The number of legal matters handled in 2008/09 is also shown in Table 18. A matter means a single inquiry by the SAT into all complaints made by one or more complainants.

The number of matters resolved with the assistance of Legal Officers at mediation conferences and in other negotiations, as a proportion of all matters finalised increased from 26 in 2007/08 to 32 in 2008/09.

The figures in Table 19 demonstrate that the Commission's Legal Officers have been effective in maintaining the proportion of matters finalised through mediation and negotiation, principles that the Commission and the Tribunal consider are at the core of the Act's objects. Legal Officers will have to maintain the emphasis on negotiated outcomes in order to manage and contain the number of matters outstanding at the end of the financial year.

Table 19
Outcome of matters closed by legal assistance
2006/07 to 2008/09

Outcome of Matters	2006/07		2007/08		2008/09	
	Number	%	Number	%	Number	%
Withdrawn	6	11.3%	5	11.4%	6	9.4%
Settled before hearing by Legal Officers	18	34.0%	7	15.9%	7	10.9%
Settled at Tribunal mediation by Legal Officers	24	45.3%	19	43.2%	25	39.1%
Upheld by the Tribunal	0	0.0%	0	0.0%	3	4.7%
Dismissed by the Tribunal	0	0.0%	0	0.0%	6	9.4%
Discontinued Assistance	5	9.4%	11	25.0%	14	21.9%
Number of matters heard and decided by the Supreme Court	0	0.0%	0	0.0%	1	1.6%
Number of Writ of Summons, Interim Appeals, and Exemption Orders finalised	0	0.0%	2	4.5%	2	3.1%
Total number of matters finalised	53	100.0%	44	100.0%	64	100.0%

Special Projects

Under Sections 80 and 82 of the *Equal Opportunity Act 1984* the Commissioner is empowered to carry out investigations, research and inquiries relating to discrimination or sexual or racial harassment of the kinds rendered unlawful under this Act.

This section of the Annual Report outlines activities undertaken with respect to this section of the Act.

The three projects reported on this year are:

- ☞ Narrogin race relations project
- ☞ *Accommodating Everyone*: an inquiry into the private rental housing market in Western Australia – launch of final report
- ☞ *Finding a Place*: Investigation into discrimination in the provision of public housing for Aboriginal people – implementation of recommendations

Narrogin race relations project

Following suicides of a number of men in Narrogin last year, a closed meeting was held in Narrogin with Aboriginal community members in October 2008. Key areas of concern identified by the meeting were discrimination in education, policing and health.

Consequently the Commission developed a strategy to work with the Aboriginal community and various service providers. This is a community development approach, based on a model previously used in Kalgoorlie-Boulder.

A 12-month commitment has been given, involving monthly contact visits to take enquiries and complaints, provision of community advocacy training and support, anti-discrimination training and development of an agreement or protocol for mediation of disputes.

The project aims to:

- ☞ Raise awareness of human rights among members of the Aboriginal community by the provision to the community of information on human rights, unlawful discrimination, and the roles and obligations of key agencies;
- ☞ Develop the capacity for Aboriginal community members to act as first points of contact and advocate (where necessary) for Aboriginal residents of Narrogin by the provision of intensive Advocacy training to nominated Aboriginal people;
- ☞ Develop greater awareness of issues around discrimination and human rights through the provision of training on anti-discrimination and racial vilification laws to government and private sector service providers, and
- ☞ Foster publicly-agreed, locally-owned protocols for negotiation about relevant issues within Narrogin in both Aboriginal and non-Aboriginal communities to enable more informed, proactive, and effective consultation with each other.

Two of the key objectives of this strategy are:

- ☞ To arrange, coordinate, and conduct meetings, consultations, and discussions in order to identify measures to improve services and conditions affecting Aboriginal people who allege discrimination on the grounds of race and other unlawful grounds under the *Equal Opportunity Act 1984*;
- ☞ To carry out investigations, research and inquiries relating to discrimination and harassment affecting Aboriginal people;

The first monthly contact visit took place in early February 2009. Meetings were held with Aboriginal Reference Group members, the Narrogin Interagency Group, and individual enquiries and complaints were taken by Commission officers.

Further visits have been undertaken, with terms of reference and action plans being developed by the Narrogin Interagency Group and consultative workshops held with the Narrogin Senior High School and District Education Office. Strategies that have been identified for the school include:

- the development of a school anti-racism policy and complaint procedure,
- the development and delivery of anti-racism training for staff, students and parents,
- the establishment of a group of school Equal Opportunity Officers comprising members of the staff, students and parents with the relevant training to support their roles.

The focus for 2009/10 will be to continue to support the school in the identified strategies and the implementation of a similar consultative approach and strategy identification with Narrogin Police and Health Departments.

Accommodating Everyone: an inquiry into the private rental market in Western Australia

The Commissioner for Equal Opportunity initiated an inquiry in 2007/08 pursuant to s80 of the *Equal Opportunity Act 1984* into whether persons from Aboriginal and ethnic minority groups experienced direct or indirect discrimination on the basis of their race in the private rental housing market.

This inquiry into the experiences of Aboriginal and Culturally and Linguistically Diverse (CaLD) people in the private housing rental market was

prompted by concerns that these groups are unfairly treated, due to their racial characteristics, when they attempt to secure and maintain accommodation. The concern about less favourable treatment has been highlighted over the last five years because of the economic boom experienced in Western Australia which has prompted a rapid influx of workers and their families to the state. This influx put significant pressure on the available housing for rent, as well as for purchase.

In response to these concerns, the Equal Opportunity Commission (EOC) established Terms of Reference for the inquiry to investigate the allegations of race discrimination and to look at possible causes of, and remedies for, any evidence of unfairness in the private housing rental market. The EOC gathered submissions from both the affected individuals and the community groups and housing advocates who provide assistance to low income people seeking to find and maintain private housing rental accommodation. Submissions and comments were also invited from real estate representatives and the Real Estate Institute of Western Australia, but no written response was received.

Commissioner, Yvonne Henderson launched the report of the inquiry, *Accommodating Everyone*, in June, with Professor Colleen Hayward - Head of ECU's Kurongkurl Katitjin Centre for Indigenous Australian Education and Research and Carmen Harrison of the Multicultural Services Centre.

The report includes an overview of the housing rental market in Western Australia and shows a decline in funding for public housing, which has traditionally catered for low income and special needs groups, and this has increased the market share of the private housing rental sector over the last ten years.

Reference is made to the current review of the *Residential Tenancy Act 1987* which regulates the rights and responsibilities of tenants and landlords in Western Australia. A detailed study by the Australian Housing and Urban Institute into the workings of the real estate industry in three eastern Australian states, and its impact on low income earners, is discussed and the Western Australian experience appears to be similar.

Very few formal complaints of race discrimination in the private housing rental market have been received by the Equal Opportunity Commission or other similar jurisdictions in Australia. The legal definitions of both direct and indirect discrimination on the ground of race and the difficulties of proving a case of either form of discrimination in the area of accommodation are described, as well as the relevant case law. The inquiry was made aware that Aboriginal and CaLD people are also reluctant to use other statutory forms of remedy for housing rental issues, such as the Magistrates Courts for residential tenancy matters, and the reasons for this are explored.

A review of the available literature on race discrimination in the private housing rental market in Australia was also undertaken and revealed evidence of access barriers to the market for ethnic minority groups from the perspectives of both the rental applicants and property managers in Australia. The literature review also points to evidence of race discrimination from paired testing studies in the United States of America. The paired testing studies show that persons from different racial groups who make identical rental inquiries of property managers receive markedly different treatment.

Residential tenancy databases are used by real estate agents to check the prior rental history of prospective tenants. Research into this largely unregulated tool reveals that the databases may contain inaccurate or unfair information which can be particularly detrimental to ethnic minority groups who are less likely to have the necessary skills to access and correct the information that may be recorded about them. An investigation by the Federal Privacy Commissioner, in response to a complaint about one such database, recommended substantial changes to the way the databases operate. While some Australian states have introduced the necessary legislative change, this has not been done in Western Australia.

The inquiry concludes that there is substantial evidence of racial discrimination in the private housing rental market and this is discussed within the inquiry's Terms of Reference. The possible causes of race based discrimination are identified, together with proposed remedies to ameliorate the numerous examples of unfair treatment which have been found to exist.

The 15 recommendations of the report cover training and guidelines for industry operators, legislative regulation of tenancy databases, national consistency of legislation and support for CaLD and Aboriginal people to access and maintain a tenancy.

The Commissioner has commenced a process of approaching the relevant authorities and organisations with a view to ensuring that the recommendations are implemented.

The complete report is available on the Commission's website at: www.eoc.gov.au/publications.

Finding a Place: Investigation into discrimination in the provision of public housing for Aboriginal people

The *Finding a Place Report on an Inquiry into discrimination against Aboriginal people in public housing* which was conducted by the Equal Opportunity Commission (EOC) under Section 80 of the *Equal Opportunity Act 1984*, set out 165 recommendations for action by Department of Housing and Works. These were designed to improve housing accessibility and sustainability for Aboriginal people.

In 2008 the Department changed to the Department of Housing. Despite the change, as reported in the 2007-08, Annual Report, the Department maintained its focus on client services and supporting tenancies. The Equal Opportunity Commission has continued to work with the Department to assess its policies to further ensure the issues raised in *Finding a Place* are addressed and its recommendations progressively implemented.

Throughout the year the key recommendations which have been implemented/partially implemented:

- ☞ A number of the recommendations deal with the training of Department of Housing staff that have direct tenant contact. During 2008/09 43.5% of these employees from across the Department participated in the training, and there was representation from each district office.
- ☞ The Department established its Housing Advisory Roundtable which relates directly to the recommendations which sought consultation with client groups.
- ☞ The business rules for updating the Department's housing waiting list have been amended to ensure that substantive equality measures apply. Previously applicants on the list were written to and if no response was received they were taken off the list. Given the housing status of many people on the list, particularly the priority list, is homeless and/or transitory, those people most in need of housing were being excluded. The revised rules require at the Department make at least three attempts at contact including in person and or telephone. It is also possible for designated agents or advocates of the applicant to confirm the ongoing need for the housing.

As at 30 June 2009, 47 of the 165 recommendations are considered to be implemented or partially implemented. The classification of partially implemented refers to policies and practices which are deemed to be in place but still subject to monitoring. Fifty-six other recommendations are considered supported which means that the relevant policies have been or will be amended to incorporate the essence of the recommendation, however under the agreed methodology there still needs to be an assessment whether there has been effective roll-out of the policy.

Substantive Equality

The Substantive Equality Unit (SEU) has been operating for three full financial years to assist public sector departments represented on the Strategic Management Council to implement the Policy Framework for Substantive Equality. This policy enables departments to assess whether the needs and circumstances of Indigenous and ethnic minority groups are appropriately considered in all service delivery, and that policies, practices and procedures are capable of highlighting possible inequalities.

During 2008/09 the SEU worked towards a role which supports and monitors agencies to undertake Needs and Impact Assessments rather than taking the primary responsibility for driving implementation of the Policy Framework within departments, which had been the focus of the program in its first two years.

The SEU developed the following operational changes which will be put in place during the coming year:

- Services selected by participating departments are of the highest relevance. For example the Commission considers the services delivered by particular departments and the significance (including the effect) it has on the lives of people from marginalised groups.
- The SEU transition to provide concentrated support to all departments identified as high priority.
- Other departments to receive instruction and support through training that will be provided

by the SEU and the Commission's Training and Education Unit.

- Departments with similar charters form a single group so that the SEU can provide a more efficient level of support and greater capacity to identify across government opportunities and timely input on inter-agencies and related services.
- The SEU continue to support all departments on how to undertake the impact assessment including assistance to act on the results of the impact assessment and to measure progress against them.

