



# Equal Opportunity Commission



## Annual Report 2011-2012

# Table of contents

<b>About this report.....</b>	<b>5</b>
<b>Overview.....</b>	<b>8</b>
Commissioner's summary.....	8
Our year in review.....	10
Challenges.....	13
Performance management framework.....	15
<b>Agency performance: report on operations.....</b>	<b>17</b>
Actual results versus budget targets.....	18
Summary of key performance indicators.....	18
Commission role and functions.....	20
Community education and information.....	22
Conciliation services.....	39
Substantive equality.....	56
<b>Significant issues affecting the Equal Opportunity Commission.....</b>	<b>61</b>
Current and emerging issues and trends.....	62
Legal developments.....	63
Likely developments and forecast results of operations.....	63
<b>Disclosure and legal compliance.....</b>	<b>66</b>
Financial statements.....	70
Performance indicators.....	112
Ministerial directives.....	122
Other financial disclosures.....	122
Other legal requirements.....	125
Government policy requirements.....	128
Compliance statement.....	131
<b>Appendix A: Substantive Equality NIA by department.....</b>	<b>132</b>
<b>Appendix B: Feedback Form.....</b>	<b>135</b>
<b>Index to table</b>	
Table 1.....	23
Table 3.....	41
Table 4.....	42
Table 5.....	49
Table 6.....	51
Table 7.....	51
Table 8.....	52
<b>Index to figures</b>	
Figure 1.....	44
Figure 2.....	45
Figure 3.....	46
Figure 4.....	48
Figure 5.....	50
Figure 6.....	55
<b>Index to maps</b>	
Map 1.....	53
Map 2.....	32
Map 3.....	54

# Statement of compliance

For the year ended 30 June 2012

Honourable Michael Mischin MLC LLB (Hons), BJuris (Hons)  
Attorney General  
10th Floor, Dumas House  
2 Havelock Street  
WEST PERTH WA 6005

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, 2012.

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.

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

Yvonne Henderson  
Commissioner for Equal Opportunity

27 August 2012

## About this report



# About this report

This report provides an overview of The Equal Opportunity Commission's activities during 2011-2012.

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 table of the Substantive Equality Needs and Impact Assessments undertaken by WA

government agencies in 2011-2012 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 2011-2012 Annual Report, please refer to the Feedback Form 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

### 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)

### Postal address

PO Box 7370  
Cloisters Square  
PERTH WA 6850

### Telephone and facsimile numbers

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







# Overview

## Commissioner's summary

In 2011-2012 the Equal Opportunity Commission has placed a strong focus on engaging with the community as it continues its work handling complaints and enquiries from the public, educating and training people about equal opportunity matters throughout Western Australia, raising awareness by hosting public events and working with the WA public sector through its Substantive Equality program.

A lot of the Commission's work this year had been in the regions, particularly in the area of Community Education and Training.

In 2011-2012 CET visited the South West, Great Southern, Pilbara, Goldfields and the Mid West regions conducting training session in nine towns.

The Commission's Substantive Equality Unit also held a series of forums for community members throughout the Kimberley region. The forums were used to gauge the effectiveness of WA public sector services to Aboriginal people following the Substantive Equality assessments various departments undertook to review systemic race discrimination in their policies and practices.

Complaints still continue to be lodged from the various regions of Western Australia and this year over 20% of complaints received were from outside the metropolitan area.

The Commission has continued to work with schools, this year with a focus on sexuality and gender based bullying through its Challenging sexuality and gender based bullying in schools project.

Following compelling research that a standalone homophobic bullying policy was the most effective way of dealing with this issue, the Commission worked with a Steering Committee and Working Group comprising key representatives from education and health organisations, as well as gay, lesbian, bisexual, transsexual and intersex advocacy groups to develop the fact sheets for students, teachers and parents and endorse research into a specific homophobic bullying template policy for schools.

In addition to its annual participation in the NAIDOC Family Fun Day at Ashfield Reserve and its International Women's Day breakfast the Commission held a series of events to raise awareness about the Challenging sexuality and gender based bullying in schools project and how it impacts on the school community as well as an event to bring public sector CEOs and senior staff together with advocacy groups to workshop consultation strategies for reviewing state government policies and practices.

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

## Challenging sexuality and gender based bullying in schools project

Following the release of the national *Writing Themselves in 3* report detailing the devastating effects of homophobic bullying on students across Australia and in particular Western Australia, the Commission formed a steering committee of representatives from education and health organisations as well as gender and sexuality diverse advocacy groups. The steering committee has agreed to draft specific sexuality and gender based bullying materials that can be used by all primary and secondary schools in WA to develop school based policies.



## Substantive equality

The work of the Substantive Equality Unit has focussed on the development of a procedure for assessing major new policies and services and on establishing partnerships to undertake research projects on issues which have been identified as of relevance across the public sector. In 2011-2012 the SEU has also focused on consultation as an integral part of the Substantive Equality program's requirement that departments consult with Aboriginal and ethnic minority groups so they can provide an informed review of how their policies and practices impact on these groups.

## Complaint handling

In 2011-2012 there has been a slight increase in complaints. Seven hundred and ninety seven complaints were received by the Commission this year, which is an increase on 638 in the previous year. The increase seems to come mainly from impairment and race discrimination complaints in the area of goods and services and accommodation.

## Community Education and Training

In the second year of its regional training plan CET has focussed on delivering education and training to the regions. During this year CET visited Bunbury and Kalgoorlie.

A new course has also been developed titled *Developing and Maintaining a Positive Workplace Culture*. The course aims to address underlying workplace attitudes that can encourage discrimination and harassment. It became available in 2011-2012.

## Community engagement and commission hosted events

Throughout 2011-2012 the Commission has hosted five public events to promote awareness about equal opportunity laws in WA and the Commission's work.

In November 2011 the Substantive Equality Unit hosted a workshop forum for public sector CEOs, senior staff and non government organisations representing Aboriginal and ethnic minority groups to help WA government departments consult with these members of the community more effectively. This was attended by over 170 people who were addressed by the CEOs of the Department of Health and Housing as well as the Public Sector Commissioner Mal Wauchope.

The Commission held its annual International Women's Day breakfast again this year with the theme *Giving women a sporting chance*.

Speakers Olympic gold medallist for sailing Tessa Parkinson and anti-violence against women in sport advocate Nina Funnel spoke to an audience of over 100 people about the challenges and perceptions of women in elite sporting fields.

Three events have also been held to promote the *Challenging sexuality and gender based bullying in schools* project.

They included a breakfast presentation by a leading academic on the subject of homophobic bullying Dr Tiffany Jones, a morning tea forum for parents, advocates and education and health professionals with speakers Tiffany Jones, 2011 Western Australian of the year Donna Cross and Safe schools in Victoria representative Roz Ward and the public launch of the *Challenging sexuality and gender based bullying in schools* fact sheets for parents, teachers and students with speaker 2011 WA Beginning Teacher of the Year Scott Sullivan.

The Commission also participated in community engagement events this year.

As in previous years the Commission held a stall at the NAIDOC Family Fun Day at Ashfield Reserve where many attendees spoke to Commission staff about our services and took home Commission publications and community information.

The Commission also held a competition for Aboriginal artists at Bandyup Women's Prison to design the artwork for our 2012 Aboriginal Calendar. The theme for the calendar was *Racism hurts inside*.



## Publications and community information

The Commission's website is an increasingly popular source of information for the community with about 1,923 visits per week. It is used to book training courses, lodge complaints, read news and events, download and order publications and gather information about equal opportunity and the Commission.

From June 2012 information about the grounds of the *Equal Opportunity Act 1984* were made available in easy to read fact sheets downloadable online.

The quarterly publication *Discrimination Matters* continues to be distributed to over 3,000 print subscribers across Australia, with a growing list of people receiving their edition by email.

In 2011-2012 a new poster series was launched based on the Australian Human Rights Commission's successful poster series covering various grounds of discrimination and harassment.



## Organisational matters

The Commission's new performance indicators were approved in March 2012 and will be implemented in the 2012-2013 reporting period.

# 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 continue to increase access to and participation in Community Education and Training in regional areas
- To continue to monitor the Substantive Equality pilot program for government departments to assess new policies and major initiatives for systemic race discrimination.

## 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. Michael Mischin MLC LLB (Hons), BJuris (Hons); Attorney General

## Administered legislation

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

- Spent Convictions Act, 1988 – Division 3

## 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



## Other key legislation impacting on the Commission:

### 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

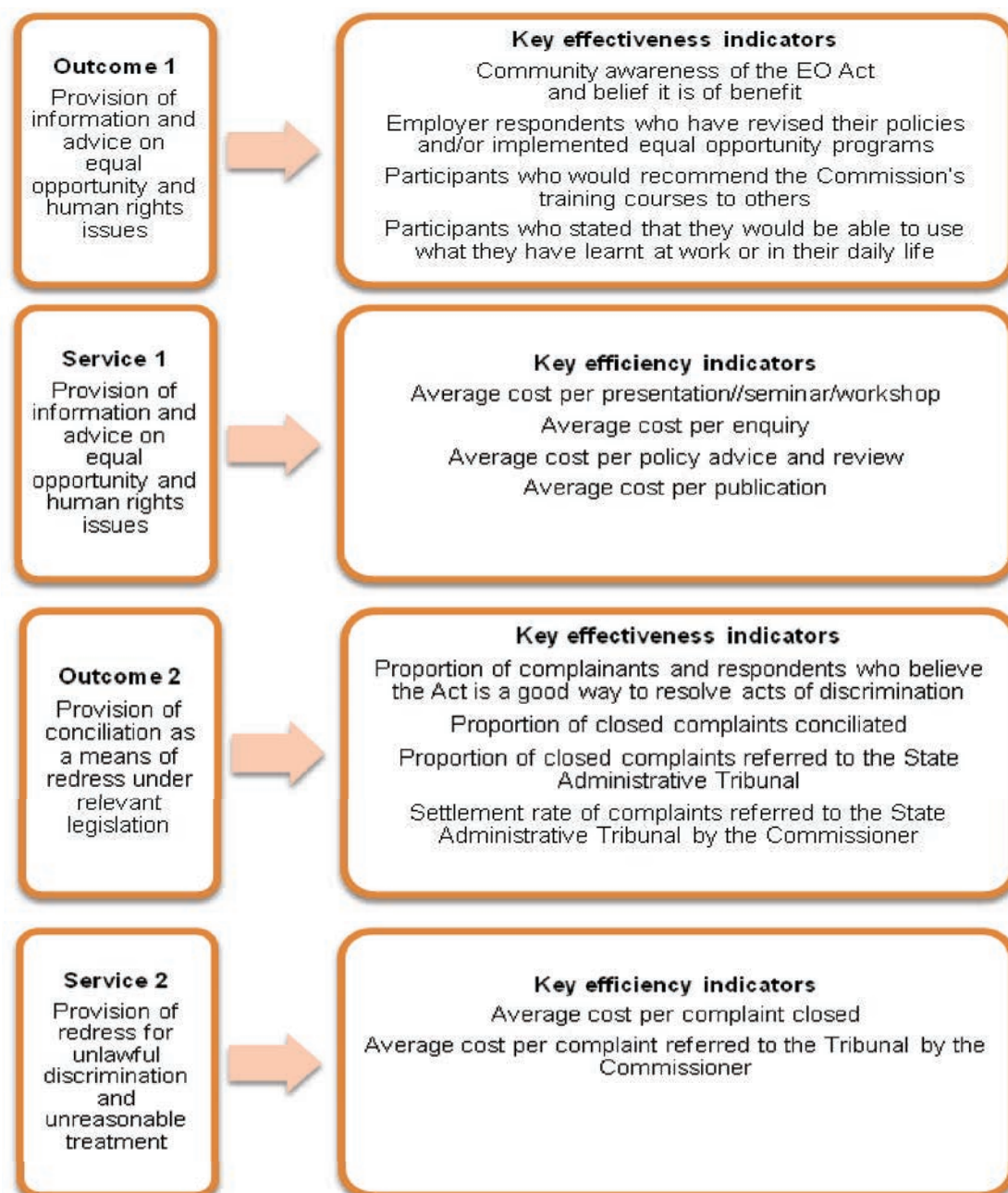
## Government goal

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





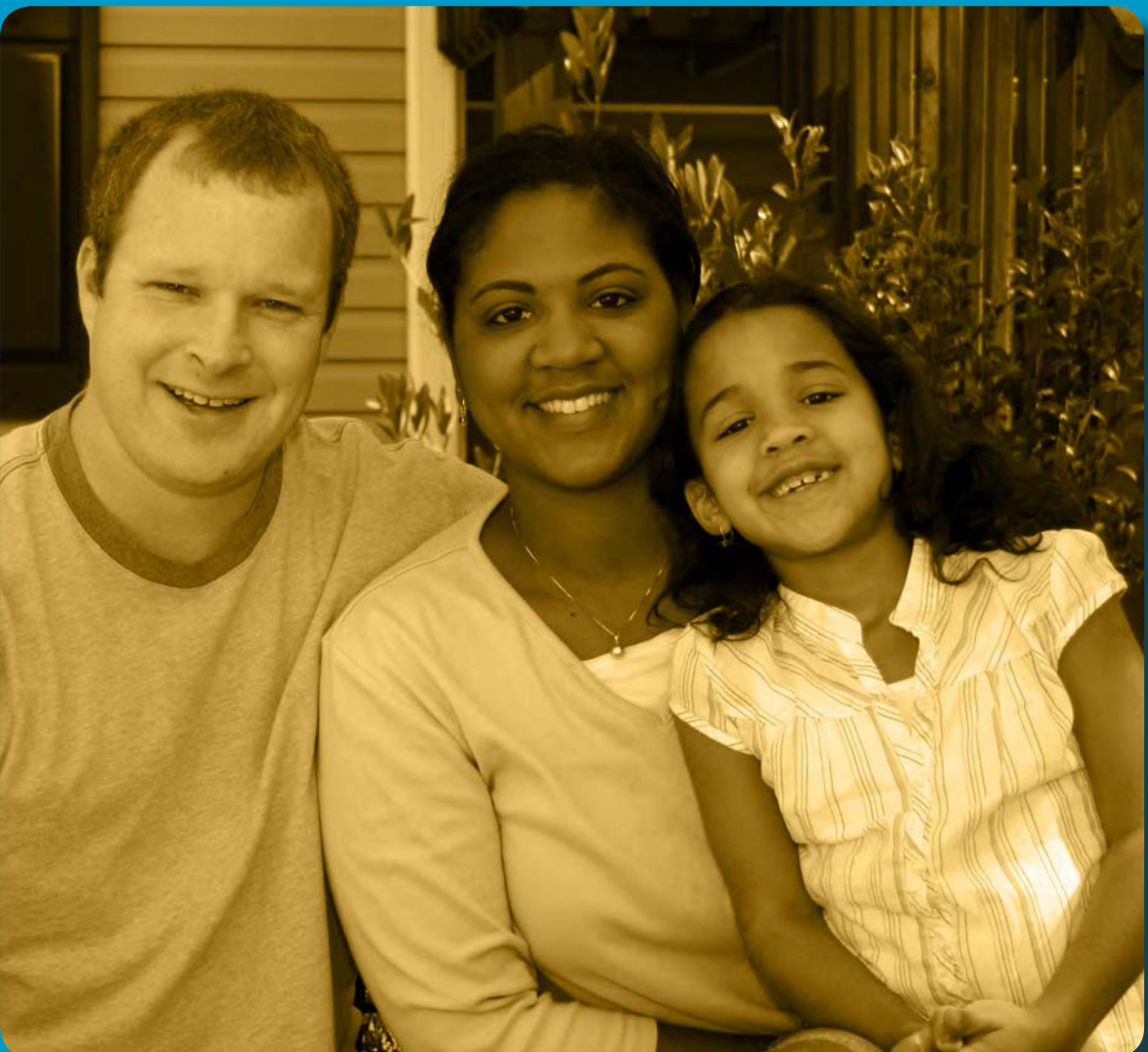
### **Changes to outcome based management framework**

The Equal Opportunity Commission's new outcome based management framework was approved in 2011-2012 and will be implemented in 2012-2013.

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

The Equal Opportunity Commission did not share any responsibilities with other agencies in 2011-2012.

# Agency Performance



# 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)	4,220	4,300	80
Net cost of services (sourced from Statement of comprehensive income)	3,862	3,968	106
Total equity (Sources from Statement of financial position)	42	(68)	(110)
Net increase / (decrease) in cash held	0	58	58
Approved full time equivalent (FTE) staff level	30	29.05	(0.95)

### Summary of key performance indicators



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

<sup>2</sup> 'Note 29 Explanatory statement' to the financial statements provides details of any significant variations between estimates and actual results.

Agency performance For the year ended June 30, 2012 Actual results versus budget results Summary of key performance indicators	2011-12 Target <sup>3</sup>	2011-12 Actual	Variation
<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	82%	82.1%	0.1%
Employer respondents who have revised their policies and/or implemented equal opportunity programs	43%	33.8%	9.2%
Participants who would recommend the Commission's training courses to others	97%	96.1%	0.9%
Participants who stated that they would be able to use what they have learnt at work or in their daily life	98%	98.4%	0.4%
<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	\$4,766	\$3,739	\$(1,027)
Average cost per enquiry	\$188	\$203	\$9
Average cost per policy advice and review	\$5,455	\$2,778	\$(2,677)
Average cost per publication	\$10,138	\$6,366	\$(3,772)



## Commission role and functions

The Equal Opportunity Commission delivers its services through the 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.*



It does this 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
- 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 2011-2012.





# 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 of papers and delivering 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, public affairs and events conducted during the year.



# Community education and training

Community education and training is divided into two streams fee for service and rights based training, which does not incur a fee. The Community Education and Training section conduct these types of training throughout the metropolitan area and in targeted regional visits as part of its Regional Plan or by special request.

During 2011-12 the Commission conducted 51 rights-based education sessions, 22 guest speaker engagements and outreach programs and 138 fee for service training sessions broken down into Calendar and Customised courses.

Customised training courses continue to be popular with 107 courses requested throughout 2011-12. Rights based education sessions have decreased in 2011-12 due to Commission not visiting the Indian Ocean Territories of Christmas and Cocos Island in 2011-12.

**Table 1: Education sessions  
2009-10 to 2011-12**

Description	2009-10	2010-11	2011-12
Calendar Series of Courses	21	28	31
Customised Courses	83	74	107
Rights Based Education	62	70	51
Guest Speaker	27	19	22
Total	193	191	211

## Rights based work

The Commission's rights based work includes education courses and outreach meetings with the community.

It uses 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.

Both the rights based education and meetings are a free service provided by the Commission.

The broad aim of the 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. For this reason rights based work often fits under a certain ground or grounds as well as areas of public life according to the *Equal Opportunity Act 1984*.

## **Race discrimination**

In the 2011-2012 financial year there were 16 education courses and 12 outreach meetings under rights based work with relevance to the ground of race discrimination.

