



Annual Report 2017-18



Reading our Annual Report

Online

This Annual Report is available as a PDF download and in html from the publications menu of the Commission's webpage as a full report and in its individual sections, located at www.eoc.wa.gov.au

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Alternative formats

On request, large print or copies of this report in an alternative format can be obtained from the Equal Opportunity Commission.

Hard copy

Printed copies of the report can be viewed at the:
State Library of Western Australia
Alexander Library Building
Perth Cultural Centre Northbridge WA

Feedback

As the Commission is constantly striving to improve 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 Annual Report for the year 2017-18 please refer to the Feedback Form in Appendix C at the end of this report.

Disclaimer

The Commission is committed to quality service to its customers and makes every attempt to ensure accuracy, currency and reliability of the information contained in this publication. However, changes in circumstances over time may impact on the veracity of this information.

ISSN 1032-528X

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Advice: Aboriginal and Torres Strait Islander viewers are advised that this document may contain images of people who have died.

Statement of compliance

The Hon John Quigley MLA
Attorney General
5th Floor, Dumas House
2 Havelock Street
WEST PERTH WA 6005

In accordance with section 63 of the *Financial Management Act 2006*, I hereby submit for your information and presentation to Parliament, the Annual Report of the Commissioner for Equal Opportunity for the financial year ending 30 June 2018.

The 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*.

A handwritten signature in black ink that reads "John Byrne". The signature is written in a cursive style with a light blue shadow effect behind the text.

John Byrne
Acting Commissioner for Equal Opportunity
14 September 2018

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About us

From the Acting Commissioner

I have pleasure in presenting the Annual Report of the Equal Opportunity Commission (the Commission) for the period ending 30 June 2018. The report has been prepared pursuant to section 95 of the *Equal Opportunity Act 1984* (the Act).

The Commission is an independent statutory body reporting to the Parliament of Western Australia and whose core functions are to prevent and redress unlawful discrimination. These are challenging tasks for a small Perth-based organisation, with a mandate to provide services to Western Australia's diverse and widely dispersed population.

This report demonstrates the Commission continues to provide a high quality service in its core business areas, with a modest staff of 20 FTE. Staff have reduced by 12 since 2014, and this has impacted on our ability to undertake outreach activity. To mitigate staff losses Commission staff have taken on additional roles outside their core tasks.

This year has seen positive trends in both the area of community education and training, and in complaint handling. There has been a moderate increase in the number of new complaints lodged, with 472 complaints in the current financial year, compared to 430 complaints in

2016-17 year. Organisational training has also seen a significant increase of 120% from 29 sessions in 2016-17 to 64 sessions in the current financial year. Further information about these trends can be found later in this report.

The Commission has worked proactively with other organisations in trying to resolve identified systemic discrimination issues. The Commission is working with the Public Sector Commission to raise awareness of using the exceptions in the Act to create a sector more reflective of the community we serve. The exceptions allow discrimination which would otherwise be unlawful to be used positively to further meet the objects of the Act. A policy statement and guidelines have been published to show employers that in some circumstances it is lawful to advertise an employment position to attract people of a given sex, race, age, impairment or sexual orientation, to the exclusion of others in the general population. Further information about the Employing for diversity project can be found on page 17.

The Commission received several complaints and enquires about school uniforms from girls who wanted an option of wearing shorts or trousers. The Commission met with the Department of Education and the school uniform policy and procedures were amended to allow girls an option of pants or shorts. The revised policy also accommodates transsexual and intersex students, as well as those with specific cultural and religious requirements.

The Commission received complaints and enquiries from university students with disability. These students had successfully completed the theoretical requirement of a course but had failed the practical component. This issue was raised with several universities, which have agreed to review their guidelines. In some instances, the relevant registration authority had required students to participate in practicums on a full - time basis or had other requirements students with disability and students with family responsibilities could not comply with. The Commission also made representation to the relevant registration authorities.

The Commission has been an active member of the Australian Council of Human Rights Authorities (ACHRA) which has provided a national voice for issues including the Marriage Equality referendum, concern over sexual harassment, and the incitement of racial hatred.

Finally, I would like to extend the Commission's thanks and best wishes to former Commissioner Allanah Lucas who took medical leave in September 2016 and whose contract ended in May 2018. Commission staff fondly remember Commissioner Lucas' positive energy and dedication to her role.

In conclusion, it has been a privilege for me to hold the office of Acting Commissioner since December 2016 and to have the opportunity to work with dedicated and hardworking staff.

2017-18 Snapshot

Provision of information and advice



156,497

website page views



2618

people attended training and education sessions



1070

people attended community activities



Introduction to Equal Opportunity Law the most popular course



188

training and education sessions held



100

rights based information sessions held

Avenue of redress for unlawful discrimination



1546

enquiries from the public answered



472

complaints received



79.4%

of complaints submitted online or by email



most common complaints – impairment, race and sexual harassment



84.7%

complaints finalised in under six months



98.5%

complaints finalised in under 12 months

Operational structure

Our vision

A society respectful of human rights and free from discrimination and prejudice.

Our mission

To lead in the elimination of discrimination and build a community that reflects and promotes equality of opportunity and human rights.

Responsible Minister

The Hon John R Quigley LLB JP MLA, Attorney General.

Enabling legislation

The Office of the Commissioner for Equal Opportunity was established in 1985 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 or, in the case of an Acting Commissioner, by the Attorney General, and is the Accountable Officer under the *Financial Management Act 2006*.

The Act promotes equality of opportunity in Western Australia and provides remedies in respect of discrimination on the grounds and areas specified.

Administered legislation

The Commissioner for Equal Opportunity also undertakes investigations and conciliation of complaints under specified parts of the following Acts:

- *Public Interest Disclosure Act 2003 - Part 3 section 15 (4)*
- *Spent Convictions Act, 1988 – Division 3.*

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

State

- *Auditor General Act 2006*
- *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*
- *Fair Work Act 2009*

Organisational structure

Corporate executive



John Byrne commenced as A/Commissioner in December 2016, and is seconded from the Department of Biodiversity, Conservation and Attractions where he was a director. John has been profoundly deaf since he was child.



Diana MacTiernan was an industrial advocate for unions and employers and also worked at the WA Industrial Relations Commission before joining the Commission in 2007. She now manages Commission Services.



Allan Macdonald has been the Commission's Senior Legal Officer since 2002, and now manages the Office of the Commissioner. Allan worked as a professional musician for nearly 10 years, prior to studying law.



Zarin Milambo has managed corporate services for over 12 years and has expertise in public administration including finance, IT, human resources and recordkeeping.

Organisational chart



Performance management framework

The Commissioner for Equal Opportunity's Performance Management Framework is consistent with the Government's goal of Strong Communities: Safe communities and supported families.

The Commission's work is informed by the statutory obligations under the *Equal Opportunity Act 1984*, and the activities undertaken in 2017-18 are reported in this section. The Equal Opportunity Commission delivers services through its two outcome areas:

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

- Dissemination of relevant and appropriate information on the *Equal Opportunity Act 1984*, other relevant laws and human rights issues generally.
- Provision of accurate advice on equal opportunity matters.
- Identification of discriminatory policies and practices.

Service 2: Avenue of redress for unlawful discrimination and unreasonable treatment

- Investigating and attempting to conciliate complaints that fall within the jurisdiction of the *Equal Opportunity Act 1984* and other legislation administered by the Commissioner and providing assistance to complainants referred to the Tribunal.

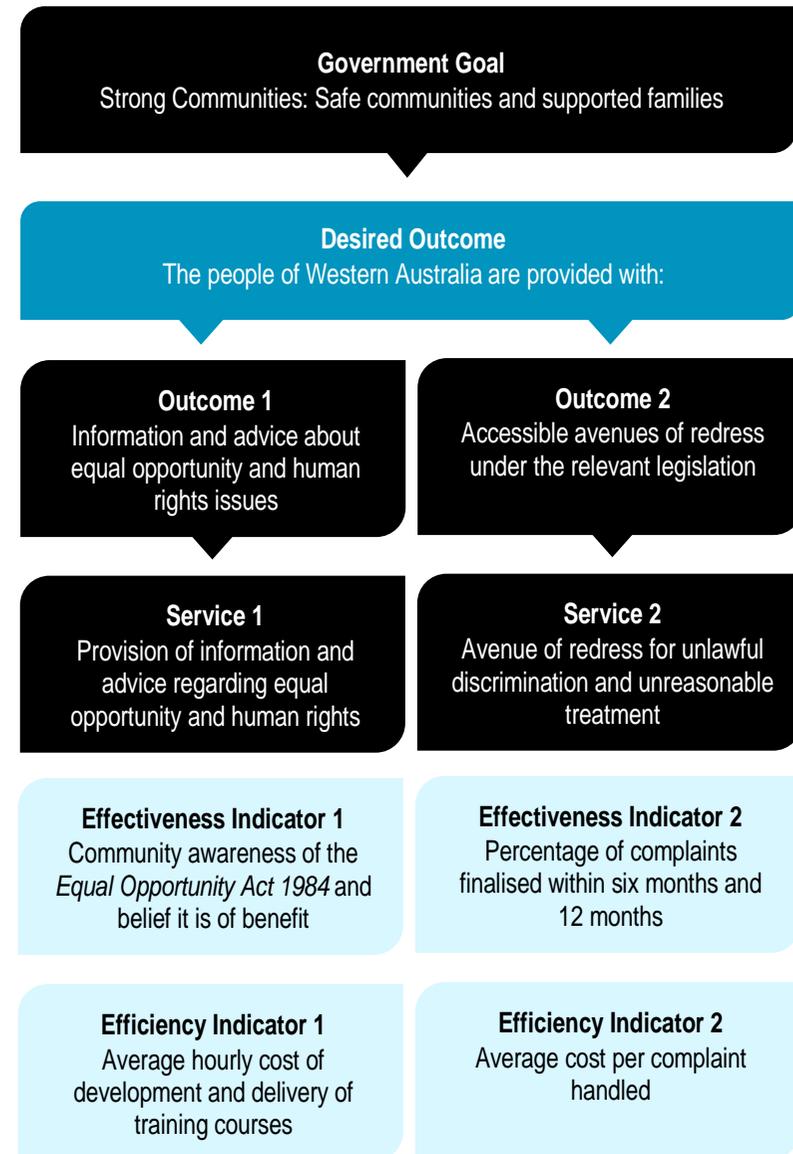
Changes to outcome based management framework

The Equal Opportunity Commission's outcome based management framework did not change during 2017-18.

Shared responsibilities with other agencies

The Equal Opportunity Commission did not share any responsibilities with other agencies in 2017-18.

Outcome based management framework





Artwork taken from the 2018 Aboriginal calendar

Our performance

Performance summary Actual results versus budget targets

Financial targets	2017-18 Target (1) \$	2017-18 Actual \$	Variance (2) \$
Total cost of services	4,012,000	4,021,103	9,103
Net cost of services	3,844,000	3,895,833	51,833
Total equity	179,000	222,680	43,680
Net increase/decrease in cash held	-	(95,976)	(95,976)
Approved salary expense level	2,520,000	2,276,628	(243,372)

(1) As specified in the Budget Statements.

(2) Further explanations are contained in Note 31 'Explanatory Statement' to the financial statements.

Working cash targets	2017-18 Agreed Limit \$	2017-18 Target/ Actual \$	Variance (1) \$
Agreed working cash limit (at budget)	198,000	198,000	n/a
Agreed working cash limit (at actuals)	198,000	201,300	(3,300)

(1) Further explanations are contained in Note 31 'Explanatory statement' to the financial statements.

Summary of key performance indicators	2017-18 Target	2017-18 Actual	Variance
Outcome 1			
Information and advice about equal opportunity and human rights issues			
Effectiveness Indicator 1: Community awareness of the <i>Equal Opportunity Act 1984</i> and belief it is of benefit	76.5%	82.0%	+5.5%
Service 1			
Provision of information and advice regarding equal opportunity and human rights			
Efficiency Indicator 1: Average hourly cost of development and delivery of training courses	\$1,033	\$691	-\$342
Outcome 2			
Accessible avenues of redress under the relevant legislation			
Effectiveness Indicator 2: Percentage of complaints finalised within:			
Six months	90%	84.7%	-5.3%
12 months	95%	98.7%	+3.7%
Service 2			
Avenue of redress for unlawful discrimination and unreasonable treatment			
Efficiency Indicator 2: Average cost per complaint handled	\$2,723	\$2,241	-\$482

For more detailed information about Key Performance Indicators, see page 78.

Service 1: Provision of information and advice

The Commission works with community members and organisations to extend understanding and skills to achieve equality and realise their rights through:

- Involvement in community programs and events
- Responding to enquiries from individuals, government, non-government and private industry
- Delivering training for employers and service providers on their responsibilities under the Act
- Education for community groups and individuals on their rights under the Act
- Identification of potentially discriminatory policies and practices and raising these with appropriate bodies.

Raising community awareness

Key strategies include:

- Development of resources, both targeted and general information for the community about aspects of equal opportunity law and human rights in a variety of printed and electronic formats

- Raising awareness of equal opportunity and human rights issues in Western Australia through presentations, forums, guest speakers, media interviews, community information stalls and lectures using various media to promote public discussion and interest in equal opportunity issues.

Facebook

The Commission launched its Facebook page at the end of the 2015-16 financial year to increase its outreach across Western Australia. In 2017-18 there were 55 online posts, which included links to news articles relevant to the Act as well as publicising the Commission's awareness raising events, community outreach work, and human rights and equal opportunity issues.

During 2017-18 the Commission's Facebook page received 282 likes and gathered 281 followers. The most popular post, according to the number of likes received, was regarding the Commission's annual Isabelle Lake Memorial Lecture for IDaHOBIT day, which was shared 72 times and received 77 reactions and seven comments, reaching 1,860 people.

Website

The website serves the role of distributing information about the Commission's community education, complaint handling, human rights advocacy and related functions. The site provides a clean, fast, consistent and easily navigable online interface for the work of the Commission.

Ongoing review of the website is undertaken to make the site accessible to the widest range of people in the community, including people with visual impairments who require the use of a reader.

In the 2017-18 financial year the Commission's website was visited on 156,497 occasions. The page with the greatest number of visits was the page providing information about the *Equal Opportunity Act 1984* at 19,428 visits. Of those visiting the site, 84.78% were new visitors and 15.22% were returning visitors.

The Commission's online complaint form and contact details are now the primary avenue used to lodge complaints of unlawful discrimination. Lodgement of complaints on the website and by email continues to increase with 79.4% submitted in this way, compared to 69.9% two years ago in 2015-16. The website has also become the preferred means when registering for the Commission's popular community education and training events

e-bulletin

The Commission's e-bulletin containing news of the outreach, community education and other activities of the Commission. The e-bulletin provides informative discrimination related legal cases, and important human rights issues and trends. It is distributed at the start of each month via email to over 1,900 subscribers many of which are organisations. In 2017-18, a total of 11 editions of the bulletin were published. Back copies of the e-bulletin are accessible via the Commission's website, under the 'Publications' heading on the home page.



Commission staff at the Harmony Week stall

Service 1: Provision of information and advice

Our achievements in 2017-18

In 2017-18 the Commission continued to review its range of resources and information, which are freely available in a range of formats.

Over the course of the year the Commission's seminars and other events attracted 1,070 participants.

Key activities undertaken this year

- Published "Catering for Everyone" [click here](#) a guide to assist hospitality venues develop accessible menus for people with visual impairments
- Organised a second Speed Mentoring event for young women in recognition of International Women's Day
- Ran stalls at:
 - NAIDOC Week event in Mirrabooka and Ashfield
 - Harmony Day event in Mirrabooka
 - Pride Fair Day in Perth
 - Aboriginal Health Worker's Conference in Fremantle
- Hosted the annual Isabelle Lake Memorial Lecture with University of Western Australia (UWA), featuring speaker Tony Briffa creating more awareness for people who identify as intersex
- Held a panel discussion titled *Has Political Correctness Gone Mad? For WA Harmony Week*.

Out in the community for NAIDOC Week

In July the Commission participated in NAIDOC week events included stalls at the Mirrabooka NAIDOC Event at the Herb Graham Recreational Centre and at Ashfield Reserve for the NAIDOC Family Day.

Acting Commissioner John Byrne said these were important events for the Commission.

"The Aboriginal community unfortunately still suffers greatly from discrimination especially in employment and provision of goods and services," he said.

"People put up with discrimination because they are sometimes unsure about what they can do about it or who can help them," John Byrne said.

He said having a presence at NAIDOC Week helped raise awareness in the Aboriginal community about the *Equal Opportunity Act 1984* (the Act) and the Commission's role in providing means of redress.

Service 1: Provision of information and advice

New and Emerging Communities Reference Group

The New and Emerging Communities Reference Group was established in 2015 and continues to assist the Commissioner to develop coordinated and coherent strategies to address systemic issues experienced by people from new and emerging communities such as racial harassment and discrimination. The Reference Group membership includes representatives from relevant state and federal government agencies, non-government organisations, community groups and educational institutions.

The group met twice in the last financial year and discussed issues relating to

- Travel concessions for people on community detention orders
- Job network access and levels of service for migrants and refugees
- Lack of availability of interpreters in the provision of services to people with low levels of English skills
- Lack of co-ordination of emergency relief for humanitarian entrants

As a follow up to these issues, the Acting Commissioner wrote to the Minister for Transport and the Department of Home Affairs to seek information on behalf of the group.

The Federal Race Discrimination Commissioner Dr Tim Soutphommasane accepted an invitation to attend the July 2017 meeting and discussed:

- The drop in support for migration in Australia which was somewhat threatening Australia' progress as a multicultural society
- Proposed changes to the citizenship test
- Mental health of refugees and humanitarian entrants
- Efforts to increase the diversity on the boards of Australian corporations.



Federal Race Discrimination Commissioner
Dr Tim Soutphommasane with Commission staff

Substantive Equality forum

In August the Commission convened a two-hour Substantive Equality forum for public sector agencies and not for profit organisations at the Australian Professional Skills Institute in East Perth which aimed to get service providers thinking more about effective consultation methods with older clients and clients with disability.

The forum heard from Samantha Jenkinson CEO of People With Disabilities, and Mark Teale Executive Officer of the Council of the Aging, who shared examples of good and bad experiences of consultation methods reported by the people they represent, to provide the participating service providers with some context for their discussions.

The presentations were followed by discussions based on real life service delivery scenarios and the difficulty of catering for everyone when developing policies and procedures appropriate to a wide range of clients with such different and distinctive needs.

The forum highlighted one of the challenges with Substantive Equality for most service providers was understanding the impact policies and procedures had on specific groups of customers. Achieving equitable outcomes required consultation with specific groups to develop and evaluate effective service delivery.

Service 1: Provision of information and advice

Empowering women in the workplace

The Anna Stewart Memorial Program aims to develop the skills, knowledge and confidence of women union members, empowering them to be actively involved in the workplace.

In September the Commission delivered a presentation as part of this program. Titled *Dealing with gurglers, gropers and grannies* the presentation focussed on common obstacles women face in the workplace.

Recent research undertaken by the Australian Human Rights Commission found 49 per cent of mothers reported experiencing discrimination in the workplace at some point during pregnancy, parental leave or on return to work and one in four women have experienced workplace sexual harassment in the last five years.

The audience was provided with information on equal opportunity laws, indirect and direct discrimination and how to lodge a complaint with the Equal Opportunity Commission.

The course aimed to assist women who were union delegates understand work place rights, and in doing so have better tools to deal with discrimination and harassment in the workplace.

Pride Fair Day

The Commission participated in the annual Pride Fair Day for Perth's lesbian, gay, bisexual, trans and intersex community at its new location at Birdwood Square in Perth.

Commission officers provided information on discrimination and harassment to fair-goers and listened to some of the equal opportunity concerns of Perth's LGBTI community.



A fair-goer visiting the Commission's stall

Service 1: Provision of information and advice

Discussing sexual harassment with the Australian Human Rights Commission

In November 2017 the Australian Human Rights Commission held a seminar about sexual harassment and violence against women following the release of the AHRC report on sexual harassment in Australian tertiary institutions. The session was led by Maria Twomey,

The forum took place at Ernst and Young in Perth on 10 October and included participants from public and private sectors as well as universities.

Ms Twomey said the *Change the course* project into sexual harassment and assault in the Australian tertiary sector commenced at a time when the spotlight had been turned on domestic and family violence because of high profile advocates such as Rosie Batty.

She said there was now a better awareness of violence against women, and especially domestic and family violence, which continues to be endemic. She said in the previous two weeks in New South Wales alone, two women have been killed by their current or former partner, and a third one is in an induced coma in hospital after her throat was cut by her ex-partner.

One of the recommendations in the AHRC's *Change the Course* report was for universities to engage individuals and organisations that developed and delivered education programs around sexual harassment and sexual assault.

Acting Commissioner John Byrne said the Commission had already developed a training course titled *Sexual Harassment – Know where the line is*, which aimed to help organisations identify sexual harassment and understand what was unlawful in the workplace.

Education is key to changing those attitudes and hopefully stopping the behaviours before they can cause harm," he said.

Following on from this report, the Commission's Community Education team have run a number of sessions for various university bodies.

WA Media Awards

This year the Commission sponsored the Social Equity Report category at the annual Media Entertainment and Arts Alliance's WA Media Awards.

Kirsti Melville from ABC won the Social Equity Report award for her report on the history of Rottnest Island titled [Rottnest Island: Black prison to white playground](#).

Acting Commissioner John Byrne congratulated Kirsti on her well-deserved achievement.

"Aboriginal people continue to face a great deal of discrimination in Western Australia, both directly and indirectly.

