

About this report

The annual report covers the operations of the Equal Opportunity Commission.

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.

Feedback

As the Commission is constantly striving to improve services, we welcome any comments, observations or queries relating to the contents of this annual report.

To provide feedback on the effectiveness of the Commission's annual report for the year 2019-20 please refer to the feedback form in Appendix C at the end of this report.

Accessibility

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

Acknowledgment

The Commission acknowledges the Aboriginal peoples of Western Australia as the traditional custodians of the land on which we work and live, and recognise their continuing connection to land, water and community. We pay respect to Elders past, present and emerging.

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

ISSN 1032-528X

© 2020 Equal Opportunity Commission of Western Australia

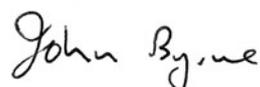
All rights reserved. This material may be reproduced in whole or in part, provided the source is acknowledged.

Statement of compliance

Hon John Quigley MLA
Attorney General

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 2020.

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*.



John Byrne
Commissioner for Equal Opportunity

17 September 2020

Contents

About this report	i
Statement of compliance	i

About us 1

From the Commissioner	1
2019-20 Snapshot	3
Operational structure	4
Organisational structure	5
Performance management framework.....	7

Our performance 8

Performance summary	8
Actual results versus budget targets.....	8
Summary of key performance indicators	8
Service 1: Provision of information and advice.....	9
Raising community awareness	9
Community education and training	14
Service 2: Avenue of redress for unlawful discrimination.....	18
Enquiries and complaints	18
Handling complaints.....	22
Complaints referred to the State Administrative Tribunal....	32

Significant issues 35

Current and emerging issues and trends.....	35
---------------------------------------------	----

Disclosures and legal compliance 37

Financial statements.....	37
Certification of financial statements	37
Independent auditor's report	38
Statement of comprehensive income.....	42
Statement of financial position	43
Statement of changes in equity.....	44
Statement of cash flows	45
Summary of consolidated account appropriations.....	46
Notes to the financial statements	47
Key performance indicators.....	75
Certification of key performance indicators.....	75
Report on key performance indicators	76

Disclosures and legal compliance (continued)

Other disclosures and legal compliance.....	83
Ministerial directions	83
Other financial disclosures.....	83
Pricing policies of services provided	83
Capital works	83
Other corporate projects and initiatives.....	83
Employment and industrial relations	83
Staff development.....	83
Unauthorised use of credit cards.....	84
Other legal disclosures	84
Expenditure on advertising, market research, polling and direct mail.....	84
Disability access and inclusion plan outcomes.....	84
Compliance with public sector standards and ethical codes.....	85
Recordkeeping plan.....	86
Government policy requirements.....	87
Substantive equality.....	87
Freedom of information	87
Occupational safety and health and injury management	87

Appendices 89

Appendix A: enquiry and complaint tables	89
Appendix B: complaints received from 1985 to 2020.....	93
Appendix C: feedback form.....	94

Further enquiries 95

About us



From the Commissioner

The COVID-19 pandemic has brought into focus the inequalities which exist in our society and has reminded us we all depend on each other. It has also highlighted the important role equal opportunity and human rights has in protecting rights and providing everyone with the opportunity to fulfil their potential.

In the past year we have witnessed unprecedented levels of unemployment and disruption to businesses, as well as significant health and welfare risks faced by older people, people with disability and those with underlying health issues and front-line workers.

These developments are a reminder of the importance of discrimination laws to ensure there is appropriate protection from prejudice and bias that affects the most vulnerable people in our workplaces, sporting clubs, hospitals, prisons, schools, and other public places.

This is particularly relevant in WA, where the WA Equal Opportunity Act has remained largely unchanged since 1984. As mentioned in my forward to last year's report, the Attorney General initiated a review of the Act, to be conducted by the Law Reform Commission of Western Australia. The review is currently under development.

I look forward to an opportunity to advocate strengthening the WA Act in order to increase accountability of employers, service providers and governments to prevent discrimination and harassment. One of the significant issues in the current WA legislation is the power imbalance between complainants and respondents and the requirement that the complainant must provide evidence to prove the discrimination occurred. In matters where the complainant has provided some, but not conclusive evidence, some responsibility should be placed on respondents to show that the events complained of did not constitute discrimination.

This change would benefit people with disability, older people, and minority groups including Aboriginal people, especially when unlawful discrimination is alleged when seeking employment.

The Commission actively continues its community education, training, and policy development role with employers, service providers, and public authorities. The Commission aims to do this in a collaborative and innovative way to help create cultures and systems that are inclusive, respectful, and safe. An important initiative in this regard is the Commission's involvement with a draft public sector workforce diversification strategy and related action plans.

In 2020 the Commission moved from offices in Westralia Square, which it has occupied for over 25 years, to Albert Facey House, a more central location opposite the Perth Railway Station. The new offices include a purpose-built conciliation suite and provide an opportunity to share facilities and seek synergies in service provision with other accountability agencies co-located at Albert Facey House.

Finally, I would like to thank all staff for their patience, professionalism and commitment to the delivery of high-quality services during what has been a very challenging year.

Albert Facey House



2019-20 Snapshot

Provision of information
and advice



143,651 website page views



2,215 people attended training and education sessions

4,160 people received e-bulletins



sexual harassment and workplace culture the most popular training course

165 training and education sessions held



44.2% training and education sessions were conducted in the regions

Avenue of redress for unlawful discrimination



1,318 enquiries from the public answered



410 complaints received

81.7% of complaints submitted online or by email



most common complaints impairment, race, victimisation and sexual harassment

75.6% complaints finalised in under six months



96.2% 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 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 – Part 4.*

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 Administrative Tribunal Act 2004*
- *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



Commissioner for Equal Opportunity

John commenced in the role in 2016 and was previously a Director with the Department of Biodiversity, Conservation and Attractions. He was awarded a Member of the Order of Australia in the Queen's Birthday Honours in 2020.

Diana MacTiernan



Manager Commission Services

Diana has a background in industrial relations working for unions, employers and an independent body. She has worked across the Commission since joining it in 2007 and now manages Commission Services.

Allan Macdonald



Manager Office of the Commissioner

Allan has been the Commission's Senior Legal Officer since 2002, and now manages the Office of the Commissioner.

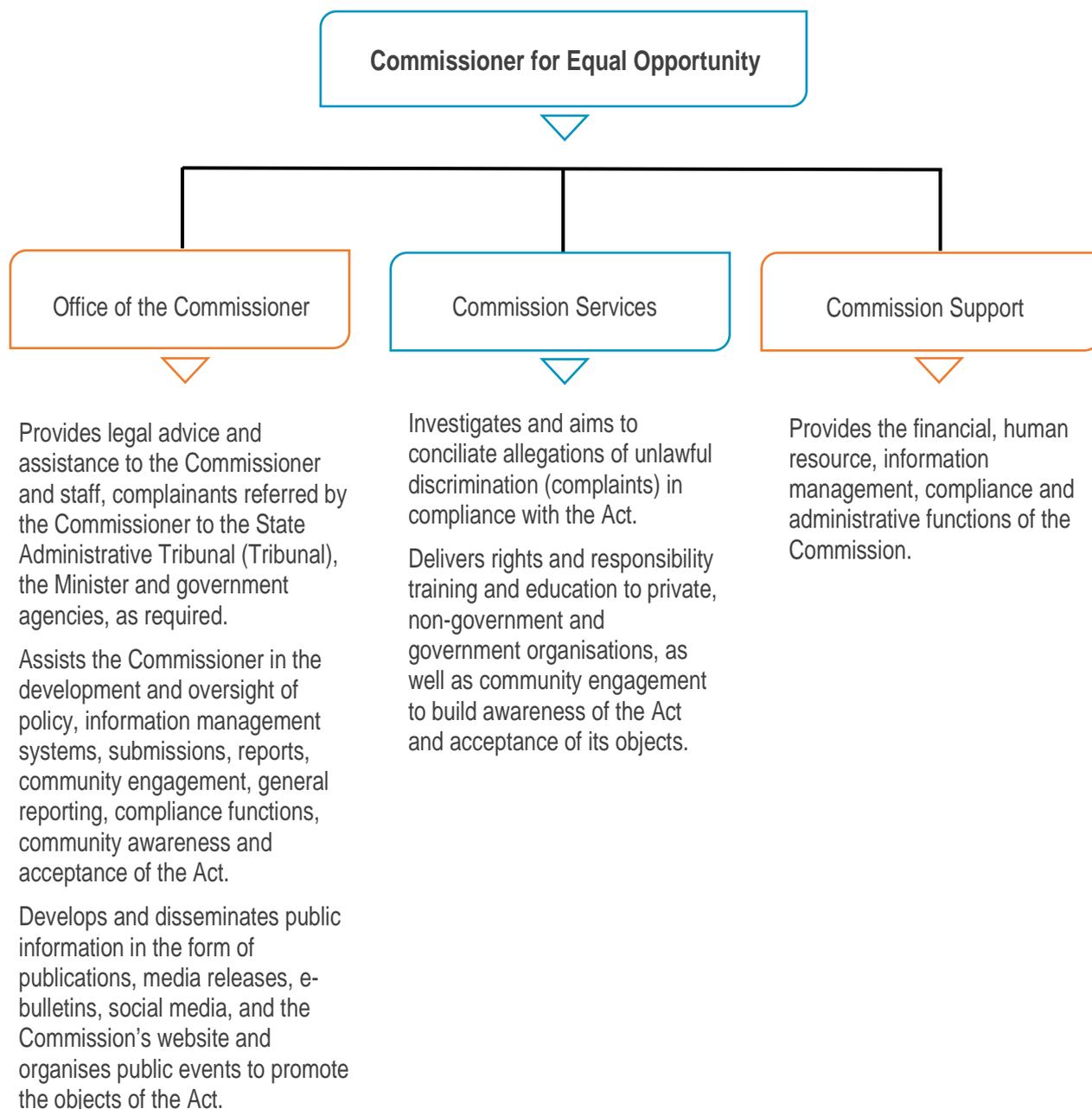
Zarin Milambo



Manager Commission Support

Zarin Milambo has managed corporate services for over 15 years and has expertise in public administration and compliance including finance, IT, human resources, procurement, 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 2019-20 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 State Administrative Tribunal (Tribunal) by the Commissioner.

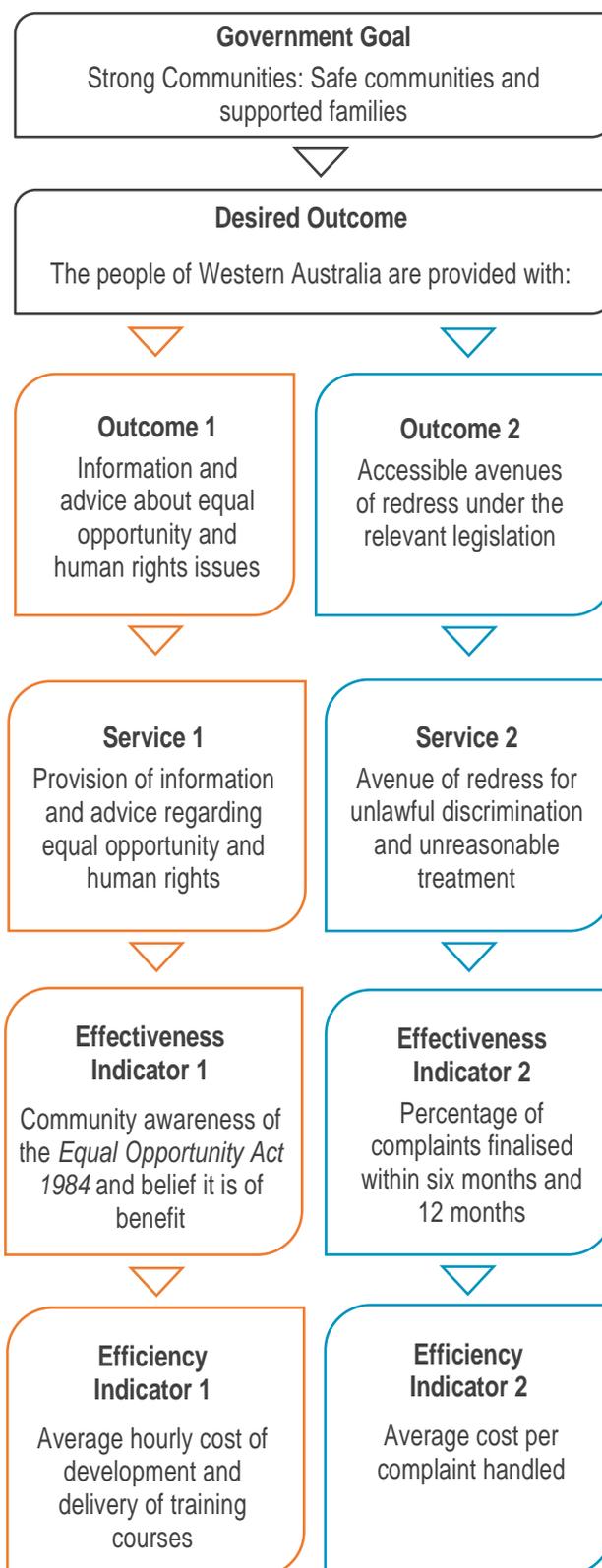
Changes to outcome based management framework

The Commission's outcome based management framework did not change during 2019-2020.

Shared responsibilities with other agencies

The Commission did not share any responsibilities with other agencies in 2019-2020.

Outcome based management framework



Our performance

Performance summary

Actual results versus budget targets

Financial targets

	2019-20 Target (1) \$000	2019-20 Updated Target (2) \$000	2019-20 Actual \$000	Variance \$000	Updated Variance (2) \$000
Total cost of services	3,983	4,087	4,063	80	(24)
Net cost of services	3,779	3,883	3,948	169	65
Total equity	838	980	181	(657) ⁽³⁾	(799) ⁽³⁾
Net increase / decrease in cash held	0	0	75	75 ⁽⁴⁾	75 ⁽⁴⁾
Approved salary expense	2,233	2,316	2,172	(61)	(144) ⁽⁴⁾

(1) As specified in the Budget Statements.

(2) Reflects updated financial targets post 2019/20 mid-year Review Outcomes.

(3) Changes in equity relate to the Government office accommodation policy changes and the treatment of office lease costs.

(4) Supplementary funding was approved for the salary expenses of the Commissioner's Assistant.

Working cash targets

	2019-20 Agreed Limit \$000	2019-20 Actual \$000	Variance \$000
Agreed working cash limit (at budget)	195	197	(2)
Agreed updated working cash limit	200	197	3

Summary of key performance indicators

For more detailed information please refer to the audited 'Key Performance Indicators' section of this report.

Key effectiveness indicators

	2019-20 Target	2019-20 Actual	Variance
Effectiveness Indicator Service 1: Community awareness of the <i>Equal Opportunity Act 1984</i> and belief it is of benefit	75.0%	82.0%	+7.0%
Effectiveness Indicator Service 2: Percentage of complaints finalised within:			
Six months	85.0%	75.6%	-9.4%
12 months	90.0%	96.2%	+6.2%

Key efficiency indicators

	2019-20 Target	2019-20 Actual	Variance
Efficiency Indicator Service 1: Average hourly cost of development and delivery of training courses	\$815	\$818	+\$3
Efficiency Indicator Service 2: Average cost per complaint handled	\$2,550	\$2,760	+\$210

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 organisations and private industry
- Delivering training for employers and service providers on their responsibilities and rights under the Act
- Educating community groups and individuals on their rights and responsibilities under the Act
- Identifying potentially discriminatory policies and practices and raising these with appropriate bodies.

Raising community awareness

Key strategies include:

- 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.
- 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.

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 an online interface for the work of the Commission.

Ongoing review of the website is undertaken to make the site accessible to the widest possible range of people in the community, including people with visual impairments who require the use of a reader. In the 2019-20 financial year the Commission's website received 143,651 page views, which is an increase from the previous financial year. The page with the greatest number of visits was the page providing information about the *Equal Opportunity Act 1984* at 15,257 visits and has been the most visited page on the website for two years in a row. Of those visiting the site, 48,722 were new visitors and 49,328 were returning visitors.

The Commission's online complaint form and emails are now the primary avenue used to lodge complaints of unlawful discrimination, with 81.7% of complaints submitted in that way. 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 contains 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 2,313 contacts. In 2019-20, 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.

Facebook

The Commission launched its Facebook page at the end of the 2015-16 financial year to increase its outreach across Western Australia. Posts include 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 2019-20 the Commission's Facebook page received 422 likes and has 447 followers, which is an increase of 20 percent for likes and 27 percent for followers on the previous year. The most popular post, according to the number of likes received, was a post announcing John Byrne's appointment as Commissioner. The post received 371 reactions, comments and shares and reached 2,847 people.

WA Media Awards

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

The winner of the 2019 Social Equity Report was Emily Smith of the ABC for her online report [Not another nameless statistic](#), about a teenage girl's suicide in the Kimberley.

Out in the community for NAIDOC Week



Commission Senior Education and Conciliation Officer Sandra Hunter at the NAIDOC Family Day stall

In July 2019 the Commission participated in NAIDOC Week events including stalls at the Mirrabooka NAIDOC Event at the Herb Graham Recreational Centre and the NAIDOC Family Day at Ashfield Reserve.

Commission enquiry staff were rostered on both stalls to speak to stall visitors about unlawful discrimination and to network with the Aboriginal and Torres Strait Islander community about ways to address unlawful discrimination, particularly on the grounds of race and racial harassment.

In 2019 the Commission held its annual Aboriginal Calendar artwork competition during NAIDOC Week using the NAIDOC Week theme *Voice, Treaty, Truth*.

2020 Aboriginal Calendar



Kayla, Sarah and Tarryn (from left) working on their Aboriginal Calendar entry at NAIDOC Family Day

The 2020 Aboriginal Calendar artwork competition was conducted over NAIDOC Week in 2019.

Visitors to the Commission's stalls at the Mirrabooka NAIDOC Week event and NAIDOC Family Day in Ashfield were invited to participate in the artwork competition and from this the Commission received over 50 entries.

The winners of the competition were sisters Kayla and Tarryn and their cousin Sarah who created a colourful and intricate design inspired by the 2019 NAIDOC theme, *Voice, Treaty, Truth*.

New and Emerging Communities Reference Group

The New and Emerging Communities Reference Group (the Reference Group) was established in 2015 and continues to assist the Commissioner to develop coordinated and coherent strategies to address systemic discrimination experienced by people from new and emerging communities and issues such as racial harassment and direct discrimination.

The Reference Group membership includes representatives from relevant state and federal government agencies, non-government organisations, community groups and educational institutions.

The reference group met on two occasions in the past year. A third meeting had been scheduled for March 2020 but was postponed due to the limits on gatherings during the COVID-19 pandemic.