The education courses were attended by staff and clients at:

- Koondoola Integrated Services Centre
- Department of Human Services Centrelink
- Centrecare - Kalgoorlie
- Frontier Services Kalgoorlie
- NEEDAC
- South West Aboriginal Medical Service – Bunbury
- Goomburrup Aboriginal Corporation
- Aboriginal Legal Service
- Department of Education
- David Wirrpanda Foundation
- Ngangganawili Aboriginal Health Service
- Bega garnbirringu Health Service

As part of the Equal Opportunity Commission's participation in the National Anti Racism Strategy Consultation initiated by the Australian Human Rights Commission community outreach meetings were held in Kalgoorlie, East Perth and Mirrabooka throughout 2011-2012.

Feedback gathered from the community consultation has been fed back to the AHRC where it will be used to develop a strategy against racism in Australia.

Meetings have also been held with:

- Department of Indigenous Affairs
- Bega Garlbirringu Health Service
- Indigenous Housing Organisation Kalgoorlie
- Office of the Inspector of Custodial Services
- Wongutha Birni Aboriginal Corporation
- Aboriginal Legal Services of WA

As well as the rights based education courses and meetings the Commission participated in the National Human Rights Conciliators, Legal Officers and Educators Conference in Adelaide where the Commission delivered a presentation on the Narrogin Race Relations project conducted during 2008 to 2011.

## Impairment discrimination

In 2011-2012 the Commission conducted eight training courses with relevance to the ground of impairment. These were conducted at:

- Epilepsy Association of WA
- Disability Services Commission
- Sussex Street Community Law Services
- Eastern Goldfields Community Centre



## Sport

Sport is one of the areas of public life that a discrimination complaint can be lodged under. Through its participation in the national *Play By the Rules* project which aims to promote fairness in sport at a community level, the Commission has conducted 17 courses in 2011-2012 to sporting organisations and agencies educating people about the *Play By the Rules* website and promoting equal opportunity principals in sport at a community level. The Commission is one of the major sponsors of Play By the Rules program and Commissioner Yvonne Henderson is a Play By the Rules management committee member.

## Sexual orientation discrimination & sexual harassment in education

Throughout 2011-2012 the Commission continued its community outreach project *Challenging sexuality and gender based bullying in schools*.

This major project started after a national study found 80 per cent of homophobic bullying happened in schools.

The project involved bringing together government and non government health and education agencies as well as gay, lesbian, bisexual, transsexual and intersex advocacy groups to form a working group and a steering committee committed to challenging these specific types of bullying in WA schools and protecting the extremely vulnerable group of children being bullied in this way.

Sixteen organisations are represented on the working group and the steering committee which meets regularly to progress work in this area.

So far three major events have been organised to raise awareness about the issue of sexuality and gender based bullying in schools among health and education institutions.

Community consultation has taken place to produce a series of fact sheets aimed at educating school staff, parents and students about the issue and Victorian based researcher Dr Tiffany Jones has been commissioned to write an analytic report on how WA compares to the other states and territories regarding the issue of homophobic bullying in schools with recommendations directed to government, education authorities and schools.

In 2012-2013 the project aims to produce specific sexuality and gender based bullying materials that can be used by all primary and secondary schools in WA to develop school based policies.

It also aims for the formation of a Safe Schools Coalition, modelled on the Victorian Safe Schools Coalition, where principals can sign their schools up to adopt the template policy and promote the anti-sexuality and gender based bullying message.

Following on from this, the Commission hopes to work with education organisations and advocacy groups to provide education for teachers, parents students on how best to support diverse sexuality and gender students in schools.





## Fee for Service training

The Fee for Service training is divided into calendar courses and customised courses and the Commission receives payment for delivering these courses to businesses who wish to improve the knowledge of their employees in the area of equal opportunity and ways of managing grievances. In 2011-2012 a new Fee for Service course, *Developing and Maintaining a Positive Workplace Culture*, was developed and delivered to 16 participants in Kalgoorlie as part of the Regional Training Plan. It has now been included as one of the Commission's General Training Courses. Requests for Fee for Service training often focuses the Act's area of employment, however all courses have been recently updated to include information on Substantive Equality as it relates to indirect systemic discrimination in the area of goods and services.

Evaluation forms are provided at the end of each course so the Commission can continue to develop and improve its courses to suit its stakeholders. Of the 1,801 people who attended fee for service courses 1,595 completed evaluation forms. Ninety eight per cent of those who completed the forms said their level of knowledge about equal opportunity had increased and 98 per cent said they would be able to utilise what they had learned from the training session in their work and daily life.

The following courses were on offer in 2011-2012:

- Contact Officer Refresher
- Contact Officer Role
- Developing and Maintaining a Positive Workplace Culture
- Grievance Officer and Complaint Handling
- Equal Opportunity Law an Introduction
- Equal Opportunity Law and Introduction for Managers
- Equal Opportunity Law and Sexual Harassment
- Equal Opportunity Law for Grievance Officers
- Equal Opportunity Law for Bullying an Introduction
- Equal Opportunity Law and Grievance Management for Managers
- Equal Opportunity Refresher
- Recruitment and Selection - Are you getting it right?
- Substantive Equality - Undoing Systemic Racism in Public Sector Service Delivery
- Equal Opportunity Law and Substantive Equality for Managers/Supervisors

Of those courses the most popular courses were:

- Equal Opportunity Law an Introduction (49 sessions held)
- Equal Opportunity Law and Workplace Culture (26 sessions held )
- Equal Opportunity Law and Grievance Management for Managers (13 sessions held)



## Calendar courses

Calendar courses are pre-planned and scheduled throughout the year according to certain dates on the calendar. The Commission advertises them via an email notification to contacts and on its website.

There are one or two day courses, which are held at the Commission's premises or in regional centres as part of the Regional Training Plan.

In 2011-2012, 31 courses were attended by 442 employees, managers, employee relations, human resources and equal opportunity practitioners from government, non-government and private sector. These numbers mark a 12.4% increase on participant numbers in calendar courses attended throughout 2010-2011.

The most popular of the calendar courses was the Equal Opportunity Law and Workplace Culture which was attended by 179 participants.

Nearly 160 organisations from both the public and private sector sent employees to the calendar course throughout 2011-2012. Most calendar courses were attended by public sector employees (60.2%) with WA Country Health Service, as part of the Regional Training Plan, and the Department of Environment and Conservation attending the most calendar courses throughout 2011-2012.

The top five organisations to participate in calendar courses were:

- WA Country Health Service
- Department of Environment and Conservation
- Department of Corrective Services
- Department of Transport
- North Metropolitan Area Health Services



## Customised courses

To ensure an organisation's training program is developed appropriately and effectively, the Commission offers customised courses based on the calendar courses and tailored to meet the specific needs of that organisation.

Commission officers will consult with organisations about their training needs and the courses are scheduled according to a time that suits the Commission and the organisation.

In 2011-2012 the Commission developed and conducted 104 customised courses for 1,515 participants, which is a 44.5% increase compared to 2010-2011, again making it the most popular form of fee for service training.

Most customised courses were attended by public sector with 916 employees attending in 2011-2012, while 599 employees attended customised courses from the private sector.

United Motor Traders (Newtown Toyota) attended the most customised courses throughout 2011-2012.

The top four organisations to attend customised courses were:

- United Motor Traders (Newtown Toyota)
- West Coast Institute of Training
- Department for Communities
- Western Australian Treasury Corporation



## Regional Training Plan

The Regional Training Plan is now in its second year. It aims to create greater community awareness and education about equal opportunity throughout regional areas of Western Australia and incorporates both Rights based and Fee for Service training.

In 2011-2012 Commission officers visited the South West and Goldfields regions of WA. The Commission delivered training to 189 participants in the South West and 155 participants in the Goldfields.

### South West Region

From 16 August to 19 August 2011 Commission Education Manager Christine Johnson and Officer Stephen Goodall visited Bunbury to deliver equal opportunity training and information to various communities in the South West.

On the 16 August Ms Johnson held an Equal Opportunity Law and Grievance Management for Managers course for five managers and an Introduction to Equal Opportunity Law and Workplace Culture training course for 16 participants from the Shire of Donnybrook, Department of Transport, Department of Environment and Conservation, City of Bunbury, South West Institute of TAFE, Disability Services Commission, WA Country Health, Shire of Dardanup and Dardanup Butchering Company. In their feedback one participant at the Equal Opportunity Law and Grievance Management for Managers course said the course was very pertinent and there was need to get the message through all levels of management.

During his two day visit from 17 to 19 August, Mr Goodall met with Noongar community organisations such as Goomburrup Aboriginal Corporation, Aboriginal Community Employment Services, Noongar Employment and Enterprise Development Aboriginal Corporation (NEEDAC), South West Aboriginal Medical Service (SWAMS), Home and Community Care, Aboriginal Legal Service and Legal Aid. He also provided rights based training to 36 Aboriginal and Islander Education Officers employed in primary and secondary schools in Bunbury, Harvey, Collie, Waroona, Eaton, Australind and Brunswick Junction.

On the evening of 17 August Mr Goodall was invited to attend the SWAMS, Goomburrup and NEEDAC organisations monthly board meeting to provide an equal opportunity presentation.

"The board expressed great interest in the Commission providing EO Law training for all staff from the three organisations represented, which was encouraging to hear," Mr Goodall said.

## Goldfields Region

On 27 May to 1 June 2012 two Commission officers Stephen Goodall and Mike Harte visited Kalgoorlie to deliver training and raise community awareness about equal opportunity issues in the community. The officers conducted rights based meetings with Bega Garnbirringu Aboriginal Health Service, Wongutha Aboriginal Corporation, Aboriginal Legal Service, Kalgoorlie Community Migrant Service and the Department of Sport and Recreation.

About 100 participants from Bega Garnbirringu Aboriginal Health Service, Centrecare, Eastern Goldfields Junior Cricket Council, Eastern Goldfields Community Centre and Kalgoorlie Community Migrant Service attended the rights based training courses.

Elizabeth Coghill of the Kalgoorlie Migrant Service said all written feedback from Migrant Service attendees was positive.

"The interest and enjoyment of the attendees was obvious," she said

She said many wrote in their evaluation that the session as 'excellent', which she said was very pleasing.

The rights based training was followed by a full day fee for service course on Equal Opportunity Law and Grievance Management for Managers was held as well as a half day course titled Develop and Maintain a Positive Workplace Culture.

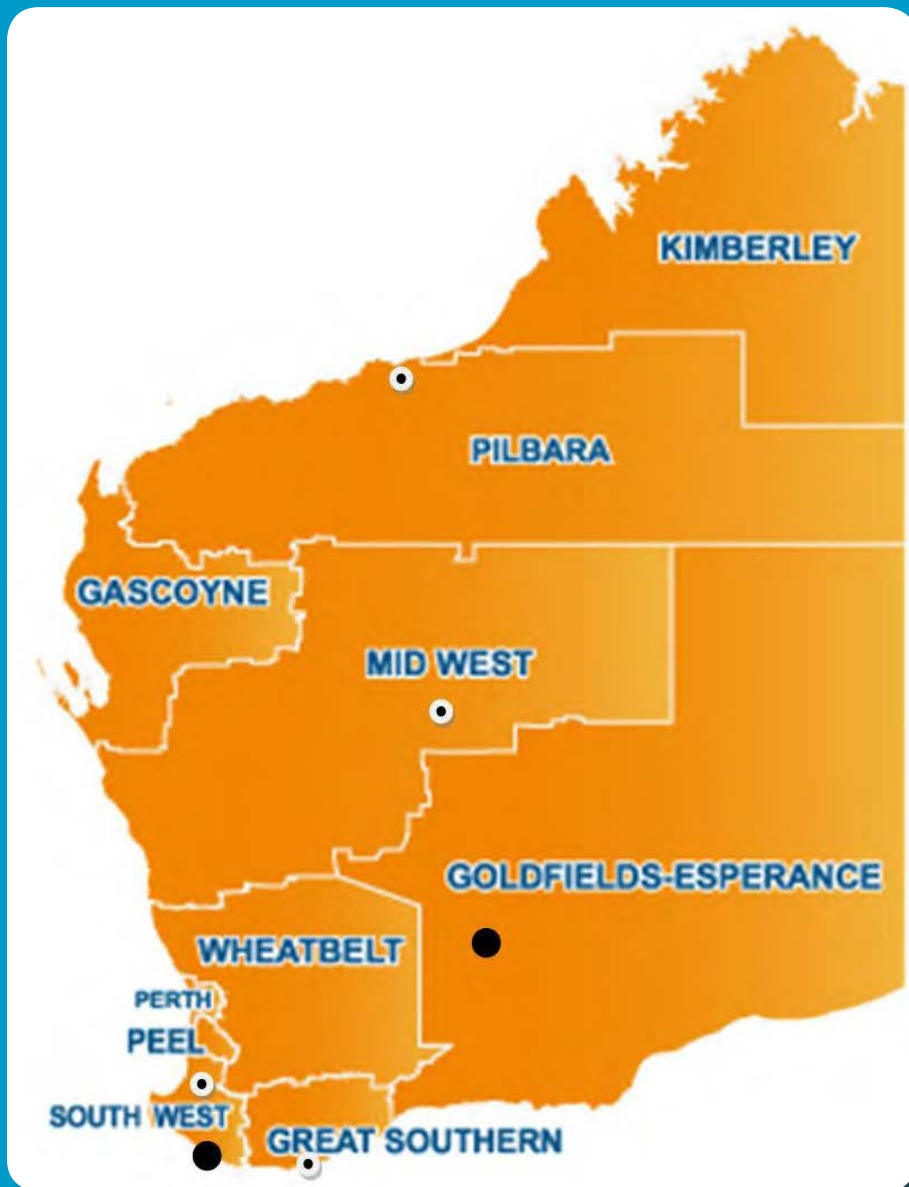
Thirteen people attended the full day course from organisations such as the Department of Housing, Environment and Conservation and the Department of Transport, as well as WA Country Health Service, Vocational Training and Education and O'Connor Fresh Super IGA.

The half day course was attended by 16 people from the Department of Housing, Department of Environment and Conservation, WA Country Health, Western Australian Museum, Disability Services Commission and the Department of Transport.



As well as the courses delivered through the Regional Training Plan, the Commission has visited other areas outside the metropolitan area by request. These include Port Hedland in the Pilbara region, Wiluna in the Mid West, Albany and Denmark in the Great Southern and Busselton in the South West marked on Map 1 below with a small black dot. Visits to Kalgoorlie and Bunbury, as part of the Regional Training Plan, have been marked with a large black dot.

Map 1: Regions of WA where Community Education & Training course were delivered



### Key



Places visited by request



Places visited as part of the Regional Training Plan



# 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.

This year the Commission produced 30 media releases which went out to community, state and national broadcast and print media.





## Publications

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

In 2011-2012 the Commission completed the rebranding and now all publications are available the new format:

- **Discrimination Matters:** A quarterly newsletter of which 3,000 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.
- **Fact Sheets:** A series of fact sheets explaining each one of the grounds under the Equal Opportunity Act 1984 as well as a fact sheet explaining the Substantive Equality program are now available online and in the new branding.
- **Challenging sexuality and gender based bullying in schools fact sheets:** A suite of three fact sheets comprising one fact sheet for students, one for parents and one for teachers was developed through consultation with education, health and gay, lesbian, bisexual, transsexual and intersex advocacy groups and launched in May 2012. The fact sheets were distributed to every primary and secondary school in Western Australia.
- **Poster series:** The first of a new series of posters addressing the various types of discrimination under the Equal Opportunity Act 1984 was launched in May 2012. The posters will be available online and in hardcopy.
- **Aboriginal calendar and postcard series:** Artwork for the 2012 Aboriginal calendar and postcard series was designed by Aboriginal artists at Bandyup Women's Prison. The artists participated in a competition to design artwork for the theme *Racism hurts inside*.



## 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. Feedback about the Commission's publications continues to be overwhelmingly positive.

During 2011-2012 Commission literature, including complaint forms, was sent to more than 456 people who made an enquiry by telephone, mail, fax or email.

Another 802 were referred to the website to access publications, information and Complaint Forms. The Commission also distributes a range of publications for its training courses including brochures, posters, fridge magnets and the *Equal Opportunity Act Reference Guide*, which is only available to those enrolled in training courses.

Ninety eight per cent of training participants said in evaluation that the publications provided in these sessions would be useful to their daily work.

## 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.

This year there have been 91,650 unique visitors to the site, which is an increase on 63,133 the previous year. Three hundred and twenty five people lodged complaints online which has also increased this year. One hundred and seven people made enquiries through the website, which is an increase on last year's total of 40.

This shows how the Commission's stakeholders are becoming more reliant on the website for information about the *Equal Opportunity Act 1984* and the Commission's services.

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.

## 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. About 30 media 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. Media coverage of the Commission is also 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.

### **Substantive Equality consultation forum and workshop**

As part of the Substantive Equality program State Government departments undertake Needs and Impact Assessments to assess what areas of service need to be reviewed to become more accessible to Aboriginal and ethnic minority groups. An integral part of this assessment is consultation.

In November 2011 the Substantive Equality Unit hosted a forum and workshop to bring public sector CEOs and senior officers together with non-government organisations representing Aboriginal and ethnic minority people to workshop strategies for consultation with members of these communities. The forum included presentations from experienced Aboriginal and ethnic minority consultants as well as the CEO of the Department of Health Kim Snowball, the Department of Housing Grahame Searle and Public Sector Commissioner Mal Wauchope.

The workshop section involved senior public sector staff working with the NGOs and community members to devise strategies based on hypothetical consultation scenarios.

The workshop was facilitated by experienced anthropologist in the area of consultation between Aboriginal communities and government at all levels, Dr David Martin and Aboriginal facilitator and former state government executive Danny Ford.

Feedback from the event included:

"I took lots of valuable advice and information away with me from listening to the speakers and the networking opportunities it afforded, which will hopefully enable me to make a difference to the consultation processes in State Development,"



## Challenging sexuality and gender based bullying in schools events

As part of the *Challenging sexuality and gender based bullying in schools* project the Commission held three promotional events throughout 2011-2012.

The first event titled Breakfast with Tiffany was a breakfast event held to introduce leading researcher in the area of homophobic bullying Dr Tiffany Jones to the project's steering committee and working group comprising representatives from education and health agencies as well as gay, lesbian, bisexual, transsexual and intersex advocacy groups.

The second event was a morning tea forum for school staff, parents and members of the public interested in the issue of homophobic bullying in schools to listen to presentations by 2011 Western Australian of the Year and anti-bullying advocate Donna Cross, spokesperson for the Safe Schools Coalition against homophobic bullying in schools Roz Ward and Tiffany Jones.

Feedback from the event included:

"Very enlightening, the stats (in Tiffany's presentation) speak volumes when collected from real people by real people,"

"Very interesting topic, most informative,"

The third event was the launch of the *Challenging sexuality and gender based bullying in schools* fact sheets.

The afternoon tea launch was aimed at school staff, parents and agencies and advocacy groups supporting students suffering sexuality and gender based bullying.

2011 WA Beginning teacher of the year Scott Sullivan spoke at the launch about his experience as a gay man teaching primary school students and instilling values of equality in his classroom.