"That is why it is so important for stories about Australia's Aboriginal history to be published in the media to promote a better understanding between Aboriginal and non-Aboriginal people," he said.

Service 1: Provision of information and advice

Helping the hospitality industry cater for everyone

In February 2018 the Commission launched an accessible menus guide [Catering for everyone](#) at the Generous Squire tavern in Perth.

The menus project had its genesis when two young people, Harry Nicholas and Genevieve Weston enquired about lodging a complaint of unlawful impairment discrimination on behalf of people with vision impairment. They alleged people with vision impairments were indirectly discriminated against by most hospitality venues because the food menus were not accessible due to the type being too small or not accessible to print readers.

Commissioner Allannah Lucas met the young people and suggested instead of lodging a complaint, they could consider working with the food industry and disability stakeholders to develop a guide with the potential to have a wide reaching impact on the hospitality industry

The Commission worked closely with VisAbility WA, the Australian Hotels Association WA and the Restaurant and Caterers Association to develop a guide to educate the food industry about strategies to make menus accessible to people with vision impairment.

The guide is available as a free download in a range of formats from the Equal Opportunity Commission, the Australian Hotels Association, VisAbility and other industry stakeholders.



(From Left) Restaurant and Catering Industry Association Membership Manager Brian Moar, Harry Nicholas, John Byrne and Genevieve Weston at the launch

Sharing the harmony at Mirrabooka

The Equal Opportunity Commission held a stall at the Herb Graham Recreational Centre again this year for Mirrabooka's Harmony Day celebration.

Commission staff gave out information about equal opportunity and human rights laws and asked stall visitors to write responses to the question – *What's not fair?*

Acting Equal Opportunity Commissioner John Byrne said the event was a wonderful way of bringing together Perth's diverse communities to celebrate the state's multicultural heritage.

"Coming together and embracing diversity is central to our conciliation process here at the Commission, so the Mirrabooka Harmony Day is an event we strongly support," he said.



Senior policy officer Ranil Ratnayeke at the Commission's stall for Mirrabooka Harmony Day

Service 1: Provision of information and advice

Women sharing advice for International Women's Day

On International Women's Day the Commission held a speed mentoring event for young women, with inspirational mentors from a range of industries ready to share their advice.

Acting Commissioner John Byrne said the mentors included Kirby Bentley from the Fremantle Dockers Women's Team, former WA Chief Scientist Prof Lyn Beazley, and Designer and Director of Morrison Clothing Kylie Radford.

"We had inspiring mentors from many different backgrounds and disciplines all volunteering their time with some very lucky young women," he said.

John Byrne said the Commission's speed mentoring event on International Women's Day received positive feedback. The format involved each young woman spending 10 minutes with each mentor.

He said it was good to do something practical to contribute to gender equality on International Women's Day.

"Studies have shown that the career progression of both men and women benefit from mentors, however women often find female mentors harder to access as there is still an under-representation of women in senior roles," he said.

Twenty one young women participated this year including 10 from Katanning. Some of the mentors offered to continue mentoring some of the participants after the event.



Morrison Clothing Director and Designer Kylie Radford with a mentee from St George's Anglican Grammar School

Discussing race complaints at the Commission

Commission Legal Officer Jeff Rosales-Castaneda conducted a training session in June 2018 for Aboriginal advocacy groups on unlawful race discrimination under the *Equal Opportunity Act 1984*.

Mr Rosales-Castaneda started the session by explaining the difference between discrimination, and unfairness.

"Discrimination is usually unfair; however, unfairness is not always discriminatory. For discrimination to be unlawful, it needs to be covered by the *Equal Opportunity Act 1984*," he said.

Mr Rosales-Castaneda provided an outline of previous race discrimination complaints, explained the burden of proof and evidentiary standards, who could be respondents to complaints, elements of direct and indirect discrimination, how to prepare a complaint and what could be learnt from past race discrimination complaints.

"We receive a lot of race discrimination complaints from Aboriginal people especially in the areas of accommodation and goods and services.

By educating Aboriginal advocacy groups about race discrimination issues at the Commission, we simply make the process more streamlined for complainants, respondents and the Commission," he said.

Service 1: Provision of information and advice

Has political correctness gone mad

On Harmony Day in April 2018 the Commission hosted a panel discussion on the contentious topic - *Has political correctness gone mad* at the State Library Lecture Theatre.

About 100 guests came to listen to four well credentialed panellists:

- The former President of the Australian Human Rights Commissioner Professor Gillian Triggs
- Federal MP Dr Anne Aly
- Political Commentator Dr Peter van Onselen; and,
- Pastor and former MLA Mr Peter Abetz.

Acting Commissioner John Byrne said despite their differing views, the panellists all agreed the human right to practise religion needed proper protection.

“Religion has, in the past, been a divisive subject but the panellists recognised people should be entitled to peacefully practise their religious beliefs and not be discriminated against because of their religious convictions,” he said.

Dr van Onselen said results of the recent same sex marriage vote were emblematic that those who once held majority beliefs in society were now becoming a minority.

He said it was important the new majority who embraced one-time minority groups didn't shift from a view they once held.

“As conservatives become the minority there may be an attitude that because they ruled the roost for such a long time it's payback time.

“That's not a good attitude, and I hope we don't see too much of it,” he said.

Professor Triggs also said religious freedoms needed to be considered now the same sex marriage vote was done.

“I think the constant repetition of the phrase 'political correctness' is avoiding the key issue which is how do we genuinely protect the right to freedom of religion or any other right,” she said.



Moderator Martin Turner with panellists (from left) Anne Aly, Gillian Triggs, Peter van Onselen and Peter Abetz

Helping architects build barriers to sex discrimination

Senior Legal Officer, Allan Macdonald and Commission Services Manager Diana MacTiernan spoke to a group of 80 professional women and students in the building industry at an Australian Institute of Architects forum Work Women Wisdom – Times Up.

Allan and Diana spoke about sexual harassment and sex discrimination laws in the workplace.

“As with many fields, the number of women working in the field of architecture has increased; however, women are still under represented at higher paid senior levels,” Diana said.

She said the event was a great opportunity to sit down with women architects to listen to their issues and discuss their rights in a relaxed forum.

She encouraged other women's groups to organise industry-based events with the aim of raising awareness about issues of sex discrimination and sexual harassment.

“We have seen highly effective awareness raising campaigns come out of the entertainment industry with the Me Too and Times Up campaigns, however we know that harassment and discrimination aren't confined to any one industry.

“Understanding your rights and talking about your issues in a safe environment is the first step to changing workplace policies and practises,” she said.

Service 1: Provision of information and advice

Intersex Issues on IDAHOBIT Day

The annual Isabelle Lake Memorial Lecture is organised jointly with the University of Western Australia. The May 2018 lecture provided a personal insight into living as an intersex person and was given on IDAHOBIT (international day against homophobia, biphobia and transphobia).

Cr Tony Briffa, now Deputy Mayor of Hobsons Bay, is a passionate human rights advocate, co-executive director of the organisation Intersex Australia, and a member of various LGBTI advisory committees.

Acting Commissioner John Byrne said Cr Briffa was approached to give this year's lecture because she was one of the first Australian public figures to speak publically about being intersex.

"Cr Briffa will also be the first person to identify as intersex to deliver the Isabelle Lake Memorial Lecture," he said.

Cr Briffa shared her (preferred pronoun) story of being born with androgen insensitivity syndrome which meant she was born with sex characteristics that were mostly female externally, but with some male attributes internally. She spoke about the dilemma most parents face when medical staff advise them to place their babies under hormone treatment and surgery, to better fit within the stereotypes of the binary sex system.

"Intersex babies as young as six weeks are given inappropriate hormone treatment in the hope it will make them heteronormative boys, and some baby girls still have their clitorises surgically reduced in size without any medical need."

"Perfectly healthy genitals are operated on to make these children better conform to society's idea of what a boy or girl should look like," she said.

Tony also explained that the damaging stigma around being born intersex had meant a person's intersex status was often not discussed, with some intersex adults finding out for the first time while undergoing fertility treatment or trying to obtain a home loan.

"Families need greater access to intersex support groups right from when the baby is born through medical staff at the hospital, so they can make informed decisions and better understand the needs of their intersex child going forward," she said.



Acting Commissioner John Byrne, Tony Briffa and Isabelle's father Bruce Lake

Service 1: Provision of information and advice

Measures intended to achieve equality

The Commission has long been a supporter of employers, educators, and service providers using the exceptions under the *Equal Opportunity Act 1984* that allows them to implement ‘measures intended to achieve equality’. These exceptions enable employers to dismantle discriminatory barriers that have prevented people with particular attributes such as their race, sex, or disability, from gaining and retaining employment, receiving appropriate services, or getting an education.

The exceptions have been in the Act since its inception in 1985 but employers have been reluctant to use them, for fear of being perceived as favouring minority groups. Consequently, a genuine desire to make our institutions less discriminatory has been held back by risk-averse policy decision-making. That is why it is pleasing to see that things are changing.

The Public Sector Commission (PSC) approached the Commission with a draft policy giving the green light for government agencies to use measures intended to achieve equality in employment. The PSC and the Commission worked on the policy content, with the aim of ensuring that the exceptions are easily understood, using practical examples to assist employers when advertising vacancies or putting in place employment-based policies.

The result is the Public Sector Commissioner’s Circular ‘*Measures to achieve equality in human resource management*’, released in June 2018,

and supported by the guideline ‘*Employing for diversity - equal opportunity in public employment*’, co-badged with the Equal Opportunity Commission. It is hoped that government employers will take on board these documents and adopt a robust and imaginative approach to recruitment and retention, knowing that the Public Sector Commission including the Director of Equal Opportunity in Public Employment and Equal Opportunity Commission are there to support them.

Substantive equality

The Commission’s role under the Policy Framework for Substantive Equality is primarily to develop and deliver education and training courses to support agencies in understanding and addressing systemic discrimination as stated in the framework.

Since the cessation of the dedicated unit in 2014, the ambition has been to have three information sessions each calendar year for relevant agencies. One session was held in August 2017 on appropriate forms of consultation for people with disabilities and seniors. The café-style format included an address from the peak associations. Participants then discussed how the issues raised by the speakers could be reasonably carried out in their agencies.

The Commission also joined with the Department of Health and the Office of Multicultural Interests to co host a session for 90 health professionals on the need to capture accurate data for client profiles and to assist in service delivery.

The Commission also offers the course “*Fair Go for Your Clients*” as part of its calendar of public courses which is open to mandated agencies and other agencies in the sector as well as non-government service providers.

Where potential issues of systemic discrimination have been brought to the attention of the Commission, the Acting Commissioner has written to and met with senior officers of the relevant agency to discuss how the issues may be addressed



Mike Harte Community Education Officer teaching human rights at Huntingdale Primary School

Service 1: Provision of information and advice

Community education and training

The Commission has a small team of experienced community education officers who raise awareness about equal opportunity, human rights and legal obligations to promote the adoption of best practice models through:

- Organisational training
- Community education on equal opportunity and human rights
- Working with stakeholder groups on specific projects
- Community development work with communities that have specific needs, such as new and emerging migrant and refugee groups

Fee for service training

Training which is provided on a fee for service basis is in two categories. Mixed profile training is where courses are publicly advertised and participants may come from a range of organisations. Customised training is where an organisation requests a course exclusively for its staff and the course is adapted to meet the needs of the organisation.

Requests for fee for service training increased by over 50% to 82 sessions in the 2017-18 year, compared to the previous year's total of 52

sessions. Participants in fee for service, and mixed profile training were drawn from public sector organisations, and in particular local government, the private sector and from community organisations.

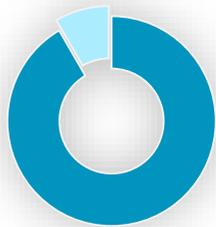
The Commission has reviewed and updated training material to ensure course content remains relevant and is investigating new ways to provide whole-of-organisation training based on a model that it hopes will prove strategic in developing workplace cultures that are inclusive and free of discriminatory practices.

Examples of organisation sessions include:

- *Introduction to Equal Opportunity Law* - delivered in 17 sessions to regional local government authority
- *EO Essentials for Managers and Supervisors* - delivered to middle managers in a remote regional centre
- *Harassment & Bullying* - delivered as a whole of agency package in 12 sessions to a regional area, and to some public sector organisations in Perth
- *Developing and Maintaining Positive Workplace Cultures*
- *EO Essential for Managers and Supervisors, and Grievance Officer*
- *Equity Awareness.*

Evaluation

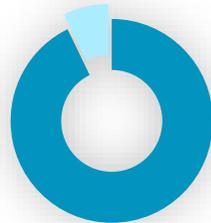
Of the 1023 people who attended fee for service training sessions, 954 (93.3%) completed a post-course evaluation. The outcome of these evaluations indicated a consistently high level of satisfaction with the education and training experience.



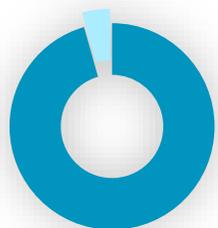
91.6%

thought their level of knowledge about equal opportunity had increased

would be able to use what they learned from this training session in their work and their daily life



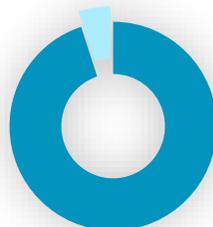
92.8%



95.6%

would recommend the Commission's training courses to their colleagues

thought the trainer's facilitation style and delivery was effective



95.0%

Service 1: Provision of information and advice

Comments made about training

Introduction to Equal Opportunity Law

Gives basis of legal provision behind policies, refreshes needs for these, makes them aware and hopefully more observant in workplace happenings.

Very interesting - normally hate role playing but loved this during this course

Fair Go For Your Clients - Addressing Systemic

Recruitment and Selection - Are You Getting It Right

Effective course with opportunity to learn how other organisations do things.

Basic education on sexual harassment is essential to good HR practice.

Sexual Harassment - Know Where the Line Is

Equal Opportunity Essentials for Managers and Supervisors

This gives you a better understanding and how you can help your staff and be there for them.

It's important employees are aware of what is/isn't discrimination etc and mechanisms available to resolve.

Workplace Discrimination, Harassment and Bullying

Contact Officer Role

Steve and Mike were very knowledgeable and made the training session informative and fun. Very enlightening and enjoyable.

Service 1: Provision of information and advice

Rights based education

The Commission delivered rights based sessions throughout the year to community groups, not for profit associations and other bodies, which do not have a budget to pay for training services. Rights based training serves a valuable function in educating minority groups including Aboriginal people, people with disability, migrants, refugees, and others who may not be aware of the protections available under the Act, or their obligations towards others.

The number of rights based sessions delivered in 2017-18 in Perth, regional WA, totalled 100 sessions, compared to 65 sessions in 2016-17 increase of 53.8%.

Standard rights based sessions have continued throughout the year and have included:

- *Equal Opportunity Law Awareness* sessions were conducted with agencies including the Bega Gambirringu Health Service, Carnarvon Aboriginal Medical Service, Curtin University students, Meekatharra Medical Service
- *Sexual Harassment - Know Where the Line Is* – sessions were conducted with UWA, St Catherine College UWA, tertiary students and university support staff in Nedlands.

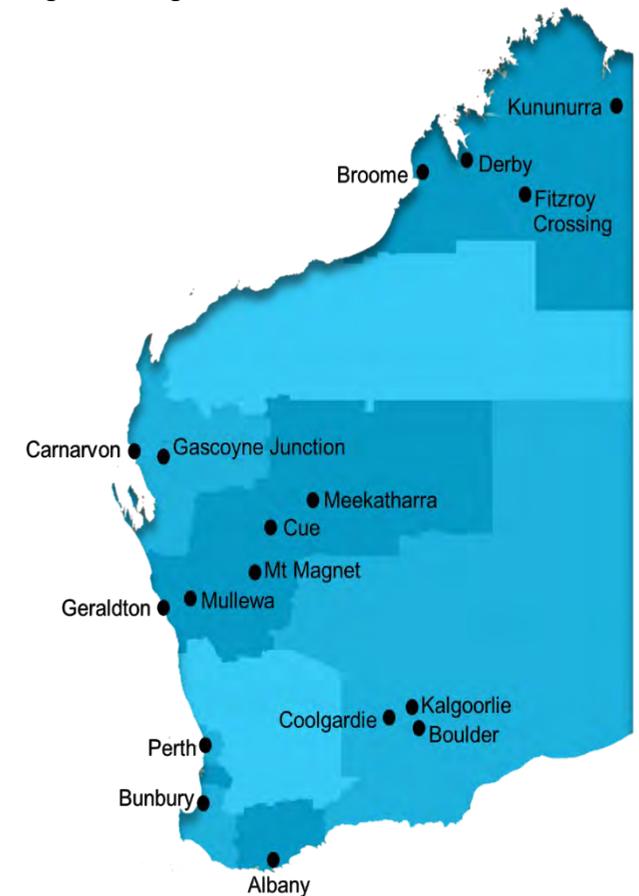
Prison visits

With the cooperation of the Department of Justice (Corrective Services), the community education team visited a number of prisons in the metropolitan and regional areas, including the West Kimberley Regional Prison (Derby) and Greenough Regional Prison.

These prison visits allowed Commission staff to deliver tailored Equal Opportunity Law Awareness sessions with individual cohorts within the prisons, such as prisoners, prison officers and peer support. Prisoners were informed of their rights under the legislation and provided with an opportunity to raise issues of concern. Prison officers were provided with advice on their obligations under the Act, as well as their rights to work in an environment free of harassment and discrimination.

Individual and systemic issues of concern were relayed, subject to prisoner consent, to the prison superintendent or Corrective Services in Perth respectively.

Figure 1: Regional visits for 2017-18



In 2017-18 the Commission's educators conducted training, education and information sessions and meetings in regional Western Australia as shown in the map above, as well as Pinjarra, Mandurah, Greenfields, Greenough and Wooroloo.

Service 1: Provision of information and advice

Equal Opportunity in Sport

In 2017-18 the Commission continued its long-standing partnership with the Department of Sport and Recreation (DSR) and the West Australian Sports Federation (WASF) by:

- Facilitation of the National Member Protection Information Officer Course conducting two one-day metropolitan workshops
- Continued sponsorship of the Australian Sports Commission's Play by the Rules website
- Being a point of contact for sports associations and clubs for enquiries relating to discrimination law.

Outreach program in Regional WA

The Commission has a state-wide mandate to reach regional areas and has a three-year plan which aims to cover four regions each year. Two of these trips involve two community education officers travelling to the more distant regions for approximately a week. Regions closer to the metropolitan area may involve a two or three-day round-trip.

Each trip involves a mixture of fee for service and rights based sessions.

The Commission is also contracted from time to time by organisations to provide onsite fee for service training in regional and remote areas.

This has assisted the Commission to undertake trips additional to the regional plan, and, where possible, to conduct additional training, networking and community development activities in these regions.

Kimberley

In July 2018 community education officers travelled to Broome and Derby to provide Equal Opportunity Essentials for Managers and Contact/Grievance Officer training sessions at North Regional TAFE.

While in the region they also provided rights based education meetings with the Kimberley Aboriginal Medical Service, Kimberley Disability Advocacy Service in Broome and West Kimberley Regional Prison.

All sessions were well attended. To try and increase participation of staff unable to travel long distances to the training venue in Broome, video conferencing was used in two of the TAFE sessions.

Kalgoorlie

Community education officers travelled to Kalgoorlie in October providing fee for service and community education and outreach to community groups and workplaces in the area.

Fee for service courses were conducted with the Golden Mile Milling Pty Ltd, as well as meetings and rights based education with Aboriginal organisations such as the Goldfields Land and

Sea Council, Aboriginal Legal Service and Bega Garbarringu Health Service.

The Commission also continued its collaborative work with the Department of Justice. Equal Opportunity Law Awareness courses were conducted with prison staff and inmates at the Eastern Goldfields Regional Prison.

This was the fourth regional prison in which education and outreach was held in 2017.

Geraldton and the Gascoyne

In March 2018 the community education team spent a week in the Gascoyne region providing community education and outreach to groups in Carnarvon, Meekatharra, Gascoyne Junction, Cue, Mount Magnet and Geraldton.

This has been a region from which fewer enquiries and complaints have been received, and the outreach aimed to raise awareness about rights and availability of remedies to alleged matters of unlawful discrimination.

Service 2: Avenue of redress for unlawful discrimination

Enquiries and complaints

The Commission operates an enquiry service each weekday staffed by officers of the Commission. Enquiries and complaints can be lodged anytime by email, Facebook and via the website.

In 2018, due to a reduction in the number of staff, it was necessary to reduce the service marginally by not having a person rostered to take enquiries Tuesdays and Thursdays mornings, with reception taking messages during this period to be returned the same day.

The Commission receives a diverse range of enquiries regarding alleged discrimination. Some enquirers describe situations which do not necessarily constitute unlawful discrimination as defined by the Act, including allegations of unfair dismissal and freedom of information enquiries. Commission officers attempt to direct the enquirer to the correct agency or organisation to deal with their issue.

Where the situation described seems to fall within the jurisdiction of the Act, the enquirer is informed about the Commission's complaint handling process or their options under Federal anti-discrimination laws.

Where allegations of unlawful discrimination are accepted by the Commissioner as complaints under the Act, they are delegated to a conciliation officers to investigate and attempts to conciliate complaints on behalf of the Commissioner.

Note that details of the data used in this section are provided in Appendix A of this Report (see page 92).

Answering enquiries from the community

The Commission received 1546 enquiries during 2017-18 from people who visited the Commission's office in person, phoned the enquiries line or sent in a written enquiry electronically or by hardcopy. The number of enquires received by the Commission has been declining over time, but in the current financial year the number of enquiries was only marginally lower than the 1,589 enquiries received in the 2016-17 financial year.