Following representations by members of the group and the Commissioner about asylum seekers being unable to access health care due to the costs involved, the WA Health Department was considering amending its policy to allow Medicare ineligible people seeking asylum in WA to access public hospital treatment on the same terms as Australian residents.

Other issues discussed by the Reference Group included:

- Difficulties experienced by migrants, refugees and humanitarian entrants in navigating job active services and the limited specialised services for this group
- Review of State language services policy
- Limited access to English classes for some visa holders
- Development of The WA Multicultural Policy Framework
- Contributing the stories of refugee and humanitarian entrants for the new WA museum
- Changes to the Adult Migrant Education Program.

Pride



Commission Officers and family members at the Pride Parade

The Commission participated in the annual Pride Fair Day for Perth's lesbian, gay, bisexual, trans and intersex community at Hyde Park.

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

Commission staff, as well as family and friends, also marched in the annual Pride Parade in Northbridge, handing out information brochures to other participants in the march and crowds watching the parade.

Mentoring future female leaders



Mentors and mentees at the Commission's Speed Mentoring event

The Equal Opportunity Commission hosted its fourth Speed Mentoring event for International Women's Day this year with inspirational mentors from various fields such as sport, technology, town planning, local government, the arts and science.

"The mentors were all influential in their fields, many of them are entrepreneurs and have mentored others who want to follow their paths," Commissioner Dr John Byrne said.

He said he was pleased the event had enjoyed such success and continued into its fourth year.

"We receive great feedback from the speed mentoring event from both mentors and mentees, with many mentors returning each year to impart their valuable advice," he said.

Addressing barriers for women and children in prison



CEO of Sisters Inside Debbie Kilroy with Commissioner John Byrne

CEO of Sisters Inside Debbie Kilroy delivered a thought-provoking address on the topic *Barriers Inside and Out: human rights issues impacting on incarceration and reintegration for women and children* for the Commission's International Human Rights Day event on 10 December 2019 at the Atrium Theatre in Perth.

Ms Kilroy provided the audience with a powerful insight to the injustice within the justice system that often severely punished the most vulnerable and disadvantaged.

Ms Kilroy was critical of governments and decision makers in failing to make the connection between imprisonment and the vulnerability of women and girls.

'Women and girls are marginalised because of the violence they experience, the health issues they have because of that violence, because of disabilities, because of intergenerational poverty, because of the colonisation and ongoing colonising project of this country, because of homelessness and social exclusion,' she said.

She said 98 percent of women in our prisons had experienced violence and 89 percent had experienced sexual violence.

She said prison was often the 'dumping ground' or default response for how to address, and what to do with victims.

Commission supporting support dogs



Jeff Rosales-Castaneda with an assistant dog in training

The Equal Opportunity Commission took part in Sussex Street Community Legal Service's event to raise awareness about guide and assistant dogs, their handlers and their trainers at the Raine Square shopping centre in Perth.

Commission Legal Officer Jeff Rosales-Castaneda, who participated in the event, said the Commission has received complaints and enquiries in the past about guide dogs and assistance dogs, mostly in the area of goods and services.

Usually in complaints involving guide and assistance dogs it is a café or restaurant that does not want animals inside a venue where food is served.

'The *Equal Opportunity Act 1984* in WA is silent about the use of assistance dogs, however guide dogs for sight impaired complainants are covered by the Act,' he said.

Jeff said people with assistance dogs for other impairments such as epilepsy, diabetes, autism or post-traumatic stress disorder needed to lodge a complaint with the Australian Human Rights Commission under the *Disability Discrimination Act 1992*, which covers the use of assistance dogs.

'They are a section of the community who fall through the gaps of our discrimination laws in WA, however it was a valuable opportunity to meet those with assistance dogs and get a better understanding of the important work their animals do,' he said.

Jeff said it was a great opportunity to speak to people passing through Raine Square about the Commission and the *Equal Opportunity Act 1984* and how it related to guide dogs.

'Having a group of adorable guide and assistant dogs in training certainly brought in the crowds and gave us the opportunity to provide important community outreach to those on their lunch breaks from work in the CBD,' he said.

Working with the Public Sector Commission on workforce diversification

During 2019-20, the Commission continued to engage with the Public Sector Commission (PSC), as part of PSC's development of its 'Workforce Diversification and Inclusion Strategy for Public Sector Employment 2020-25', together with six supporting action plans.

The Commission's involvement in developing the Strategy continues on from work done with the PSC in previous years, providing advice and guidance in relation to the two applicable exceptions under the Equal Opportunity Act, specifically, measures intended to achieve equality and genuine occupational qualification (GOQ).

The measures intended to achieve equality exception enables employers to implement policies and practices that are designed to remove existing systemic discriminatory barriers to the recruitment and retention of people from a range of diversity backgrounds. The GOQ exception enables employers to recruit applicants of a particular diversity background for positions or roles exclusively created to provide targeted services to people of the same diversity background.

The Strategy was announced by the PSC in the second half of 2020, with implementation and practical steps to follow.

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. The Commission continues to liaise with agencies about their requirements under the Act.

Throughout 2019-20, where potential issues of systemic discrimination have been brought to the attention of the Commission, the Commissioner continued to write to and met with senior officers of the relevant agency to discuss how the issues may be addressed.

Discussions also commenced with the PSC as to how most effectively ensure the objectives of the Framework continue in the sector. This will be expanded to discussions with agencies to ensure there is a clear connection with other sector wide frameworks which have compatible aspirations such as the Multicultural Policy Framework, Disability Action and Inclusion Plans and the Women's Strategy.

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 objects of the Act. This is done through the adoption of best practice models in:

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

Fee for service training

Training which is provided on a fee for service basis is delivered in two categories: Mixed profile and customised.

Mixed profile training is where courses are publicly advertised, and participants may come from a range of organisations.

Customised training is for an organisation which requests a course to be run exclusively for its staff and the course is adapted to meet the needs of the organisation.

In 2019-20 participants in fee for service and mixed profile training were drawn from public sector organisations, local government, the private sector and community organisations.

There were 70 requests for fee for service training in the 2019-20 year, a slight reduction on the number of requests in 2018-19 of 82 sessions. This reduction was due in part to the COVID-19 pandemic as courses were cancelled or deferred from March to June 2020.

The Commission reviews and updates training material on an ongoing basis to ensure course content remains relevant. The Commission has continued to test new ways to provide whole-of-organisation training aimed at supporting workplace cultures which are inclusive and free of discriminatory practices. The COVID-19 pandemic inspired the Commission to explore alternative ways of providing contact-free training services.

Examples of organisational sessions include:

- *Equal Opportunity and Diversity in the Workplace*
- *Equal Opportunity Law an Introduction*
- *Positive Workplace Culture*
- *Contact Officer Role*
- *Equity Grievance Officer.*

In 2019-20 the course with the highest number of participants was *Sexual Harassment and Workplace Culture* with 262 participants, followed by *Equal Opportunity and Diversity in the Workplace* with 254 participants.

Evaluation

Participants who enrol to attend fee for service training are requested to complete a pre-training questionnaire to measure their level of knowledge of the Act.

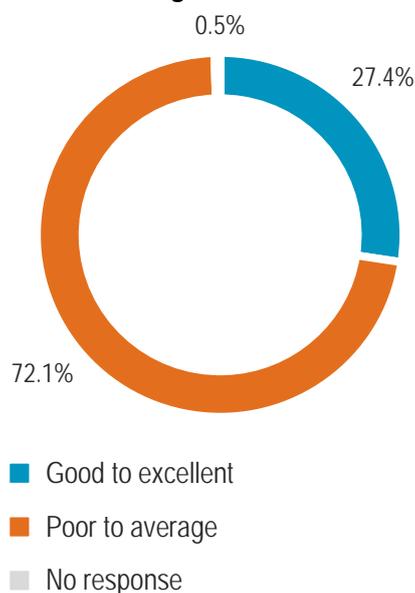
Perceptions before training

Participants are asked their current level of knowledge about:

- *the Equal Opportunity Act*
- *what unlawful discrimination is*
- *what can be done about it?*

Of the participants who responded to these three questions, 72.1% said they had a 'poor to average' knowledge while the remaining 27.4% had a 'good to excellent' knowledge.

Figure 1: Participant's knowledge prior to training for 2019-20



Prior to attending training, some participants said they hoped to:

- *'learn more about unconscious bias'*
- *'gain strategies and skills to facilitate resolution of staff concerns'*
- *'gain a better understanding of the law in the workplace'.*

Perceptions after training

Participants are also asked to complete a post training evaluation. After attending the training course, participant perceptions of having a *'good to excellent knowledge and understanding about equal opportunity'* had increased from 27.4% before the course, to 90.5% after.

Of the 620 people who participated in fee for service training sessions, 582 (93.8%) completed a post-course evaluation. The outcome of these evaluations indicated a consistently high level of satisfaction with the education and training experience.

When asked if the participants would recommend the Commission's training courses to their colleagues, 99.1%, said they would. Some participant comments on Commission training courses were:

- *'great interactive format, engaging facilitator who made even the legal content fun and interesting'* **Recruitment and Selection – Are you getting it right?**
- *'excellent presentation, including handouts, videos and activities'* **Equal Opportunity Law and Diversity in the Workplace**
- *'having people aware of EO issues means there are less EO issues'* **Contact Officer Workshop**
- *'complex topic delivered in an easy to understand format'* **Equal Opportunity Essentials for Managers.**

Figure 2: Participant's knowledge after training for 2019-20



Perceptions about training staff

Feedback indicated that 95.9% of participants thought the Community Education officer's facilitation style and delivery was very effective. Participants said the trainers were:

- *'awesome delivery, thoroughly enjoyed it'* **Sexual Harassment and Workplace Culture**
- *'excellent, open and clear communication and highlighted key areas of challenges that we could face'* **Contact/Grievance Officer Workshop**
- *'really enjoyed the presenter's style which was natural, informative and lacked jargon'* **Equal Opportunity Law an Introduction.**

Rights based education

Community education officers delivered rights based sessions to community groups, not for profit associations. 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 fully aware of the protections available under the Act, or their obligations towards others.

The number of rights based sessions delivered in 2019-20 in Perth and regional WA totalled 89 sessions, compared to 72 sessions in 2018-19, an increase of 23.6%.

Rights based sessions included:

- *Equal Opportunity Law – Awareness:* Sessions were conducted with agencies including the Aboriginal Legal Service, Advocacy WA, Multicultural Services Centre Bunbury, Australian Professional Bridge
- *Equal Opportunity Law – Information Session:* Sessions were conducted with SW Aboriginal Medical Service, Shire of Collie, Disability Services Bunbury
- *Sexual Harassment - Know Where the Lines:* Sessions were conducted with University of Western Australia Guild and Colleges
- *EO Law and COVID-19:* Session conducted with Multicultural Advocacy and Resource Connect.

Equal opportunity in sport

In 2019-20 the Commission continued:

- sponsorship of the Australian Sports Commission's Play by the Rules website and program
- being a point of contact for sports associations and clubs for enquiries relating to discrimination law
- presenting to sports clubs where particular issues have arisen
- two Member Protection Information Officers training with staff from the Department of Local Government Sport and Cultural Industries.

Uni students debate protection for people with impairments

- Commission Services Manager Diana MacTiernan and Community Education Officer Mike Harte adjudicated debates between students of Curtin University's Built Environment faculty on the topic of impairment discrimination in the workplace.
- Following the debate, the Commission staff provided an overview of the *Equal Opportunity Act 1984*, including the right to a workplace free of discrimination and harassment, and a concurrent obligation to treat co-workers, customers and clients in a non-discriminatory manner.

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. Trips to the more distant regions of WA are usually for a duration of approximately a week and involve two Community education officers travelling together for reasons of occupational health and safety and to get better coverage in the region. Regions closer to the metropolitan area may involve a single officer making a two or three-day round-trip.

Trips usually aims to include a mixture of fee for service and rights based sessions. In the past year the Commission has continued to provide several sessions free of charge when usually a fee would apply. This is because an increasing number of government and private sectors organisations have limited discretionary education and training budgets.

The Commission is also contracted from time to time by organisations to provide on-site 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.

Regional visits provide valuable insights into issues that affect diverse communities throughout WA.

South West

One community education officer travelled to Bunbury in July 2019 to conduct fee for service and rights based training. This included the popular *Equal Opportunity Essentials* course aimed at people with a general interest in discrimination issues.

Meetings were also held with community organisations, including Aboriginal organisations in Bunbury, Collie, Harvey and Pinjarra.

Pilbara

In August 2019 community education officers travelled to the Pilbara with staff from the Office of Multicultural Interests (OMI). Meetings were held in Karratha and Roebourne with the Shire and also community groups to discuss participation in sport, and issues related to Aboriginal as well as culturally and linguistically diverse groups.

In addition to work with OMI, community education officers conducted *Grievance Officer* training with the TAFE in Port Hedland, and consulted with Aboriginal and other community groups in Roebourne, Karratha and Port Hedland.

Kimberley

In September 2019 the Commission conducted fee for service *Contact and Grievance Officer* training with the TAFE in Broome. This training has been delivered to TAFE's Broome staff on a biennial basis.

In addition, community education officers delivered a course on *Sexual Harassment and Workplace Culture*.

Great Southern

Community education officers travelled to Albany and delivered courses on *Sexual Harassment and Workplace Culture* in November 2019.

Goldfields

In December 2019 the Community Education officers joined staff from the Offices of the WA Ombudsman and the Commonwealth Ombudsman, and from the Health and Disability Services Complaints Office (HaDSCO) and held a combined agency 'one stop shop' in a tent at a shopping centre car park.

Staff from these agencies also travelled to Boulder and Leonora to consult service providers and community groups, and to provide people an opportunity of speaking face to face with departmental staff or to lodge complaints.

Midwest

In February 2020 community education officers travelled to the Midwest to meet community organisations and service providers in Geraldton, Mullewa and Northampton. Several rights based sessions were conducted in these towns.

In addition, the Commission delivered a course on *Sexual Harassment and Workplace Culture* in Geraldton.

Figure 3: Regional visits for 2019-20



Indian Ocean Territories

The Commission was scheduled to conduct a biennial community outreach trip to the Christmas and Cocos (Keeling) Islands in late March/April 2020. This outreach trip was to follow a model used in the previous year with several WA government agencies, including HaDSCO, the Ombudsman and Communities (Child Protection) providing joint information sessions.

This outreach trip was cancelled due to the COVID-19 pandemic with a view to rescheduling in 2021 provided it is safe to do so.

IOT outreach work has been undertaken over many years in accordance with a service delivery arrangement with the Federal Government.

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.

The Commission receives a diverse range of enquiries most of which allege discrimination. Some enquirers describe situations which do not constitute unlawful discrimination as defined by the *Equal Opportunity Act 1984* (the Act), including allegations of unfair dismissal, victimisation and bullying. Commission officers attempt, where possible, to direct these enquirers to more appropriate agencies to deal with their issue.

Where the situation described by an enquirer seems to fall within the jurisdiction of the Act, the enquirer is informed about the Commission's complaint handling process, or where appropriate, their options under federal anti-discrimination laws. There are some allegations of unlawful discrimination where federal legislation provides greater protections, including allegations involving students in education, or employees with impairments who need reasonable adjustments, or access to buildings, and in these cases enquirers may be advised to contact the Australian Human Rights Commission.

In the current financial year 6.2% of enquirers were advised to contact the Australian Human Rights Commission to discuss whether the federal jurisdiction may be a more appropriate avenue for investigating their allegations.

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

Details of the data relevant to this section are provided in Appendix A of this report.

Enquiry summary 1

Age discrimination in employment

A mature age apprentice had been made redundant. He applied to the industry training body apprentice seeking a placement to complete his apprenticeship, and despite having good references, his application was declined because they did not take on mature aged apprentices.

The enquirer was informed it was open to him to file a complaint of age discrimination under the Federal Act.

Answering enquiries from the community

The Commission received 1,318 enquiries during 2019-20 from people who phoned the enquiry line, sent a written enquiry electronically or by hardcopy, or visited the Commission's office in person. The number of enquiries received plateaued this year after several years of declining in number. The number of enquiries received this financial year was 2% lower than the 1,345 enquiries received in the 2018-19 financial year.

Nearly two thirds of all enquiries (65.9%) received in 2019-20 were by telephone.

Of the 414 written enquiries received, 87.4% were lodged via the Commission's website or by email.

Enquiry summary 2

Race discrimination in employment

A man wanted to know if discrimination law allowed him to speak to a co-worker in their first language after a co-worker complained about them not speaking to each other in English.

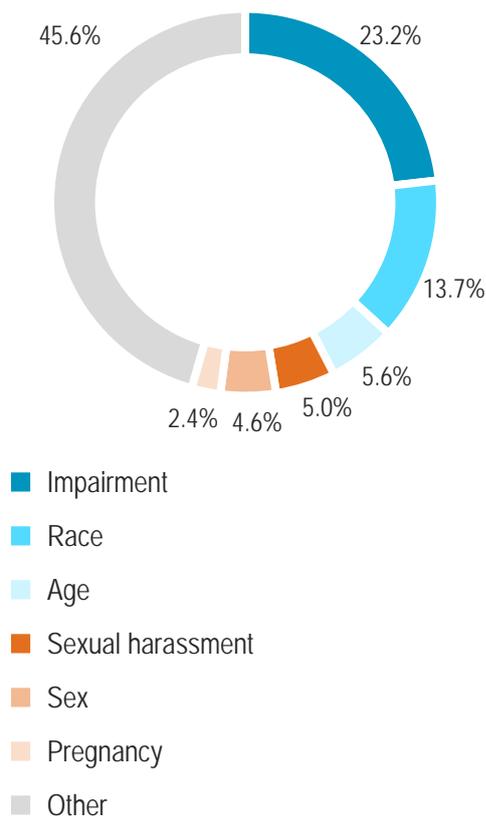
The man was informed that there were legal decisions stating it was reasonable to expect people to speak English in the workplace, and also a decision stating it was unlawful to prevent people from speaking community languages in the workplace. It depends on the context as well as the manner in which the incident occurs.

Nature of enquiries

Of the enquiries received in 2019-20, 64.8% were about matters that fell within the jurisdiction of the Act. If an enquiry was not within the jurisdiction of the Act, where possible a referral to an appropriate state or federal agency or non-government organisation was provided.