The shift to direct attention to highly relevant services is to ensure that the focus of the impact assessment is aimed at those areas of public sector service delivery that has the greatest impact on the lives of the public and where there is evidence to show that marginalised groups including Indigenous Australians either face barriers, are further marginalised or are required or forced to fit into a one-sized fits all system.

Monitoring framework

Departments report their progress each year in their own annual reports and report to the Commission on key areas of the service selected. More importantly, they are required to report on the service they have selected and the extent of progress they have made.

The community (users of government services) has also been publicly briefed so that the views and experiences of those directly affected could be debated in a public forum. The forum brought together select government departments who

have made the most significant change as a result of implementing substantive equality and provided an opportunity for community members, representatives of community agencies and non-government bodies to directly feed back to government their views on the changes that have taken place.

Understanding equal opportunity and substantive equality

A training course was developed by the SEU to be delivered by the Commission's Community training and education section on the meanings of equal opportunity and substantive equality as part of its calendar of training courses.

The SEU has developed and will be delivering specialist courses to the departments with which it works, as part of undertaking Needs and Impact Assessments.

The Office of Multicultural Interests has agreed to work in partnership with the Commission to develop guidelines for the public sector on cultural diversity training.

The Equal Opportunity Commission's progress on implementing substantive equality

Although not formally required to implement substantive equality the Commission has chosen to do so, so that it can promote its leadership role and apply the same standard of change expected of other departments. The Commission is currently in the process of establishing the structures to ensure that a Needs and Impact assessment can be undertaken on all new policies, practices and procedures before they are implemented and on any major new initiatives.

A senior officer has been appointed to undertake this role, and their position statement amended to reflect this.

The Commission is in the first stage, an initial screening of a Needs and Impact assessment on its service defined as accessing the complaint process, including the following services which were reviewed for potential adverse impacts:

- ☞ Community Education and Training
- ☞ EOC Website
- ☞ EOC Special Events
- ☞ EOC Publications
- ☞ Media
- ☞ Enquiries

The next service area will be the complaints process itself.

Current and emerging issues and trends

Provision of information about equal opportunity

- Continuous improvement of training services enables enhanced responsiveness to the diverse education and training needs of the community.
- Requests for Fee for Service education and training services from Government and non government sectors continue to increase.
- Strategies are developed to prioritize the Community Education Unit's response to training requests to ensure maximum efficiency and effectiveness.
- Community engagement strategies are developed and implemented in regional and remote communities of Western Australia in response to the identified needs of the communities.
- Community Education works in collaboration with other Government agencies in the provision of education and training services to support the development of safe inclusive communities.

- Enhancing and strengthening the information provided online, especially to provide access to young people and those not able to access traditional media, such as people with disabilities, low literacy and of non-English speaking background.

Provision of accessible means of redress for complaints of discrimination

- Continuous improvement of the timeliness of dealing with complaints as the object of redress is often contingent on prompt responsiveness. The average time to close a complaint file is just under 6 months and 90% are finalised within 12 months.
- Ability to respond to complaints which need to be fast tracked to try to secure conciliated outcomes.
- Ability to identify trends in complaints and issue-appropriate promotional material to redress specific areas which need attention e.g. when there is an increased number of complaints such as sexual harassment, indicates a need to refocus the information provided to the community about equal opportunity.
- Increased complaints from regional areas and a Commission response that these are best dealt with face to face conferences particularly when a complaint has certain sensitivities which could impact adversely on either or both parties.

Substantive equality

- Ensure that departments fulfil their obligations by adopting the Government's policy on substantive equality and to review and report on existing services and new policies, practices and major new initiatives for their impact on Indigenous and ethnic minority groups.
- Ensure that sufficient resources are allocated to support, facilitate and coordinate strategies to promote substantive equality as routine core business across Government.
- Inform the general community and specific interest groups about the full range of public sector agencies participating in substantive equality, its meanings and practical application.
- Facilitate consistency and coordinate agency level needs and impact assessments and thereafter report on actions to correct policies and practices which have been found to have a negative impact on Indigenous and ethnic minority groups
- The adoption of an outcomes-based monitoring measure for substantive equality will be addressed to ensure that the actions pursued have addressed the systemic issue.

Specific agencies with similar charters such as Police and Corrective Services will form a group or cluster of high priority agencies so that resources are maximized and agencies with similar interests can pursue substantive equality within a public policy process that is streamlined. Remaining departments will be accommodated according to a priority rating provided to them on an annual basis and will be supported through the provision of specialist training to undertake needs and impact assessments on services to the public.

Self assessment tools for agencies have been developed and will be further tailored for specific agencies so that they can report on their outcomes in their annual reports and thereafter report on actions to address systemic discrimination.

Economic and social trends

The Commission is cognisant of the advantage of technological advances and is currently undertaking a major review of its online services. This will include the provision for submission of complaints online, improved accessibility to the content and possible use of interactive online environments such as Facebook and Twitter.

The recent survey of community attitudes also showed a trend away from information being gained through newspapers. The survey indicated that people found out about equal opportunity through the broadcast media of radio and television, and at work.

Changes in written law

There were no changes in any written law that affected the Commission during the financial year.

Likely developments and forecast results of operations

A private member's bill currently before Parliament may result in a new ground 'breastfeeding' being introduced. This may result in additional complaints being received by the Commission.

Disclosure and legal compliance

Financial Statements

Commissioner for Equal Opportunity
Certification of Financial Statements for the Year Ended 30 June 2009

The accompanying financial statements of the Equal Opportunity Commission have been prepared in compliance with the provision of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2009 and the financial position as at 30 June 2009.

At the date of signing we are not aware of any circumstances which would render any particulars included in the financial statements misleading or inaccurate.

Chief Finance Officer

14th September 2009

Accountable Officer

14th September 2009



Auditor General

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

COMMISSIONER FOR EQUAL OPPORTUNITY FINANCIAL STATEMENTS AND KEY PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2009

I have audited the accounts, financial statements, controls and key performance indicators of the Commissioner for Equal Opportunity.

The financial statements comprise the Balance Sheet as at 30 June 2009, and the Income Statement, Statement of Changes in Equity, Cash Flow Statement, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, a summary of significant accounting policies and other explanatory Notes.

The key performance indicators consist of key indicators of effectiveness and efficiency.

Commissioner's Responsibility for the Financial Statements and Key Performance Indicators

The Commissioner is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions, and the key performance indicators. This responsibility includes establishing and maintaining internal controls relevant to the preparation and fair presentation of the financial statements and key performance indicators that are free from material misstatement, whether due to fraud or error; selecting and applying appropriate accounting policies; making accounting estimates that are reasonable in the circumstances; and complying with the Financial Management Act 2006 and other relevant written law.

Summary of my Role

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements, controls and key performance indicators based on my audit. This was done by testing selected samples of the audit evidence. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my audit opinion. Further information on my audit approach is provided in my audit practice statement. Refer www.audit.wa.gov.au/pubs/AuditPracStatement_Feb09.pdf.

An audit does not guarantee that every amount and disclosure in the financial statements and key performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and key performance indicators.

Commissioner for Equal Opportunity Financial Statements and Key Performance Indicators for the year ended 30 June 2009

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Commissioner for Equal Opportunity at 30 June 2009 and its financial performance and cash flows for the year ended on that date. They are in accordance with Australian Accounting Standards (including the Australian Accounting Interpretations) and the Treasurer's Instructions;
- (ii) the controls exercised by the Commissioner provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key performance indicators of the Commissioner are relevant and appropriate to help users assess the Commissioner's performance and fairly represent the indicated performance for the year ended 30 June 2009.

COLIN MURPHY
AUDITOR GENERAL
21 September 2009

Commissioner for Equal Opportunity
Income Statement
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
COST OF SERVICES			
<i>Expenses</i>			
Employee benefits expense	6	2,904,846	2,492,721
Supplies and services	7	932,029	763,143
Depreciation and amortisation	8	42,202	7,387
Accommodation expenses	9	459,455	303,948
Other expenses	10	7,482	30,379
Loss on disposal of non-current assets	14	9,738	-
Total cost of services		4,355,752	3,597,578
Income			
Revenue			
User charges and fees	11	185,980	223,399
Commonwealth grants and contributions	12	36,657	12,500
Other revenue	13	400,023	393,770
Total income other than income from State Government		624,660	629,669

Commissioner for Equal Opportunity
Income Statement
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
NET COST OF SERVICES		3,731,092	2,967,909
INCOME FROM STATE GOVERNMENT	15		
Service appropriations		3,135,000	2,961,000
Resources received free of charge		99,047	99,944
Total income from State Government		3,234,047	3,060,944
SURPLUS/(DEFICIT) FOR THE PERIOD		(497,045)	93,035

The Income Statement should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity
Balance Sheet
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
ASSETS			
Current Assets			
Cash and cash equivalents	25	160,331	365,309
Receivables	17	164,526	307,935
Amounts receivable for services	18	30,000	78,000
Other current assets	19	11,922	12,067
Total Current Assets		366,779	763,311
Non-Current Assets			
Restricted cash and cash equivalents	16	32,000	22,000
Amounts receivables for services	18	95,000	-
Plant and equipment	20	304,699	304,629
Total Non-Current Assets		431,699	326,629
TOTAL ASSETS		798,478	1,089,940
LIABILITIES			
Current Liabilities			
Payable	22	280,852	131,130
Provisions	23	334,759	273,058
Total Current Liabilities		615,611	404,188

Commissioner for Equal Opportunity
Balance Sheet
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
Non-Current Liabilities			
Provisions	23	151,913	213,751
Total Non-Current Liabilities		151,913	213,751
TOTAL LIABILITIES		767,524	617,939
NET ASSETS		30,954	472,001
EQUITY			
Contributed equity	24	440,000	384,000
Accumulated surplus/(deficiency)		(409,046)	87,999
TOTAL EQUITY		30,964	471,999

The Balance Sheet should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity
Statement of Changes in Equity
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
Balance of equity at start of period		471,999	398,660
CONTRIBUTED EQUITY	24		
Balance at start of period		384,000	313,000
Capital contribution		56,000	71,000
Balance at the end of period		440,000	384,000
ACCUMULATED SURPLUS/(DEFICIT)	24		
Balance at start of period		87,999	85,660
Change in accounting policy (b)		-	(90,696)
Restated balance at start of period		87,999	(5,036)
Surplus/(deficit) for the period		(497,045)	93,035
Balance at the end of period		(409,046)	87,999
Balance of equity at the end of period		30,954	471,999
Total income and expense for the period	(a)	(497,045)	93,035

(a) The aggregate net amount attributable to each category of equity is: deficit \$497,045 (2008: surplus \$93,035)

(b) The asset capitalisation threshold was increased from \$1,000 to \$5,000 on 1 July 2008

The Statement of Changes in Equity should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity
Cash Flow Statement
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		3,052,000	2,882,000
Capital contribution		56,000	71,000
Holding account drawdowns		36,000	38,000
Net cash provided by State Government		3,144,000	2,991,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(2,901,561)	(2,304,439)
Supplies and services		(1,142,470)	(1,208,860)
GST payments on purchases		(152,706)	(180,001)
Receipts			
Receipts from services		774,299	407,887
GST receipts on sales		60,449	67,145
GST receipts from taxation authority		75,021	124,000
Net cash provided by/(used in) operating activities	25	(3,286,968)	(3,094,268)

Commissioner for Equal Opportunity
Cash Flow Statement
for the year ended 30 June 2009

