



# Equal Opportunity Commission



**2010-11  
Annual Report**

# Statement of compliance

For the year ended 30 June 2011

Honourable Christian Porter BA(Hons) BEc LLB(UWA) MSc(Dist) LSE MLA  
Treasurer; Attorney General  
21st Floor, Governor Stirling Tower  
197 St George's Terrace  
PERTH WA 6000

In accordance with section 63 of the *Financial Management Act 2006*, I have pleasure in submitting for your information and presentation to Parliament, the Annual Report of the Equal Opportunity Commission for the year ended 30 June, 2011.

This report has been prepared in accordance with the provisions 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.



Yvonne Henderson  
Commissioner for Equal Opportunity

27 August 2011

# About this report

This report provides an overview of The Equal Opportunity Commission's activities during 2010-11.

The Overview provides a 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 Agency Performance: report on operations section details the Commission's operations including community education and training and handling complaints. This is followed by significant issues affecting the Equal Opportunity Commission. The last section Disclosure and legal compliance covers all financial statements, the performance indicators and governance requirements.

The Appendices include a selection of case studies and a feedback form.

This Report is available from the publication section of the Commission's web page located at [www.eoc.wa.gov.au](http://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 2010-11 Annual Report, please refer to the Feedback Form in Appendix B at the end of this Report or use the feedback facility on the website.

## Equal Opportunity Commission contact details

### Street address

Level 2  
141 St Georges Terrace  
Westralia Square  
PERTH WA 6000

### Postal address

PO Box 7370  
Cloisters Square  
PERTH WA 6850

### Electronic access

Internet: [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au)  
Email: [eoc@eoc.wa.gov.au](mailto:eoc@eoc.wa.gov.au)

### Telephone and facsimile numbers

Telephone: (08) 9216 3900  
Toll Free: 1800 198 149  
TTY Number: (08) 9216 3936  
Facsimile: (08) 9216 3960

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# Overview

## Commissioner's summary



In 2010-11 the Equal Opportunity Commission's work to investigate allegations of discrimination and provide community education and training has been reinforced and supported by our engagement with community, government, non-government and private sector organisations.

This year has been highlighted by finalisation of two major inquiries undertaken by the commission into discrimination in public and private housing. After extensive consultation with the major stakeholders, I am pleased that many of the recommendations made by the Commission have now been adopted, and will result in more equitable access to housing for some of the most vulnerable members of the community.

My staff have handled 922 complaints of discrimination and around 2,900 enquiries; we conducted 209 presentations and training courses, visited and consulted with a wide range of different communities including those on Christmas Island and influenced public policy by making submissions to various government and parliamentary inquiries.

As Commissioner I am requested to address a wide range of community groups each year. It was a great pleasure to meet with the Women's Committee of Engineers Australia. These women are forging a way in one of the few professions which is still dominated by men. Hearing their stories was inspirational.

Another highpoint of the year was the upgrade of [Play by the rules](#), the national online project incorporating comprehensive interactive resources for all of those involved in sporting clubs – players, parents, coaches, officials. This interactive website aims to support all participants in sporting clubs to prevent and deal with discrimination and harassment.



The Commission was also, once again privileged to be able to participate in NAIDOC week celebrations and our staff attended the popular Family Day at Ashfield Reserve in Bassendean. Not only were we able to provide information to Indigenous people from all over Western Australia, but our staff had the opportunity to meet with and learn about the challenges still facing the Indigenous community.

I want to take this opportunity to acknowledge the work of my staff and the support and commitment of all of those who have worked with us throughout the year towards a more equitable and fair community. I look forward to continuing this work in the coming year.

## Our year in review

### Accommodating everyone

Following the release of the report of the Commission's inquiry into discrimination in the private rental market, the Commission worked with stakeholders to introduce a number of reforms aimed at preventing such discrimination, including conveying the report to industry bodies, producing two discrimination brochures about the provision of accommodation, making a written submission to the Inquiry into National Standards for Residential Tenancy Databases, joining the Monitoring Committee on the implementation of the recommendations of the report *Accommodating Everyone* and making a presentation to the Real Estate and Business Agents Supervisory Board in support of compulsory anti-discrimination training for all agents and property managers.

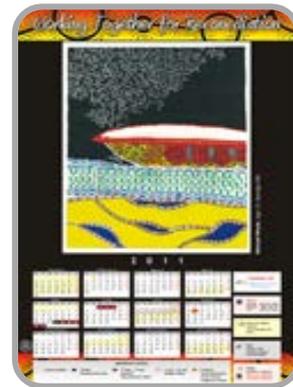
### Substantive equality

The work of the Substantive Equality Unit has focussed on the development of a procedure for assessing major new policies and services, on establishing partnerships to undertake research projects on issues which have been identified of relevance across the public sector, and working towards a comprehensive framework for monitoring progress in the implementation of the Policy Framework for Substantive Equality.

### Narrogin race relations project

The publication of the popular annual Aboriginal calendar took a new turn this year as the artwork was the result of an art competition held at Narrogin Senior High School as part of the Narrogin project.

The winning entry was reproduced on the calendar, while the runners up had their work printed onto three colourful postcards. More details can be found in the Special Projects section of this Annual Report.



### Complaint handling

In 2010-11 638 new complaints were received by the Commission, which is a small decrease from 649 in the previous year. Of the 922 complaints which were handled, 676 were finalised, and of these 27.4% resolved through conciliation. Another 26.5% were withdrawn, in main part due to the resolution of the complaint in a manner satisfactory to the complainant. The Commissioner referred 61 complaints to the State Administrative Tribunal.

## Community education and training

In 2010-11, the intensive focus on rights-based training progressed with 70 sessions being delivered. This marks a significant increase in the delivery of training to disadvantaged individuals and those organisations which work to support them. This year the Commission also commenced new, customised training courses for large private organisations which addressed provision of goods, services and facilities, and customer complaint handling.

Our quarterly newsletter *Discrimination Matters* has highlighted some of the clients of the training program in the series 'EOC Champions' featuring Newtown Toyota, Centacare, the Department of Corrective Services and the Department of Housing.

## International Women's Day

In this 100<sup>th</sup> anniversary of IWD, the Commission's annual breakfast focussed on the issue of body image and its effect on the lives of young women. The three speakers addressed an audience of over 200. Pictured with Commissioner Henderson, are (from Left) Kate O'Hara, Parliamentary Secretary to the Attorney General Michael Mischin, Yvonne Henderson, Elizabeth Reid Boyd & Nicole Nannen.



## Publications and community information

The Commission's new website was launched in August 2010. The user-friendly design has received positive feedback and will continue to be monitored and improved. It features a dedicated portal for Indigenous people, as well as easy access for an online submission of discrimination complaints.

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.



## 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, such as International Women's Day and Human Rights Day.

## Organisational matters

Following a review of the Commission's review of performance indicators it is expected that they will be implemented in 2011-12.

## Challenges

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

## Priorities for the year ahead

- To promote awareness about the *Equal Opportunity Act 1984* and access to the Equal Opportunity Commission.
- To continue to improve the complaint handling service to ensure that complaints are resolved effectively and efficiently.
- To further develop the rights-based component of the training program, in consultation with the community.

## Enabling legislation

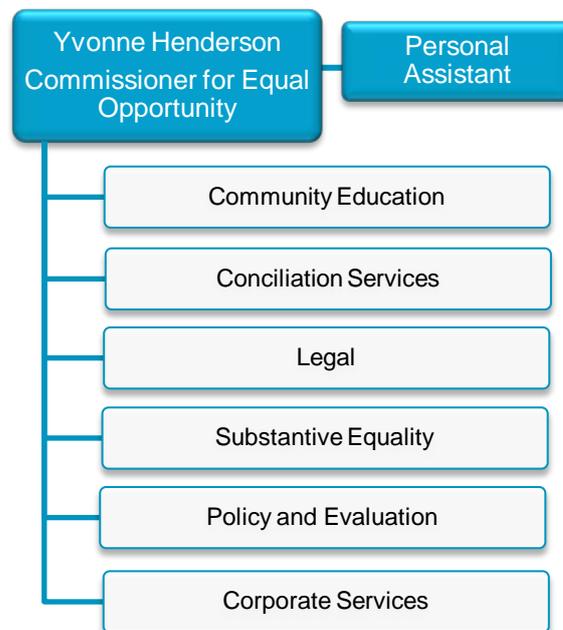
The Office of the Commissioner for Equal Opportunity is established under Part VII, Division I of the *Equal Opportunity Act 1984* as amended, and under the provisions of the *Public Sector Management Act 1984*.

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  
Treasurer; Attorney General

## Organisational structure



## Senior officers

- Ms Yvonne Henderson, Commissioner for Equal Opportunity
- Mr Allan Macdonald, Senior Legal Officer
- Ms Cathy Groves, Manager Substantive Equality Unit
- Ms Kathy Digwood, Manager Conciliation
- 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
- State Records Act 2000
- State Supply Commission Act 1991
- Workers Compensation and Injury Management Act 1981

## Commonwealth

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

# Performance management framework

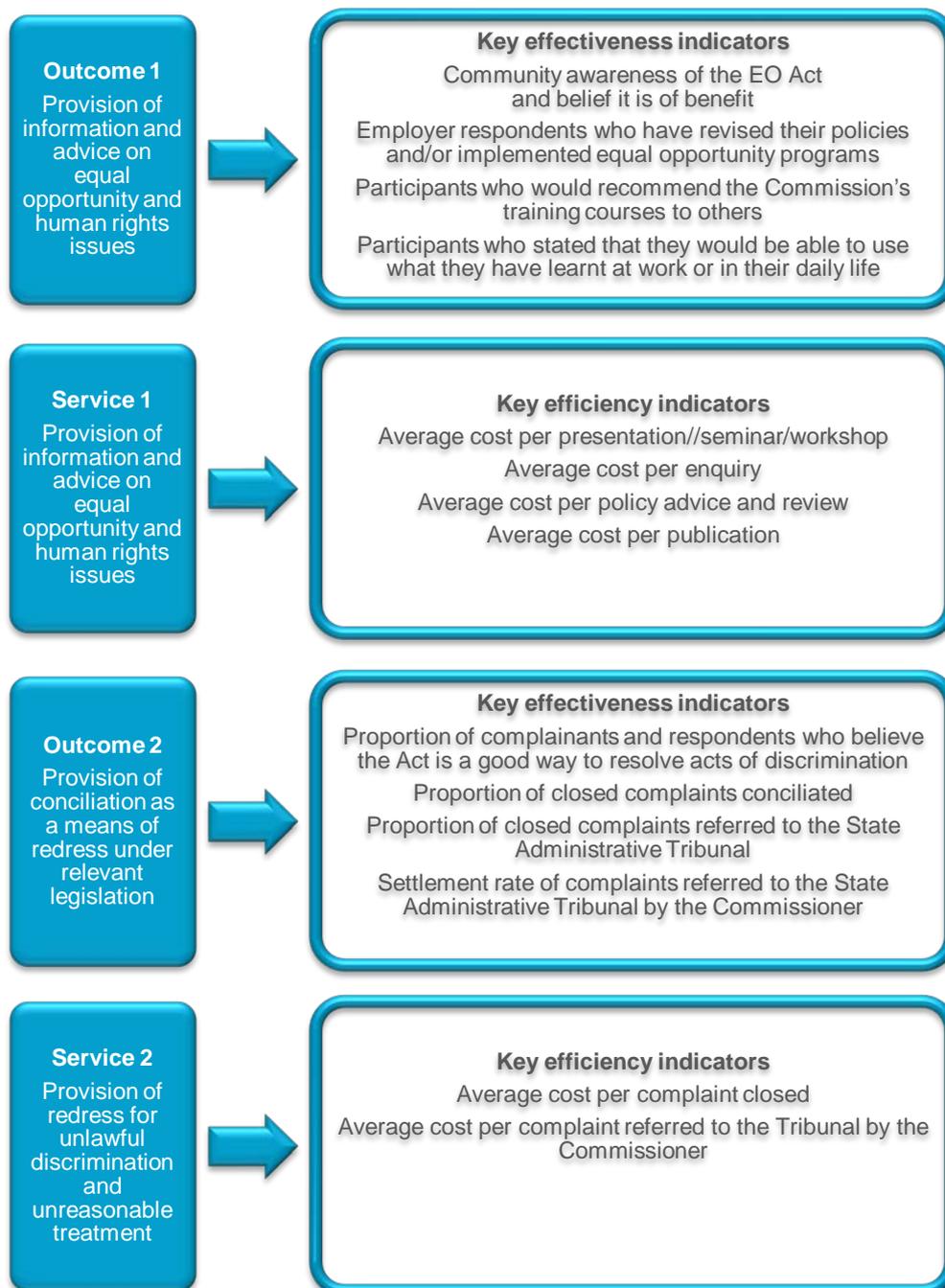
## Government goal

The Equal Opportunity Commission's work is aligned to the 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



### **Changes to outcome based management framework**

The Equal Opportunity Commission's outcome based management framework did not change during 2010-11.

### **Shared responsibilities with other agencies**

The Equal Opportunity Commission did not share any responsibilities with other agencies in 2010-11.

# Agency performance: report on operations

## Actual results versus budget targets

### Financial targets

	2010-11 Target <sup>1</sup> \$000	2010-11 Actual \$000	Variation <sup>2</sup> \$000
Total cost of services (expense limit)(sourced from Statement of comprehensive income)	3,709	3,721	12
Net cost of services (sourced from Statement of comprehensive income)	3,228	3,062	166
Total equity (Sources from Statement of financial position)	592	218	374
Net increase / (decrease) in cash held	(23)	175	198
Approved full time equivalent (FTE) staff level	32	30	2

## Summary of key performance indicators



<sup>1</sup> As specified in the Budget Statements for the year in question

<sup>2</sup> Note 30 Explanatory statement<sup>1</sup> to the financial statements provides details of any significant variations between estimates and actual results.

<b>Agency performance</b> <b>For the year ended June 30, 2011</b> <b>Actual results versus budget results</b> <b>Summary of key performance indicators</b>	<b>2010-11</b> <b>Target<sup>3</sup></b>	<b>2010-11</b> <b>Actual</b>	<b>Variation<sup>4</sup></b>
<b>Outcome:</b>			
<i>Provision of information and advice on equal opportunity and human rights issues</i>			
<b>Key effectiveness indicators</b>			
Community awareness of the <i>Equal Opportunity Act 1984</i> and belief it is of benefit	80%	81.4%	1.4%
Employer respondents who have revised their policies and/or implemented equal opportunity programs	25%	35.4%	10.4%
Participants who would recommend the Commission's training courses to others	97%	95.7%	1.3%
Participants who stated that they would be able to use what they have learnt at work or in their daily life	98%	97.9%	0.1%
<b>Service 1:</b>			
<i>Provision of information and advice regarding equal opportunity and human rights</i>			
<b>Key efficiency indicators</b>			
Average cost per presentation/seminar/workshop	\$3,200	\$3,484	\$284
Average cost per enquiry	\$168	\$151	\$(17)
Average cost per policy advice and review	\$1,736	\$1,858	\$82
Average cost per publication	\$8,506	\$7,839	\$(667)

<sup>3</sup> As specified in the budget statements

<sup>4</sup> Explanations for the variations between target and actual results are presented in the section Disclosures and legal compliance in this annual report.

Agency performance For the year ended June 30, 2011 Actual results versus budget results Summary of key performance indicators	2010-11 Targets	2010-11 Actual	Variation <sup>6</sup>
<b>Outcome:</b> <i>Provision of conciliation as a means of redress under relevant legislation</i>			
<b>Key effectiveness indicators</b>			
Proportion of complaints and respondents who believe the EO Act is a good way to resolve acts of discrimination	70%	72.3%	2.3%
Proportion of closed complaints conciliated	37%	32.4%	4.6%
Proportion of closed complaints referred to the State Administrative Tribunal	15%	11.9%	3.1%
Settlement rate of complaints referred to the State Administrative Tribunal by the Commissioner	70%	78.6%	8.6%
<b>Service 2:</b> <i>Provision of redress for unlawful discrimination</i>			
<b>Key efficiency indicators</b>			
Average cost per complaint closed	\$1,103	\$1,239	\$136
Average cost per complaint referred to the Tribunal by the Commissioner	\$3,191	\$6,071	\$2,880

<sup>5</sup> As specified in the budget statements

<sup>6</sup> Explanations for the variations between target and actual results are presented in Chapter 5 Key Performance Indicators of this annual report.

## 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
- Recommending to government reviews of the *Equal Opportunity Act 1984*

These output areas are aligned to achieve strategic government objectives, as outlined in the Performance management framework.

This section on Agency Performance details the Commission's performance in each of these outcome areas during 2010-11.

## Community education and information

The Equal Opportunity Commission continued to implement the objects of the *Equal Opportunity Act 1984* by promoting equality of opportunity in Western Australia through a range of education initiatives and strategies:

- delivering education and training sessions throughout Western Australia for employers, employees, community organisations and individuals
- making presentations, including the papers and workshops at major conferences
- helping employer organisations with pro-active, preventative strategies to meet their policy objectives regarding equal opportunity law
- developing specialised educational materials and publications to support community education initiatives
- conducting special projects and events to address discrimination issues identified within particular communities
- producing information and education resources for the community about equal opportunity law and human rights

In this section we report on education and training courses, provision of information, media and public affairs and events conducted during the year.

## Community education and training

During 2010-11 the Commission conducted 209 fee-for-service-education and training courses, rights-based education sessions, guest speaker engagements and outreach programs. This represents a small decline from the previous year. Calendar, or standard Courses and Customised Courses were attended by 1322 people (see Table 2). One thousand and ten (1010) people participated in Rights-based Courses.

**Table 1: Education sessions  
2008-09 to 2010-11**

Description	2008-09	2009-10	2010-11
Calendar Courses	22	21	28
Customised Courses	128	83	74
Rights-Based education (Including ATSI) <sup>7</sup>	19	62	70
Guest speaker	26	27	19
Indian Ocean Territories education	19	27	18
Total	214	220	209

This year saw an increase of 33% in the number of standard Calendar Courses which were delivered in-house at the Commission, while there was a decline of 10% in Customised Courses. There appears to be a trend for some organisations to send participants to the Calendar Courses rather than to have Customised Courses delivered in their own premises. Participation levels in the Calendar Courses have increased significantly by 81.1% from the previous year which supports this premise. This could also be a result of the newly designed email promotional information which is now supporting this program.

## Regional training plan

A regional training plan was developed to extend the provision of community education and training programs to regional Western Australia. A three-year plan is into its second year to ensure that the Commission's education officers visit each of the eight regions in WA every two years to provide both fee-for-service and rights-based education. These visits will be in addition to specific requests from regionally based organisations.

In 2010-11 the Commission visited the Great Southern, Kimberley and Pilbara regions.

As part of the regional program Calendar-style Courses are offered to individuals from both government, non-government and private providers. Specific requests for customised training are also accommodated.

In addition to this rights-based education workshops are offered to local Aboriginal communities. In 2010-11 a special project was conducted with Aboriginal Education Officers in the metropolitan area and regional areas visited.

## Enhanced focus and delivery of rights-based education

In December 2009 the Commission identified the need to enhance the level of delivery of rights-based education in both the metropolitan and regional areas of WA.

<sup>7</sup> Aboriginal and Torres Strait Islander organisations

This enhanced focus of rights-based education has resulted in a total of 70 sessions being delivered in 2010-11, an increase of 13% of sessions offered to disadvantaged people and those organisations who work to support them since last year.

The Commission has developed and commenced a comprehensive project that aims to minimise the discrimination and harassment of gender and sexually diverse students in schools.

## Training programs for employers and service providers

Training programs for government agencies, as well as business and non-government service providers are conducted on a fee-for-service basis. Such training includes:

- delivering a series of Calendar Courses developing and
- delivering Customised Courses for individual workplaces and to meet specific organisational requirements

Both of these streams of courses are designed to assist employers, equity and human resource practitioners:

- to develop workplace cultures that prevent discrimination, harassment and victimisation
- to increase awareness of equal opportunity law, vicarious liability and identifying discriminatory behaviour, policies and procedures, with respect to both recruitment and employment, service delivery and the management of grievances
- facilitate the integration of equal opportunity principles into organisational programs, policies, procedures and planning
- help employers deal with enquiries and complaints within their organisation through contact, equity or grievance officer training.
- assist employers to develop more effective grievance policies and procedures

In 2010-11, 102 courses for employers and service providers were attended by 1322 participants.