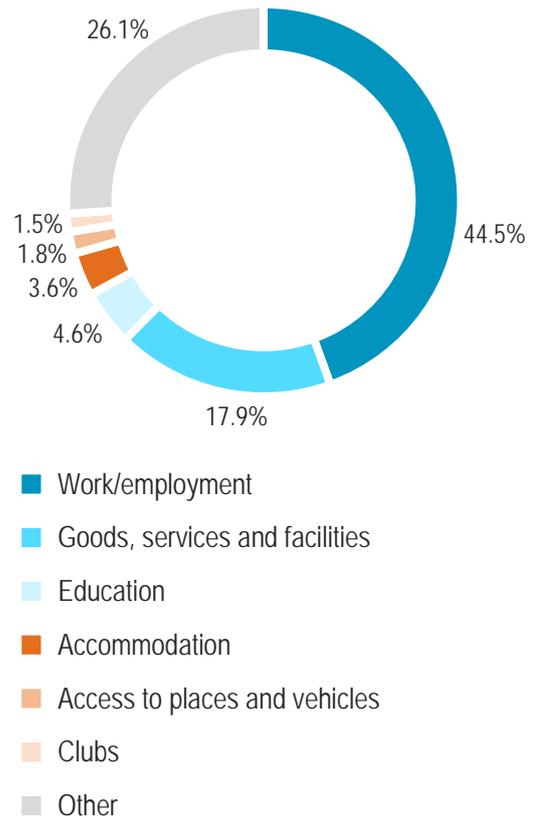
The two most common grounds of discrimination cited by enquirers were impairment (23.2%) and race (13.7%). These grounds have consistently been the two grounds with the highest number of enquiries for the past three years. This pattern mirrors the grounds of complaints accepted for investigation, where in 2019-20 impairment and race were also the grounds on which the highest number of complaints were lodged.

Figure 4: Top six grounds of enquiries received 2019-20



The areas of discrimination mentioned by enquirers in 2019-20 were consistent with the areas mentioned in previous years, with nearly half of the enquiries handled relating to the area of 'work' (44.5%). Enquiries regarding provision of goods, services and facilities were the next highest area (17.9%), followed by education (4.6%).

Figure 5: Top six areas of enquiries received 2019-20



Enquiry summary 3

Impairment in employment

A hospitality employee was dismissed because of her lack of enthusiasm for customer service, which she said was because she was recovering from depression.

While the employee could file a complaint of impairment discrimination, under the Act there is a defence available to the employer based on the employee's ability to do the work reasonably required to be performed in the position. A relevant question would be whether 'enthusiasm' is a requirement of the position.

In 2019-20 a majority of the enquiries were from individuals (82.7%). A smaller number of enquiries were from public sector organisations (6.6%), and the remainder were from the following range of other enquirers:

- Private enterprise (4.1%)
- Prisoners (2.8%)
- Non-government organisations (2.6%)

Of the individual enquirers, 48.8% were from women and 39.5% from men, with the remainder from organisations (10.8%) and mixed groups of men and women (1%).

Over seventy percent of all enquiries (71.2%) were people reporting allegations of discrimination or requesting information about potential complaints. Other enquiries related to employers and potential respondents seeking information about their responsibilities under the Act (5.9%), and a smaller number of enquirers requested copies of Commission publications (4.9%).

Of the 1,318 enquiries received, 74.4% related to the Act and were answered, while 21.5% of enquiries were referred to organisations including:

- WA government departments or agencies (10.4%)
- The Australian Human Rights Commission (6.2%)
- Non-government organisations (4.0%), mainly community legal centres
- Unions and peak employer bodies (0.9%).

The remainder of enquiries (4.1%) were matters including correspondence where no address or identifying information was provided.

Enquiry summary 4

Sex discrimination in employment

A man wanted to know if it was 'legal' for the mining company where he worked to specifically offer jobs and training opportunities to women only.

The man was informed that under section 31 of the Equal Opportunity Act 1984, it is not unlawful to discriminate in favour of a particular sex if it is done as a measure intended to achieve equality. The measure must be genuine and proportionate to the aim of achieving equality.

Enquiry summary 5

Sexual harassment in employment

A woman alleged sexual harassment against her manager and said she felt unsafe at work. The company dismissed her complaint and said she needed to "harden up" and confront the alleged harasser herself, as she would probably face more sexual harassment in her future working life.

The woman was advised she could lodge a complaint against the manager and she would need to provide specific examples of his unwelcome conduct of a sexual nature. A complaint could also be lodged against the company for failing to investigate her allegation, and for suggesting an appropriate response to workplace sexual harassment was to harden up and to expect more harassment in the future.

Enquiry summary 6

Physical appearance in employment

A security firm employed a man for a position as a personal bodyguard to a high-profile Western Australian. The high-profile person's staff declined to employ the man "because he looked like a bikie". The staff said their employer "preferred the military look".

In WA, there is no protection for less favourable treatment on the ground of a person's physical appearance, unless the treatment is based on another ground, such as sex, impairment, age, or religious conviction.

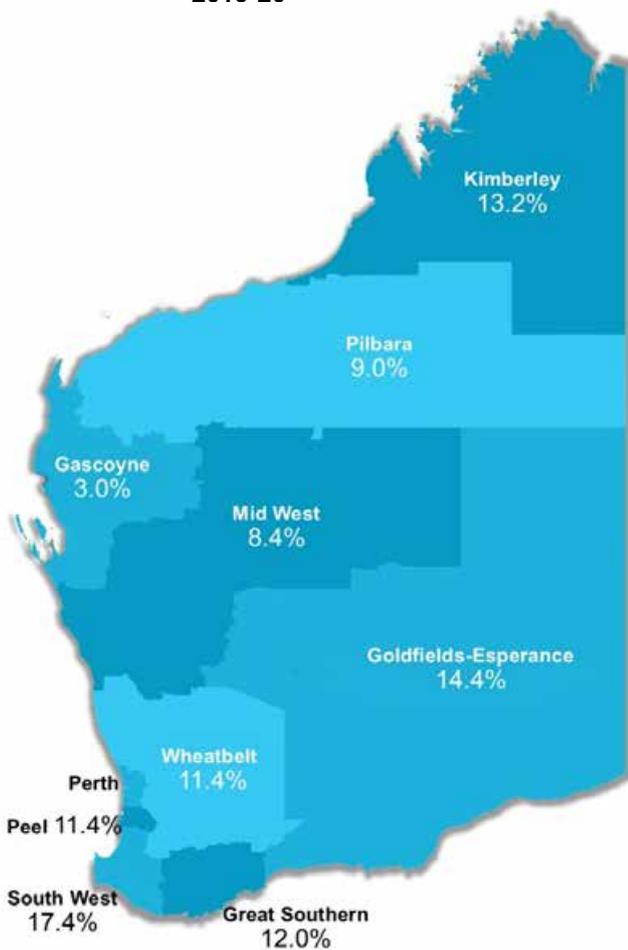
Enquiry summary 7

Residence of enquirers

Of the 643 enquirers who nominated a place of residence, 64.2% lived in Western Australia (WA) in the Perth metropolitan region and 26.9% lived outside the metropolitan region (including the Indian Ocean Territories). Of the remainder, 7.6% were from other states and 1.2% from overseas.

Of the WA enquirers from non-metropolitan regions, 17.4% lived in the South West region, 14.4% in the Goldfields, 13.2% in the Kimberley, 12.0% in the Great Southern, and 11.4% lived in the Wheatbelt and Peel regions.

Figure 6: Regional enquiries received 2019-20



Spent conviction in employment

A man alleged he was not considered for a job because of prior criminal convictions, all committed over 10 years ago, but none had been 'spent'.

The Act does not provide protection for people treated less favourably in employment due to a prior criminal conviction unless it is a spent conviction. There are many exceptions to what would otherwise be spent conviction discrimination under the Spent Conviction Act, depending on the nature of employment and the offence to which the conviction relates.

Enquiry summary 8

Religious conviction in employment

A local government body enquired about its legal obligations to an employee who, because of their religious conviction, declined to attend the office Christmas function and therefore missed out on a waiver of two hours flexitime.

The employer was advised that the Commission could accept a complaint from the employee but a comparison would need to be made with how the employer treated, or would have treated, other staff who did not have the same religious conviction as the complainant, but who also declined to attend the function.

Enquiry summary 9

Impairment discrimination in education

A tertiary student studying nursing was recovering from a motorcycle accident. He was required to complete a hospital practicum full-time as part of his degree, but because of his injuries his doctor recommended he only attend the practicum part-time.

The man was advised while he could file a complaint under the EOA, he may be better placed under the Disability Discrimination Act 1992 as it requires educators to make reasonable adjustments for students with a disability or injury.

Handling complaints

Nature of complaints

The Commissioner will investigate a complaint of unlawful discrimination if a person alleges they have been discriminated against under a section of the *Equal Opportunity Act 1984* (the Act). To elaborate, unlawful discrimination may have occurred where a person alleges they have been treated less favourably because of one or more of the 16 grounds of unlawful discrimination under the Act, and in one or more of the areas of public life listed in the Act. Some grounds of discrimination do not apply in some areas of public life, therefore allegations with a ground but without an appropriate area, cannot be accepted for investigation.

In addition to the grounds under the Act and the unlawful act of victimisation, there are two other grounds of unlawful discrimination arising from other WA Acts, which confer jurisdiction to the Commissioner to investigate, conciliate or refer to the State Administrative Tribunal (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*.

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 matter in order for it to become a complaint.

In any matter accepted as a complaint, before the matter can progress, the complainant needs to provide a minimum level of substance to the allegation.

Once the Commissioner is satisfied there is sufficient substance, the allegation is put to the respondent/s who will be requested to provide a response. If deemed appropriate, a conciliation conference will be held.

If conciliation does not provide a resolution to the complaint, further investigation may be required, and a report is prepared for the Commissioner's consideration.

The Commissioner may determine the matter has substance and will refer it to the Tribunal and the person may request assistance from the Commissioner to progress the matter there.

Should the Commissioner determine the complaint is to be dismissed under section 89 of the Act as lacking in substance, vexatious, frivolous or misconceived, the complainant has the right to require the matter be referred to the Tribunal for determination. In this case the complainant is responsible for their legal costs.

Numbers of complaints

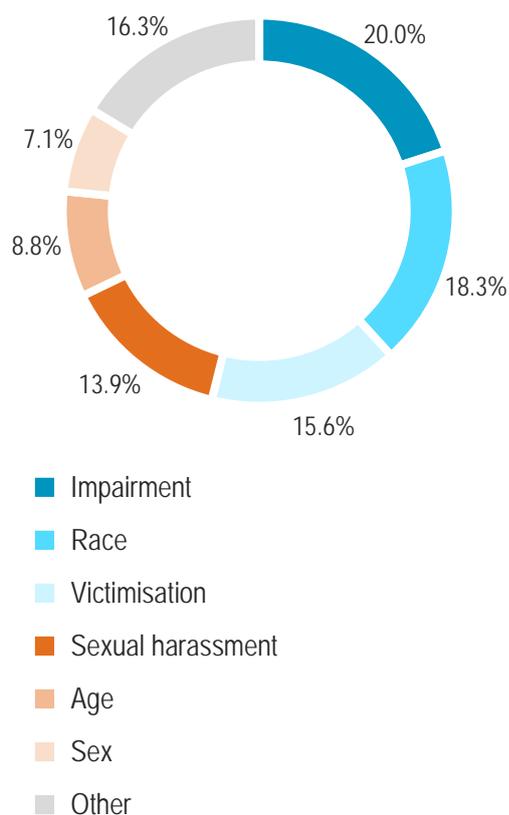
In 2019-20 the Commission received 410 new complaints. This is lower than the 475 complaints received in 2018-19. When looked at over a 30-year period, the number of complaints received has risen and fallen over time with the lowest annual number of lodged complaints being 240 received in 1987-88 and the highest being 795 in 2011-12 (see Appendix B).

These fluctuations reflect factors including the economic cycle, and in some years, such as 2011-12, a result of increased activity by some advocacy agencies. Over this period there have also been different methodologies in accepting complaints, which also affects numbers.

Of the various grounds of unlawful discrimination under the Act, complaints of impairment discrimination have remained the highest for many years, followed by race. In the past year the highest number of complaints received was again impairment discrimination (20.0%), followed by race (18.3%), victimisation (15.6%) and sexual harassment (13.9%) was the fourth highest ground of alleged discrimination. Figure 7 shows the six highest grounds received.

Complaint summary 1

Figure 7: Top six grounds of complaints received 2019-20



Work is the area of public life which has the highest number of allegations of unlawful discrimination and in 2019-20 a total of 64.6% of all complaints related to work. The area with the second highest number of complaints was the provision of goods and services with 17.8% (Figure 8).

‘Work’ as defined in the Act includes seven categories, with the largest category being employment and consisting of employees and applicants.

Figure 9 shows the six highest grounds on which complaints are lodged in the area of ‘work’. Hereafter references and examples used are to the category of employment.

Impairment-related employment complaints were lodged by people with physical, mental, sensory or other impairments, as well as complainants with an injury. Most complaints from people with disability in relation to the area of work, were from people in employment rather than people applying for work.

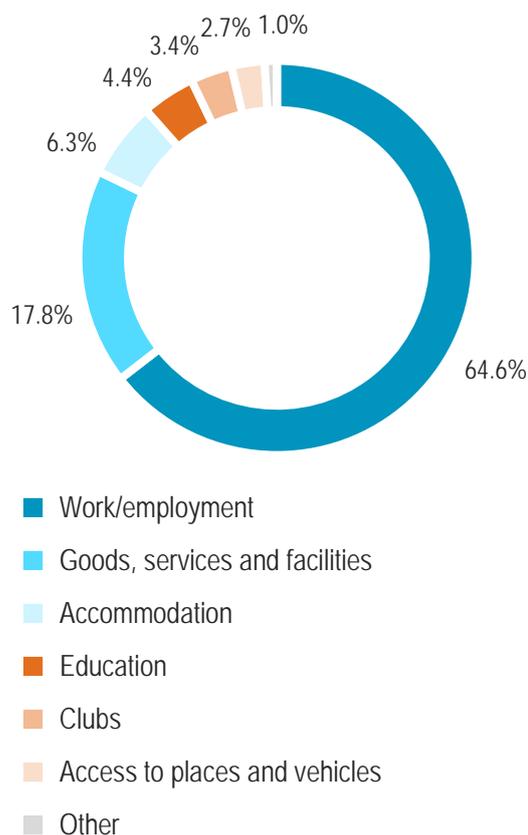
This may be because people in employment are more likely to have access to information and documentation on treatment they consider less favourable, whereas job applicants are far less likely to be able to obtain this.

Impairment discrimination and victimisation in employment

In her job application a woman disclosed a mental health disability which required her to attend an ongoing medical appointment once a week. The company agreed to this arrangement, but over time she was pressured to increase her hours of work, which caused her to miss some weekly appointments. Her mental health team then required her to keep a mobile phone on hand, but when her employer objected, she turned it off. When she failed to respond to the mental health team’s phone calls, police were alerted, and they came to her home and required her to be taken to hospital. As a result of these and other workplace incidents, she was escorted from the worksite and suspended from work due to alleged behaviour and misconduct at work.

Outcome: The company provided a Statement of Service, a Statement of Regret and agreed to provide mental health training to staff. The company also paid an ex-gratia compensation payment for general damages of \$9,750 and unpaid entitlements of \$3,900.

Figure 8: Top six areas of complaints received 2019-20



Complaint summary 2

Sexual harassment in employment

A young woman alleged sexual harassment because the 'touchy and feely' owner of the business, would from time to time place his hand on her upper and lower back, occasionally 'tapped' her bottom as he walked past, and also asked her inappropriate questions about her private life. The young woman became so distressed by her employer's conduct she resigned.

Outcome: *The matter resolved when the employer agreed to participate in discrimination and harassment awareness training.*

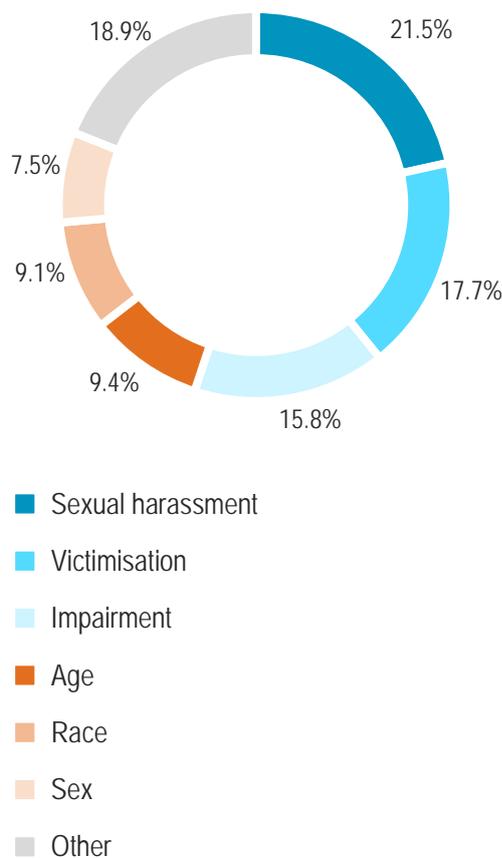
Lodgement of complaints

The Act requires complaints to be in writing, and written complaints can be lodged by email, fax, in person, by post or via the Commission's website. Complainants who have difficulty writing may be 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 declined slightly to 81.7% this year, compared to 85.7% in 2018-19.

For the first time in many years the number of complaint forms delivered by hand increased from 4.4% in 2018-19 to 9.0% in the current financial year.

Figure 9: Top six grounds in work 2019-20



Complaint summary 3

Sex and sexual harassment in employment

A female employee alleged sexual harassment when she received a package of 'inappropriate' goods from her supervisor. The owner of the company stated the package was sent by mistake in lieu of another package intended for her.

Outcome: *The matter resolved with the company agreeing to conduct an equal employment program, and compensation of \$2,862 was paid.*

Complaint summary 4

Age and family status discrimination in employment

A casual employee applied for another position in her workplace was told she may not be suitable due to the company's 'no sibling' policy.

The woman then left the company for a short period of time, and when she applied to be re-employed, she was surprised to be told that "Head Office probably would not re-employ you because of your age".

She then lodged two complaints of unlawful discrimination, alleging she was denied an internal work opportunity because of family status discrimination (the Sibling policy) and denied re-entry to the company because of age discrimination.

Outcome: *The company provided a verbal apology, reviewed internal employment policies, agreed to re-employ the woman and paid financial compensation of \$4,000.*

Legal representation

As in past years, most complainants (70.0%) were not represented. Of those who were represented, the highest number were represented by family or friends (50.4%), whilst community legal centres represented 19.5% and privately funded solicitors 14.6% of complainants. Figure 10 shows the breakdown of complainants who were represented.

Figure 10: Complainant representation 2019-20



Complaint summary 5

Impairment discrimination in education

A school imposed restriction on parents entering school grounds due to the COVID-19 pandemic. A father claimed impairment discrimination on behalf of his daughter as her autism meant she needed to have him accompany her to her classroom. The father said the "leave the child at the gate" policy meant the child was not able to go to the school. He appealed, but the school declined to change its COVID-19 policy.