	Note	2009 \$	2008 \$
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets			
Purchase on non-current physical assets		(52,010)	(251,864)
Net cash provided by/(used in) investing activities		(52,010)	(251,864)
Net increase/(decrease) in cash and cash equivalents		(194,978)	(355,132)
Cash and cash equivalents at the beginning of period		387,309	742,441
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	25	192,331	387,309

The Cash Flow Statement should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity
Summary of Consolidated Account Appropriations and Income Estimates
for the year ended 30 June 2009

	2009 Estimate \$	2009 Actual \$	Variance \$	2009 Actual \$	2008 Actual \$	Variance \$
DELIVERY OF SERVICES						
Item 64 Net amount appropriated to deliver services	2,864,000	2,926,000	2,864,000	2,926,000	2,762,000	164,000
Amount Authorised by Other Statutes						
-Salaries and Allowance Act 1975	207,000	209,000	207,000	209,000	199,000	10,000
Total appropriations provided to deliver services	3,071,000	3,135,000	64,000	3,135,000	2,961,000	174,000
CAPITAL						
Item 148 Capital Contribution	56,000	56,000	-	56,000	71,000	(15,000)
GRAND TOTAL OF APPROPRIATIONS	3,127,000	3,191,000	64,000	3,191,000	3,032,000	159,000

Commissioner for Equal Opportunity
Summary of Consolidated Account Appropriations and Income Estimates
for the year ended 30 June 2009

	2009 Estimate \$	2009 Actual \$	Variance \$	2009 Actual \$	2008 Actual \$	Variance \$
Details of Expenses by Service						
Provision of Information	2,090,000	2,538,705	444,705	2,538,705	2,118,895	419,810
Avenue of Redress	1,442,000	1,817,047	375,047	1,817,047	1,478,684	338,363
Total Cost of Service	3,532,000	4,355,752	823,752	4,355,752	3,597,579	758,173
Less total income other than income for State	(460,000)	(624,660)	(164,660)	(624,660)	(629,669)	5,009
Net Cost of Service	3,072,000	3,731,092	659,092	3,731,092	2,967,910	763,182
Adjustments (a)	(1,000)	(596,092)	(595,092)	(596,092)	(6,910)	589,182
Total appropriations provided to delivers services	3,071,000	3,135,000	64,000	3,135,000	2,961,000	174,000
Purchase of non-current physical assets (b)	92,000	52,010	(39,990)	52,010	251,867	(199,857)
Adjustment for other funding sources	(36,000)	3,990	39,990	3,990	(180,867)	184,857
Capital Contribution (appropriation)	53,000	56,000	-	56,000	71,000	(15,000)

(a) Adjustments are related to movements in cash balances and accrual items such as receivables, payables and superannuation

(b) Comparative amounts for 2008 reflect the change in capitalisation threshold from \$1,000 to \$5,000

Note 27 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2009 and between the actual results for 2008 and 2009.

Commissioner for Equal Opportunity
Schedule of Income and Expenses by Service
for the year ended 30 June 2009

	Provisions of Information		Avenue of Redress		TOTAL	
	2009 \$	2008 \$	2009 \$	2008 \$	2009 \$	2008 \$
COST OF EXPENSES						
Expenses						
Employee benefits expense	1,729,545	1,502,724	1,175,301	989,997	2,904,846	2,492,721
Supplies and services	519,785	425,599	412,244	337,544	932,029	763,143
Depreciation expense	23,536	4,120	18,666	3,267	42,202	7,387
Accommodation expenses	256,235	169,509	203,220	134,439	459,455	303,948
Finance Costs						
Loss on disposal of non-current assets	5,431	-	4,307	-	9,738	-
Other expenses	4,173	16,942	3,309	13,437	7,482	30,379
Total cost of services	2,538,705	2,118,894	1,817,047	1,478,684	4,355,752	3,597,578
Income						
User charges and fees	185,980	223,399	-	-	185,980	223,399
Commonwealth grants and contributions	26,480	8,562	12,177	3,938	38,657	12,500
Other revenue	-	-	400,023	393,770	400,023	393,770
Total income other than income from State Government	212,460	231,961	412,200	397,708	624,660	629,669
NET COST OF SERVICES	2,326,245	1,886,933	1,404,847	1,080,976	3,731,092	2,967,909

Commissioner for Equal Opportunity
Schedule of Income and Expenses by Service
for the year ended 30 June 2009

	Provisions of Information		Avenue of Redress		TOTAL	
	2009 \$	2008 \$	2009 \$	2008 \$	2009 \$	2008 \$
INCOME FROM STATE GOVERNMENT						
Service appropriation	1,661,550	1,569,330	1,473,450	1,391,670	3,135,000	2,961,000
Resources received free of charge	59,710	60,251	39,337	39,693	99,047	99,944
Total income from State Government	1,721,260	1,629,581	1,512,787	1,431,363	3,234,047	3,060,944
Surplus/(deficit) for the period	(604,985)	(257,352)	107,940	350,387	(497,045)	93,035

The Schedule of Income and Expenses by Service should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity
Schedule of Assets and Liabilities by Service
for the year ended 30 June 2009

	Provisions of Information		Avenue of Redress		TOTAL	
	2009 \$	2008 \$	2009 \$	2008 \$	2009 \$	2008 \$
ASSETS						
Current assets	193,540	405,074	173,239	358,237	366,779	763,311
Non-Current assets	234,127	182,161	193,572	144,468	431,699	326,629
Total assets	431,667	587,235	366,811	502,705	798,478	1,089,940
LIABILITIES						
Current liabilities	356,580	238,657	258,761	165,531	615,611	404,188
Non-Current liabilities	90,449	128,849	61,464	84,902	151,913	213,751
Total liabilities	447,299	367,506	320,225	250,433	767,524	617,939
NET ASSETS	(15,632)	219,729	46,586	252,272	30,954	472,001

The Schedule of Assets and Liabilities by Service should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

1 Commissioner for Equal Opportunity mission and funding

The mission of the Commissioner for Equal Opportunity (the "Commission for the purpose of these notes) is to ensure that people in the Western Australian community are treated on their merits, free from assumptions based on prejudice or unlawful discrimination.

2 Australian equivalents to International Financial Reporting Standards

General

The Commission's financial statements for the year ended 30 June 2009 have been prepared in accordance with Australian equivalents to International Financial Reporting Standards (AIFRS), which comprise a Framework for the Preparation and Presentation of Financial Statements (the Framework) and Australian Accounting Standards (including the Australian Accounting Interpretations)

In preparing these financial statements the Commission has adopted, where relevant to its operations, new and revised Standards and Interpretations from their operative dates as issued by the Australian Accounting Standards Board (AASB) and formerly the Urgent Issues Group (UIG).

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. No Standards and Interpretation that have been issued or amended but are not yet effective have been early adopted by the Commission for the financial year ended 30 June 2009.

3 Summary of significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with the Australian Accounting

Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary the application, disclosure, format and wording.

The Financial Management Act and the Treasurer's instructions are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board

Where modification is required and has a material or significant financial effect upon the reported results, details of that modification and the resulting financial effect are disclosed to the notes to the financial statements.

(b) Basis of Preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, modified by the revaluation of land, buildings and works of art which have been measured at fair value.

The accounting policies adopted in the preparation of the financial statements have been consistently applied throughout all periods presented unless otherwise stated.

The financial statements are presented in Australian dollars and all values are rounded to the nearest dollar

The judgements that have been made in the process of applying the Commission's accounting policies that have the most significant effect on the amounts recognised in the financial statements are disclosed at note 5 'Judgements made by management in applying accounting policies'.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

The key assumptions made concerning the future, and other key sources of estimation uncertainty at the balance sheet date that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next financial year.

(c) Reporting Entity

The reporting entity comprises the Authority and there are no related bodies.

(d) Contributed Equity

AASB Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities' requires transfers other than as a result of a restructure of administrative arrangements, in the nature of equity contributions to be designated by the Government (the owner) as contributions by owners (at the time of, or prior to, transfer) before such transfers can be recognised as equity contributions. Capital contributions (appropriations) have been designated as contributions by owners by TI 955 'Contributions by Owners Made to Wholly Owned Public Sector Entities' and have been credited directly to Contributed Equity.

Transfer of net assets to/from other agencies, other than as a result of a restructure of administrative arrangements, are designated as contributions by owners where the transfers are non-discretionary and non-reciprocal.

(e) Income

Revenue recognition

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business activities as follows:

Sale of goods

Revenue is recognised from the sale of goods and disposal of other assets when the significant risks and rewards of ownership control transfer to the purchaser and can be measured reliably.

Rendering of services

Revenue is recognised upon delivery of the service to the client or by reference to the stage of completion of the transaction.

Service Appropriations

Service appropriations are recognised as revenues in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited into the Commission's bank account or credited to the holding account held at Treasury.

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Commission. In accordance with the determination specified in the 2008-2009 Budget Statements, the Commission retained \$624,660 in 2009 (2008: \$629,669) from the following:

- proceeds from the provision of Community Education Services
- proceeds from the provision of services to the Indian Ocean Territories

Grants, donations, gifts and other non-reciprocal contributions

Revenue is recognised at fair value when the Commission obtains control over the assets comprising the contributions, usually when cash is received.

Commissioner for Equal Opportunity
Notes to the Financial Statements
 for the year ended 30 June 2009

Other non-reciprocal contributions that are not contributions by owners are recognised at their fair value. Contributions of services are only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

The Commission may receive funding from the Commonwealth for the provision of services for the Indian Ocean Territories.

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(f) Plant and Equipment

Capitalisation/Expensing of assets

Items of plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

All items of plant and equipment are initially recognised at cost. For items of plant and equipment acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

Subsequent measurement

After recognition as an asset, the Commission uses the cost model for the measurement of plant and equipment. All other items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Depreciation

All non-current assets having a limited useful life are systematically depreciated over their estimated useful lives in a manner that reflects the consumption of their future economic benefits.

Depreciation is calculated using the straight line method, using rates which are reviewed annually. Estimated useful lives for each class of depreciable assets are

Computer hardware	4 years
Furniture, fixtures and fittings	10 years
Office equipment	5 years

The estimated useful lives of the classes Computer hardware and Office equipment have been amended from those used in the previous year, to more accurately reflect the estimated useful life of assets within each class. This effect of this change is to increase the depreciation charge in 2008-09 by an amount of \$5,801. It is not possible to quantify the impact in future years, but it is not expected to be significant in view of the relatively low number of assets held by the Commission.

(g) Impairment of Assets

Plant and equipment are tested for any indication of impairment at each balance sheet date. Where there is an indication of impairment, the recoverable amount is estimated. Where the recoverable amount is less than the carrying amount, the asset is considered impaired and is written down to the recoverable amount and an impairment loss is recognised. As the Commission is a not-for-profit entity, unless an asset has been identified as a surplus asset, the recoverable amount is the higher of an asset's fair value less cost to sell and depreciated replacement cost.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

The risk of impairment is generally limited to circumstances where an asset's depreciation is materially understated, where the replacement cost is falling or where there is a significant change in useful life. Each relevant class of asset is reviewed annually to verify that the accumulated depreciation reflects the level of consumption or expiration of asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

(h) Leases

The Commission holds operating leases for buildings and motor vehicles. Lease payments are expensed on a straight line basis over the lease term as this represents the pattern of benefits derived from the leased properties.

(i) Financial Instruments

In addition to cash, The Commission has two categories of financial instrument:

- Loans and receivables; and
- Financial liabilities measured at amortised cost.

These have been disaggregated into the following classes:

Financial Assets

- Cash and cash equivalents
- Restricted cash and cash equivalents
- Receivables
- Amounts receivable for services

Financial Liabilities

- Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value. Subsequent measurement is at amortised cost using the effective interest method.

The fair value of short-term receivables and payables is the transaction cost or the face value because there is no interest rate applicable and subsequent measurement is not required as the effect of discounting is not material.