Over two thirds of all enquiries (67.1%) received in 2017-18 were received by telephone.

Of the 456 written enquiries received, 85.7% were received via the website or email.

Enquiries

Top five grounds of discrimination

Impairment – 310 (20.1%)

Race – 226 (14.6%)

Age – 90 (5.8%)

Sex – 77 (5.0%)

Sexual harassment – 73 (4.7%)

Top five areas of discrimination

Work – 743 (48.1%)

Goods, services and facilities – 228 (14.7%)

Education – 81 (5.2%)

Accommodation – 70 (4.5%)

Access to places and vehicles – 34 (2.2%)

Service 2: Avenue of redress for unlawful discrimination

Nature of enquiries

Of the enquiries received in 2017-18, 68.2% were about matters that fell within the jurisdiction of the Act. If an enquiry was not within the jurisdiction of the Act, a referral to an appropriate state or federal agency or non-government organisation was provided where possible.

The two most common grounds of discrimination cited by enquirers were impairment and race. These grounds have consistently been the two grounds with the highest number of enquiries for the past three years. This also reflected the two most common grounds of discrimination complaints received at the Commission in 2017-18.

The areas of discrimination mentioned by enquirers in 2017-18 reflected the pattern of previous years. Nearly half of the enquiries handled related to the area of employment (48.1%). Enquiries regarding goods, services and facilities were the next largest area (14.7%), followed by education (5.2%).

In 2017-18 a majority of the enquiries were from individuals (79.8%) and related to allegations of discrimination or unfair treatment.

The next highest number of enquiries were from WA public sector organisations (4.7%), and the remainder from organisations, mixed group or were unspecified, including enquiries from:

- Private enterprise (4.5%)
- Non-government organisations (2.7%)
- Prisoners (1.5%)

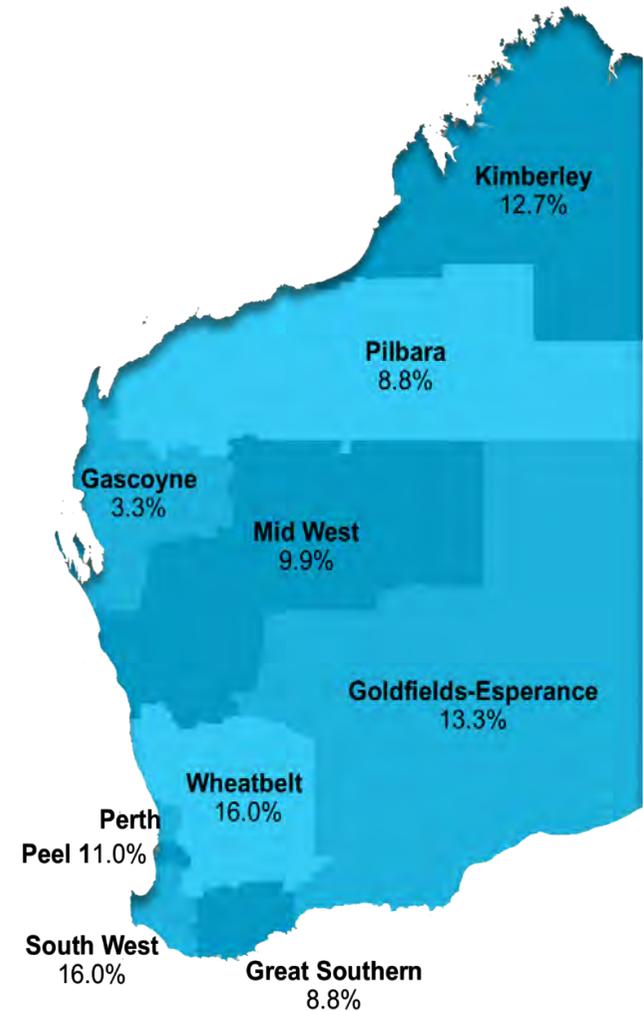
Residence of enquirers

Of the enquirers who nominated a place of residence, 37.8% resided in the metropolitan region and 11.7% lived outside the metropolitan region, and the residence of 48.6% was unknown.

Of all the enquirers from non-metropolitan regions a total of 35.8% lived in the South West, Great Southern and Peel regions, which reflected the population distribution in WA with some of the larger towns of Bunbury, Busselton, Albany and Mandurah being in these areas. In addition, this region has a higher number of advocacy and advisory agencies that provide information about discrimination law.

In 2017-18, 13.3% of non-metropolitan enquiries came from the Goldfields Esperance region, a significant increase from the 7.8% last financial year, and 12.7% from the Kimberley region, which was a significant increase from 5.9%. These increases may have been influenced by the Commission's outreach program and networking in this region in the past financial year.

Figure 2: Regional enquiries received 2017-18



Service 2: Avenue of redress for unlawful discrimination

Enquiry case studies

Age in Access to Places and Vehicles

A parent wanted to know if a local supermarkets policy of banning school aged children from store during school hours was discriminatory.

Impairment in Access to Places and Vehicles

A dog trainer enquired on behalf of hospitalised client who had an assistance dog, if it was lawful for a hospital to refuse allow his clients assistance dog into the hospital. The enquirer was advised the Act only covered sight and hearing dogs but offered to send information on disability advocates.

Religious Conviction in Employment

A woman of Iranian descent said she was constantly being asked by colleagues whether she is a Muslim. She wanted to know if this was a type of discrimination.

Pregnancy in Education

A student nurse said she was not allowed to enrol in a second semester of her course as she is pregnant. She said her doctor could provide a medical certificate that she is well enough to participate in the course and could complete her second practicum after the birth of her baby. She agreed to take her supporting medical documents to the education provider to see if their decision could be reversed.

Spent Conviction in Employment

An electorate officer called regarding a constituent who was having his employment terminated because he had a criminal conviction. The officer was advised the Commission could only assist the constituent if the conviction had been 'spent'. It was suggested the officer contact the Human Rights Commission.

Race in Goods, Services and Facilities

A woman called to say her African husband was constantly asked to pre-pay at petrol stations. She claimed this had just occurred in the early afternoon and asked if this was enough evidence to lodge a complaint of race discrimination. She was advised it would be best to provide a comparator at the same station and same pump. She advised she would go to the station at the same time as her husband had and to the same pump to find out if she was required to pre-pay.

Sexual Harassment in Employment

A man called on behalf of several CALD women who worked for a fish retailer. He said they were being sexually harassed by a supervisor, who touched them inappropriately and sexually propositioned them. He was advised a complaint could only be lodged by one or more of the women, and that they could seek support from a migrant resource or community legal centre.

Service 2: Avenue of redress for unlawful discrimination

Handling complaints

Nature of complaints

There are 16 grounds of unlawful discrimination and nine areas of public life under which a complaint can be lodged and both a ground and an area must be present for a complaint to be accepted under the Act. Some grounds do not apply in some areas, therefore allegations with a ground but without an appropriate area, cannot be accepted.

There are 16 grounds of discrimination named in the Equal Opportunity Act 1984, and two other grounds of unlawful discrimination arising from other WA Acts, which confer jurisdiction to the EO Commissioner to investigate, conciliate or refer to the Tribunal for determination:

- i) *Victimisation for making a disclosure under the Public Interest Disclosure Act 2003*
- ii) *Discrimination on the ground of a spent conviction in employment related areas under the Spent Convictions Act 1988.*

If a person alleges they have 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. Before the matter can progress however the complainant needs to provide some substance to the allegation.

Should the Commissioner, after investigating, determine the complaint is to be dismissed under section 89 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 (Tribunal) for determination.

Where a potential complainant has not clearly identified a ground and area of complaint, they are supplied with information about what constitutes unlawful discrimination under the Act and asked to further clarify their complaint.

Numbers of complaints

In 2017-18 there were 472 new complaints received by the Commission. This is nearly 10% higher than the 430 complaints received in 2016-17. When looked at over a 30-year period, the number of complaints received has risen and fallen over time with the highest annual number of lodged complaints being 795 complaints in 2011-12 and the lowest number being 240 complaints in 1987-88 (see Appendix B page 98).

Complaints

Top five grounds of discrimination

Impairment – 125 (26.5%)

Race – 87 (18.4%)

Sexual harassment – 48 (10.2%)

Victimisation – 41 (8.7%)

Age – 38 (8.1%)

Top five areas of discrimination

Work – 264 (55.9%)

Goods, services and facilities – 115 (24.4%)

Accommodation – 37 (7.8%)

Education – 26 (5.5%)

Access to places and vehicles – 20 (4.2%)

Service 2: Avenue of redress for unlawful discrimination

Figure 3: Top six grounds of complaint in the area of work

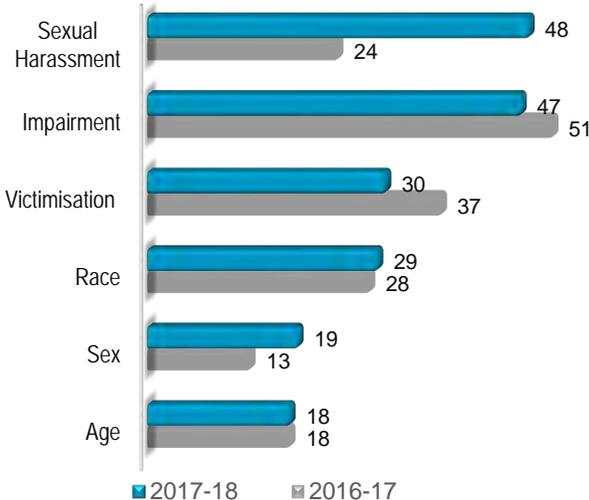
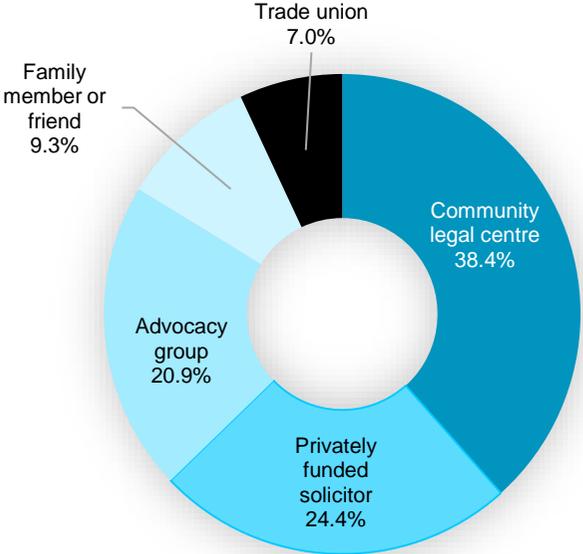


Figure 4: Complainant representation



These fluctuations reflect factors including the economic cycle, and in some years, such as 2011 to 2013, a result of a more flexible methodology in accepting complaints, coupled with increased activity by advocacy agencies.

Of the various grounds under the Act, complaints of impairment discrimination have consistently been the highest for many years, followed by race. This year 26.5% of complaints lodged related to impairment. Race complaints were second (18.4%), and sexual harassment (10.2%) was the third highest ground of alleged discrimination.

Work is the area of public life which has the highest number of allegations of unlawful discrimination. In 2017-18, 55.9% of complaints related to employment which is the major category in work. Figure 3 shows the six highest grounds on which complaints are lodged in the area of work.

Lodgement of complaints

The Act requires complaints to be in writing. They can be lodged by email, fax, in person, by post or via the website. Complainants who have difficulty writing are assisted by the Commission. Complaints may be in any language and their translation to English is arranged by the Commission as required.

Lodgement of complaints on the website and by email continues to increase with 79.4% submitted

online this year, compared to 74.9% in 2016-17 and 69.9% in 2015-16.

The number of hard copy complaints arriving by mail have declined with 14.0% submitted this year, compared to 17.4% in 2017-18 and 21.2% in 2015-16.

Eighty two per cent of complaints were lodged without assistance by advocates, while 18% of complainants were assisted in lodging their complaints, Figure 4 shows the breakdown.

Complainants

The Commission accepts complaints from anyone living, working or visiting Western Australia who alleges unlawful discrimination has occurred in the state according to the grounds and areas of the Act.

This section looks at the characteristics of the people who have lodged complaints. This data is routinely collected from complainants to assist the Commission to continually improve the complaint handling service.

Characteristics of complainants

Sex

In 2017-18 due to an increase in sexual harassment and pregnancy lodged by women, the gender difference in lodged complaints was higher than in previous year, with 280 (59.3%) complaints lodged by women, and 186 (39.4%) by men.

Service 2: Avenue of redress for unlawful discrimination

Birthplace

As with past years most complaints were lodged by people born in Australia (61.9%). This year Aboriginal and Torres Strait Islander people lodged 20.6% of all complainants, a significant increase on the previous year of 11.4%. The increase of Aboriginal and Torres Strait Islander complaints has corresponded with an increase in outreach work conducted in some of the regions with the highest Aboriginal populations such as the East and West Kimberley and the Goldfields.

Thirty three per cent of complaints (157 people) stated they were born outside Australia, which was comparable to the proportion of the Western Australian overseas born population (33.3% 2016 Census).

Of the 157 complainants born overseas the highest proportion were born in the British Isles (31.5%), Italy (10.8%), India (5.7%) and Singapore (5.7%).

In broad regional terms the highest number of overseas born complaints were born in Europe (includes British Isles) (41.4%), Asia (31.2%), Africa and the Middle East (21.7%) with fewer from Oceania (5.1%) and the Americas (0.6%).

Language

Forty complainants (8.5%), said they preferred to communicate in a language other than English. In this group of non-English speakers, 11 complainants (27%) submitted their complaint in a community language, and required the use of an interpreter and/or translator organised by the Commission.

While no Aboriginal and Torres Strait Islander complainants stated they spoke a language other than English, it is acknowledged that some speak Aboriginal English, and in some instances one or more Aboriginal languages.

Work status

Complainants are asked about their work status. The largest number (36.9%) were in paid employment while 24.6% were looking for work. People who identified as pensioners comprised 9.7% of complainants and students comprised 12.9%.

Figure 5: Birthplace of complainant

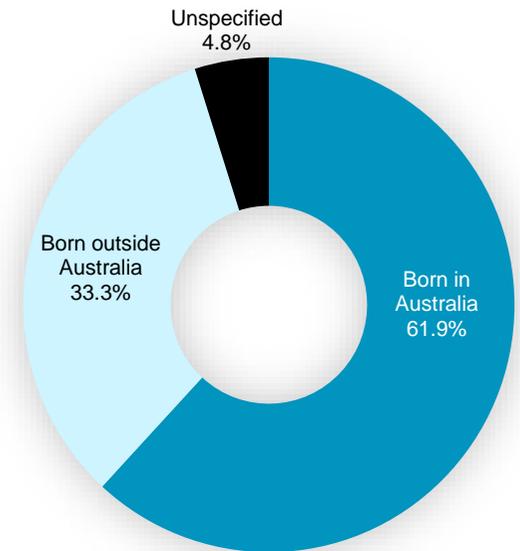
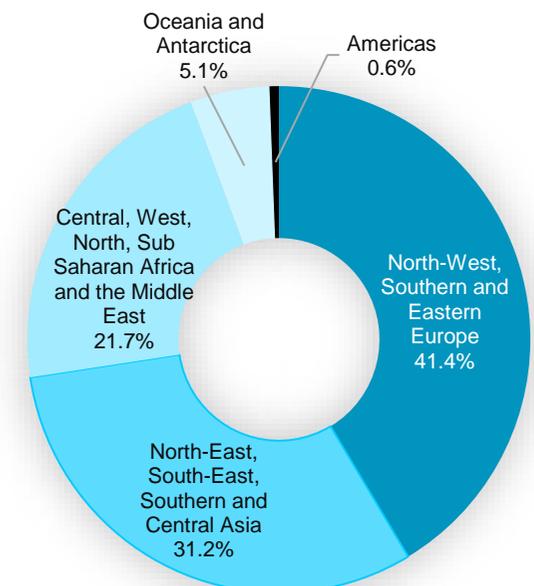


Figure 6: Complainants born outside Australia



Service 2: Avenue of redress for unlawful discrimination

Figure 7: Age of complainant

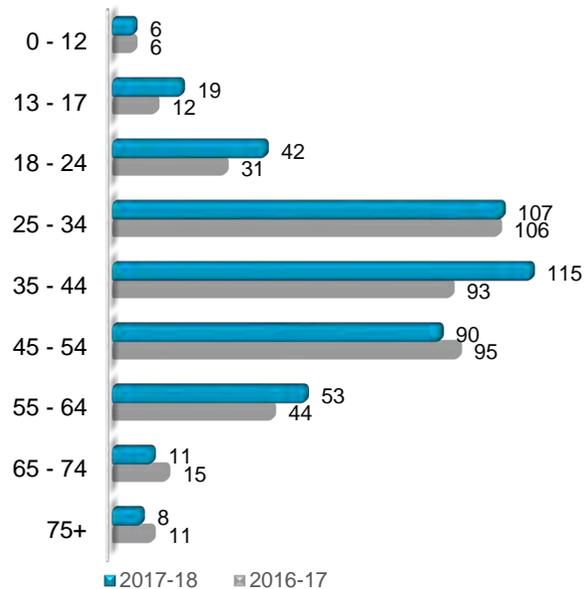
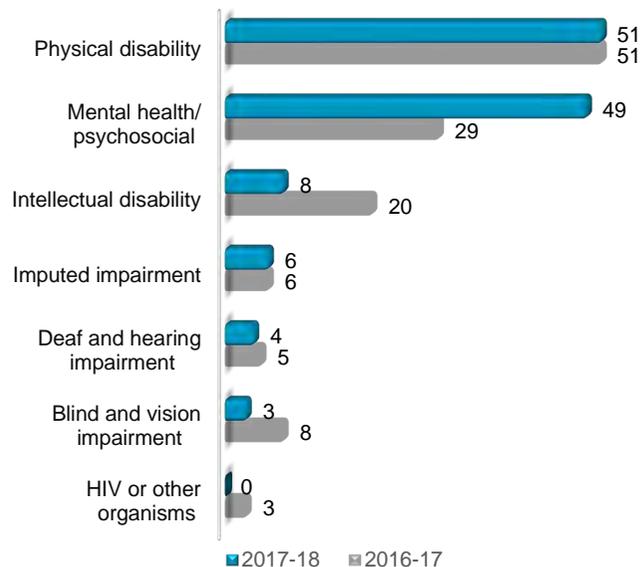


Figure 8: Types of impairments



Age

There were some differences on grounds of discrimination lodged according to age. The highest grounds of discrimination lodged by each age group were:

- 0-17 years – 40.0% alleged race discrimination
- 18-24 years – 31.0% alleged sexual harassment in the area of employment
- 25-34 years – 23.4% alleged age, followed by breastfeeding (15.9%) and family responsibility (15.0%)
- 35-44-years – 25.2% lodged complaints on the ground of impairment, 22.6% lodged on the ground of race
- 45-54 years – 30.0% alleged impairment, followed by race (22.2%)
- 55-64 years – 39.6% alleged impairment, followed by age (15.1%)
- 65-74 years – 45.5% alleged impairment.
- 75+ years – 50.0% alleged age, and 25.5% on the ground of race.

Complainants with impairments

The Act defines impairments to include anyone with a physical, intellectual or mental impairment, a person who has had an impairment in the past, or someone assumed (imputed) to have an impairment. The Act also covers short term and chronic medical conditions and injuries.

Over 26.5% of complaints lodged with the Commission were on the ground of an impairment, of which 37.6% were in the area of employment and 32.8% in the area of goods services and facilities.

Of these complaints 40.8% related to a physical impairment, 39.2% to a mental health/psychosocial condition, 6.4% to an intellectual impairment, 4.8% had an imputed impairment, and smaller numbers to vision, hearing or other impairments.

Service 2: Avenue of redress for unlawful discrimination

Residence of complainants

Eighty per cent of complainants lived in the metropolitan area which is similar to the past two years – 76.0% (2016-17) and 77.2% (2015-16).

The proportion of complainants living in the metropolitan region is proportionate to the State's population living in the metropolitan region (78.0%). This is a positive outcome given that the Commission is Perth based and has limited resources to conduct outreach programs in regional and remote parts of the state.

Of regional complainants, the largest number lived in the Goldfields–Esperance region (25.3%) Peel (18.1%) and the South West (13.3%). There was a significant decrease in complaints from the Pilbara region from 13.6% last financial year to 6.0% this year.

It should be noted the increased number of complaints in the Goldfields–Esperance region, from zero complaints in the previous year to 25.3% of regional complaints in 2017-18, was skewed by a cluster of complaints about a single incident against one business.