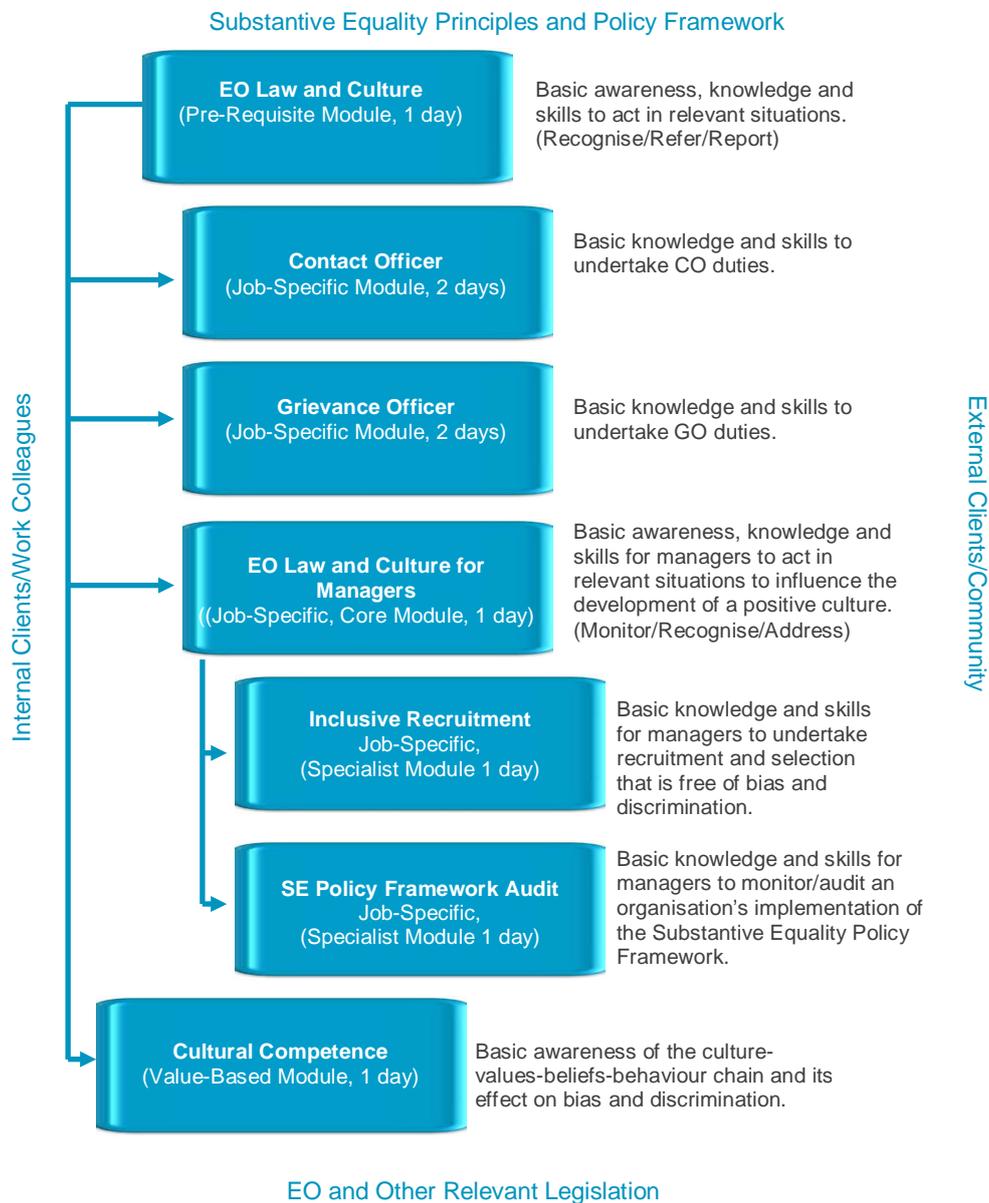
The number of Customised Courses for government agencies has declined, (see Figure 1) while those conducted for the non-government and private sectors have increased slightly from last year. However participants in Calendar Courses has increased.

**Table 2: Participants of Customised and Calendar Courses  
2008-09 to 2010-11**

Training Type	2008-09	2009-10	2010-11
Calendar Series of Courses	256	217	393
Customised Courses	1953	1384	929
Total	2209	1601	1322

## Training competency based framework

The program of courses is built around a competency based framework. The one-day course in Equal Opportunity Law and Workplace Culture incorporates the causes and impact of inappropriate workplace behaviour and ways of dealing with this. This course forms the pre-requisite module for further training with the Commission.



The competency based framework for the courses identifies pathways for employers to address the professional development needs of their staff in a progressive and integrated manner.

**Table 3: Types of Customised and Calendar Courses conducted 2010-11**

Description of Training	Calendar Series of courses	Customised Courses
Contact Officer Refresher	1	2
Contact Officer Role	4	4
Grievance Officer and Complaint Handling	4	2
Grievance Officer Refresher	1	0
Equal Opportunity Law - An Introduction	0	34
Equal Opportunity Law and Workplace Culture	12	11
Equal Opportunity Law for Managers/Supervisors	0	2
Equal Opportunity Law and Grievance Management for Manager	3	9
Equal Opportunity Law and Contact Officer Role	0	4
Equal Opportunity Law and Employee Support Officer Role	0	2
Equity Awareness	0	1
Recruitment and Selection – Are You Getting it Right	2	0
Workplace Culture - Harassment and Bullying	0	1
Introduction to Substantive Equality – Public Sector	1	2
<b>Total</b>	<b>28</b>	<b>74</b>

## Calendar Courses

In 2010-11, 28 half, full-day and two-day courses were attended by 393 employees, managers, employee relations, human resources and equal opportunity practitioners from government, non-government and private sector or at the Commission premises.

The most popular of the Calendar Courses was the full day *Equal Opportunity Law and Workplace Culture* which replaced two former half day courses: *Equal Opportunity Law – an Introduction* and *Workplace Culture, Harassment and Bullying*.

More than 130 organisations – State and Commonwealth government agencies, trade unions, non-government and private companies sent employees to Calendar Courses this year.

Some of these were:

- Curriculum Council
- Corruption and Crime Commission
- Dampier Port Authority
- Disability Services Commission
- Heritage Council of WA
- Horizon Power - Esperance
- Edith Cowan University
- CSIRO
- Community and Public Sector Union
- Challenger TAFE
- Crosslands Resources
- BGC
- Flexi Staff
- Next Generation Clubs
- Force Equipment Hire
- Fortescue Metals

Participants represented a broad range of occupations, including human resource officers, senior and middle managers and administrative officers.

## Customised Courses

To ensure an organisation's training program is developed appropriately and effectively, Commission officers consult with organisations about their training needs. 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 procedure 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
- 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.

During Contact and Grievance Officer training participants evaluate their organisation's Grievance Policy and Procedure against a recommended checklist. Sample policies and procedure documents are also regularly provided to organisations upon request to assist them in reviewing and developing high quality policies.

The Commission Customised Courses were delivered to state and local government authorities, non-government and private sector companies including:

State Government

- Country Health Service
- Child and Adolescent Community Health
- Department of Corrective Services
- Department Racing and Gaming
- Department of Treasury and Finance
- Department of Water
- Office of Energy
- Office of Shared Services
- Public Transport Authority
- Sir Charles Gairdner Hospital
- South Metropolitan Health Service
- Western Power

Local Government

- City of Melville
- Shire of Katanning

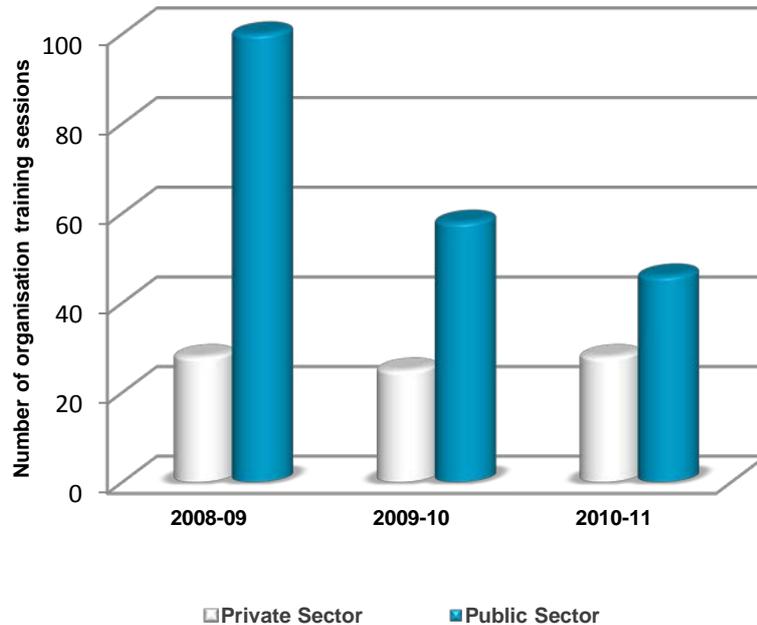
Tertiary Education

- Kimberley TAFE

Private industry

- Alcoa
- Burswood Entertainment
- Austral Bricks and Bristile Roofing
- Construction Training Fund
- Iluka Resources
- Retravision
- Decmil Australia
- First Quantam Minerals Australia
- United Motor Traders Newtown Toyota

**Figure 1: Customised and specialist training sessions  
2008-09 to 2010-2011**



### Training relating to the provision of goods and services and accommodation

While the majority of allegations of discrimination handled by the Commission are in the area of employment, there has been a growing awareness of the need to provide education and training to public and private organisations about their obligations under the EO Act with regard to the delivery of goods and services, accommodation, access to facilities and other areas of public life specified in the *Equal Opportunity Act 1984*.

All courses now incorporate elements addressing these questions.

Partnerships are being developed with metropolitan and regional peak industry bodies, such as the Chamber of Commerce and Industry to provide training to private organisations and small business owners relating to discrimination in the provision of goods and services.

The Commission has also worked in liaison with the Real Estate Institute of WA (REIWA) and West Coast Property Training to support and review the development and delivery of a compulsory training module for Property Managers relating to the provisions of the Equal Opportunity Act (1984) in accommodation. In addition, Customised Courses were provided to two private property management organisations.

## Training in substantive equality

As well as including information relating to substantive equality in the Calendar and Customised Courses, new courses have been developed and delivered in the implementation of the Policy Framework for Substantive Equality for which the Commission is responsible.<sup>8</sup> This includes a new Calendar Course: An introduction to Substantive Equality for Public Sector Employees and also Customised Courses for private and government organisations.

## Evaluation of training

The Commission's Training Officers 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.

All participants of the organisation and Calendar Courses are asked to complete both pre and 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. As one of the Commission's key Performance Indicators these are also reported on in the Disclosure and legal compliance section of this Annual Report.

In 2010-11, 98.8% of the 1138 participants who completed the evaluation said they would be able to use what they had learned during the training session in their work and daily lives and 96.2% would recommend the Commission's training courses to their colleagues.

## Rights-based education

Rights-based education utilises a human rights framework and focuses on engaging members of the community who are potential complainants and 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 their advocates understand the scope of the law, their rights and the Commission's complaint process.

To ensure the effectiveness of this program, the Commission has adopted a consultative approach and works in partnership with the relevant government and non-government organisations to develop training which reflects the needs of these groups.

Consequently, the Community Education and Training section has developed an Operational Plan which is currently being implemented and is also integrated with the Regional Plan.

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<sup>8</sup> For full details see section in this Annual Report Agency performance: report on operations – Substantive Equality

The Rights-based Plan is broadly structured in line with key grounds and areas of public life defined in the *Equal Opportunity Act 1984*.

## Grounds of discrimination

### Race

- Aboriginal and Torres Strait Islander 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.

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

This year staff from the Commission's Community Education and Training section visited Broome, Kununurra, Port Hedland and Narrogin.

A project commenced in February 2010 to provide training for Aboriginal and Torres Strait Island Education Officers (AIEOs). Commission officers liaised with District Aboriginal Education Managers and during 2010-11 training has been delivered to more than 200 AIEOs in both the metropolitan and regional areas of Mandurah and Albany. Training for this target group will continue into 2011-12.

The combined strategies of the AIEO Project, the Narrogin Community Relations Strategy and regional visits have resulted in 210 Aboriginal people receiving face-to-face rights-based education in 2010-11. This work will continue into 2011-12.

Organisations who have partnered with the Commission for delivery of education in this area include:

- Kimberley Community Legal Service
- South West Aboriginal Medical Service – Narrogin
- Department of Education
- Kununurra Youth Hub
- Kaata-Koorliny Employment and Enterprise Development Aboriginal Corporation (KEEDAC)
- David Wirrpanda Foundation

To promote human rights and equal opportunity, the Commission produced a 2011 Aboriginal and Torres Strait Islander Calendar. The Calendar featured the prize winning entry from an art competition held at Narrogin Senior High School focussing on reconciliation. Runner-up entries were reproduced on a series of postcards.



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 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.

- Humanitarian refugees

In 2010-11 the Commission worked in partnership with government and non-government organisations to provide training in human rights and equal opportunity to 61 newly arrived humanitarian refugees. This work has involved the use of interpreters when necessary. Partner organisations include:

- Centrecare
- Katanning Muslim Association
- Vincentcare
- Edmund Rice Centre

## **Impairment**

Impairment is the ground which is cited most often in complaints of alleged discrimination which are received by the Commission. This year they made up 22.3% of all complaints. Rights-base workshops were provided to over 70 people with disabilities in partnership with the following organisations:

- Able Australia
- Disability Services Commission
- Senses Foundation

## **Age**

The Commission has delivered rights-based education sessions specifically for 21 young people in relation to age discrimination in partnership with SMYL Community Services and also commenced a project to address bullying and discrimination of youth in relation to gender and sexual diversity.

Fifty residents of the Amana aged care facilities also attended training in relation to age discrimination.

## **Sexual orientation**

In 2011 the Commission commenced a project titled Gender and Sexuality based Bullying and Discrimination in Schools. Consultations were conducted with a broad range of government and non-government stakeholders. Following this consultation a steering committee and working group has been established to address issues of gender and sexuality based bullying and discrimination.

## Areas of public life

### Education

The Commission receives a large number of requests from the education and training sectors to provide general information on the Equal Opportunity Act as a guest speaker to groups of students and staff. This year a total of 19 presentations were provided to a range of education providers including:

- Catholic Education Office
- Narrogin Senior High School
- Department of Education and Training
- TAFE Colleges
- University of WA
- Murdoch University

### Provision of goods, services and facilities

As a part of the Regional Plan Commission staff have liaised with regionally based Chambers of Commerce and Small Business Centres and have jointly promoted and presented workshops to business owners to raise awareness and address issues of discrimination in service delivery, including:

- Port Hedland Chamber of Commerce and Industry
- Broome Chamber of Commerce and Industry
- Kununurra Small Business Centre

### Accommodation

Each year the Commission works with the Tenants Advice Service and presents a two day workshop for a range of community advocates and legal support services to provide information on the provisions within the Equal Opportunity Act (1984) in relation to discrimination and harassment in the area of accommodation.

### Sport

The partnership between the Equal Opportunity Commission and the Department of Sport and Recreation WA Sports Federation has developed further this year. A total of nine (9) jointly coordinated workshops on the website tool Play by the Rules have been presented to approximately 130 participants in various organisations including:

- WA Hockey Association
- City of Gosnells
- City of Canning
- WA Rugby League

The workshops cover information on how to create safe and inclusive environments in sporting clubs and discuss how the Play by the Rules website can be used to assist sporting associations and clubs to achieve this objective.



The Commission is also involved in the delivery of Member Protection Information Officer (MPIO) workshops and meetings organized through Department of Sport and Recreation. A representative of the Commission also takes an active role in the Play by the Rules National Reference Group for Harassment Free Sport run by the Australian Sports Commission and also a WA reference group which meets quarterly. To view the Play by the Rules website go to [www.playbytherules.net.au](http://www.playbytherules.net.au).

## Christmas and Cocos (Keeling) Islands

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.

In late May 2011, a Commission Training Officer visited Christmas Island to conduct a range of activities including training sessions on equal opportunity law, workplace culture, harassment and bullying, organisational and community meetings, handling enquiries and potential complaints from members of the Christmas Island community.

During the week-long visit, a total of 18 sessions were held with 136 representatives of community groups, administrative bodies, peak employer organisations and Union representation.

### Meetings with community groups

Meetings were conducted with community organisations in accordance with the appropriate cultural requirements relating to gender and other religious practices. They enabled the provision of general information about the provisions of the EO Act, the meanings of unlawful discrimination, where exceptions apply, in particular as it relates to race and access to facilities, as well as redress provisions of the complaint process. Some of the groups attending were the Islamic Council, Malay Club and Chinese Literary Association (CLA).

### Meetings with administrative bodies, peak employer groups and unions

Meetings were held with seven organisations on Christmas Island including representatives from the Attorney General's Department, Christmas Island Phosphate (CIP), the Shire of Christmas Island, the Union of Christmas Island Workers, Serco and National Parks Australia, Indian Ocean Territories Health Service and Legal Aid.

Requests were made from CIP, the Shire and Serco to deliver customised training on Equal Opportunity Law and Grievance Management for Managers when we next visit.

Issues relating to racial and sexual harassment, and bullying were highlighted during the meetings.

### **Community forum**

An evening forum was held for the Malay community on Christmas Island in the Kampong at Flying Fish Cove.

The forum was well attended by members of the community and generated some discussion on employment issues potentially related to Equal Opportunity Law.

### **Handling enquiries and complaints**

Ten community members raised issues privately concerning either alleged discrimination, request for advice on rights or an explanation of a specific experience.

### **Commission Publications**

In order to facilitate training, presentations and information sessions and forums Equal Opportunity Commission publications were distributed and included Chinese and Malay translations of Commission brochures.

Publications serve as a source of current information about equal opportunity to employees, employers, service providers and the wider public about their rights and responsibilities. These are continually evaluated and revised and are an important component of the Commission's overall communication strategy.

### **Future directions**

During the 2011-2012 financial period Commission officers will respond to requests as a result of the EO Activities related to this report to:

- Visit Christmas and Cocos (Keeling) Islands in June/July 2012 to deliver customised training as requested on this visit.
- Continue to conduct evening information sessions/presentations to inform community group members and their families of their rights and obligations, and the means of redress afforded under the EO Act.
- Continue to respond to requests to deliver both customised and rights based sessions to the Indian Ocean Territories.

## Information and public affairs

Since 1997, the Commission has undertaken a triennial community survey to assess the awareness of the community about equal opportunity issues, including the Western Australian *Equal Opportunity Act*.

Results of these surveys are reported in the Performance Indicators section of the Annual Reports.

The survey has consistently found that the community finds out much of its information through the mass media – both print and electronic, as well as in the workplace.

In response to these findings the Commissioner undertakes a program of community information, including printed and electronic publications, engagement with the media: print, broadcast and online, and more recently has commenced a strategy of communication with community groups through their own specialist media.

### Publications

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

To coincide with the launch of the Commission's new website, a new colour scheme and design was developed to update and enliven publications. All publications will be revised progressively with the new badging.

During 2010-11 the Commission continued to develop 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 a new online version was developed this year for the website.
- The *Reference Guide* was updated to include the new ground of breast feeding and reprinted. A primary reference used in all Commission training courses, this up-to-date guide to the *Equal Opportunity Act 1984*, is written in plain English, and outlines how the Act is administered; the meanings of direct and indirect discrimination and the grounds and areas of public life covered.
- The Training Calendar, published six-monthly sets out details of the Calendar Courses conducted by the Commission and were updated this year to an email format.
- In a new service to existing and potential training clients, a newly designed email format advertises details of all Calendar Courses.
- A new brochure relating to the ground of breast feeding was developed, printed and added to the website. Other general publications referring to grounds were also updated.
- A range of new publications is being developed for the Substantive Equality Unit's program implementing the Policy Framework for Substantive Equality.

- The annual Aboriginal calendar and postcard series featured the artwork of young people from the Narrogin Senior High School who participated in an art competition on the theme 'Working together for reconciliation' as part of the project being undertaken in the town.