Feedback from the launch included:

"Great to get someone in from a school – an excellent and inspiring speaker."

"Great to have a personal story."

## 2012 Aboriginal Calendar competition

Each year the Commission holds a competition with a different Aboriginal community to design the artwork for its Aboriginal calendar.

The 2012 calendar artwork was designed by Aboriginal artists at Bandyup Women's Prison.

The theme for the competition was Racism hurts inside. From the entries received a winner was chosen whose design was placed on the 2012 Aboriginal calendar and designs of the three runners up were placed on a series of postcards.

## NAIDOC Week

The Commission again participated in the annual Family Fun Day at Ashfield Reserve for NAIDOC Week.

This year the Commission held a stall which was visited by participants of all ages, Aboriginal and non-Aboriginal, who came to enjoy the event.



## International Women's Day

For the annual International Women's Day breakfast this year the Commission tackled women in sport with the theme *Giving Women a Sporting Chance*.

The speakers were Olympic Gold Medallist in sailing Tessa Parkinson and anti-violence against women in sport advocate Nina Funnel.

Both gave fascinating and inspiring addresses about the participation and perception of women in elite sport to an audience of over 100 women and men from the public and private sector including sporting organisations.

Feedback included:

"Excellent choice – I appreciated the difference between the two speakers. Both great in different ways,"

"Very inspirational and thought provoking,"





# 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 Act)
- unlawful discrimination as defined under the 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 Act and Commission officers attempt to direct the enquirer to the correct agency to deal with their issue.

Where allegations of unlawful discrimination are accepted by the Commissioner as complaints under the Act, the Commission's 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 and where they are from
- details how complaints were finalised.



# Enquiries

The Commission received 2,463 enquiries during 2011-2012 from people who came to the Commission office, rang the enquiries line or sent in a written enquiry by fax, email or letter. The number of written enquiries made via the website increased by 13%, indicating the community's preference for electronic communication.

## Written enquiries

The Commission receives enquiries about all aspects of its work; however 41% of those enquiries are recorded as potential complaints and 30% are recorded as allegations of discrimination.

This indicates about 70% of enquiries are from people who feel they have been discriminated against or have experienced discrimination. In comparison, only six per cent of enquirers were recorded as requesting information about their responsibilities.

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

Where the written correspondence nominates a ground and area of alleged discrimination identified in the Act it is accepted by the Commissioner as a complaint.

If the correspondence falls outside the Commission's jurisdiction a letter is sent explaining why the matter raised does not fall within the jurisdiction of the Act.

Where possible the enquirer is referred to an appropriate organisation for assistance. In many cases the enquirer is asked to provide additional information or clarify which ground and or area of the

Act they believe has been breached. This is to enable a more informed assessment to be made as to whether their concerns do come within the jurisdiction of the Act and can be accepted as a complaint.

## What were the enquiries about and who made them?

Of the enquiries received in 2011-2012, 69% were about matters that fell within the jurisdiction of the 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 Act.



**Table 3: Enquiries by ground  
2009-10 to 2011-12**

Ground	2009-10	%	2010-11	%	2011-12	%
Age	160	5.5%	134	5.1%	144	5.8%
Breastfeeding	1	0.0%	4	0.2%	3	0.1%
Bullying	185	6.3%	137	5.3%	111	4.5%
Family Responsibility/Status	117	4.0%	96	3.7%	98	4.0%
Gender History	5	0.2%	5	0.2%	5	0.2%
Gender Identity	5	0.2%	10	0.4%	10	0.4%
Impairment	420	14.3%	462	17.7%	454	18.4%
Marital Status	13	0.4%	16	0.6%	11	0.4%
Political Conviction	7	0.2%	3	0.1%	2	0.1%
Pregnancy	104	3.5%	107	4.1%	81	3.3%
Race	537	18.3%	373	14.3%	403	16.4%
Racial Harassment	43	1.5%	28	1.1%	43	1.7%
Racial Offensive Behaviour	39	1.3%	31	1.2%	20	0.8%
Religious Conviction	41	1.4%	44	1.7%	36	1.5%
Sex	123	4.2%	149	5.7%	116	4.7%
Sexual Harassment	170	5.8%	162	6.2%	157	6.4%
Sexual Orientation	39	1.3%	46	1.8%	48	1.9%
Spent Conviction	15	0.5%	12	0.5%	14	0.6%
All grounds	205	7.0%	170	6.5%	164	6.7%
Other	704	24.0%	616	23.6%	543	22.0%
Total	2933	100.0%	2605	100.0%	2463	100.0%

The grounds of alleged discrimination most commonly cited by enquirers (Table 3) correlate closely with complaints accepted by the Commission (see Table 5).

While not a ground under the Act, enquiries about bullying were the sixth most common concern expressed by callers. More than 82% of these relate to the workplace.

The 2007 review of the Act recommended to the State Government the addition of new grounds, one of which was bullying.

The most common grounds of alleged discrimination cited by enquirers in 2011-12 were:

- impairment - 454 (18.4%)
- race - 403 (16.4%)
- sexual harassment - 157 (6.4%)
- age – 144 (5.8%)
- sex – 116 (4.7%)
- bullying - 111 (4.5%)

**Table 4: Enquiries by area  
2009-10 to 2011-12**

Area	2009-10	%	2010-11	%	2011-12	%
Employment	1630	55.6%	1405	53.9%	1251	50.8%
Access to Places and Vehicles	38	1.3%	42	1.6%	37	1.5%
Accommodation	111	3.8%	101	3.9%	134	5.4%
Education	105	3.6%	92	3.5%	99	4.0%
Clubs	31	1.1%	43	1.7%	32	1.3%
Goods, Services and Facilities	404	13.8%	367	14.1%	356	14.5%
Sports	11	0.4%	8	0.3%	19	0.8%
Land	2	0.1%	3	0.1%	1	0.0%
Public Place	51	1.7%	30	1.2%	17	0.7%
All Areas	215	7.3%	172	6.6%	198	8.0%
Other	335	11.4%	342	13.1%	319	13.0%
Total	2933	100.0%	2605	100.0%	2463	100.0%

The area identified by enquirers in 2011-2012 closely reflected the pattern of the previous year. More than one half of the enquiries handled related to employment, which is a continuing trend. Goods, services and facilities was the next largest group and accounted for 14.5% of enquiries.

There was an increase in the number of enquiries relating to accommodation, mostly on the grounds of race and impairment.

This may indicate the impact of the state government's 'three strikes' housing policy on Aboriginal people and ethnic minority groups who face eviction from public housing accommodation following strikes placed against them when complaints from neighbours and authorities are made for often minor disruptions. These complaints of anti-social behaviour against Aboriginal and ethnic minority groups are often perceived by these groups as racially targeted, prompting them to make enquiries as potential complainants. (this is discussed further on page 49 and 61).

The sensitive nature of many enquiries means statistics on ethnicity is not kept at this early stage of the complaint process, however race is consistently the second most enquired about ground under the Act.

Most enquires in 2011-2012 were from individuals (80.3%) and related to allegations of discrimination or unfair treatment and over 50% of

those enquiries were made by women.

This is followed by:

- State government departments - 127 enquiries (5.2%)
- Private enterprise - 107 enquiries (4.3%)
- Media - 76 enquiries (3.1%)
- NGOs - 70 enquiries (2.8%)
- Ministers - 21 enquiries (0.9%)



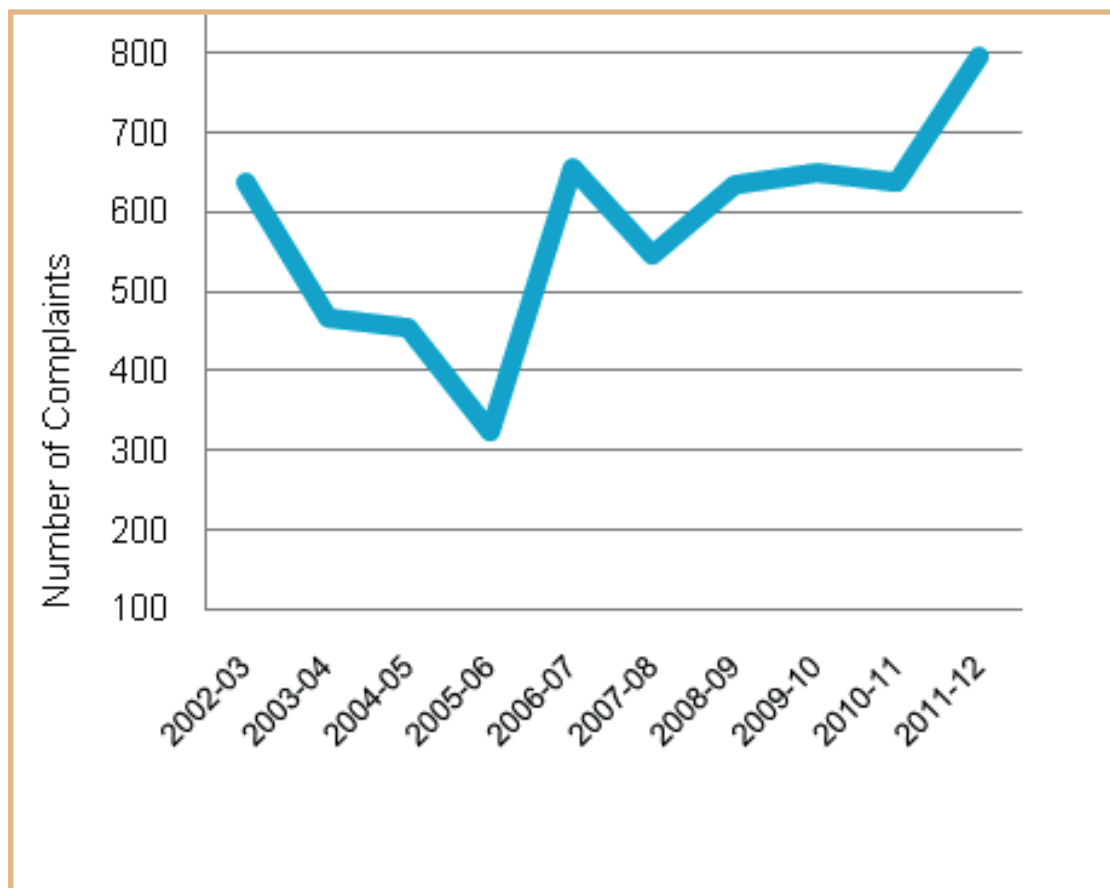
## Complaints

If a person alleges that he or she has been discriminated against on one or more grounds, and in one of the areas under the Act, then those allegations will 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 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 Act and asked to further clarify their complaint.

In 2010-2011, a total of 795 complaints were received, following the trend of an increasing number dealt with each year. Seventy nine per cent of the complaints on hand were closed during the year.

**Figure 1: Number of complaints received over 10 years**



There are various outcomes that can be reached to finalise a complaint, including:

- Dismissal by the Commissioner if it is misconceived or lacking in substance
- Lapsed if the complainant does not respond to attempted by the Commission Conciliation Officer to contact the complainant
- Withdrawn by the complainant at any time
- Referred to the SAT by the Commissioner if it cannot be conciliated and the Commissioner believes there is an arguable case
- A complainant can also request the Commissioner to refer a dismissed complaint to the SAT

If the complainant refers their complaint to the SAT, the Commission does not provide legal representation. If the Commissioner refers the complaint to the SAT then legal representation is provided by the Commission.

### Case Summary

**Ground:** Sexual Orientation & Family Status

**Area:** Education

A woman alleged sexual orientation and family status discrimination when her child's enrolment application to the school was unsuccessful. A conciliation conference was held but the matter could not be resolved when the respondent denied any discrimination had occurred. The Commissioner referred the matter to the SAT.

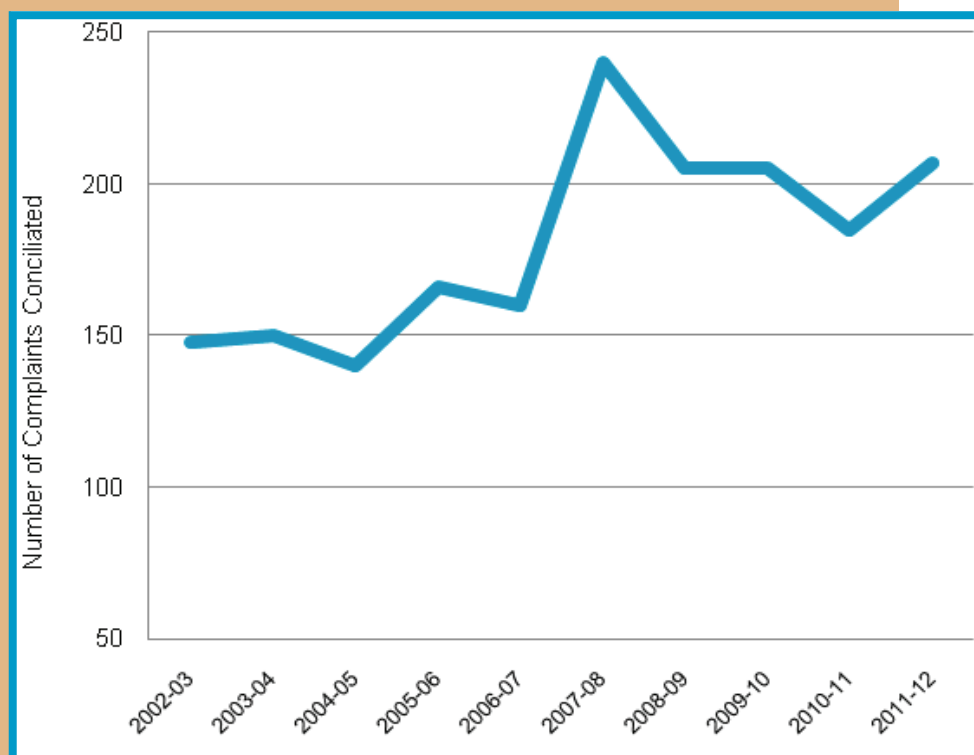
### Case Summary

**Ground:** Sex and Victimisation

**Area:** Clubs

A woman who was a member of a religious association alleged discrimination on the ground of sex and victimisation. Investigations revealed the association did not fall within the definition of 'clubs' under the Act. The complaint was dismissed and the complainant requested the matter be referred to the SAT.

**Figure 2: Number of complaints conciliated**



In 2011-2012 most matters were resolved by conciliation with varying and multiple outcomes. Forty per cent of complainants sought and received an apology, making this the most commonly recorded outcome for a conciliated complaint.

Thirty five per cent of complainants received a monetary payment, making it the second most recorded outcome for a conciliated complaint.

The time taken to close a complaint continued to decrease in 2011-2012. Of the 795 complaints received in 2011-2012, 582 (73.2%) were closed in six months. The average amount of time for a complaint to be finalised in 2011-2012 was four and a half months.

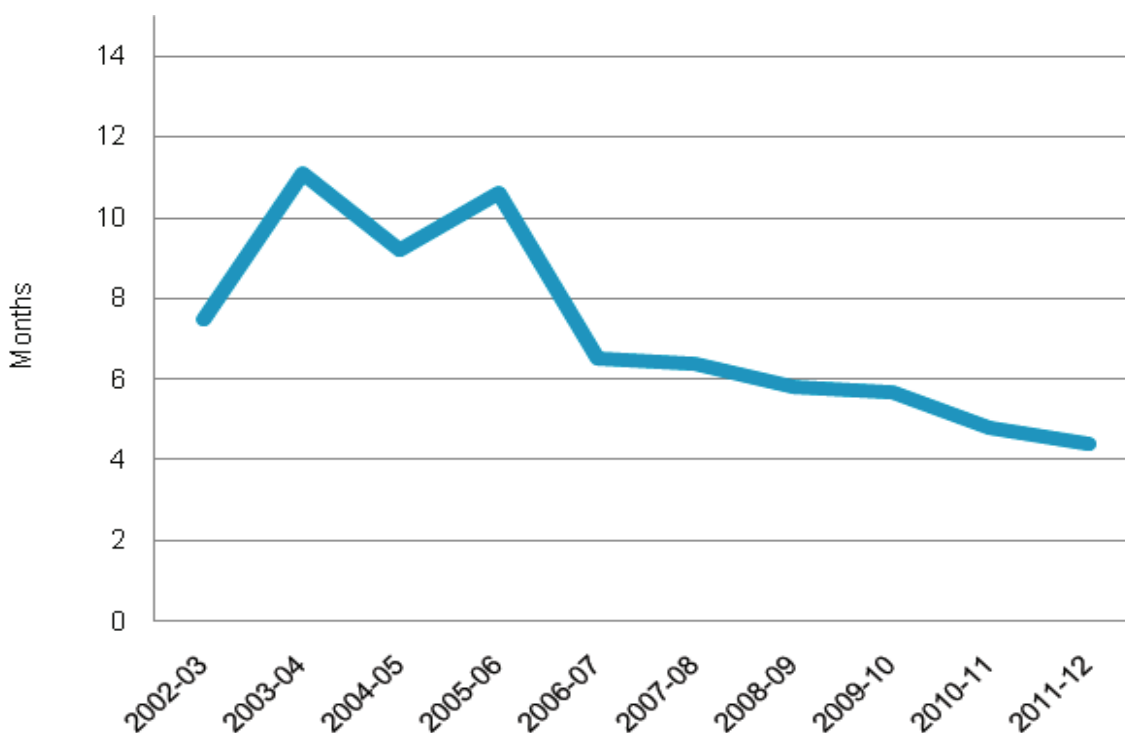
### Case Summary

**Ground:** Impairment

**Area:** Employment

Following the completion of a training course and an appointment to a recruitment pool, a woman attended an induction day to start employment. At the induction she was told to leave. She was subsequently advised that she would not be considered for employment due to a pre-existing medical condition. The prospective employer gave the woman an apology for the distress caused to her by the failings in their employment system, which the woman accepted.

**Figure 3: Time taken to close complaints over 10 years**



Most complaints are about direct discrimination, but since last year indirect discrimination complaints nearly doubled from 4.4% to 7.9%. Indirect discrimination occurs when an apparently neutral rule has a disproportionately negative effect on a group of people and is sometimes called systemic racism. The Commission addresses indirect race discrimination through the Substantive Equality Unit (page 55).

# Who are making complaints and who are the respondents?

## Complainants

The Commission accepts complaints from anyone who alleges discrimination which has occurred in the state of Western Australia according to the stated grounds and areas of the Act. Complainants are varied with different ages, genders, ethnicities and occupations.

In 2011-2012, people in the 20 to 39 year old age bracket lodged the most complaints with the Commission with 47% of complaints coming from this age group, followed closely by 42% from the 40 to 64 year old age bracket. This has been a consistent trend over the last three years.

Consistent trends also exist in the gender of complainants. In 2011-2012 57% of complainants identified as female and 41% identified as male.

## Case Summary

**Ground:** Sexual harassment

**Area:** Employment

A woman employed in a commercial kitchen alleged her supervisor sexually harassed her by simulating masturbation while holding a cooked sausage to his groin. When the complaint could not be conciliated the Commissioner referred it to the SAT.