Characteristics of respondents

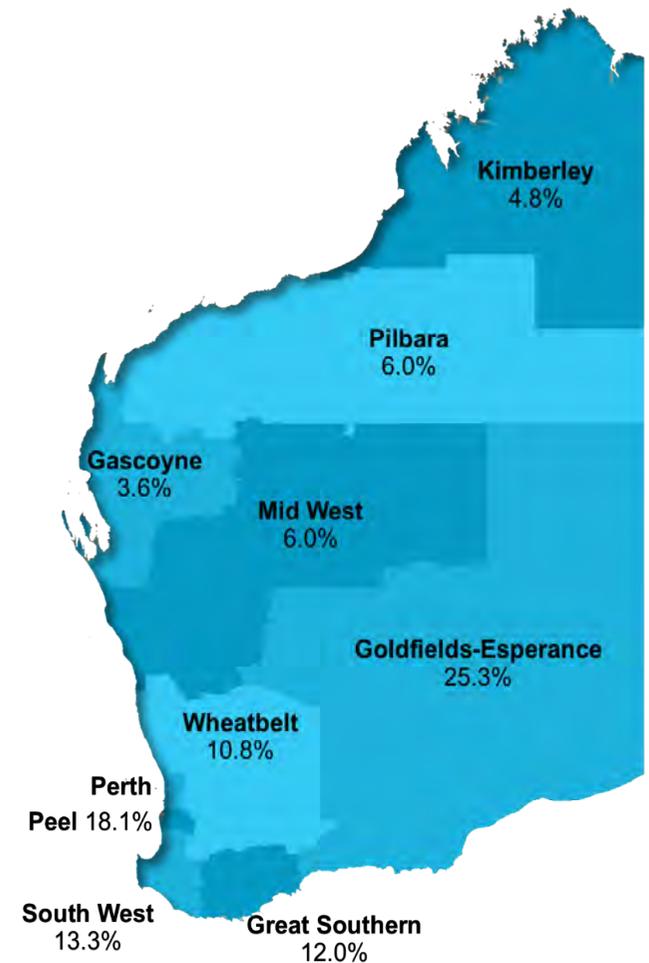
As with the past two years, the industry group that had the highest number of complaints lodged was *Health Care and Social Assistance* at 16.7%, followed by *Rental Hiring and Real Estate Services* with 10.4% of complaints.

Other respondent groups with higher numbers of complaints included:

- Retail Trade (10.2%)
- Arts & Recreation Services (9.3%)
- Accommodation & Food Services (8.7%).

More than half of all complaints were lodged against private sector employers and service providers (50.6%), while 37.5% were lodged against public sector employers and service providers. A smaller number of complaints were lodged against non-government organisations (9.5%) and clubs (1.7%).

Figure 9: Regional complaints received 2017-18



Service 2: Avenue of redress for unlawful discrimination

Figure 10: Outcome of complaints closed

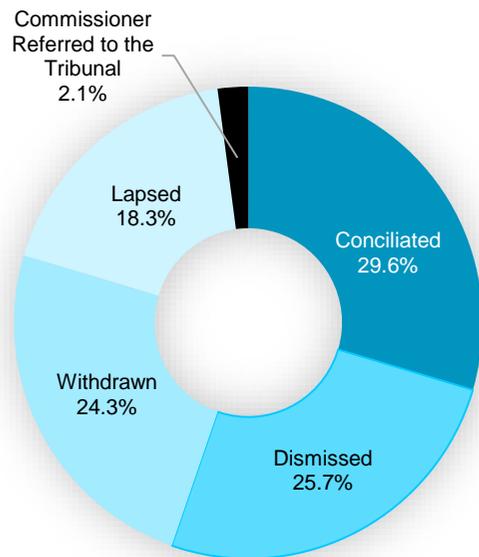
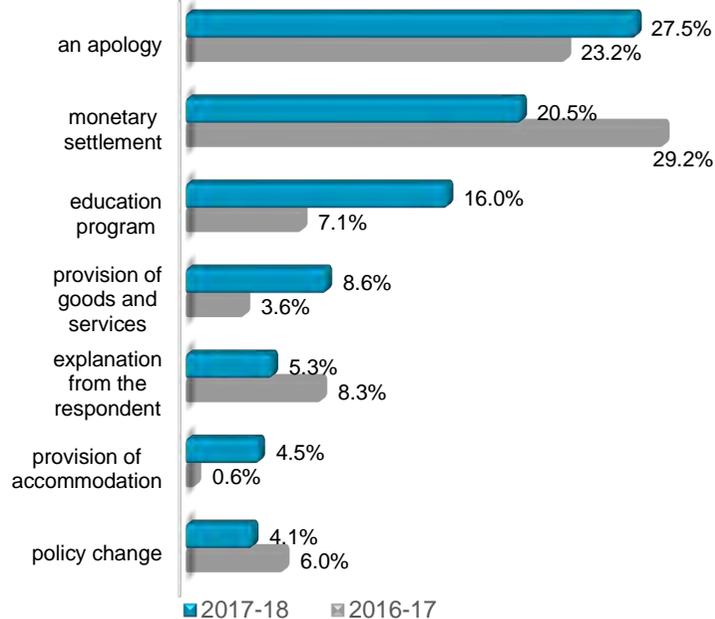


Figure 11: Conciliated outcome of complaints closed



Complaints resolution

The Act specifies a complaint can be finalised in one of a number of ways:

- **Lapsed** by the Commissioner if there is no response to attempts by the Commission's conciliation officers to contact the complainant, or if the person does not provide information to actively pursue the complaint
- **Withdrawn** by the complainant at any time. This can occur if the complainant is satisfied with the initial response from the respondent, or has achieved a satisfactory resolution of their complaint
- **Conciliated** when both complainant and respondent achieve mutually agreed outcome or outcomes
- **Referred to the State Administrative Tribunal** by the Commissioner if it cannot be conciliated and the Commissioner believes there is an arguable case
- **Dismissed** by the Commissioner if it is lacking in substance, misconceived, vexatious or frivolous. A complainant can request in writing that a dismissed complaint be referred to the Tribunal after dismissal.

Conciliated complaints

One hundred and thirty nine complaints (29.6%) were resolved through conciliation, whilst 25.7% were dismissed, and 24.3% withdrawn. These outcomes are similar to the outcome of complaints in past years.

Figure 11 shows the manner in which complaints were conciliated in the past two years. In the current financial year there was a modest increase in the number of complaints where an apology formed part of the resolution, and a decline in the number of complaints which involved a monetary settlement. Some complaints are resolved in more than one way, for instance the resolution of the complaint may include a monetary settlement, a policy change and an apology.

Time taken to resolve complaints

The Commission aims to investigate and conciliate or finalise complaints in a timely manner without compromising the ability of all participants to be treated fairly and achieve satisfactory outcomes.

In 2017-18 a total of 84.7% complaints resolved in under six months, and 98.5% in under 12 months. The length of time taken to resolve complaints within six months and 12 months has increased to 3.9 months compared to previous year's average of 3.6 months; this is due to factors including the complexity of issues raised by an increasing number of complainants and reduction in the number of conciliation officers.

Complaint case studies

Age in Clubs and Sport

A 58 year old sporting association referee alleged age discrimination when the 'time criteria fitness test' used to assess referees was suddenly shortened. The referee said because of this change it was less likely people over the age of 50 would be able to pass the test. Given there are different levels of games to be refereed he alleged the shortened time was unreasonable in the circumstances.

The Respondent stated the change was to encourage the referees to improve their level of fitness and the Complainant and others over the age of 50 were able to comply with the test.

Outcome – Conciliated

The complaint resolved when the Respondent acknowledged the Complainant's concerns and agreed to research and review how the fitness test was conducted.

Age and Impairment in Goods, services and facilities and access to places and vehicles

An older man who used a gopher for mobility, was a tenant in a unit complex. The driveway out of the complex had speed humps to dissuade hoon drivers, but these humps made it very difficult for him to leave or return to the complex. He lodged a complaint of age and impairment discrimination against the Body Corporate.

Outcome – Conciliated

The matter resolved when it was agreed to pave an area beside the speed humps which enabled the complainant easy access to and from the complex.

Age in Employment

An 82 year old man who worked as a grounds person lodged an age discrimination complaint because his supervisor referred to him as a "senile old c__t", "useless", and had suggested he would "get rid of him."

Outcome - Conciliated

The complaint resolved when the supervisor provided a written apology.

A 58 year old man was interviewed for a job in which he had been acting for three months. He alleged age discrimination when another man was appointed to the position.

Outcome – Dismissed – lacking in substance

The complaint was dismissed when the employer provided examples of the applicant's deficient work practices. In addition, the employer stated the company did not discriminate against older workers, as shown by the previous occupant of the job who was five years older than the complainant. Furthermore, the person appointed to the job was the same age as the complainant, and the successful applicant was also the oldest of 11 applicants for the position.

Service 2: Avenue of redress for unlawful discrimination

Religious Conviction in Employment

A woman lodged a complaint of religious conviction discrimination on behalf of her daughter when the young woman was required to remove her hijab during a trial employment placement.

Outcome – Conciliated

On receipt of the complaint the employer provided a written apology, agreed the requirement to remove the hijab was not acceptable and undertook to retrain staff to ensure this type of incident would not occur again.

The employer also asked to meet with the mother and daughter prior to the conference and at this meeting he offered the daughter employment and support in the workplace. The daughter accepted the employment and advised the Commission the complaint had been successfully conciliated.

Family Status in Employment

A man worked as a supervisor in a large community agency and his brother worked in a separate part of the same workplace. The man alleged family status discrimination when his employment was terminated because his brother's employment "posed a potential for a conflict of interest".

Outcome – Conciliated

When the employer's Head Office received the complaint statement, they reviewed the policy on this issue, reversed the decision to terminate the man and agreed to re-employ him at the same workplace.

Family Responsibility in Employment

A woman living in a remote mining town returned to work from parental leave and requested part time work for three months to allow her to organise child care for her infant. She alleged family responsibility discrimination when the employer said it was unable to accommodate her request for a change to normal work rosters and a flexible return to work.

Outcome – Dismissed – lacking in substance

The company claimed due to a down turn in business staff numbers had been reduced, and the company could not accommodate the complainants request for a flexible return to work. In addition, the company stated the complainant had not been treated any differently to other workers who had made similar requests.

The Commissioner wrote to the company about the difficulties faced by people with family responsibilities, particularly in remote mining towns, and encouraged them to support employees with family responsibilities through changes to return to work policies or by supporting appropriate facilities and services.

Service 2: Avenue of redress for unlawful discrimination

Impairment in Goods, Services and Facilities

A woman with a hearing impairment applied to go on an overseas tour. She alleged impairment discrimination when she was told the tour company because of safety reasons could not accept her booking unless she travelled with a hearing companion. The company claimed none of the hotels on the tour had fire and emergency alarms appropriate for deaf people, or staff trained to deal with this issue.

Outcome – Conciliated

The complainant accepted the explanation there was no requirement in the overseas destination for hotels to have flashing lights in rooms or other deaf related technology to wake people in emergency. She also accepted the message from the tour company had not been clearly conveyed to her by her travel agent.

Impairment in Goods, Services and Facilities

A man visited his local coffee shop and staff raised issue with his carer as to whether he would be fed the coffee by mouth. The man's carer said his client would be fed via a PEG tube. A complaint of impairment discrimination was lodged when the café staff told the carer customers had complained about peg feeding and it was suggested he be taken to the disabled toilets instead.

Outcome – Conciliated

The complainant provided an impact statement and accepted the respondent's letter of apology; and the respondents registered and completed Equal Opportunity Law training.

Impairment in Education

A post graduate university student alleged impairment discrimination after he failed his final year of a master's qualification. He alleged the university failed to adequately consider his impairments or make necessary adjustments in organising his participation in the practical components of his final year course.

The university denied discrimination, and additional information was sought from both parties.

Outcome – Dismissed – lacking in substance

Upon review of complaint file the Acting Commissioner dismissed the complaint as lacking in substance because the complainant had not established there was a causal connection between his impairment and an alleged failure by the university to provide reasonable adjustments.

Nonetheless, the Acting Commissioner wrote to the university about reviewing its processes for identifying when impairment related adjustments were required.

Service 2: Avenue of redress for unlawful discrimination

Race in Goods, Services and Facilities

A woman of African ancestry lodged a complaint of race discrimination because of the way she was allegedly treated by a security officer in a shopping centre. The security officer approached her after he claimed to have received a call from the shopping centre management to check her bag and receipt. She felt she was being racially profiled because she is African.

The allegations of race discrimination was denied, and the security officer claimed he was responding to a call to search the bags of a customer who may have been shoplifting.

Outcome – Conciliated
Financial compensation \$1,500

Race in Access to Places and Vehicles Group complaint

In a regional area, two groups of young Aboriginal people in similar circumstances but on separate days were denied entry to a venue. They believed they were compliant with the entry requirements, and alleged race discrimination when they were denied entry whilst young non-Aboriginal people were allowed in. The service provider explained in their view the young Aboriginal people were not compliant with the entry requirement and that was the reason for being denied entry.

Outcome – Conciliated
Following intensive conciliation sessions with each group, the matter settled with an apology, complementary entry tickets for the young people, and Aboriginal awareness training for staff.

Pregnancy in Employment

A woman advised her employer of her pregnancy and expected her full-time employment would continue late into her pregnancy. Shortly after her standard hours of work were changed, and she was presented with a range of unachievable goals. She said these two factors made it impossible for her to continue working and she claimed this forced her out of her job.

Outcome – Conciliated
Financial compensation \$10,000

An administrative assistant advised her employer she was pregnant. She alleged she was then subject to offensive remarks from colleagues about her mental state. When she complained to her manager she was told her only option was to change her hours and days of work so she would have less contact with the colleagues making the comments. She objected because a change of hours would result in a drop in her pay. At a tear meeting she was subjected to further offensive remarks and decided to leave her employment.

Outcome – Conciliated
Financial compensation \$4,000

Service 2: Avenue of redress for unlawful discrimination

Sex in Employment

A man alleged sex discrimination after he unsuccessfully applied for work as a security officer on '14 occasions'. He claimed sex discrimination on the basis he was well qualified and experienced for this type of work and that the 'HR department and selection panels were comprised entirely of women'.

Outcome – Dismissed – complainant referred to State Administrative Tribunal

The matter was dismissed when the employer provided evidence demonstrating all advertised vacancies for security officers were filled by males and the selection panels were either all male, or mixed gender.

The man disagreed with the decision to dismiss his complaint and required the Commissioner to refer his allegations to the State Administrative Tribunal.

Sex and Age in Education

A woman sent an enquiry to a co-educational private school, advising she was considering enrolling her daughter. She asked the school if there was an option for her to wear shorts/trousers because her daughter did not like wearing skirts. The woman was advised skirts were mandatory for girls and if her daughter did not like wearing skirts this school was not for her.

Outcome – Conciliated

The school agreed to add the options of formal trousers to the girl's winter uniform and formal shorts to the girl's summer uniform.

Sex, Sexual Harassment and Victimisation in Employment

A woman lodged a complaint of sexual harassment, sex discrimination and victimisation because of the way she was treated during a work trial at a deli.

She alleged the deli owner asked her intrusive questions of a sexual nature that made her feel uncomfortable. For example, he asked her if she had sex with her boyfriend, if she watched porn, and he talked about his sexual life when he was younger.

After working a couple more shifts she was going to confront the owner but she was not given any more shifts. The allegations were denied. Other employees were present during the work trial and did not witness any of the allegations claimed in the complaint.

Outcome – Conciliated

Verbal apology given and respondent to attend EO law training.

Service 2: Avenue of redress for unlawful discrimination

Victimisation in Employment

A woman lodged a complaint of sexual harassment against her manager and this was resolved at a conciliation conference.

She claimed that shortly after her complaint was resolved she was made redundant. She then lodged a complaint with the Fair work Commission alleging unfair dismissal.

After that matter was resolved she lodged a complaint of victimisation under discrimination law, claiming her redundancy was causally connected to the sexual harassment complaint she had lodged with the Equal opportunity Commission.

Outcome – Conciliated

Financial compensation \$6,000 and the provision of a letter of regret.

PID Victimisation in Employment

A man lodged a complaint of victimisation against his employer under the Public Interest Disclosure (PID) Act.

Outcome – Dismissed - misconceived

When the complaint was investigated it was found the man had not followed the correct process for lodging a PID, and therefore no PID had been registered.

Because no PID had been registered, and can't be registered retrospectively, the Acting Commissioner had no option but to dismiss the complaint as misconceived as it did not fall under the jurisdiction of the EO Act.

Service 2: Avenue of redress for unlawful discrimination

Complaints referred to the State Administrative Tribunal

Where a complaint has not been resolved, a case report is provided to the Commissioner by the conciliation officer. The Commissioner may refer a complaint to the Tribunal.

Referral of complaints to the Tribunal can occur in one of two ways.

- (i) Referral by the Commissioner under section 93 of the Act, where:
 - The complaint cannot be resolved by conciliation
 - Attempts to resolve the complaint by conciliation have been unsuccessful
 - The Commissioner is of the opinion the nature of the complaint is such that the matter should be referred to the Tribunal.
- (ii) Referral under section 90 of the Act if the complaint was dismissed, and at the request of the complainant.

The Commissioner must provide assistance if requested by complainants whose matters have been referred to the Tribunal under section 93 of the Act. This is generally done by assigning one of the Commission's legal officers to assist the complainant. Complainants whose matters have been dismissed by the Commissioner receive no assistance.

Of the complaints referred to the Tribunal under section 93 of the Act, 60.0% were finalised with the assistance of the Commission's legal officers.

The legal officers day to day activities include assessing the potential complaints of unlawful discrimination lodged with the Commission, providing advice to the Commissioner and conciliation officers regarding complaints under investigation, and preparing responses to exemption applications lodged in the Tribunal.

The legal officers also prepare submissions on equal opportunity and human rights issues to both state and commonwealth inquiries, review the Commission's publications, and draft ministerial correspondence in relation to legal matters.

From time to time legal officers provide advice and guidance to the state government agencies in relation to issues such as recruiting and retaining staff using measures intended to achieve equality exceptions under the Act.

Legal officers also make presentation to employers, universities and government agencies on the application of the Act.

Tribunal case studies

Race in Goods, Services and Facilities

Mallard v City of Fremantle [2018] WASAT 44

Murray Mallard, an Aboriginal man, alleged that the City of Fremantle (the City) discriminated against him on the ground of his race, in the provision of goods, services, and facilities.

Mr Mallard claimed that an employee at the City library suspected him of trying to steal DVDs while he was browsing through the collection because he was an Aboriginal person and refused to serve him. Mr Mallard alleged that he overheard the employee saying "what's he doing, probably trying to steal" on several occasions, although there was no independent evidence of this.

When Mr Mallard complained to the City about his treatment, he received a response stating that security arrangements to prevent thefts of DVDs had been recently updated and were not directed at individual customers.

Service 2: Avenue of redress for unlawful discrimination

The library's manager of service and information met with Mr Mallard and told him that although there was no evidence that the employee had discriminated against him, she would arrange it so that the employee would be moved from the customer service area if he came in again.

The employee claimed that she could not recall any interaction with Mr Mallard, or making any comments in his presence, or refusing to serve him. The Acting Commissioner for Equal Opportunity dismissed Mr Mallard's complaint as lacking in substance. Mr Mallard requested that the Acting Commissioner refer his complaint to the State Administrative Tribunal (Tribunal) for determination.

After hearing evidence, the Tribunal held that although Mr Mallard presented as sincere in his evidence, and was hampered by not being legally represented, he was not able to show on balance of probabilities that he had been discriminated against and dismissed his complaint.

Race in Education

Dawar v Curtin University of Technology [2017] WASAT 140

Ghufranullah Dawar, an ethnic Pashtun from Pakistan, lodged two separate complaints with the Commission, alleging that Curtin University (Curtin) rejected his application to study for a Bachelor of Applied Medical Science in January 2017, and his application to study for a Bachelor of Science (Human Biology) lodged in May 2017, both on the ground of his race.

In response, Curtin stated that Mr Dawar had provided false academic transcripts from Kandahar University in Afghanistan. Mr Dawar alleged that when Curtin sought verification of his academic transcripts from Kandahar, it was under the control of the Taliban. He said that Curtin deliberately sent information to the Taliban instead of the proper persons at Kandahar because it had singled him out because of his race.

The Acting Commissioner for Equal Opportunity dismissed the complaint as lacking in substance, rejecting Mr Dawar's explanation that Curtin was in contact with the Taliban, and accepting that the academic transcripts appeared to be falsified. Mr Dawar requested the Commissioner to refer his complaint to the Tribunal for a determination. Three months later he lodged his second complaint with the Commission, again on the ground of race.

Curtin responded by stating that Mr Dawar's second application had not been rejected, only put on hold while his first complaint was being determined by the Tribunal. The Commissioner dismissed this complaint as lacking in substance. Mr Dawar requested the Commissioner to refer the complaint to the Tribunal.

The Tribunal heard the complaints together, and dismissed them as lacking in substance, essentially for the same reasons as the Commissioner.



Significant issues

Current and emerging issues and trends

As part of the machinery of government reforms the Commission will seek to identify ways in which it can best use its resources, including collaborative initiatives with other government agencies with similar functions as the Commission to identify ways of improving access to Commission services to the following priority groups:

- People living in regional and remote areas
- Both young and older people
- Aboriginal and Torres Strait Islander people
- People with disability
- New and emerging communities.

Where the Commission has identified potential issues of systemic discrimination occurring for these groups, it will attempt to work with relevant organisations to address these matters.

The Commission will continue to review the Act to determine if it is operating in the most effective way possible, taking into account trends and developments in equal opportunity law and changes in community attitude. The WA Government is currently looking into reform in the area of gender recognition, with the Commission providing valuable input.

A national discussion on religious freedom has been gathering momentum following the marriage equality referendum, and is now focussing on religious issues in education, in the provision of goods and services and in employment. This emerging issue is likely to have implications for discrimination legislation in WA and the other states and territories.

Disclosures and legal compliance

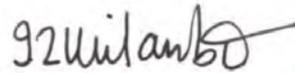
Financial statements

Certification of financial statements

For the year ended 30 June 2018

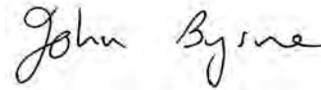
The accompanying financial statements of the Commissioner for Equal Opportunity have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2018 and the financial position as at 30 June 2018.