## Distribution and evaluation of publications

Every person who attends a Commission training course is provided with a copy of the *Reference Guide*, as well as other relevant publications, and the feedback continues to be overwhelmingly positive.

During 2010-11 Commission literature, including complaint forms, were sent to more than 20% of the 2605 people who made an enquiry by telephone, mail, fax or email.

Another 26% were referred to the website to access publications, information and Complaint Forms.

In recent years there has been a consistently high proportion of the Commission's clients, namely training and presentation participants, as well as 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.

Following the award of a tender, a staff working party consulted with the contractor to undertake a complete redesign of the website.

The aim was to design a modern, attractive and easily navigable website for the priority users – potential complainants, community members seeking information about equal opportunity and employers seeking training in equal opportunity law.

A dedicated section relating to Aboriginal people is a feature of the new site. For the first time the website enables online submission of allegations of discrimination and registration for training courses and events.

All of the website's content was also reviewed and updated and work is continuing to further improve accessibility of all information.

One hundred and thirty-seven (137) potential complainants were received via the web, enabling faster and more accurate processing.

Since the website went live in August 2010, there have been 63,133 unique visitors to the site. This compares favourably with the full year 2009-10 total of 56,712 unique visitors.

The most commonly accessed pages were Aboriginal Matters, EO for you, Equal Opportunity Act, Home page and News and Events.

All new and revised publications are available on the website in both text and PDF formats. Selected materials are also translated into community languages. It is planned to increase the translated materials in the coming year.



Wherever appropriate, requests for publications are referred to the Commission's website. In 2010-11 Commission staff referred 26% of enquirers to the website.

## Public affairs and media

During the year, the Commission issues media releases reporting on the work of the Commission and responding to current issues which generated media in major press and electronic media outlets. More than 36 releases were issued covering issues ranging from court decisions on discrimination, government policy and Commission activities. They attracted media coverage in print, radio, television and online media.

All releases are now included in a dedicated section of the website, the 'Media centre' for easy access.

For the first time, media coverage of the Commission has been highlighted on the new website.

## 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.

### Public sector internship program

The Commission sponsored four students under this program, who undertook projects in the Substantive Equality Unit. The students, who were studying at Murdoch, Edith Cowan and University of WA, worked on projects ranging from developing new publications, reviewing and researching the *Bail Act* and analysing survey responses for the pilot study of new policies and major initiatives. The Commission hosted an information session for the student group from Murdoch University. The contribution made by all of these students has been invaluable and the Commission hopes to continue with this activity.

### NAIDOC Week

This year the Commission marked NAIDOC Week by holding a stall at the annual Ashfield Reserve Family Fun Day, as well as hosting an address by Professor of Psychology, Pat Dudgeon titled *What does inadequate Aboriginal mental health care cost the community?*

On Wednesday 6 July, about 40 public sector employees came to the Commission to hear Professor Dudgeon talk about how past tragedy, as well as present cultural differences and attitudes, have contributed directly and indirectly to poor mental health in Aboriginal communities. Noongar Elder Janet Hayden welcomed guests to the event.

## International Women's Day

The 100th anniversary of International Women's Day was celebrated at a breakfast attended by over 200 women and men to hear three women's experience of a modern-day concern – body image. The panel comprised Kate O'Hara, the General Marketing Manager for the Perth Fashion Festival Every Body Counts campaign Elizabeth Reid Boyd, co-author of *Body Talk: A Power Guide for Girls*, and recovering anorexic Nicole Nannen, who moved everyone with her story of strength and determination.

## Reconciliation Week

The Commission took part in a display of banners throughout the Perth CBD to acknowledge Reconciliation Week in May. The Commission's banners were raised in both the Murray Street and Hay Street malls.



## Indigenous interpreting service

The release of the report *Indigenous Interpreting Service: Is there a need?* by Dr Leela de Mel attracted extensive media attention and resulted in the State Government making a commitment to address this pressing issue.

## Human Rights Day

The Commission was proud to host a seminar to mark International Human Rights Day, presented by Dennis Egginton, Chief Executive Director of the Aboriginal Legal Service. More than 50 people attended from public sector and community organisations.



## Conciliation services

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 *EO Act*)
- unlawful discrimination as defined under the *EO Act*
- the complaint handling process
- rights and responsibilities of complainants and respondents
- community education
- information on other services provided by the Commission

The Commission receives many enquiries regarding alleged discrimination, however in some cases the allegations do not necessarily constitute unlawful discrimination as defined by the *EO 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 *EO Act*, the Commission's delegated officers in the Conciliation Section investigate and attempt to conciliate those complaints on behalf of the Commissioner.

This chapter:

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

### Answering enquiries from the community

The Commission received 2605 enquiries during 2010-11 from people who came to the Commission office, rang the enquiries line or sent in a written enquiry.

The number of enquiries has decreased by 11.2%, continuing the long term trend.

### 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 rights and responsibilities under the *EO Act*.

Of the 2605 enquiries received in 2010-11, 1650 (63.3%) were about matters that fell within the jurisdiction of the *EO Act*. Where possible a referral to an appropriate state or federal agency or organisation was provided to those whose enquiry was not within the jurisdiction of the *EO Act*.

**Table 4: Enquiries by ground  
2008-09 to 2010-11**

Ground	2008-09	%	2009-10	%	2010-11	%
Age	171	6.0%	160	5.5%	134	5.1%
Breastfeeding	0	0.0%	1	0.0%	4	0.2%
Bullying	146	5.2%	185	6.3%	137	5.3%
Family Responsibility/Status	146	5.2%	117	4.0%	96	3.7%
Gender History	4	0.1%	5	0.2%	5	0.2%
Gender Identity	9	0.3%	5	0.2%	10	0.4%
Impairment	436	15.4%	420	14.3%	462	17.7%
Marital Status	22	0.8%	13	0.4%	16	0.6%
Political Conviction	4	0.1%	7	0.2%	3	0.1%
Pregnancy	101	3.6%	104	3.5%	107	4.1%
Race	468	16.5%	537	18.3%	373	14.3%
Racial Harassment	30	1.1%	43	1.5%	28	1.1%
Racial Offensive Behaviour	43	1.5%	39	1.3%	31	1.2%
Religious Conviction	54	1.9%	41	1.4%	44	1.7%
Sex	146	5.2%	123	4.2%	149	5.7%
Sexual Harassment	177	6.3%	170	5.8%	162	6.2%
Sexual Orientation	33	1.2%	39	1.3%	46	1.8%
Spent Conviction	10	0.4%	15	0.5%	12	0.5%
All grounds	222	7.8%	205	7.0%	170	6.5%
Other	608	21.5%	704	24.0%	616	23.6%
Total	2830	100.0%	2933	100.0%	2605	100.0%

The grounds of alleged discrimination most commonly cited by enquirers (Table 4) correlate closely with complaints accepted by the Commission (see Table 7).

While not a ground in the EO Act, enquiries about bullying were the fifth most common concern expressed by callers. More than 90% of these relate to the workplace. The State Government is considering a recommendation made by the Commission review of the EO Act in 2007 to introduce a new ground of bullying to the EO Act.

Similarly the Review recommended the addition of racial vilification to the EO Act.

The most common grounds of alleged discrimination cited by enquirers in 2010-11 were:

- impairment - 462 (17.7%)
- race - 373 (14.3%)
- sexual harassment - 162 (6.2%)
- sex - 149 (5.7%)
- bullying - 137 (5.3%)

**Table 5: Enquiries by area  
2008-09 to 2010-11**

Area	2008-09	%	2009-10	%	2010-11	%
Employment	1580	55.8%	1630	55.6%	1405	53.9%
Access to Places and Vehicles	28	1.0%	38	1.3%	42	1.6%
Accommodation	134	4.7%	111	3.8%	101	3.9%
Education	74	2.6%	105	3.6%	92	3.5%
Clubs	40	1.4%	31	1.1%	43	1.7%
Goods, Services and Facilities	383	13.5%	404	13.8%	367	14.1%
Sports	13	0.5%	11	0.4%	8	0.3%
Land	2	0.1%	2	0.1%	3	0.1%
Public Place	21	0.7%	51	1.7%	30	1.2%
All Areas	249	8.8%	215	7.3%	172	6.6%
Other	306	10.8%	335	11.4%	342	13.1%
Total	2830	100.0%	2933	100.0%	2605	100.0%

The area of public life identified by enquirers in 2010-11 reflected closely the pattern of the previous year. More than one half of the enquiries handled related to employment. Goods, services and facilities was the next largest group and accounted for 14.1% of enquiries. There was an increase in the number of enquiries relating to clubs, most on the grounds of sex and race.

Most of the enquiries were from individuals (78%) and related to allegations of discrimination or unfair treatment. Calls were also received from public, private and non-government organisations about their responsibilities with respect to employment and service provision.

## Written enquiries

All written correspondence, including emails, received at the Commission is reviewed and acknowledged by the Commissioner.

Where the written enquiry nominates a ground and area of alleged discrimination identified in the *Equal Opportunity Act 1984* 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 EO 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 EO 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 EO Act and can be accepted as a complaint.

## Handling complaints

**Table 6: Number of complaints handled  
2008-09 to 2010-11**

Complaints Handled	2008-09	%	2009-10	%	2010-11	%
Complaints carried over from previous financial years	245	27.9%	267	29.1%	284	30.8%
Complaints received	634	72.1%	649	70.9%	638	69.2%
Total handled	879	100.0%	916	100.0%	922	100.0%
Complaints closed	612	69.6%	632	69.0%	676	73.3%
Complaints still under investigation	267	30.4%	284	31.0%	246	26.7%

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 EO Act, then those allegations will be accepted by the Commission as a complaint, irrespective of how much supporting information is provided. Should the Commissioner, after conducting an investigation, determine that the complaint should be dismissed under s89 of the EO 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 determination.

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 EO Act and asked to further clarify their complaint.

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

In 2010-11, a total of 922 complaints were handled, following the trend of an increasing number dealt with each year. Of these, 73.3% were closed.

**Table 7: Complaints by ground  
2008-09 to 2010-11**

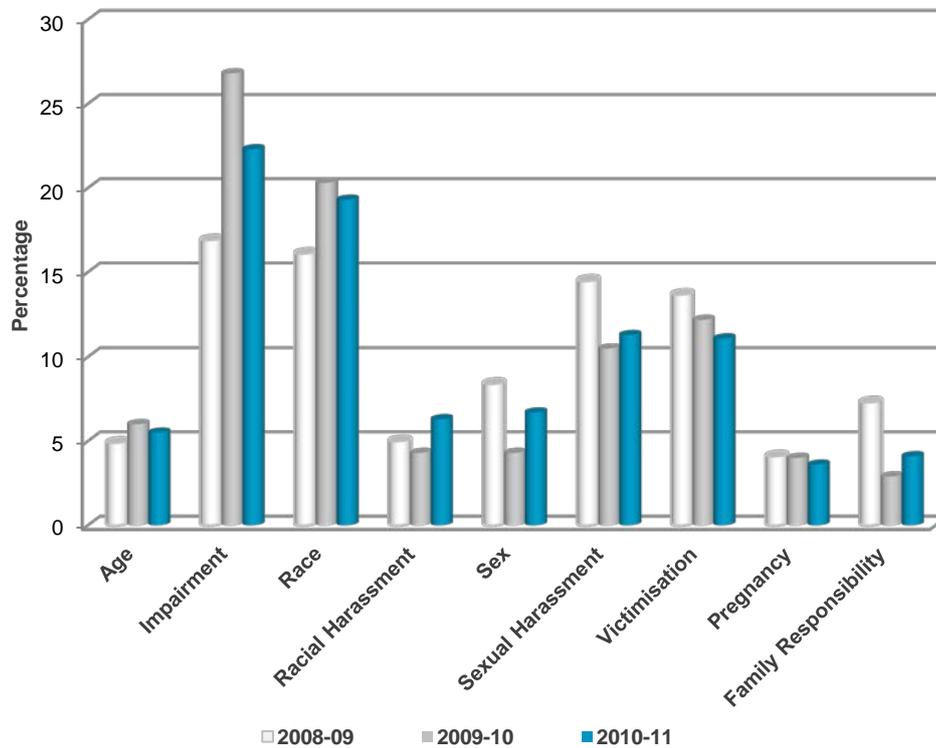
Ground	2008-09	%	2009-10	%	2010-11	%
Age	31	4.9%	39	6.0%	35	5.5%
Family Responsibility	46	7.3%	19	2.9%	26	4.1%
Family Status	16	2.5%	8	1.2%	12	1.9%
Gender History	3	0.5%	1	0.2%	1	0.2%
Impairment	107	16.9%	174	26.8%	142	22.3%
Marital Status	15	2.4%	7	1.1%	7	1.1%
Political Conviction	6	0.9%	4	0.6%	5	0.8%
Pregnancy	26	4.1%	26	4.0%	23	3.6%
Race	102	16.1%	132	20.3%	123	19.3%
Racial Harassment	32	5.0%	28	4.3%	40	6.3%
Religious Conviction	13	2.1%	21	3.2%	15	2.4%
Sex	53	8.4%	28	4.3%	43	6.7%
Sexual Harassment	92	14.5%	68	10.5%	72	11.3%
Sexual Orientation	5	0.8%	14	2.2%	19	3.0%
Spent Conviction	0	0.0%	0	0.0%	4	0.6%
Victimisation	87	13.7%	79	12.2%	71	11.1%
Victimisation - PID	0	0.0%	1	0.2%	0	0.0%
Total	634	100.0%	649	100.0%	638	100.0%

During 2010-11, complaints received about impairment and race continued to be the most frequently cited grounds of discrimination:

- impairment - 142 (22.3%)
- race - 123 (19.3%)
- sexual harassment - 72 (11.3%)
- sex - 43 (6.7%)

Figure 2 below illustrates the increase in family responsibility, racial harassment, sex and sexual harassment complaints in 2010-11.

**Figure 2: Most frequently cited grounds of complaint  
2008-09 to 2010-11**



**Table 8: Complaints by area  
2008-09 to 2010-11**

Area	2008-09	%	2009-10	%	2010-11	%
Employment	480	75.7%	372	57.3%	409	64.1%
Access to Places and Vehicles	8	1.3%	27	4.2%	30	4.7%
Accommodation	33	5.2%	116	17.9%	70	11.0%
Education	24	3.8%	31	4.8%	19	3.0%
Clubs	6	0.9%	2	0.3%	13	2.0%
Goods, Services and Facilities	83	13.1%	98	15.1%	96	15.0%
Sport	0	0.0%	1	0.2%	1	0.2%
Not specified	0	0.0%	2	0.3%	0	0.0%
<b>Total</b>	<b>634</b>	<b>100.0%</b>	<b>649</b>	<b>100.0%</b>	<b>638</b>	<b>100.0%</b>

Of the 638 new complaints, the most significant change was the increase in employment related complaints, in keeping with a long term trend.

Table 9 demonstrates that while employment complaints are made on most grounds, accommodation, and goods and services complaints almost solely relate to race and impairment.

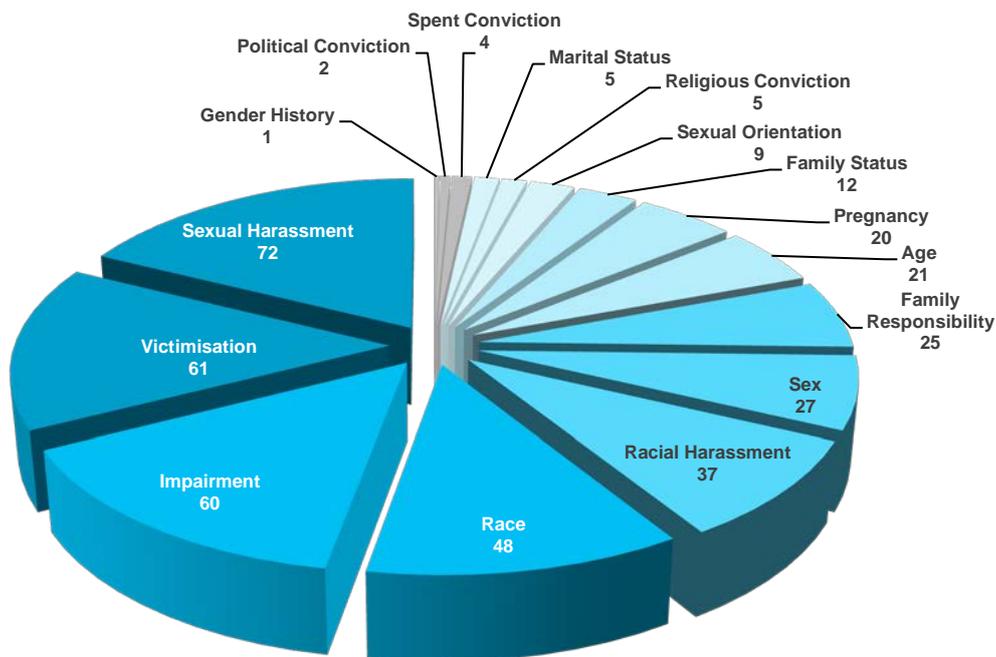
**Table 9: Complaints by ground and area  
2010-11**

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sport	Total
Age	21	2	3	2	0	6	1	35
Family Responsibility	25	0	0	1	0	0	0	26
Family Status	12	0	0	0	0	0	0	12
Gender History	1	0	0	0	0	0	0	1
Impairment	60	13	30	7	2	30	0	142
Marital Status	5	0	0	0	0	2	0	7
Political Conviction	2	0	0	1	0	2	0	5
Pregnancy	20	0	0	0	0	3	0	23
Race	48	4	28	2	5	36	0	123
Racial Harassment	37	0	3	0	0	0	0	40
Religious Conviction	5	1	0	2	2	5	0	15
Sex	27	5	2	2	1	6	0	43
Sexual Harassment	72	0	0	0	0	0	0	72
Sexual Orientation	9	2	2	0	1	5	0	19
Spent Conviction	4	0	0	0	0	0	0	4
Victimisation	61	3	2	2	2	1	0	71
Victimisation - PID	0	0	0	0	0	0	0	0
<b>Total</b>	<b>409</b>	<b>30</b>	<b>70</b>	<b>19</b>	<b>13</b>	<b>96</b>	<b>1</b>	<b>638</b>

Employment complaints comprise by far the largest group of complaints. The most frequently cited grounds of discrimination in employment were:

- sexual harassment - 72 (28.9%)
- impairment - 60 (14.8%)
- race - 48 (11.7%)

**Figure 3: Employment complaints by ground 2010-11**



## 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 EO Act. This section of the EO 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 EO 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 EO Act or has made an allegation that a person has done something that is unlawful under the EO Act.

The number of complaints received which cited the ground of victimisation showed a decline from the previous year, from 79 to 71 in this financial year. Of these, 61 involved the area of employment.

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

## Who lodged complaints?

The Commission collects demographic information from complainants on a voluntary basis. Of the 638 complainants in 2010-11, 586 completed questionnaires, representing a response rate of 91.8%.

The tables which follow show the breakdown and trends in the demographics of complainants based on sex, birthplace and ethnicity.

### Gender of complainants

As in previous years, the majority of complaints received by the Commission in 2010-11 were from women (51.1%), although this has been declining gradually in recent years.