Outcome: *The father withdrew the complaint and said he would home-school his daughter until he could walk her to her classroom.*

Complaint summary 6

Marital status discrimination in goods, services and facilities

A woman alleged a health insurance fund treated single parents less favourably than two-parent families. She claimed her health fund's single parent policy disadvantaged her as she was required to pay the equivalent of 1.75 adults, which was proportionately more than a person paying a family policy with two adults with the children included free.

Outcome: *The provider explained the category of membership determines the cost of health cover and cited a legal decision to support their position. The woman accepted this explanation.*

Complaint summary 7

Family responsibility and sex discrimination in employment

A woman who worked part-time was told her job had ceased to exist when the organisation was re-structured. She alleged family responsibility and sex discrimination, stating she had been effectively terminated because she was a part-time employee, female and had family responsibilities.

Outcome: *The organisation agreed to reinstatement of 210 hours of personal leave and payment of \$40,000.*

Complainants

The Commission receives complaints primarily from individuals, and occasionally from groups, who allege unlawful discrimination has occurred in Western Australia according to the grounds and areas of the Act.

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

Characteristics of complainants

Gender

In 2019-20 a marginally higher number of women lodged complaints (53.7%) compared to men (46.1%) and one complainant identified as X. This is consistent with previous years. The grounds of pregnancy and breastfeeding are with rare exceptions gender specific, and in the current financial year, six complaints were lodged on these grounds.

Whilst the total number of complaints lodged is relatively even between men and women, there are gender variations with some grounds besides those mentioned above.

For instance, of the 57 sexual harassment complaints lodged this financial year, 50 were lodged by women (87.7%) and seven by men (12.3%).

Historically for most grounds of unlawful discrimination, such as impairment, race, sex and age, the numbers of male and female complainants remain fairly even.

Complaint summary 8

Sex discrimination in education

A young male school student was directed to cut his hair because it was longer than permitted under the school's dress and hair code. He alleged sex discrimination as female students were allowed to have their hair at any length.

Outcome: *The Principal advised the hair policy was to be reviewed in near future to be changed to be gender-neutral, and this explanation satisfied the complainant.*

Birthplace

As in past years, most complaints were lodged by people born in Australia (57.8%). This figure includes Aboriginal and Torres Strait Islander people who lodged 10.5% of all complaints.

Thirty nine per cent of complaints (160 complainants) were lodged by people born outside Australia, which is slightly above the proportion of the Western Australian overseas born population (32.3%) according to the 2016 Census.

Of the 160 complainants born overseas, the highest number were born in the following countries: United Kingdom (29), New Zealand (19), Malaysia (10) and India, Iran and Vietnam (5 each).

When complainants born outside of Australia are categorised by geographical regions, the greatest number came from Europe, including the British Isles (30.0%) and Asia (30.0%), Africa and the Middle East (22.5%), and Oceania (11.9%).

Complaint summary 9

Race discrimination and victimisation in employment

A woman who spoke English as a second language said she applied for a job with a real estate company and offered to do unpaid training. She alleged race discrimination when her training period was cut short and she was not offered a paid position because of her accent. The company claimed they had offered unpaid work experience to help her gain experience in the industry, but the training was cut short because of her 'manner'.

Outcome: *The matter resolved in conciliation with an ex gratia compensation payment of \$3,000.*

Complaint summary 10

Pregnancy discrimination in employment

A woman who worked in a large institution with clients who could be violent or unpredictable, advised her employer she was pregnant and did not want to relocate from what she described as a supportive work environment. She alleged pregnancy discrimination when the employer decided instead to shift her to an adjoining work area, where she felt unsafe and had to work with a co-worker who had sexually harassed her.

Outcome: *The CEO and her line manager provided a written apology. They also agreed to review the organisation’s pregnancy policy and provide EO training to all supervisors.*

Complaint summary 11

Race discrimination in goods, services and facilities

An Aboriginal woman alleged race discrimination against a service station manager when she was required to pre-pay to refuel her car, whilst non-Aboriginal customers were not required to pre-pay.

Outcome: *The company agreed to amend its pre-pay policy and paid financial compensation of \$2,500.*

Language

Thirty-four complainants (8.3%) specified they spoke a language other than English at home. The Commission advises complainants and respondents that accredited interpreters and translators are available, and in 2019-20 two complainants had documents translated.

While no Aboriginal and Torres Strait Islander complainants stated they spoke a language other than English, demographic data indicates some speak ‘Aboriginal English’, and in some instances one or more Aboriginal languages.

Accredited interpreters were used as required in meetings and conferences. Accredited translators were engaged when complaint statements and other documents were submitted in languages other than English or when there was a need to translate documents into a complainant’s preferred language.

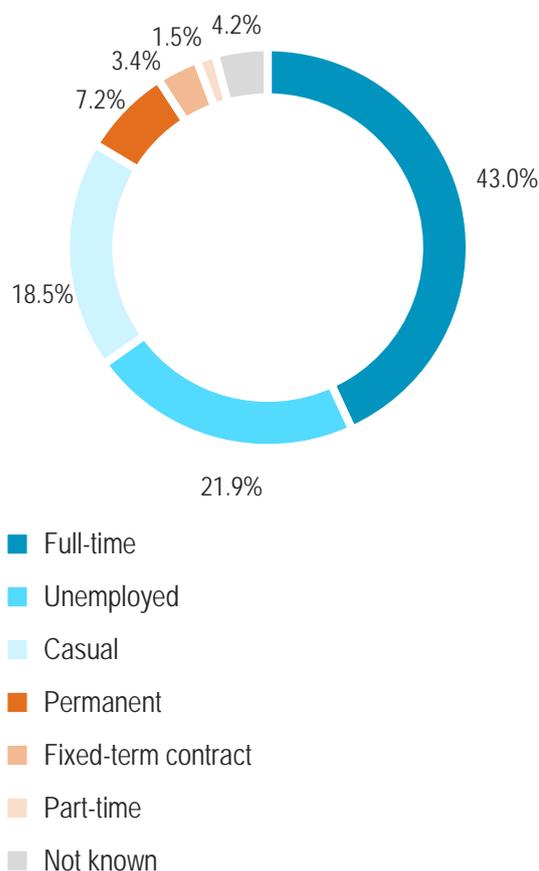
Employment status

Of the 265 complaints in the area of public sector and private employment, 114 complainants or 43.0%, listed their work status as being in ‘full-time employment’, which is higher than the proportions of the previous two years of 38.1% in 2018-19 and 27.3% in 2017-18.

The number of complainants who listed their status as unemployed in the current reporting period was 58 (21.9%).

Details of other employment categories is provided below.

Figure 11: Complainant employment status 2019-20



Age

The highest number of complaints were lodged by people aged 35-44 years (24.1%), followed by 45-54 years (21.4%) and 25-34 years (19.3%). A very small number of complaints were lodged on behalf of people under 12 years of age (1.3%), or by people over 75 years (1.8%).

There were some differences in grounds of discrimination lodged according to age. The list below provides the highest ground(s) of discrimination lodged by each age group:

- 0-17 years – sexual harassment 26.7% and race 20%
- 18-24 years – sexual harassment 21.2%, and age and race both with 15.2%
- 25-34 years – sexual harassment 22.1%, impairment 19.5% and race 19.5%
- 35-44-years – impairment 24.0% and sexual harassment 15.6%
- 45-54 years – race 21.2% and impairment 16.5%
- 55-64 years – age 25.8% and impairment 25.8%
- 65-74 years – race 25% and impairment 18.0%
- 75+ years – age 42.9% and race 42.9%.

Complaint summary 12

Age and impairment discrimination in goods, services and facilities

A frail woman in her 80s had vision impairment and lived in a strata development. She lodged a complaint of age and impairment discrimination when the strata managers required all residents to sweep common pathways and put out rubbish bins, a requirement with which she was unable to comply.

Outcome: *The strata company agreed to pay for the pathways to be swept, investigate removing some of the trees which contributed to the litter, and agreed to attend Equal Opportunity Law training.*

Complaint summary 13

Impairment discrimination in employment

An experienced warehouse worker had managed his ADHD with prescription medication for over 20 years. When he was involved in a minor workplace accident whilst driving a forklift, he was required to take a mandatory drug test which revealed an amphetamine like result, which was caused by his prescription medication. The man alleged impairment discrimination when his employer terminated his employment without allowing him to provide information about his medication.

Outcome: *Due to COVID-19, with conciliators working from home, the Commission's first Skype conciliation conference was conducted, and the complaint was conciliated. The company agreed to provide all human resource staff and supervisors disability discrimination, mental health awareness and injury management training, and paid compensation of \$10,000.*

Complainants with impairments

This year 26.6% of complainants stated they had a disability, but only a subset of these complainants lodged complaints on the ground of an impairment.

The Act defines 'impairment' 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 defines short-term and chronic medical conditions and injuries as being an 'impairment'.

Twenty percent (20.0%) of complaints lodged with the Commission were on the ground of an impairment, of which 51.2% were in the area of employment and 23.2% in the area of the provision of goods services and facilities.

Of these complaints, 42.7% related to a mental health/psychosocial condition, 24.4% related to a physical impairment, 18.3% to an intellectual impairment, and 7.3% to an imputed impairment. Allegations related to vision and hearing related impairments comprised 2.4% of impairment complaints.

Residence of complainants

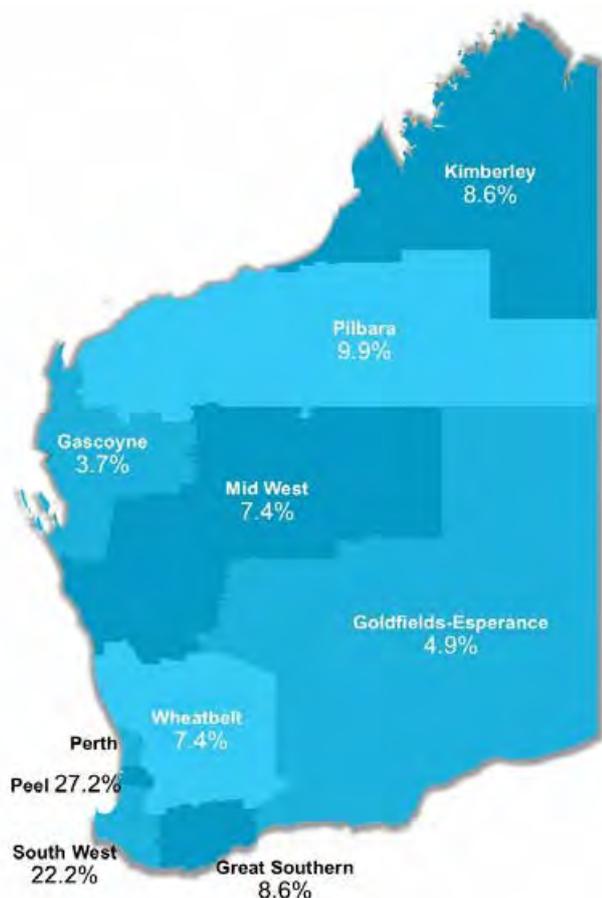
Over 76.1% of complainants lived in the metropolitan area, similar to the previous year's total of 73.5%.

Of the 81 complaints lodged by people living outside the metropolitan areas, the largest percentage lived in Peel (27.2%), the South West (22.2%), the Pilbara (9.9%), the Kimberley and the Great Southern (8.6% each).

There was a noticeable increase in the number of complaints from the South West region from 12.1% in 2018-19 to 22.2% in 2019-20. This coincided with the Commission's increased community education and training outreach activity in this region.

The overall consistent number of complaints lodged by people outside the metropolitan area is a positive outcome given that the office and staff of the Commission are based in Perth, and resources to conduct outreach programs in regional and remote WA are limited.

Figure 12: Regional complaints received 2019-20



Complaint summary 14

Spent conviction in employment

A man had his employment terminated because of a 'spent conviction'. The company said it was aware of the spent conviction, but it was concerned about the man's temperament and did not think him a suitable employee because the job involved working with youth who were disadvantaged and addicted to drugs.

Outcome: *Monetary settlement of \$7,000.*

Complaint summary 15

Race discrimination in goods, services and facilities

Two Aboriginal people alleged race discrimination while shopping when they were asked to show receipts for items they purchased at another store. They felt they had been stereotyped as thieves. The store claimed their employee acted according to policy on checking receipts.

Outcome: *The store agreed to provide discrimination related training to its staff and paid compensation of \$375 to each person.*

Complaint summary 16

Sex discrimination in goods, services and facilities

A woman was required to attend an office for an extended period of time as part of a legal process. She discovered there were only two toilets available. One toilet was designated as being for 'Men' and the other designated as 'Unisex - Disabled'.

She lodged a complaint of sex discrimination stating that as a woman she was being treated less favourably than a man because she only had access to the 'Unisex - Disabled' toilet, while men had access to both the Unisex and the Men's toilets.

Outcome: *The complaint resolved when the respondent agreed women were being treated less favourably and agreed to make all toilets unisex.*

Characteristics of respondents

This year the industry group with the highest number of complaints was *Retail Trade* 13.2%, marginally above *Health Care and Social Assistance* at 12.9%.

Other respondent groups included:

- *Education and Training* (9.5%)
- *Rental, Hiring and Retail Estate Services* (8.0%)
- *Accommodation and Food Services* and *Mining* (both 7.6%).

Nearly two thirds of all complaints were lodged against private sector employers and service providers (61.2%), ranging from large ASX-listed corporations to small businesses. This outcome is consistent with past years.

Complaints against public sector employers and service providers, including state government departments and local government, comprised 30.5%. This outcome is consistent with past years.

Complaint summary 17

Sexual harassment, sex and victimisation in employment

A man was sexually harassed at work by another man. When he lodged a grievance, he stated his employer treated him differently to the way in which a comparable complaint by a woman would have been handled. He also said he was subjected to negative treatment in the workplace during this process. He lodged a sexual harassment complaint and because of the differential treatment he also lodged a complaint of sex discrimination and victimisation.

Outcome: *The complaint resolved with a payment of \$10,000.*

Complaints resolution

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

- **Lapsed** by the Commissioner if there is no response to attempts 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 may occur based on the initial response from the respondent, election to move to another jurisdiction, or an inability to provide evidence
- **Resolved by conciliation** when both complainant and respondent achieve a mutually-agreed outcome
- **Referred to the State Administrative Tribunal** by the Commissioner if the complaint cannot be conciliated and the Commissioner determines there is an arguable case
- **Dismissed** by the Commissioner if it is lacking in substance, misconceived, vexatious or frivolous. A complainant can in writing require that a dismissed complaint be referred to the Tribunal.

Figure 13 shows a total of 397 complaints were finalised in the 2019-20 financial year. Of these, 82 complaints were resolved through conciliation (20.7%), whilst 96 were dismissed (24.2%), 136 were withdrawn by complainants (34.3%), and 79 (19.9%) were lapsed.

The remaining four complaints were referred to the Tribunal for investigation (1.0%). These outcomes are similar to the outcome of complaints in past years.

Figure 13: Outcome of complaints closed 2019-20

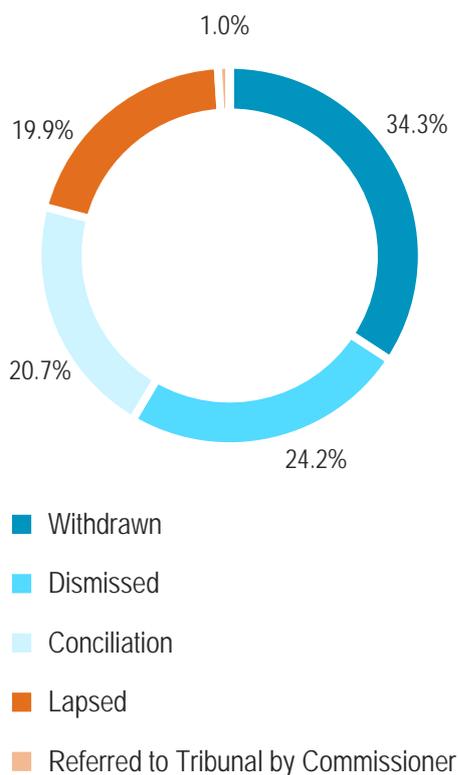
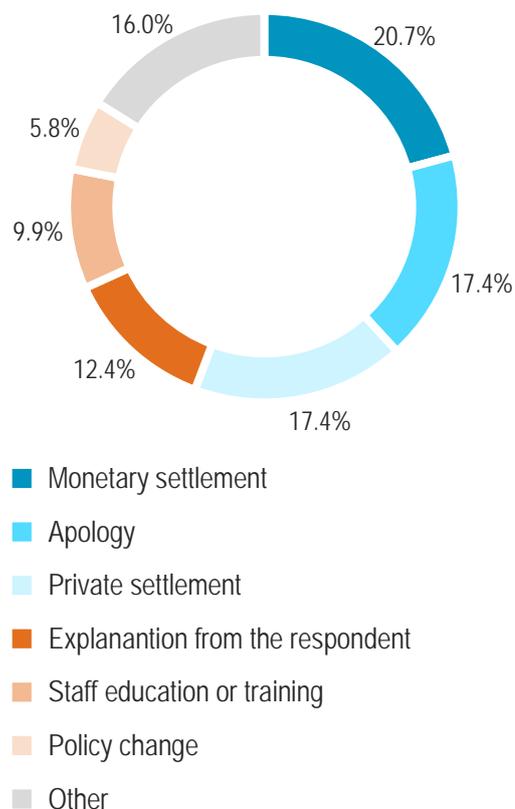


Figure 14: Conciliated outcomes of complaints closed 2019-20



Conciliated complaints

Where possible complainants and respondents are encouraged to seek to resolve the complaint through a mutually-agreed set of outcomes.

Figure 14 shows the outcomes of the complaints which were conciliated. Many of these conciliated complaints were resolved with more than one outcome, for instance a monetary settlement, a policy change and an apology.

Settlements involving a monetary settlement remained largely unchanged from previous years with 20.7% this year compared to 20.2% in the previous year. The second most common outcome was an apology with 17.4%, comparable to 18.6% in the previous year. Many conciliations resolved with the complainant accepting the respondent's explanation about the alleged discrimination (12.4%) and the provision of staff education or training (9.9%).

This year a much higher percentage of complaints were resolved though 'private settlements' (17.4%) compared to the previous year (8.2%).

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 2019-20 75.6% complaints resolved in under six months, and 96.2% in under 12 months, both results similar to the previous year's outcomes. The average length of time taken to resolve complaints has increased to 4.4 months compared to the previous year's average of 4.1 months due to the increasing complexity of issues raised.

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 then 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 to complainants who request the Commissioner to refer their complaints 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. The Commission does not provide assistance to complainants whose matters have been dismissed by the Commissioner. Complainants can engage their own lawyers to represent them regardless of how a complaint is referred to the Tribunal.

Of the matters referred to the Tribunal under section 93 of the Act, 66.7% were settled with the assistance of the Commission's legal officers. In this period there was one Supreme Court matter heard and decided, and one exemption application determined.