Most complainants in 2011-2012 were born in Australia with some 68% of complainants nominating Australia as their birthplace over the last three years. This includes those who identify as Australian Aboriginals and Torres Strait Islanders, who are consistently just over 20%.

## Case Summary

**Ground:** Race

**Area:** Goods and Services

An Aboriginal woman alleged that she was accused of stealing an item from a store because she was Aboriginal. She said staff checked her bag although they didn't check the bags of other customers. However the store owner said staff were following usual protocol when they suspected an item had been stolen. The complaint resolved in conciliation when the store owner agreed to obtain cultural awareness training.

This year, there has been a drop in complaints from those born in Southern and East Africa, previously the third highest nominated birthplace of complainants. Over the last three years the number of complainants born in this area has dropped from around nine per cent to 0.5%. The nominated birthplace of United Kingdom and Ireland now ranks in third place, followed by the Middle East. The most frequently nominated ethnicity was Indian, with 25 complaints received from those who identified as Indian in 2011-2012. Of those who passed on information about their language, 12% of complainants nominated a first language other than English.

## Case Summary

**Ground:** Race

**Area:** Employment

An Indian woman claimed her manager terminated her employment and decided to employ a Caucasian woman because they may be better for business as they are more likely to 'drink alcohol and sleep around' than a conservative person of Indian background. The Commissioner referred the complaint to the SAT.

Of the 596 complainants who responded to the occupation section of the complainant survey, 239 said they were in paid employment. The rest were either looking for work (198), students (71), retired (9), pensioners (63) or homemakers (16).

## Respondents

The industry grouping of Property and Business Services, which includes both public accommodation providers and private real estate agents, had the most complaints lodged against them in 2011-2012 with a total of 200 complaints.

This industry grouping, while consistently highest in the past, has nearly doubled since 2010-2011.

Property and Business Services was followed by:

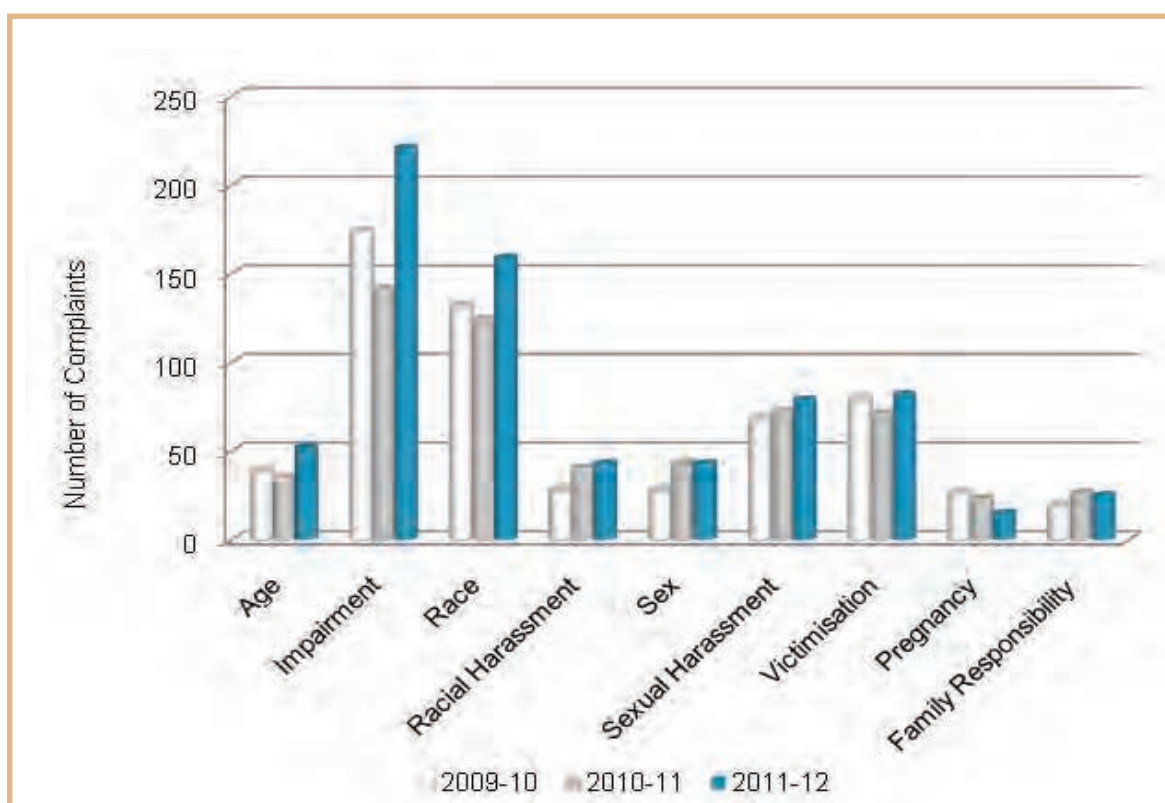
- Health and Community Services (95)
- Retail Trade (61)
- Accommodation/Cafes/Restaurants (65)
- Government Administration (47)

## What are the complaints about?

There are 18 grounds and 15 areas of public life that a discrimination complaint can be lodged under. Some grounds do not apply to some areas and both have to correlate in order for a complaint to be accepted under the Act.

Of the various grounds of complaint under the Act, impairment discrimination complaints are consistently the highest. This year 221 impairment discrimination complaints were lodged, which is an increase of 80 complaints when compared with 2010-2011. Race discrimination complaints have also increased since last year, and continue to be the second most frequently cited ground of complaint.

**Figure 4: Most frequently cited grounds of complaint 2009-2012**





In 2011-2012 there was an increase in the number of complaints lodged in the areas of employment, goods and services, accommodation and education. Complaints lodged in access to places and vehicles, clubs and sports have declined.

## Case Summary

**Ground:** Impairment

**Area:** goods and services & access to places

A man alleged impairment discrimination in the area of goods and services and access to places after he attended a bar and was observed and questioned about being drunk before being asked to leave the premises.

He explained to the bar staff that he had a disability which made him unsteady on his feet. In conciliation the bar apologised to the man and offered him a free meal at the establishment. The man accepted the apology.

Employment is consistently the most frequently cited area of complaint under the Act. In 2011-2012 57% of complaints lodged with the Commission were under the area of employment. The most frequently cited grounds of discrimination in employment in 2011-2012 were:

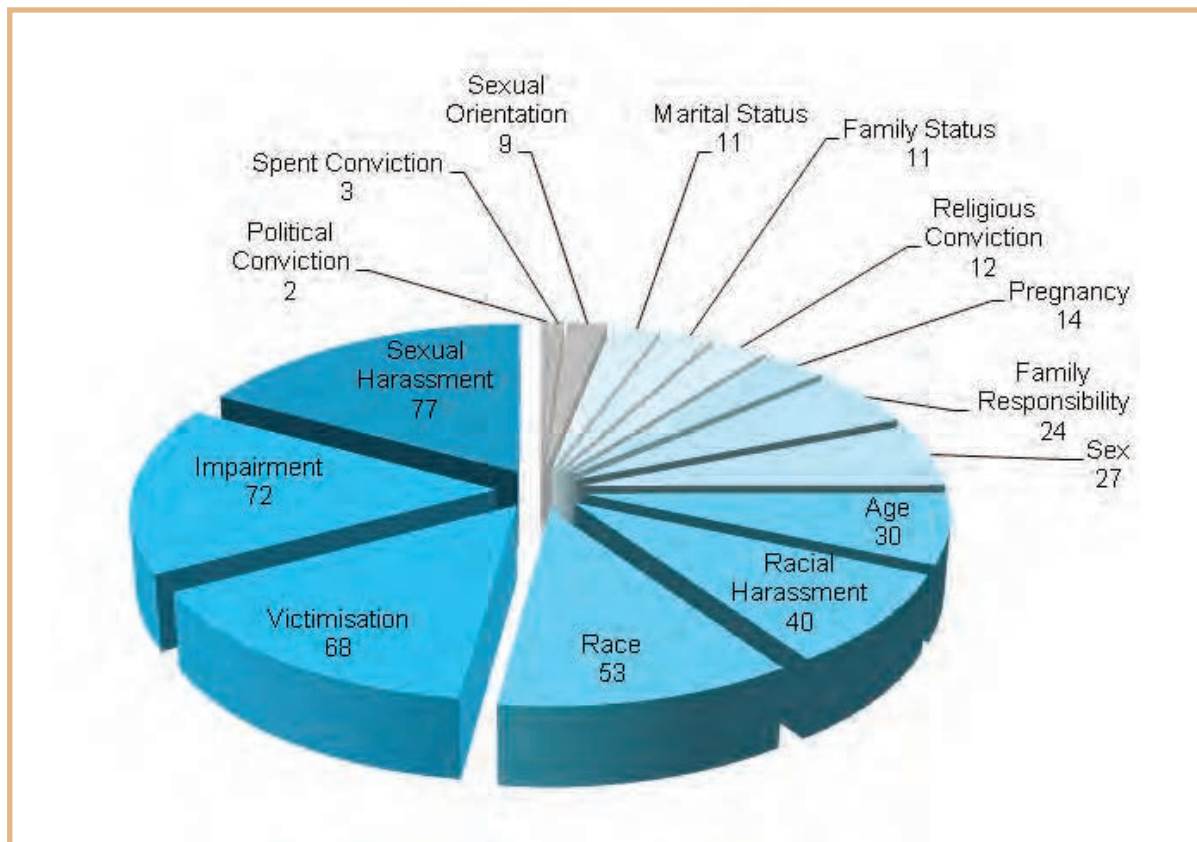
- sexual harassment 77 (17%)
- impairment - 72 (16%)
- race - 53 (12%)
- racial harassment 40 (9%)

**Table 5: Complaints by ground and area 2011-12**

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs, Goods, Services and Facilities	Sport	Total
Age	30	2	5	3	1	10	52
Family Responsibility	24	0	0	1	0	0	25
Family Status	11	0	0	1	0	0	12
Gender History	0	0	0	0	0	0	0
Impairment	72	15	45	11	2	76	221
Marital Status	11	0	2	1	0	3	17
Political Conviction	2	0	0	2	0	5	9
Pregnancy	14	0	0	0	0	1	15
Race	53	4	45	4	0	53	159
Racial Harassment	40	0	1	1	0	1	43
Religious Conviction	12	0	1	1	0	5	19
Sex	27	3	4	1	0	8	43
Sexual Harassment	77	0	0	2	0	0	79
Sexual Orientation	9	0	2	2	1	2	16
Spent Conviction	3	0	0	0	0	0	3
Victimisation	68	0	4	6	0	4	82
Total	453	24	109	36	4	168	795

Figure 5 demonstrates that employment complaints are lodged under all grounds of the Act with the exception of gender identity, however the areas of goods and services and accommodation mostly comprise complaints lodged under the grounds of race and impairment.

**Figure 5: Employment complaints by ground 2011-2012**



Over the previous two years goods and services complaints have comprised 15% of all complaints, however with a rise in race and impairment complaints in this area, in 2011-2012 goods and services complaints have risen to 21%.

The six per cent increase could be explained by an increase in complaints to the Commission during this financial year because of the Department of Housing's 'three strikes' policy and the impact this policy has had on Aboriginal people and ethnic minority groups.

Tables 6 and 7 show a breakdown of Aboriginal complaints by area and by ground.

### Case Summary

**Ground:** Race and Impairment

**Area:** Goods and services and accommodation

An Aboriginal mother of 10 lodged a complaint of race and impairment discrimination against an accommodation provider after she was evicted for disruptive behaviour. She later advised the Commission that she had been offered housing elsewhere by the accommodation provider who confirmed that a property was available for her.

**Table 6: Complaints from Aboriginal people by area  
2009-10 to 2011-12**

Area	2009-10		2010-11		2011-12	
	Number	%	Number	%	Number	%
Employment	20	13.2%	50	39.7%	40	20.7%
Access to Places and Vehicles	10	6.6%	3	2.4%	2	1.0%
Accommodation	92	60.5%	53	42.1%	82	42.5%
Education	0	0.0%	1	0.8%	4	2.1%
Clubs	1	0.7%	0	0.0%	2	1.0%
Goods, Services and Facilities	29	19.1%	19	15.1%	63	32.6%
Sport	0	0.0%	0	0.0%	0	0.0%
Victimisation	0	0.0%	0	0.0%	0	0.0%
Total	152	100.0%	126	100.0%	193	100.0%

**Table 7: Complaints from Aboriginal people by ground  
2009-10 to 2011-12**

Ground	2009-10		2010-11		2011-12	
	Number	%	Number	%	Number	%
Age	2	1.3%	2	1.6%	3	1.6%
Family Responsibility	0	0.0%	3	2.4%	1	0.5%
Family Status	0	0.0%	2	1.6%	1	0.5%
Gender History	0	0.0%	0	0.0%	0	0.0%
Impairment	57	37.5%	34	27.0%	64	33.2%
Marital Status	0	0.0%	0	0.0%	2	1.0%
Political Conviction	0	0.0%	1	0.8%	1	0.5%
Pregnancy	1	0.7%	0	0.0%	1	0.5%
Race	74	48.7%	58	46.0%	92	47.7%
Racial Harassment	7	4.6%	11	8.7%	8	4.1%
Religious Conviction	0	0.0%	0	0.0%	2	1.0%
Sex	1	0.7%	0	0.0%	4	2.1%
Sexual Harassment	2	1.3%	1	0.8%	4	2.1%
Sexual Orientation	2	1.3%	0	0.0%	3	1.6%
Victimisation	6	3.9%	14	11.1%	7	3.6%
Total	152	100.0%	126	100.0%	193	100.0%

The correlation between certain grounds of the Act and gender of the complainants has also remained consistent in 2011-2012. Most grounds had more complaints lodged by females than males, with the exception of age discrimination and religious conviction complaints which over the past three years have consistently been mostly made by men.

**Table 8:**  
**Complaints by ground and gender of**  
**complainants**  
**2011-12**

Ground	Female	Male	Mixed Group	Total	%
Age	24	28	0	52	6.5%
Family Responsibility	19	6	0	25	3.1%
Family Status	8	4	0	12	1.5%
Impairment	121	98	2	221	27.8%
Marital Status	11	4	2	17	2.1%
Political Conviction	0	9	0	9	1.1%
Pregnancy	15	0	0	15	1.9%
Race	103	52	4	159	20.0%
Racial Harassment	10	32	1	43	5.4%
Religious Conviction	3	16	0	19	2.4%
Sex	25	16	2	43	5.4%
Sexual Harassment	59	18	2	79	9.9%
Sexual Orientation	6	10	0	16	2.0%
Spent Conviction	1	2	0	3	0.4%
Victimisation	47	35	0	82	10.3%
<b>Total</b>	<b>452</b>	<b>330</b>	<b>13</b>	<b>795</b>	<b>100.0%</b>

## Case Summary

**Ground:** Age

**Area:** Goods and Services and Access to places & vehicles

A tenant of a unit in a strata complex lodged a complaint on behalf of his four children claiming the management board were not allowing his children access to the recreational facilities because of their age. The matter was conciliated when \$250 was paid to each child, and the board apologised to the children's father and changed its written policies to allow children to access the facilities.

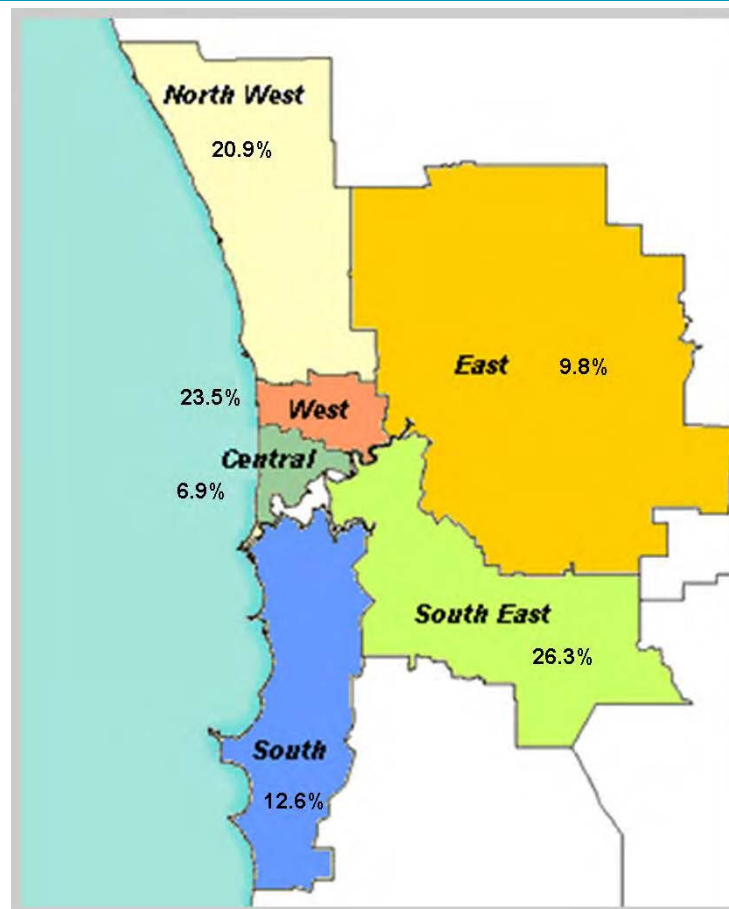
## Where do the complaints come from?

The Commission can accept and investigate complaints of discrimination that occur across the entire state of Western Australia, and as such it receives most of its complaints from within the state.

Consistently, most complaints received at the Commission are from the Metropolitan region and 2011-2012 this is no different with 540 complaints coming from this geographical area.

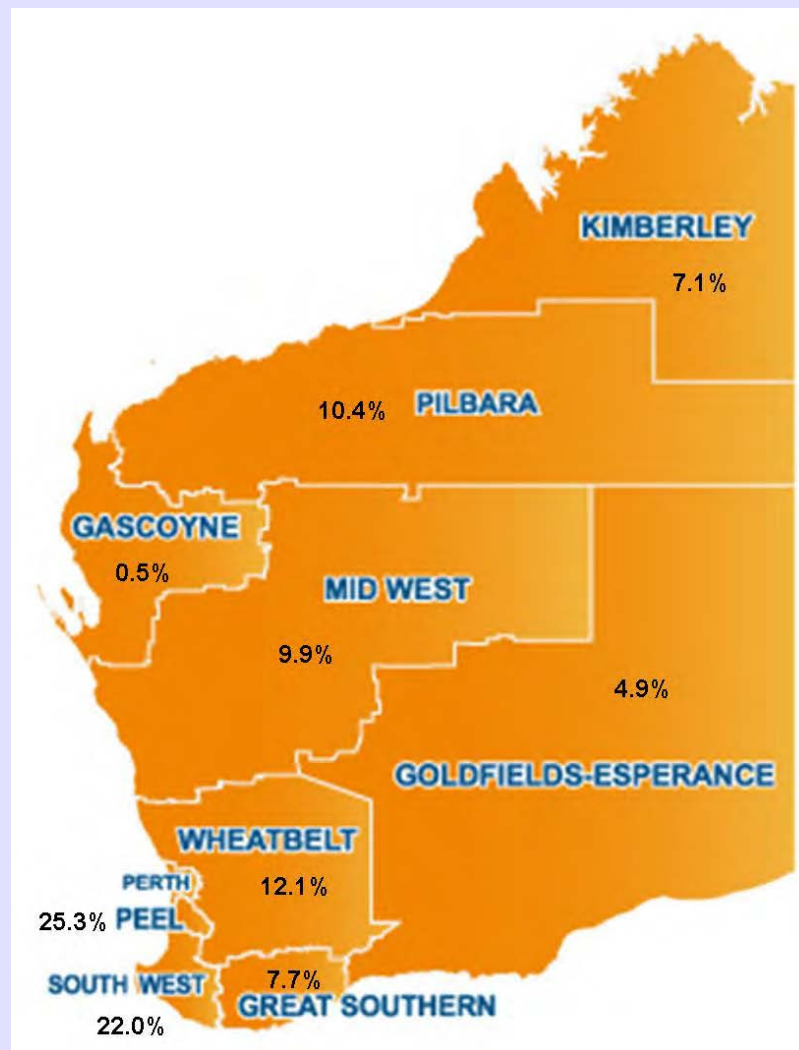
Of the various areas within the Metropolitan region, the South East Metropolitan area has the highest number of complaints with 142 complaints.