**Table 10: Complaints by gender of complainants  
2008-09 to 2010-11**

Gender	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Female	371	58.5%	359	55.3%	326	51.1%
Male	255	40.2%	283	43.6%	296	46.4%
Mixed Group	6	0.9%	5	0.8%	14	2.2%
Not applicable	2	0.3%	2	0.3%	2	0.3%
Total	634	100.0%	649	100.0%	638	100.0%

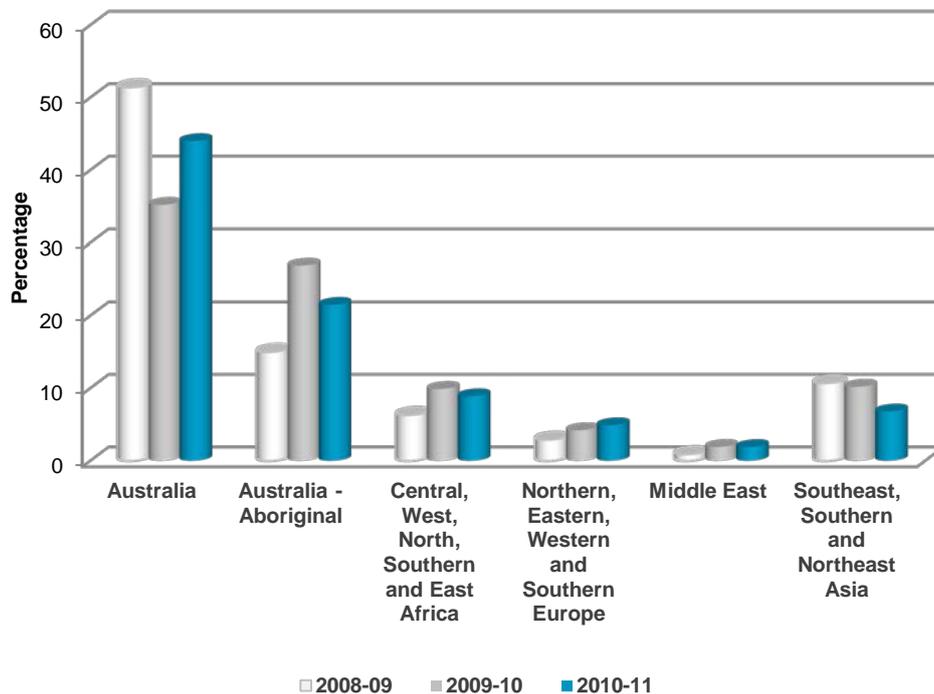
Table 11 shows that while men lodged more complaints than women in the majority of the individual grounds, women still make up the larger number of complainants mostly because of their complaints on the grounds of pregnancy, sexual harassment and family responsibility.

**Table 11: Complaints by ground and gender of complainants  
2010-11**

Ground	Female	Male	Mixed Group	Not applicable	Total	%
Age	11	24	0	0	35	5.5%
Family Responsibility	22	4	0	0	26	4.1%
Family Status	7	5	0	0	12	1.9%
Gender History	1	0	0	0	1	0.2%
Impairment	66	74	2	0	142	22.3%
Marital Status	3	4	0	0	7	1.1%
Political Conviction	1	4	0	0	5	0.8%
Pregnancy	23	0	0	0	23	3.6%
Race	56	61	4	2	123	19.3%
Racial Harassment	8	30	2	0	40	6.3%
Religious Conviction	6	8	1	0	15	2.4%
Sex	20	22	1	0	43	6.7%
Sexual Harassment	56	16	0	0	72	11.3%
Sexual Orientation	9	10	0	0	19	3.0%
Spent Conviction	2	2	0	0	4	0.6%
Victimisation	35	32	4	0	71	11.1%
Victimisation - Public Interest Disclosure Act	0	0	0	0	0	0.0%
<b>Total</b>	<b>326</b>	<b>296</b>	<b>14</b>	<b>2</b>	<b>638</b>	<b>100.0%</b>

## Birthplace and ethnicity of complainants

**Figure 4: Birthplace of complainants  
2008-09 to 2010-11**



In 2010-11, of the 586 complainants who provided information about their birthplace 384 (65.5%) indicated they were born in Australia, compared with 351 (62.1%) the previous year.

There was also a decrease in complaints from people born in Africa from the previous year although this remains the largest group of those born outside of Australia.

### Aboriginal complainants

Comprising over 21% of all complainants, Aboriginal Australians are disproportionately represented in the number of complaints received by the Commission, making up 2.5% in the population as a whole (ABS 2007).

As can be seen in Table 12, more than half of these complaints (54.7%) are on the grounds of race and racial harassment. Impairment is the next most commonly cited ground (27%).

In Table 13 it can be seen that the most significant area of complaint for Aboriginal people is in accommodation (42.1%) which is much higher than overall rate of 11%. Employment related complaints from Aboriginal people comprise 39.7%, significantly lower than those received from all complainants (64.1%).

**Table 12: Complaints from Aboriginal people by ground  
2008-09 to 2010-11**

Ground	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Age	1	1.2%	2	1.3%	2	1.6%
Family Responsibility	3	3.6%	0	0.0%	3	2.4%
Family Status	1	1.2%	0	0.0%	2	1.6%
Gender History	0	0.0%	0	0.0%	0	0.0%
Impairment	14	16.9%	57	37.5%	34	27.0%
Marital Status	0	0.0%	0	0.0%	0	0.0%
Political Conviction	0	0.0%	0	0.0%	1	0.8%
Pregnancy	0	0.0%	1	0.7%	0	0.0%
Race	43	51.8%	74	48.7%	58	46.0%
Racial Harassment	10	12.0%	7	4.6%	11	8.7%
Religious Conviction	1	1.2%	0	0.0%	0	0.0%
Sex	4	4.8%	1	0.7%	0	0.0%
Sexual Harassment	0	0.0%	2	1.3%	1	0.8%
Sexual Orientation	0	0.0%	2	1.3%	0	0.0%
Victimisation	6	7.2%	6	3.9%	14	11.1%
<b>Total</b>	<b>83</b>	<b>100.0%</b>	<b>152</b>	<b>100.0%</b>	<b>126</b>	<b>100.0%</b>

**Table 13: Complaints from Aboriginal people by area  
2008-09 to 2010-11**

Area	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Employment	28	33.7%	20	13.2%	50	39.7%
Access to Places and Vehicles	2	2.4%	10	6.6%	3	2.4%
Accommodation	21	25.3%	92	60.5%	53	42.1%
Education	5	6.0%	0	0.0%	1	0.8%
Clubs	2	2.4%	1	0.7%	0	0.0%
Goods, Services and Facilities	25	30.1%	29	19.1%	19	15.1%
Sport	0	0.0%	0	0.0%	0	0.0%
Victimisation	0	0.0%	0	0.0%	0	0.0%
Total	83	100.0%	152	100.0%	126	100.0%

## Respondents to complaints

Using the Australian Bureau of Statistics classifications 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.

Table 14 details the industries from which the respondents came in 2010-11. While the largest number of complaints still are from the property and business services sector, there has been an increase in complaints relating to health and community services, education, and cultural and recreational services.

- property and business services - 109 (17.1%)
- personal and other services including corrective and police services - 69 (10.8%)
- health and community services - 68 (10.7%)
- education - 64 (10.0%)
- cultural and recreational services - 58 (9.1%)

**Table 14: Complaints by industry  
2008-09 to 2010-11**

Industry Type	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Accommodation/Cafes/Restaurants	25	3.9%	29	4.5%	33	5.2%
Agriculture/Forestry/Fishing	4	0.6%	17	2.6%	7	1.1%
Communication Services	12	1.9%	17	2.6%	8	1.3%
Construction	26	4.1%	20	3.1%	28	4.4%
Cultural and Recreational Services	28	4.4%	14	2.2%	58	9.1%
Education - Pre, School and Post	61	9.6%	60	9.2%	64	10.0%
Finance and Insurance	13	2.1%	11	1.7%	14	2.2%
Government Administration	28	4.4%	44	6.8%	35	5.5%
Health and Community Services	41	6.5%	51	7.9%	68	10.7%
Manufacturing	16	2.5%	18	2.8%	23	3.6%
Mining	63	9.9%	36	5.5%	45	7.1%
Personal and Other Services including corrective and police services	70	11.0%	100	15.4%	69	10.8%
Property and Business Services	107	16.9%	135	20.8%	109	17.1%
Retail Trade	68	10.7%	45	6.9%	46	7.2%
Transport and Storage	64	10.1%	39	6.0%	25	3.9%
Wholesale Trade	3	0.5%	8	1.2%	0	0.0%
Other Industry	5	0.8%	5	0.8%	6	0.9%
<b>Total</b>	<b>634</b>	<b>100.0%</b>	<b>649</b>	<b>100.0%</b>	<b>638</b>	<b>100.0%</b>

## How complaints are 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 15: Outcome of complaints closed  
2008-09 to 2010-11**

Outcome of Complaint	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Dismissed	121	19.8%	133	21.0%	174	25.7%
Lapsed	59	9.6%	73	11.6%	77	11.4%
Withdrawn	124	20.3%	146	23.1%	179	26.5%
Conciliated	231	37.7%	205	32.4%	185	27.4%
Referred to State Administrative Tribunal	77	12.6%	75	11.9%	61	9.0%
Complaints Closed	612	100.0%	632	100.0%	676	100.0%

### Conciliated and withdrawn 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.

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.

An increasing number of complaints were withdrawn by the complainant.

In 2010-11, a total of 364 (53.9%) of complaints were resolved through conciliation or withdrawn, compared with 351 (55.5%) in the previous year.

## 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
- 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 2010-11 the most common types of outcomes negotiated during the conciliation of complaints included:

- apology
- monetary settlement
- respondent's explanation satisfactory to complainant
- equal opportunity law program/education
- policy change within the organisation.

## 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 is unable to maintain contact with the complainant and after a period of time the complaint lapses. In other cases complainants do not wish to continue but do not formally withdraw their complaint. Some complainants are disheartened by the onus of proof which requires complainants to support their allegations with evidence such as witness statements and documents.

Since 2005 the Commission has implemented a range of strategies to attempt to reduce the number of complaints which lapse.

The strategies implemented included:

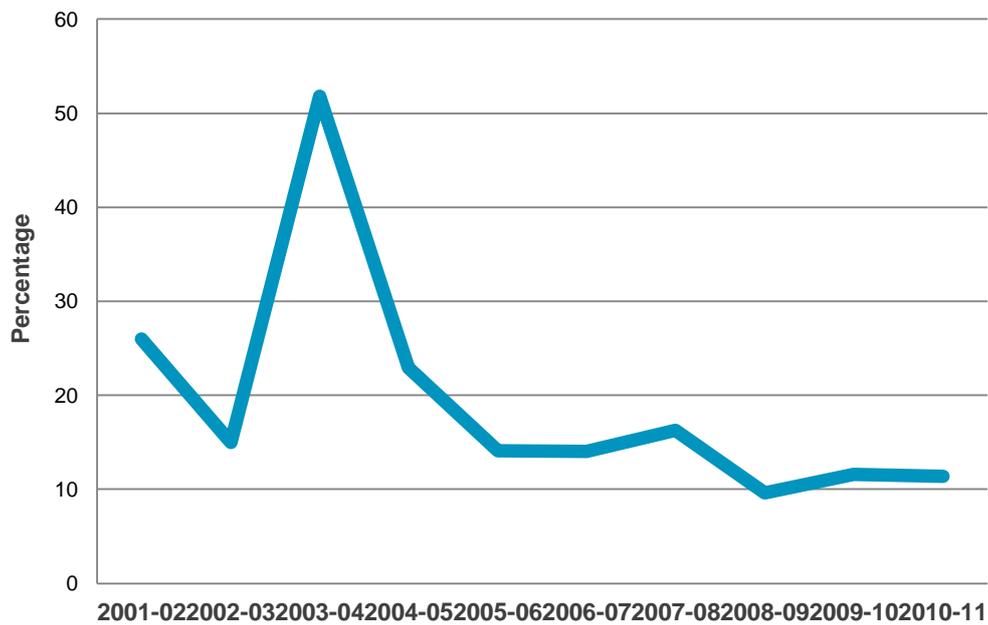
- attempts to make contact with the complainant either by letter or telephone, email or fax, or a combination of all of these
- a streamlined approach to complaint handling to reduce the time taken to finalise complaints.

The following graphs and table demonstrate the effectiveness of these strategies.

Figure 5 shows the declining proportion of lapsed complaints from 26% in 2001-02 to 11.6% in 2010-11. A spike in 2003-04 resulted from a policy decision to lapse complaints which had been kept active for long periods of time with little expectation of resolution.

Figure 6 which shows the time taken to close complaints has progressively decreased since 2005-06. Table 16 further details the overall picture showing that by 2010-11 there were no outstanding complaints at 24 months, and only 3.2% over 12 months.

**Figure 5: Percentage of complaints lapsed  
2001-02 to 2010-11**



## Time taken to close complaints

Figure 6: Time taken to close complaints over 10 years  
2001-02 to 2010-11

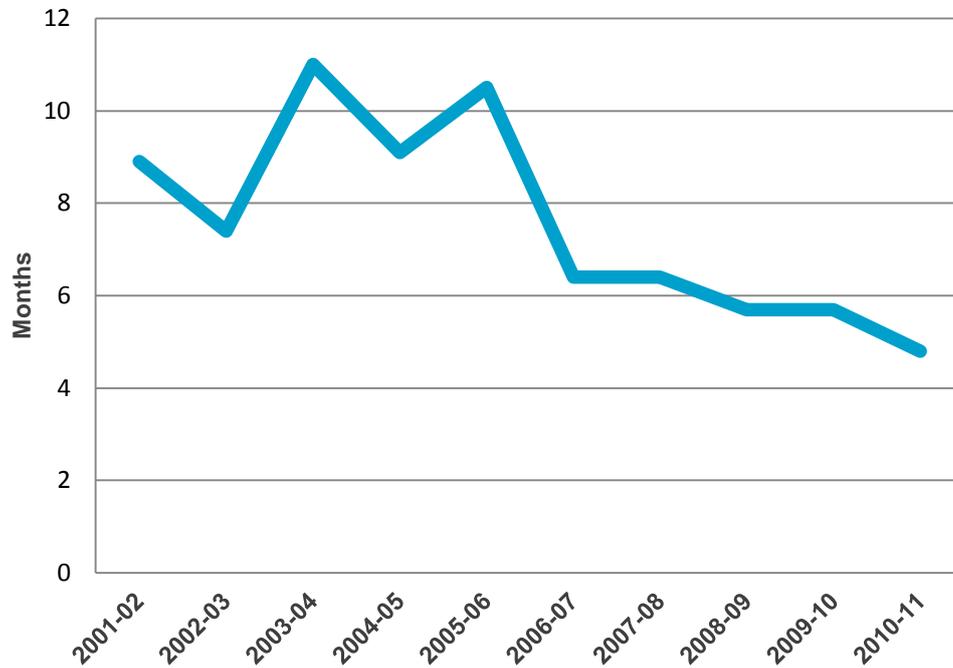


Table 16: Time taken to close complaints  
2008-09 to 2010-11

Time taken to close complaints	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
0 - 6 months	414	67.6%	457	72.3%	514	76.0%
7 - 12 months	153	25.0%	125	19.8%	140	20.7%
13 - 18 months	31	5.1%	41	6.5%	19	2.8%
19 - 24 months	10	1.6%	2	0.3%	3	0.4%
2 years or more	4	0.7%	7	1.1%	0	0.0%
Total	612	100.0%	632	100.0%	676	100.0%

Of the 676 complaints closed in 2010-11, 514 (76%) were closed within 6 months, another 140 (20.7%) were closed by 12 months. This maintains the improvement achieved in the previous year with over 654 (96.7%) 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.

### **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 2010-11, 174 (25.7%) complaints were dismissed, compared with the previous year when 133 (21%) were dismissed.

Where a complaint has been dismissed by the Commissioner the complainant, under s89 of the EO 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 EO 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 EO Act; or
- The complainant may refer the complaint themselves under s90 of the EO Act. (see above)

Under Section 93 of the EO Act the Commissioner may refer a complaint to the SAT where she is of the view the complaint:

- cannot be resolved by conciliation, or
- the attempt to resolve the complaint by conciliation but has been unsuccessful, or
- the Commissioner is of the opinion the nature of the complaint is such the matter should be referred to the SAT.

The Commissioner provides legal assistance to complainants whose matters she has referred, however the level and extent of that assistance is determined by the Commissioner. Complainants whose matters have been dismissed by the Commissioner are not provided with any assistance.

The Table 17 shows the number of matters referred to the SAT, while Table 18 summarises where legal assistance was provided and the outcomes of those matters which were finalised.

Of the 51 matters handled by legal officers in 2010-11, 34 were new matters referred to the SAT.

**Table 17: Number of matters referred to SAT  
2008-09 to 2010-11**

Legal Assistance	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Number of matters referred by the Commissioner and carried over from previous financial years	37	44.6%	18	29.0%	17	33.3%
Number of appeals to the Supreme Court or Exemption Orders carried over from previous financial years	3	3.6%	1	1.6%	0	0.0%
Number of matters referred by the Commissioner this financial year	42	50.6%	41	66.1%	34	66.7%
Number of appeals to the Supreme Court or Exemption Orders received each financial year	1	1.2%	2	3.2%	0	0.0%
Total number of matters handled each financial year	83	100.0%	62	100.0%	51	100.0%

### Case studies of complaints handled

As part of the Commission's community education focus, some 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.

**Table 18: Outcome of matters referred to SAT  
2008-09 to 2010-11**

Outcome of Matters	2008-09		2009-10		2010-11	
	Number	%	Number	%	Number	%
Withdrawn	6	9.4%	1	2.2%	3	8.1%
Settled before hearing by Legal Officers	7	10.9%	6	13.3%	4	10.8%
Settled at Tribunal mediation by Legal Officers	25	39.1%	27	60.0%	22	59.5%
Upheld by the Tribunal	3	4.7%	2	4.4%	0	0.0%
Dismissed by the Tribunal	6	9.4%	1	2.2%	2	5.4%
Discontinued Assistance	14	21.9%	5	11.1%	3	8.1%
Number of matters heard and decided by the Supreme Court	1	1.6%	0	0.0%	0	0.0%
Number of Writ of Summons, Interim Appeals, and Exemption Orders finalised	2	3.1%	3	6.7%	3	8.1%
Total number of matters finalised	64	100.0%	45	100.0%	37	100.0%

Of the 37 matters finalised in the SAT during the year, 26 (70.3%) were settled with the assistance of Commission legal officers. This maintains the high proportion achieved in the previous year.

The figures in Table 18 above demonstrate that the Commission's Legal Officers have been effective in maintaining the proportion of matters finalised through mediation and negotiation. Legal Officers will maintain the emphasis on negotiated outcomes.

## Substantive equality

The Substantive Equality Unit (SEU) has been operating for five years to assist major public sector departments 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 2010-11 the SEU continued to develop its role to support and monitor 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 phase.

The SEU developed a range of operational changes which have been put in place during the year. These changes will:

- ensure that 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.
- continue the SEU transition to provide concentrated support to all departments identified as high priority.
- provide all other departments with instruction and support through training that is provided by the SEU and the Commission's Training and Education section.
- Group departments with similar charters 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.
- provide continued support to all departments on how to undertake the impact assessment including assistance to act on the results from undertaking the impact assessment and measure progress against them.

The shift to direct attention to highly relevant services is to ensure that the focus of substantive equality 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 forced to fit into a one-size fits all system.

### Supporting agencies with thematic research and information

- Bail and its effect on Aboriginal people in Western Australia Information and discussion paper
- Consultative processes with Aboriginal communities in relation to State interests involving environment, land, natural resource and /or heritage management research paper
- Joint Office of Multicultural Interests data project

- Employing Aboriginal people under exceptions in the *Equal Opportunity Act 1984* - sections 50(d) and 51 flyer
- Indigenous non-registration of births proposed research
- Government contracts

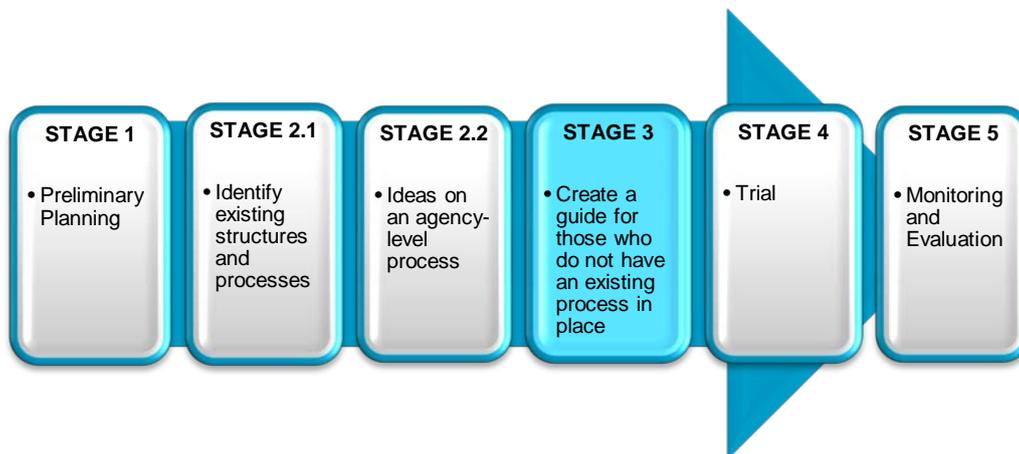
## New policies and major initiatives pilot project

One of the requirements of the Policy Framework is to assess how a new policy or major initiative may impact negatively on particular groups. This provides agencies with vital information to identify the issues before a new policy or major initiative is introduced.