When a matter is referred to the Tribunal for final determination, complainants become the 'applicant' under *the State Administrative Tribunal Act 2004*.

Role of legal officers

The legal officers' day to day activities include assessing 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 prepare submissions on equal opportunity and human rights issues to both state and federal 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 State Government agencies in relation to issues such as recruiting and retaining staff by using the measures intended to achieve equality exceptions under the Act.

Legal officers also make presentations on the application of the Act to employers, tertiary institutions, community organisations, government agencies, and others.

Legal case summary 1

The applicant is a woman of African descent with dark skin. She has lived in Australia for 30 years. Her first language is French, but she speaks fluent English. The respondent is an aged care provider that provides a range of home-care services to residential clients. In early 2019, the applicant applied for the position of casual aged care support worker with the respondent. The respondent contacted the applicant and invited her to attend a face-to-face interview, which the applicant believed went well. The respondent's representative informed the applicant at the interview that she would be contacted to formally sign a contract and to attend an induction. However, three days later the applicant received an email from the respondent informing her she had been unsuccessful.

Legal case summary 2

When the applicant contacted the respondent to find out the reason her application was unsuccessful, she was told it was because of her accent, and that some residents might not be able to understand her. The applicant questioned this, as her accent was not brought up during her initial telephone conversation or at the interview.

The applicant was then contacted a few days later by another representative from the respondent, who informed her that her accent was not actually the reason why her application was unsuccessful, rather it was because other applicants were considered more qualified.

The representative said that the person originally assessing the applications felt overwhelmed by the volume of applications and was caught off-guard when the applicant contacted the respondent to find out the reason why her application had been rejected. The applicant's accent was the first thing that came to mind when giving a reason.

The complainant lodged a complaint of race discrimination in employment with the Commission. As part of the investigation, the respondent explained that the real reason for rejecting the applicant's application was that she was of 'large stature' and could 'overwhelm' the clients.

However, it was apparent from the applicant's height and weight that a reasonable person would not consider her to be large or overwhelming.

The matter did not resolve at conciliation and was referred by the Commissioner to the State Administrative Tribunal (Tribunal) pursuant to section 93 of the *Equal Opportunity Act 1984*. A Commission legal officer represented the applicant before the Tribunal. The respondent was legally represented.

The complaint was resolved at mediation in the Tribunal. The respondent agreed to pay the complainant \$13,000 and provide her with a letter of apology.

The applicant worked as a cleaner for the respondent for several years prior to being charged with several counts of possession of drug offences in June 2018.

In August 2018, the managing director of the respondent (the employer) received an anonymous phone call, informing him that the applicant had been charged with drug offences. The employer telephoned the applicant and asked if this was true, and she confirmed that she had been charged.

The employer then suspended her from work until the outcome of the charges were known and provided her with a character reference vouching for her good character.

The applicant pleaded guilty and was given a spent conviction in relation to all the offences.

When she informed the employer of her spent convictions, he kept her suspended without pay for four months until January 2019, when he advised her that she would no longer be engaged by the company for her cleaning services.

A few days later the applicant lodged a complaint with the Commission, alleging the company had discriminated against her in the area of work, on the ground of her spent convictions.

The Commissioner informed the respondent about the complaint. Following that notification, the employer sent two text messages to the applicant, which she alleged amounted to victimisation.

The text messages said:

'Drugs have clearly affected your judgement. Please consider the references I provided to you withdrawn. I urge you to withdraw your EOC claim that adds insult to injury.'

'If you do not come to your senses and withdraw your claim I will write to the Court and inform the Magistrate that I regret the reference I sent that undoubtedly saved you from imprisonment or a much heavier penalty.'

'You knew from our employment contract that a criminal conviction would result in termination of employment. Please reconsider your position and stop making life difficult for your loyal past employer.'

In April 2019, the applicant lodged a claim of victimisation with the Commission against the company. The complaint could not be resolved by conciliation and was referred by the Commissioner to the Tribunal for determination.

The Tribunal held that the respondent discriminated against the applicant because of her spent convictions.

However, it did not accept that she had been victimised by the company.

The Tribunal member stated she was not persuaded the employer intended to threaten or disadvantage the applicant with the texts, or that the texts would have caused the applicant to feel any real or significant fear or upset apart from feeling insulted and hurt.

The Tribunal member went further to state she was not persuaded the applicant at any time believed the managing director had any power to withdraw the reference he had already given to the Court.

The Tribunal ordered the respondent to pay \$8,000 to the applicant as compensation for financial losses, hurt and humiliation.

A 60 year old woman was employed as a contractor by a local government council to provide landscaping and related duties. When she commenced her employment, the Council paired her up with a male co-worker.

The co-worker drove around the council area in the performance of his employment with the applicant as his passenger. The applicant alleged the individual respondent frequently spoke about women he met on dating sites, and he did so using explicit and unkind descriptions. While driving he would also openly ogle young women and comment on their bodies. In addition to making the applicant's work environment sexualised and toxic, the man also asked unwelcome intrusive questions about her personal life.

The Commissioner referred the matter to the Tribunal in February 2020 just as the COVID-19 pandemic started spreading around the world.

The Tribunal listed the matter for mediation in early May 2020 by which time COVID-19 restrictions were in place, and the mediation conference took place via telephone link in compliance with social distancing measures. The applicant was assisted by a Commission legal officer.

After the applicant outlined her complaint, she and the respondent settled the complaint by the respondent acknowledging in writing that his comments were likely to have been offensive and apologising for any hurt and humiliation the applicant may have experienced as a result of his conduct. The respondent was also required by his employer to attend a sexual harassment workshop delivered by the Commission with a view to providing him insight on the impact sexualised conduct and comments have in the workplace.

The applicant was satisfied with the letter the respondent gave her after mediation.



Significant issues

Current and emerging issues and trends

Sexual harassment

The issue of sexual harassment continues to be the basis of significant activity for the Commission's complaint handling and community education sections. This is reflected in the consistently high numbers of harassment complaints lodged by individuals, and ongoing requests from organisations seeking support to strengthen their capacity to identify and respond to this unwelcome workplace safety issue.

The release of the Australian Human Rights Commission's (AHRC) landmark report, 'Respect@Work: The National Inquiry into Sexual Harassment in Australian Workplaces' in March 2020, was a timely and confronting reminder to employers that sexual harassment should never be ignored or excused.

The AHRC spent two years on the inquiry, receiving 460 submissions from government agencies, business groups, community bodies, and victims of harassment, while conducting 60 consultations across Australia. The report makes 55 recommendations, chief amongst them the urgent need to shift Australia from a reactive, complaint-based approach, to one that legally requires employers to undertake preventative measures in the workplace.

The Commission supports the AHRC's recommendations, and can report that in 2019-20, 44% of the Commission's 'fee for service' training was on the subject of sexual harassment and the workplace. This figure, although much higher compared to the proportion of fee for service training sessions conducted in previous years, is not surprising, given the increased attention that workplace sexual harassment has received since the #MeToo movement commenced in late 2017.

The definition of sexual harassment in *the Equal Opportunity Act 1984* (the Act) has remained unchanged since the Act commenced operation in 1985, save for an amendment in 1993 that made it possible to lodge a complaint against an alleged harasser employed by a different employer to the complainant. But the test for sexual harassment, especially the requirement to prove a detriment following the taking of objection to the harassment, has not changed. It is outdated and hard for the complainant to prove.

The Commission strongly supports a new definition of sexual harassment under the Act, similar to those found in the other states and territories, and in the federal *Sex Discrimination Act 1984*.

Community education and training

In 2019-20 the Commission continued to develop its outreach program to assist in informing and educating the Western Australian community about the objects of the Act and the detrimental impacts of discrimination and harassment.

The community education team worked with various government and community agencies to develop different formats to promote discussion on these issues.

The outreach program was extensive throughout the year with the team conducting sessions throughout the State including the Kimberley, Midwest and Great Southern and included a comprehensive program with other agencies to the Goldfields region.

Plans for further programs however were halted with the onset of restrictions arising from the COVID 19 pandemic. This time however was used to consider the alternative means of delivering programs online and further refining courses.

Impacts of COVID-19

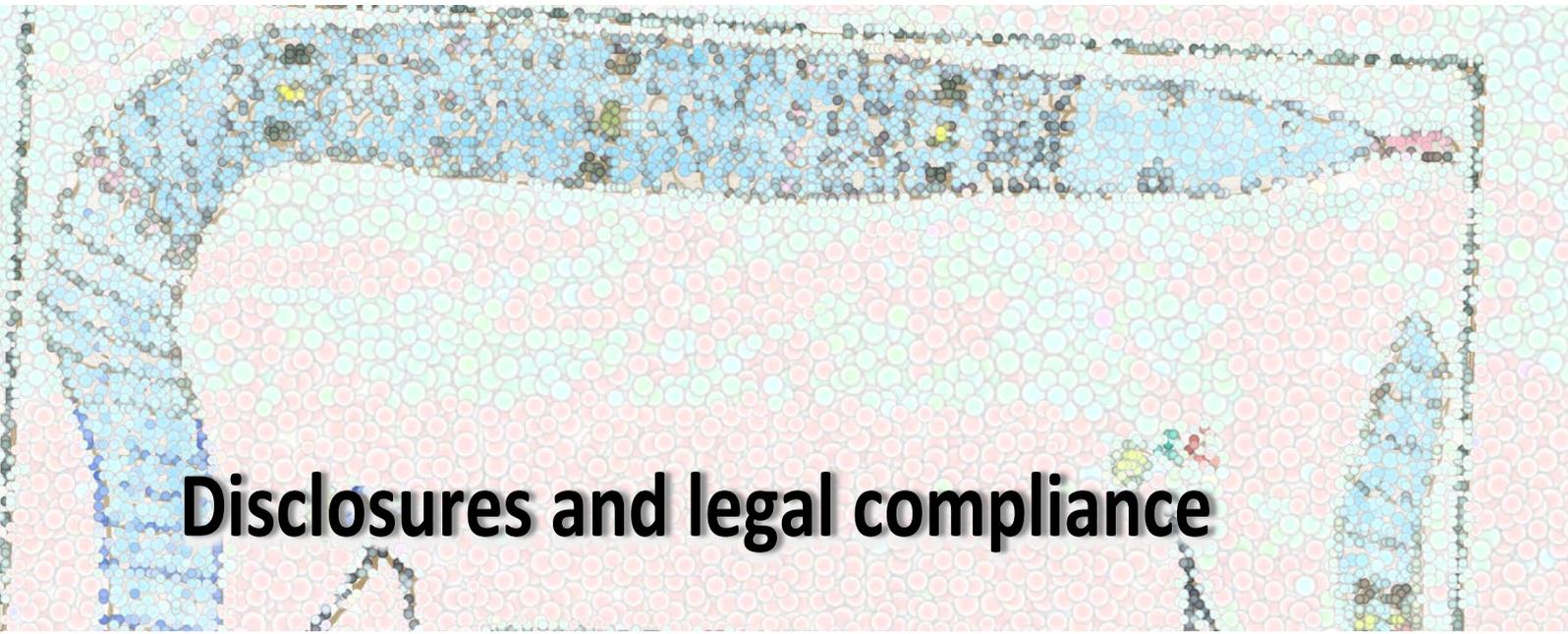
Concerns about impacts of the COVID-19 restrictions on vulnerable communities were raised with the Commission by individuals and organisations.

Raising awareness of obligations under the Act and encouraging people and organisations to better understand the impact of discrimination upon others is an effective way to address indirect and direct discrimination.

The Commission used its e-bulletin to promote the importance of not unfairly (and erroneously) holding certain groups as responsible for the pandemic, and the community education team participated in a community zoom session, so people were aware of their rights under the Act.

Senior Legal Officer, Allan Macdonald, spoke about racial discrimination and COVID-19 on ABC Radio in April 2020.

The Commission staff also dealt with a number of enquiries and complaints arising from people who considered they had been denied either employment, accommodation or goods and services on the assumption they may have COVID-19 or they had been impacted in some way by the lockdown or restrictions.



Disclosures and legal compliance

Certification of financial statements

Certification of financial statements

For the reporting period ended 30 June 2020

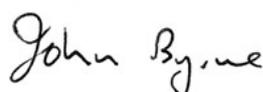
The accompanying financial statements of the Commissioner for Equal Opportunity have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2020 and the financial position as at 30 June 2020.

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



J.Z. Milambo
Chief Finance Officer

1 September 2020



John Byrne
Commissioner for Equal Opportunity

1 September 2020

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 2020, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows and the Summary of Consolidated Account Appropriations 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 2020 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 Responsibility 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 entity'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.

Page 1 of 4

7th Floor Albert Facey House 469 Wellington Street Perth MAIL TO: Perth BC PO Box 8489 Perth WA 6849 TEL: 08 6567 7500 FAX: 08 6567 7600

A further description of my responsibilities for the audit of the financial statements is located on the Auditing and Assurance Standards Board website at https://www.auasb.gov.au/auditors_responsibilities/ar4.pdf. This description forms part of my auditor's report.

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 2020.

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.

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 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 non-compliance 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 2020. The key performance indicators are the Under Treasurer-approved key effectiveness indicators and 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 agency's performance and fairly represent indicated performance for the year ended 30 June 2020.

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 entity'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.

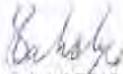
I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

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 2020 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 contact the entity to confirm the information contained in the website version of the financial statements and key performance indicators.



SANDRA LABUSCHAGNE
DEPUTY AUDITOR GENERAL
Delegate of the Auditor General for Western Australia
Perth, Western Australia
17 September 2020

Commissioner for Equal Opportunity

Statement of comprehensive income for the year ended 30 June 2020

	Notes	2020 \$	2019 \$
Cost of services			
Expenses			
Employee benefits expense	2.1(a)	2,378,953	2,224,361
Supplies and services	2.2	627,398	491,141
Depreciation and amortisation expense	4.1.1, 4.2	17,154	15,407
Finance costs	6.2	272	-
Accommodation expenses	2.2	861,195	961,201
Loss on disposal of non-current assets	3.5	24,340	-
Other expenses	2.2	154,048	112,638
Total cost of services		4,063,360	3,804,748
Revenue and Income			
User charges and fees	3.2	82,122	97,272
Commonwealth grants and contributions	3.4	31,958	33,211
Other revenue	3.3	943	5,537
Total revenue		115,023	136,020
Total income other than income from State Government		115,023	136,020
Net cost of services		3,948,337	3,668,728
Income from State Government			
Service appropriation	3.1	3,725,000	3,753,000
Services received free of charge	3.1	54,133	36,154
Total income from State Government		3,779,133	3,789,154
Surplus/(deficit) for the period		(169,204)	120,426
Total comprehensive income for the period		(169,204)	120,426

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

Commissioner for Equal Opportunity
Statement of financial position as at 30 June 2020

	Notes	2020 \$	2019 \$
Assets			
Current assets			
Cash and cash equivalents	6.3	527,477	486,893
Restricted cash and cash equivalents	6.3	30,883	3,779
Receivables	5.1	38,645	32,898
Amounts receivable for services	5.2	33,000	33,000
Other current assets	5.3	31,077	11,764
Total current assets		661,082	568,334
Non-current assets			
Restricted cash and cash equivalents	6.3	31,000	23,000
Amounts receivable for services	5.2	438,000	449,000
Property, plant and equipment	4.1	19,633	55,778
Right-of-use assets	4.2	-	-
Intangible assets	4.3	-	-
Total non-current assets		488,633	527,778
Total assets		1,149,715	1,096,112
Liabilities			
Current liabilities			
Payables	5.4	344,068	121,484
Lease liabilities	6.1	-	-
Employee related provisions	2.1(b)	542,089	520,995
Total current liabilities		886,157	642,479
Non-current liabilities			
Lease liabilities	6.1	-	-
Employee related provisions	2.1(b)	82,655	110,527
Total non-current liabilities		82,655	110,527
Total liabilities		968,812	753,006
Net assets		180,903	343,106
Equity			
Contributed equity	8.9	611,000	604,000
Accumulated surplus/(deficit)		(430,097)	(260,894)
Total equity		180,903	343,106

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

Commissioner for Equal Opportunity

Statement of changes in equity for the year ended 30 June 2020

	Notes	Contributed equity \$	Accumulated surplus/(deficit) \$	Total equity \$
Balance at 1 July 2018		604,000	(381,320)	222,680
Surplus/(deficit)		-	120,426	120,426
Total comprehensive income for the period		-	120,426	120,426
Balance at 30 June 2019		604,000	(260,894)	343,106
Balance at 1 July 2019		604,000	(260,894)	343,106
Initial application of AASB 16	8.2	-	-	-
Initial application of AASB 15/1058				
Restated balance at 1 July 2019		604,000	(260,894)	343,106
Surplus/(deficit)		-	(169,203)	(169,203)
Total comprehensive income for the period		-	(169,203)	(169,203)
Transactions with owners in their capacity as owners:	8.9			
Capital appropriations		7,000	-	7,000
Other comprehensive income		-	-	-
Total		7,000	-	7,000
Balance at 30 June 2020		611,000	(430,097)	180,903

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

Commissioner for Equal Opportunity
Statement of cash flows for the year ended 30 June 2020

Notes	2020 \$	2019 \$
Cash flows from State Government		
Service appropriation	3,703,000	3,709,000
Capital appropriations	7,000	-
Holding account drawdown	33,000	28,000
Net cash provided by State Government	3,743,000	3,737,000
Utilised as follows:		
Cash flows from operating activities		
Payments		
Employee benefits	(2,356,652)	(2,239,463)
Supplies and services	(571,977)	(588,170)
Accommodation	(863,219)	(963,745)
GST payments on purchases	(137,557)	(100,453)
GST payments to taxation authority	(10,211)	-
Receipts		
User charges and fees	80,061	137,266
Commonwealth grants and contributions	31,958	33,211
GST receipts on sales	8,924	10,183
GST receipts from taxation authority	150,418	96,416
Other receipts	943	-
Net cash provided by/(used in) operating activities	(3,667,312)	(3,614,755)
Cash flows from investing activities		
Payments		
Purchase of non-current assets	-	-
Net cash provided by/(used in) investing activities	-	-
Net increase/(decrease) in cash and cash equivalents	75,688	122,245
Cash and cash equivalents at the beginning of the period	513,672	391,427
Cash and cash equivalents at the end of the period 6.3	589,360	513,672

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

Commissioner for Equal Opportunity

Summary of consolidated account appropriations for the year ended 30 June 2020

	2020 Budget Estimate \$	2020 Supplementary Funding \$	Revised Budget \$	2020 Actual \$	2020 Variance \$
Delivery of services					
Item 10 Net amount appropriated to deliver services	3,437,000	(25,000)	3,412,000	3,412,000	-
Amount Authorised by Other Statutes					
- <i>Salaries and Allowances Act 1975</i>	300,000	13,000	313,000	313,000	-
Total appropriations provided to deliver services	3,737,000	(12,000)	3,725,000	3,725,000	-
Capital					
Item 97 Capital appropriations	635,000	(628,000)	7,000	7,000	-
Grand total	4,372,000	(640,000)	3,732,000	3,732,000	-

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

1. Basis of preparation

The Commission is a WA Government entity and is controlled by the State of Western Australia, which is the ultimate parent. The Commission is a not-for-profit entity (as profit is not its principal objective).