(j) Cash and Cash Equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

(k) Accrued Salaries

The accrued salaries suspense account (see note 16 'Restricted cash and cash equivalents') consists of amounts paid annually into a suspense account over a period of 10 financial years to largely meet the additional cash outflow in each eleventh year when 27 pay days occur instead of the normal 26. No interest is received on this account.

Accrued salaries (see note 22 'Payables') represent the amount due to staff but unpaid at the end of the financial year, as the pay date for the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its net fair value.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

(l) Amounts Receivable for Services (Holding Account)

The Commission receives appropriation funding on an accrual basis that recognises the full annual cash and non-cash cost of services. The appropriations are paid partly in cash and partly as an asset (Holding Account receivable) that is accessible on the emergence of the cash funding requirement to cover items such as leave entitlements and asset replacement.

(m) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for any uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off against the allowance account. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Commission will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(n) Payables

Payables are recognised when the Commission becomes obliged to make future payments as a result of a purchase of assets or services. The carrying amount is equivalent to fair value, as they are generally settled within 30 days.

(o) Provisions

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of resources embodying economic benefits is probable and a reliable estimate can be made of the amount of the obligation. Provisions are reviewed at each balance sheet date.

Annual Leave and Long Service Leave

The liability for annual and long service leave expected to be settled within 12 months after the balance sheet date is recognised and measured at the undiscounted amounts expected to be paid when the liabilities are settled. Annual and long service leave expected to be settled more than 12 months after the balance sheet date is measured at the present value of amounts expected to be paid when the liabilities are settled. Leave liabilities are in respect of services provided by employees up to the balance sheet date.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions. In addition, the long service leave liability also considers the experience of employee departures and periods of service.

The expected future payments are discounted using market yields at the balance sheet date on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash flows.

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the balance sheet date.

Superannuation

The Government Employees Superannuation Board (GESB) in accordance with legislative requirements administers public sector superannuation requirements in WA.

Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members. The Commission has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by Treasurer.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

Employees commencing employment prior to 16 April 2007 who are not members of either the Pension or the GSS Schemes became non-contributory members of the West State Superannuation (WSS) Scheme. Employees commencing employment on or after 16 April 2007 became members of the GESB Super (GESBS) Scheme. Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to the GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS and the GESBS Scheme.

The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped by the Treasurer for the employer's share.

Provisions – Other

Employment On-Costs

Employment on-costs, including workers' compensation insurance, are not employee benefits and are recognised separately as expenses and liabilities when the employment, to which they relate has occurred. Employment on-costs are included as part of 'Other expenses' and are not included as part of the Commission's 'Employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

(p) Superannuation Expense

The following elements are included in calculating the superannuation expense in the Income Statement:

(a) Defined benefit plans - For 2007-08, the change in the unfunded employer's liability (i.e. current service cost and, actuarial gains and

losses) assumed by the Treasurer in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme (GSS); and

(b) Defined contribution plans - Employer contributions paid to the GSS (concurrent contributions), the West State Superannuation Scheme (WSS), GESB Super Scheme (GESBS).

Defined benefit plans - For 2007-08, the movements (i.e. current service cost and, actuarial gains and losses) in the liabilities in respect of Pension Scheme and the GSS Scheme transfer benefits are recognised as expenses directly in the Income Statement. As these liabilities are assumed by the Treasurer, a revenue titled 'Liabilities assumed by the Treasurer' equivalent to the expense is recognised under Income from State Government in the Income Statement. Commencing in 2008-09, the reporting of annual movements in these notional liabilities has been discontinued and is no longer recognised in the Income Statement.

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided in the current year.

Defined contribution plans - in order to reflect the Department's true cost of services, the Department is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Account.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

The GSS Scheme is a defined benefit scheme for the purpose of employees and whole-of-government reporting. However, apart from the transfer benefit, it is a defined contribution plan for agency purposes because the concurrent contributions (defined contributions) made by the agency to GESB extinguishes the agency's obligations to the related superannuation liability.

(q) Resources Received Free of Charge or for Nominal Cost

Resources received free of charge or for nominal cost that can be reliably measured are recognised as income and as assets or expenses as appropriate, at fair value.

(r) Comparative Figures

Comparative figures are, where appropriate, reclassified to be comparable with the figures presented in the current financial year.

4 Judgements made by management in applying accounting policies

A judgement that has been made in the process of applying accounting policies that has a significant effect on the amounts recognised in the financial statements relates to:

Operating lease commitments:

The Commission has entered into a commercial lease and has determined that the lessor retains all the significant risks and rewards of ownership of the property. Accordingly, the lease has been classified as an operating lease

5 Disclosure of Changes in Account Policy and Estimates

Initial application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards and Australian Accounting Interpretations effective for annual

reporting periods beginning on or after 1 July 2008 that impacted on the Commission:

Review of AAS 27 'Financial Reporting by Local Governments', AAS 29 'Financial Reporting by Government Departments' and AAS 31 'Financial Reporting by Governments'. The AASB has made the following pronouncements from its short term review of AAS 27, AAS 29 and AAS 31:

AASB 1004 'Contributions';
 AASB 1050 'Administered Items';
 AASB 1051 'Land Under Roads';
 AASB 1052 'Disaggregated Disclosures';

AASB 2007-9 'Amendments to Australian Accounting Standards arising from the review of AASs 27, 29 and 31 (AASB 3, AASB 5, AASB 8, AASB 101, AASB 114, AASB 116, AASB 127 & AASB 137);

Interpretation 1038 'Contributions by Owners Made to Wholly-Owned Public Sector Entities'.

The existing requirements in AAS 27, AAS 29 and AAS 31 have been transferred to the above new and revised topic-based Standards and Interpretation. These requirements remain substantively unchanged. The new and revised Standards and Interpretation make some modifications to disclosures and provide additional guidance, otherwise there is no financial impact.

Voluntary changes in Accounting Policy

At the end of March 2009, the Commission rolled into the Department of Treasury and Finance's Shared Services Centre. Prior to the roll-in, the Commission maintained an asset capitalisation threshold of \$1,000. Following the roll in and in accordance with Treasurer's Instruction 1101, the asset capitalisation threshold for the Commission was raised to \$5,000.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

In accordance with the requirements of AASB 108, the Commission has accounted for this change by retrospectively adjusting the opening balance of the accumulated surplus/(deficiency) account for the earliest prior period possible and by adjusting the relevant financial statement comparative amounts disclosed for the prior period presented, as if the new accounting policy had always been applied.

As a result of applying the \$5,000 capitalisation threshold to the Commission's assets as at July 1, 2007 a number of the financial statement line items presented in the 2007/08 comparative financial statements have been changed

Plant and equipment balances as at July 1, 2007 were altered as follows after the capitalisation change:

	June 2007 Balances prior to change in capitalisation policy	June 2007 Balances after change in capitalisation policy
Office equipment and computers		
At cost	258,422	52,244
Accumulated depreciation	(131,893)	(16,411)
	<hr/>	<hr/>
	126,529	35,833
Net Difference \$90,696	<hr/>	<hr/>

Depreciation decreased from \$37,843 to \$7,387 since there were fewer assets subject to the charge.

Supplies and Services increased by \$10,446 after the capitalisation change as a result of more assets being expensed rather than capitalised
 The loss on disposal of non-current assets no longer applies
 The proceeds from the disposal of non-current assets have been re-classified as Other revenue.

It was determined that the earliest practical period that this change in accounting policy could be applied was as at July 1, 2007. The net effect of the change in capitalisation policy was a net decrease in the Plant and equipment asset category of \$90,696 which is reflected in an adjustment to the accumulated surplus/(deficiency) account for this amount (refer Changes in Equity account for disclosure).

Future impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard or Australian Accounting Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. Consequently, the Commission has not applied the following Australian Accounting Standards and Australian Accounting Interpretations that have been issued and which may impact the Commission but are not yet effective. Where applicable, the Commission plans to apply these Standards and Interpretations from their application date:

Title	Operative for reporting periods beginning on/after
AASB 101 'Presentation of Financial Statements (September 2007). This Standard has been revised and will change the structure of the financial statements. These changes will require that owner changes in equity are presented separately from non-owner changes in equity. The Commission does not expect any financial impact when the Standard is first applied.	1 January 2009

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
6 Employee benefits expense		
Wages and salaries(a)	2,348,288	2,049,650
Superannuation – defined contribution plans(b)	215,705	204,756
Long service leave	27,531	149,151
Annual leave	240,713	53,964
Other related leave	72,609	35,200
	2,904,846	2,492,721
<p>(a) Includes the value of the fringe benefit to the employee plus the fringe benefits tax component. (b) Defined contribution plans include West State, Gold State and GESB Super Scheme (contributions paid). (c) Includes a superannuation contribution component.</p> <p>Employment on-costs such as workers' compensation, insurance are included at Note 10 "Other Expenses". The employment on-costs liability is included at Note 23 "Provisions".</p>		
7 Supplies and services		
Communications	26,261	24,388
Consultants and contractors	436,221	426,370
Consumables	84,117	57,378
Materials	224,000	59,712
Travel	48,778	67,444
Other	112,652	127,851
	932,029	763,143

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
8 Depreciation expense		
Office equipment	8,838	4,215
Computer hardware	6,910	-
Furniture, fixtures and fittings	24,454	-
Leasehold improvements	-	3,172
	42,202	7,387
9 Accommodation expenses		
Building rental operating lease expense	459,455	303,948
	459,455	303,948
10 Other expenses		
Doubtful debts expense	3,371	30,203
Other expenses	4,111	176
	7,482	30,379
11 User charges and fees		
Training course fees	164,163	189,751
Other services provided	21,817	33,648
	185,980	223,399

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
12 Commonwealth grants and contributions		
Grant from Commonwealth - Indian Ocean Territories	38,657	12,500
	38,657	12,500
13 Other revenue		
Recoups	108,902	145,899
Other revenue	291,121	247,871
	400,023	393,770
14 Loss on disposal of non-current assets		
<u>Costs of Disposal of Non-Current Assets</u>		
Equipment	9,738	-
<u>Proceeds from Disposal of Non-Current Assets</u>		
Equipment	-	-
	9,738	-
15 Income from State Government		
Appropriation received during the year:		
Service appropriations (a)	3,135,000	2,961,000
	3,135,000	2,961,000

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
Resources received free of charge (b) Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	94,396	96,697
Department of Treasury & Finance		
- notional management fee based on lease payments	4,651	-
Department of Housing & Works		
- notional management fee based on lease payments	-	3,247
	99,047	99,944

- (a) Service appropriations are accrual amounts reflecting the full cost of services delivered. The appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.
- (b) Where assets or services have been received free of charge or for nominal cost, the Commission recognises revenues equivalent to the fair value of the assets and/or the fair value of those services that can be reliably measured and which would have been purchased if they were not donated, and those fair values shall be recognised as assets or expenses, if applicable. Where the contribution of assets or services are in the nature of contributions by owners, the Commission makes an adjustment directly to equity.