**Map 2: Complaints received from the metropolitan region  
2011-12**





**Map 3: Complaints received from the non metropolitan region  
2011-12**



Outside the metropolitan region, the Commission receives most of its complaints from the Peel region with 25% of regional complaints outside the metro area coming from this region.

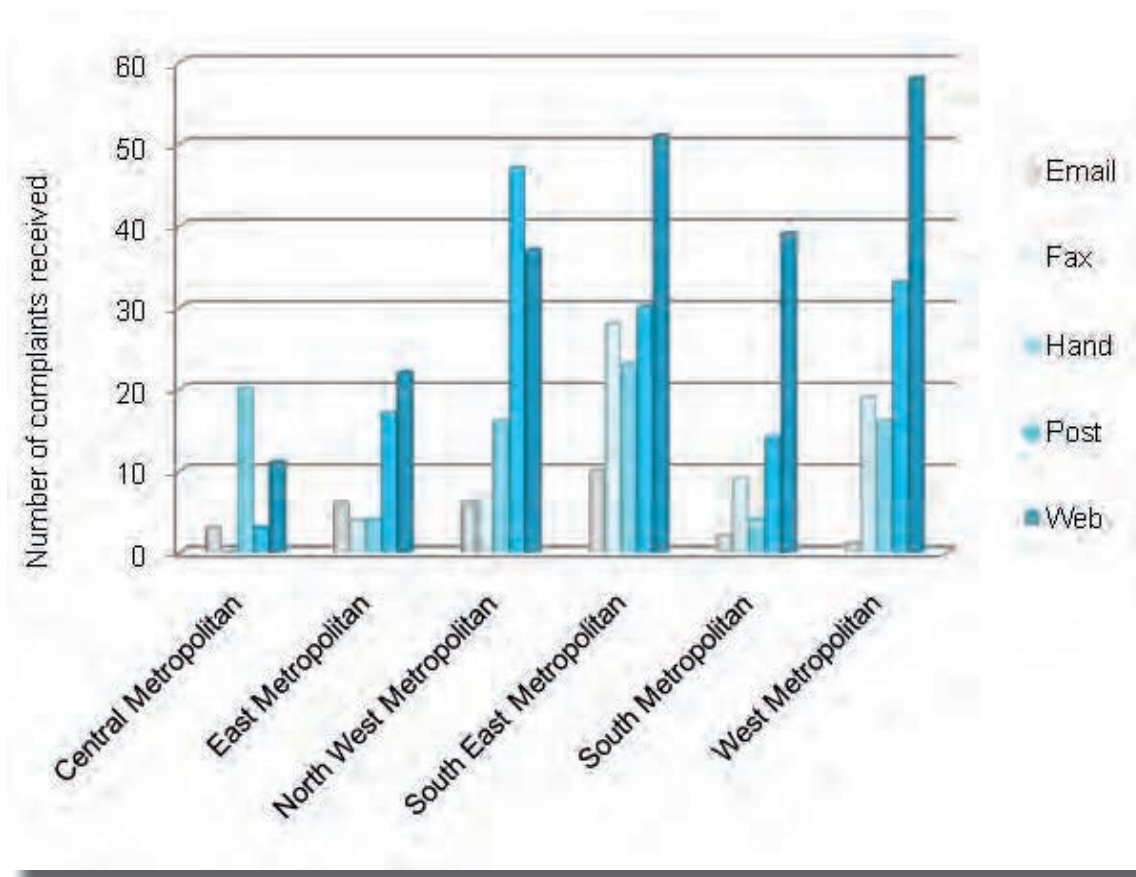
## How are the complaints made?

Complaints can be made to the commission by email, fax, hand (in person), post or via the web.

In 2011-2012 most complaints were made via the web (325), which continues this trend on the previous year. All methods of receiving complaints increased in 2011-2012, except for post, which decreased by 22%.

However trends in mode of making a complaint can be demonstrated across the various areas of the Metropolitan region.

Figure 6: How complaints are received by metropolitan region 2011-12



# Substantive Equality

Following on from its initial education stages engaging CEOs, Senior Officers and Implementing Officers from the 31 participating WA Government agencies (including the Commission), in its sixth year the Substantive Equality Unit is now expanding its reach to the wider WA public sector and the community.

During this financial year the SEU visited Aboriginal communities in the Kimberley to engage community members affected by the Substantive Equality program and held a seminar titled Consultation with Aboriginal & Ethnic Minority Communities for public sector CEOs, senior officers and community representatives.

Now there is a greater understanding of Substantive Equality in WA government departments and of the one size does not fit all concepts for public sector policies and practices, the 31 participating departments are going beyond their assessments of existing policies and practices by undertaking a Substantive Equality pilot program which involves the assessment of new policies and initiatives.

In addition to the pilot program and the expansion of its work to the community and wider public sector, the SEU continues its support work in education, research and monitoring with the 31 existing departments.



## Consultation

As part of each department's Needs and Impact Assessment of its services to Aboriginal and ethnic minority communities there is a consultation component.

In 2011-2012 the Substantive Equality Unit worked with the Gabbie Kylie Foundation established to conserve and interpret the Aboriginal heritage values of the south coast region of Western Australia, and the National Trust to workshop consultation strategies between the Noongar people of the region and relevant WA government agencies.

In July 2011 and February 2012 Substantive Equality Officers attended on country meetings with the local Noongar community to gather information about consultation methods as well as raise awareness about Substantive Equality within that community.

## Non-registration of births

During 2011-2012 the SEU continued working with the Registry of Births, Deaths and Marriages in Western Australia to further research already being undertaken by Monash University into the disproportionate number of Aboriginal Australians without a birth certificate.

The three-year study aims to quantify the scope of the problems stemming from the lack of birth registrations among Aboriginal people, analyse the obstacles Aboriginal Australians face accessing the birth registration system and identify culturally appropriate remedies to systemic problems in the birth registry process that hinder the registration of Aboriginal births.

This research directly supports the aims of Substantive Equality and will help identify best practice in Western Australia as well as Victoria, the Northern Territory and Queensland.

## Education support

### Consultation with Aboriginal and ethnic minorities seminar

In November 2011 the SEU hosted a workshop seminar for Public Sector CEOs and Senior Officers as well as non-government organisations and community groups to network and develop best practice strategies for consultation.

The event titled *Consultation with Aboriginal and Ethnic Minority Communities: An equal opportunity seminar on Substantive Equality* was attended by about 150 representatives from public sector agencies and non-government organisations.

It was divided into three sessions. In the first session Director General of Housing Grahame Searle and Director General of Health Kim Snowball gave presentations about lessons they had learnt in consultation through the Substantive Equality program. The second session was a panel discussion about consultation with Aboriginal and ethnic minorities with panellists National Congress of Australia's First Peoples Tammy Solonec and former Ethnic Disability Advocacy Centre Executive Jenny Au Yeong. The third session was a practical session which brought government and non-government representatives together to workshop hypothetical consultation scenarios.



## Substantive Equality Training

Training courses in Substantive Equality have been developed by the SEU to be delivered by the Commission's Community Education and Training section. There are courses aimed at educating public sector employees about ensuring equality of service for Aboriginal and ethnic minority groups and courses aimed at educating Aboriginal and ethnic minority community members about their rights to equal service.

## Monitoring support

### Public Sector Survey

In 2011-2012 the SEU conducted its first awareness survey within the public sector. The email survey was distributed throughout all 31 participating agencies and received over 4,500 responses. Findings from the survey will be used by each of the participating agencies to develop a communication and awareness strategy about Substantive Equality and the work each agency is doing in this area.

### Kimberley Community Forums

In 2011-2012 the Commission, together with representatives from the Department of Housing, Health, Child Protection and the WA Police visited Derby, Mowanjum, Looma, Fitzroy Crossing, Halls Creek and Broome to talk to community members about improvements made to government services to help achieve equality in service delivery.

Although the SEU has held forums such as this with participating agencies in the metropolitan area, this was the first time the SEU had taken these feedback meetings to regional areas.





## Substantive Equality Pilot Program

To progress the Policy Framework for Substantive Equality the Commission has started a pilot program to test how departments can approach an impact assessment on new policies, services and major initiatives. By doing an impact assessment of a policy that is new or being revised it allows the agency to think about the impact of the policy before it is rolled out to the public.

The pilot is at the stage of trialling individual agency level systems to support the roll out.

While the majority of the participating agencies are progressing their various NIAs all agencies are implementing the Substantive Equality Framework.

A table listing the 31 participating agencies and the NIAs they have undertaken in 2011-2012 are at Appendix A.

### Case Study - Transport

The Department of Transport chose its Graduated Driver Training and Licensing System service for its Needs and Impact Assessment.

This involved undertaking two assessments, one focused on ethnic communities and one focused on Aboriginal people.

The needs and barriers identified in both assessments included mobility, driving law information and obtaining a licence.

Following wide consultation, the Department of Transport established a Driver Licensing Reference Group for ethnic minorities and a Remote Areas Licensing Team for Aboriginal people to ensure the barriers and recommendations were accurately captured and implemented.

Members of the reference group included driving school representation and non government organisations. The Department of Transport established an internal working group whose main role was to identify concerns at each licensing centre and feed this information back to the reference group.

Additionally the Office Multicultural Interests hosted a consultative workshop on the subject of licensing and this was attended by the SEU and the reference group.

The reference group helped implement changes such as allowing holders of a permanent visa to drive on a valid overseas licence in WA for three months from when the visa holder was considered to have resided in WA and providing a theory test on the road rules in alternative languages.

Initiatives of the Remote Areas Licensing Team included engaging private sector organisations, including Aboriginal corporations and mining companies, to deliver the road rules theory test as part of driver education programs.

The team also visits remote Aboriginal communities to deliver driver and vehicle licensing services and participates in community open days to give members of remote communities easy access to the licensing service instead of having to travel long distances to access it.

It also published guidelines to assist community groups to establish driver training programs, revised the paper based road rules theory test to cater for low literacy levels and developed a package 'Your Licence Your Life' which is a learning kit with toy cars and road rules.

# Significant issues effecting the Equal Opportunity Commission

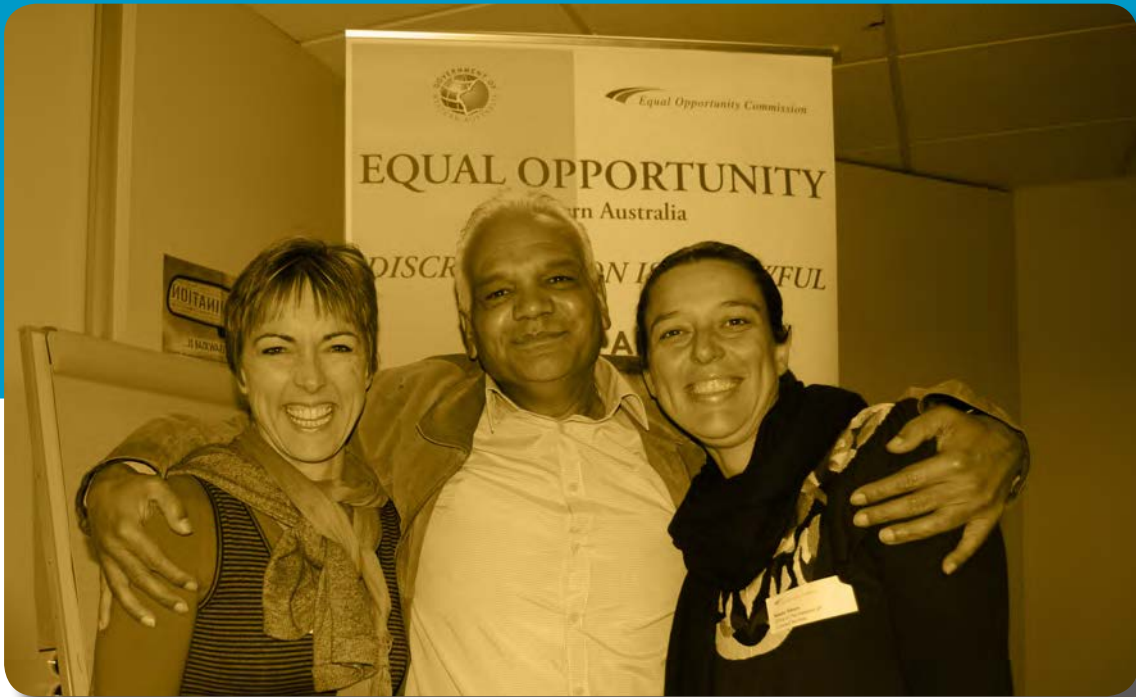


# Significant issues affecting the Commission

## Current and emerging issues and trends

Provision of information about equal opportunity:

- Further implementation of the regional training program to enhance provision of training services to government, private organisations, non-government organisations and communities in regional Western Australia.
- The need to consider strategies for youth engagement so there is an increased community awareness in the 18-39 year old age bracket.



Conciliation:

- An internal review of complaint handling and conciliation processes to enhance accessibility for Aboriginal people and ethnic minority groups to these processes

Substantive equality:

- The commencement of the pilot program with select departments to capture the extent to which new policies and major new initiatives are assessed for their impact on Aboriginal and minority ethnic groups
- The need to consider further strategies so that the SEU can begin to provide a support and monitoring role by having a greater presence in the community and by having continued involvement in significant research impacting on Substantive Equality.

## Legal developments

- In the case of *Birch v Westco Electrics (1966) Pty Ltd*, the Federal Magistrates Court ordered a woman be permanently restrained from pursuing her complaint of sexual harassment in the Equal Opportunity Commission against her former employer, as she had previously lodged an application in relation to the same conduct with Fair Work Australia. The Court held that, under section 725 of the Fair Work Act 2009, a person who lodges an application for unfair dismissal or adverse action involving a dismissal with FWA, cannot simultaneously maintain a complaint in relation to the same conduct under another Commonwealth, State, or Territory law. The woman alleged that she was sexually harassed in the workplace by her manager and his friends, and was then dismissed by the manager when she refused to comply with his unreasonable requests. The woman withdrew her complaint in the Commission in order to pursue her application in FWA.
- The State Administrative Tribunal has held that 'emotional distress' is not an 'impairment' within the meaning of the definition contained in the Equal Opportunity Act 1984 (the Act). In *Mooney v Butlers Barristers and Solicitors*, the complainant alleged she was dismissed from her employment following a period of emotional distress brought about by incidents unrelated to her employment. The emotional distress in turn caused her to under perform at work, resulting in her dismissal. 'Impairment' is defined under the Act as any defect or disturbance in the normal structure or functioning of a person's body or brain, or any illness or condition which impairs a person's thought processes, perception of reality, emotions or judgment or which results in disturbed behavior, whether arising from a condition subsisting at birth or from an illness or injury. The SAT rejected the complainant's submission that 'emotional distress' falls within the definition. It found that her distress was not caused by an illness or injury that gave rise to a physical, psychiatric, or psychological condition.

## Likely developments and forecast results of operations

- The Commission's production of specific materials to be used by all primary and secondary schools to develop anti-homophobic bullying policies commenced in 2011-2012 and will be made available to primary, secondary and tertiary schools in the following year. Interest in the *Challenging sexuality and gender based bullying in schools* fact sheets launched in 2011-2012 indicates there may be interest at all levels of schooling, and as such the Commission will continue its work on this project throughout 2012-2013.
- The Department of Housing's 'Three Strikes' policy has seen an influx of race and impairment complaints in the area of accommodation and goods and services. This increase has impacted on the workload of Conciliation Services and supporting roles within the Commission and is likely to continue to do so in 2012-2013.



## Disclosure and legal compliance





# Disclosure and legal compliance

## Financial statements

### Certification of Financial Statements

#### For the Year Ended 30 June 2012

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 2012.

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.



J.Z. Milambo  
Chief Finance Officer  
Date: 12 September 2012



A. Macdonald  
Accountable Authority  
Date: 12 September 2012



## 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 2012, 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 2012 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.

## **Report on Controls**

I have audited the controls exercised by the Commissioner for Equal Opportunity during the year ended 30 June 2012.

Controls exercised by the Commissioner for Equal Opportunity are those policies and procedures established by the Commissioner to ensure 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.

### *Commissioner's Responsibility for Controls*

The Commissioner is responsible for maintaining an adequate system of internal control to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of public and other property, and the incurring of liabilities are in accordance with the Financial Management Act 2006 and the Treasurer's Instructions, and other relevant written law.

### *Auditor's Responsibility*

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

An audit involves performing procedures to obtain audit evidence about the adequacy of controls to ensure that the Commissioner complies with the legislative provisions. The procedures selected depend on the auditor's judgement and include an evaluation of the design and implementation of relevant controls.

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

### **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 during the year ended 30 June 2012.

## **Report on the Key Performance Indicators**

I have audited the key performance indicators of the Commissioner for Equal Opportunity for the year ended 30 June 2012.

The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide information on outcome achievement and service provision.

### *Commissioner's Responsibility for the Key Performance Indicators*

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 and for such controls as the Commissioner determines necessary to ensure that the key performance indicators fairly represent indicated performance.

### *Auditor's Responsibility*

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 and Assurance Standards.

An audit involves performing procedures to obtain audit evidence about the key performance indicators. The procedures selected depend on the auditor's judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments the auditor considers internal control relevant to the Commissioner's preparation and fair presentation of the key performance indicators in order to design audit procedures that are appropriate in the circumstances. An audit also includes evaluating the relevance and appropriateness of the key performance indicators for measuring the extent of outcome achievement and service provision.

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

### **Opinion**

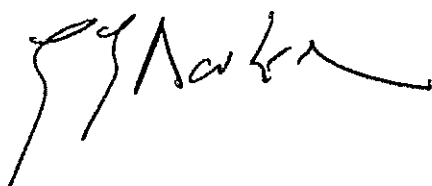
In my opinion, the key performance indicators of the Commissioner for Equal Opportunity are relevant and appropriate to assist users to assess the Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2012.