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

6 September 2018



John Byrne
Acting Commissioner for Equal Opportunity

6 September 2018

Independent auditor's report



Auditor General

INDEPENDENT AUDITOR'S REPORT

To the Parliament of Western Australia

COMMISSIONER FOR EQUAL OPPORTUNITY

Report on the Financial Statements

Opinion

I have audited the financial statements of the Commissioner for Equal Opportunity which comprise the Statement of Financial Position as at 30 June 2018, 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.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Commissioner for Equal Opportunity for the year ended 30 June 2018 and the financial position at the end of that period. They are in accordance with Australian Accounting Standards, the *Financial Management Act 2006* and the Treasurer's Instructions.

Basis for Opinion

I conducted my audit in accordance with the Australian Auditing Standards. My responsibilities under those standards are further described in the *Auditor's Responsibilities for the Audit of the Financial Statements* section of my report. I am independent of the Commissioner in accordance with the *Auditor General Act 2006* and the relevant ethical requirements of the Accounting Professional and Ethical Standards Board's APES 110 *Code of Ethics for Professional Accountants* (the Code) that are relevant to my audit of the financial statements. I have also fulfilled my other ethical responsibilities in accordance with the Code. I believe that the audit evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

Responsibility of the Commissioner 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, the *Financial Management Act 2006* 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.

In preparing the financial statements, the Commissioner is responsible for assessing the agency's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Commissioner.

Auditor's Responsibility for the Audit of the Financial Statements

As required by the *Auditor General Act 2006*, my responsibility is to express an opinion on the financial statements. The objectives of my audit are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion. Reasonable assurance is a high level of assurance, but is not a guarantee that an audit conducted in accordance with Australian Auditing Standards will always detect a material misstatement when it exists. Misstatements can arise from fraud or error and are considered material if, individually or in the aggregate, they could reasonably be expected to influence the economic decisions of users taken on the basis of the financial statements.

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As part of an audit in accordance with Australian Auditing Standards, I exercise professional judgment and maintain professional scepticism throughout the audit. I also:

- Identify and assess the risks of material misstatement of the financial statements, whether due to fraud or error, design and perform audit procedures responsive to those risks, and obtain audit evidence that is sufficient and appropriate to provide a basis for my opinion. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control.
- Obtain an understanding of internal control relevant to the audit in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the agency's internal control.
- Evaluate the appropriateness of accounting policies used and the reasonableness of accounting estimates and related disclosures made by the Commissioner.
- Conclude on the appropriateness of the Commissioner's use of the going concern basis of accounting and, based on the audit evidence obtained, whether a material uncertainty exists related to events or conditions that may cast significant doubt on the agency's ability to continue as a going concern. If I conclude that a material uncertainty exists, I am required to draw attention in my auditor's report to the related disclosures in the financial statements or, if such disclosures are inadequate, to modify my opinion. My conclusions are based on the audit evidence obtained up to the date of my auditor's report.
- Evaluate the overall presentation, structure and content of the financial statements, including the disclosures, and whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation.

I communicate with the Commissioner regarding, among other matters, the planned scope and timing of the audit and significant audit findings, including any significant deficiencies in internal control that I identify during my audit.

Report on Controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Commissioner for Equal Opportunity. The controls exercised by the Commissioner 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 (the overall control objectives).

My opinion has been formed on the basis of the matters outlined in this report.

In my opinion, in all material respects, 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 2018.

The Commissioner's Responsibilities

The Commissioner is responsible for designing, implementing and maintaining controls to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities are in accordance with the *Financial Management Act 2006*, the Treasurer's Instructions and other relevant written law.

Page 2 of 4

Auditor General's Responsibilities

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the suitability of the design of the controls to achieve the overall control objectives and the implementation of the controls as designed. I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3150 *Assurance Engagements on Controls* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements and plan and perform my procedures to obtain reasonable assurance about whether, in all material respects, the controls are suitably designed to achieve the overall control objectives and the controls, necessary to achieve the overall control objectives, were implemented as designed.

An assurance engagement to report on the design and implementation of controls involves performing procedures to obtain evidence about the suitability of the design of controls to achieve the overall control objectives and the implementation of those controls. The procedures selected depend on my judgement, including the assessment of the risks that controls are not suitably designed or implemented as designed. My procedures included testing the implementation of those controls that I consider necessary to achieve the overall control objectives.

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

Limitations of Controls

Because of the inherent limitations of any internal control structure it is possible that, even if the controls are suitably designed and implemented as designed, once the controls are in operation, the overall control objectives may not be achieved so that fraud, error, or noncompliance with laws and regulations may occur and not be detected. Any projection of the outcome of the evaluation of the suitability of the design of controls to future periods is subject to the risk that the controls may become unsuitable because of changes in conditions.

Report on the Key Performance Indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Commissioner for Equal Opportunity for the year ended 30 June 2018. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, 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 2018.

The 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 internal control as the Commissioner determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

In preparing the key performance indicators, the Commissioner is responsible for identifying key performance indicators that are relevant and appropriate having regard to their purpose in accordance with Treasurer's Instruction 904 *Key Performance Indicators*.

Auditor General's Responsibility

As required by the *Auditor General Act 2006*, my responsibility as an assurance practitioner is to express an opinion on the key performance indicators. The objectives of my engagement are to obtain reasonable assurance about whether the key performance indicators are relevant and appropriate to assist users to assess the agency's performance and whether the key performance indicators are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes my opinion.

I conducted my engagement in accordance with Standard on Assurance Engagements ASAE 3000 *Assurance Engagements Other than Audits or Reviews of Historical Financial Information* issued by the Australian Auditing and Assurance Standards Board. That standard requires that I comply with relevant ethical requirements relating to assurance engagements.

An assurance engagement involves performing procedures to obtain evidence about the amounts and disclosures in the key performance indicators. It also involves evaluating the relevance and appropriateness of the key performance indicators against the criteria and guidance in Treasurer's Instruction 904 for measuring the extent of outcome achievement and the efficiency of service delivery. The procedures selected depend on my judgement, including the assessment of the risks of material misstatement of the key performance indicators. In making these risk assessments I obtain an understanding of internal control relevant to the engagement in order to design procedures that are appropriate in the circumstances.

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

My Independence and Quality Control Relating to the Reports on Controls and Key Performance Indicators

I have complied with the independence requirements of the *Auditor General Act 2006* and the relevant ethical requirements relating to assurance engagements. In accordance with ASQC 1 *Quality Control for Firms that Perform Audits and Reviews of Financial Reports and Other Financial Information, and Other Assurance Engagements*, the Office of the Auditor General maintains a comprehensive system of quality control including documented policies and procedures regarding compliance with ethical requirements, professional standards and applicable legal and regulatory 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 2018 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.


SANDRA LABUSCHAGNE
ACTING DEPUTY AUDITOR GENERAL
Delegate of the Auditor General for Western Australia
Perth, Western Australia
17 September 2018

Financial statements

Commissioner for Equal Opportunity

Statement of comprehensive income for the year ended 30 June 2018

	Notes	2018 \$	2017 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	6	2,520,718	2,536,224
Supplies and services	8	458,011	501,983
Depreciation and amortisation expense	9	49,430	71,110
Accommodation expenses	10	955,751	907,094
Other expenses	11	37,193	46,432
Total cost of services		4,021,103	4,062,844
Income			
Revenue			
User charges and fees	13	117,916	101,635
Commonwealth grants and contributions	14	4,305	22,480
Other revenue	15	3,049	32,748
Total revenue		125,270	156,863
Total income other than income from State Government		125,270	156,863
NET COST OF SERVICES		3,895,833	3,905,980
Income from State Government			
Service appropriation	16	3,898,000	3,894,000
Service received free of charge	16	41,388	41,630
Total income from State Government		3,939,388	3,935,630
SURPLUS/ (DEFICIT) FOR THE PERIOD		43,555	29,650
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		43,555	29,650

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

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

Financial statements

Commissioner for Equal Opportunity

Statement of financial position as at 30 June 2018

	Notes	2018 \$	2017 \$
ASSETS			
Current Assets			
Cash and cash equivalents	27	375,427	479,403
Receivables	18	68,227	36,641
Amounts receivable for services	19	28,000	42,000
Other current assets	20	12,630	16,349
Total Current Assets		484,285	574,393
Non-Current Assets			
Restricted cash and cash equivalents	17,27	16,000	8,000
Amounts receivable for services	19	438,000	394,000
Property, plant and equipment	21	71,186	78,952
Intangible assets	22	-	9,058
Total Non-Current Assets		525,186	490,010
TOTAL ASSETS		1,009,470	1,064,403
LIABILITIES			
Current Liabilities			
Payables	24	142,811	165,680
Provisions	25	573,729	677,472
Total Current Liabilities		716,540	843,152
Non-Current Liabilities			
Provisions	25	70,249	42,127
Total Non-Current Liabilities		70,249	42,127
TOTAL LIABILITIES		786,790	885,279
NET ASSETS		222,680	179,124
EQUITY			
Contributed equity	26	604,000	604,000
Accumulated surplus/(deficit)		(381,320)	(424,876)
TOTAL EQUITY		222,680	179,124

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

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

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Statement of changes in equity for the year ended 30 June 2018

	Notes	equity \$	deficit \$	Total equity \$
Balance at 1 July 2016	26	604,000	(454,526)	149,474
Surplus/(deficit)		-	29,650	29,650
Total comprehensive income for the period		604,000	(424,876)	179,124
Transactions with owners in their capacity as owners:				
Capital appropriations		-	-	-
Total		-	-	-
Balance at 30 June 2017		604,000	(424,876)	179,124
Balance at 1 July 2017		604,000	(424,876)	179,124
Surplus/(deficit)		-	43,555	43,555
Total comprehensive income for the period		604,000	(381,320)	222,680
Transactions with owners in their capacity as owners:				
Capital appropriations		-	-	-
Total		-	-	-
Balance at 30 June 2018		604,000	(381,320)	222,680

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Statement of cash flows for the year ended 30 June 2018

	Notes	2018 \$	2017 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		3,826,000	3,792,000
Holding account drawdown		42,000	16,000
Net cash provided by State Government		3,868,000	3,808,000
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Employee benefits		(2,600,026)	(2,330,032)
Supplies and services		(468,837)	(524,905)
Accommodation		(956,000)	(907,094)
GST payments on purchases		(149,559)	(147,115)
Receipts			
Grants and subsidies		4,305	22,480
Receipts from services		88,979	143,605
GST receipts on sales		13,494	12,496
GST receipts from taxation authority		136,465	131,273
Net cash provided by/(used in) operating activities	27	(3,931,179)	(3,599,292)
CASH FLOWS FROM INVESTING ACTIVITIES			
Payments			
Purchase of non-current assets		(32,798)	-
Net cash provided by/(used in) investing activities		(32,798)	-
Net increase/(decrease) in cash and cash equivalents		(95,976)	208,708
Cash and cash equivalents at the beginning of the period		487,403	278,695
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD	27	391,427	487,403

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

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Statement of income and expenses by service for the year ended 30 June 2018

	Provision of Information		Avenue for Redress		Total	
	2018 \$	2017 \$	2018 \$	2017 \$	2018 \$	2017 \$
COST OF SERVICES						
Expenses						
Employee benefit expense	1,323,377	1,331,517	1,197,341	1,204,706	2,520,718	2,536,224
Supplies and services	240,456	263,541	217,555	238,442	458,011	501,983
Depreciation and amortisation expense	25,951	37,333	23,479	33,777	49,430	71,110
Accommodation expenses	501,769	476,224	453,982	430,870	955,751	907,094
Other expenses	19,526	24,377	17,667	22,055	37,193	46,432
Total cost of services	2,111,079	2,132,993	1,910,024	1,929,851	4,021,103	4,062,844
Income						
Revenue						
User charges and fees	117,916	101,635	-	-	117,916	101,635
Commonwealth grants and contributions	4,305	22,480	-	-	4,305	22,480
Other revenue	3,049	32,748	-	-	3,049	32,748
Total income other than income from State Government	125,270	156,863	-	-	125,270	156,863
NET COST OF SERVICES	1,985,809	1,976,130	1,910,024	1,929,851	3,895,833	3,905,980
Income from State Government						
Service appropriation	2,046,450	2,044,350	1,851,550	1,849,650	3,898,000	3,894,000
Services received free of charge	21,729	21,856	19,659	19,775	41,388	41,631
Total income from State Government	2,068,179	2,066,206	1,871,209	1,869,425	3,939,388	3,935,630
SURPLUS/(DEFICIT) FOR THE PERIOD	82,370	90,076	(38,815)	(60,426)	43,555	29,650

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

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Schedule of assets and liabilities by service as at 30 June 2018

	Provision of Information		Avenue for Redress		Total	
	2018 \$	2017 \$	2018 \$	2017 \$	2018 \$	2017 \$
Assets						
Current assets	254,249	301,556	230,035	272,837	484,285	574,393
Non-current assets	275,722	257,255	249,463	232,755	525,186	490,010
Total assets	529,972	558,811	479,498	505,591	1,009,470	1,064,403
Liabilities						
Current liabilities	376,184	442,655	340,357	400,497	716,540	843,152
Total non-current liabilities	36,881	22,116	33,368	20,010	70,249	42,127
Total liabilities	413,065	464,771	373,725	420,507	786,790	885,279
NET ASSETS	116,907	94,040	105,773	85,084	222,680	179,124

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

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Summary of consolidated account appropriations and income estimates for the year ended 30 June 2018

	2018 Estimate \$	2018 Actual \$	Variance \$	2018 Actual \$	2017 Actual \$	Variance \$
Delivery of Services						
Item 51 Net amount appropriated to deliver services	3,694,000	3,898,000	204,000	3,898,000	3,847,000	51,000.00
Amount Authorised by Other Statutes						
- Salaries and Allowances Act 1975	115,000	-	(115,000)	-	47,000	(47,000)
Total appropriations provided to deliver services	3,809,000	3,898,000	89,000	3,898,000	3,894,000	(4,000)
Capital						
Capital appropriations	-	-	-	-	-	-
GRAND TOTAL	3,809,000	3,898,000	89,000	3,898,000	3,894,000	(4,000)
Details of Expenses by Service						
Provision of Information	2,048,000	2,111,079	63,079	2,111,079	2,132,993	(21,914)
Avenue of Redress	1,964,000	1,910,024	(53,976)	1,910,024	1,929,851	(19,827)
Total cost of services	4,012,000	4,021,103	9,103	4,021,103	4,062,844	(41,741)
Less Total Income	(195,000)	(125,270)	(69,730)	(125,270)	(156,863)	31,593
Net Cost of Services	3,817,000	3,895,833	78,833	3,895,833	3,905,981	(10,148)
Adjustments	-	-	-	-	11,980	11,980
Total appropriations provided to deliver services	3,817,000	3,895,833	(69,730)	3,895,833	3,894,001	1,832
Capital Expenditure						
Purchase of non-current assets	-	-	-	-	-	-
Adjustments for other funding sources	-	-	-	-	-	-
Capital appropriations	-	-	-	-	-	-

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

Note 31 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2018 and between the actual results for 2018 and 2017.

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Notes to the financial statements for the year ended 30 June 2018

Note 1 Australian Accounting Standards

General

The Commission's financial statements for the year ended 30 June 2018 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 early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Commission for the annual reporting period ended 30 June 2018.

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 2006* 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, except for land, buildings and infrastructure which have been measured at fair value.

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

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

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 reporting period.

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Notes to the financial statements for the year ended 30 June 2018

(c) Reporting entity

The reporting entity comprises the Commission and no other related bodies.

Mission

The Commission's mission is to lead in the elimination of discrimination and build a community that reflects and promotes equality of opportunity and human rights.

The Commission is predominantly funded by Parliamentary appropriations. It also 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.

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

(e) Income

Revenue recognition

Revenue is 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.

Interest

Revenue is recognised as the interest accrues.

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.

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[Notes to the financial statements](#) for the year ended 30 June 2018

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 most recent determination, as quantified in the 2017-18 Budget Statements, the Commission retained \$125,270 (\$156,863 in 2017) from the following:

- Proceeds from the provision of Community Education Services;
- Proceeds from the provision of service to the Indian Ocean Territories.

Grants, donations, gifts and other non-reciprocal contributions

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

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 received \$4,305 funding from the Commonwealth for the provision of service for the Indian Ocean Territories in 2017/18, (\$22,480 in 2016/17).

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

Capitalisation/expensing of assets

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

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Notes to the financial statements for the year ended 30 June 2018

(g) Intangible assets

Capitalisation/expensing of assets

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets costing \$5,000 or more are capitalised. The cost of utilising the assets is expensed (amortised) over their useful lives. 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 costs 3 years

Software (a) 3-5 years

(a) Software that is not integral to the operation of any related 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.

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Notes to the financial statements for the year ended 30 June 2018

(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:

- Receivables; and
- Financial liabilities measured at amortised cost.

Financial instruments have been disaggregated into the following classes:

- Financial Assets
 - Cash and cash equivalents
 - Restricted cash and cash equivalents
 - Receivables
 - Amounts receivable for services
- Financial Liabilities
 - Payables

Initial recognition and measurement of financial instruments is at fair value which normally equates to the transaction cost or the face value.

Subsequent measurement is at amortised cost using the effective interest method.

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

(k) Cash and cash equivalents

For the purpose of the Statement of Cash Flows, cash and cash equivalent (and restricted cash and cash equivalent) assets comprise cash on hand and short-term deposits with original maturities of three months or less that are readily convertible to a known amount of cash and which are subject to insignificant risk of changes in value.

(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 (refer Note 24).

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 uncollectable amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectable are written-off against the allowance account. The allowance for uncollectable 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.

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Notes to the financial statements for the year ended 30 June 2018

(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.

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[Notes to the financial statements](#) for the year ended 30 June 2018

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 undiscounted 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) and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

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.

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). From 30 March 2012, existing members of the WSS or GESBS and new employees have been able to choose their preferred superannuation fund provider.

The Commission makes contributions to GESB or other fund provider 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 employees who are not members of Pension Scheme or GSS.

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.

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

Provisions – other

Employment on-costs

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

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Notes to the financial statements for the year ended 30 June 2018

(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, or other superannuation funds. The employer contribution paid to the GESB in respect of the GSS is paid back into the Consolidated Account by the GESB

(r) Assets and services received free of charge or for nominal cost

Assets and services received free of charge or for nominal cost that can be reliably measured are recognised as income at fair value of the assets and/or the fair value of those services that can be reliably measured and the Commission would otherwise pay for. A corresponding expense is recognised for services received. Receipts of assets re-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 reporting period.

Long service leave

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

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[Notes to the financial statements](#) for the year ended 30 June 2018

Note 5 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* or by an exemption from TI 1101. Where applicable, the Commission plans to apply the following Australian Accounting Standards from their application date.

		Operative for reporting periods beginning on/after
AASB 9	<i>Financial Instruments</i> This Standard supersedes AASB 139 Financial Instruments: Recognition and Measurement, introducing a number of changes to accounting treatments. The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2018
AASB 15	<i>Revenue from Contracts with Customers</i> This Standard establishes the principles that the Commission shall apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer. The mandatory application date of this Standard is currently 1 July 2019 after being amended by AASB 2016-17. The Commission has not yet determined the application or the potential impact of the Standard.	1 Jan 2019
AASB 16	<i>Leases</i> This Standard introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value. Whilst the impact of AASB 16 has not yet been quantified, the Commission currently has commitments for \$1,271,668 worth of non-cancellable operating leases which will mostly be brought onto the Statement of Financial Position. Interest and amortisation expense will increase and rental expense will decrease.	1 Jan 2019

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Notes to the financial statements for the year ended 30 June 2018

		Operative for reporting periods beginning on/after
AASB 1058	<i>Income of Not-for-Profit Entities</i> <p>This Standard clarifies and simplifies the income recognition requirements that apply to not-for-profit (NFP) entities, more closely reflecting the economic reality of NFP entity transactions that are not contracts with customers. Timing of income recognition is dependent on whether such a transaction gives rise to a liability, a performance obligation (a promise to transfer a good or service), or a contribution by owners, related to an asset (such as cash of another asset) received by an agency. The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2019
AASB 2010-7	<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 & 1038 and Int 2, 5, 10, 12, 19 & 127]</i> <p>This Standard makes consequential amendments to other Australian Accounting Standards and Interpretations as a result of issuing AASB 9 in December 2010.</p> <p>The mandatory application date of this Standard has been amended by AASB 2012-6 and AASB 2014-1 to 1 January 2018. The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2018
AASB 2014-1	<i>Amendments to Australian Accounting Standards</i> <p>Part E of this Standard makes amendments to AASB 9 and consequential amendments to other Standards. It has not yet been assessed by the Commission to determine the application or potential impact of the Standard.</p>	1 Jan 2018
AASB 2014-5	<i>Amendments to Australian Accounting Standards arising from AASB 15</i> <p>This Standard gives effect to consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 15. The mandatory application date of this Standard has been amended by AASB 2015-8 to 1 January 2018. The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2018

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		Operative for reporting periods beginning on/after
AASB 2014-7	<p><i>Amendments to Australian Accounting Standards arising from AASB 9 (December 2014)</i></p> <p>This Standard gives effect to the consequential amendments to Australian Accounting Standards (including Interpretations) arising from the issuance of AASB 9 (December 2014). The Commission has not yet determined the application or the potential impact of the Standard.</p>	1 Jan 2018
AASB 2015-8	<p><i>Amendments to Australian Accounting Standards – Effective Date of AASB 15</i></p> <p>This Standard amends the mandatory application date of AASB 15 <i>Revenue from Contracts with Customers</i> to 1 January 2018 (instead of 1 January 2017). It also defers the consequential amendments that were originally set out in AASB 2014-5. There is no financial impact arising from this standard.</p>	1 Jan 2018
AASB 2016-3	<p><i>Amendments to Australian Accounting Standards – Clarifications to AASB 15</i></p> <p>This Standard clarifies identifying performance obligations, principal versus agent considerations, timing of recognising revenue from granting a licence, and, provides further transitional provisions to AASB 15. The Commission has not yet determined the application or the potential impact when the deferred AASB 15 becomes effective from 1 January 2019).</p>	1 Jan 2018
AASB 2016-7	<p><i>Amendments to Australian Accounting Standards – Deferral of AASB 15 for Not-for-Profit Entities</i></p> <p>This Standard defers, for not-for-profit entities, the mandatory application date of AASB 15 to 1 January 2019, and the consequential amendments that were originally set out in AASB 2014-5. There is no financial impact arising from this standard.</p>	1 Jan 2018
AASB 2016-8	<p><i>Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Entities</i></p> <p>This Standard inserts Australian requirements and authoritative implementation guidance for not-for-profit entities into AASB 9 and AASB 15. This guidance assists not-for-profit entities in applying those Standards to particular transactions and other events. There is no financial impact.</p>	1 Jan 2019

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Notes to the financial statements for the year ended 30 June 2018

Note 6 Employee benefits expense

	2018 \$	2017 \$
Wages and salaries (a)	2,276,628	2,288,701
Superannuation – defined contribution plans (b)	235,891	221,843
Other related expenses	8,198	25,680
	<u>2,520,718</u>	<u>2,536,224</u>

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

b) Defined contribution plans include West State, Gold State, GESB and other eligible funds.