16 Restricted cash and cash equivalents

Non-current

Accrued salaries suspense account (a)	32,000	22,000
	32,000	22,000

- (a) Amount held in the suspense account is only to be used for the purpose of meeting the 27th pay in a financial year that occurs every 11 years.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
17 Receivables		
<u>Current</u>		
Receivables	166,660	338,138
GST receivable	6,229	-
Allowance for impairment of receivables	(8,363)	(30,203)
	<u>164,526</u>	<u>307,935</u>
Reconciliation of changes in the allowance for impairment of receivables:		
Balance as start of year	30,203	-
Doubtful debts expense recognised in the income statement	3,371	30,203
Amounts written off during the year	(1,225)	-
Balance at end of year	<u>(23,986)</u>	<u>-</u>
	8,363	30,203

The Department does not hold any collateral as security or other credit enhancements relating to receivables

18 Amounts receivable for services

Current	30,000	78,000
Non-current	95,000	-
	<u>125,000</u>	<u>78,000</u>

This represents the non-cash component of service appropriations. See note 3(l) 'Amounts Receivable for Services (Holding Account)'. It is restricted in that it can only be used for asset replacement or payment of leave liability.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
19 Other current assets		
Prepayments	11,922	12,067
	11,922	12,067
20 Plant and equipment		
<u>Office equipment</u>		
At cost	61,448	49,214
Accumulated depreciation	(12,268)	(8,868)
	49,180	40,346
<u>Furniture fixtures and fittings</u>		
At cost	284,725	260,125
Accumulated depreciation	(37,026)	(10,572)
	247,699	249,553
<u>Computer hardware</u>		
At cost	26,488	26,488
Accumulated depreciation	(18,668)	(11,758)
	7,820	14,730
	304,699	304,629

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

Reconciliations of the carrying amounts of plant and equipment at the beginning and end of the reporting period are set out below.

	Office equipment and computers	Leasehold improvements	Furniture, fixtures and fittings	Computer hardware	Total
2009					
Carrying amount at start of year	40,346	-	249,553	14,730	304,629
Additions	27,410	-	24,600	-	52,010
Disposals	(9,738)	-	-	-	(9,738)
Depreciation	(8,838)	-	(26,454)	(6,910)	(42,202)
Carrying amount at end of period	49,180	-	247,699	7,820	304,699
2008					
Carrying amount at start of year	126,529	24,316	-	-	150,845
Derecognition of assets (change in accounting policy)	(90,969)	-	-	-	(90,969)
Additions	23,458	228,409	-	-	251,867
Depreciation	(4,215)	(3,172)	-	-	(7,387)
Adjustments - asset classes change	(14,730)	(249,553)	249,533	14,730	-
Carrying amount at end of period	40,346	-	249,553	14,730	304,629

During the preparation for roll-in to the Department of Treasury and Finance's Shared Services Centre, the Commission changed its asset classification. Comparative amounts for the prior year have been amended to reflect the new assets classification.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

21 Impairment of assets

There were no indications of impairment to plant and equipment at 30 June 2009.

The Commission held no goodwill or intangible assets with an indefinite useful life during the reporting period and at balance sheet date there were no intangible assets not yet available for use.

All surplus assets at 30 June 2009 have either been classified as assets held for sale or written-off.

	2009 \$	2008 \$
22 Payables		
<u>Current</u>		
Accrued salaries	23,960	20,534
GST payable	-	11,008
Trade payables	256,892	99,588
	280,852	131,130

23 Provisions

<u>Current</u>		
Employee benefits provision		
Annual leave (a)	91,701	110,951
Long service leave (b)	218,844	139,650
	310,545	250,601
Other provisions		
Employment on-costs	24,214	22,457
	334,759	273,058

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
<u>Non-current</u>		
Employee benefits provision		
Annual leave (a)	137,390	197,669
Deferred salary scheme	4,905	-
	142,295	197,669
Other provisions		
Employment on-costs	9,618	16,082
	151,913	213,751

(a) Annual leave liabilities have been classified as current as there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	60,506
More than 12 months after balance sheet date	31,195
	91,701

It is not possible to present comparative information for 2007-08 since the relevant assessments were not undertaken.

(b) Long service leave liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after balance sheet date. Assessments indicate that actual settlement of the liabilities will occur as follows:

Within 12 months of balance sheet date	89,850
More than 12 months after balance sheet date	266,377
	356,227

It is not possible to present comparative information for 2007-08 since the relevant assessments were not undertaken.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

- (c) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including workers' compensation insurance. The provision is the present value of expected future payments. The associated expense is included in note 10 'Other expenses'.

	2009 \$	2008 \$
<hr/>		
Movements in Other Provisions		
Carrying amount at start of period	38,539	65,674
Additional provisions recognised	215	(27,135)
<hr/>		
Carrying amount at end of period	38,784	38,539
<hr/>		

24 Equity

Equity represents the residual interest in the net assets of the Commission. The Government holds the equity interest in the Commission on behalf of the community.

Contributed equity		
Balance at the start of the year	384,000	313,000
Contributions by owners		
Capital contributions	56,000	71,000
<hr/>		
Total contributions by owners	56,000	71,000
<hr/>		
Balance at the end of the year	440,000	384,000
<hr/>		

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
Accumulated surplus(deficit)		
Balance at the start of the year	87,999	85,660
Change in accounting policy	-	(90,969)
Restated balance at the beginning of the year	87,999	(5,036)
Result for the period	(497,045)	93,035
Balance at the end of the year	(409,046)	87,999

25 Notes to the Cash Flow Statement

Reconciliation of cash

Cash at the end of the financial year as shown in the Cash Flow Statement is reconciled to the related items in the Balance Sheet as follows:

Cash and cash equivalents	160,331	365,309
Restricted cash and cash equivalents (see note 16)	32,000	22,000
	192,331	387,309

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
<u>Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities</u>		
Net cost of services	(3,731,092)	(2,967,909)
Non-cash items:		
Depreciation expense	42,202	7,387
Resources received free of charge	99,047	99,944
Net (gain)/loss on sale of plant and equipment	9,738	-
(Increase)/decrease in assets:		
Current receivables	149,639	(219,251)
Other current assets	145	14,094
Increase/(decrease) in liabilities:		
Current payables	160,730	15,568
Current provisions	61,694	(128,124)
Other current liabilities	-	12,788
Revenue received in advance	-	(2,530)
Non-current provisions	(61,838)	62,621
Change in GST receivables/payables	(17,233)	11,145
Net cash provided by/(used in) operating activities	(3,286,968)	(3,094,267)

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

	2009 \$	2008 \$
26 Commitments		
<u>Lease commitments</u>		
Commitments in relation to leases contracted for at the balance sheet date but not recognised as liabilities in the financial statements are payable as follows:		
Within 1 year	426,662	403,366
Later than 1 year and not later than 5 years	(1,987,313)	1,861,881
Later than 5 years	3,839,869	4,176,881
	6,253,844	6,442,128
Representing:		
Non-cancellable operating leases	6,253,844	6,442,128
	6,253,844	6,442,128

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

27 Explanatory Statement

Significant variations between estimates and actual results for income and expense as presented in the financial statement titled 'Summary of Consolidated Account Appropriations and Income Estimates' are shown below. Significant variations are considered to be those greater than 10% or \$20,000.

Significant variances between estimate and actual for 2009

Total appropriation to deliver services

	2009 Estimate \$	2009 Actual \$	Variance \$
Provision of Information	2,090,000	2,538,705	448,705
Avenue of Redress	1,442,000	1,817,047	375,047

Significant variances between actual for 2008 and 2009

Total appropriation to deliver services

	2009 \$	2008 \$	\$
Provision of Information	2,538,705	2,118,894	419,811
Avenue of Redress	1,817,047	1,478,684	338,363

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

The variation relates to the increased costs associated with the implementation and associated back pay for the General Agreement 2008 which came into effect in September 2008. The back pay was effective from February 2008. There were also increased staff costs due to staff on extended leave and additional staff to progress urgent projects across the Commission such as Records Management and Strategic Development to ensure compliance with relevant legislation. As part of the 2007 lease negotiations, there was still a number of minor works projects which were completed during the 2008 year. There were accommodation and car bay rental reviews undertaken during 2008 resulting in unexpected additional costs identified and requested by the Department of Housing. Legal costs were awarded against the Commission resulting from a case presented at the State Administrative Tribunal.

28 Financial Instruments

(a) Financial Risk Management Objectives and Policies

Financial instruments held by the Commission are cash and cash equivalents, receivables and payables. All of the Commission's cash is held in the public bank account (non-interest bearing) apart from restricted cash held in a special purpose account. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

Credit risk

Credit risk arises when there is a possibility of the Commission's receivables defaulting on their contractual obligations resulting in financial loss to the Commission.

The maximum exposure to credit risk at balance sheet date in relation to each class of recognised financial assets is the gross carrying amount of those assets inclusive of any provisions for impairment as shown in the table at Note 28(c) 'Financial Instrument Disclosures' and Note 17 'Receivables'

Credit risk associated with the Commission's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government the Commission trades only with recognised, creditworthy third parties. The Commission has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Commission's exposure to bad debts is minimal. At the balance sheet date there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Commission is unable to meet its financial obligations as they fall due. The Commission is exposed to liquidity risk through its trading in the normal course of business.

The Commission has appropriate procedures to manage cash flows including drawdowns of appropriations by monitoring forecast cash flows to ensure that sufficient funds are available to meet its commitments.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Commission's income or value of its holdings of financial instruments.

The Commission does not trade in foreign currency and is not materially exposed to other price risks. The Commission is not exposed to interest rate risk because cash and cash equivalents are non-interest bearing and has no borrowings other than the Treasurer's advance (non-interest bearing).

(b) Categories of Financial Instruments

In addition to cash and bank overdraft, the carrying amounts of each of the following categories of financial assets and financial liabilities at the balance sheet date are as follows

	2009	2008
	\$	\$
Financial Assets		
Cash and cash equivalents	160,331	365,309
Restricted cash and cash equivalents	32,000	22,000
Loans and receivables(a)	283,297	385,935
Financial Liabilities		
Financial liabilities measured at amortised cost	256,892	99,588

(a) The amount of loans and receivables excludes GST recoverable from the ATO (statutory receivable).

Commissioner for Equal Opportunity
Notes to the Financial Statements
 for the year ended 30 June 2009

(c) Financial Instrument Disclosures

Credit Risk and Interest Rate Risk Exposures

The following tables disclose the Commission's maximum exposure to credit risk, interest rate exposures and the ageing analysis of financial assets. The Commission's maximum exposure to credit risk at the balance sheet date is the carrying amount of financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Commission.

The Commission does not hold any collateral as security or other credit enhancements relating to the financial assets it holds.

The Commission does not hold any financial assets that had to have their terms renegotiated that would have otherwise resulted in them being past due or impaired.

Interest rate exposures and ageing analysis of financial assets

	Weighted Average Effective Interest Rate %	<u>Interest rate exposure</u>				<u>Past due but not impaired</u>						Impaired financial assets \$	
		Carrying Amount \$	Variable Interest Rate \$	Non- Interest Bearing \$	Up to 3 months \$	3-12 months \$	1-2 years \$	2-3 years \$	3-4 years \$	4-5 years \$	More than 5 years \$		
Financial Assets 2009													
Cash and cash equivalent assets		160,331		160,331									
Restricted cash and cash equivalent assets		32,000		32,000									
Receivables		158,297		158,297	41,403	8,541	3,883						
Amounts receivable for services		125,000		125,000									
		475,628		475,628	41,403	8,541	3,883	-	-	-	-	-	-

Commissioner for Equal Opportunity
Notes to the Financial Statements
 for the year ended 30 June 2009

	<u>Interest rate exposure</u>					<u>Past due but not impaired</u>					<u>Impaired financial assets</u>	
	<u>Weighted Average Effective Interest Rate</u>	<u>Carrying Amount</u>	<u>Variable Interest Rate</u>	<u>Non-Interest Bearing</u>	<u>Up to 3 months</u>	<u>3-12 months</u>	<u>1-2 years</u>	<u>2-3 years</u>	<u>3-4 years</u>	<u>4-5 years</u>		<u>More than 5 years</u>
	%	\$	\$	\$	\$	\$	\$	\$	\$	\$		\$
Financial Assets 2008												
Cash and cash equivalent assets		363,509		365,309								
Restricted cash and cash equivalent assets		22,000		22,000								
Receivables		307,935		307,935	19,060	9,082						
Amounts receivable for services		78,000		78,000								
		773,244		773,244	19,060	9,082	-	-	-	-	-	-

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The contractual maturity amounts are representative of the undiscounted amounts at the balance sheet date. The table includes interest and principal cash flows. An adjustment for discounting has been made where material.