### **Independence**

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

### **Matters Relating to the Electronic Publication of the Audited Financial Statements and Key Performance Indicators**

This auditor's report relates to the financial statements and key performance indicators of the Commissioner for Equal Opportunity for the year ended 30 June 2012 included on the Commissioner's website. The Commissioner's management is responsible for the integrity of the Commissioner's website. This audit does not provide assurance on the integrity of the Commissioner's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



GLEN CLARKE  
DEPUTY AUDITOR GENERAL  
Delegate of the Auditor General for Western Australia  
Perth, Western Australia  
18 September 2012

**Statement of Comprehensive Income** for the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>COST OF SERVICES</b>			
<b>Expenses</b>			
Employee benefits expense	6	2,941,519	2,765,519
Supplies and services	7	626,708	609,099
Depreciation and amortisation expense	8	69,739	57,549
Accommodation expenses	9	619,028	551,432
Other expenses	10	41,269	37,312
<b>Total cost of services</b>		<b>4,298,263</b>	<b>4,020,911</b>
<b>Income</b>			
<i>Revenue</i>			
User charges and fees	11	316,654	247,830
Commonwealth grants and contributions	12	3,289	19,746
Other revenue	13	11,606	11,000
<b>Total revenue</b>		<b>331,549</b>	<b>278,576</b>
<b>Total income other than income from State Government</b>		<b>331,549</b>	<b>278,576</b>
<b>NET COST OF SERVICES</b>		<b>3,966,714</b>	<b>3,742,335</b>
<b>Income from State Government</b>			
Service Appropriation	14	3,854,000	3,558,000
Resources received free of charge	14	4,852	6,295
<b>Total income from State Government</b>		<b>3,858,852</b>	<b>3,564,295</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>		<b>(107,862)</b>	<b>(178,040)</b>
<b>Total other comprehensive income</b>		<b>-</b>	<b>-</b>
<b>TOTAL COMPREHENSIVE INCOME FOR THE PERIOD</b>		<b>(107,862)</b>	<b>(178,040)</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.



**Statement of Financial Position** for the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>ASSETS</b>			
<b>Current Assets</b>			
Cash and cash equivalents	25	215,791	173,084
Receivables	16	129,056	117,796
Amounts receivable for services	17	71,000	79,000
Other assets	18	18,486	9,033
<b>Total Current Assets</b>		<b>434,333</b>	<b>378,913</b>
<b>Non-Current Assets</b>			
Restricted cash and cash equivalents	15,25	63,575	48,126
Amounts receivable for services	17	188,000	145,000
Plant and equipment	19	186,723	219,378
Intangible assets	20	33,027	48,131
Other assets	18	298	50
<b>Total Non-Current Assets</b>		<b>471,623</b>	<b>460,685</b>
<b>TOTAL ASSETS</b>		<b>905,956</b>	<b>839,598</b>
<b>LIABILITIES</b>			
<b>Current Liabilities</b>			
Payables	22	209,975	112,091
Provisions	23	627,397	576,367
<b>Total Current Liabilities</b>		<b>837,372</b>	<b>688,458</b>
<b>Non-Current Liabilities</b>			
Provisions	23	134,443	109,137
<b>Total Non-Current Liabilities</b>		<b>134,443</b>	<b>109,137</b>
<b>TOTAL LIABILITIES</b>		<b>971,815</b>	<b>797,595</b>
<b>NET ASSETS</b>		<b>(65,859)</b>	<b>42,003</b>
<b>EQUITY</b>			
Contributed Equity	24	481,000	481,000
Accumulated surplus/deficit)		(546,859)	(438,997)
<b>TOTAL EQUITY</b>		<b>(65,859)</b>	<b>42,003</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.

**Statement of Changes in Equity** for the year ended 30 June 2012

	Note	Contributed equity \$	Reserves \$	Accumulated Surplus/(deficit) \$	Total equity \$
<b>Balance at 1 July 2010</b>	24	479,000	-	(260,957)	218,043
Surplus/(deficit)		-	-	(178,040)	(178,040)
Total comprehensive income for the period		-	-	(178,040)	(178,040)
Transactions with owners in their capacity as owners:					
Capital appropriations		2,000	-	-	2,000
Total		<b>2,000</b>	-	-	<b>2,000</b>
<b>Balance at 30 June 2011</b>		<b>481.000</b>	-	<b>(438,997)</b>	<b>42,003</b>
<b>Balance at 1 July 2011</b>		481,000	-	(438,997)	42,003
Surplus/(deficit)		-	-	(107,862)	(107,862)
Total comprehensive income for the period		-	-	(107,862)	(107,862)
Transactions with owners in their capacity as owners:					
Capital appropriations		-	-	-	-
Total		-	-	-	-
<b>Balance at 30 June 2012</b>		<b>481.000</b>	-	<b>(546,859)</b>	<b>(65,859)</b>

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

**Statement of Cash Flows** for the year ended 30 June 2012

	Note	2012 \$	2011 \$
<b>CASH FLOWS FROM STATE GOVERNMENT</b>			
Service appropriation		3,740,000	3,478,000
Capital appropriation		-	2,000
Holding account drawdowns		79,000	34,000
<b>Net Cash provided by State Government</b>		<b>3,819,000</b>	<b>3,541,000</b>
Utilised as follows:			
<b>CASH FLOWS FROM OPERATING ACTIVITIES</b>			
<b>Payments</b>			
Employee benefits		(2,873,153)	(2,674,107)
Supplies and services		(1,194,078)	(1,222,853)
GST payments on purchases		(129,829)	(138,256)
<b>Receipts</b>			
Receipts from services		334,946	280,511
GST receipts on sales		33,462	25,296
GST receipts from taxation authority		89,788	105,790
<b>Net cash provided by/(used in) operating activities</b>	25	<b>(3,738,864)</b>	<b>(3,623,619)</b>
<b>CASH FLOWS FROM INVESTING ACTIVITIES</b>			
<b>Payments</b>			
Purchase of non-current assets		(21,980)	(36,741)
<b>Net cash provided by/(used in) investing activities</b>		<b>(21,980)</b>	<b>(36,741)</b>
Net increase/(decrease) in cash and cash equivalents		58,156	(146,360)
Cash and cash equivalents at the beginning of period		221,210	367,570
<b>CASH AND CASH EQUIVALENTS AT THE END OF PERIOD</b>	25	<b>279,366</b>	<b>221,210</b>

The Statement of Cash Flows should be read in conjunction with the accompanying notes

**Schedule of Income and Expense by Service** for the year ended 30 June 2012

	Provision of Information		Avenue for Redress		Total	
	2012	2011	2012	2011	2012	2011
	\$	\$	\$	\$	\$	\$
<b>COST OF SERVICES</b>						
<u>Expenses</u>						
Employee benefits expense	1,751,380	1,686,967	1,190,139	1,078,552	2,941,519	2,765,519
Supplies and services	349,515	339,691	277,193	269,408	626,708	609,099
Depreciation and amortisation expense	38,893	32,095	30,846	25,454	69,739	57,549
Accommodation expenses	345,232	307,529	273,796	243,903	619,028	551,432
Other expenses	23,016	20,809	18,253	16,503	41,269	37,312
<b>Total cost of services</b>	<b>2,508,036</b>	<b>2,387,091</b>	<b>1,790,227</b>	<b>1,633,820</b>	<b>4,298,263</b>	<b>4,020,911</b>
<u>Income</u>						
User charges and fees	316,654	247,830	-	-	316,654	247,830
Commonwealth grants and contributions	3,289	19,746	-	-	3,289	19,746
Other revenue	11,606	11,000	-	-	11,606	11,000
<b>Total income other than income from State Government</b>	<b>331,549</b>	<b>278,576</b>	<b>-</b>	<b>-</b>	<b>331,549</b>	<b>278,576</b>
<b>NET COST OF SERVICES</b>	<b>2,176,487</b>	<b>2,108,515</b>	<b>1,790,227</b>	<b>1,633,820</b>	<b>3,966,714</b>	<b>3,742,335</b>
<u>Income from State Government</u>						
Service appropriation	2,164,021	1,984,297	1,689,979	1,573,703	3,854,000	3,558,000
Resources received free of charge	2,889	3,511	1,963	2,784	4,852	6,295
<b>Total income from State Government</b>	<b>2,166,910</b>	<b>1,987,808</b>	<b>1,691,942</b>	<b>1,576,487</b>	<b>3,858,852</b>	<b>3,564,295</b>
<b>SURPLUS/(DEFICIT) FOR THE PERIOD</b>	<b>(9,577)</b>	<b>(120,707)</b>	<b>(98,285)</b>	<b>(57,333)</b>	<b>(107,862)</b>	<b>(178,040)</b>

**Schedule of Assets and Liabilities by Service** for the year ended 30 June 2012

	Provision of Information		Avenue for Redress		Total	
	2012 \$	2011 \$	2012 \$	2011 \$	2012 \$	2011 \$
<b><u>ASSETS</u></b>						
Current assets	296,682	258,826	137,651	120,087	434,333	378,913
Non-current assets	322,154	314,683	149,469	146,002	471,623	460,685
<b>Total assets</b>	<b>618,836</b>	<b>573,509</b>	<b>287,120</b>	<b>266,089</b>	<b>905,956</b>	<b>839,598</b>
<b><u>LIABILITIES</u></b>						
Current liabilities	571,991	470,271	265,381	218,187	837,372	688,458
Total non-current liabilities	91,835	74,549	42,608	34,588	134,443	109,137
<b>Total liabilities</b>	<b>663,826</b>	<b>544,820</b>	<b>307,989</b>	<b>252,775</b>	<b>971,815</b>	<b>797,595</b>
<b>NET ASSETS</b>	<b>(44,990)</b>	<b>28,689</b>	<b>(20,869)</b>	<b>13,314</b>	<b>(65,859)</b>	<b>42,003</b>

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



**Summary of Consolidated Account Appropriations and Income Estimates** for the year ended 30 June 2012

	2012 Estimate	2012 Actual	Variance	2012 Actual	2011 Actual	Variance
	\$	\$	\$	\$	\$	\$
<u>Delivery Services</u>						
Item 86 Net amount appropriated to deliver services	3,546,000	3,607,000	61,000	3,607,000	3,319,000	288,000
Amount Authorised by Other Statutes						
-Salaries and Allowances Act 1975	247,000	247,000	-	247,000	239,000	8,000
<b>Total appropriations provided to deliver services</b>	<b>3,793,000</b>	<b>3,854,000</b>	<b>61,000</b>	<b>3,854,000</b>	<b>3,558,000</b>	<b>296,000</b>
<u>Capital</u>						
Item 153 Capital appropriations	-			-	2,000	(2,000)
<b>GRAND TOTAL</b>	<b>3,793,000</b>	<b>3,854,000</b>	<b>61,000</b>	<b>3,854,000</b>	<b>3,560,000</b>	<b>294,000</b>
<u>Details of Expenses by Services</u>						
Provision of Information	2,422,000	2,508,036	86,036	2,508,036	2,387,091	120,945
Avenue of Redress	1,734,000	1,790,227	56,227	1,790,227	1,633,820	156,407
Total Cost of Services	4,156,000	4,298,263	142,263	4,298,263	4,020,911	277,352
Less total income	(355,000)	(331,549)	23,451	(331,549)	(278,576)	(52,973)
Net Cost of Services	3,801,000	3,966,714	165,714	3,966,714	3,742,335	224,379
Adjustments	(8,000)	(112,714)	(104,714)	(112,714)	(184,335)	71,621
<b>Total appropriations provided to deliver services</b>	<b>3,793,000</b>	<b>3,854,000</b>	<b>61,000</b>	<b>3,854,000</b>	<b>3,558,000</b>	<b>296,000</b>
<u>Capital Expenditure</u>						
Purchase of non-current intangible assets	79,000	21,980	(57,020)	21,980	36,741	(14,761)
Adjustments for other funding sources	(79,000)	(21,980)	57,020	(21,980)	(34,741)	12,761
<b>Capital appropriations</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>2,000</b>	<b>(2,000)</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 2012 and between the actual results for 2012 and 2011.

## Note 1. Australian Accounting Standards

### **General**

The Commission's financial statements for the year ended 30 June 2012 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*. There has been no adoption of Australian Accounting Standards that have been issued or amended [but are not operative] by the Commission for the annual reporting period ended 30 June 2012.

## Note 2. Summary of significant accounting policies

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

The Commission is a not-for-profit reporting entity that prepares general purpose financial statements 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 impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB. 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.

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.

**(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 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 2011-2012 Budget Statements, the Commission retained \$331,549 in 2012 (\$278,576 in 2011) 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 only recognised when a fair value can be reliably determined and the services would be purchased if not donated.

The Commission may receive funding from the Commonwealth for the provision of service 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.



Intangible assets are initially recognised at cost. For assets acquired at no cost or for 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
Software	3-5 years

a) Software that is not integral to the operation of any rebated hardware

#### 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 that they represent probable future economic benefits that can be reliably measured, are capitalised.

#### Computer Software

Software that is an integral part of the related hardware is recognised as property, plant and equipment. Software that is not an integral part of the related hardware is recognised as an intangible asset. Software costing less than \$5,000 is expensed in the year of acquisition.

### **(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.

**(i) Leases**

The Commission has not entered into any finance leases.

The Commission holds operating leases for buildings and motor vehicles. Operating leases 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
  - o Cash and cash equivalents
  - o Restricted cash and cash equivalents
  - o Receivables
  - o Amounts receivable for services
- Financial Liabilities
  - o 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.

**(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. 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 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 at the amounts payable 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.

*Annual leave*

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

Annual leave that is 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 end of the reporting period.

*Long service leave*

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

Long service leave that is not expected to be settled within 12 months after the end of 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 end of the reporting period. Pre-conditional and 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.

#### *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 relation 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'.



**(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 preparation of financial statements requires management to make judgements about the application of accounting policies that have a significant effect on the amounts recognised in the financial statements. The Commission evaluates these judgements regularly.

**Operating lease commitments**

The Commission has entered into a lease for a building used for office accommodation. It has been determined that the lessor retains substantially all the risks and rewards incidental to ownership. Accordingly, this lease has been classified as an operating lease.

**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.

**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 2011 that impacted on the Commission.

**AASB 1054 Australian Additional Disclosures**

This Standard, in conjunction with AASB 2011-1 *Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project*, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.

**AASB 2009-12 Amendments to Australian Accounting Standards [AASB 5, 8, 108, 110, 112, 119, 133, 137, 139, 1023 & 1031 and Int 2,4, 16, 1039 & 1052]**

This Standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.

**AASB 2010-4 Further Amendments to Australia Accounting Standards arising from the Annual Improvements Project [AASB 1, 7, 101 & 134 and Int 13]**

The amendments to AASB 7 clarify financial instrument disclosures in relation to credit risk. The carrying amount of financial assets that would otherwise be past due or impaired whose terms have been renegotiated is no longer required to be disclosed. There is no financial impact.

The amendments to AASB 101 clarify the presentation of the statement of changes in equity. The disaggregation of other comprehensive income reconciling the carrying amount at the beginning and the end of the period for each component of equity is no longer required. There is no financial impact.

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

This standard makes editorial amendments to a range of Australian Accounting Standards and Interpretations. There is no financial impact.

**Initial application of an Australian Accounting Standard**

*AASB 2011-1 Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project [AASB 1, 5, 101, 107, 108, 121, 128, 132, & 134 and Int 2, 112, 113]*

This Standard, in conjunction with AASB 1054, removes disclosure requirements from other Standards and incorporates them in a single Standard to achieve convergence between Australian and New Zealand Accounting Standards. There is no financial impact.

**Voluntary changes in accounting policy**

There is no voluntary changes in accounting policy which has been adopted by the Commission.

**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:

		<b>Operative for reporting periods beginning on/after</b>
<i>AASB 9</i>	<i>Financial Instruments</i>  This Standard supersedes <i>AASB 139 Financial Instruments: Recognition and Measurement</i> , introducing a number of changes to accounting treatments.  The Standard was reissued in Dec 2010. EOC has not yet determined the application or the potential impact of the Standard.	1 Jan 2013
<i>AASB 10</i>	<i>Consolidated Financial Statements</i>  This Standard supersedes requirements under AASB 127 Consolidated and Separate Financial Statements and <i>Int 112 Consolidation – Special Purpose Entities</i> , introducing a number of changes to accounting treatments.  The Standard was issued in August 2011. EOC has not yet determined the application or the potential impact of the Standard.	1 Jan 2013
<i>AASB 11</i>	<i>Joint Arrangements</i>  This Standard supersedes AASB 131 Interests in Joint Ventures, introducing a number of changes to accounting treatments. The Standard was issued in August 2011. EOC has not yet determined the application or the potential impact of the Standard.	1 Jan 2013

<i>AASB 12</i>	<i>Disclosure of Interests in Other Entities</i> This Standard supersedes disclosure requirements under <i>AASB 127 Consolidated and Separate Financial Statements and AASB 131 Interests in Joint Ventures</i> . The Standard was issued in August 2011. EOC has not yet determined the application or the potential impact of the Standard	1 Jan 2013
<i>AASB 13</i>	<i>Fair Value Measurement</i> This Standard defines fair value, sets out a framework for measuring fair value and requires disclosures about fair value measurements. There is no financial impact	1 Jan 2013
<i>AASB 119</i>	<i>Employee Benefits</i> This Standard supersedes <i>AASB 119 Employee Benefits</i> , introducing a number of changes to accounting treatments. The Standard was issued in August 2011. EOC has not yet determined the application of the potential impact of the Standard	1 Jan 2013
<i>AASB 127</i>	<i>Separate Financial Statements</i> This Standard supersedes requirements under <i>AASB 127 Consolidated and Separate Financial Statements</i> , introducing a number of changes to accounting treatments. The Standard was issued in August 2011. EOC has not yet determined the application or the potential impact of the Standard	1 Jan 2013
<i>AASB 128</i>	<i>Investments in Associates and Joint Ventures</i> This Standard supersedes <i>AASB 128 Investments in Associates</i> , introducing a number of changes to accounting treatments. The Standard was issued August 2011. The Commission has not yet determined the application or the potential impact of the Standard	1 Jan 2013
<i>AASB 1053</i>	<i>Application of Tiers of Australian Accounting Standards</i> This Standard establishes a differential financial reporting framework consisting of two tiers of reporting requirements for preparing general purpose financial statements. There is no financial impact.	1 Jul 2013