A description of the nature of its operations and its principal activities have been included in the 'Organisational structure' which does not form part of these financial statements.

These annual financial statements were authorised for issue by the Accountable Authority of the Agency on 1 September 2020.

Statement of compliance

These general purpose financial statements are prepared in accordance with:

- 1) The *Financial Management Act 2006* (FMA)
- 2) The Treasurer's instructions (TIs)
- 3) Australian Accounting Standards (AASs) – Reduced Disclosure Requirements
- 4) Where appropriate, those AAS paragraphs applicable for not-for-profit entities have been applied.

The *Financial Management Act 2006* and the Treasurer's instructions take precedence over AASs. Several AASs are modified by TIs to vary application, disclosure format and wording. 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.

Basis of preparation

These financial statements are presented in Australian dollars applying the accrual basis of accounting and using the historical cost convention. Certain balances will apply a different measurement basis (such as the fair value basis). Where this is the case the different measurement basis is disclosed in the associated note. All values are rounded to the nearest dollar.

Judgements and estimates

Judgements, estimates and assumptions are required to be made about financial information being presented. The significant judgements and estimates made in the preparation of these financial statements are disclosed in the notes where amounts affected by those judgements and/or estimates are disclosed. Estimates and associated assumptions are based on professional judgements derived from historical experience and various other factors that are believed to be reasonable under the circumstances.

Contributed equity

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

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020

2. Use of our funding

Expenses incurred in the delivery of services

This section provides additional information about how the Commission's funding is applied and the accounting policies that are relevant for an understanding of the items recognised in the financial statements. The primary expenses incurred by the Commission in achieving its objectives and the relevant notes are:

	Notes	2020 \$	2019 \$
Employee benefits expenses	2.1(a)	2,378,953	2,224,361
Employee related provisions	2.1(b)	624,744	631,522
Other expenditure	2.2	1,642,641	1,564,980

Note 2.1(a) Employee benefits expenses

	2020 \$	2019 \$
Employee Benefits	2,127,092	1,976,903
Superannuation - defined contribution plans	238,319	232,109
Other related expenses	13,542	15,349
Total employee benefits expenses	2,378,953	2,224,361

Employee Benefits

Include wages, salaries and social contributions, accrued and paid leave entitlements and paid sick leave, profit-sharing and bonuses; and non-monetary benefits (such as medical care, housing, cars and free or subsidised goods or services) for employees.

Superannuation

The amount recognised in profit or loss of the Statement of Comprehensive Income comprises employer contributions paid to the GSS (concurrent contributions), the WSS, the GESBs, or other superannuation funds.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Note 2.1(b) Employee related provisions

Provision is made for benefits accruing to employees in respect of wages and salaries, annual leave and long service leave for services rendered up to the reporting date and recorded as an expense during the period the services are delivered.

	2020 \$	2019 \$
Current		
<u>Employee benefits provisions</u>		
Annual leave (a)	179,598	178,240
Long service leave (b)	356,163	346,511
Deferred salary scheme (c)	5,350	(4,664)
	541,111	520,087
<u>Other provisions</u>		
Employment on-costs (d)	978	908
Total current employee related provisions	542,089	520,995
Non-Current		
<u>Employee benefits provisions</u>		
Long service leave (b)	82,507	110,342
<u>Other provisions</u>		
Employment on-costs (d)	148	185
Total non-current employee related provisions	82,655	110,527
Total employee related provisions	624,744	631,522

(a) Annual leave liabilities: Classified as current as there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

The provision for annual leave is calculated at the present value of expected payments to be made in relation to services provided by employees up to the reporting date.

(b) Long service leave liabilities: 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.

The provision for long service leave is calculated at present value as the Commission does not expect to wholly settle the amounts within 12 months. The present value is measured taking into account the present value of expected future payments to be made in relation to services provided by employees up to the reporting date. These payments are estimated using the remuneration rate expected to apply at the time of settlement, and 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.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020

(c) Purchase leave scheme liabilities: Classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period.

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

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', Note 2.2 and are not included as part of the Commission's 'employee benefits expense'. The related liability is included in 'Employment on-costs provision'.

	2020 \$	2019 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of period	1,093	1,249
Additional/(reversals of) provisions recognised	33	(156)
Carrying amount at end of period	1,126	1,093

Key sources of estimation uncertainty – long service leave

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

Several estimates and assumptions are used in calculating the Commission's long service leave provision. These 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. Any gain or loss following revaluation of the present value of long service leave liabilities is recognised as employee benefits expense.

Commissioner for Equal Opportunity
 Notes to the financial statements for the year ended 30 June 2020

Note 2.2 Other expenditure

	2020 \$	2019 \$
<u>Supplies and services</u>		
Communications	62,871	61,537
Consultants and contractors	492,723	349,216
Consumables	11,086	6,982
Materials	-	416
Travel	16,674	14,391
Other	44,044	58,599
Total supplies and services expenses	627,398	491,141
<u>Accommodation expenses</u>		
Repairs and maintenance	4,997	4,401
Rental (a)	856,198	956,800
Total accommodation expenses	861,195	961,201

(a) Included building rental operating lease expenses with Department of Finance under current memorandum of understanding.

	2020 \$	2019 \$
<u>Other</u>		
Other expenses	1,810	20,396
Audit Fees	34,650	68,788
Donation and Sponsorship	4,500	2,000
Loss on Disposal for Right-of-Use Leases - Motor Vehicle	7,792	-
Land Tax	12,043	21,454
Minor Equipments	93,253	-
Total other expenses	154,048	112,638
Total other expenditure	1,642,641	1,564,980

Supplies and services expenses are recognised as an expense in the reporting period in which they are incurred. The carrying amounts of any materials held for distribution are expensed when the materials are distributed.

Repairs and maintenance costs are recognised as expenses as incurred.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020

3. Our funding sources

How we obtain our funding

This section provides additional information about how the Commission obtains its funding and the relevant accounting policy notes that govern the recognition and measurement of this funding. The primary income received by the Commission and the relevant notes are:

	Notes	2020 \$	2019 \$
Income from State Government	3.1	3,779,133	3,789,154
User charges and fees	3.2	82,122	97,272
Other revenue	3.3	943	5,537
Commonwealth grants and contributions	3.4	31,958	33,211
Loss on Disposal	3.5	(24,340)	-

Note 3.1 Income from State Government

	2020 \$	2019 \$
Appropriation received during the period:		
Service appropriation	3,725,000	3,753,000
	3,725,000	3,753,000
Services received free of charge from other State Government agencies during the period:		
Department of Communities - Financial Business Support Service	28,860	23,966
Department of Finance - Govt. Accommodation Fit Out	23,118	12,125
Depreciation		
State Solicitor's Office - Legal Services	2,155	63
Total services received	54,133	36,154
Total income from State Government	3,779,133	3,789,154

Service Appropriations are recognised as income at the fair value of consideration received 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 in the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

Service appropriations fund the net cost of services delivered. Appropriation revenue comprises the following:

- Cash component; and
- A receivable (asset)

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Note 3.2 User charges and fees

	2020 \$	2019 \$
User charges and fees		
- Training course fees	82,122	97,272
	82,122	97,272

Until 30 June 2019, revenue was recognised and measured at the fair value of consideration received or receivable.

From 1 July 2019, revenue is recognised at the transaction price when the Commission transfers control of the services to customers. Revenue is recognised for the major activities as follows:

Revenue is recognised at a point-in-time for training about the Equal Opportunity Act and organisations' responsibilities.

Note 3.3 Other revenue

	2020 \$	2019 \$
Recoups	-	2,037
Refund of GVS employee contribution	943	3,500
Total other revenue	943	5,537

Revenue from recoups and refunds of GOVS employee contributions for proceeds on disposal are recorded as other revenue and is recognised in the accounting period in which the relevant performance obligations has been satisfied.

Note 3.4 Commonwealth grants and contributions

	2020 \$	2019 \$
Current grant from Commonwealth – Indian Ocean Territories	31,958	33,211
	31,958	33,211

Until 30 June 2019

Income from Commonwealth grants is recognised at fair value when the grant is receivable.

From 1 July 2019

Current grants are recognised as income when the grants are receivable.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020**Note 3.5 Gain/(Loss) on Disposal**

	2020	2019
	\$	\$
<u>Net proceeds from disposal of non-current assets</u>		
Plant, equipment and vehicles	-	-
<u>Carrying amount of non-current assets disposed</u>		
Plant, equipment and vehicles	(24,340)	-
Net gain/(loss)	(24,340)	-

Realised and unrealised gains are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

Gains and losses on the disposal of non-current assets are presented by deducting from the proceeds on disposal the carrying amount of the asset and related selling expenses. Gains and losses are recognised in profit or loss in the statement of comprehensive income (from the proceeds of sale).

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020

4. Key assets

Assets the Commission utilises for economic benefit or service potential

This section includes information regarding the key assets the Commission utilises to gain economic benefits or provide service potential. The section sets out both the key accounting policies and financial information about the performance of these assets:

	Notes	2020 \$	2019 \$
Property, plant and equipment	4.1	19,633	55,778
Right-of-use assets	4.2	-	-
Intangibles	4.3	-	-
Total key assets		19,633	55,778

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Note 4.1 Property, plant and equipment

Year ended 30 June 2020	Furniture fixture & fittings \$	Office equipment \$	Computer hardware \$	Total \$
At 30 June 2019				
Open net book amount	29,585	26,193	-	55,778
Adjustment for change in accounting policy - AASB 16(a)	-	-	-	-
Restated opening net book amount	29,585	26,193	-	55,778
1 July 2019				
Gross carrying amount	341,863	62,934	32,814	437,611
Accumulated depreciation	(312,278)	(36,741)	(32,814)	(381,833)
Accumulated impairment loss	-	-	-	-
Carrying amount at start of period	29,585	26,193	-	55,778
Additions	-	-	-	-
Disposal - Gross Carrying amount	(341,863)	-	-	(341,863)
Disposal - Accumulated depreciation	317,523	-	-	317,523
Impairment losses(b)	-	-	-	-
Impairment losses reversed(b)	-	-	-	-
Depreciation	(5,245)	(6,560)	-	(11,805)
Carrying amount at 30 June 2020	-	19,633	-	19,633
Gross carrying amount	-	62,933	32,814	95,747
Accumulated depreciation	-	(43,300)	(32,814)	(76,114)
Accumulated impairment loss	-	-	-	-

(a) The application of AASB 16 has resulted in the reclassification of finance leased assets to right-of-use assets.

(b) Recognised in the Statement of Comprehensive Income. Where an asset measured at cost is written down to recoverable amount, an impairment loss is recognised in profit or loss. Where a previously revalued asset is written down to recoverable amount, the loss is recognised as a revaluation decrement in other comprehensive income.

Initial recognition

Items of property, plant and equipment, costing \$5,000 or more are measured initially at cost. Where an asset is acquired for no or nominal cost, the cost is valued at its fair value at the date of acquisition. Items of property, plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income (other than where they form part of a group of similar items which are significant in total).

Assets transferred as part of a machinery of government change are transferred at their fair value.

The cost of a leasehold improvement is capitalised and depreciated over the shorter of the remaining term of the lease or the estimated useful life of the leasehold improvement.

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.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Note 4.1.1 Depreciation and impairment

	Notes	2020 \$	2019 \$
Charge for the period			
<u>Depreciation</u>			
Furniture, fixture & fittings	4.1	5,245	6,861
Office equipment	4.1	6,560	8,546
Computer hardware	4.1	-	-
Total depreciation for the period		11,805	15,407

As at 30 June 2020, there were no indications of impairment to property, plant and equipment.

All surplus assets at 30 June 2020 have either been classified as assets held for sale or have been written-off.

Finite useful lives

All property, plant and equipment 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. The exceptions to this rule include assets held for sale, land and investment properties.

Depreciation is generally calculated on a straight-line basis, at rates that allocate the asset's value, less any estimated residual value, over its estimated useful life. Typical estimated useful lives for the different asset classes for current and prior years are included in the table below:

Asset	Useful Life: Year
Furniture, fixture & fittings	10 years
Office equipment	5 years
Computer hardware	4 years

The estimated useful lives, residual values and depreciation method are reviewed at the end of each annual reporting period, and adjustments should be made where appropriate.

Impairment

Non-financial assets, including items of plant and equipment, are tested for impairment whenever there is an indication that the asset may be impaired. 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.

Where an asset measured at cost is written down to its recoverable amount, an impairment loss is recognised through profit or loss.

Where a previously revalued asset is written down to its recoverable amount, the loss is recognised as a revaluation decrement through other comprehensive income.

As the Commission is a not-for-profit agency, the recoverable amount of regularly revalued specialised assets is anticipated to be materially the same as fair value.

If there is an indication that there has been a reversal in impairment, the carrying amount shall be increased to its recoverable amount. However, this reversal should not increase the asset's carrying amount above what would have been determined, net of depreciation or amortisation, if no impairment loss had been recognised in prior years.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020

The Commission shall measure the right-of-use assets at cost less any accumulated depreciation and any accumulated impairment losses. The Commission shall apply AASB 136 Impairment of Assets to determine whether the right-of-use asset is impaired and to account for any impairment loss identified.

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 declining replacement costs.

Note 4.2 Right-of-use assets

	2020	2019
	\$	\$
Right-of-use assets		
Buildings	-	-
Plant & Equipment	-	-
Vehicle	-	-
Infrastructure	-	-
Concessionary leases	-	-
Net carrying amount at 30 June 2020	-	-

Additions to right-of-use assets during the 2020 financial year were disposed of prior to year end.

Initial recognition

Right-of-use assets are measured at cost including the following:

- the amount of the initial measurement of lease liability;
- any lease payments made at or before the commencement date less any lease incentives received;
- any initial direct costs; and
- restoration costs, including dismantling and removing the underlying asset

This includes all leased assets other than investment property ROU assets, which are measured in accordance with AASB 140 'Investment Property'.

The Commission has elected not to recognise right-of-use assets and lease liabilities for short-term leases (with a lease term of 12 months or less) and low value leases (with an underlying value of \$5,000 or less). Lease payments associated with these leases are expensed over a straight-line basis over the lease term.

Subsequent Measurement

The cost model is applied for subsequent measurement of right-of-use assets, requiring the asset to be carried at cost less any accumulated depreciation and accumulated impairment losses and adjusted for any re-measurement of lease liability.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020

Depreciation and impairment of right-of-use assets

Right-of-use assets are depreciated on a straight-line basis over the shorter of the lease term and the estimated useful lives of the underlying assets.

If ownership of the leased asset transfers to the Commission at the end of the lease term or the cost reflects the exercise of a purchase option, depreciation is calculated using the estimated useful life of the asset.

Right-of-use assets are tested for impairment when an indication of impairment is identified. The policy in connection with testing for impairment is outlined in note 4.1.1.

The following amounts relating to leases have been recognised in the statement of comprehensive income:

	2020	2019
	\$	\$
Buildings	-	-
Plant & Equipment	-	-
Vehicle	5,349	-
Concessionary leases	-	-
Total right-of-use asset depreciation	5,349	-
Lease interest expense (included in Finance cost)	272	-
Expenses relating to variable lease payments not included in lease liabilities (included in administrative expenses)	-	-
Short-term leases (included in Other Expenditure)	-	-
Low-value leases (included in Other Expenditure)	-	-
Income from subleasing right-of-use assets	-	-
Loss on disposal for right-of-use assets	7,792	-

The total cash outflow for leases in 2020 was \$14,228.43 (excludes GST).

The Commission has leases for vehicles and office accommodations.

The Commission has also entered into a Memorandum of Understanding Agreement (MOU) with the Department of Finance for the leasing of office accommodation. This is not recognised under AASB 16 because of substitution rights held by the Department of Finance and are accounted for as an expense as incurred.

Up to 30 June 2019, the Commission classified leases as either finance leases or operating leases. From 1 July 2019, at 1 July 2019, the Commission recognises leases as right-of-use assets and associated lease liabilities in the Statement of Financial Position.

The corresponding lease liabilities in relation to these right-of-use assets have been disclosed in [Note 6.1](#).

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020**Note 4.3 Intangible assets**

	Computer Software \$	Total \$
Year ended 30 June 2020		
1 July 2019		
Gross carrying amount	95,094	95,094
Accumulated amortisation	(95,094)	(95,094)
Carrying amount at start of period	-	-
Additions	-	-
Amortisation expense	-	-
Carrying amount at 30 June 2020	-	-

Initial recognition

Intangible assets are initially recognised at cost. For assets acquired at significantly less than fair value, the cost is their fair value at the date of acquisition.

An internally generated intangible asset arising from development (or from the development phase of an internal project) is recognised if, and only if, all of the following are demonstrated:

- (a) the technical feasibility of completing the intangible asset so that it will be available for use or sale;
- (b) an intention to complete the intangible asset, and use or sell it;
- (c) the ability to use or sell the intangible asset;
- (d) the intangible asset will generate probable future economic benefit;
- (e) the availability of adequate technical, financial and other resources to complete the development and to use or sell the intangible asset; and
- (f) the ability to measure reliably the expenditure attributable to the intangible asset during its development.

Acquisitions of intangible assets costing \$5,000 or more and internally generated intangible assets at a minimum of \$5,000 that comply with the recognition criteria as per AASB 138.57 (as noted above) are capitalised.

Costs incurred below these thresholds are immediately expensed directly to the Statement of Comprehensive Income.

Costs incurred in the research phase of a project are immediately expensed.

Subsequent measurement

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

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

5 Other assets and liabilities

This section sets out those assets and liabilities that arose from the Commission's controlled operations and includes other assets utilised for economic benefits and liabilities incurred during normal operations:

	Notes	2020 \$	2019 \$
Receivables	5.1	38,645	32,898
Amounts receivable for services	5.2	471,000	482,000
Other current assets	5.3	31,077	11,764
Payables	5.4	344,068	121,484
		884,790	648,146

Note 5.1 Receivables

	2020 \$	2019 \$
<u>Current</u>		
Trade receivables	11,218	9,157
Allowance for impairment of trade receivables	-	-
GST receivable	27,427	23,741
Total current	38,645	32,898
Total receivables	38,645	32,898

Trade receivables are recognised at original invoice amount less any allowances for uncollectible amounts (i.e. impairment). The carrying amount of net trade receivables is equivalent to fair value as it is due for settlement within 30 days.

Note 5.2 Amounts receivable for services (Holding Account)

	2020 \$	2019 \$
Current	33,000	33,000
Non-current	438,000	449,000
Balance at end of period	471,000	482,000

Amounts receivable for services represent 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.