Commissioner for Equal Opportunity
Notes to the Financial Statements
 for the year ended 30 June 2009

Interest rate exposures and maturity analysis of financial liabilities

	<u>Interest rate exposure</u>						<u>Maturity dates</u>						
	Weighted Average Effective Interest Rate	Carrying Amount	Variable Interest Rate	Non- Interest Bearing	Adjustment for discounting	Total Nominal Account	Up to 3 months	3-12 months	1-2 years	2-3 years	3-4 years	4-5 years	More than 5 years
	%	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
Financial Liabilities 2009													
Payables		256,892		256,892			252,146	4,746					
		256,892	-	256,892	-	-	252,146	4,746	-	-	-	-	-
Financial Liabilities 2008													
Payables		99,588		99,588			96,990	2,598					
		99,588	-	99,588	-	-	96,990	2,598	-	-	-	-	-

Interest rate sensitivity analysis

None of the Commission's financial assets and liabilities at the balance sheet date are sensitive to movements in interest rates. In that case movements in interest rates have no impact on the surplus for the period and equity.

Fair Values

All financial assets and liabilities recognised in the balance sheet, whether they are carried at cost or fair value, are recognised at amounts that represent a reasonable approximation of fair value unless otherwise stated in the applicable notes.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

29 Remuneration of Senior Officers

Remuneration

The number of senior officers, whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands, are:

\$	2009	2008
30,001 - 40,000	1	-
70,001 - 80,000	1	-
90,001 - 100,000	1	1
100,001 - 110,000	1	-
110,001 - 120,000	2	1
120,001 - 130,001	-	3
140,001 - 150,000	1	-
220,001 - 230,001	1	1
Total remuneration of senior officers:	\$910,659	\$804,813

The total remuneration includes the superannuation expense incurred by the Commission in respect of senior officers.

No senior officers are members of the Pension Scheme.

Commissioner for Equal Opportunity
Notes to the Financial Statements
for the year ended 30 June 2009

30 Remuneration of Auditor

The number of senior officers, whose total of fees, salaries, superannuation, non-monetary benefits and other benefits for the financial year fall within the following bands, are:

	2009	2008
Auditing the accounts, financial statements and performance indicators	\$20,800	\$18,500

The expense is included in note 7 'Supplies and Services'.

31 Commonwealth Grant - Indian Ocean Territories

Balance at start of period	(9,735)	(94)
Receipts		
Commonwealth grants	38,658	12,500
Payments		
Operating costs	(28,923)	(22,141)
	-	(9,735)

Performance Indicators

Commissioner for Equal Opportunity

Certification of Performance Indicators for the Year Ended 30 June 2009

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Equal Opportunity Commissioner's performance and fairly represent the performance of the Equal Opportunity Commission for the financial year ended 30 June 2009.

Yvonne Henderson
Commissioner

September 14, 2009

Detailed information in support of key performance indicators

The Commissioner for Equal Opportunity provides information on equal opportunity and human rights issues as well as avenues of redress to individuals who experience unlawful discrimination.

Government Goal	Desired Outcome	Service
<p>Outcomes Based Service Delivery</p> <p>Greater focus on achieving results in key service delivery areas for the benefit of all Western Australians.</p>	<p>The people of Western Australia are provided with information and advice about equal opportunity and human rights issues and have accessible avenues of redress under relevant legislation</p>	<p>3. Provision of information and advice regarding equal opportunity and human rights</p> <p>4. Avenue of redress for unlawful discrimination and unreasonable</p>

The Commission’s effectiveness indicators demonstrate the extent to which the Commissioner for Equal Opportunity:

- ☞ raises awareness of the *Equal Opportunity Act 1984 (The Act)* within the Western Australian community and promotes equality of opportunity; and
- ☞ provides redress in respect to unlawful discrimination under relevant legislation.

The efficiency indicators measure the cost of providing these services.

Key Effectiveness Indicators relating to desired outcome

The people of Western Australia are provided with information and advice about equal opportunity and human rights issues and have accessible avenues of redress under relevant legislation.

Information and education

The effectiveness of the Commission’s information and education program is measured using indicators of community awareness, and client feedback.

Key effectiveness indicators

1. Community awareness of The Act and belief it is of benefit.
2. Employer respondents who have revised their policies and/or implemented equal opportunity programs.
3. Participants who would recommend the Commission’s training courses to others.
4. Participants of Commission training courses who stated that they would be able to use what they have learnt at work or their daily life.

1. Community awareness of The Act and belief it is of benefit.

The extent to which the Western Australian community is aware of equality of opportunity, and recognises and accepts the *Act* is assessed by conducting a community-wide survey every three years to ascertain community attitudes to equal opportunity.

Indicator 1 is assessed by combining the results of the questions relating to community awareness of the Equal Opportunity Act 1984 and belief by respondents in the benefit of having such legislation.

Table 1
 Awareness of the *Equal Opportunity Act*
 2003-2009¹

	2003	2006	2009 Target	2009 Actual
	%	%	%	%
Community awareness of the Act and belief it is of benefit	82.6	84.3	79	81.4

Background and details of survey of community awareness

In June 2009, Patterson Market Research undertook a Survey of Community Awareness across Western Australia to assess public levels of awareness and views of the Act and its provisions, as well as levels of community concern for equal opportunity and human rights issues.

This survey is now in its fifth wave, previously conducted in 1997, 2000, 2003 and 2006.

Results of the surveys 2003 – 2009 are shown in Table 2 below.

The survey methodology comprised a telephone survey of a random sample of the adult population. In total 402 respondents were interviewed, with 300 from the Perth metro area and 102 from country WA. The resultant survey error for WA overall is ±4.9% at the 95% confidence level. Post data collection, the data was weighted according to the latest census data available from the Australian Bureau of Statistics (ABS).

¹ This table has been included in this financial year to reflect the information in the Budget Papers 09-10 and amended to clearly show that the Survey of Community Awareness is conducted triennially. The results combine the answers to two questions in the Survey: Have you heard of the Equal Opportunity Act, and Do you think it is of any benefit to have a law that deals with discrimination? Budget Estimates have reported on the questions: Are you concerned about human rights and equal opportunity, and do you think it is of benefit to have a law that deals with discrimination?

The response rate of 17% is calculated as the number of interviews as a proportion of the calls made. A total of 2343 calls were made. In its final report PMR stated “The response rate of 17% is typical of research programmes of this nature. PMR often finds response rates as low as 11% in general population quota controlled random dial surveys. Yet provided the sample profile is carefully managed and weighted, it appears that the low response rates do not affect the accuracy or reliability of results.”

The table shows the results for the whole of Western Australia, as well as the Perth metropolitan region.

The survey conducted in 2009 found that 73.8% of the Western Australian community has heard of the *Equal Opportunity Act 1984*. Awareness of the Act has gradually increased since 1997 (71%) when the survey was first conducted, with a sharp increase in 2003 following the introduction of amendments to the Act to make unlawful discrimination on the ground of sexual orientation which attracted extensive media attention.

The awareness of the Act is slightly lower in non-metropolitan Perth – 66%; and lower in those born overseas – 64% compared with 78% of those born in Australia.

Table 2
Community survey of public awareness, recognition and acceptance of the Equal Opportunity Act 1984 2003-2009

Proportion of the public:	2003 May Survey		2006 November Survey		2009 June Survey	
	Perth %	Whole of WA %	Perth %	Whole of WA %	Perth %	Whole of WA %
Who had heard of the Act	84.1	82.2	77.5	76.8	76.7	73.8
Of those who had heard of the Act, who recognised one or more grounds of discrimination ²	100	100	99.6	99.1	100	100
Who believed that people are generally very or quite concerned about equal opportunity issues	57.7	56.2	43.1	46.1	48.4	47.5
Who were generally very or quite concerned about equal opportunity issues	71.4	70.5	64.7	63.4	63.6	62.6
Who believe that it is of benefit to have an Act that deals with discrimination	93.4	93.0	93.8	91.7	89.2	89.0

2. Employer respondents who have revised their policies and/or implemented equal opportunity programs

Of the complaints received by the Commission, more than three quarters relate to work or employment. In 2008/09 75.7% of these complaints were employment related. Increasing the rate of awareness and acceptance of equal opportunity issues in the workplace continues to be a major focus of the Commission.

In the last year the proportion of employer respondents to complaints who revised their policies and/or implemented equal opportunity programs as an outcome of their conciliated complaints has increased from the previous year, as shown in Table 3 below.

Table 3
Employer's acceptance of *The Act* 2005/09 to 2008/09

Employer respondents	2005/06 %	2006/07 %	2007/08 %	2008/09 Target %	2008/09 Actual %
Employer respondents who have revised their policies and/or implemented equal opportunity programs	18.6	23.1	19.6	20	22.9

² This question was asked only of those who responded 'yes' to the previous question 'have you heard of the Act?' and was incorrectly reported in the 2003 and 2006 surveys.

3. Participants who would recommend the Commission's training courses to others.

Employee's acceptance of the *Act* and equal opportunity is assessed by the extent to which participants who attended training courses state they would recommend the Commission's training to others.

Table 4 below shows the feedback participants provide in post-training evaluation questionnaires. There has been a consistently high level of recognition of the value of the training, which confirms the continuing effectiveness of the Commission's training programs, which are continuously reviewed in the light of participant feedback.

The total number of participants who attended training in 2008/09 was 2209. Of these, 1775 or 80.3% completed evaluations.

4. Participants who stated that they would be able to use what they have learnt at work or their daily life.

The post-training evaluation also asks participants in training courses whether they would be able to utilise what they had learnt at their work or in their daily life. Almost all participants have indicated that not only would they recommend the courses, but that they have found them useful in their own work and lives. See Table 4 below.

The total number of participants who attended training in 2008/09 was 2209. Of these, 1775 or 80.3% completed evaluations.

Table 4
Employee's acceptance of *The Act*
2005/09 to 2008/09

Employer respondents	2005/06 %	2006/07 %	2007/08 %	2008/09 Target %	2008/09 Actual %
Participants who would recommend the Commission's training courses.	96.7	97.0	95.4	97	95.1
Participants who stated that they would be able to use what they have learnt at work or their daily life.	98.0	98.1	97.8	98	96.7

Avenues of redress for unlawful discrimination

Key effectiveness indicators

1. Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination.
2. Proportion of closed complaints conciliated.
3. Proportion of closed complaints referred to the State Administrative Tribunal.
4. Settlement rate of cases referred to the State Administrative Tribunal.

The extent to which complaints are conciliated indicates the degree to which the complaint handling model is an effective means of resolving complaints of unlawful discrimination. During 2008/09 the Commission handled 879 complaints, of which 612 were closed. Table 6 below shows the proportion of complaints which are conciliated or referred. The outcomes of cases not resolved by conciliation or referral are detailed in Table 7.

1. Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination.

A survey is conducted of complainants and respondents to complaints in order to seek their views of the way their complaint was handled. Table 5 shows the proportion of complainants and respondents who believed that that The Act is a good way to resolve acts of discrimination. Surveys were sent to 185 complainants and respondents and 87 responses were received giving a 47.0% response rate.