<i>AASB 2009-11</i>	<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 Int 10 &amp; 12]. [Modified by AASB 2010-7]</i>	1 Jul 2013
<i>AASB 2010-2</i>	<i>Amendments to Australian Accounting Standards arising from Reduced Disclosure Requirements [AASB 1, 2, 3, 5, 7, 8, 101, 102, 107, 108, 110, 111, 112, 116, 117, 119, 121, 123, 124, 127, 128, 131, 133, 134, 136, 137, 138, 140, 141, 1050 &amp; 1052 and int 2, 4, 5, 15, 17, 127, 129, &amp; 1052]</i> <i>This Standard makes amendments to Australian Accounting Standards and Interpretations to introduce reduced disclosure requirements for certain types of entities. There is no financial impact.</i>	1 Jul 2013
<i>AASB 2010-7</i>	<i>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 &amp; 1038 and Int 2, 5, 10, 12, 19 &amp; 127]</i> <i>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010. The Commission has not yet determined the application or the potential impact of this Standard.</i>	1 Jan 2013
<i>AASB 2011-2</i>	<i>Amendments to Australian Accounting Standards arising from the Trans-Tasman Convergence Project - Reduced Disclosure Requirements [AASB 101 &amp; 1054]</i> <i>This 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. There is no financial impact.</i>	1 Jul 2013
<i>AASB 2011-6</i>	<i>Amendments to Australian Accounting Standards – Extending Relief from Consolidation, the Equity Method and Proportionate Consolidation – Reduced Disclosure Requirements [AASB 127, 128 &amp; 131]</i> <i>This Standard extends the relief from consolidation, the equity method and proportionate consolidation by removing the requirement for the consolidated financial statements prepared by the ultimate or any intermediate parent entity to be IFRS compliant, provided that the parent entity, investor or venturer and the ultimate or intermediate parent entity comply with the Australian Accounting Standards or Australian Accounting Standards – Reduced Disclosure requirements. There is no financial impact.</i>	1 Jul 2013



<b>AASB 2011-6</b>	<i>Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 &amp; 1038 and Int , 5, 9. 16 &amp; 17]</i> This Standard gives effect to consequential changes arising from the issuance of AASB 10, AASB 11, AASB 127 Separate Financial Statements and AASB 128 Investments in Associates and Joint Ventures. EOC has not yet determined the application or the potential impact of the Standard.	1 Jul 2013
<b>AASB 2011-7</b>	<i>Amendments to Australian Accounting Standards arising from the Consolidation and Joint Arrangements Standards [AASB 1, 2, 3, 5, 7, 9, 2009-11, 101, 107, 112, 118, 121, 124, 132, 133, 136, 138, 139, 1023 &amp; 1038 and Int 5, 9, 16 &amp; 17]</i> This Standard gives effect to consequential changes arising from the issuance of AASB 10, AASB 11, AASB 127 Separate Financial Statements and AASB 128 Investments in Associates and Joint Ventures. EOC has not yet determined the application or the potential impact of the Standard	1 Jan 2013
<b>AASB 2011-8</b>	<i>Amendments to Australian Accounting Standards arising from AASB 13 [AASB 1, 2, 3, 4, 5, 7, 9, 2009-11, 2010-7, 101, 102, 108, 110, 116, 117, 118, 119, 120, 121, 128, 131, 132, 133, 134, 136, 138, 139, 140, 141, 1004, 1023 &amp; 1038 and Int 2, 4, 12, 13, 14, 17, 19, 131 &amp; 132]</i> This Standard replaces the existing definition and fair value guidance in other Australian Accounting Standards and Interpretations as the result of issuing AASB 13 in September 2011. There is no financial impact	1 Jan 2013
<b>AASB 2011-9</b>	<i>Amendments to Australian Accounting Standards – Presentation of Items of Other Comprehensive Income [AASB 1, 5, 7, 101, 112, 120, 121, 132, 133, 134, 1039 &amp; 1049]</i> This Standard requires to group items presented in other comprehensive income on the basis of whether they are potentially reclassifiable to profit or loss subsequently (reclassification adjustments). EOC has not yet determined the application or the potential impact of the Standard.	1 Jul 2013

**Notes to the Financial Statements** for the year ended 30 June 2012

*AASB 2011-10 Amendments to Australian Accounting Standards arising from AASB 119 (September 2011) [AASB 1, 8, 101, 124, 134, 1049 & 2011-8 and Int 14]* 1 Jan 2013

This Standard makes amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 119 Employee Benefits in September 2011. EOC has not yet determined the application or the potential impact of the Standard.

*AASB 2011-11 Amendments to AASB 119 (September 2011) arising from Reduced Disclosure Requirements* 1 Jan 2013

This Standard gives effect to Australian Accounting Standards – Reduced Disclosure Requirements for AASB 119 (September 2011). There is no financial impact.

**Changes in accounting estimates**

There were no changes in accounting estimates that will have an effect on the current reporting period.

**Note 6. Employee benefits expense**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Wages and salaries (a)	2,659,797	2,532,308
Superannuation – defined contribution plans (b)	250,108	211,347
Other related expenses	31,614	21,864
	<b>2,941,519</b>	<b>2,765,519</b>

- (a) Includes the value of the fringe benefit to the employee plus the fringe benefit tax component, leave entitlements i 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**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Communications	36,163	33,117
Consultants and contractors	293,124	258,579
Consumables	53,565	39,868
Materials	20,329	69,779
Travel	49,866	58,123
Other	173,661	149,633
	<b>626,708</b>	<b>609,099</b>

## Note 8. Depreciation and amortisation expense

	2012 \$	2011 \$
<u>Depreciation</u>		
Office equipment	14,132	14,811
Computer hardware	4,260	6,815
Furniture fixtures and fittings	28,743	28,743
<b>Total depreciation</b>	<b>47,135</b>	<b>50,369</b>
<u>Amortisation</u>		
Intangible assets	22,604	7,180
<b>Total amortisation</b>	<b>22,604</b>	<b>7,180</b>
<b>Total depreciation and amortisation</b>	<b>69,739</b>	<b>57,549</b>

## Note 9. Accommodation expenses

	2012 \$	2011 \$
Building rental operating lease expense	619,028	551,432
	<b>619,028</b>	<b>551,432</b>

## Note 10. Other expenses

	2012 \$	2011 \$
Bad Debts	-	320
Other expenses (a)	41,269	36,992
	<b>41,269</b>	<b>37,312</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.

## Note 11. User charges and fees

	2012 \$	2011 \$
Training course fees	300,849	239,127
Other services provided	15,805	8,703
	<b>316,654</b>	<b>247,830</b>

## Note 12. Commonwealth grants and contributions

	2012 \$	2011 \$
Grant from Commonwealth – Indian Ocean Territories	3,289	19,746
	<b>3,289</b>	<b>19,746</b>

## Note 13. Other revenue

	2012 \$	2011 \$
Recoups	-	3,931
Other revenues	11,606	7,069
	<b>11,606</b>	<b>11,000</b>

## Note 14. Income from State Government

	2012 \$	2011 \$
Appropriation received during the period:		
Service appropriations (a)	3,854,000	3,558,000
	<b>3,854,000</b>	<b>3,558,000</b>
Resources received free of charge (b)		
Determined on the basis of the following estimates provided by agencies:		
DTF – Building and Management Works	4,852	6,295
	<b>4,852</b>	<b>6,295</b>
	<b>3,858,852</b>	<b>3,564,295</b>



**Notes to the Financial Statements** for the year ended 30 June 2012

- (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**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
<u>Non-current</u>		
Accrued salaries suspense account (a)	63,575	48,126
	<b>63,575</b>	<b>48,126</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**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
<u>Current</u>		
Receivables	106,149	101,723
GST Receivable	22,907	16,073
<b>Total Current</b>	<b>129,056</b>	<b>117,796</b>

**Note 17. Amounts receivable for services (Holding Account)**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Current	71,000	79,000
Non-Current	188,000	145,000
	<b>259,000</b>	<b>224,000</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

	2012 \$	2011 \$
<u>Current</u>		
Prepayments	18,486	9,033
<b>Total Current</b>	<b>18,486</b>	<b>9,033</b>
<u>Non-Current</u>		
Prepayments	298	50
<b>Total Non-Current</b>	<b>298</b>	<b>50</b>
	<b>18,784</b>	<b>9,083</b>

## Note 19. Plant and Equipment

	2012 \$	2011 \$
<u>Office equipment</u>		
At cost	73,178	61,448
Accumulated depreciation	(56,022)	(41,890)
	17,156	19,558
<u>Furniture fixtures and fittings</u>		
At cost	284,725	284,725
Accumulated depreciation	(123,255)	(94,512)
	161,470	190,213
<u>Computer Hardware</u>		
At cost	29,621	26,871
Accumulated depreciation	(21,524)	(17,264)
	8,097	9,607
	<b>186,723</b>	<b>219,378</b>

**Notes to the Financial Statements** for the year ended 30 June 2012

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>2012</b>				
Carrying amount at start of year	19,558	190,213	9,607	219,378
Additions	11,730		2,750	14,480
Disposals	-	-	-	-
Depreciation	(14,832)	(28,743)	(4,260)	(47,135)
Carrying amount at end of year	<b>17,156</b>	<b>161,470</b>	<b>8,097</b>	<b>186,723</b>
<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>

## Note 20. Intangible Asset

	2012 \$	2011 \$
<u>Computer Software</u>		
At cost	62,811	55,311
Accumulated amortisation	(29,784)	(7,180)
	<b>33,027</b>	<b>48,131</b>
<u>Computer software</u>		
Works in progress – website development	-	31,380
Transfer	-	(31,380)
	-	-
<b>Total intangible asset</b>	<b>33,027</b>	<b>48,131</b>
Reconciliations:		
<u>Computer Software</u>		
Carrying amount at start of year	48,131	-
Transfer	-	31,380
Additions	7,500	23,931
Amortisation expense	(22,604)	(7,180)
<b>Carrying amount at end of year</b>	<b>33,027</b>	<b>48,131</b>

## Note 21. Impairment of assets

There were no indications of impairment to plant and equipment, and intangible assets at 30 June 2012.

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.

## Note 22. Payables

	2012 \$	2011 \$
<u>Current</u>		
Accrued salaries	55,456	63,819
Accrued expenses	92,612	25,382
Trade payables	55,084	22,890
Unearned revenue	7,823	-
<b>Total Current</b>	<b>209,975</b>	<b>112,091</b>

## Note 23. Provisions

	2012 \$	2011 \$
<u>Current</u>		
<i>Employee benefits provision</i>		
Annual leave (a)	169,434	123,438
Long service leave (b)	448,370	438,707
Purchased leave (c)	5,617	10,614
	<u>623,421</u>	<u>572,759</u>
<i>Other provisions</i>		
Employment on-costs (d)	3,976	3,608
	<u>3,976</u>	<u>3,608</u>
	<b><u>627,397</u></b>	<b><u>576,367</u></b>
<u>Non-current</u>		
<i>Employee benefits provision</i>		
Long service leave (b)	133,591	108,444
	<u>133,591</u>	<u>108,444</u>
<i>Other provisions</i>		
Employment on-costs (d)	852	693
	<u>852</u>	<u>693</u>
	<b><u>134,443</u></b>	<b><u>109,137</u></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:

	2012 \$	2011 \$
Within 12 months of the end of the reporting period	131,443	98,784
More than 12 months after the reporting period	37,991	24,654
	<u>169,434</u>	<u>123,438</u>

**Notes to the Financial Statements** for the year ended 30 June 2012

- (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:

	2012 \$	2011 \$
Within 12 months of the end of the reporting period	160,704	192,602
More than 12 months after the reporting period	421,257	354,549
	<b>581,961</b>	<b>547,151</b>

- (c) Purchased leave scheme liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Actual settlement of liabilities is expected to occur as follows:

	2012 \$	2011 \$
Within 12 months of the end of the reporting period	5,617	10,614
	<b>5,617</b>	<b>10,614</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'.

	2012 \$	2011 \$
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	4,301	4,023
Additional provisions recognised	527	278
<b>Carrying amount at end of year</b>	<b>4,828</b>	<b>4,301</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**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Balance at start of period	481,000	479,000
<u>Contributions by owners</u>		
Capital appropriation	-	2,000
<b>Total contribution by owners</b>	<b>-</b>	<b>2,000</b>
<b>Balance at end of period</b>	<b>481,000</b>	<b>481,000</b>

**Accumulated surplus/(deficit)**

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Balance at start of year	(438,997)	(260,957)
Result for the period	(107,862)	(178,040)
<b>Balance at end of year</b>	<b>(546,859)</b>	<b>(438,997)</b>
<b>Total Equity at end of period</b>	<b>(65,859)</b>	<b>42,003</b>

**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:

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
Cash and cash equivalents	215,791	173,084
Restricted cash and cash equivalents (refer to note 15 'Restricted cash and cash equivalents')	63,575	48,126
	<b>279,366</b>	<b>221,210</b>

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

	2012 \$	2011 \$
Net cost of services	(3,966,714)	(3,742,335)
<u>Non-cash items:</u>		
Depreciation and amortisation expense	69,739	57,549
Bad debts expense	-	320
Resources received free of charge	4,852	6,295
<u>(Increase)/decrease in assets:</u>		
Current receivables (a)	(4,426)	1,614
Other current assets	(9,701)	5,370
<u>Increase/(decrease) in liabilities:</u>		
Current payables (a)	97,884	(8,268)
Current provisions	51,030	33,743
Non-current provisions	25,306	28,580
Net GST receipts/(payments) (b)	(6,579)	(7,170)
Change in GST in receivables/payables (c)	(255)	683
<b>Net cash provided by/(used in) operating activities</b>	<b>(3,738,864)</b>	<b>(3,623,619)</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.

## Note 26. Commitments

The commitments below are inclusive of GST where relevant.

## Non-cancellable operating lease commitments

	2012 \$	2011 \$
Commitments for minimum lease payments are payable as follows:		
Within 1 year	537,235	469,034
Later than 1 year and not later than 5 years	2,146,643	1,859,945
Later than 5 years	1,521,764	1,783,508
	<b>4,205,642</b>	<b>4,112,487</b>

**Notes to the Financial Statements** for the year ended 30 June 2012

The 2011 commitment figure were incorrectly reported using the present value. The 2011 commitment figure has been restated to correctly reflect the future value of the non cancellable operating lease commitments of the Commission. The 2011 figure have increased from \$3,203,982 to \$4,112,487.

The Commission has entered into a property lease which is a non-cancellable lease with a five year term, with rent payable monthly in advance. An option exists to renew the lease at the end of the five year term for an additional term of five years.

**Note 27. Contingent liabilities and contingent assets**

There are no contingent liabilities or contingent assets as at 30 June 2012.

**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**

	<b>2012 Estimate \$</b>	<b>2012 Actual \$</b>	<b>Variance \$</b>
Total appropriation provided to deliver services for the period	3,793,000	3,854,000	(61,000)
Total income	355,000	331,549	23,451

**Significant variances between estimate and actual for 2012**

The Commission received additional funding for \$61,000 to assist in the preparation for the decommissioning from the OSS bureau of services scheduled for September 2013. The Commission did not travel to the Cocos/Christmas Island resulting in a decrease of income of \$25,000 approximately. The training is due to recommence in the 2013/14 year.

	<b>2012 Estimate \$</b>	<b>2012 Actual \$</b>	<b>Variance \$</b>
Total appropriation provided to deliver services for the period	3,854,000	3,558,000	296,000
Total income	331,549	278,576	52,973

**Significant variances between actual results for 2012 and 2011**

The variations relates to additional funding provided for accommodation rental increases of \$272,000 and the funding provided for the OSS decommissioning project of \$61,000. The variation in income relates to an expected increase in training courses to be delivered in the year.

**Notes to the Financial Statements** for the year ended 30 June 2012**Service expenditure**Significant variances between estimate and actual for 2012

	<b>2012 Estimate \$</b>	<b>2012 Actual \$</b>	<b>Variance \$</b>
Provision of Information	2,422,000	2,508,036	(86,036)
Avenue of Redress	1,734,000	1,790,227	(56,227)

The variations relates largely to the OSS decommissioning project including additional staffing cost and minor works undertaken in preparation for decommissioning. Employee costs have increase as a result of staff proceeding on extended periods of paid leave and need to be replaced.

Significant variances between actual results for 2012 and 2011

The increase in expenditure directly relates to the decommissioning of shared services project, the implementation of the new

	<b>2012 Estimate \$</b>	<b>2012 Actual \$</b>	<b>Variance \$</b>
Provision of Information	2,508,036	2,387,092	120,944
Avenue of Redress	1,790,227	1,633,820	156,407

wages agreement, minor works, replacement of computers previously funded from capital funds and increase employee costs for staff away on extended periods of paid leave.

**Capital contribution**Significant variances between estimate and actual 2012

The variation relates to the carry over of funds to 2012-13 for the replacement of the telephone system which is currently in the tender process and the purchase of additional computing hardware not yet finalised.

	<b>2012 Estimate \$</b>	<b>2012 Actual \$</b>	<b>Variance \$</b>
Capital expenditure	79,000	21,980	57,020

Significant variances between actual results for 2011 and 2012

	<b>2012 Estimate \$</b>	<b>2012 Actual \$</b>	<b>Variance \$</b>
Capital expenditure	21,980	36,741	(14,761)

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

**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:

	<b>2012</b>	<b>2011</b>
	<b>\$</b>	<b>\$</b>
<u>Financial Assets</u>		
Cash and cash equivalents	215,791	173,084
Restricted cash and cash equivalents	63,575	48,126
Receivables (a)	365,149	325,723
<u>Financial Liabilities</u>		
Financial liabilities measured at amortised cost	209,975	112,091

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



**(c) Financial instrument disclosures**Credit risk

The following table details the Commission's maximum exposure to credit risk 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 financial assets as shown below. The table discloses the ageing of financial assets that are past due but not impaired and impaired financial assets. The table is based on information provided to senior management of the Commission.

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

**Ageed analysis of financial assets**

	Carrying Amount	Not past due and not impaired	Past due but not impaired					Impaired financial assets
			Up to 3 months	3-12 months	1-2 years	2-5 years	More than 5 years	
	\$	\$	\$	\$	\$	\$	\$	\$
<b>2012</b>								
Cash and cash equivalents	215,791	215,791	-	-	-	-	-	-
Restricted cash and cash equivalents	63,575	63,575	-	-	-	-	-	-
Receivables (a)	106,149	106,149	7,424	825	3,401	-	-	-
A-mounts receivable for services	259,000	259,000	-	-	-	-	-	-
	<b>644,515</b>	<b>644,515</b>	<b>7,424</b>	<b>825</b>	<b>3,401</b>	<b>-</b>	<b>-</b>	<b>-</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	-	-	-	-
A-mounts receivable for services	224,000	224,000	-	-	-	-	-	-
	<b>546,933</b>	<b>546,933</b>	<b>6,761</b>	<b>2,918</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

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

**Notes to the Financial Statements** for the year ended 30 June 2012Liquidity risk and interest rate exposure

The following table details the Commission's interest rate exposure and the contractual maturity analysis of financial assets and financial liabilities. The maturity analysis section includes interest and principal cash flows. The interest rate exposure section analyses only the carrying amounts of each item.