Employment on-costs expenses, such as workers' compensation insurance are included at note 11 'Other Expenses'.

Employment on-costs liability is included in note 25 'Provisions'.

Note 7 Compensation of key management personnel

The Commission has determined that key management personnel include Ministers and senior officers of the Commission. However, the Commission is not obligated to compensate Ministers and therefore disclosures in relation to Ministers' compensation may be found in the Annual Report on State Finances.

Total compensation for senior officers of the Commission for the reporting period are presented within the following bands:

	2018 No of officers	2017 No of officers
20,001 - 30,000	-	1
120,001 - 130,000	-	1
140,001 – 150,000	-	1
150,001 – 160,000	1	1
160,001 – 170,000	1	1
170,001 – 180,000	-	-
180,001 – 190,000	-	-
190,001 – 200,000	-	1
200,001 – 210,000	1	-
240,001 – 250,000	1	-

	2018 \$	2017 \$
Short-term employee benefits	621,313	654,480
Post-employment benefits	77,069	75,587
Other long-term benefits	71,847	76,596
Termination benefits	-	-
Total remuneration of senior officers	<u>770,229</u>	<u>806,663</u>

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Notes to the financial statements for the year ended 30 June 2018

Note 8 Supplies and services

	2018 \$	2017 \$
Communications	39,796	53,725
Consultants and contractors	328,896	308,746
Consumables	10,213	9,922
Materials	3,972	69,555
Travel	20,327	16,154
Other	54,808	43,881
	458,011	501,983

Note 9 Depreciation and amortisation expense

	2018 \$	2017 \$
<u>Depreciation</u>		
Office equipment	7,646	11,636
Computer hardware	1,711	5,943
Furniture fixtures and fittings	31,015	31,015
Total depreciation	40,372	48,594
<u>Amortisation</u>		
Intangible assets	9,058	22,517
Total amortisation	9,058	22,517
Total depreciation and amortisation	49,430	71,110

Note 10 Accommodation expenses

	2018 \$	2017 \$
Building rental operating lease expense	955,751	907,094
	955,751	907,094

Note 11 Other expenses

	2018 \$	2017 \$
Other Expenses	37,193	46,432
	37,193	46,432

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Notes to the financial statements for the year ended 30 June 2018

Note 12 Related party transactions

The Commission is a wholly owned public sector entity that is controlled by the State of Western Australia. Related parties of the Commission include:

- all cabinet ministers and their close family members, and their controlled or jointly controlled entities;
- all senior officers and their close family members, and their controlled or jointly controlled entities;
- other departments and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly-owned public sector agencies);
- associates and joint ventures of a wholly-owned public sector entity; and
- the Government Employees Superannuation Board (GESB).

Significant transactions with Government-related entities

In conducting its activities, the Commission is required to transact with the State and entities related to the State. These transactions are generally based on the standard terms and conditions that apply to all agencies.

Such transactions include:

- income from State Government (Note 16);
- equity contributions (Note 26);
- superannuation payments to GESB (Note 6);
- lease rental payments to the Department of Finance (Government Office Accommodation and State Fleet) and related outstanding balances (Note 28);
- insurance payments to the Insurance Commission and Riskcover fund (Note 11); and
- remuneration for services provided by the Auditor General (Note 33).

Material transactions with related parties

Outside of normal citizen type transactions with the Commission, there were no other related party transactions that involved key management personnel and/or their close family members and/or their controlled (or jointly controlled) entities.

Note 13 User charges and fees

	2018 \$	2017 \$
Training course fees	117,916	101,635
	<u>117,916</u>	<u>101,635</u>

Note 14 Commonwealth grants and contributions

	2018 \$	2017 \$
Grant from Commonwealth – Indian Ocean Territories	4,305	22,480
	<u>4,305</u>	<u>22,480</u>

Note 15 Other revenue

	2018 \$	2017 \$
Recoups	-	28,574
Other revenues	3,049	4,174
	<u>3,049</u>	<u>32,748</u>

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Notes to the financial statements for the year ended 30 June 2018

Note 16 Income from State Government

	2018 \$	2017 \$
Appropriation received during the period:		
Service appropriations (a)	3,898,000	3,894,000
	3,898,000	3,894,000
Services received free of charge (b)		
Determined on the basis of the following estimates provided by agencies:		
Department of Finance – Leasing	12,356	9,493
Department of Local Government, Sport and Cultural Industries – Financial Management service	29,032	32,137
	41,388	41,630
	3,939,388	3,935,630

(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 17 Restricted cash and cash equivalents

	2018 \$	2017 \$
<u>Current</u>		
Accrued salaries suspense account (a)	16,000	8,000
	16,000	8,000

(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 18 Receivables

	2018 \$	2017 \$
<u>Current</u>		
Receivables	43,614	11,628
GST receivable	24,613	25,013
Total current	68,227	36,641

Note 19 Amounts receivable for services (Holding Account)

	2018 \$	2017 \$
<u>Current</u>	28,000	42,000
Non-current	438,000	394,000
	466,000	436,000

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.

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Notes to the financial statements for the year ended 30 June 2018

Note 20 Other assets

	2018 \$	2017 \$
<u>Current</u>		
Prepayments	12,630	16,349
Total current	12,630	16,349

Note 21 Plant and equipment

	2018 \$	2017 \$
<u>Office equipment</u>		
At cost	62,934	67,914
Accumulated depreciation	(28,194)	(58,134)
	34,740	9,781
<u>Furniture fixtures and fittings</u>		
At cost	341,863	341,863
Accumulated depreciation	(305,417)	(274,403)
	36,446	67,460
<u>Computer hardware</u>		
At cost	32,814	32,814
Accumulated depreciation	(32,814)	(31,102)
	-	1,711
	71,186	78,952

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 \$	Total \$
2018				
Carrying amount at start of period	9,781	67,460	1,711	78,952
Additions	32,606	-	-	32,606
Depreciation	(7,646)	(31,015)	(1,711)	(40,372)
Carrying amount at end of period	34,740	36,446	-	71,186
2017				
Carrying amount at start of period	21,417	98,475	7,654	127,546
Additions	-	-	-	-
Depreciation	(11,636)	(31,015)	(5,943)	(48,594)
Carrying amount at end of period	9,781	67,460	1,711	78,952

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Notes to the financial statements for the year ended 30 June 2018

Note 22 Intangible assets

	2018 \$	2017 \$
<u>Computer software</u>	95,094	95,094
At cost	(95,094)	(86,036)
Accumulated amortisation	-	9,058
Reconciliations:		
<u>Computer software</u>		
Carrying amount at start of period	9,058	31,575
Additions	-	-
Amortisation expense	(9,058)	(22,517)
	-	9,058
Carrying amount at end of period	-	9,058

Note 23 Impairment of assets

There were no indications of impairment to plant and equipment and intangible assets at 30 June 2018.

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 24 Payables

	2018 \$	2017 \$
Current		
Accrued salaries	10,659	9,491
Accrued expenses	84,969	128,016
Trade payables	47,183	28,173
Total current	142,811	165,680

Note 25 Provisions

	2018 \$	2017 \$
Current		
<u>Employee benefit provision</u>		
Annual leave (a)	167,723	135,311
Long service leave (b)	411,189	538,066
Purchased leave (c)	(6,300)	2,627
	572,612	676,005
<u>Other provisions</u>		
Employment on-costs (d)	1,117	1,467
	1,117	1,467
	573,729	677,472
Non-Current		
<u>Employee benefit provision</u>		
Long service leave (b)	70,118	42,038
	70,118	42,038
<u>Other provisions</u>		
Employment on-costs (d)	131	89
	131	89
	70,249	42,127

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Notes to the financial statements for the year ended 30 June 2018

(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:

	2018 \$	2017 \$
Within 12 months of the end of the reporting period	154,738	126,686
More than 12 months after the end of the reporting period	12,985	8,625
	<u>167,723</u>	<u>135,311</u>

(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:

	2018 \$	2017 \$
Within 12 months of the end of the reporting period	211,032	261,415
More than 12 months after the end of the reporting period	270,275	318,689
	<u>481,307</u>	<u>580,104</u>

(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:

	2018 \$	2017 \$
Within 12 months of the end of the reporting period	(6,300)	2,627
	<u>(6,300)</u>	<u>2,627</u>

(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 11 'Other expenses'.

Movements in each class of provisions during the financial year, other than employee benefits, are set out below:

	2018 \$	2017 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of period	1,556	1,199
Additional/(reversals of) provisions recognised	(307)	357
Carrying amount at end of period	<u>1,249</u>	<u>1,556</u>

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Notes to the financial statements for the year ended 30 June 2018

Note 26 Equity

The Western Australian 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.

	2018 \$	2017 \$
Contributed equity		
Balance at start of period	604,000	604,000
<u>Contributions by owners</u>		
Capital appropriation	-	-
Total contribution by owners	-	-
Balance at end of period	604,000	604,000
Accumulated surplus/(deficit)		
Balance at start of year	(424,876)	(454,526)
Result for the period	43,556	29,650
Balance at end of period	(381,320)	(424,876)
Total equity at end of period	222,680	179,124

Note 27 Notes to the Statement of Cash Flows

Reconciliation of cash

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

	2018 \$	2017 \$
Cash and cash equivalents	375,427	479,403
Restricted cash and cash equivalents (Note 17 'Restricted cash and cash equivalents')	16,000	8,000
	391,427	487,403

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Notes to the financial statements for the year ended 30 June 2018

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

	2018 \$	2017 \$
Net cost of services	(3,895,833)	(3,905,980)
<u>Non-cash items</u>		
Depreciation and amortisation expense	49,430	71,110
Services received free of charge	41,388	41,630
<u>(Increase)/decrease in assets:</u>		
Current receivables (a)	(31,586)	9,222
Other current assets	3,719	(508)
<u>Increase/(decrease) in liabilities:</u>		
Current payables (a)	(21,940)	570
Current provisions	(104,880)	186,158
Non-current provisions	28,123	893
Net GST receipts/(payments) (b)	400	(3,346)
Change in GST in receivables/payables (c)	-	959
Net cash provided by/(used in) operating activities	(3,931,179)	(3,599,292)

(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 28 Commitments

The commitments below are inclusive of GST where relevant.

	2018 \$	2017 \$
Non-cancellable operating lease commitments		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	693,209	668,396
Later than 1 year and not later than 5 years	578,459	1,217,481
Later than 5 years	-	-
	1,271,668	1,885,877

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. Contingent rent provisions with the lease agreement require that the minimum lease payments shall be increased by 4.5% to a maximum of 9% per annum. An option exists to renew the lease at the end of the five year term for an additional term of five years.

Note 29 Contingent liabilities and contingent assets

There are no contingent liabilities or contingent assets as at 30 June 2018.

Note 30 Event occurring after the balanced sheet date

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

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Notes to the financial statements for the year ended 30 June 2018

Note 31 Explanatory Statement

All variances between estimates (original budget) and actual results for 2018 and between the actual results for 2018 and 2017 are shown below. Narratives are provided for selected major variances, which are generally greater than:

- 5% and \$80,422 for the Statements of Comprehensive Income and Cash Flows; and 5% and \$20,189 for the Statement of Financial Position.

	Variance Note	Estimate 2018 \$	Actual 2018 \$	Actual 2017 \$	Variance between estimates and actual \$	Variance between actual results for 2018 and 2017 \$
Expenses						
Employee benefits expense	1	2,829,000	2,520,718	2,536,224	(308,283)	(15,506)
Supplies and services	2	301,000	458,011	501,983	157,011	(43,972)
Depreciation and amortisation expense		72,000	49,430	71,110	(22,570)	(21,680)
Accommodation expenses	3	695,000	955,751	907,094	260,751	48,657
Other expenses		115,000	37,193	46,432	(77,807)	(9,239)
Total cost of services		4,012,000	4,021,103	4,062,844	9,103	(41,741)
Income						
<i>Revenue</i>						
User charges and fees		160,000	117,916	101,635	(42,084)	16,281
Commonwealth grants and contributions		35,000	4,305	22,480	(30,695)	(18,175)
Other revenue		-	3,049	32,748	3,049	(29,699)
Total revenue		195,000	125,270	156,863	(69,730)	(31,593)
Total income other than income from State Government		195,000	125,270	156,863	(69,730)	(31,593)
NET COST OF SERVICES		3,817,000	3,895,833	3,905,980	78,833	(10,147)
Income from State Government						
Service appropriation	4	3,809,000	3,898,000	3,894,000	89,000	4,000
Service received free of charge		8,000	41,388	41,630	33,388	(242)
Total income from State Government		3,817,000	3,939,388	3,935,630	122,388	3,758
SURPLUS/(DEFICIT) FOR THE PERIOD		-	43,555	29,650	43,555	13,906
TOTAL COMPREHENSIVE INCOME FOR THE PERIOD		-	43,555	29,650	43,555	13,906

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Notes to the financial statements for the year ended 30 June 2018

	Variance Note	Estimate 2018 \$	Actual 2018 \$	Actual 2017 \$	Variance between estimates and actual \$	Variance between actual results for 2018 and 2017 \$
ASSETS						
Current Assets						
Cash and cash equivalents	5,A	200,000	375,427	479,403	175,427	(103,976)
Receivables	6,B	43,000	68,227	36,641	25,227	31,586
Amounts receivable for services		46,000	28,000	42,000	(18,000)	(14,000)
Other current assets		16,000	12,630	16,349	(3,370)	(3,718)
Total Current Assets		305,000	484,285	574,393	179,285	(90,108)
Non-Current Assets						
Restricted cash and cash equivalents		-	16,000	8,000	16,000	8,000
Amounts receivable for services		420,000	438,000	394,000	18,000	44,000
Plant and equipment	7	35,000	71,186	78,952	36,186	(7,766)
Intangible assets		8,000	-	9,058	(8,000)	(9,058)
Total Non-Current Assets		463,000	525,186	490,010	62,186	35,176
TOTAL ASSETS		768,000	1,009,470	1,064,403	241,470	(54,933)
LIABILITIES						
Current Liabilities						
Payables	C	161,000	142,811	165,680	(18,189)	(22,869)
Provision	8,D	497,000	573,729	677,472	76,729	(103,743)
Total Current Liabilities		658,000	716,540	843,152	58,540	(126,612)
Non-Current Liabilities						
Provisions	9,E	41,000	70,249	42,127	29,249	28,123
Total Non-Current Liabilities		41,000	70,249	42,127	29,249	28,123
TOTAL LIABILITIES		699,000	786,790	885,279	87,790	(98,489)
NET ASSETS		69,000	222,680	179,124	153,680	43,555
EQUITY						
Contributed equity		604,000	604,000	604,000	-	-
Accumulated surplus/(deficit)		(535,000)	(381,320)	(424,876)	153,680	43,555
TOTAL EQUITY		69,000	222,680	179,124	153,680	43,555

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Notes to the financial statements for the year ended 30 June 2018

	Variance Note	Estimate 2018 \$	Actual 2018 \$	Actual 2017 \$	Variance between estimates and actual \$	Variance between actual results for 2018 and 2017 \$
CASH FLOWS FROM STATE GOVERNMENT						
Service appropriation	10	3,737,000	3,826,000	3,792,000	89,000	34,000
Holding account drawdown		42,000	42,000	16,000	-	26,000
Net cash provided by State Government		3,779,000	3,868,000	3,808,000	89,000	60,000
CASH FLOWS FROM OPERATING ACTIVITIES						
Payments						
Employee benefits	11,F	(2,864,000)	(2,600,026)	(2,330,032)	263,974	(269,994)
Supplies and services	12	(264,000)	(468,837)	(524,905)	(204,837)	56,068
Accommodation	13	(695,000)	(956,000)	(907,094)	(261,000)	(48,906)
GST payments on purchases		(208,000)	(149,559)	(147,115)	58,441	(2,444)
Receipts						
Grants and subsidies		35,000	4,305	22,480	(30,695)	(18,175)
Receipts from services		160,000	88,979	143,605	(71,021)	(54,626)
GST receipts on sales		78,000	13,494	12,496	(64,506)	998
GST receipts from taxation authority	14	21,000	136,465	131,273	115,465	5,192
Net cash provided by/(used in) operating activities		(3,737,000)	(3,931,179)	(3,599,292)	(194,179)	(331,887)
CASH FLOWS FROM INVESTING ACTIVITIES						
Payments						
Purchase of non-current assets		(42,000)	(32,798)	-	9,202	(32,798)
Net cash provided by/(used in) investing activities		(42,000)	(32,798)	-	9,202	(32,798)
Net increase/(decrease) in cash and cash equivalents		-	(95,976)	208,708	(95,976)	(304,684)
Cash and cash equivalents at the beginning of period		200,000	487,403	278,693	287,403	208,710
CASH AND CASH EQUIVALENTS AT THE END OF THE PERIOD		200,000	391,427	487,401	191,427	(95,974)

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[Notes to the financial statements](#) for the year ended 30 June 2018

Major Estimate (2018) and Actual (2018) Variance Narratives

Statement of Comprehensive Income

1. The salaries estimate for 2018 was overstated by the double counting of additional funding provided for the Acting Commissioner and assistant.
2. Increased IT consultancy costs and temporary staffing costs to back fill key staff on periods of leave.
3. Higher than expected property maintenance and variable outgoing costs from 2016-17. The 2018 estimate was not updated to reflect this increase.
4. Net VTSS Funding received of \$161,000 not included in the estimate partially offset by SAT funding of \$115,000 returned to Treasury during the year.

Statement of Financial Position

5. The receipt of funding of \$175,000 for VTSS separations in 2017-18 placed the Commission in a favourable cash position.
6. Increased community demand above estimate for commission training services during the latter part of the financial year.
7. Purchase of essential additional equipment during 2017-18.
8. Provisions are aligned with actuarial assessment based on current staffing levels. The budget estimate understated the projected expenditure in this area.
9. Provisions are aligned with actuarial assessment based on current staffing levels. The budget estimate understated the projected expenditure in this area.

Statement of Cashflows

10. Net VTSS Funding received of \$161,000 not included in the estimate partially offset by SAT funding of \$115,000 returned to Treasury during the year.
11. The salaries estimate for 2018 was overstated by the double counting of additional funding provided for the Acting Commissioner and assistant.
12. Increased current year payments for supplies and services from 2017-18 carried forward funds not reflected in 2018 estimates.
13. Increased rental and variable outgoings payments during the year along with the budget estimate understated the projected expenditure in this area.
14. GST payments increased proportionally in relation to increased expenditure payments during the year.

Major Actual (2018) and Comparative (2017) Variance Narratives

Statement of Financial Position

- A. Return to consolidated fund of unspent Salaries and Allowances funding and the salary savings associated with the approved 2017 VTSS separation.
- B. Increased community demand above estimate for Commission training services during the latter part of the financial year.
- C. General decrease in expenditure due to revised policies and lower workforce related expenses
- D. VTSS separations result in lower levels of current provisions for employees. Provisions are aligned with actuarial assessment based on current staffing levels.
- E. Non-current provisions increased due to staffing movements during the year. Provisions are aligned with actuarial assessment based on current staffing levels.

Statement of Cashflows

- F. VTSS separations including employee provision payouts resulted in increased employee benefits payments during the year.

Financial statements

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2018

Note 32 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 32(c) 'Financial instrument disclosures' and Note 18 '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 on-going 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 drawdown 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:

	2018	2017
Non-cancellable operating lease commitments	\$	\$
<u>Financial Assets</u>		
Cash and cash equivalents	375,427	479,403
Restricted cash and cash equivalents	16,000	8,000
Receivables (a)	509,614	447,628
<u>Financial Liabilities</u>		
Payables	142,811	165,680

(a) The amount of receivables excludes GST recoverable from the ATO (statutory receivable) and includes receivables and amounts receivable for services.

Financial statements

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2018

(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.