The SEU is working with 10 key departments in a pilot project to develop a sector-wide guide on how to assess the impacts of new policies and major initiatives.

An initial survey investigated existing agency-level structures and processes for the development of new policies and major initiatives. It also looked at the training needs of key stakeholders as well as monitoring, evaluation and communication of results.

An initial summary paper, of the first stages, with key findings is now being considered by the group. The pilot is expected to be completed in the 2011-12 year.



## 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 against the Policy Framework the extent of progress they have made.

## 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 meaning of equal opportunity and substantive equality as part of its calendar of training courses.

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

## Community consultation

As part of the Equal Opportunity Commission's ongoing consultation with communities about their experiences in accessing services provided by the state government, the Commission undertakes forums aimed at informing communities and their advocates about what is currently being achieved by the Government to address substantive equality.

## Case study – Disability Services Commission

The Disability Services Commission (DSC) has piloted a major new initiative in two Perth suburbs which provide support to people with high and challenging behaviours (their families, carers, agencies and the community). Called the Positive Behaviour Support Teams, the service draws on disciplines such as psychology, speech pathology and social work to provide a range of specialist and intensive supports. The Needs and Impact Assessment for this new service has 2 stages:

- 1) Review the procedures and practices to ensure they are culturally secure
- 2) Review of staff/client interface and aims to capture staff and client experiences

DSC information systems will also capture client demographics and provide a baseline to compare incidence of disability and take up rates of the Positive Behaviour Program.

The development of the model (Positive Behaviour Teams) has been developed in consultation with the Commission, the Ethnic and Aboriginal communities with disabilities, their families and carers as well as respective non-government organisations and is considered a best practice model for engagement. The pilot is currently being evaluated by Deakin University and consultations are underway to report back to the communities before making any adjustments and rolling out of the program across the DSC.

## 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 EO Act.

The three projects reported on for 2010-11 year are:

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

### Finding a Place: a report of an investigation into discrimination in the provision of public housing for Aboriginal people

This year marks the finalisation of the implementation phase of the inquiry initiated by the Commissioner for Equal Opportunity in 2003 into discrimination in public housing against Aboriginal people. A final report was released entitled *Finding a Place* in December 2004.

The investigation found there were many areas where the policies and practices of the then Department of Housing and Works tended to present greater difficulties in either gaining or maintaining tenancies for Aboriginal people who were characterised by large families, family violence, and parents and grandparents in poor health, poverty and previous Homeswest tenancies. The report of this investigation, *Finding a Place*, made far reaching recommendations which in the years since its release have been progressively implemented by the Department of Housing, in partnership with the Equal Opportunity Commission and the Monitoring Committee.

The recommendations addressed in detail all of the key functions, policies and practices of the Department.

The recommendations were grouped into five reform areas:

- Staffing
- Communication between Department, and Aboriginal tenants and applicants
- Revision of policies and practices
- Maintenance and tenancy management
- Appeals.



The Monitoring Committee which oversaw the implementation of the recommendations formally wound up on 12 July 2010, however it met occasionally thereafter to produce a final report. This final report documents the achievements of the Committee and provides the future direction of the work of the Commission and the Department to progress the intent of *Finding a Place*. It was launched at the first of planned six monthly forums, on 22 March 2011.

These forums will inform and hear from a broader group of Aboriginal and housing organisations and are held at the Aboriginal Alcohol and Drug Service in East Perth.

Information about the Inquiry and a copy of the *Finding a Place: Final report for the section 80 Implementation and Monitoring Committee of the Inquiry into the Existence of Discriminatory Practices in relation to the provision of public housing to Aboriginal people in Western Australia* can be found on the Commission's website at:

<http://www.eoc.wa.gov.au/complaintsandinvestigations/FindingAplace.aspx>

## Accommodating Everyone: a report of an inquiry into discrimination in the private rental market in Western Australia

The Commissioner for Equal Opportunity undertook this inquiry into the experiences of Aboriginal and Culturally and Linguistically Diverse (CaLD) people in the private housing rental market after concerns were raised by advocate groups 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.

The inquiry concluded that there was substantial evidence of racial discrimination in the private housing rental market and this was discussed within the context of the inquiry's Terms of Reference.

The Report made 15 recommendations which covered 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 Commission has pursued a number of the recommendations of the report throughout the year, most notably the mandatory anti-discrimination training of registered property managers and licensed agents.

The Commission has also continued its work with the Housing Crisis Committee for CaLD and assisted in the organisation of a forum of community workers and advocates. The Commissioner spoke at this forum and outlined the outcomes of the Inquiry.

The complete *Report of outcomes of the recommendations of Accommodating Everyone* is available with the original report on the Commission's website at

<http://www.eoc.wa.gov.au/complaintsandinvestigations/AccommodatingEveryone.aspx>

## Narrogin community relations project

The Commission has been working with the Narrogin community since October 2008. The Narrogin Community Relations Strategy was developed by the Commission in response to a request from local Aboriginal community members for support to address issues of alleged experiences of racism.

The strategy takes a community development approach and involves monthly contact visits to attend the Narrogin Inter-Agency Committee, taking enquiries and complaints, provision of community advocacy training and support and anti-discrimination training.

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.

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.

Outcomes achieved in 2010-11

- Commission officers attended a range of meetings during the year with Aboriginal community members, representatives of the Aboriginal community, government and non-government service providers.
- Commission staff have acted in an advisory role to Narrogin's Senior High School Equality and Diversity Committee. The Committee is made up of representatives of the school community and has drafted a Equality and Diversity Policy which provides a set of procedures and guidelines to all members of the Narrogin school community (staff, students and parents/caregivers) to eliminate discrimination and harassment in the school environment and promote positive attitudes towards diversity.
- Work continued to develop a program for advocacy training, training for school grievance officers and support for the school anti-racism policy.
- A full day of training was delivered in Narrogin to Aboriginal and Islander Education Officers for the Wheatbelt District.

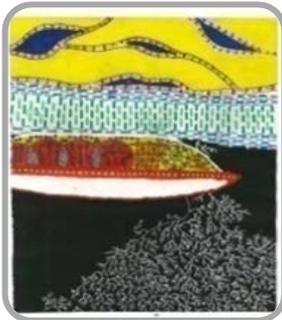
- Training sessions were delivered to the staff at C.Y. O'Connor Institute's Narrogin campus focusing on the application of the *Equal Opportunity Act 1984* in relation to education, provision of goods services and facilities and access to places.
- Discussions were held with the Narrogin Primary School, the Aboriginal Medical Service, KEEDAC, the C Y O'Connor TAFE, Kooraming Aboriginal Corporation and the District Office of the Department of Education
- Key community members in the Aboriginal and non Aboriginal community continued to act as a first point of contact to other community members who have equal opportunity complaints.

### Working together for reconciliation school art competition

To celebrate the achievements of its collaborative work with Narrogin Senior High School, the Commission held a drawing competition at the school to supply artwork for the Commission's 2011 Aboriginal Calendar.

The competition, themed *Working together for reconciliation* ran for a month.

The winner was selected by Commissioner Ms Yvonne Henderson and presented by the Commission's Manager of Community Education and Training Christine Johnson at the school's final assembly for 2010.



"The enthusiasm and cooperation from Narrogin SHS throughout the competition was really symbolic of all that has been achieved over the past two years in progressing reconciliation within the school community," Ms Henderson said.

As the winner of the competition, year 10 student Mitchell Whyte's artwork appears on the 2011 calendar.

Runners up Madeline Potter (year 10), Brad Plank (year 9) and Riva Lander's (year 8) artwork appears on a

Commission postcard series promoting reconciliation.

To order the calendar and postcards, go to the website at [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au).



# Significant issues affecting the Equal Opportunity Commission

## Current and emerging issues and trends

Provision of information about equal opportunity:

- restructure and amalgamation of core training courses
- enhanced focus and delivery of Rights Based training to identified community groups through consultation and targeted marketing

Provision of accessible means of redress for complaints of discrimination:

- an internal review of complaint handling and conciliation processes to enhance accessibility for Indigenous people and other minority groups to these processes

Substantive equality:

- The requirement to train all policy officers across the public sector, including managers so that new policies and major new initiatives (as they relate to service delivery) are assessed for their impact on diverse groups within the community
- The commencement of a pilot program with select departments to capture the extent to which new policies and major new initiatives are assessed for their impact on Indigenous and minority ethnic groups
- The impact on the Substantive Equality Unit of an increased number of departments implementing substantive equality
- The need to consider further strategies so that the SEU can begin to provide a support and monitoring role as soon as substantive equality is routinely embedded within organisational policy and practice

## Changes in written law

- Test cases in the State Administrative Tribunal which will further define a number of aspects of the *Equal Opportunity Act 1984* include: provision of services in relation to police, application for accommodation and pregnancy in employment with relation to contract workers.
- Amendment to *Equal Opportunity Act 1984* to include the ground of breast feeding and bottle feeding in public places.

## Likely developments and forecast results of operations

- Government has announced its intention to introduce the new grounds of racially offensive behaviour and bullying.

# Disclosure and legal compliance

## Financial statements

### Certification of Financial Statements

#### For the Year Ended 30 June 2011

The accompanying financial statements of the Equal Opportunity Commission have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the financial year ended 30 June 2011 and the financial position as at 30 June 2011.

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



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J.Z. Milambo  
Chief Finance Officer

Date: 16 August 2011



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Y. Henderson  
Accountable Authority

Date: 16 August 2011



## Auditor General

### INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

### COMMISSIONER FOR EQUAL OPPORTUNITY

#### Report on the Financial Statements

I have audited the accounts and financial statements of the Commissioner for Equal Opportunity.

The financial statements comprise the Statement of Financial Position as at 30 June 2011, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, 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, and Notes comprising a summary of significant accounting policies and other explanatory information.

#### *Commissioner's Responsibility for the Financial Statements*

The Commissioner is responsible for keeping proper accounts, and the preparation and fair presentation of the financial statements in accordance with Australian Accounting Standards and the Treasurer's Instructions, and for such internal control as the Commissioner determines is necessary to enable the preparation of financial statements that are free from material misstatement, whether due to fraud or error.

#### *Auditor's Responsibility*

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the financial statements based on my audit. The audit was conducted in accordance with Australian Auditing Standards. Those Standards require compliance with relevant ethical requirements relating to audit engagements and that the audit be planned and performed to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Commissioner's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of accounting estimates made by the Commissioner, as well as evaluating the overall presentation of the financial statements.

I believe that the audit evidence obtained is sufficient and appropriate to provide a basis for my audit opinion.

#### **Opinion**

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the financial position of the Commissioner for Equal Opportunity at 30 June 2011 and its financial performance and cash flows for the year then ended. They are in accordance with Australian Accounting Standards and the Treasurer's Instructions.

## Commissioner for Equal Opportunity

### Report on Controls

I have audited the controls exercised by the Commissioner for Equal Opportunity. The Commissioner is responsible for ensuring that adequate control is maintained over the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the controls exercised by the Commissioner based on my audit conducted in accordance with Australian Auditing Standards.

### Opinion

In my opinion, the controls exercised by the Commissioner for Equal Opportunity are sufficiently adequate to 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.

### Report on the Key Performance Indicators

I have audited the key performance indicators of the Commissioner for Equal Opportunity. The Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the Financial Management Act 2006 and the Treasurer's Instructions.

As required by the Auditor General Act 2006, my responsibility is to express an opinion on the key performance indicators based on my audit conducted in accordance with Australian Auditing Standards.

### Opinion

In my opinion, the key performance indicators of the Commissioner for Equal Opportunity are relevant and appropriate to assist users to assess the Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2011.

### Independence

In conducting this audit, I have complied with the independence requirements of the Auditor General Act 2006 and the Australian Auditing Standards, and other relevant ethical requirements.

  
COLIN MURPHY  
AUDITOR GENERAL  
25 August 2011

## Commissioner for Equal Opportunity

**Statement of Comprehensive Income** for the year ended 30 June 2011

	Note	2011 \$	2010 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	2,765,519	2,565,477
Supplies and services	7	609,099	492,606
Depreciation and amortisation expense	8	57,549	47,762
Accommodation expenses	9	551,432	541,161
Other expenses	10	37,312	73,908
<b>Total cost of services</b>		<b>4,020,911</b>	<b>3,720,914</b>
<b>Income</b>			
<i>Revenue</i>			
User charges and fees	11	247,830	206,289
Commonwealth grants and contributions	12	19,746	14,401
Other revenue	13	11,000	437,902
<b>Total revenue</b>		<b>278,576</b>	<b>658,592</b>
<b>Total income other than income from State Government</b>		<b>278,576</b>	<b>658,592</b>
<b>NET COST OF SERVICES</b>		<b>3,742,335</b>	<b>3,062,322</b>
<b>Income from State Government</b>			
Service Appropriation	14	3,558,000	3,205,000
Resources received free of charge	14	6,295	5,411
<b>Total income from State Government</b>		<b>3,564,295</b>	<b>3,210,411</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(178,040)</b>	<b>148,089</b>
<b>Total other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(178,040)</b>	<b>148,089</b>

See also the 'Schedule of Income and Expenses by Service'.

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

Commissioner for Equal Opportunity  
**Statement of Financial Position** as at 30 June 2011

	Note	2011 \$	2010 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	25	173,084	329,144
Receivables	16	117,796	113,243
Amounts receivable for services	17	79,000	34,000
Other assets	18	9,033	14,453
<b>Total Current Assets</b>		<b>378,913</b>	<b>490,840</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	15,25	48,126	38,426
Amounts receivable for services	17	145,000	144,000
Property, plant and equipment	19	219,378	256,937
Intangible assets	20	48,131	31,380
Other assets	18	50	-
<b>Total Non-Current Assets</b>		<b>460,685</b>	<b>470,743</b>
<b>TOTAL ASSETS</b>		<b>839,598</b>	<b>961,583</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	22	112,091	120,359
Provisions	23	576,367	542,624
<b>Total Current Liabilities</b>		<b>688,458</b>	<b>662,983</b>
<b>Non-Current Liabilities</b>			
Provisions	23	109,137	80,557
<b>Total Non-Current Liabilities</b>		<b>109,137</b>	<b>80,557</b>
<b>TOTAL LIABILITIES</b>		<b>797,595</b>	<b>743,540</b>
<b>NET ASSETS</b>		<b>42,003</b>	<b>218,043</b>
<b>EQUITY</b>			
Contributed Equity	24	481,000	479,000
Accumulated surplus/(deficiency)		(438,997)	(260,957)
<b>TOTAL EQUITY</b>		<b>42,003</b>	<b>218,043</b>

See also the 'Schedule of Assets and Liabilities by Service'.

The Statement of Financial Position should be read in conjunction with the accompanying notes.

Commissioner for Equal Opportunity  
**Statement of Changes in Equity** for the year ended 30 June 2011

	Note	Contributed equity	Reserves	Accumulated Surplus/(deficit)	Total equity
<b>Balance at 1 July 2009</b>	24	440,000	-	(409,046)	30,954
Total comprehensive income for the year		-	-	148,089	148,089
Transactions with owners in their capacity as owners:					
Capital appropriations		39,000	-	-	39,000
Total		39,000	-	-	39,000
<b>Balance at 30 June 2010</b>		<b>479,000</b>	-	(260,957)	<b>218,043</b>
<b>Balance at 1 July 2010</b>		479,000	-	(260,957)	218,043
Total comprehensive income for the year		-	-	(178,040)	(178,040)
Transactions with owners in their capacity as owners:					
Capital appropriations		2,000	-	-	2,000
Total		2,000	-	-	2,000
<b>Balance at 30 June 2011</b>		<b>481,000</b>	-	(438,997)	<b>42,003</b>

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

Commissioner for Equal Opportunity  
**Statement of Cash Flows** for the year ended 30 June 2011

	Note	2011 \$	2010 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		3,478,000	3,122,000
Capital appropriation		2,000	39,000
Holding account drawdown		34,000	30,000
<b>Net Cash provided by State Government</b>		<b>3,541,000</b>	<b>3,191,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(2,674,107)	(2,407,592)
Supplies and services		(1,222,853)	(1,275,426)
GST payments on purchases		(138,256)	(136,912)
<b>Receipts</b>			
Receipts from services		280,511	703,152
GST receipts on sales		25,296	63,822
GST receipts from taxation authority		105,790	68,575
<b>Net cash provided by/(used in) operating activities</b>	25	<b>(3,623,619)</b>	<b>(2,984,381)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
Purchase of non-current assets		(36,741)	(31,380)
<b>Net cash provided by/(used in) investing activities</b>		<b>(36,741)</b>	<b>(31,380)</b>
<b>Net increase/(decrease) in cash and cash equivalents</b>		<b>(146,360)</b>	175,239
Cash and cash equivalents at the beginning of period		367,570	192,331
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	25	<b>221,210</b>	<b>367,570</b>

The Statement of Cash Flows 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 2011

	2011 Estimate	2011 Actual	Variance	2011 Actual	2010 Actual	Variance
	\$	\$	\$	\$	\$	\$
<u>Delivery Services</u>						
Item 86 Net amount appropriated to deliver services	3,095,000	3,319,000	224,000	3,319,000	2,989,000	330,000
Amount Authorised by Other Statutes						
-Salaries and Allowances Act 1975	233,000	239,000	6,000	239,000	216,000	23,000
<b>Total appropriations provided to deliver services</b>	<b>3,328,000</b>	<b>3,558,000</b>	<b>230,000</b>	<b>3,558,000</b>	<b>3,205,000</b>	<b>353,000</b>
<u>Capital</u>						
Item 153 Capital appropriations	2,000	2,000	-	2,000	39,000	(37,000)
<b>GRAND TOTAL</b>	<b>3,330,000</b>	<b>3,560,000</b>	<b>230,000</b>	<b>3,560,000</b>	<b>3,244,000</b>	<b>316,000</b>
<u>Details of Expenses by Services</u>						
Provision of Information	2,200,000	2,401,269	201,269	2,401,269	2,209,327	191,942
Avenue of Redress	1,488,000	1,619,638	131,638	1,619,638	1,511,586	108,052
<b>Total Cost of Services</b>	<b>3,688,000</b>	<b>4,020,907</b>	<b>332,907</b>	<b>4,020,907</b>	<b>3,720,913</b>	<b>299,994</b>
Less total income	(309,000)	(278,576)	30,424	(278,576)	(658,592)	380,016
Net Cost of Services	3,379,000	3,742,331	363,331	3,742,331	3,062,321	680,010
Adjustment	(51,000)	(184,331)	(133,331)	(184,331)	142,679	(327,010)
<b>Total appropriations provided to deliver services</b>	<b>3,328,000</b>	<b>3,558,000</b>	<b>230,000</b>	<b>3,558,000</b>	<b>3,205,000</b>	<b>353,000</b>
<u>Capital Expenditure</u>						
Purchase of non-current intangible assets	36,000	36,741	741	36,741	31,380	5,361
Adjustments for other funding sources	(34,000)	(34,741)	(741)	(34,741)	7,620	(42,361)
<b>Capital appropriations</b>	<b>2,000</b>	<b>2,000</b>	<b>-</b>	<b>2,000</b>	<b>39,000</b>	<b>(37,000)</b>

Adjustments comprise movements in cash balances and other accrual items such as receivables, payables and superannuation.

Note 29 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2010 and 2011.