Amounts receivable for services are considered not impaired (i.e. there is no expected credit loss of the Holding Account).

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020**Note 5.3 Other current assets**

	2020 \$	2019 \$
<u>Current</u>		
Prepayments	31,077	11,764
Total current	31,077	11,764

Other non-financial assets include prepayments which represent payments in advance of receipt of goods or services or that part of expenditure made in one accounting period covering a term extending beyond that period.

Note 5.4 Payables

	2020 \$	2019 \$
<u>Current</u>		
Trade payables	26,059	53,808
Accrued expenses	265,841	60,762
Accrued salaries	52,168	6,914
Total current	344,068	121,484

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.

Accrued salaries represent the amount due to staff but unpaid at the end of the reporting period. Accrued salaries are settled within a fortnight after the reporting period. The Commission considers the carrying amount of accrued salaries to be equivalent to its fair value.

The accrued salaries suspense account (See Note 6.3 'Restricted cash and cash equivalents') consists of amounts paid annually, from Commission appropriations for salaries expense, into a Treasury suspense account to meet the additional cash outflow for employee salary payments in reporting periods with 27 pay days instead of the normal 26. No interest is received on this account.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

6 Financing

This section sets out the material balances and disclosures associated with the financing and cashflows of the Commission.

	Notes	2020 \$	2019 \$
Lease liabilities	6.1	-	-
Finance costs	6.2	272	-
Cash and cash equivalents	6.3	589,360	(513,672)

Note 6.1 Lease Liabilities

	2020 \$	2019 \$
<u>Lease liabilities</u>		
Current	-	-
Non-current	-	-
	-	-

The Commission measures a lease liability, at the commencement date, at the present value of the lease payments that are not paid at that date. The lease payments are discounted using the interest rate implicit in the lease. If that rate cannot be readily determined, the Commission uses the incremental borrowing rate provided by Western Australia Treasury Corporation.

Lease payments included by the Commission as part of the present value calculation of lease liability include:

- Fixed payments (including in-substance fixed payments), less any lease incentives receivable;
- Variable lease payments that depend on an index or a rate initially measured using the index or rate as at the commencement date;
- Amounts expected to be payable by the lessee under residual value guarantees;
- The exercise price of purchase options (where these are reasonably certain to be exercised);
- Payments for penalties for terminating a lease, where the lease term reflects the agency exercising an option to terminate the lease.

The interest on the lease liability is recognised in profit or loss over the lease term so as to produce a constant periodic rate of interest on the remaining balance of the liability for each period. Lease liabilities do not include any future changes in variable lease payments (that depend on an index or rate) until they take effect, in which case the lease liability is reassessed and adjusted against the right-of-use asset.

Periods covered by extension or termination options are only included in the lease term by the Commission if the lease is reasonably certain to be extended (or not terminated).

Variable lease payments, not included in the measurement of lease liability, that are dependent on sales are recognised by the Commission in profit or loss in the period in which the condition that triggers those payments occurs.

This section should be read in conjunction with note 4.2.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020**Subsequent Measurement**

Lease liabilities are measured by increasing the carrying amount to reflect interest on the lease liabilities; reducing the carrying amount to reflect the lease payments made; and remeasuring the carrying amount at amortised cost, subject to adjustments to reflect any reassessment or lease modifications.

Note 6.2 Finance costs

	2020 \$	2019 \$
<u>Finance costs</u>		
Lease interest expenses	272	-
Finance costs expensed	272	-

'Finance cost' relates to the interest component of lease liability repayments.

Note 6.3 Cash and cash equivalents

	2020 \$	2019 \$
Cash and cash equivalents	527,477	486,893
Restricted cash and cash equivalents		
– Indian Ocean Territories	30,883	3,779
– Accrued salaries suspense account (a)	31,000	23,000
Balance at end of period	589,360	513,672

(a) Funds held in the suspense account for the purpose of meeting the 27th pay in a reporting period that occurs every 11th year. This account is classified as non-current for 10 out of 11 years.

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.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

7 Financial instruments and contingencies

	Notes
Financial instruments	7.1
Contingent assets and liabilities	7.2

Note 7.1 Financial instruments

The carrying amounts of each of the following categories of financial assets and financial liabilities at the end of the reporting period are:

	2020 \$	2019 \$
<u>Financial assets</u>		
Cash and cash equivalents	589,360	513,672
Financial assets at amortised cost (a)	482,218	491,157
Total financial assets	1,071,578	1,004,829
<u>Financial liabilities</u>		
Financial liabilities at amortised cost	344,068	121,484
Total financial liabilities	344,068	121,484

(a) The amount of Financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable).

Note 7.2 Contingent assets and liabilities

Contingent assets and contingent liabilities are not recognised in the statement of financial position but are disclosed and, if quantifiable, are measured at the best estimate. Contingent assets and liabilities are presented inclusive of GST receivable or payable respectively.

There are no contingent assets and contingent liabilities as at 30 June 2020.

8 Other disclosures

This section includes additional material disclosures required by accounting standards or other pronouncements, for the understanding of this financial report.

	Notes
Events occurring after the end of the reporting period	8.1
Initial application of Australian Accounting Standards	8.2
Key management personnel	8.3
Related party transactions	8.4
Related bodies	8.5
Affiliated bodies	8.6
Special purpose accounts	8.7
Remuneration of auditors	8.8
Equity	8.9
Supplementary financial information	8.10
Explanatory statement	8.11

Note 8.1 Events occurring after the end of the reporting period

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

Note 8.2 Initial application of Australian Accounting Standards

(a) AASB 15 Revenue from Contract with Customers and AASB 1058 Income of Not-for-Profit Entities

AASB 15 Revenue from Contracts with Customers replaces AASB 118 Revenue and AASB 111 Construction Contracts for annual reporting periods on or after 1 January 2019. Under the new model, an entity shall recognise revenue when (or as) the entity satisfies a performance obligation by transferring a promised good or service to a customer and is based upon the transfer of control rather than transfer of risks and rewards.

AASB 15 focuses on providing sufficient information to the users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from the contracts with customers. Revenue is recognised by applying the following five steps:

- Identifying contracts with customers;
- Identifying separate performance obligations;
- Determining the transaction price of the contract;
- Allocating the transaction price to each of the performance obligations;
- Recognising revenue as each performance obligation is satisfied.

Revenue is recognised either over time or at a point in time. Any distinct goods or services are separately identified and any discounts or rebates in the contract price are allocated to the separate elements.

In addition, income other than from contracts with customers are subject to AASB 1058 Income of Not-for-Profit Entities. Income recognition under AASB 1058 depends on whether such a transaction gives rise to liabilities or a contribution by owners related to an asset (such as cash or another asset) recognised by the Commission.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

The Commission adopts the modified retrospective approach on transition to AASB 15 and AASB 1058. No comparative information is restated under this approach, and the Commission recognises the cumulative effect of initially applying the Standards as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application (1 July 2019).

Under this transition method, the Commission elects to not to apply the standards retrospectively to non-completed contracts at the date of initial application.

Refer to [Note 3.1](#), [3.2](#) and [3.3](#) for the revenue and income accounting policies adopted from 1 July 2019.

The effect of adopting AASB 15, AASB 16 and AASB 1058 as at 1 July 2019 was, as follows:

	30 June 2020	Adjustments	30 June 2020 under AASB 118 and 1004
User charges and fees	82,122	-	82,122
Other Revenue	943	-	943
Commonwealth grants	31,958	-	31,958
Net result	115,023	-	115,023

(b) AASB 16 Leases

AASB 16 Leases supersedes AASB 117 Leases and related Interpretations. AASB 16 primarily affects lessee accounting and provides a comprehensive model for the identification of lease arrangements and their treatment in the financial statements of both lessees and lessors.

The Commission applies AASB 16 Leases from 1 July 2019 using the modified retrospective approach. As permitted under the specific transition provisions, comparatives are not restated. The cumulative effect of initially applying this Standard is recognised as an adjustment to the opening balance of accumulated surplus/(deficit).

The main changes introduced by this Standard include identification of lease within a contract and a new lease accounting model for lessees that require lessees to recognise all leases (operating and finance leases) on the Statement of Financial Position as right-of-use assets and lease liabilities, except for short term leases (lease terms of 12 months or less at commencement date) and low-value assets (where the underlying asset is valued less than \$5,000). The operating lease and finance lease distinction for lessees no longer exists.

Under AASB 16, the Commission takes into consideration all operating leases that were off balance sheet under AASB 117 and recognises:

- (a) right-of-use assets and lease liabilities in the Statement of Financial Position, initially measured at the present value of future lease payments, discounted using the incremental borrowing rate (2.1%) on 1 July 2019;
- (b) depreciation of right-of-use assets and interest on lease liabilities in the Statement of Comprehensive Income; and
- (c) the total amount of cash paid as principal amount, which is presented in the cash flows from financing activities, and interest paid, which is presented in the cash flows from operating activities, in the Statement of Cash Flows.

In relation to leased vehicles that were previously classified as finance leases, their carrying amount before transition is used as the carrying amount of the right-of-use assets and the lease liabilities as of 1 July 2019.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

The Commission measures concessionary leases that are of low value terms and conditions at cost at inception. There is no financial impact as the Commission is not in possession of any concessionary leases at the date of transition.

The right-of-use assets are assessed for impairment at the date of transition and the Commission has not identified any impairments to its right-of-use assets.

On transition, the Commission has elected to apply the following practical expedients in the assessment of their leases that were previously classified as operating leases under AASB 117:

- a) A single discount rate has been applied to a portfolio of leases with reasonably similar characteristics;
- b) The Commission has relied on its assessment of whether existing leases were onerous in applying AASB 137 Provisions, Contingent Liabilities and Contingent Assets immediately before the date of initial application as an alternative to performing an impairment review. The Commission has adjusted the ROU asset at 1 July 2019 by the amount of any provisions included for onerous leases recognised in the statement of financial position at 30 June 2019;
- c) Where the lease term at initial application ended within 12 months, the Commission has accounted for these as short-term leases;
- d) Initial direct costs have been excluded from the measurement of the right-of-use asset;
- e) Hindsight has been used to determine if the contracts contained options to extend or terminate the lease.

The Commission has not reassessed whether existing contracts are, or contained a lease at 1 July 2019. The requirements of paragraphs 9-11 of AASB 16 are applied to contracts that came into existence post 1 July 2019.

a. Measurement of lease liabilities

	\$
Operating lease commitments disclosed as at 30 June 2019	578,459
Discounted using incremental borrowing rate at date of initial application	-
Add: Finance lease liabilities recognised as at 30 June 2019	16,534
(Less): Short term leases not recognised as liability	-
(Less): GOA leases not recognised as liabilities under AASB 16	(578,459)
Lease liability recognised at 1 July 2019	16,534
Current lease liabilities	5,835
Non-current lease liabilities	10,699

Note 8.3 Key management personnel

The Commission has determined key management personnel to include cabinet ministers and senior officers of the Commission. The Commission does not incur expenditures to compensate Ministers and those disclosures may be found in the Annual Report on State Finances.

The total fees, salaries, superannuation, non-monetary benefits and other benefits for senior officers of the Commission for the reporting period are presented within the following bands:

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Compensation band (\$)	2020	2019
	No. of officers	No. of officers
280,001 – 290,000	1	-
270,001 – 280,000	-	1
190,001 – 200,000	-	1
180,001 – 190,000	1	-
150,001 – 160,000	1	-
140,001 – 150,000	-	2
130,001 – 140,000	1	-
	2020	2019
	\$	\$
Total compensation of senior officers	766,990	750,623

Total compensation includes the superannuation expense incurred by the Commission in respect of senior officers.

Note 8.4 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 agencies and statutory authorities, including related bodies, that are included in the whole of government consolidated financial statements (i.e. wholly owned public sector entities);
- associates and joint ventures of a wholly owned public sector entity; and
- the Government Employees Superannuation Board (GESB).

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 8.5 Related bodies

A related body is a body that receives more than half of its funding and resources from a Department and is subject to operational control by that Department. The Commission has no related bodies during the financial year.

Note 8.6 Affiliated bodies

There are no affiliated bodies during the financial year.

Commissioner for Equal Opportunity

[Notes to the financial statements](#) for the year ended 30 June 2020**Note 8.7 Special purpose accounts**

The purpose of the account is to hold funds for services provided to the Indian Ocean Territories (IOT):

	2020 \$	2019 \$
Balance at the start of the period	3,779	1,347
Receipts	31,958	33,211
Payments	(4,854)	(30,779)
Balance at end of period	30,883	3,779

Note 8.8 Remuneration of Auditor

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

	2020 \$	2019 \$
Auditing the accounts, financial statements, controls, and key performance indicators	34,650	34,650
	34,650	34,650

Note 8.9 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.

	2020 \$	2019 \$
Contributed equity		
Balance at start of period	604,000	604,000
<i>Contributions by owners</i>		
Capital appropriation	7,000	-
Total contribution by owners	7,000	-
Balance at end of period	611,000	604,000

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Note 8.10 Supplementary financial information**(a) Write-offs**

During the financial year, \$234 were written off the Commission's asset register under the authority of:

	2020	2019
	\$	\$
The accountable authority	234	609
The Minister	-	-
Executive Council	-	-
	234	609

(b) Losses through theft, defaults and other causes

	2020	2019
	\$	\$
Losses of public money and public and other property through theft or default	-	-
Amounts recovered	-	-
	-	-

(c) Gifts of public property

	2020	2019
	\$	\$
Gifts of public property provided by the Commission	4,618	-
	4,618	-

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

Note 8.11 Explanatory statement (Controlled Operations)

All variances between estimates (original budget) and actual results for 2020 and between the actual results for 2020 and 2019 are shown below. Narratives are provided for key major variances, which are generally greater than:

- 10% and \$1,000,000 for the Statements of Comprehensive Income, Financial Position and Cash Flows.

8.11.1 Statement of Comprehensive Income Variances

	Variance Note	Estimate 2020	Actual 2020	Actual 2019	Variance between estimates and actual	Variance between actual results for 2020 and 2019
		\$	\$	\$	\$	\$
Expenses						
Employee benefits expense		2,495,000	2,378,953	2,224,361	(116,047)	154,592
Supplies and services	1	312,000	627,398	491,141	315,398	136,257
Depreciation and amortisation	2	694,000	17,154	15,407	(676,846)	1,747
Finance costs	2	84,000	272	-	(83,728)	272
Accommodation expenses	2	274,000	861,195	961,201	587,195	(100,006)
Loss on disposal of non-current assets		-	24,340	-	24,340	24,340
Other expenses		124,000	154,048	112,638	30,048	41,410
Total cost of services		3,983,000	4,063,360	3,804,748	80,360	258,612
Income						
<i>Revenue</i>						
User charges and fees	3	169,000	82,122	97,272	(86,878)	(15,150)
Commonwealth grants and contributions		35,000	31,958	33,211	(3,042)	(1,253)
Other revenue		-	943	5,537	943	(4,594)
Total revenue		204,000	115,023	136,020	(88,977)	(20,997)
Total income other than income from State Government		204,000	115,023	136,020	(88,977)	(20,997)
Net cost of services		3,779,000	3,948,337	3,668,728	169,337	279,608
Income from State Government						
Service appropriation		3,737,000	3,725,000	3,753,000	(12,000)	(28,000)
Service received free of charge		42,000	54,133	36,154	12,133	17,979
Total income from State Government		3,779,000	3,779,133	3,789,154	133	(10,021)
Surplus/(deficit) for the period		-	(169,204)	120,426	(169,204)	(289,630)
Total comprehensive income for the period		-	(169,204)	120,426	(169,204)	(289,630)

Major Estimate and Actual (2020) Variance Narratives

Statement of Comprehensive Income

1. Increased costs relate to the increase in capacity to support Government goals and the impacts of Covid-19 on service delivery costs. Additional costs were incurred in managing the relocation of the Commission to new premises. For instance, \$18,000 for IT consultants and support to working from home arrangements; \$57,000 for GovNext network; \$35,000 for office relocation.

2. A change in accounting treatment of government office accommodation has moved expense from Depreciation/Interest expense to Accommodation expenses.

3. Revenue was impacted by Covid-19 restrictions on training activity.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

8.11.2 Statement of Financial Position Variances

	Variance Note	Estimate 2020	Actual 2020	Actual 2019	Variance between estimates and actual	Variance between actual results for 2020 and 2019
		\$	\$	\$	\$	\$
Assets						
Current assets						
Cash and cash equivalents	4	359,000	527,477	486,893	168,477	40,583
Restricted cash and cash equivalents		-	30,883	3,779	30,883	27,104
Receivables		68,000	38,645	32,898	(29,355)	5,747
Amounts receivable for services		33,000	33,000	33,000	-	-
Other current assets		13,000	31,077	11,764	18,077	19,313
Total current assets		473,000	661,082	568,334	188,082	92,748
Non-current assets						
Restricted cash and cash equivalents		32,000	31,000	23,000	(1,000)	8,000
Amounts receivable for services		1,129,000	438,000	449,000	(691,000)	(11,000)
Plant and equipment		2,086,000	19,633	55,778	(2,066,367)	(36,145)
Intangible assets		-	-	-	-	-
Total non-current assets		3,247,000	488,633	527,778	(2,758,367)	(39,145)
Total assets		3,720,000	1,149,715	1,096,112	(2,570,285)	53,603
Liabilities						
Current liabilities						
Payables	5	132,000	344,068	121,484	212,068	222,584
Employee related provisions		585,000	542,089	520,995	(42,911)	21,094
Total current liabilities		717,000	886,157	642,479	169,157	243,678
Non-current liabilities						
Employee related provisions		70,000	82,655	110,527	12,655	(27,872)
Borrowings and leases		2,075,000	-	-	(2,075,000)	-
Total non-current liabilities		2,145,000	82,655	110,527	(2,062,345)	(27,872)
Total liabilities		2,862,000	968,812	753,006	(1,893,188)	215,806
Net assets		858,000	180,903	343,106	(677,097)	(162,203)
Equity						
Contributed equity		1,239,000	611,000	604,000	(628,000)	7,000
Accumulated surplus/(deficit)		(381,000)	(430,097)	(260,894)	(49,097)	(169,203)
Total equity		858,000	180,903	343,106	(677,097)	(162,203)

Major Estimate and Actual (2020) Variance Narratives

Statement of Financial Position

4. Delays in system upgrades due to the impact of Covid-19 have deferred costs to 2020-21.

5. Delayed receipt of new accommodation and equipment charges relating to the relocation of the Commission in June 2020 has increased payables.