	Carrying Amount	Not past due and not impaired	Ageing analysis of financial assets				Impaired financial assets	
			Past due but not impaired					
	\$	\$	Up to 1 month	1-3 months	3 months to 1 year	1-5 years	More than 5 years	\$
2018								
Cash and cash equivalents	375,427	375,427	-	-	-	-	-	-
Restricted cash and cash equivalents	16,000	16,000	-	-	-	-	-	-
Receivables (a)	43,614	40,851	386	678	-	1,699	-	-
Amounts receivable for services	466,000	466,000	-	-	-	-	-	-
Total	901,041	898,278	386	678	-	1,699	-	-
2017								
Cash and cash equivalents	479,403	479,403	-	-	-	-	-	-
Restricted cash and cash equivalents	8,000	8,000	-	-	-	-	-	-
Receivables (a)	11,628	8,554	1,003	-	-	2,071	-	-
Amounts receivable for services	436,000	436,000	-	-	-	-	-	-
Total	935,031	931,957	1,003	-	-	2,071	-	-

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

Financial statements

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2018

Liquidity 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

Maturity dates

	Weighted average effective interest rate %	Carrying amount \$	Fixed interest rate \$	Variable interest rate \$	Non-interest bearing \$	Nominal amount \$	Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
2018											
<u>Financial Assets</u>											
Cash and cash equivalents		375,427	-	-	375,427	375,427	375,427	-	-	-	-
Restricted Cash and cash equivalents		16,000	-	-	16,000	16,000	-	-	-	-	16,000
Receivables (a)		43,614	-	-	43,614	43,614	41,237	678	-	1,699	-
Amounts receivable for services		466,000	-	-	466,000	466,000	-	-	28,000	438,000	-
		901,041	-	-	901,041	901,041	416,664	678	28,000	439,699	16,000
<u>Financial Liabilities</u>											
Payables		142,811	-	-	142,811	142,811	142,811	-	-	-	-
		142,811	-	-	142,811	142,811	142,811	-	-	-	-
2017											
<u>Financial Assets</u>											
Restricted cash and cash equivalents		479,403	-	-	479,403	479,403	479,403	-	-	-	-
Cash and cash equivalents		8,000	-	-	8,000	8,000	-	-	-	-	8,000
Receivables (a)		11,628	-	-	11,628	11,628	9,557	-	-	2,071	-
Amounts receivable for services		436,000	-	-	436,000	436,000	-	-	42,000	394,000	-
		935,031	-	-	935,031	935,031	488,960	-	42,000	396,071	8,000
<u>Financial Liabilities</u>											
Payables		165,680	-	-	165,680	165,680	165,680	-	-	-	-
		165,680	-	-	165,680	165,680	165,680	-	-	-	-

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

Financial statements

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2018

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 33 Remuneration of Auditor

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

	2018 \$	2017 \$
Auditing the accounts, financial statements and key performance indicators	34,138	33,800
	34,138	33,800

Note 34 Indian Ocean Territories

	2018 \$	2017 \$
Balance at the start of the period	(1,006)	(309)
Receipts	4,305	22,480
Payments	(1,952)	(23,177)
Balance at the end of period	1,347	(1,006)

Note 35 Supplementary financial information

Write offs

During the 2018 financial year nil debt was written off by the Commission (2017: \$99).

Losses through theft, defaults and other causes

No theft, defaults during the year.

Gifts of public property

No gift of public property during the year.

Key performance indicators

Certification of key performance indicators

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the office of the Commissioner for Equal Opportunity's performance, and fairly represent the performance of the Commission for the financial year ended 30 June 2018.



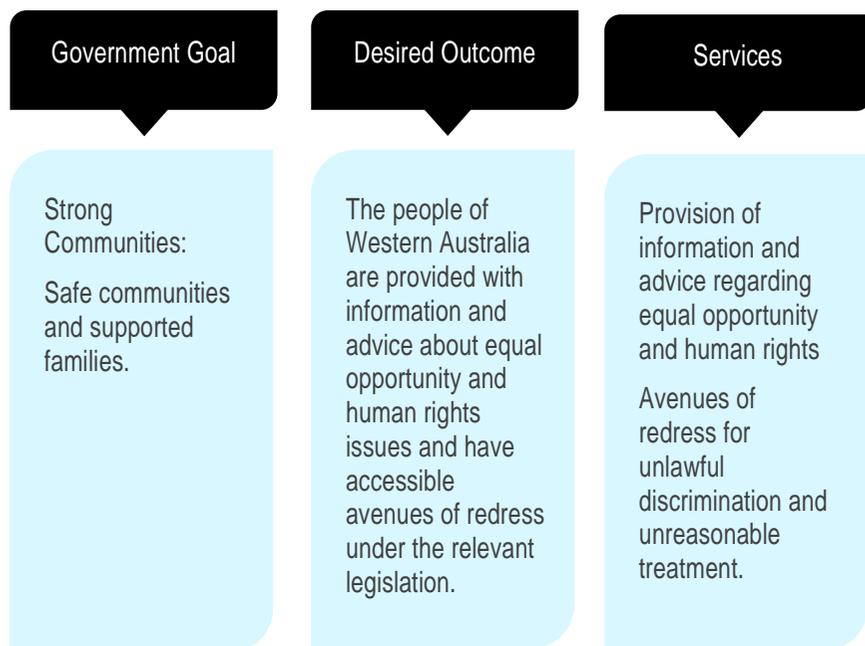
John Byrne
Acting Commissioner for Equal Opportunity

6 September 2018

Key performance indicators

Report on 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 meets the Desired Outcomes by providing:

- information and advice about equal opportunity and human rights issues, and
- accessible avenues of redress under the relevant legislation.

The efficiency indicators measure the cost of providing services:

- Service 1: Provision of information and advice regarding equal opportunity and human rights, and
- Service 2: Avenue of redress for unlawful discrimination and unreasonable treatment under the relevant legislation.

All target figures have been reported in the 2017-18 Budget Papers, Vol 2, Division 27, part 17.

Key performance indicators

Key effectiveness indicators relating to desired outcomes

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.

Outcome 1: Awareness and promotion of equality of opportunity

The Commission undertakes a range of community education and training programs to raise awareness and promote equality of opportunity. The effectiveness of this program is measured by a survey of community awareness which is undertaken on a triennial basis.

Indicator: Community awareness of the *Equal Opportunity Act 1984* and belief it is of benefit

The extent to which the Western Australian community is aware of equality of opportunity and recognises and accepts the *Equal Opportunity Act 1984* (the Act) is assessed by conducting a community survey every three years to ascertain community attitudes on these matters. The figures provided for this report are based on an independently conducted community survey in May 2018.

This effectiveness indicator is derived by combining the results of the questions relating to community awareness of the Act and belief in the benefit of having such legislation. These results are set out in Table 1, with more details shown in Table 2.

Table 1
Awareness of the *Equal Opportunity Act 1984*
2009 – 2018

	2009 %	2012 %	2015 %	2018 Target %	2018 Actual %
Community awareness of the EO Act and belief it is of benefit	81.4	82.1	76.5	76.5	82.0

In 2018 the level of awareness and acceptance of the Act increased to 82%, a level comparable to 2012 and prior, following a drop to 76.5% in the 2015 survey.

An important contributor to this general increase in awareness of the Act in recent years was a greater awareness among male respondents, and secondly, respondents aged 40 and above. When asked to identify where respondents had heard about issues of equal opportunity and discrimination, a significant number specified “through AFL / sports”. This reference to sports is reflected in the public discourse on equality issues in sport such as the emerging role for women participants at the highest levels of the AFL; issues of racial harassment, sexual orientation in AFL, soccer and rugby over the past three years and equal pay for women in elite sport.

Key performance indicators

Background and details of survey of community awareness

In 2018 Patterson Research Group (PRG) was engaged by the Equal Opportunity Commission to undertake a survey 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 eighth wave: It commenced in 1997 and was most recently conducted in May 2018.

Results of the key survey questions from 2009 to 2018 are shown in Table 2.

The survey methodology was a quantitative online survey conducted by ThinkField, a company which provides the field work needs of the Patterson Research Group. Data was collected from a quota managed sample of 824 WA residents, of whom 630 were within the metropolitan area and 194 in regional Western Australia.

The sample is drawn from a database of some 45,000 Western Australian adults who have registered to periodically take part in online surveys or focus groups. The profile of participants in the data base invited to participate in the survey is carefully managed to approximate the required age and gender and location profile to provide a sound representation of the Western Australian adult community. The profile of responses was carefully monitored, and a reminder email sent to target subgroups that appeared to be under-represented in the initial responses.

By utilising this two-stage approach, the final sample is a sound reflection of the age, gender and regional distribution of the population of WA. This sample was then given a final refinement by weighting the data to reflect the exact age, gender and location profile of the WA adult community as defined by the most recent Australian Bureau of Statistics (ABS) projections.

Previous surveys in the period 1997 to 2015 were conducted by a telephone survey of a random sample of the adult population. In total 400 respondents were then interviewed, with 300 from the Perth metro area and 100 from regional WA, weighted according to the latest census data available from the

ABS to ensure the respondents were representative of the Western Australian population. Notwithstanding the increase in survey population, the demographic representation was retained.

The table below shows the key results for the whole of Western Australia.

Table 2
Community survey of public awareness, recognition and acceptance of the Equal Opportunity Act 1984 2009 – 2018

	2009 Survey		2012 Survey		2015 Survey		2018 Survey	
	Perth	Whole of WA						
	%	%	%	%	%	%	%	%
Who had heard of the EO Act	76.7	73.8	74.3	73.0	64.0	65.0	80.0	80.0
Of those who had heard of the EO Act, who recognised one or more grounds of discrimination	100	100	98.3	98.3	100	100	94.0	93.0
Who believed that people are generally very or quite concerned about equal opportunity issues	48.4	47.5	52.1	48.8	55.0	53.0	44.0	41.0
Who were generally very or quite concerned about equal opportunity issues	63.6	62.6	63.2	60.4	60.0	60.0	49.0	49.0
Who believe that it is of benefit to have an Act that deals with discrimination	89.2	89.0	91.1	91.1	88.0	88.0	85.0	84.0

Key performance indicators

About four-in-five respondents (80%) are aware of the Act, which is significantly higher than the level of 65% measured in 2015. The 80% awareness level is similar to the levels measured in 2003 (82%) and 2006 (77%).

The general increase in awareness of the Act in recent years seems to specifically have been influenced by a large increase in awareness among males. Compared to the 2015 results, awareness of the Act also specifically increased among mature respondents (aged 40+); up from a 70% awareness level in 2015 to a 90% awareness level in the current survey.

Mature respondents (aged 40+) were significantly more likely than younger respondents (aged 18-39) to report having read about Equal Opportunity or Discrimination in a newspaper or a magazine (17% versus 7%), whereas younger respondents were significantly more likely to mention they had seen something about Equal Opportunity or Discrimination using social media (18% versus 4%).

When the 80% of respondents who were aware of the Act were asked to name grounds for lodging a complaint they most often mentioned, gender (42%), race (41%), and age (30%).

With 84%, most respondents indicated there is a benefit in having an Act which deals with discrimination, which is encouraging. It is, however, important to note that the current score of 84% is slightly lower than the 88% found in 2015 and significantly lower than 91% in 2012. It seems that in the community the high scores provided for the perceived benefit of having a law that deals with discrimination has dropped marginally in recent years, though it remains high.

It seems the increased awareness of the Act in the WA community has not corresponded with a higher level of (personal) concerns about equal opportunity and human rights issues in the WA community compared to previous years.

Outcome 2: Redress for unlawful discrimination and unreasonable treatment

Indicator: Percentage of complaints finalised within six and 12 months

Feedback from complainants and respondents has shown that finalising complaints in a timely manner can contribute to a mutually agreed resolution of complaints and allow participants to get on with their lives.

There has been a decrease in the percentage of complaints finalised within six months which reflects an increasing complexity of complaints as well as a reduction in the number of conciliators handling complaints. The number of complaints finalised in 12 months has also shown a slight decrease compared to previous years. Table 3 shows the targets set for the finalisation of complaints within six and 12 months is consistent with the budget target. While the number of matters taking longer than six or 12 months to resolve have increased marginally, the average time to finalise complaints is only 3.9 months.

Table 3
Percentage of complaints finalised within six and 12 months 2014-15 to 2017-18

Percentage of complaints finalised within:	2014-15 %	2015-16 %	2016-17 %	2017-18 Budget Target %	2017-18 Actual %
Six months	96.8	97.5	89.6	90	84.7
12 months	99.8	100	99.7	95	98.5

Key performance indicators

Key efficiency indicators relating to services

Service 1: Awareness and promotion of equality of opportunity

Indicator: Average hourly cost of development and delivery of training courses

The provision of fee for service training courses for government, non-government and private sector organisations is one of the two streams of education conducted by the Commission. These courses, for which a fee is charged, centre on the responsibilities of these organisations under the Act both in their employment practices, and in the provision of services.

The total hours of preparation and delivery of fee for service training as at 30 June 2018, was 774 hours, which is significantly higher than the previous year's total of 514.5 hours. This was mainly due to a 120.6% increase in the number of fee for service organisational training sessions from 29 sessions in 2016-17, to 64 in the current financial year. The total cost of fee for service training was \$534,872 compared with \$543,928 in the previous year.

The average hourly cost of development and delivery of training courses was \$691 compared to \$1,033 in 2016-17. The variance in the average hourly cost of training courses between 2017-18 and 2016-17 requires clarification due to the significant reduction. It can be explained by the increase in training outlined above and also because the calculation of hours spent developing and delivering courses has been adjusted in the current financial year to accurately reflect the actual hours spent developing and administering courses.

The revised methodology now includes the adjustments made in 2016-17 for time spent travelling to and from training venues, the additional time of co-trainers where more than one person delivers a course, and also includes the revision referred to above of the actual hours undertaken in non-presentation time to develop new courses, or to tailor courses to meet the specific training needs of different public, private and not for profit organisations. The slightly lower FTE staff levels within the Commission have also contributed to the reduction in the average hourly cost of delivering the training course.

Table 4

Average hourly cost of development and delivery of training courses 2014-15 to 2017-18

	2014-15 \$	2015-16 \$	2016-17 \$	2017-18 Budget Target \$	2017-18 Actual \$
Average hourly cost of development and delivery of training courses	996	1,113	1,057	1,033	691

Key performance indicators

Service 2: Redress for unlawful discrimination and unreasonable treatment

Indicator: Average cost of complaints handled

This indicator reflects the costs involved in investigating and seeking to conciliate allegations of unlawful discrimination lodged by members of the community. It is based on the total number of complaints handled, including those closed and those still under investigation in the financial year. Details of this process can be found in the Report on Operations chapter of this report.

As at 30 June 2018, 647 complaints were handled in 12 months, a significant increase on the 510 handled in 2016-17. The annual associated costs were \$1,449,915 and \$1,463,154 respectively.

The variance between the budget target and actual has occurred because there was an increase of nearly 30% in the number of complaints handled with a consequent reduction in the average cost of complaints handled and the lower aggregate cost.

Table 5
Average cost per complaint handled
2014-15 to 2017-18

	2014-15 \$	2015-16 \$	2016-17 \$	2017-18 Budget Target \$	2017-18 Actual \$
Average cost per complaint handled	2,361	3,251	2,869	2,723	2,241

Disclosures and legal compliance

Ministerial directions

No Ministerial directives were received during the reporting period.

Other financial disclosures

Pricing policies of services provided

The Commission charges for 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 Treasury.

The current fees and charges are available on the Commission's website at <http://www.eoc.wa.gov.au/community-education-training/current-courses/courses---standard>

Capital works

No Capital works were undertaken this year.

Other corporate projects and initiatives

Complaints management system

The Commission has been investigating options for updating its complaint handling procedures to implement an electronic system in order to streamline the process.

The Commission has been liaising with the Department of Finance for advice on procurement and tender processes and expects to progress this project in the 2018-19 financial year.

Information and communication technologies

The Commission has started to migrate its on-premise infrastructure to the cloud as part of the whole of Government GovNext initiative.

Workers compensation

During the 2017-18 financial year no new compensation claims were recorded.

Employment and industrial relations

Staff profile as at 30 June 2018

	Number of staff (FTE)	
	2017-18	2016-17
Full-time permanent	16	15
Full-time contract	0	0
Part-time permanent (measured on FTE basis)	4	4
Part-time contract (measured on FTE basis)	0	0.2
Total	20	19.2
Employees seconded out	0	1
Employees seconded in	2	2

Staff development

Workforce planning

The Equal Opportunity Commission is constantly striving to build and maintain a workforce that will enable it to deliver quality services to all clients. Our Workforce Plan aims to identify skills gaps, look at ways for developing our people and implement a recruiting strategy to help us achieve and maintain a workforce with the expertise needed to deliver our core objectives.

As a result of this, the following have been identified as priority:

- Attracting and retaining the right people
- Minimising skill loss; maximising skill sharing; documenting learned knowledge
- Supporting diversity
- Creating a positive and inclusive workplace culture
- Supporting a healthy and productive organisation.

Disclosures and legal compliance

Staff training

As part of the Commission's staff induction process, all staff are required to undertake cultural competency training.

In addition to this, various staff attended the following courses:

- A foundation in Aboriginal and Torres Strait Islander Culture Competence
- HPECM Training/ Upgrade
- Alternative Dispute Resolution
- Accountable and ethical decision making refresher
- Firewarden training
- Chief Finance Officer Forum
- Managing Change
- Powerful Techniques to Engage and Empower your Learners
- DV Alert Awareness Raising Workshop
- Injury Management for Line Managers.
- Ethical Decision Making

Governance disclosures

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 officers have substantial interests, had any interests in existing or proposed contracts with the Commission and senior officers.

Unauthorised use of credit cards

Officers of the Commission hold corporate credit cards where their functions warrant usage of this facility. Despite each cardholder being aware of their obligations under the Commission's credit card policy, two employees inadvertently utilised the corporate credit card for personal expenses. The matter was not referred for disciplinary action as the Chief Finance Officer noted prompt advice and settlement of the personal use amount, and, that the nature of the expenditure was immaterial and characteristic of an honest mistake.

	2017-18 \$
Aggregate amount of personal use expenditure for the reporting period	27
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	27
Aggregate amount of personal use expenditure settled by the due date (after 5 working days)	
Aggregate amount of personal use expenditure outstanding at balance date	

Other legal requirements

Expenditure on advertising, market research, polling and direct mail

In accordance with section 175ZE of the *Electoral Act 1907*, the Commission incurred the following expenditure in market research, polling, direct mail and media advertising.

Total expenditure for 2017-18 was \$16,424. Expenditure was incurred in the following areas.

	2017-18
Advertising agencies	Nil
Market research organisation Patterson Research Group	\$14,800
Polling organisation Survey Monkey	\$840
Direct mail organisation Mail Chimp	\$783
Media advertising organisations	Nil
Total (ex gst)	\$16,424

Disability access and inclusion plan outcomes

Access and inclusion policy statement for people with disabilities, their families and carers

The Commission is committed to ensuring that people with disabilities, their families and carers have the same opportunities, as others to access its services and facilities.

The Commission's Disability and Inclusion Action Plan 2016-2021 addresses the barriers and finds solutions for people with disabilities who need the Commission's services and facilities. The Commission's Plan was reviewed and updated in 2016 and is available on the website: www.eoc.wa.gov.au.

People with a disability may face economic inequity, literacy problems, cultural isolation, and discrimination in education, employment and participation in a broad range of activities. The Commission can play a pivotal role in the lives of people with disabilities by providing redress for unlawful discrimination and community education and information to prevent discrimination and inform people of their rights.

The Commission is committed to ensuring that people with disabilities have the opportunity to participate in shaping the Commission's services and objectives through a consultative process.

The Disability Access and Inclusion Plan provides a framework for the identification of:

- areas where access and inclusion can be improved and for the development of strategies
- ways to improve access and inclusion.

These strategies work towards a number of access and inclusion outcomes, which are defined in the Act as the minimum standard for DAIPs.

There are seven access and inclusion outcome areas specified in the Act.

Outcome 1

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

Outcome 2

People with disabilities have the same opportunities as other people to access the Commission and its facilities.

Outcome 3

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

Disclosures and legal compliance

Outcome 4

People with disabilities receive the same level and quality of service from Commission staff as other people receive.

Outcome 5

People with disabilities have the same opportunities as other people to make complaints to the Commission.

Outcome 6

People with disabilities have the same opportunities as other people to participate in any public consultation the Commission undertakes.

In addition to these six prescribed minimum standards under the Act, the Commission has included an additional outcome.

Outcome 7

People with disabilities have the same opportunities as other people to seek employment at the Commission.

The DAIP will be implemented over five years, guided by an overarching set of strategies that drive individual tasks to support the achievement of each outcome area. Each year an implementation plan will be developed and activities undertaken to improve access to the Commission's services, buildings and information.

The implementation plan will outline the:

- Individual tasks being undertaken
- Timeline for completion of the individual tasks
- Teams within the Commission with responsibility for completing the individual tasks; and the broad strategy that the individual tasks are supporting.

Developing and implementing annual implementation plans throughout the lifespan of the DAIP provides the opportunity to manage strategies carefully across a five-year time span and respond to emerging access and inclusion barriers.

Compliance with public sector standards and ethical codes

In accordance with section 31(1) of the *Public Sector Management Act 1994*, The Commission has fully complied with the Public Sector Standards, Commissioner's Instructions, the WA Code of Ethics and the Commission's Code of Conduct.

Procedures are in place to ensure such compliance and appropriate assessments are conducted as required and are consistent with information provided in the Public Sector Commission's Annual Agency Survey.

There were no breaches of standards lodged during the year.