Table 5
Effectiveness of conciliation as means of redress
2005/06 to 2008/09

	2005/06 %	2006/07 %	2007/08 %	2008/09 Target %	2008/09 Actual %
Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination	69.6	68.4	64.2	75	70.1

2. Proportion of closed complaints conciliated

A complaint is conciliated when the parties agree on a range of outcomes, which can include monetary compensation, apologies, employment references, education and training. For more details about outcomes, see Report on Operations: Conciliation. Of the 612 complaints closed in this year, 231 or 37.7% were conciliated. This continues the upward trend evident in the 5 years since 2004/05 when 31.7% of complaints were conciliated.

Table 6
Closed complaints which were conciliated
2005/06 to 2008/09

	2005/06	2006/07	2007/08	2008/09 Target	2008/09 Actual
	%	%	%	%	%
Proportion of closed complaints conciliated	32.9	33.4	35.6	37	37.7

3. Proportion of closed complaints referred to the State Administrative Tribunal

Where complaints cannot be conciliated, the Commissioner may, in certain circumstances refer the complaint to the State Administrative Tribunal under S93 of *The Act*. There was little change from the previous year.

Table 7
Closed complaints referred to SAT
2005/06 to 2008/09

	2005/06	2006/07	2007/08	2008/09 Target	2008/09 Actual
	%	%	%	%	%
Proportion of closed complaints referred to the State Administrative Tribunal	29.2	24.8 ³	13.0	15.	12.5

4. Settlement rate of cases referred to the State Administrative Tribunal

Legal assistance is provided by the Commission to complainants whose matters are referred to the SAT by the Commissioner. The effectiveness of this assistance to the complainant is measured by the number of matters which are mediated prior to a court hearing. These are set out in Table 8.

In 2008/09, 52.4% of the 61 matters referred to the State Administrative Tribunal were settled through mediation with the assistance of Commission legal officers. These were then withdrawn under S107 of the Equal Opportunity Act 1984 or s52/54 of the SAT Act and did not proceed to a hearing.

As the number of complaints being conciliated increases, those referred to the SAT have decreased and possibly represent more complex matters which are less amenable to mediated outcomes. This decline could however, reflect the nature of the cases this year.

Table 9 shows details of the outcomes of complaints which are not conciliated or referred to the SAT.

³ From 2006/07 only complaints referred to SAT by the Commissioner under S93 of the Act are included here. Complainants who self referred under S90 were previously included.

Table 8
Settlement rate of cases referred to SAT
2005/06 to 2008/09

	2005/06 %	2006/07 %	2007/08 %	2008/09 Target %	2008/09 Actual %
Settlement rate of cases referred to the State Administrative Tribunal	70.7	79.2	61.9	70	52.4

Table 9
Outcomes of remaining closed complaints
2005/06 to 2008/09

Details of Remaining	2005/06 %	2006/07 %	2007/08 %	2008/09 %
Lapsed	14.1	14.0	16.3	9.6
Dismissed	9.1	11.3	20.3	19.7
Withdrawn	14.7	16.6	14.8	20.2

Service 1

Provision of information and advice regarding equal opportunity and human rights issues.

Key efficiency indicators

1. Average cost of presentations, seminars, workshops
2. Average cost per enquiry
3. Average cost per policy advice and review
4. Average cost per publication

These indicators measure the average cost of delivering presentations and seminars, answering enquiries, providing policy advice, conducting reviews and producing publications. Each initiative or service contributes and enhances the public's awareness and acceptance of equal opportunity.

Table 10 shows the average cost of presentations, enquiries, policy advice and review, and publications.

Presentations remained similar in this year – 264 compared with 269 in the previous reporting period. Costs were affected by the general expenditure increase detailed in Note 27 to the Explanatory Notes to the Financial Statements for 2008-09.

The average cost per enquiry decreased because of an increase in the number of enquiries dealt with from 2103 in 2007/08 to 2269.

Policy Advice and Reviews undertaken declined from 665 in 2007/08 to 411 in 2008/09, due largely to fewer meetings undertaken by the Substantive Equality Unit (down to 197 from 431) in the previous year. This change resulted from a number of factors. The implementation of the Policy Framework for Substantive Equality is progressive. The first two stages of the program involved intensive face-to-face, regular meetings with the 25 participating agencies.

The program has moved to a new phase in which the support provided by the Substantive Equality Unit does not require the same level of meetings, but more focussed on research, and providing information and back-up in a less formal manner.

The reduction in cost of publications was due to only 3 editions of the *Discrimination Matters* newsletter being published and paid for in the year 2008/09 and some publications were published only online, reducing printing costs.

Table 10
Average cost of information provision
2005/06 to 2008/09

	2005/06 \$	2006/07 \$	2007/08 ⁴ \$	2008/09 Budget \$	2008/09 Actual \$
Average cost per presentation/seminar/workshop	2,025.00	1,690.90	2704	2,749	3,340
Average cost per enquiry	105.00	130.13	196	204	185
Average cost per policy advice and review	1,056.00	956.42	1132	1,270	2,226
Average cost per publication	7,279.00	1,026.21	8683	11,034	9,715

Service 2

Avenues of redress for unlawful discrimination and unreasonable treatment

Key effectiveness indicators

1. Average cost per complaint
2. Average cost per case referred by Commissioner to SAT

These indicators, set out in Table 11, measure the average cost of resolving complaints and the average cost of cases referred to the Tribunal. Table 11 provides details of the average cost per complaint handled and the average cost per case referred by the Commissioner to the Tribunal.

The average cost of cases referred to the Tribunal has exceeded the estimate for complaints handled due to a decline in number of matters during this year. Complaints handled decreased from 920 to 879. Costs were also affected by the general expenditure detailed in Note 27 to the Explanatory Notes to the Financial Statements for 2008-09.

⁴ 2007/08 average costs have been amended to reflect the audited accounts changed in 2008/09

Table 11
Average cost per complaint and per case referred by the
Commissioner to the Tribunal
2005/06 to 2008/09

	2005/06 \$	2006/07 \$	2007/08 ⁵ \$	2008/09 Budget \$	2008/09 Actual ⁶ \$
Average cost per complaint	1,364.00	1,257.74	1,235	972	1574
Average cost per case referred to the Tribunal by the Commissioner	3,177.00	3,934.63	4,305	3,442	5224

⁵ 2007/08 average costs have been amended to reflect the audited accounts changed in 2008/09

⁶ Please refer to Note 27 of Explanatory Notes to Statements for general expenditure increase affecting all average costs

Other financial disclosures

Major capital projects

No capital projects were completed during 2008/09.

Employment and industrial relations

Staff Profile

Employee Category	Number of Staff as at 30 June	
	2007/2008	2008/2009
Full-time permanent		17.00
Full-time contract		3.00
Part-time permanent (measured on FTE basis)		7.35
Part-time contract basis (measured on FTE basis)		0.00
TOTAL		27.35
Employees seconded out (not included in FTE's above)		0
Employees seconded in (not included in FTE's above)		3 staff not on Oracle payroll FTE unknown *

Staff Development

The Commission has a commitment to the development of its employees. Our strategies are to build a highly skilled, professional and fair workforce with the ability to adapt to changing business technology and the environment.

During the financial year, our employees received external training for Grievance Officers, Ethics and Accountability, upgrade to Microsoft 2007 applications, and Conciliation Officers and legal officers participated in professional development programs.

In-house training was conducted for all staff during the roll-in to the Office of Shared Services.

Workers' Compensation

Two compensation claims of a minor nature were recorded during the financial year.

Compliance with *Public Sector Management Act* Section 31(1)

1. In the administration of the Equal Opportunity Commission, I have complied with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and our Code of Conduct.
2. I have put in place procedures designed to ensure such compliance and conducted appropriate internal assessments to satisfy myself that the statement made in 1. is correct.
3. The applications made for breach of standards review and the corresponding outcomes for the reporting period are:

Number lodged	nil
Number of breaches found	nil
including details of multiple breaches	nil
Number still under review	nil

Yvonne Henderson
COMMISSIONER FOR EQUAL OPPORTUNITY

14 September 2009

Governance disclosures

Enabling legislation

Equal Opportunity Act 1984

Other legal requirements

Advertising

In accordance with Section 175ZE of the *Electoral Act 1907*, the Commission did not incur any expenditure in the stipulated areas of advertising, market research, polling, direct mail and media advertising.

Disability access and inclusion plan outcomes

The Commission has developed a draft plan in consultation with staff, which has been advertised in accordance with its public consultation strategy. Current initiatives to address each of the six desired outcomes are as follows:

Desired Outcome 1

People with disabilities have the same opportunities as other people to access the services of, and any events organised by, a public authority.

Initiatives in 2008/09:

- ☞ Provision of deaf interpreters at Human Rights Consultation
- ☞ The Commission refers enquirers and complainants to appropriate disability advocacy and support services, where required

Desired Outcome 2

People with disabilities have the same opportunities as other people to access the buildings and other facilities of a public authority.

Initiatives:

Access to EOC public areas is ensured by providing:

- ☞ Doors to public areas are wide enough to allow wheelchair access
- ☞ Wheelchair access to the building and office entrances via lift
- ☞ Audio directions in lifts
- ☞ Accessible toilets are available for public use.
- ☞ Access to EOC office facilities have been modified
- ☞ Renovations to the Reception counter were completed to allow improved access
- ☞ Office doors were modified to ensure adequate visibility of glass, and automatic opening
- ☞ Meeting and conference rooms have been modified to improve lighting and accessibility
- ☞ Continuing upgrade of entrances – self opening doors
- ☞ External venues for EOC events are assessed for disabled access and facilities.

Desired Outcome 3

People with disabilities receive information from a public authority in a format that will enable them to access the information as readily as other people are able to access it.

Initiatives:

- ☞ The EOC website was reviewed and modified to improve access, including larger fonts and text versions of documents.
- ☞ Audio versions of public documents are available on request

☞ TTY service is utilised for clients as required.

☞ Auslan interpreters are engaged for EOC events as required.

Desired Outcome 4

People with disabilities receive the same level and quality of service from the staff of a public authority as other people receive from the staff of that public authority.

Initiatives:

- ☞ EOC is a Companion Card participant.
- ☞ Conciliation officers use the Human Rights and Equal Opportunity Commission's video *Pathways to Resolution* with text to assist people with hearing impairments in the conciliation process.
- ☞ The Commission refers enquirers and complainants to appropriate disability advocacy and support services where required.
- ☞ The EOC uses the video *A Class Divided* in its equal opportunity law training sessions. This video has been captioned to accommodate those who are deaf or hard of hearing.
- ☞ When working with hearing impaired people conciliation officers follow the client's direction regarding their preferred choice or type of interpreter.

Desired Outcome 5

People with disabilities have the same opportunities as other people to make complaints to a public authority.

Initiatives:

- ☞ Complaint information and forms are available in hard copy and on the website.
- ☞ Complaint forms can be completed and submitted electronically as well as in hard copy.
- ☞ Tender has been let for redesign of the Commission’s website, which will include compliance with WC3 standards of access for people with disabilities.

Desired Outcome 6

People with disabilities have the same opportunities as other people to participate in any public consultation by a public authority

Initiatives:

- ☞ In taking submissions for the inquiry into discrimination against indigenous people and people from ethnic minorities, the Commission supported advocacy groups to facilitate consultation

Compliance with public sector standards and ethical codes

Compliance Issues	Significant action taken to monitor and ensure compliance
Public Sector Standards (PSS) Nil breach claims	Information about Standards included on the Equal Opportunity Commission intranet and included in the formal induction process for new employees.
WA Code of Ethics Nil reports of non compliance with WA Code of Ethics	WA Code of Ethics forms part of induction materials and is on the Equal Opportunity intranet.
Agency Code of Conduct Nil reports of non compliance with the Code of Conduct.	The Equal Opportunity Code of Conduct is accessible on the intranet and forms part of the formal induction process. The Code of Conduct was reviewed in 2008/09, in consultation with all staff, has been circulated to all staff and placed on the intranet. The Acceptable Use Policy for E-mail and Internet use is under revision in consultation with all staff. This also forms part of the induction process and is available on the intranet.