## Commissioner for Equal Opportunity

## Schedule of Income and Expense by Service for the year ended 30 June 2011

	Provision of Information		Avenue for Redress		Total	
	2011 \$	2010 \$	2011 \$	2010 \$	2011 \$	2010 \$
<b>COST OF SERVICES</b>						
<u>Expenses</u>						
Employee benefit expense	1,686,967	1,564,941	1,078,552	1,000,536	2,765,519	2,565,477
Supplies and services	339,692	274,724	269,408	217,882	609,100	492,606
Depreciation and amortisation expense	32,095	26,636	25,454	21,126	57,549	47,762
Accommodation expenses	307,529	301,801	243,903	239,360	551,432	541,161
Other expenses	20,809	41,218	16,503	32,690	37,312	73,908
<b>Total cost of services</b>	<b>2,387,092</b>	<b>2,209,320</b>	<b>1,633,820</b>	<b>1,511,594</b>	<b>4,020,912</b>	<b>3,720,914</b>
<u>Income</u>						
User charges and fees	247,830	206,289	-	-	247,830	206,289
Commonwealth grants and contributions	19,746	14,401	-	-	19,746	14,401
Other revenue	11,000	437,902	-	-	11,000	437,902
<b>Total income other than income from State Government</b>	<b>278,576</b>	<b>658,592</b>	<b>-</b>	<b>-</b>	<b>278,576</b>	<b>658,592</b>
<b>NET COST OF SERVICES</b>	<b>2,108,516</b>	<b>1,550,728</b>	<b>1,633,820</b>	<b>1,511,594</b>	<b>3,742,336</b>	<b>3,062,322</b>
<u>Income from State Government</u>						
Service appropriation	1,984,297	1,787,428	1,573,703	1,417,572	3,558,000	3,205,000
Resources received free of charge	3,511	3,018	2,784	2,393	6,295	5,411
<b>Total income from State Government</b>	<b>1,987,808</b>	<b>1,790,446</b>	<b>1,576,487</b>	<b>1,419,965</b>	<b>3,564,295</b>	<b>3,210,411</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(120,708)</b>	<b>239,718</b>	<b>(57,333)</b>	<b>(91,629)</b>	<b>(178,041)</b>	<b>148,089</b>

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** as at 30 June 2011

	Provision of Information		Avenue for Redress		Total	
	2011 \$	2010 \$	2011 \$	2010 \$	2011 \$	2010 \$
<b>ASSETS</b>						
Current assets	258,826	335,282	120,087	155,558	378,913	490,840
Non-current assets	314,683	321,554	146,002	149,189	460,685	470,743
<b>Total assets</b>	<b>573,509</b>	<b>656,836</b>	<b>266,089</b>	<b>304,747</b>	<b>839,598</b>	<b>961,583</b>
<b>LIABILITIES</b>						
Current liabilities	470,274	451,733	218,187	209,586	688,458	661,319
Total non-current liabilities	74,549	56,163	34,588	26,058	109,137	82,221
<b>Total liabilities</b>	<b>544,820</b>	<b>507,896</b>	<b>252,775</b>	<b>235,644</b>	<b>797,595</b>	<b>743,540</b>
<b>NET ASSETS</b>	<b>28,689</b>	<b>148,940</b>	<b>13,314</b>	<b>69,103</b>	<b>42,003</b>	<b>218,043</b>

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 2011

## **Note 1. Australian Accounting Standards**

### **General**

The Commission's financial statements for the year ended 30 June 2011 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

The Commission has adopted any applicable new and revised Australian Accounting Standards from their operative dates.

### **Early adoption of standards**

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. No Australian Accounting Standards that have been issued or amended [but are not operative] have been early adopted by the Commission for the annual reporting period ended 30 June 2011.

## **Note 2. Summary of significant accounting policies**

### **(a) General statement**

The financial statements constitute general purpose financial statements that have been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary 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 Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board.

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

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.

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

Note 3 'Judgements made by management in applying accounting policies' discloses judgements that have been made in the process of applying the Commission's accounting policies resulting in the most significant effect on amounts recognised in the financial statements.

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, 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 Commission and no other related bodies.

#### Mission

The Commission's mission is to ensure that people in the Western Australian community are treated on their merits, free from assumptions based on prejudice or unlawful discrimination.

The Commission is predominantly funded by Parliamentary appropriations. It provides training services on a fee-for-service basis. The fees charged are determined by prevailing market forces. The financial statements encompass all funds through which the Commission controls resources to carry on its functions.

#### Services

The Commission provides the following services:

##### *Service 1: Provision of Information*

Comprises information and advice regarding equal opportunity and human rights.

##### *Service 2: Avenue of Redress*

Comprises avenue of redress for unlawful discrimination and unreasonable treatment.

### **(d) Contributed equity**

AASB Interpretation 1038 *Contributions by Owners Made to Wholly-Owned Public Sector Entities* requires transfers in the nature of equity contributions, other than as a result of a restructure of administrative arrangements, 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 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.

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

## **(e) Income**

### Revenue recognition

Revenue is recognised and 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 transfer to the purchaser and can be measured reliably.

#### *Provision of services*

Revenue is recognised on 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 at fair value 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 to the bank account or credited to the 'Amounts receivable for services' (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 2010-2011 Budget Statements, the Commission retained **\$278,576** in 2011 (\$658,592 in 2010) from the following:

- Proceeds from the provision of Community Education Services;
- Proceeds from the provision of service to the Indian Ocean Territories;
- Proceeds from Public relations events held by the Commission (International Women's Day Breakfast seminar)

#### *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.

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

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

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

### Gains

Realised or unrealised gains are usually recognised on a net basis. These include gains arising on the disposal 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 plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

#### 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 the fair value at the date of acquisition.

#### Subsequent measurement

Subsequent to initial recognition as an asset, the historical cost model is used for plant and equipment. All items of plant and equipment are stated 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 asset are:

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

### **(g) Intangible assets**

#### Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$50,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful life. Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

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**Notes to the Financial Statements** for the year ended 30 June 2011

All acquired and internally developed intangible assets are initially recognised at cost. For assets acquired at no cost or nominal cost, the cost is their fair value at the date of acquisition.

The cost model is applied for subsequent measurement requiring the asset to be carried at cost less any accumulated amortisation and accumulated impairment losses.

Amortisation for intangible assets with finite useful lives is calculated for the period of the expected benefit (estimated useful life which is reviewed annually) on the straight line basis. All intangible assets controlled by the Commission have a finite useful life and zero residual value.

The expected useful lives for each class of intangible asset are:

Website Cost	3 years
--------------	---------

#### Website costs

Website costs are charged as expenses when they are incurred unless they relate to the acquisition or development of an asset when they may be capitalised and amortised. Generally, costs in relation to feasibility studies during the planning phase of a website, and ongoing costs of maintenance during the operating phase are expensed. Costs incurred in building or enhancing a website, to the extent they represent probable future economic benefits that can be reliably measured, are capitalised.

#### **(h) Impairment of assets**

Plant and equipment assets are tested for any indication of impairment at the end of each reporting period. 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 costs to sell and depreciated replacement cost.

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 assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of the asset's future economic benefits and to evaluate any impairment risk from falling replacement costs.

Intangible assets with an indefinite useful life and intangible assets not yet available for use are tested for impairment at the end of each reporting period irrespective of whether there is any indication of impairment.

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**Notes to the Financial Statements** for the year ended 30 June 2011

**(i) Leases**

The Commission has not entered into any finance 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.

**(j) Financial instruments**

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

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

Financial instruments 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.

**(k) Cash and cash equivalents**

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise 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.

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**Notes to the Financial Statements** for the year ended 30 June 2011

**(l) Accrued salaries**

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. For the current financial year a component of accrued salaries relates to settlement of liability in relation to the Public Services and Government Officers General Agreement 2011 (PS GOSAG) pay award. Settlement of this component of accrued salaries is within one month of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its net fair value.

The accrued salaries suspense account 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.

**(m) Amounts receivable for services (holding account)**

The Commission receives funding on an accrual basis. The appropriations are paid partly in cash and partly as an asset (holding account receivable). The accrued amount receivable is accessible on the emergence of the cash funding requirement to cover leave entitlements and asset replacement.

**(n) 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.

**(o) 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 settlement is generally within 30 days.

**(p) Provisions**

Provisions are liabilities of uncertain timing or amount and are recognised where there is a present legal 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 the end of each reporting period

Provisions - employee benefits

All annual leave and long service leave provisions are in respect of employees' services up to the end of the reporting period.

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**Notes to the Financial Statements** for the year ended 30 June 2011

#### *Annual leave*

The liability for annual leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Annual leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

The provision for annual leave is classified as a current liability as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting period.

#### *Long service leave*

The liability for long service leave expected to be settled within 12 months after the reporting period is recognised and measured at the undiscounted amounts expected to be paid when the liability is settled.

Long service leave not expected to be settled within 12 months after the reporting period is recognised and measured at the present value of amounts expected to be paid when the liabilities are settled using the remuneration rate expected to apply at the time of settlement.

When assessing expected future payments consideration is given to expected future wage and salary levels including non-salary components such as employer superannuation contributions, as well as the experience of employee departures and periods of service. The expected future payments are discounted using market yields at the end of the reporting period on national government bonds with terms to maturity that match, as closely as possible, the estimated future cash outflows.

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 reporting period. Conditional long service leave provisions are classified as non-current liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

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**Notes to the Financial Statements** for the year ended 30 June 2011

### *Purchased Leave*

The provision for purchased leave relates to Public Service employees who have entered into an agreement to self-fund up to an additional ten weeks leave per calendar year. The provision recognises the value of salary set aside for employees and is measured at the nominal amounts expected to be paid when the liabilities are settled. The liability is measured on the same basis as annual leave.

### *Superannuation*

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

Eligible employees contribute to the Pension Scheme, a defined benefit pension scheme closed to new members since 1987, or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme closed to new members since 1995.

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

The Commission has no liabilities under the Pension Scheme or the GSS. The liabilities for the unfunded Pension Scheme and the unfunded GSS transfer benefits attributable to members who transferred from the Pension Scheme, are assumed by the Treasurer. All other GSS obligations are funded by concurrent contributions made by the Commission to the GESB.

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). Both of these schemes are accumulation schemes. The Commission makes concurrent contributions to 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 GESBS.

The GESB makes all benefit payments in respect of the Pension Scheme and GSS, and is recouped from 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 liabilities and expenses 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'.

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**Notes to the Financial Statements** for the year ended 30 June 2011

**(q) Superannuation expense**

The superannuation expense in the Statement of Comprehensive Income comprises of employer contributions paid to the GSS (concurrent contributions), the WSS, and the GESBS. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB.

**(r) 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 at fair value. Where the resource received represents a service that the Commission would otherwise pay for, a corresponding expense is recognised. Receipts of assets are recognised in the Statement of Financial Position.

Assets or services received from other State Government agencies are separately disclosed under Income from State Government in the Statement of Comprehensive Income.

**(s) Comparative figures**

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

**Note 3. Judgements made by management in applying accounting policies**

The judgements that have been used in the process of applying accounting policies have had no material effect on amounts recognised in the financial statements.

**Note 4. Key sources of estimation uncertainty**

Key estimates and assumptions concerning the future are based on historical experience and various other factors that have a significant risk of causing a material adjustment to the carrying amount of assets and liabilities within the next financial year.

**Long Service Leave**

Several estimations and assumptions used in calculating the Commission's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision.

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**Notes to the Financial Statements** for the year ended 30 June 2011

## **Note 5. Disclosure of changes in accounting policy and estimates**

### **Initial application of an Australian Accounting Standard**

The Commission has applied the following Australian Accounting Standards effective for annual reporting periods beginning on or after 1 July 2010 that impacted on the Commission.

2009-5

*Further Amendments to Australian Accounting Standards arising from the Annual Improvements Project.* [AASB 5, 8, 101, 107, 118, 136, & 139]

Under amendments to AASB 107, only expenditures that result in a recognised asset are eligible for classification as investing activities in the Statement of Cash Flows. All investing cashflows reported in the Commission's Statement of Cash Flows relate to increases in recognised assets.

### **Future impact of Australian Accounting Standards not yet operative**

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

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**Notes to the Financial Statements** for the year ended 30 June 2011

	<b>Operative for reporting periods beginning on/after</b>
<p>AASB 2009-11 <i>Amendments to Australian Accounting Standards arising from AASB 9 [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 121, 127, 128, 131, 132, 136, 139, 1023 &amp; 1038 and Interpretations 10 &amp; 12].</i></p> <p>The amendment to AASB 7 <i>Financial Instruments: Disclosures</i> requires modification to the disclosure of categories of financial assets. The Commission does not expect any financial impact when the Standard is first applied. The disclosure of categories of financial assets in the notes will change.</p>	1 Jan 2013
<p>AASB 2009-12 <i>Amendments to Australian Accounting Standards [AASBs 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 &amp; 1031 and Interpretations 2,4,16,1039 &amp; 1052]</i></p> <p>This Standards introduces a number of terminology changes. There is no financial impact resulting from the application of this revised Standard.</p>	1 Jan 2011
<p>AASB 1053 <i>Application of Tiers of Australian Accounting Standards</i></p> <p>This Standards establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements.</p> <p>The Standard does not have any financial impact on the Commission. However it may affect disclosures in the financial statements of the Commission if the reduced disclosure requirements apply. DTF has not yet determined the application or the potential impact of the new Standard for agencies.</p>	1 July 2013

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**Notes to the Financial Statements** for the year ended 30 June 2011

AASB 2010-2 *Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements* 1 July 2013

This Standard makes amendments to many Australian Accounting Standards, including Interpretations, to introduce reduced disclosure requirements into these pronouncements for application by certain types of entities.

This Standard is not expected to have any financial impact on the Commission. However this Standard may reduce some note disclosures in the financial statements of the Commission. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.

AASB 2011-2 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project – Reduced Disclosure Requirements [AASB 101 & 1054].* 1 July 2011

This Amending Standard removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards for reduced disclosure reporting. DTF has not yet determined the application or the potential impact of the amendments to these Standards for agencies.

AASB 2010-5 *Amendments to Australian Accounting Standards [AASB1, 3, 4, 5, 101, 107, 112, 118, 119, 121, 132, 133, 134, 137, 139, 140, 1023 & 1038 and Interpretations 112, 115, 127, 132 & 1042] (October 2010)* 1 Jan 2011

This Standard introduces a number of terminology changes as well as minor presentation changes to the Notes to the Financial Statements. There is no financial impact resulting from the application of this revised Standard.

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**Notes to the Financial Statements** for the year ended 30 June 2011

AASB 2010-6 *Amendments to Australian Accounting Standards – Disclosures on Transfers of Financial Assets [AASB 1 & AASB 7]* 1 July 2011

This Standard makes amendments to Australian Accounting Standards, introducing additional presentation and disclosure requirements for Financial Assets.

The Standard is not expected to have any financial impact on the Commission. DTF has not yet determined the application of the potential impact of the amendments to these Standards for agencies.

AASB 9 *Financial Instruments* 1 Jan 2013

This Standard supersedes AASB 139 *Financial Instruments: Recognition and Measurement*, introducing a number of changes to accounting treatments.

The Standard was reissued on 6 Dec 2010 and the Department is currently determining the impact of the Standard, DTF has not yet determined the application or the potential impact of the Standard for agencies.

AASB 2010-7 *Amendments to Australian Accounting Standards arising from AASB 9 (December 2010) [AASB 1, 3, 4, 5, 7, 101, 102, 108, 112, 118, 120, 121, 127, 128, 131, 132, 136, 137, 139, 1023 & 1038 and Interpretations 2, 5, 10, 12, 19 & 127]* 1 Jan 2013

This Amending Standard makes consequential adjustments to other Standards as a result of issuing AASB 9 *Financial Instruments* in December 2010. DTF has not yet determined the application or the potential impact of the Standard for agencies.

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**Notes to the Financial Statements** for the year ended 30 June 2011

AASB 1054	<i>Australian Additional Disclosures</i>	1 July 2011
	<p>This Standard, in conjunction with <i>AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project</i>, removes disclosure requirements for other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.</p>	
AASB 2011-1	<i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132 &amp; 134 and Interpretations 2, 112 &amp; 113]</i>	1 July 2011
	<p>This Amending Standard, in conjunction with <i>AASB 1054 Australian Additional Disclosures</i>, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards.</p>	

Commissioner for Equal Opportunity  
**Notes to the Financial Statements** for the year ended 30 June 2011

**Note 6. Employee benefits expense**

	2011 \$	2010 \$
Wages and salaries (a)	2,532,308	2,346,450
Superannuation – defined contribution plans (b)	211,347	203,227
Other related expenses	21,864	15,800
	<b>2,765,519</b>	<b>2,565,477</b>

(a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component, leave entitlements including superannuation contribution component.

(b) Defined contribution plans include West State and Gold State and GESB Super Scheme (contributions paid).

Employment on-costs expenses, such as workers' compensation insurance are included at [note 10 'Other Expenses'](#).

Employment on-costs liability is included in [note 23 'Provisions'](#).

**Note 7. Supplies and services**

	2011 \$	2010 \$
Communications	33,117	29,097
Consultants and contractors	258,579	237,355
Consumables	39,868	53,260
Materials	69,779	16,545
Travel	58,123	42,368
Other	149,633	113,981
	<b>609,099</b>	<b>492,606</b>

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011**Note 8. Depreciation and amortisation expense**

	2011	2010
	\$	\$
<u>Depreciation</u>		
Office equipment	14,811	14,811
Computer hardware	6,815	4,208
Furniture fixtures and fittings	28,743	28,743
<b>Total depreciation</b>	<b>50,369</b>	<b>47,762</b>
<u>Amortisation</u>		
Intangible assets	7,180	-
<b>Total amortisation</b>	<b>7,180</b>	<b>-</b>
<b>Total depreciation and amortisation</b>	<b>57,549</b>	<b>47,762</b>

**Note 9. Accommodation expenses**

	2011	2010
	\$	\$
Building rental operating lease expense	551,432	541,161
	<b>551,432</b>	<b>541,161</b>

**Note 10. Other expenses**

	2011	2010
	\$	\$
Bad Debts	320	6,723
Other expenses (a)	36,992	67,185
	<b>37,312</b>	<b>73,908</b>

(a) Includes workers' compensation insurance and other employment on-costs. The on-costs liability associated with the recognition of annual and long service leave liability is included at note 23 'Provisions'. Superannuation contributions accrued as part of the provision for leave are employee benefits and are not included in employment on-costs.

Commissioner for Equal Opportunity  
**Notes to the Financial Statements** for the year ended 30 June 2011

**Note 11. User charges and fees**

	2011	2010
	\$	\$
Training course fees	239,127	194,700
Other services provided	8,703	11,589
	<b>247,830</b>	<b>206,289</b>

**Note 12. Commonwealth grants and contributions**

	2011	2010
	\$	\$
Grant from Commonwealth – Indian Ocean Territories	19,746	14,401
	<b>19,746</b>	<b>14,401</b>

**Note 13. Other revenue**

	2011	2010
	\$	\$
Recoups	3,931	160,794
Other revenues	7,069	277,108
	<b>11,000</b>	<b>437,902</b>

**Note 14. Income from State Government**

	2011	2010
	\$	\$
Appropriation received during the year:		
Service appropriations (a)	3,558,000	3,205,000
	<b>3,558,000</b>	<b>3,205,000</b>
Resources received free of charge (b) Determined on the basis of the following estimates provided by agencies:		
DTF – Building and Management Works	6,295	5,411
	<b>6,295</b>	<b>5,411</b>
	<b>3,564,295</b>	<b>3,210,411</b>

## Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

(a) Service appropriations fund the net cost of services delivered. 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) Assets or services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated. Contributions of assets or services in the nature of contributions by owners are recognised direct to equity.

**Note 15. Restricted cash and cash equivalents**

	2011	2010
	\$	\$
<u>Non-current</u>		
Accrued salaries suspense account (a)	48,126	38,426
	<b>48,126</b>	<b>38,426</b>

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

**Note 16. Receivables**

	2011	2010
	\$	\$
<u>Current</u>		
Receivables	101,723	103,658
Allowances for impairment of receivables	-	-
GST Receivables	16,073	9,585
<b>Total Current</b>	<b>117,796</b>	<b>113,243</b>
Reconciliation of changes in the allowance for impairment of receivables:		
Balance at start of year	-	8,363
Doubtful debts expense	-	-
Amounts written off during the year	-	(1,926)
Amount recovered during the year	-	(6,437)
<b>Balance at end of year</b>	<b>-</b>	<b>-</b>

The Commission does not hold any collateral or other credit enhancements as security for receivables.