Throughout 2017-18 the Commission reviewed and endorsed the following policies and plans:

- Leave Liability Policy
- Services and Products Complaint Management Policy and Procedure
- Financial Management Manual 2017
- EOC Workforce and Diversity Action Plan 2017 -2022
- Code of Conduct
- Summary of Code of Conduct
- Reconciliation Action Plan
- Confidentiality Agreement
- Shared Car Bay Policy
- Accessible Complaints Policy

Disclosures and legal compliance

Recordkeeping plan

Evaluation of the efficiency and effectiveness of recordkeeping systems

The Commission uses the electronic records management system HPE Content Manager (HPE CM) to manage and control all correspondence and documents received, created by, and distributed by the agency. This system is centrally administered to ensure appropriate security controls are in place and to promote standardisation of file creation and naming conventions.

The Commission continued work on the retention and disposal of Commission's records as a priority to move old records to offsite storage. Preparation for and extensive testing of the new version of TRIM (now HPE Content Manager) was undertaken as an upgrade to the records management system done in August 2017. The Commission's Recordkeeping Plan was reviewed in May 2018 and submitted to the State Records Office for approval. The Commission also undertook an internal audit on records management. As a result, a number of minor amendments/ improvements are in the process of being implemented.

Nature and extent of recordkeeping training program

The Commission has continued its individual and group records awareness and recordkeeping process training for all staff ensuring that employees are aware of their responsibilities and how to use the electronic records management system (HPE Content Manager). A hardcopy user guide was provided for reference and was reviewed and updated in line with the HPE Content Manager software upgrade.

Review of efficiency and effectiveness of recordkeeping training program

In 2017-18 the Commission conducted additional training for employees to increase utilisation of the electronic system, ensure standardisation throughout the agency and to provide training in the revised retention and disposal processes.

Induction program addresses employee roles and responsibilities in regard to their compliance with the organisations' recordkeeping plan

New employees are provided with the following information to ensure they are aware of their role and responsibilities in terms of recordkeeping within the Equal Opportunity Commission:

- Induction manual
- Theoretical and hands-on training by the management support officer – records
- Hardcopy user guide.

Induction sessions are conducted for all new employees upon commencement. The session runs for approximately two hours and covers:

- The requirement to capture records
- Types of records handled by the Commission
- Organisational and individual responsibilities in regard to record keeping
- Determining significance of records.

A second hands-on training session is provided to ensure that the inductee is familiar with:

- Capturing records in and retrieving information from HPE Content Manager
- Naming conventions and standardisation including the use of AAA thesaurus where relevant
- Using protocols within HPE Content Manager to ensure consistency
- File maintenance and paper record handling procedures
- Retention and disposal (where appropriate)
- Disclosures and legal compliance.

Government policy requirements

Substantive equality

Although the Commission is not a mandated agency under the Public Sector Commissioner's circular to address systemic discrimination it has continued to implement the objectives of the framework for Substantive Equality in its own operations.

During the current year the Commission:

- Continued to revise its substantive equality implementation plan
- Encouraged all staff to participate in the course 'Fair Go for your Clients' aimed at increasing awareness of how systemic discrimination impacts on various groups
- Maintained as a standing agenda items for monthly staff meetings the implementation of substantive equality as well as analysis of trends and issues to identify systemic discrimination
- Identified policies requiring impact assessments – including revision of the Accessible Complaints Policy.

Occupational health and safety (OSH)

The Commission is committed to providing an environment that is healthy, safe and which promotes the welfare of the employees and any other people who may be affected by the work environment of the Commission.

Due to the small number of staff there is no dedicated OSH officer. The Commission has two elected OSH representatives conduct regular office inspections, and during these inspections consult staff and seek feedback on workstation and work related ergonomic and other OSH issues. Any urgent issues are documented and submitted for action.

In the 2017-18 financial year the only significant high-risk issue identified by the OSH representatives, were four emergency exit lights which were not working, including one at the main exit. These were reported for urgent attention, and contractors were engaged, and the lights were made operational. Other reported issues were low risk, such as ensuring materials on shelves were properly stacked and stored safely, and slip risks removed from floors.

The OSH representatives take responsibility for conducting the OSH component during the induction of new staff.

An assessment of the occupational safety and health management systems was last completed in 2012 using a recognised assessment tool by an independent external OH&S consultancy firm.

The consultants identified a few medium and low priority matters which were recommended for remediation, and these were accepted for actioning by the Corporate Executive. 100% of the recommended actions have been completed.

Formal mechanism for consultation with employees

Managers and employees are regularly reminded of their responsibilities. These include:

- All related occupational safety and health management policies are provided during the induction process and are also available to all staff on the intranet
- All new employees are provided with OSH information and basic training as part of the induction process
- OSH inspections are carried out regularly in accordance with the policy
- If an issue is identified it is followed up initially by the manager and then by an OSH representative if required
- Reports are provided quarterly to corporate executive
- Accidents are recorded in the accident report register either by the injured party, the first aider or an OSH representative
- If an injury requires any treatment it is reported to the OSH representative and the manager commission support.

Disclosures and legal compliance

The following table provides actual results for the 2017-18 reporting period against targets specified in *Public Sector Commissioner's Circular 2012-05: Code of Practice-Occupational Safety and Health in the Western Australian Public Sector*. We had no lost time injuries during the period.

Measure	Actual results		Target
	2016-17	2017-18	
Number of fatalities	0	0	0
Lost time injury and/or disease incidence rate	0	0	0
Lost time injury and/or disease severity rate	0	0	0
Percentage of injured workers returned to work:			
(i) Within 13 weeks	0	0	0
(ii) Within 26 weeks	0	0	0
Percentage of managers trained in occupational safety, health and injury management responsibilities	0	0	0*

*Managers have not undertaken formal training recently due to budgetary constraints. However, managers are aware of their responsibilities in regard to occupational, health and injury management from previous training. Subject to future funds being available, the Commission will endeavour to provide refresher training.

Freedom of information

The Commission aims to make information available promptly and at the least possible cost. Whenever possible documents will be provided outside the FOI process.

If information is not routinely available, the FOI Act provides the right to apply for documents held by the Commission and enables the public to ensure that personal information in documents is accurate, complete, up to date and not misleading.

The Commission receives, produces and retains a range of documents relevant to the Commission's statutory and administrative functions.

The public is welcome to make arrangements to view the range of publications and resources produced by the Commission, much of which is on the website, as the information you seek may already be available without the need to make an FOI application.

Applications	2017-18
Received during the year	4
Finalised during the year	4
Average time to process (days)	20

Appendices

Appendix A: enquiry and complaint tables

Table 1: Enquiries received by ground

	2017-18	%	2016-17	%
Age	90	5.8	73	4.6
Breastfeeding	3	0.2	2	0.1
Bullying	50	3.2	52	3.3
Family Responsibility	43	2.8	44	2.8
Family Status	22	1.4	8	0.5
Gender History	4	0.3	5	0.3
Gender Identity	17	1.1	8	0.5
Impairment	310	20.1	362	22.8
Marital Status	8	0.5	4	0.3
Political Conviction	4	0.3	3	0.2
Pregnancy	38	2.5	36	2.3
Publication of Name in Fines Enforcement Registry Website	4	0.3	0	0.0
Race	226	14.6	245	15.4
Racial Harassment	11	0.7	3	0.2
Racial Vilification	11	0.7	9	0.6
Religious Conviction	17	1.1	38	2.4
Religious Vilification	3	0.2	2	0.1
Sex	77	5.0	98	6.2
Sexual Harassment	73	4.7	62	3.9
Sexual Orientation	20	1.3	13	0.8
Spent Conviction	9	0.6	12	0.8
Victimisation PID	5	0.3	2	0.1
All grounds	128	8.3	130	8.2
Other	90	5.8	55	3.5
Not applicable	283	18.3	323	20.3
Total	1546	100	1589	100

Table 2: Enquiries received by area

	2017-18	%	2016-17	%
Access to Places and Vehicles	34	2.2	32	2.0
Accommodation	70	4.5	70	4.4
Clubs	30	1.9	24	1.5
Education	81	5.2	94	5.9
Employment	743	48.1	804	50.6
Goods, Services and Facilities	228	14.7	219	13.8
Land	1	0.1	1	0.1
Public Place	5	0.3	5	0.3
Sport	12	0.8	5	0.3
All areas	108	7.0	104	6.5
Other	39	2.5	42	2.6
Not applicable	195	12.6	189	11.9
Total	1546	100	1589	100

Appendices

About the complainant

Complainants were asked a series of questions when completing the complaint form, the results are shown below.

In which country were you born?

Table 3: Birthplace of complainant

	2017-18	%	2016-17	%
Born in Australia	292	61.9	262	60.9
Born outside Australia	157	33.3	152	35.3
No survey returned/unspecified	23	4.9	16	3.7
Total	472	100	430	100

What is the main language spoken at home?

Table 4: Language of complainant

	2017-18	%	2016-17	%
Other	40	8.5	50	11.6
English	413	87.5	365	84.9
No survey returned/unspecified	19	4.0	15	3.5
Total	472	100	430	100

Do you consider yourself to have an ethnic background?

Table 5 Ethnic background of complainant

	2017-18	%	2016-17	%
Yes	138	29.2	97	22.6
No	314	66.5	318	74.0
No survey returned/unspecified	20	4.2	15	3.5
Total	472	100	430	100

Which of the following age group do you belong?

Table 6: Age of complainant

	2017-18	%	2016-17	%
0 – 12	6	1.3	6	1.4
13 – 17	19	4.0	12	2.8
18 – 24	42	8.9	31	7.2
25 – 34	107	22.7	106	24.7
35 – 44	115	24.4	93	21.6
45 – 54	90	19.1	95	22.1
55 – 64	53	11.2	44	10.2
65 – 74	11	2.3	15	3.5
75+	8	1.7	11	2.6
No survey returned/unspecified	21	4.4	17	4.0
Total	472	100	430	100

Which of the following best describes you currently?

Table 7: Work status of complainant

	2017-18	%	2016-17	%
Homemaker	20	4.2	15	3.5
In paid employment	174	36.9	179	41.6
Looking for work	116	24.6	109	25.3
Pensioner	46	9.7	41	9.5
Retired	7	1.5	11	2.6
Student	61	12.9	51	11.9
No survey returned/unspecified	48	10.1	24	5.6
Total	472	100	430	100

Appendices

Do you have an impairment that results in a permanent disability?

Table 8: Disability of complainant

	2017-18	%	2016-17	%
Yes	148	31.4	121	28.1
No	295	62.5	286	66.5
No survey returned/unspecified	29	6.1	23	5.4
Total	472	100	430	100

About the complaint

Table 9: How complainants lodged their complaints

	2017-18	%	2016-17	%
Email	123	26.1	104	24.2
Fax	0	0.0	0	0.0
Hand	31	6.6	33	7.7
Post	66	14.0	75	17.4
Web	252	53.4	218	50.7
Total	472	100	430	100

Table 10: Complainants residence

	2017-18	%	2016-17	%
Metropolitan	380	80.5	327	76.0
Non-Metropolitan	83	17.6	81	18.8
Other State/Overseas	7	1.5	12	2.8
Not specified	2	0.4	10	2.3
Total	472	100	430	100

Table 11: Complaints received by ground

	2017-18	%	2016-17	%
Age	38	8.1	34	7.9
Breastfeeding	1	0.2	2	0.5
Family Responsibility	17	3.6	29	6.7
Family Status	6	1.3	3	0.7
Gender History	2	0.4	1	0.2
Impairment	125	26.5	123	28.6
Marital Status	5	1.1	2	0.5
Political Conviction	2	0.4	1	0.2
Pregnancy	22	4.7	17	4.0
Publication of Name in Fines Enforcement Registry Website	1	0.2	0	0.0
Race	87	18.4	65	15.1
Racial Harassment	14	3.0	17	4.0
Religious Conviction	9	1.9	13	3.0
Sex	34	7.2	19	4.4
Sexual Harassment	48	10.2	24	5.6
Sexual Orientation	11	2.3	1	0.2
Spent Conviction	2	0.4	24	5.6
Victimisation	41	8.7	50	11.6
Victimisation PID	7	1.5	5	1.2
Total	472	100	430	100

Table 12: Impairment complaints received – Type of disability

	2017-18	%	2016-17	%
Blind and Vision Impairment	3	2.4	8	6.5
Deaf and Hearing Impairment	4	3.2	5	4.1
HIV or Other Organisms	0	0.0	3	2.4
Imputed Impairment	6	4.8	6	4.9
Intellectual Disability	8	6.4	20	16.3
Mental Health/Psychosocial	49	39.2	29	23.6
Physical Disability	51	40.8	51	41.5
Not specified	4	3.2	1	0.8
Total	125	100	123	100

Table 13: Complaints received by area

	2017-18	%	2016-17	%
Access to Places and Vehicles	20	4.2	12	2.8
Accommodation	37	7.8	33	7.7
Clubs	7	1.5	7	1.6
Education	26	5.5	35	8.1
Employment	264	55.9	265	61.6
Goods, Services and Facilities	115	24.4	75	17.4
Sport	1	0.2	0	0.0
Victimisation	0	0.0	2	0.5
Not specified	2	0.4	1	0.2
Total	472	100	430	100

Table 14: Complaints received by ground and sex of complainant

Ground	Female	Male	Mixed Group	X (Indeterminate/intersex/unspecified)	Total
Age	18	20	0	0	38
Breastfeeding	1	0	0	0	1
Family Responsibility	14	3	0	0	17
Family Status	3	3	0	0	6
Gender History	2	0	0	0	2
Impairment	67	55	2	1	125
Marital Status	5	0	0	0	5
Political Conviction	0	1	1	0	2
Pregnancy	22	0	0	0	22
Public of Name in Fines Enforcement Registry Website	0	1	0	0	1
Race	41	46	0	0	87
Racial Harassment	6	8	0	0	14
Religious Conviction	2	6	1	0	9
Sex	23	11	0	0	34
Sexual Harassment	43	5	0	0	48
Sexual Orientation	5	6	0	0	11
Spent Conviction	1	1	0	0	2
Victimisation	25	15	0	1	41
Victimisation – PID	2	5	0	0	7
Total	280	186	4	2	472

About the respondents

Table 15: Respondent identity

	2017-18	%	2016-17	%
Club	8	1.7	27	6.3
Non-Government Organisation	48	10.1	27	6.3
Private Enterprise	239	50.6	248	57.7
State Government Department/ Agency/Authority/Local	177	37.5	128	29.8
Total	472	100	430	100

Table 16: Size of organisation

	2017-18	%	2016-17	%
Less than 5	7	0.4	7	1.6
5 - 19	23	4.7	12	2.8
20 - 99	70	15.4	52	12.1
100- 499	52	13.2	79	18.4
500+	213	41.4	167	38.8
Not specified	107	24.9	113	26.3
Total	472	100	430	100

Table 17: Respondent industry

	2017-18	%	2016-17	%
Accommodation & Food Services	41	8.7	26	6.0
Administrative and Support Services	14	3.0	13	3.0
Agriculture, Forestry & Fishing	3	0.6	9	2.1
Arts & Recreation Services	44	9.3	18	4.2
Construction	7	1.5	12	2.8
Education & Training:				
Tertiary Education	24	5.1	25	5.8
School Education	17	3.6	17	4.0
Adult, Community and Other Education	4	0.8	6	1.4
Electricity, Gas, Water & Waste Services	2	0.4	1	0.2
Financial and Insurance Services	9	1.9	19	4.4
Health Care and Social Assistance	79	16.7	56	13.0
Information Media & Telecommunications	0	0.0	5	1.2
Manufacturing	2	0.4	4	0.9
Mining	16	3.4	28	6.5
Professional, Scientific & Technical Services	15	3.2	7	1.6
Public Administration and Safety	37	7.8	18	4.2
Correctional and Detention Services	17	3.6	16	3.7
Police Services	16	3.4	10	2.3
Rental, Hiring & Real Estate Services	49	10.4	44	10.2
Retail Trade	48	10.2	44	10.2
Transport, Postal & Warehousing	19	4.0	18	4.2
Wholesale Trade	5	1.1	0	0.0
Other Services	3	0.6	34	7.9
Not specified	1	0.2	0	0.0
Total	472	100	430	100

Appendices

How complaints were handled

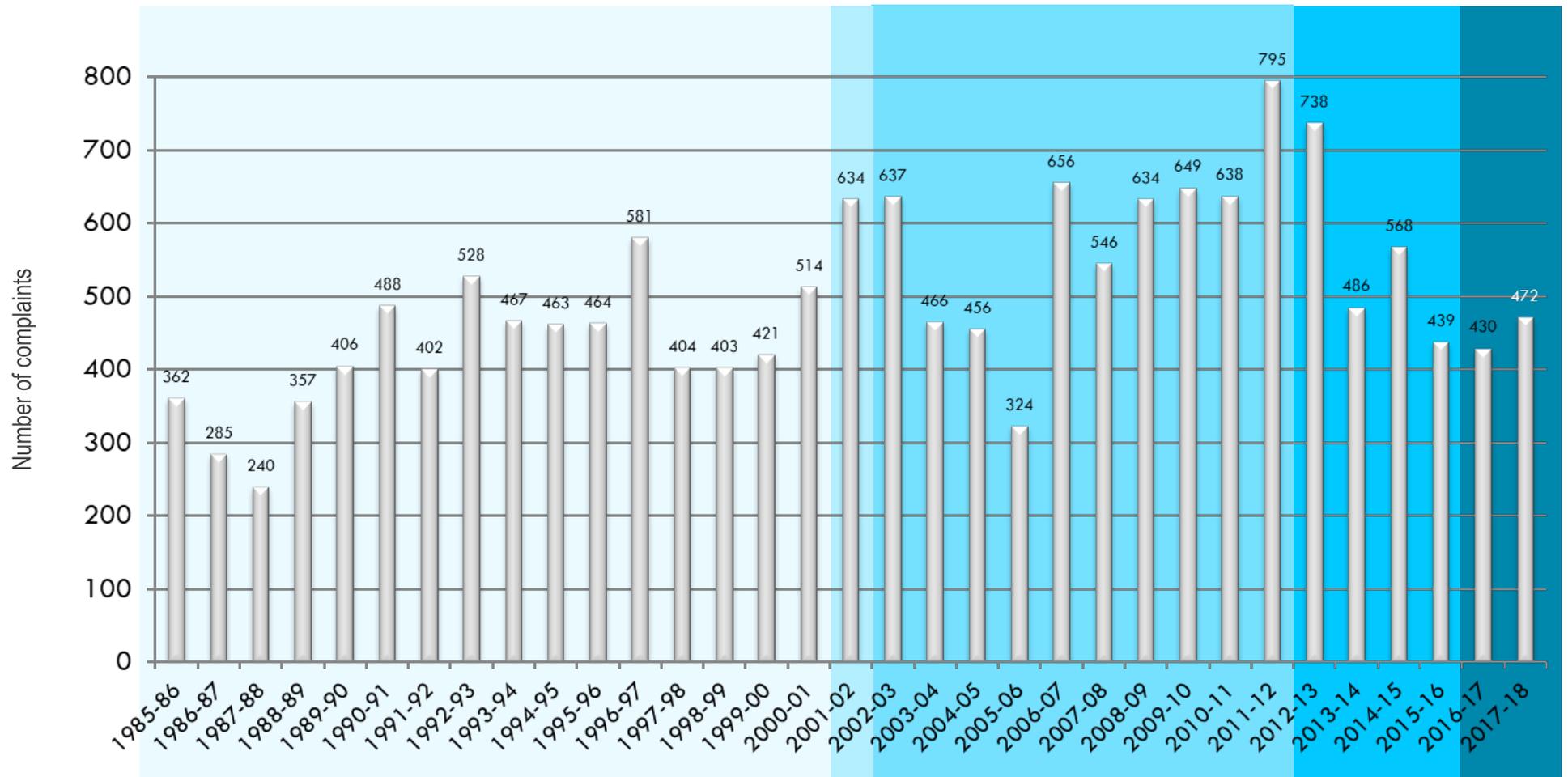
Table 18: Outcome of complaints closed

	2017-18	%	2016-17	%
Conciliated	139	29.6	96	28.7
Dismissed	121	25.7	71	21.2
Withdrawn	114	24.3	124	37.0
Lapsed	86	18.3	37	11.0
Referred to Tribunal by Commissioner	10	2.1	7	2.1
Total	470	100	335	100

Table 19: Outcome by time taken to close

Outcome	2017-18 Average time taken by months	2016-17 Average time taken by months
Conciliated	4.2	4.0
Dismissed	4.2	4.3
Withdrawn	1.7	2.0
Lapsed	4.3	3.2
Referred to Tribunal by Commissioner	7.3	5.3
Total average time taken to close	3.9	3.3

Appendix B: complaints received from 1985 to 2018



Commissioners for Equal Opportunity

○ June Williams

● Moria Rayner

● Yvonne Henderson

● Allannah Lucas

● John Byrne

Appendices

Appendix C: feedback form



The Commission is interested in receiving your feedback regarding our 2017-18 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 2017-18 Annual Report? | Excellent | Good | Average | Fair | Poor |
| | 1 | 2 | 3 | 4 | 5 |
- 2) How could we improve our Annual Report?
- 3) What features or sections in the Annual Report did you like?
- 4) Any other comments?
- 5) What is your relationship with the Commission? (Please tick)
- | | |
|--|--|
| <input type="radio"/> Complainant | <input type="radio"/> Student |
| <input type="radio"/> Respondent | <input type="radio"/> Advocate |
| <input type="radio"/> Training participant: private sector | <input type="radio"/> Legal firm |
| <input type="radio"/> Training participant: community sector | <input type="radio"/> e-bulletin recipient |
| <input type="radio"/> Training participant: public sector | <input type="radio"/> Website browser |

Please return this form:

Commissioner for Equal Opportunity
Equal Opportunity Commission
PO Box 7370, Cloisters Square, PERTH WA 6850
or Facsimile to: 9216 3960, or email: eoc@eoc.wa.gov.au

Thank you for your feedback