Record keeping plans

The Commission has developed a Record Keeping Plan, in accordance with the *State Records Act 2000*. This plan specifies how records are created, managed and maintained over time including the disposal of records.

Questions to be addressed:

- whether the efficiency and effectiveness of the organisation's recordkeeping systems has been evaluated or alternatively when such an evaluation is proposed
- the nature and extent of the recordkeeping training program conducted by or for the organisation
- whether the efficiency and effectiveness of the recordkeeping training program has been reviewed or alternatively when this is planned to be done
- assurance that the organisation's induction program addresses employee roles and responsibilities in regard to their compliance with the organisation's recordkeeping plan.

During the year the Commission has made significant improvements to demonstrate further compliance with the Record Keeping Plan and a commitment to efficient record-keeping practices. The Commission has upgraded to the latest version of TRIM to enable electronic document storage. The electronic module is being piloted by Corporate Services and will be rolled out to staff upon completion. In 2008/09 it is envisaged all correspondence be scanned into TRIM electronically and regular audits be conducted to test the quality of the data being saved into TRIM this information will be evaluated to identify training requirements.

Record-naming conventions have been updated for the creation and registration of documents to reflect the functions performed by divisions within the office. This process will improve in the retention and disposal procedures. It is envisaged that in 2008/09 a review of the Retention and Disposal Schedule will aid in the appraisal of current files held by the office.

All new staff are provided with basic record-keeping induction and provided with instructions on the use of TRIM. However, once the electronic document module is fully operational all staff will receive in-depth training on the use of TRIM.

Ministerial directives

There were no Ministerial directives in the reporting period.

Government policy requirements

Corruption prevention

The Equal Opportunity Commission has adopted a new Code of Conduct in consultation with staff. All staff have a copy of the Code and it is also on the intranet.

All staff attended a course on Accountable and Ethical Decision-making in the WA Public Sector.

Substantive equality

The Equal Opportunity Commission has committed to implementing substantive equality in the two divisional areas of Conciliation Services and Policy and Evaluation.

The first service area selected was the accessibility of the Commission's complaints process, specifically in Kalgoorlie and the Perth metropolitan region.

The service area to be assessed is the Complaints Process and its impact on Indigenous and ethnic minority people.

The needs and impact assessment within the service area of 'assessing the accessibility of the complaints process', was undertaken and a draft report has been submitted to the Commissioner. Finalisation of the report is expected in the new year.

Occupational health and safety and injury management

The Commission has approved election of a second representative to work with the Occupational Safety and Health Committee.

Statement of compliance with the injury management requirements of the *Workers Compensation and Injury management Act 1981*:

A report on annual performance:

Indicator	Actual	Target 2008/09
Number of fatalities		Zero (0)
Lost time injury/diseases (LT/D) incidence rate		Zero or 10% reduction on previous year
Lost time injury severity rate		

Appendix A: Case studies

Conciliated Complaints

A complaint is conciliated when all parties agree on an outcome. Around 37% of complaints closed in 2008/09 were conciliated. See details in Chapter 2 of this report for details of how complaints are handled.

Sexual harassment and racial harassment in employment

The complainant alleged sexual and racial harassment against an individual who was an employee of a hotel. After a conciliation conference the hotel management apologised for what had taken place and agreed to institute equal opportunity training and distribute equal opportunity information to all new and existing staff. The complainant accepted this and said this was the outcome she sought as she did not wish this to happen to anyone else. However she was not satisfied with the response of the individual and decided to continue with her complaint against the individual.

Race discrimination in provision of goods and services

A man of Indian origin, and his wife, were ordering lunch from an outlet of a national fast food chain when the counter assistant was rude to them. The counter assistant pretended she could not understand their English and provided them with a sub-standard level of service compared to other customers. As the couple was having lunch they noticed the counter assistant and one other staff member were shouting at other customers of minority ethnic origin.

Prior to the scheduled conciliation conference the company sent a response to the Commission acknowledging that the service received appeared unsatisfactory and unacceptable. The company outlined five (5) measures it had taken to counsel, monitor and train its staff, including conducting on-going awareness sessions and ensuring all staff at the location understood the company's diversity policy.

The complainant responded to these measures by saying he was satisfied with the corrective actions taken by management to counsel and retrain its staff, and that was all he wanted.

Lapsed Complaints

The Commissioner determines that a complaint lapses when the Commission is not able to make contact with the complainant. This could occur when a complainant loses interest in continuing the complaint, or resolves the complaint independently.

Age, Racial Harassment and Victimisation

An Aboriginal man alleged that he had been discriminated against by his former employer on the grounds of age, racial harassment and victimisation. The man was asked to provide further details as insufficient information was provided to commence an investigation. The man moved interstate and did not maintain contact. All efforts by the Commission to contact him were unsuccessful so the complaint lapsed.

Family status discrimination in the area of employment

A complainant alleged family status discrimination in the area of employment after her employment was terminated when her husband, who worked for the same company, had a disagreement with a manager. The company said it was company policy not to employ married couples or partners - but the complainant cited examples of other couples employed by the company. The complainant advised very close to the scheduled time of a conference, that the time was not suitable and asked that it be rescheduled. Despite numerous attempts via e-mail and telephone to contact the complainant and reschedule the conference the Commissioner eventually lapsed the complaint.

Withdrawn Complaints

Complaints may be withdrawn by the complainant at any stage of the process. Often this is done because the complainant has resolved the issue themselves or otherwise decided to not continue.

Impairment discrimination in the area of employment

An applicant for a construction job disclosed he had a prior workers' compensation claim. He alleged impairment discrimination when he was unsuccessful. The complaint was withdrawn when the employer showed the successful applicant had more experience and better references.

Race, impairment and victimisation

The complainant alleged race and impairment discrimination and victimisation after she was dismissed from her employment. She lodged complaints with the Australian Industrial Relations Commission (AIRC) and the Equal Opportunity Commission (EOC). An AIRC conference was held and the matter resolved in that jurisdiction. Part of settlement was a financial payment and part was that the settlement was in full and final settlement of all other claims. This meant she was required to withdraw her complaint from the EOC jurisdiction.

Sex and family responsibility

A female employee in the retail industry alleged discrimination on the grounds of sex and family responsibility against a labour hire firm as well as the principal employer. She withdrew the family status complaint after the Commission's Conciliation Officer explained the definition of family status and she realised it did not apply to her allegations.

Dismissed Complaints

The Commissioner may dismiss a complaint in a number of circumstances, including where the complaint is misconceived (after

investigation it does not come within the jurisdiction of the *Equal Opportunity Act 1984*), or where the complaint is not substantiated or vexatious.

Sexual harassment discrimination in the area of employment

The complainant alleged sexual harassment in the area of employment against the manager and owner of the hotel she had worked at, prior to being sacked. The matter went to conciliation with the respondents denying any wrong doing. Despite stating she had witnesses to some of the allegations, the complainant was unable to provide any supporting documentation and the matter was unable to be conciliated. The Commissioner dismissed the complaint as lacking in substance.

Age discrimination in the area of employment

A woman in her 50s alleged she had been told that her job applications were unsuccessful because of her age. The complaint was dismissed after the employer demonstrated that it had employed numerous people with ages similar to or older than the complainant. The complainant was unable to provide any corroborating evidence in support of her allegation.

Complaints referred to the State Administrative Tribunal by the Commissioner under S93 of the *Equal Opportunity Act 1984*

When a complaint cannot be conciliated, the Commissioner may, in certain circumstances, refer the matter to the State Administrative Tribunal for determination. The Commissioner may also provide legal assistance to the complainant.

Family responsibility in the area of employment

The complainant was employed to do administrative work by a small company that does training for the mining industry as an administrative person. During the probationary period she was told her services were no longer required. The complainant claims the reason given was that the respondent did not want to be responsible for her not seeing enough of her children. The respondent denied this and stated that the dismissal was rather due to the fact he was disappointed in the complainant's work. The parties came close to negotiating a settlement but could not agree on monetary compensation and the case was referred to the State Administrative Tribunal (SAT).

Pregnancy discrimination in the area of employment

The complainant alleged pregnancy discrimination in the area of employment and claimed her employment was terminated after she became pregnant. The respondent claimed the complainant's employment was terminated because of performance related issues. The complainant said there were no significant incidents relating to her performance that could have led to her being sacked. The matter was unable to be resolved through conciliation and the Commissioner referred the matter to SAT for hearing and determination under S93 of the *Act*.

Race discrimination in the area of accommodation and goods, services and facilities

An Aboriginal man's mother made an enquiry on his behalf about a rental property being managed by the owner. The mother was initially told it was available and to drive past to see whether she was still interested. She rang back to seek to inspect the property but was told it was no longer available

when she told the owner she and her son were Aboriginal. The next day the mother's non-Aboriginal friend rang about the property and was told it was still available. The matter was unable to be resolved through conciliation and the Commissioner referred the matter to SAT for hearing and determination under S93 of the *Act*.

Age discrimination in provision of goods and services

A 59 year old woman alleged that she was discriminated against on the ground of age when applying for a home loan to consolidate her current mortgage and a personal loan. She alleged that the denial of her application was connected to her age and the financial institution's view that she may not be able to service the loan when she retires. The complaint was referred by the Commissioner to the SAT.

Complaints referred to the State Administrative Tribunal by the Commissioner under S90 of the *Equal Opportunity Act 1984*

When a complaint has been dismissed by the Commissioner, the complainant has the right to request that the Commissioner refer the complaint to the State Administrative Tribunal.

Impairment discrimination in the provision of goods, services and facilities

A female complainant with physical and intellectual impairments alleged that she received less favourable treatment in a retail store because of her disabilities. The respondent apologised if the complainant felt that way but stated that she was seeking more favourable treatment and became abusive when this was denied. After an investigation the Commissioner dismissed the complaint as misconceived and the complainant requested that the matter be referred to the SAT.

Race discrimination in the area of employment

An Aboriginal man believed he was denied employment due to his race and further that he was treated less favourably than other applicants as he was not reimbursed for the expenses of having the tests including medical examination. The respondent stated they were unaware the complainant was Aboriginal. He did not get the position as he did not meet the base line in the work-related tests he undertook. The Commissioner dismissed the complaint as unsubstantiated. The complainant requested that the matter be referred to the SAT.

Appendix B: Feedback Form

Equal Opportunity Commission

The Commission is interested in receiving your feedback regarding our 2008/09 Annual Report as we are constantly striving to improve our services. Thank you for taking the time to complete and return this form.

1. In general terms, how would you rate the 2008/09 Annual Report?

Excellent	Good	Average	Fair	Poor
1	2	3	4	5

2. How could we improve our Annual Report?

3. What features or sections in the Annual Report did you like?

4. Any other comments?

5. What is your relationship with the Commission? (Please tick)

- | | |
|--|--|
| <input type="radio"/> Complainant | <input type="radio"/> Advocate |
| <input type="radio"/> Respondent | <input type="radio"/> Legal Firm |
| <input type="radio"/> Training Participant: private Sector | <input type="radio"/> Student |
| <input type="radio"/> Training Participant: public Sector | <input type="radio"/> Newsletter recipient |
| <input type="radio"/> Training Participant: community sector | <input type="radio"/> Website browser |
| <input type="radio"/> Other (please specify) _____ | |

Please return this form:

Post to:
Commissioner for Equal Opportunity
Equal Opportunity Commission
PO Box 7370 Cloisters Square
PERTH WA 6850

Or

Facsimile to: (08) 9216 3960

THANK YOU FOR YOUR FEEDBACK