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**Notes to the Financial Statements** for the year ended 30 June 2011**Note 17. Amounts receivable for services (Holding Account)**

	2011	2010
	\$	\$
Current	79,000	34,000
Non-Current	145,000	144,000
	<b>224,000</b>	<b>178,000</b>

Represents the non-cash component of service appropriations. It is restricted in that it can only be used for asset replacement or payment of leave liability.

**Note 18. Other assets**

	2011	2010
	\$	\$
<u>Current</u>		
Prepayments	9,033	14,453
<b>Total Current</b>	<b>9,033</b>	<b>14,453</b>
<u>Non-Current</u>		
Prepayments	50	-
<b>Total Non-Current</b>	<b>50</b>	<b>-</b>
	<b>9,083</b>	<b>14,453</b>

**Note 19. Plant and Equipment**

	2011	2010
	\$	\$
<u>Office equipment</u>		
At cost	61,448	61,448
Accumulated depreciation	(41,890)	(27,079)
	19,558	34,369
<u>Furniture fixtures and fittings</u>		
At cost	284,725	284,725
Accumulated depreciation	(94,512)	(65,769)
	190,213	218,956
<u>Computer Hardware</u>		
At cost	26,871	14,061
Accumulated depreciation	(17,264)	(10,449)
	9,607	3,612
	<b>219,378</b>	<b>256,937</b>

## Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

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

	Office equipment	Furniture fixture and fittings	Computer hardware(a)	Total
	\$	\$	\$	\$
<b>2011</b>				
Carrying amount at start of year	34,369	218,956	3,612	256,937
Additions	-	-	12,810	12,810
Disposals	-	-	-	-
Depreciation	(14,811)	(28,743)	(6,815)	(50,369)
Carrying amount at end of year	<b>19,558</b>	<b>190,213</b>	<b>9,607</b>	<b>219,378</b>
<b>2010</b>				
Carrying amount at start of year	49,180	247,699	7,820	304,699
Depreciation	(14,811)	(28,743)	(4,208)	(47,762)
Carrying amount at end of year	<b>34,369</b>	<b>218,956</b>	<b>3,612</b>	<b>256,937</b>

**Note 20. Intangible Asset**

	2011 \$	2010 \$
<u>Computer Software</u>		
At cost	55,311	-
Accumulated amortisation	(7,180)	-
	<b>48,131</b>	-
<u>Computer software</u>		
Works in progress – website development	31,380	31,380
Transfer	(31,380)	-
	-	<b>31,380</b>
<b>Total intangible assets</b>	<b>48,131</b>	<b>31,380</b>
Reconciliations:		
<u>Computer Software</u>		
Carrying amount at start of year	-	-
Transfer	31,380	-
Additions	23,931	-
Amortisation expense	(7,180)	-
Carrying amount at end of year	<b>48,131</b>	-

## Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011**Note 21. Impairment of assets**

There were no indications of impairment to plant and equipment, and intangible assets at 30 June 2011.

The Commission held no goodwill or intangible assets with an indefinite useful life during the reporting period. At the end of the reporting period there were no intangible assets not yet available for use.

All surplus assets at 30 June 2011 have either been classified as assets held for sale or written-off.

**Note 22. Payables**

	2011	2010
	\$	\$
<u>Current</u>		
Accrued salaries	63,819	34,730
Accrued expenses	25,382	43,990
Trade payables	22,890	41,639
<b>Total Current</b>	<b>112,091</b>	<b>120,359</b>

**Note 23. Provisions**

	2011	2010
	\$	\$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave (a)	123,438	144,331
Long service leave (b)	438,707	393,131
Purchased leave (c)	10,614	<b>1,664</b>
	572,759	539,126

(c) The deferred salary scheme amount of \$1,664 was incorrectly reported in the 2009-2010 financial statements. The provision of \$1,664 should be classified as purchased leave and treated as a current liability as the provision will be settled within 12 months of the end of the reporting period.

<i>Other provisions</i>		
Employment on-costs (d)	3,608	3,498
	3,608	3,498
	<b>576,367</b>	<b>542,624</b>
<u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave (b)	108,444	80,032
	108,444	80,032

## Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

	2011 \$	2010 \$
<i>Other provisions</i>		
Employment on-costs (d)	693	525
	693	525
	<b>109,137</b>	<b>80,557</b>

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

	2011 \$	2010 \$
Within 12 months of the end of the reporting period	98,784	98,586
More than 12 months after the reporting period	24,654	45,745
	<b>123,438</b>	<b>144,331</b>

(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 the reporting period. Assessments indicate that actual settlement of the liabilities will occur as follows:

	2011 \$	2010 \$
Within 12 months of the end of the reporting period	192,602	164,368
More than 12 months after the reporting period	354,549	308,795
	<b>547,151</b>	<b>473,163</b>

(d) The settlement of annual and long service leave liabilities gives rise to the payment of employment on-costs including worker's compensation insurance. The provision is the present value of expected future payments.

The associated expense, apart from unwinding of the discount (finance cost), is disclosed in note 10 'Other expenses'.

	2011 \$	2010 \$
Within 12 months of the end of the reporting period	10,614	1,664
	<b>10,614</b>	<b>1,664</b>

## Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011**Movement in Other Provisions**

	2011	2010
	\$	\$
Movements in each class of provisions during the financial year, other than employee benefits, are set out below.		
<u>Employment on-cost provision</u>		
Carrying amount at start of year	4,023	3,136
Additional provisions recognised	278	887
Unwinding of discount	-	-
<b>Carrying amount at end of year</b>	<b>4,301</b>	<b>4,023</b>

**Note 24. Equity**

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

**Contributed equity**

	2011	2010
	\$	\$
Balance at start of period	479,000	440,000
<u>Contributions by owners</u>		
Capital appropriation	2,000	39,000
<b>Total contribution by owners</b>	<b>2,000</b>	<b>39,000</b>
<b>Balance at end of period</b>	<b>481,000</b>	<b>479,000</b>

**Accumulated surplus/(deficit)**

	2011	2010
	\$	\$
Balance at start of year	(260,957)	(409,046)
Result for the period	(178,040)	148,089
<b>Balance at end of year</b>	<b>(438,997)</b>	<b>(260,957)</b>
<b>Total Equity at end of period</b>	<b>42,003</b>	<b>218,043</b>

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011**Note 25. Notes to the Statement of Cash Flows****Reconciliation of cash**

Cash at the end of the financial year as shown in the Statement of Cash Flows is reconciled to the related items in the Statement of Financial Position as follows:

	2011	2010
	\$	\$
Cash and cash equivalents	173,084	329,144
Restricted cash and cash equivalents (refer to note 15 'Restricted cash and cash equivalents')	48,126	38,426
	<b>221,210</b>	<b>367,570</b>

**Reconciliation of net cost of services to net cash flows provided by/(used in) operating activities**

	2011	2010
	\$	\$
Net cost of services	(3,742,335)	(3,062,322)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	57,549	47,762
Bad debts expense	320	6,723
Resources received free of charge	6,295	5,411
<u>(Increase)/decrease in assets:</u>		
Current receivables (a)	1,614	47,916
Other current assets	5,370	(2,531)
<u>Increase/(decrease) in liabilities:</u>		
Current payables (a)	(8,268)	(160,493)
Current provisions	33,743	206,201
Non-current provisions	28,580	(69,692)
Net GST receipts/(payments) (b)	(7,170)	(4,515)
Change in GST in receivables/payables (c)	683	1,159
<b>Net cash provided by/(used in) operating activities</b>	<b>(3,623,619)</b>	<b>(2,984,381)</b>

- (a) Note that the Australian Taxation Office (ATO) receivable/payable in respect of GST and the receivable/payable in respect of the sale/purchase of non-current assets are not included in these items as they do not form part of the reconciling items.
- (b) This is the net GST paid/received, i.e cash transaction.
- (c) This reverses out the GST in receivables and payables.

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011**Note 26. Commitments**

The commitments below are inclusive of GST where relevant.

**Capital expenditure commitments**

	2011	2010
	\$	\$
Capital expenditure commitments, being contracted capital expenditure additional to the amounts reported in the financial statements, are payable as follows:		
Within 1 year	-	85,990
	<b>-</b>	<b>85,990</b>
The capital commitments include amounts for:		
Computer hardware	-	43,523
Furniture fixtures and fittings	-	42,467
	<b>-</b>	<b>85,990</b>

**Lease Commitments**

	2011	2010
	\$	\$
Commitments in relation to leases contracted for at the end of the reporting period but not recognised in the financial statements are payable as follows:		
Within 1 year	446,917	450,332
Later than 1 year and not later than 5 years	1,562,136	1,554,265
Later than 5 years	1,194,929	1,437,427
	<b>3,203,982</b>	<b>3,442,024</b>
Representing:		
Non-cancellable operating leases	<b>3,203,982</b>	<b>3,442,024</b>
<b>Non cancellable operating lease commitments</b>		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	446,917	450,332
Later than 1 year and not later than 5 years	1,562,136	1,554,265
Later than 5 years	1,194,929	1,437,427
	<b>3,203,982</b>	<b>3,442,024</b>

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

### Note 27. Contingent liabilities and contingent assets

There are no contingent liabilities or contingent assets as at 30 June 2011.

### Note 28. Event occurring after the balance sheet date

There were no events occurring after the reporting date that impact on the financial statements.

### Note 29. 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.

#### Total appropriation to deliver services

Significant variances between estimate and actual for 2011

	2011 Estimate \$	2011 Actual \$	Variance \$
Provision of Information	2,200,000	2,387,092	(187,092)
Avenue of Redress	1,488,000	1,633,820	(145,820)

During the year the Commission sought additional funding of \$224,000 to meet ongoing rental increases that had previously been absorbed by The Commission. This was offset by funding provided as part of the implementation of the Finding a Place Report which ended in June 2010.

There were carryover monies used in this year as follows :

- \$10,000 to undertake the redevelopment of the Commission website
- \$50,000 to replace and upgrade the servers and IT system;
- \$16,000 replacement of blinds as part of a whole of building exercise; and
- \$26,000 for the unexpected installation of air-conditioning in the server room.

Some of the increased cost is also due to replacement of staff who proceeded on unexpected long periods of leave therefore increasing staff costs.

Significant variances between actuals for 2010 and 2011

	2011 \$	2010 \$	Variance \$
Total appropriation provided to deliver services for the year	3,558,000	3,205,000	353,000
Total income	278,576	658,592	(380,016)

The increase in total income to deliver services results from increased funding of \$224,000 received to meet ongoing increased rental costs previously absorbed by the Commission. There was also funding provided for increased salary costs associated with the Salaries and Allowances Determination. The balance relates to general cost and salary escalations.

## Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

The decrease in Total income is due to the cessation of fixed term Multilateral funding from the Department of Indigenous Affairs from 2010/2011 of \$270,000. There was a reduction in salary recoups received for employees previously seconded to the Commission.

**Service expenditure**Significant variances between actual results for 2010 and 2011

	2011	2010	Variance
	\$	\$	\$
Provision of Information	2,387,092	2,209,320	177,772
Avenue of Redress	1,633,820	1,511,594	122,226

During the year the Commission sought additional funding of \$224,000 to meet ongoing rental increases that had previously been absorbed by The Commission. .

There were carryover monies from 2009/2010 used in this year as follows:

- \$10,000 to undertake the redevelopment of the Commission website;
- \$50,000 to replace and upgrade the servers and IT system;
- \$16,000 replacement of blinds as part of a whole of building exercise ; and
- \$26,000 for the unexpected installation of air-conditioning in the server room.

Some of the increased cost is also due to replacement of staff who proceeded on unexpected long periods of leave therefore increasing staff costs

**Capital contribution**Significant variances between estimate and actual 2011

No variance in Capital contribution.

Significant variances between actual results for 2010 and 2011

	2011	2010	Variance
	\$	\$	\$
Capital contribution	2,000	39,000	(37,000)

Capital contribution is based on a rolling asset replacement program and will vary according to the assets scheduled for replacement in that financial year.

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

### Note 30. Financial instruments

#### (a) Financial risk management objectives and policies

Financial instruments held by the Commission are cash and cash equivalents, restricted cash and cash equivalents, receivables and payables. 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 the 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 the end of the reporting period 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 30 (c) 'Financial instrument disclosures'** and **Note 16 '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, credit worthy third parties. The Commission has policies in place to ensure that 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 end of the reporting period 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.

##### 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.

#### (b) Categories of financial instruments

In addition to cash, the carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are as follows:

	2011 \$	2010 \$
<u>Financial Assets</u>		
Cash and cash equivalents	173,084	329,144
Restricted cash and cash equivalents	48,126	38,426
Receivables (a)	325,723	284,658
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	112,091	120,359

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

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011**(c) Financial instrument disclosures**Credit risk and interest rate exposures

The following table discloses 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 end of the reporting period is the carrying amount of the financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired in 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**

	<u>Interest rate exposure</u>					<u>Past due but not impaired</u>					
	Weighted average effective interest rate	Carrying amount	Fixed Interest Rate	Variable Interest Rate	Non- Interest Bearing	Up to 3 months	3-12 months	1-2 years	2-5 years	More than 5 years	Impaired financial assets
	%	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>Financial assets</b>											
<b>2011</b>											
Cash and cash equivalents		173,084	-	-	173,084	-	-	-	-	-	-
Restricted cash and cash equivalents		48,126	-	-	48,126	-	-	-	-	-	-
Receivables (a)		101,723	-	-	101,723	6,761	2,918	-	-	-	-
Amounts receivable for services		224,000	-	-	224,000	-	-	-	-	-	-
		<b>546,933</b>	-	-	<b>546,933</b>	<b>6,761</b>	<b>2,918</b>	-	-	-	-
<b>2010</b>											
Cash and cash equivalents		329,144	-	-	329,144	-	-	-	-	-	-
Restricted cash and cash equivalents		38,426	-	-	38,426	-	-	-	-	-	-
Receivables (a)		103,658	-	-	103,658	54	2,425	-	-	-	-
Amounts receivable for services		178,000	-	-	178,000	-	-	-	-	-	-
		<b>649,228</b>	-	-	<b>649,228</b>	<b>54</b>	<b>2,425</b>	-	-	-	-

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

Commissioner for Equal Opportunity  
**Notes to the Financial Statements** for the year ended 30 June 2011

Liquidity Risk

The following table details the contractual maturity analysis for financial liabilities. The table includes both interest and principal cash flows. An adjustment has been made where material.

**Interest rate exposure and maturity analysis of financial liabilities**

	<u>Interest rate exposure</u>						<u>Maturity Dates</u>					
	Weighted average effective interest rate %	Carrying amount \$	Fixed Interest Rate \$	Variable Interest Rate \$	Non- Interest Bearing \$	Adjustment for discounting \$	Total Nominal Amount \$	Up to 3 months \$	3-12 months \$	1-2 years \$	2-5 years \$	More than 5 years \$
	<b>Financial Liabilities</b>											
<b>2011</b>												
Payables		112,091	-	-	112,091	-	-	112,091	-	-	-	-
		<b>112,091</b>	-	-	<b>112,091</b>	-	-	<b>112,091</b>	-	-	-	-
<b>2010</b>												
Payables		120,359	-	-	120,359	-	-	120,359	-	-	-	-
		<b>120,359</b>	-	-	<b>120,359</b>	-	-	<b>120,359</b>	-	-	-	-

*Interest rate sensitivity analysis*

None of the Commission's financial assets and liabilities at the end of the reporting period are sensitive to movements in interest rates, hence movements in interest rates have no bottom line impact on the Commission's surplus or equity.

*Fair Values*

All financial assets and liabilities recognised in the Statement of Financial Position, 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 2011**Note 31. Remuneration of senior officers**

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:

\$	2011 \$	2010 \$
70,000 – 80,000	1	-
90,001 – 100,000	-	1
100,001 – 110,000	-	3
110,001 – 120,000	4	-
120,001 – 130,000	-	1
140,001 – 150,000	-	1
150,001 – 160,000	1	-
220,001 – 230,000	-	1
240,001 – 250,000	1	-
<b>Total remuneration of senior officers</b>	<b>940,238</b>	<b>917,016</b>

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

**Note 32. Remuneration of Auditor**

Remuneration paid or payable to the Auditor General in respect of the audit for the current financial year is as follows:

	2011 \$	2010 \$
Auditing the accounts, financial statements and key performance indicators	26,900	26,900
	<b>26,900</b>	<b>26,900</b>

**Note 33. Indian Oceans Territories**

	2011 \$	2010 \$
Balance at the start of the year	(9,746)	-
Receipts	19,746	14,401
Payments	(13,289)	(24,147)
<b>Balance at the end of year</b>	<b>(3,289)</b>	<b>(9,746)</b>

Commissioner for Equal Opportunity

**Notes to the Financial Statements** for the year ended 30 June 2011

**Note 34. Supplementary financial information**

**(d) Write offs**

During the financial year, \$320 (2010: \$6,723) was written off the Commission's debts under the authority of:

	2011	2010
	\$	\$
The accountable authority	320	6,723

## Performance indicators

### Commissioner for Equal Opportunity Certification of Performance Indicators for the year ended 30 June 2011

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 2011.

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

Yvonne Henderson  
Commissioner

15 August 2011

## 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.



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 services.<sup>9</sup>

## 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 EO 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.

<sup>9</sup> The Commission has undertaken a comprehensive reviews of its Key Performance Indicators and it is expected that they will be implemented in the 2011-12 year.

- 4) Participants of Commission training courses who stated that they would be able to use what they have learnt at work or in their daily life.

### 1) Community awareness of the EO 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 *Equal Opportunity Act 1984* is assessed by conducting a community-wide survey every three years to ascertain community attitudes to equal opportunity.

The first effectiveness indicator is assessed by combining the results of the questions relating to community awareness of the EO Act and belief by respondents in the benefit of having such legislation. These results are set out in Table 1, with a detailed breakdown in Table 2.

**Table 1: Awareness of the Equal Opportunity Act  
2003 – 2009**<sup>10</sup>

	2003 %	2006 %	2009 Target %	2009 Actual %
Community awareness of the EO Act and belief it is of benefit	82.6	84.3	80	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 EO 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  $\pm 4.9\%$  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).

<sup>10</sup> This table has been included in this financial year to reflect the information in the Budget Papers 10-11 and shows 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 EO 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 EO 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**

	2003		2006		2009	
	May Survey		November Survey		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 EO Act, who recognised one or more grounds of discrimination <sup>11</sup>	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

<sup>11</sup> This question was asked only of those who responded ‘yes’ to the previous question ‘have you heard of the EO Act?’ and was incorrectly reported in the 2003 and 2006 surveys.

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

Of the complaints received by the Commission, a majority relate to work or employment. In 2010-11 64.1% 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 conciliated complaints where the employer respondents to complaints who revised their policies and/or implemented equal opportunity programs as an outcome of their conciliated complaints has continued to increase as shown in Table 3 below.

**Table 3: Employers' acceptance of the Act 2006-07 to 2010-11**

	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 Target %	2010-11 Actual %
Employer respondents who have revised their policies and/or implemented equal opportunity programs	14.4	21.3	22.7	35.4	25	46.2

## 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 2010-11 was 1286. Of these, 88.5% 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 2010-11 was 1286. Of these, 88.5% completed evaluations.

**Table 4: Employees' acceptance of the Act  
2006-07 to 2010-11**

	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 Target %	2010-11 Actual %
Participants who would recommend the Commission's training courses	97.0	95.4	95.1	95.7	97	96.2
Participants who stated that they would be able to use what they have learnt at work or their daily life	98.1	97.8	96.7	97.9	98	98.8

### Avenues of redress for unlawful discrimination

Key effectiveness indicators

- 1) Proportion of complainants and respondents who believe the EO 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 2010-11 the Commission handled 922 complaints, of which 676 were closed. Table 5 shows the results of the Survey of Services conducted annually of complainants and respondents. 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 EO 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. Surveys were sent to 185 complainants and respondents and 97 responses were received giving an overall 52.4% response rate, an increase of 7.3% over the previous year.

Table 5 shows the proportion of complainants and respondents who believed that the EO Act is a good way to resolve acts of discrimination. In 2010-11 the proportion of clients who believe the EO Act is a good way to resolve acts of discrimination is slightly down on the previous year.