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

	<u>Interest rate exposure</u>					Nominal Amount	<u>Maturity Dates</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
	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$	\$
<b>2012</b>											
<u>Financial Assets</u>											-
Cash and cash equivalents	-	215,791	-	-	215,791	215,791	215,791	-	-	-	-
Restricted cash and cash equivalents	-	63,575	-	-	63,575	63,575	-	-	-	63,575	-
Receivables (a)	-	106,149	-	-	106,149	106,149	7,424	825	3,401	-	-
Amounts receivable for services	-	259,000	-	-	259,000	259,000	79,000	-	79,000	101,000	-
	-	<b>644,515</b>	-	-	<b>644,515</b>	<b>644,515</b>	<b>302,215</b>	<b>825</b>	<b>82,401</b>	<b>164,575</b>	-
<u>Financial Liabilities</u>											
Payables	-	209,975	-	-	209,975	209,975	209,975	-	-	-	-
	-	<b>209,975</b>	-	-	<b>209,975</b>	<b>209,975</b>	<b>209,975</b>	-	-	-	-

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

## Interest rate exposure and maturity analysis of financial assets and financial liabilities

	Interest rate exposure					Nominal Amount	Maturity Dates				
	Weighted average effective interest	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
<b>2011</b>											
<u>Financial Assets</u>											-
Cash and cash equivalents	-	173,084	-	-	173,084	173,084	173,084	-	-	-	-
Restricted cash and cash equivalents	-	48,126	-	-	48,126	48,126	-	-	-	48,126	-
Receivables (a)	-	101,723	-	-	101,723	101,723	6,761	2,918	-	-	-
Amounts receivable for services	-	224,000	-	-	224,000	224,000	79,000	-	79,000	66,000	-
	-	<b>546,933</b>	-	-	<b>546,933</b>	<b>546,933</b>	<b>258,845</b>	<b>2,918</b>	<b>79,000</b>	<b>114,126</b>	-
<u>Financial Liabilities</u>											
Payables	-	112,091	-	-	112,091	112,091	112,091	-	-	-	-
	-	<b>112,091</b>	-	-	<b>112,091</b>	<b>112,091</b>	<b>112,091</b>	-	-	-	-

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

Interest rate sensitivity analysis

None of the Commission's financial assets and financial 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.

**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:

**Notes to the Financial Statements** for the year ended 30 June 2012

\$	2012 \$	2011 \$
90,001 – 100,00	-	1
110,001 – 120,000	2	2
120,001 – 130,000	2	1
130,001 – 140,000	1	-
140,001 – 150,000	-	1
160,001 – 170,000	1	1
260,001 – 270,000	1	1
<b>Total remuneration of senior officers</b>	<b>1,039,475</b>	<b>1,017,916</b>

The remuneration of senior officers figures for the 2010-2011 financial year has been restated to an accrual basis. The remuneration value has increased from \$940,238 to \$1,017,916.

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:

	2012 \$	2011 \$
Auditing the accounts, financial statements and key performance indicators	29,000	26,900
	<b>29,000</b>	<b>26,900</b>

**Note 33. Indian Oceans Territories**

	2012 \$	2011 \$
Balance at the start of the period	(3,289)	(9,746)
Receipts	3,289	19,746
Payments	-	(13,289)
<b>Balance at the end of period</b>	<b>-</b>	<b>(3,289)</b>

**Note 34. Supplementary financial information****Write offs**

During the financial year, \$0 (2011: \$320) was written off the Commission's debts under the authority of:

	2012 \$	2011 \$
The accountable authority	-	320
	<b>-</b>	<b>320</b>

# Performance indicators

## Commissioner for Equal Opportunity Certification of Performance Indicators for the year ended 30 June 2012

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 2012.

Allan Macdonald

A handwritten signature in black ink, appearing to read 'A Macdonald', written in a cursive style.

A/Commissioner Equal Opportunity

12 September 2012

## 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>1</sup>

## Key effectiveness indicators

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 the relevant legislation. The two key effectiveness indicators are based on the following outcomes:

1. Provision of information and advice on equal opportunity and human rights issues
2. Provision of conciliation as a means of redress under relevant legislation

<sup>1</sup>The Commission has undertaken a comprehensive review of its Key Performance Indicators which will be implemented in 2012-13



## Outcome 1

### Provision of information and advice on equal opportunity & human rights issues

Key effectiveness indicators:

1. Community awareness of the Act and belief it is of benefit
2. Employer respondents who have revised their policies and/or implemented equal opportunity programs
3. Participants who would recommend the Commission's training courses to others
4. Participants 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 Act and belief it is of benefit

The extent to which the Western Australian community is aware of equality 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.

This effectiveness indicator is assessed by combining the results of the questions relating to community awareness of the 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  
2006 – 2012**

	2006 %	2009 %	2012 Target %	2012 Actual %
Community awareness of the Act and belief it is of benefit	84.3	81.4	82	82.1

2 This table has been included in this financial year to reflect the information in the Budget Papers 11-12 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?

**Table 2: Community survey of public awareness, recognition and acceptance of the Act 2006-2012**

	2006 November Survey		2009 June Survey		2012 June Survey	
	Perth	Whole of WA	Perth	Whole of WA	Perth	Whole of WA
	%	%	%	%	%	%
Who had heard of the Act	77.5	76.8	76.7	73.8	74.3	73.0
Of those who had heard of the Act, who recognised one or more grounds of discrimination <sup>3</sup>	99.6	99.1	100	100	98.3	98.3
Who believed that people are generally very or quite concerned about equal opportunity issues	43.1	46.1	48.4	47.5	52.1	48.8
Who were generally very or quite concerned about equal opportunity issues	64.7	63.4	63.6	62.6	63.2	60.4
Who believe that it is of benefit to have an Act that deals with discrimination	93.8	91.7	89.2	89.0	91.1	91.1

## Background and details of survey of community awareness

In June 2012, Patterson Market Research (PMR) undertook a Survey of Community Awareness across Western Australia to assess public levels of awareness and views of the Act and its provisions, as well as levels of community concern for equal opportunity and human rights issues.

This survey is now in its sixth wave, previously conducted in 1997, 2000, 2003, 2006, 2009. Results of the surveys 2006 – 2012 are shown in Table 2 below.

The survey methodology comprised a telephone survey of a random sample of the adult population. In total 404 respondents were interviewed, with 302 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).

The response rate of 15% is calculated as the number of interviews as a proportion of the calls made. A total of 2643 calls were made. In its final report PMR stated "The response rate of 15% is typical of research programmes of this nature." The table shows the results for the whole of Western Australia, as well as the Perth metropolitan region.

The survey conducted in 2012 found that 73% of the Western Australian community has heard of the *Equal Opportunity Act 1984*.

<sup>3</sup> This question was asked only of those who responded 'yes' to the previous question 'have you heard of the Act?' & was incorrectly reported in the 2006 survey.

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 2011-2012, 57% 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 responds to complaints who revised their policies and/or implemented equal opportunity programs as an outcome of their conciliated complaints, has decreased as shown in Table 3.

**Table 3: Employers' acceptance of *The Act*  
2007-08 to 2011-12**

	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 Target %	2011-12 Actual %
Employer respondents who have revised their policies and/or implemented equal opportunity programs	21.3	22.7	35.4	46.2	43	33.8

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 2011-2012 was 1,801. Of these, 88.6% completed evaluations.

4) Participants who stated 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.

**Table 4: Employees' acceptance of *The Act*  
2007-08 to 2011-12**

	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 Target %	2011-12 Actual %
Participants who would recommend the Commission's training courses	95.4	95.1	95.7	96.2	97	96.1
Participants who stated that they would be able to use what they have learnt at work or their daily life	97.8	96.7	97.9	98.8	98	98.4

## Outcome 2

### Avenues of redress for unlawful discrimination

Key effectiveness indicators:

- 5) Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination.
- 6) Proportion of closed complaints conciliated.
- 7) Proportion of closed complaints referred to the State Administrative Tribunal
- 8) 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 2011-2012 the Commission handled 1,041 complaints, of which 826 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.

- 5) Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination

A survey is conducted of complainants and respondents to complaints in order to seek their views of the way their complaint was handled. Surveys were sent to 200 complainants and respondents and 91 responses were received giving an overall 45.5% response rate.

Table 5 shows the proportion of complainants and respondents who believed that the Act is a good way to resolve acts of discrimination. In 2011-2012 the proportion of clients who believe the Act is a good way to resolve acts of discrimination increased from the following year.

**Table 5: Effectiveness of conciliation as means of redress  
2007-08 to 2011-12**

	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 Target %	2011-12 Actual %
Proportion of complainants and respondents who believe the Act is a good way to resolve acts of discrimination	64.2	70.1	72.3	70.1	72	78.0

6) 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. Of the 826 complaints closed in this year, 209 or 25.3% were conciliated.

**Table 6: Closed complaints which were conciliated  
2007-08 to 2011-12**

	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 Target %	2011-12 Actual %
Proportion of closed complaints conciliated	35.6	37.7	32.4	27.4	27	25.3

7) Proportion of closed complaints referred to the State Administrative Tribunal

Where complaints cannot be conciliated the Commissioner may, in certain circumstances, refer the complaint to the State Administrative Tribunal under S93 of the Act.

**Table 7: Closed complaints referred to SAT  
2007-08 to 2011-12**

	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 Target %	2011-12 Actual %
Proportion of closed complaints referred to the State Administrative Tribunal	13.04	12.5	11.9	9.0	6.0	5.4

8) 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 2011-2012, 75.6% were settled by mediation with the assistance of Commission legal officers. These were then withdrawn under s107 of the Act or s52-54 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.

**Table 8: Settlement rate of matters handled at SAT  
2007-08 to 2011-12**

	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 Target %	2011-12 Actual %
Settlement rate of cases referred to the State Administrative Tribunal	61.9	52.4	78.6	76.5	70	75.6

**Table 9: Outcomes of remaining closed complaints  
2007-08 to 2011-12**

Details of Remaining Complaints	2007-08 %	2008-09 %	2009-10 %	2010-11 %	2011-12 %
Lapsed	16.3	9.6	11.6	11.4	19.4
Dismissed	20.3	19.7	21.0	25.7	24.8
Withdrawn	14.8	20.2	23.1	26.5	25.1

## Key efficiency indicators

### 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 stayed the same at 244 in 2010-2011 and 2011-2012.

The average cost per enquiry increased as the numbers of enquiries has declined from 2,511 in 2010-2011 to 2,388 in 2011-2012.



Policy Advice and Reviews undertaken decreased from 345 in 2010-2011 to 306 in 2011-2012 with a consequent increase in the average cost.

The Commission issued 41 new or updated publications during 2011-2012. This was an increase on the previous year, due to a conversion of the Commission brochures into Fact Sheets.

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

	2007-08 \$	2008-09 \$	2009-10 \$	2010-11 \$	2011-12 Budget \$	2011-12 Actual \$
Average cost per presentation/seminar/ workshop	2,704	3,340	3,483	3,501	4,766	3,739
Average cost per enquiry	196	185	151	179	188	203
Average cost per policy advice and review	1,132	2,226	1,858	2,469	5,455	2,778
Average cost per publication	8,683	9,715	7,837	7,438	10,138	6,366

## 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 922 to 1,041 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 51 to 56 in this financial year.

**Table 11: Average cost per complaint and per case referred by the Commissioner to the Tribunal  
2007-08 to 2011-12**

	2007-08 \$	2008-09 \$	2009-10 \$	2010-11 \$	2011-12 Budget \$	2011-12 Actual \$
Average cost per complaint	1,235	1,574	1,239	1,361	1,309	1,289
Average cost per matter referred to the Tribunal by the Commissioner	4,305	5,224	6,069	7,458	6,061	8,006



# 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 the Community Education and Training Section.

## 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 2012	
	2010/2011	2011/12
Full-time permanent	18	20
Full-time contract	1	3
Part-time permanent (measured on FTE basis)	6.05	5.85
Part-time contract basis (measured on FTE basis)	0.6	0.2
<b>TOTAL</b>	<b>25.65</b>	<b>29.05</b>
Employees seconded out (not included in FTE's above)	1	1
Employees seconded in (not included in FTE's above)	0.8 fulltime staff not on Oracle payroll	Nil

## 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, over 90% of our employees received training for the upgraded electronic records management system used in the workplace.

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

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

The administration of the 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 breached n/a
- Number still under review: nil
- Governance disclosures nil

## Workers' compensation

Two compensation claims were lodged during the year and are still continuing.

## 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 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 2011-2012:

- 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 assisting 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; and
  - a list of software plug-ins users may require to view the content.

A dedicated page has been added to the website 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) Nil claims lodged	Information about standards included on the 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 Commission intranet.
Agency Code of Conduct Nil reports of non compliance with the Code of Conduct.	The Commission's 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 2011-2012 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

Over 90% of all Commission staff attended 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 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 has been finalised.

Service 2: The Statutory Complaints Process investigation in conciliation service

- Divisional area: Conciliation
- Progress: An initial needs and impact assessment has commenced.

## Pilot project for new policies and major initiatives

The Commission is participating in this pilot project for all participating agencies to assess proposed new and revised policies including major initiatives as it relates to service delivery.

## Occupational health and safety and injury management

In accordance with the Public Sector Commissioner's Circular 2009-2011: 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.

Policies are communicated on a regular basis to all staff, in staff and section meetings, on the intranet 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:

- Expressions of interest were sent to re-elect Occupational Safety and Health Representatives and is currently ongoing. Information about current representatives and first aid officers is posted in a number of locations, including the staff room and the intranet.
- OSH representatives are available to staff and management to discuss and resolve issues as they arise.
- OSH agenda items are raised at monthly staff meetings as required
- 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
  - Bullying policy
  - Security procedures
- 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 as well as a review of security at all entrances to the tenancy, and this resulted in the installation of password secured locks at two entrances, a new alarm at another entrance, and staff being alerted to these new security measures and the need for ongoing vigilance.

## 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.

Indicator	Actual	Target 2011/12
Number of fatalities	0	0
Lost time injury/diseases (LT/D) incidence rate	1	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	0	Greater than or equal to 50%

## Our performance

### Assessment of occupational safety and health management systems

In 2011 the Commission engaged an experienced, accredited OS&H consultancy firm to conduct an independent review of the Commission's OS&H management systems, and is currently awaiting the outcome of the review.

## 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.



Allan Macdonald  
A/Commissioner for Equal Opportunity  
12 September 2012



# Appendix A

DEPARTMENT	SERVICES CHOSEN FOR NIAs
Department of Agriculture and Food	<ul style="list-style-type: none"> <li>Ensuring industry regulations can be readily understood for Carnarvon horticulture industry</li> </ul>
Department of the Attorney General	<ul style="list-style-type: none"> <li>Children's Court Drug Court (CCDC)</li> <li>Registry of Births Deaths and Marriages (RBDM)</li> </ul>
Department for Child Protection	<ul style="list-style-type: none"> <li>Aboriginal Children in the Care of the CEO</li> <li>Concern for Children Investigations and ethnic minority Children in the Care of the CEO</li> </ul>
Department of Commerce	<ul style="list-style-type: none"> <li>The Senior Housing Advice Service.</li> <li>The Statutory Complaint Service as provided for under the Residential Tenancies Act 1987.</li> </ul>
Department for Communities	<ul style="list-style-type: none"> <li>Culturally Relevant programs for Martu Peoples in the East Pilbara</li> <li>Seniors Cards</li> </ul>
Department of Corrective Services	<ul style="list-style-type: none"> <li>Reintegration Leave Policy</li> <li>Bandyup Women's Prison: Structured Day and Gratuities Model</li> </ul>
Department of Culture and the Arts	A new five year plan to implement Substantive Equality
Disability Services Commission	<ul style="list-style-type: none"> <li>Positive Behaviour Teams</li> <li>Accommodations Service – Recruitment of Direct Care Workers (Social Trainers in Accommodation Services Directorate)</li> </ul>
Department of Education	<ul style="list-style-type: none"> <li>School Reporting</li> <li>Exclusions/Expulsions Policy</li> </ul>
Department of Environment and Conservation	<ul style="list-style-type: none"> <li>Parks and Visitor Services</li> </ul>
Equal Opportunity Commission	<ul style="list-style-type: none"> <li>Public access to Commission services</li> <li>Statutory Complaints Process</li> </ul>

# Appendix A

Department of Fisheries	<ul style="list-style-type: none"> <li>• Metropolitan Abalone Fisheries Consultation processes</li> <li>• Fishing licenses for tour operators</li> </ul>
Department of Health	<ul style="list-style-type: none"> <li>• Priority recruitment of Aboriginal staff to match Aboriginal Health Needs</li> <li>• Breast Screen WA</li> <li>• Public Health Promotion in South Metropolitan Health Service</li> <li>• Complaint Handling Process in Perth Chest Clinic and Child and Adolescent Health</li> </ul>
Drug and Alcohol Authority	<ul style="list-style-type: none"> <li>• Aboriginal withdrawal unit</li> </ul>
Department of Housing	<ul style="list-style-type: none"> <li>• Rental Policies</li> <li>• Maintenance of public housing</li> </ul>
Department of Local Government	<ul style="list-style-type: none"> <li>• The Department is in partnership with the Office of Multicultural Interest's initiatives and membership on the Program Partners for Substantive Equality.</li> </ul>
Department of Mines and Petroleum	<ul style="list-style-type: none"> <li>• Expedited procedure of the Future Acts process</li> </ul>
Department of Planning	<ul style="list-style-type: none"> <li>• Customer Service at Whiteman Park</li> <li>• Metropolitan region scheme</li> <li>• Licensing for recreational skippers ticket</li> </ul>
Department of Premier and Cabinet	Under negotiation
Public Sector Commission	<ul style="list-style-type: none"> <li>• Entry level (Level One) recruitment</li> </ul>
Department of Racing Gaming and Liquor	<ul style="list-style-type: none"> <li>• Employment</li> <li>• Imposition of Restrictions on Liquor Licenses Administration of s.64</li> </ul>
Department of Regional Development and Lands	<ul style="list-style-type: none"> <li>• Country aged pension fuel card</li> <li>• Aboriginal land applications</li> </ul>
Department of Sport and Recreation	<ul style="list-style-type: none"> <li>• Community Grants Scheme</li> </ul>
Department of State Development	<ul style="list-style-type: none"> <li>• Under negotiation</li> </ul>
Department of Training and Workforce Development	<ul style="list-style-type: none"> <li>• Communications – Applications for Awards.</li> </ul>

# Appendix A

Department of Transport	<ul style="list-style-type: none"><li>• Graduated driver training and learning system</li></ul>
Department of Treasury	The SEU is yet to set up arrangements with the Department of Treasury.
Department of Finance	<ul style="list-style-type: none"><li>• First Home Owner's Grant Scheme (FHOG)</li><li>• Contractual Obligations</li></ul>
WA Police	<ul style="list-style-type: none"><li>• Recruitment and Retention</li><li>• Responses to Family and Domestic Violence</li></ul>
Department of Water	<ul style="list-style-type: none"><li>• Customer complaints mechanism</li><li>• Allocation of water</li></ul>

# Appendix B: Feedback Form



The Commission is interested in receiving your feedback regarding our 2011-12 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 2011-2012 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)

- ☐ Complainant
- ☐ Respondent
- ☐ Training participant: private sector
- ☐ Training participant: community sector
- ☐ Student
- ☐ Advocate
- ☐ Legal firm
- ☐ Training participant: public sector
- ☐ Newsletter recipient
- ☐ 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