**Table 5: Effectiveness of conciliation as means of redress  
2006-07 to 2010-11**

	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 Target %	2010-11 Actual %
Proportion of complainants and respondents who believe the EO Act is a good way to resolve acts of discrimination	68.4	64.2	70.1	72.3	70	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 676 complaints closed in this year, 185 or 27.4% were conciliated. This reflects increases in the complaints withdrawn or dismissed (see Table 9).

**Table 6: Closed complaints which were conciliated  
2006-07 to 2010-11**

	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 Target %	2010-11 Actual %
Proportion of closed complaints conciliated	33.4	35.6	37.7	32.4	35	27.4

### 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 s. 93 of the EO Act. The number of complaints referred reflects the nature of complaints brought to the Commission each year and can fluctuate.

**Table 7: Closed complaints referred to SAT  
2006-07 to 2010-11**

	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 Target %	2010-11 Actual %
Proportion of closed complaints referred to the State Administrative Tribunal	24.8	13.0 <sup>12</sup>	12.5	11.9	12	9.0

### 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.

Of the 34 matters handled and closed in 2010-11, 76.5% were settled by mediation with the assistance of Commission legal officers. These were then withdrawn under s. 107 of the *Equal Opportunity Act 1984* or ss. 52-54 of the SAT Act and did not proceed to a hearing.

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

<sup>12</sup> From 2006-07 only complaints referred to SAT by the Commissioner under S93 of the EO Act are included. Complainants who self referred under S90 were previously included.

**Table 8: Settlement rate of matters handled at SAT  
2006-07 to 2010-11**

	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 Target %	2010-11 Actual %
Settlement rate of cases referred to the State Administrative Tribunal	79.2	61.9	52.4	78.6	70	76.5

**Table 9: Outcomes of remaining closed complaints  
2006-07 to 2010-11**

Details of Remaining Complaints	2006-07 %	2007-08 %	2008-09 %	2009-10 %	2010-11 %
Lapsed	14.0	16.3	9.6	11.6	11.4
Dismissed	11.3	20.3	19.7	21.0	25.7
Withdrawn	16.6	14.8	20.2	23.1	26.5

## Key efficiency indicators relating to services

### Service 1: Provision of information and advice regarding equal opportunity and human rights

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 public awareness and acceptance of equal opportunity.

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

The number of presentations increased from 229 in 2009-10 to 244 in the current year, reducing the average cost.

The average cost per enquiry increased as the numbers of enquiries has declined from 2782 in 2009-10 to 2511 in 2010-11.

Policy Advice and Reviews undertaken decreased from 416 to 345 in 2010-11 with a consequent increase in the average cost.

The Commission issued 31 new or updated publications during the year 2010-11. This was an increase on the previous year, due to the issuing of a number of reports, including the Final Outcomes of the inquiry into discrimination in private housing, the final recommendations of the *Finding a Place* inquiry and the report on the need for an Indigenous interpreting service. Details of these can be found in the Report on operations section of this Annual Report.

**Table 10: Average cost of information provision  
2006-07 to 2010-11**

	2006-07 \$	2007-08 \$	2008-09 \$	2009-10 \$	2010-11 Budget \$	2010-11 Actual \$
Average cost per presentation/seminar/ workshop	1,690	2,704	3,340	3,483	3,963	3,501
Average cost per enquiry	130	196	185	151	154	179
Average cost per policy advice and review	956	1,132	2,226	1,858	2,493	2,469
Average cost per publication	1,026	8,683	9,715	7,837	8,472	7,438

## **Service 2: Avenues of redress for unlawful discrimination and unreasonable treatment**

Key efficiency 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 handling complaints and the average cost of matters referred to the Tribunal.

The average cost of handling a complaint has remained the same, although numbers handled increased from 916 to 922 in the current year.

The average cost of matters referred to the Tribunal has increased due to a decline in number of matters referred during this year from 62 to 51 in this financial year.

**Table 11: Average cost per complaint and per case referred by the Commissioner to the Tribunal  
2006-07 to 2010-11**

	2006-07	2007-08	2008-09	2009-10	2010-11	2010-11
	\$	\$	\$	\$	Budget	Actual
					\$	\$
Average cost per complaint	1,257	1,235	1,574	1,239	1,019	1,361
Average cost per matter referred to the Tribunal by the Commissioner	3,934	4,305	5,224	6,069	5,178	7,458

## Ministerial directives

No Ministerial directives were received during the financial year.

## Other financial disclosures

### Pricing policies of services provided

The Commission charges for goods and services rendered on a full or partial cost recovery basis. These fees and charges were determined in accordance with the *Costing and Pricing Government Services: Guidelines for Use by Agencies* in the Western Australian Public Sector published by the Department of Treasury and Finance.

The current fees and charges are available on the Commission's website at [www.eoc.wa.gov.au/communityeducationandtraining](http://www.eoc.wa.gov.au/communityeducationandtraining).

### Capital works

The Commission continued with the rolling replacement of assets in accordance with the approved Strategic Asset Management Plan and 10 year asset replacement schedule.

### Employment and industrial relations

#### Staff Profile

Employee Category	Number of Staff as at 30 June 2011	
	2009-10	2010-11
Full-time permanent	17	18
Full-time contract	5	1
Part-time permanent (measured on FTE basis)	4.8	6.05
Part-time contract basis (measured on FTE basis)	0.6	0.6
<b>TOTAL</b>	<b>27.4</b>	<b>25.65</b>
Employees seconded out (not included in FTE's above)	0	1
Employees seconded in (not included in FTE's above)	2 fulltime staff not on Oracle payroll	0.8 part-time staff not on Oracle payroll.

## 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.

The Commission provides for all Conciliation and Legal Officers to complete an internationally accredited course in alternate dispute resolution as part of a commitment to excellence. This includes participating in continuing professional development.

During the financial year, our employees received external training for software applications used in the workplace.

Corporate Executive endorsed a training schedule for managers and commenced with attendance by several managers in a performance management course.

All new staff attend the Commission's introductory course: Equal Opportunity Law and Workplace Culture.

## Workers' compensation

One compensation claim was lodged during the year and is still continuing.

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

The administration of the Equal Opportunity Commission is compliant with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and the Commission's Code of Conduct.

Procedures are in place to ensure such compliance and appropriate internal assessments are conducted.

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
  - details of multiple breaches n/a
- Number still under review: nil
- Governance disclosures nil

## Contracts with senior officers

At the date of reporting, other than normal contracts of employment of service, no senior officers, or firms of which senior officers are members, or entities in which senior officer have substantial interests, had any interests in existing or proposed contracts with the Equal Opportunity Commission and senior officers.

## Other legal requirements

### Annual estimates

The Equal Opportunity Commission has submitted no special purpose accounts that are not reflected in the budget statements.

### 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 plan in consultation with staff, which is available on the website: [www.eoc.wa.gov.au](http://www.eoc.wa.gov.au). The Plan is due for review within the next year

Initiatives in the current financial year to address the six desired outcomes are set out below.

#### 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 2010-11:

- provision of deaf interpreters at in training courses
- purchase of a 'smart' whiteboard for use in training sessions and meetings, providing access to a wider range of accessible formats and resources
- utilisation of Colour Contrast Analyser software to ensure that publications, as they are updated, are accessible to people with vision impairments
- 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.

Access to Commission services has been improved by:

- external venues for Commission 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.

- the newly launched website was developed in accordance with the Government Framework for websites and includes features for:
  - people with disabilities who may use assistive technologies
  - those with slower internet connections
  - rural and regional users, and
  - those with hand held devices and mobile phones.

The accessibility features available on this site include:

- instructions for resizing text
- instructions for printing pages
- a list of software plug-ins users may require to view the content.

A dedicated page has been added to the website's About us section ([www.eoc.wa.gov/aboutus](http://www.eoc.wa.gov/aboutus)) with information about the DAIP, access to copies of the plan and facility for online complaints and feedback.

- audio versions of public documents are available on request
- TTY service is utilised for clients as required
- Auslan interpreters are engaged for Commission 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.

- The Commission is a Companion Card participant and provides information to clients about this program
- The Commission refers enquirers and complainants to appropriate disability advocacy and support services where required.
- 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.

- Complaint information and forms are available in hard copy and on the website.
- The new website enables online submission of Complaints.

## Desired outcome 6

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

- Venues, parking access, printed materials and presentations and any other special requirements of participants are addressed prior to any public consultation.

## Compliance with public sector standards and ethical codes

Compliance Issues	Significant action taken to monitor and ensure compliance
Public Sector Standards (PSS) 1 breach claim was withdrawn	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.

## Record keeping systems

During 2010-2011 the Commission's record keeping processes continued to undergo changes to demonstrate compliance with the framework required by the *State Records Act 2000*. Ongoing improvements to current processes and procedures have resulted in staff accessing the information they require in a timely, secure manner.

The Commission continues to maintain an off-site storage facility for the storage of Commission files for the duration of their retention sentence. The Records Retention and Disposal Program is currently being reviewed to ensure effective use of onsite storage capacity.

The Recordkeeping Plan is scheduled for review in 2013.

## **Recordkeeping training program**

The Information Systems Co-ordinator conducts individual information sessions with new staff as part of the induction process. Follow-up training and help desk assistance is provided as required.

## **Review of the recordkeeping training program**

All Commission staff are required to attend TRIM training in 2011-2012 to ensure staff have the knowledge to save electronic documents into the EDRMS (Electronic Document Records Management System), TRIM. This training will further complement the EDRMS which captures all significant incoming and outgoing documents.

## **Induction program**

The current induction program addresses the responsibilities and duties required from individuals to ensure compliance to the Commission's Record Plan.

# **Government policy requirements**

## **Substantive equality**

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

Services subject to Needs and Impact Assessment:

Service 1: How Aboriginal and people from ethnic minority groups access the Equal Opportunity Commission.

- Divisional area: All
- Progress: The recommendations of the initial assessment were endorsed by Corporate Executive, and an Implementation Plan is expected to be finalised in September 2011.

Service 2: The complaints investigation in conciliation service

- Divisional area: Conciliation
- Progress: An initial needs and impact assessment has commenced and expected to be completed in the first half of 2011-12.

## **Pilot project for new policies and major initiatives**

The Commission is participating in this pilot project to develop a guide for all agencies to assess planned new policies and major initiatives. This project is expected to be completed in the next financial year.

## Occupational health and safety and injury management

In accordance with the Public Sector Commissioner's Circular 2009-11: Code of practice: Occupational safety and health in the Western Australian public sector (the Circular), the Commission complies with the requirements of the Occupational Safety and Health Act 1984, the Workers' Compensation and Injury Management Act 1981 and the Code of practice: Occupational safety and health in the Western Australian public sector.

### **Commitment to occupational safety and health and injury management**

The Equal Opportunity Commission is committed to providing a safe and healthy environment for staff, contractors, clients and visitors. It is also committed to the continuous improvement of injury prevention and an injury management program.

To achieve this end the Commission acknowledges the importance of the EO Active participation of employees and employer. The Commission is committed to raising the awareness of employees' safety and health obligations and to promote safe work practices.

Corporate Executive resolved that all managers would undertake an accredited course run by the Office of Shared Services to be trained in their responsibilities in the Occupational Health and Safety area. This year, two managers attended the *Monitor a safe workplace* course.

Policies are communicated on a regular basis to all staff, in staff and section meetings, on the intranet - EOCnet, and where appropriate in hard copy.

Implementation is the responsibility of the Corporate Executive

Staff are expected to comply with the Commission's occupational safety and health policies and practices, to conduct themselves in a safe manner and not put themselves or others at risk. Members of staff are responsible for the safety and health of staff, students working under their direction and visitors to the Commission.

The Commission is committed to consulting with staff in an effective manner and to enabling all staff to contribute to decisions that may affect their safety and health at work.

### **Formal mechanisms for consultation with employees include:**

- Two staff-elected Occupational Safety and Health Representatives, one of whom is a member of Corporate Executive. All representatives have undertaken accredited training.
- Information about current representatives and first aid officers is posted in a number of locations, including staff room and the intranet.
- OSH representatives are available to staff and management to discuss and resolve issues as they arise.
- Monthly staff meetings at which OSH agenda items are raised.
- All new staff, including student interns, receive an OSH induction from one of the Representatives, which includes information about:

- safe work practices, and availability of information
- the employee and employers responsibilities
- the location of information, and
- the procedures for reporting and managing injuries

This is included in the standard induction and signed off by Managers after it is undertaken.

- All policies and other information relating to occupational safety and health is available to all staff on the intranet.
- Any new developments are reported to staff at monthly meetings and through managers, to team meetings.
- The documents comprising the Commission's OSH system are all available to staff on the intranet and include:
  - Occupational safety and health in the Western Australian public sector – Code of Practice 2007
  - OSH Policy
  - OSH representative – role and duties of representatives
  - OSH injury management system
  - OSH return to work program
  - Grievance officers
  - Grievance resolution policy
  - First aid officers
  - Fire wardens
  - I have a problem.. where should I go?
  - Gossip and rumours at work
  - Bullying policy
  - Bullying, harassment or reasonable management?
  - Security procedures
  - After hours air conditioning instructions
- Workplace inspections are undertaken by OSH representatives and any hazards or potential hazards are discussed with the staff affected to ensure that practical solutions are implemented in a timely fashion. The major concerns addressed during the year included the storage of files and documents, location of extension cords and equipment in individual offices, and workstation set-up.

### **Compliance with injury management requirements of the Workers' Compensation and Injury Management Act 1981**

The Commission ensures a systematic approach to injury management through its Injury Management System which was reviewed in 2008 and scheduled for regular review.

## Our performance

Indicator	Actual	Target 2010-11
Number of fatalities	0	0
Lost time injury/diseases (LT/D) incidence rate	0	0
Lost time injury severity rate	0	0
Percentage of injured workers returned to work within 28 weeks	100%	100%
Percentage of managers trained in occupational safety, health and injury management responsibilities	57.2%	Greater than or equal to 50%

## Assessment of occupational safety and health management systems

As no internal assessment has been undertaken by the Commission within the previous three years, an external assessor will be engaged to undertake an assessment by the end of 2011.

## Compliance statement

In the administration of the Equal Opportunity Commission, I have complied with all material aspects of the *Equal Opportunity Act 1984* and other relevant laws.

I have complied with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and the Commission's Code of Conduct.

Procedures and appropriate internal assessments have been conducted to ensure compliance. At the date of signing, I was not aware of any circumstances that would render the particulars of this statement to be misleading or inaccurate.



Yvonne Henderson  
Commissioner for Equal Opportunity

27 August 2011

# Appendix A: Case Studies

## Conciliated complaints

*A complaint is conciliated when all parties agree on an outcome. Just over 27% of 676 complaints which were finalised in 2010-11 were conciliated. See details in the Report on operations section of this report for details of how complaints are handled.*

### Age discrimination in goods and services, and accommodation

A 55 year old man with multiple disabilities cared for his unwell mother over seven years. During this period he lived either with her, or nearby.

When she died he applied to take over her tenancy, but was rejected because the landlord said the accommodation was for seniors. The man was threatened with eviction.

In conciliation the landlord reviewed the man's application, and offered him the tenancy on a permanent basis.

### Impairment discrimination in employment

An employee alleged impairment discrimination when details of his workers compensation arrangements were displayed on a notice board at his place of employment.

The employer apologised and confirmed that all sections of the organisation would be made aware that workers compensation details should be treated confidentially.

An amount of \$5000 was paid for the pain and suffering caused by the incident.

## 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.

### Race and impairment discrimination in accommodation

A family was evicted from their property and alleged that because of impairment and cultural factors relating to their race they were less likely to respond appropriately to breach and eviction notices.

The matter was resolved during conciliation but the family couldn't be contacted to obtain their written confirmation that the matter was resolved and the complaint subsequently lapsed.

## Race discrimination in employment

An Aboriginal man objected to a work colleague parroting a racist chant described in a newspaper.

The Aboriginal man allowed the complaint to lapse when he learnt his employer had given a final verbal and written warning to the worker who voiced the racist chant.

## 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.*

## Pregnancy discrimination in employment

A woman in the finance industry alleged that despite having no prior performance issues, after telling her employers she was pregnant they started scrutinizing her work and finding fault and she felt she had to resign.

The employer stated that the worker had been very good but had started making mistakes and they were trying to work with her to find out why and manage the situation.

They had offered to make adjustments, including working from home to enable her to work with the baby. After receiving the response from the employer, the complainant chose not to pursue the complaint.

## Sexual orientation discrimination and victimisation in goods and services

A woman alleged sexual orientation and race discrimination after being banned from a hotel.

She was unable to substantiate or provide any information to support her allegations, and after discussing the issues withdrew her complaints.

## 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), lacking in substance, or where the complaint is not substantiated or vexatious.*

## Age discrimination in sport

A young man made a complaint of age discrimination in the area of sport when he alleged he was refused access to a motorcycle training ground at the same time as senior riders.

The respondent argued a decision was made that junior and senior riders do not ride together, in the interests of safety.

The Commissioner dismissed the complaint as lacking in substance.

### Race discrimination in goods, services and facilities and access to places and vehicles

An Aboriginal woman and her daughter alleged that they were discriminated against because of their race by an employee of a medical centre whilst seeking treatment.

They also alleged that they were victimised by the centre because of their family name.

The complaint was dismissed as lacking in substance and misconceived.

## Complaints referred to the State Administrative Tribunal by the Commissioner

*When a complaint cannot be conciliated, the Commissioner may under s. 93 of the Equal Opportunity Act 1984, in certain circumstances, refer the matter to the State Administrative Tribunal for determination. The Commissioner may also provide legal assistance to the complainant.*

### Sexual harassment in employment

A woman alleged her former manager had sexually harassed her and discriminated against her on the ground of her sex.

She alleged the employer made inappropriate comments, and changed his shirt in front of her whilst making inappropriate gestures. In relation to the sex discrimination the woman alleged that she was not considered for a higher position because she was female.

The manager denied both the sexual harassment and sex discrimination complaints.

He claimed that he may have made one comment as the woman alleged. However he said the woman did not meet the requirements of the higher position.

The manager also lodged his own complaint of sexual harassment as a result of the woman having sent him inappropriate emails of a sexual nature. This complaint was later withdrawn.

The sexual harassment and sex discrimination complaint was referred to conciliation however, it was unable to be conciliated and the Commissioner referred the matter to the SAT.

## Religious conviction discrimination in employment

An ordained priest left his parish church and took up a job in a secular organisation.

An employee of this secular organisation belonged to the priest's church, and was overheard referring to the priest as 'Pastor'.

The priest was given a written warning about the use of his church title in the workplace, and warned he may be dismissed if the practice of referring to him as 'Pastor' continued. This matter was settled by mediation in the SAT.

## Complaints referred to the State Administrative Tribunal by the complainant

*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 under s. 90 of the Equal Opportunity Act 1984.*

## Race, racial harassment, family responsibility, impairment and religious conviction discrimination in education

A woman lodged a complaint against her education provider, alleging that when placed in the practical component of her course, she was subjected to unfavourable treatment by staff due to her race, family responsibilities, impairment and religious conviction, which resulted in her not passing the course.

The complaint was dismissed and the complainant referred the matter to the SAT.

## Race discrimination in employment

A male employee in a care industry lodged a complaint of race discrimination and victimisation.

The complainant's supervisor raised work performance issues with him and this developed into a discussion about inappropriate behaviour of the complainant.

The complainant then raised a complaint about the behaviour of his supervisor and alleged he was harassed and victimised because of this.

The complaint was dismissed as the complainant was unable to substantiate his race allegations and therefore his victimisation allegation was misconceived.

The complainant referred the matter to the SAT.

# Appendix B: Feedback Form



The Commission is interested in receiving your feedback regarding our 2010-11 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 2010-11 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"/> Training participant: public sector |
| <input type="radio"/> Training participant: community sector | <input type="radio"/> Newsletter recipient                |
| <input type="radio"/> Student                                | <input type="radio"/> Website browser                     |

Please return this form:

Commissioner for Equal Opportunity,  
Equal Opportunity Commission,  
PO Box 7370, Cloisters Square, PERTH WA 6850, or  
Facsimile to: (08) 9216 3960, or  
Email: [eoc@eoc.wa.gov.au](mailto:eoc@eoc.wa.gov.au)

THANK YOU FOR YOUR FEEDBACK

# Equal Opportunity Commission