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2020

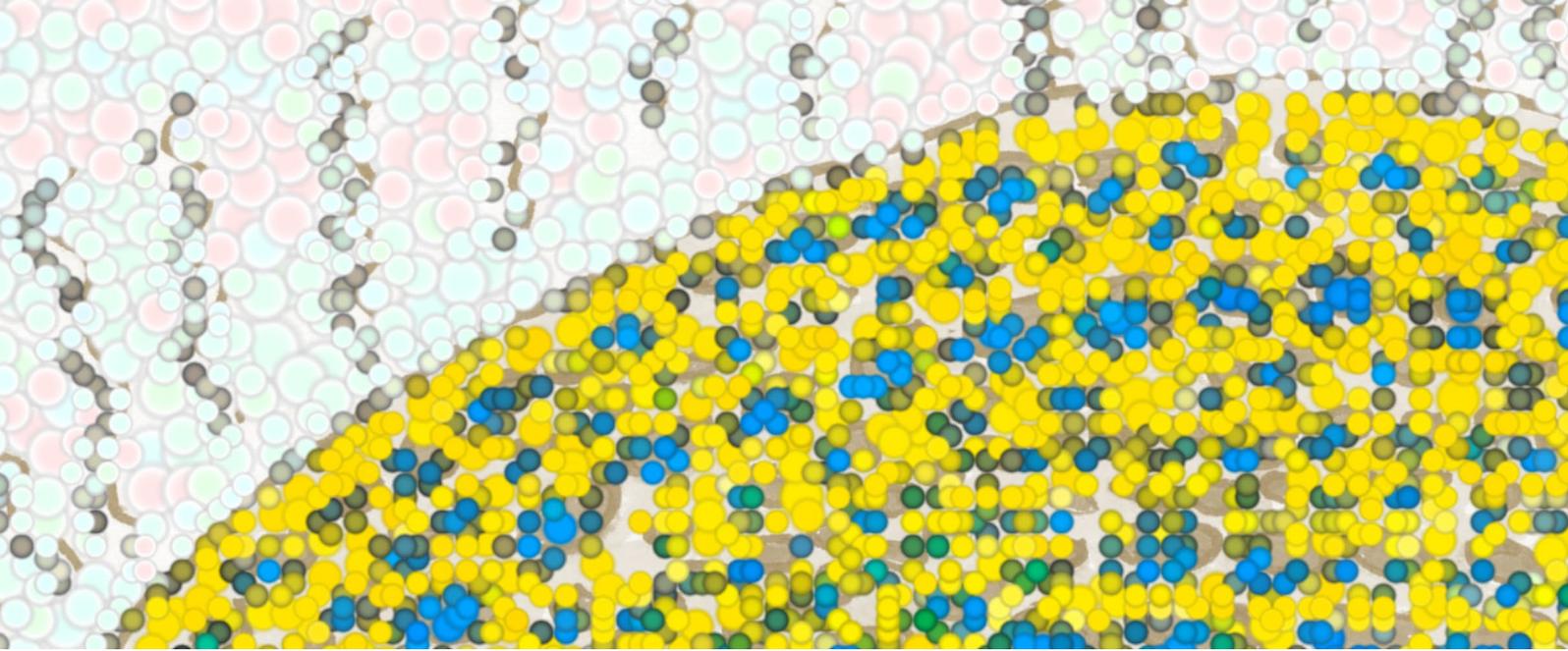
8.11.3 Statement of Cash Flows Variances

	Estimate 2020	Actual 2020	Actual 2019	Variance between estimates and actual	Variance between actual results for 2020 and 2019
Variance Note	\$	\$	\$	\$	\$
Cash flows from State Government					
Service appropriation	3,043,000	3,703,000	3,709,000	660,000	(6,000)
Capital appropriations	635,000	7,000	-	(628,000)	7,000
Holding account drawdown	33,000	33,000	28,000	-	5,000
Net cash provided by State Government	3,711,000	3,743,000	3,737,000	32,000	6,000
Cash flows from operating activities					
Payments					
Employee benefits	(2,530,000)	(2,356,652)	(2,239,463)	173,348	(117,189)
Supplies and services	(246,000)	(571,977)	(588,170)	(325,977)	16,193
Accommodation	(274,000)	(863,219)	(963,745)	(589,219)	100,526
GST payments	(78,000)	(147,768)	(100,453)	(69,768)	(47,315)
Finance and interest costs	(84,000)	-	-	84,000	-
Other payments	(134,000)	-	-	134,000	-
Receipts					
User charges and fees	169,000	80,061	137,266	(88,939)	(57,205)
Commonwealth grants and contributions	35,000	31,958	33,211	(3,042)	(1,253)
GST receipts	78,000	159,342	106,599	81,342	52,743
Other receipts	21,000	943	-	(20,057)	943
Net cash provided by/(used in) operating activities	(3,043,000)	(3,667,312)	(3,614,755)	(624,313)	(52,558)
Cash flows from investing activities					
Payments					
Purchase of non-current assets	(33,000)	-	-	33,000	-
Net cash provided by/(used in) investing activities	(33,000)	-	-	33,000	-
Cash flows from financing activities					
Repayment of borrowings and leases	(635,000)	-	-	635,000	-
Net cash from financing activities	(635,000)	-	-	635,000	-
Net increase/(decrease) in cash and cash equivalents	-	75,688	122,245	75,688	(46,557)
Cash and cash equivalents at the beginning of period	391,000	513,672	391,427	122,672	122,245
Cash and cash equivalents at the end of period	391,000	589,360	513,672	198,360	75,688

Major Estimate and Actual (2020) Variance Narratives

Statement of Cash Flows

6. Increased costs relate to the increase in capacity to support Government goals and the impacts of Covid-19 on service delivery costs. Additional costs were incurred in managing the relocation of the Commission to new premises. For instance, \$18,000 for IT consultants and support to working from home arrangement; \$57,000 for GovNext network; \$35,000 for office relocation.



Key performance indicators

Certification of key performance indicators

for the year ended 30 June 2020

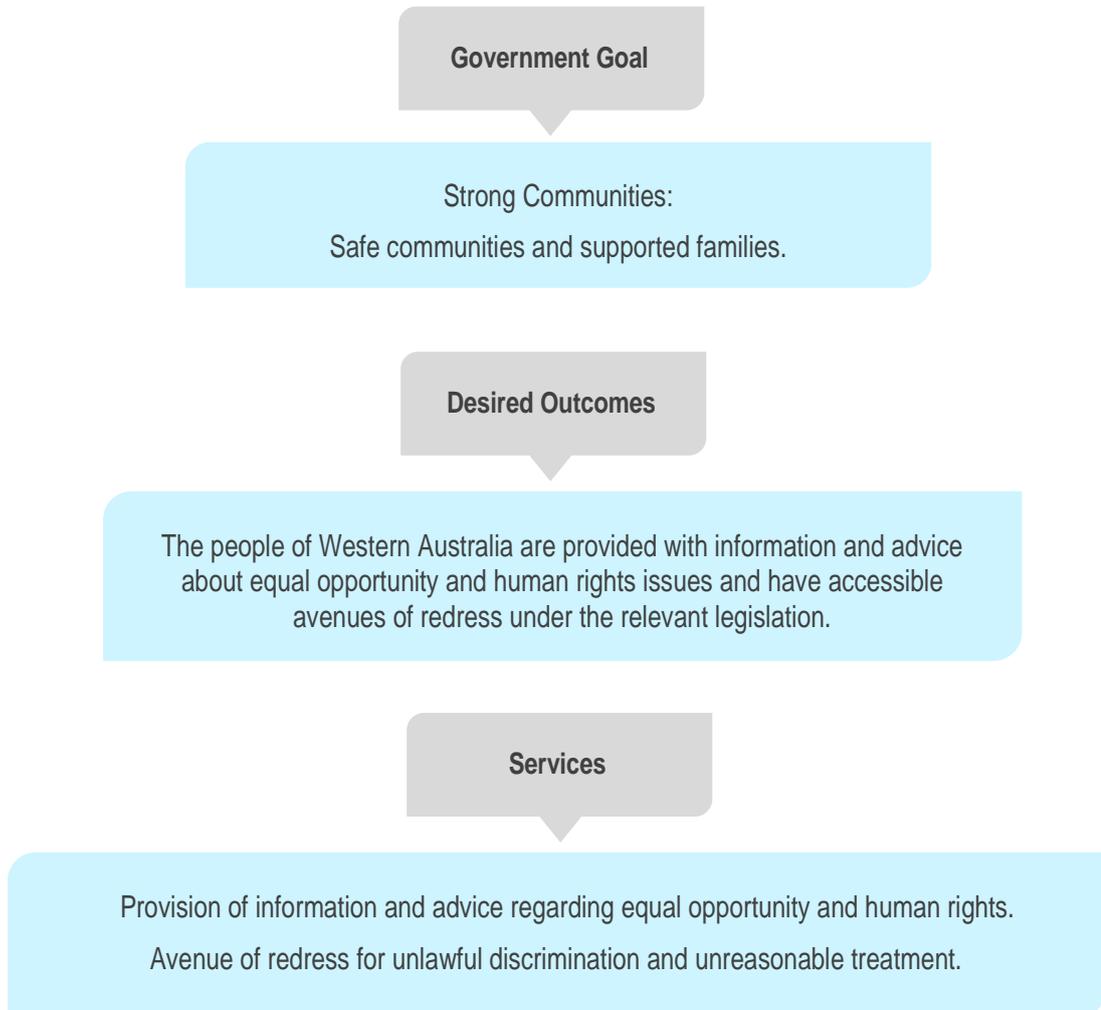
I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the office of the Commissioner for Equal Opportunity's performance, and fairly represent the performance of the Commission for the financial year ended 30 June 2020.

John Byrne
Commissioner for Equal Opportunity

1 September 2020

Report on key performance indicators

The Commissioner for Equal Opportunity provides two major services: the provision of information on equal opportunity and human rights issues, as well as avenues of redress to individuals who experience unlawful discrimination in Western Australia.



The Commission's effectiveness indicators demonstrate the extent to which the Commissioner for Equal Opportunity meets the Desired Outcomes by providing:

- Service 1: Community awareness of the *Equal Opportunity Act 1984* and belief it is of benefit
- Service 2: Percentage of complaints finalised within six and 12 months

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.

All target figures have been reported in the 2019-20 Budget Papers, Vol 1, Division 8, Part 2.

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: Information and advice about equal opportunity and human rights issues

The Commission raises awareness and promotes equality of opportunity by providing a range of community education and training programs and participation in community based fairs and exhibitions. Additionally, it promotes the Act and its objects through social media and an e-newsletter. The effectiveness of these activities is measured by a survey of community awareness which is undertaken on a triennial basis.

Effectiveness Indicator 1: Community awareness of the *Equal Opportunity Act 1984* and belief it is of benefit

Every three years a community survey is conducted to ascertain community attitudes and assess 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). 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*
2008-09 to 2017-18

	2008-09 %	2011-12 %	2014-15 %	2017-18 Target %	2017-18 Actual %
Community awareness of the <i>Equal Opportunity Act 1984</i> (the 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.

As reported last year, an important contributor to this general increase in awareness of the Act in recent years was a greater awareness among male respondents and respondents aged 40 and above. Respondents identified that their awareness had risen primarily through equality issues being raised in the realm of sport.

Background and details of survey of community awareness

This survey is now in its eighth iteration. The first was conducted in 1997 and most recently was undertaken in May 2018.

In 2018 Patterson Research Group (PRG) was engaged by the 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.

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 up to and including 2015 were conducted by a telephone of a random sample of the adult population. In total 400 respondents were interviewed, with 300 from the Perth metropolitan 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*
2008-09 to 2017-18

	2008-09 Survey		2011-12 Survey		2014-15 Survey		2017-18 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

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%).

Most respondents, 84%, 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.

The community survey indicates 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: Accessible avenues of redress under the relevant legislation

Effectiveness Indicator 2: 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.

Table 3 lists the targets and actual time for the finalisation of complaints within six (6) months and 12 months. It shows that 75.6% were finalised in six (6) months, 96.2% in 12 months.

The times taken to finalise complaints at six months and 12 months were slightly higher than the previous financial year. In 2019-20 the percentage of complaints were finalised in under six months was 75.6%, a reduction on the 78.7% of complaints finalised in 2018-19. In the current financial year the time taken to resolve complaints in under 12 months was 96.2% which was marginally lower than the 97.7% of complaints finalised in 2018-19.

The average time taken to finalise complaints was 4.4 months.

The target for finalising complaint in six months of 85% was not met, with 75.6% of complaints finalised in that period. A number of factors contributed to this variation of 9.4% including complex complaints where respondents and or complainants did not or were unable to comply with requested timelines. A revised complaint handling processes was necessitated by the COVID-19 pandemic also impacted on the participation of parties to complaints.

While the target for complaint completion in six months was not met, the budget target for finalising complaints in under 12 months was 90%, and this target was comfortably exceeded in 2019-20 with 96.2% of complaints finalised in that timeframe.

Table 3
Percentage of complaints finalised within six and 12 months
2016-17 to 2019-20

Percentage of complaints finalised within:	2016-17 %	2017-18 %	2018-19 %	2019-20 Budget Target %	2019-20 Actual %
Six months	89.6	84.7	78.7	85	75.6
12 months	99.7	98.5	97.7	90	96.2

Key efficiency indicators relating to services

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

The provision of 'fee-for-service training' courses for government, non-government and private sector organisations is one of two streams of education conducted by the Commission but forms the basis of assessment of the efficiency indicator. These courses, for which a fee is charged, centre on the responsibilities of these organisations under the *Equal Opportunity Act 1984* 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 2020 was 586 hours, lower than the previous year's total of 667.5 hours. This reduction in hours was partly due to ongoing budgetary constraints in the public and private sectors during 2019, and in 2020, the COVID-19 pandemic further meant nearly all scheduled programs were cancelled at the end of March, and did not recommence again until mid-June 2020 with limited sessions.

The total cost involved in the delivery of training services in 2019-20 was \$479,293, a 6.9% increase on the previous financial year's budget of \$448,273.

The unexpected reduction in demand for, and cancellation of scheduled fee for service training, contributed to an increase of \$146 in the average cost per hours of training, from \$672 in 2018-19 to \$818 in 2019-20, which however was slightly below the budget target of \$815 per hour.

Table 4
Average hourly cost of development and delivery of training courses
2016-17 to 2019-20

	2016-17 \$	2017-18 \$	2018-19 \$	2019-20 Budget Target \$	2019-20 Actual \$
Average hourly cost of development and delivery of training courses	1,057	691	672	815	818

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

Efficiency Indicator 2: Average cost of complaints handled

This indicator reflects the costs involved in investigating and seeking to conciliate allegations of unlawful discrimination. 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.

The combined staff and other costs of handling complaints in 2019-20 was \$1,598,304, an increase of 6.9% on the previous financial year's expenditure of \$1,495,672.

As at 30 June 2020, 579 complaints were handled in 12 months, a 11.2% reduction from the 2018-19 period in which 652 complaints were dealt with.

In the period April 2020 to June 2020, the COVID-19 pandemic coincided with a 38.5% comparative reduction in complaints received, with 86 received in 2019-20 compared to 140 complaints received in 2018-19.

The average cost of complaints handled in 2019-20 was \$2,760, compared to the previous year's cost of \$2,294 an increase caused by the lower number of complaints handled in the current financial year and higher salary costs.

The 8.2% variation between the budget target of \$2,550 and the \$2,760 cost of complaints handled was due to the budgeted target being retained as per forward estimates, the increased staff costs of handling complaints, and the reduction the number of complaints received

Table 5
Average cost per complaint handled
2016-17 to 2019-20

	2016-17 \$	2017-18 \$	2018-19 \$	2019-20 Budget Target \$	2019-20 Actual \$
Average cost per complaint handled	2,869	2,241	2,294	2,550	2,760

Other 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 continued progressing the options for updating its complaint handling procedures to implement an electronic system in order to streamline the process.

The Department of Finance assisted the Commission to seek responses as part of a formal tender process which was discontinued with a change in direction within the Commission. The Commission is now working with the Department of Justice to utilise a customised version the Integrated Courts Management System this work is expected to continue into the 2020-21 financial year.

Information and communication technologies

The Commission migrated its on-premise infrastructure to the Cloud as part of the whole of Government GovNext policy.

Employment and industrial relations

Staff profile as at 30 June 2020

	Number of staff (FTE)	
	2019-20	2018-19
Full-time permanent	18	16
Full-time contract	0	0
Part-time permanent (measured on FTE basis)	4	4
Part-time contract (measured on FTE basis)	0	0
Total	20.8	20
Employees seconded out	0	0
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.

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:

- Chief Finance Officer Forum
- Law Society of WA – CPD Journalists and Legal Ethics
- ACHR Conference
- Financial Management Awareness Training
- Induction to the Western Australian Public Sector
- Cultural Awareness in Negotiation

Unauthorised use of credit cards

Officers of the Commission hold corporate credit cards where their functions warrant usage of this facility. These instances of personal use were the direct result of an error on behalf of the merchant. Once advised, the merchant credited back the amount incorrectly charged to the corporate card directly and there was no requirement for the officer to repay any monies. The matter was not referred for disciplinary action as the Chief Finance officer noted prompt advice and settlement of the personal use amount, and the nature of the expenditure was immaterial and not as a result of the officer's actions directly.

	2019-20
Aggregate amount of personal use expenditure for the reporting period	\$50.50
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	\$38.50
Aggregate amount of personal use expenditure settled by the due date (after 5 working days)	\$12.00
Aggregate amount of personal use expenditure outstanding at balance date	\$0.00

Other legal disclosures

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 2019-20 was \$1,675.46
Expenditure was incurred in the following areas.

	Amount (s)	Total (\$)
Advertising agencies	-	-
Market research organisation	-	-
Polling organisation		
Survey Monkey	\$905.45	\$905.45
Direct mail organisation		
Mail Chimp	\$770.01	\$770.01
Media advertising organisations	-	-
Grand total		\$1,675.46

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 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 (DAIP) 2016-2021 addresses the barriers and finds solutions for people with disabilities who need the Commission's services and facilities. The Commission's DAIP 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 as well as community education and information to prevent discrimination and inform people of their rights.

The Commission is committed to ensuring 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.

Outcome 4

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

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 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 2019-20 the Commission reviewed and endorsed the following policies and plans:

- Delegation of Authority Policy
- WA Government Purchasing Card Policy and Operational Guidelines
- Policy for managing and removing records from the Office

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 completed the significant records project work on the retention and disposal of the Commission's onsite records as a priority and moved all old records to offsite storage in preparation for the office relocation to Albert Facey House. The Commission's Retention and Disposal Plan has had some minor amendments that were submitted to the State Records Office for review and approval.

Nature and extent of recordkeeping training program

The Commission on provided individual and group records and recordkeeping process training for all staff awareness on an adhoc basis ensuring that employees are aware of their responsibilities and how to use the electronic records management system (HPE Content Manager). Staff were also introduced to a new fully electronic process for managing certain Commission records due to working from home arrangements and COVID-19. Procedures and a managing recordkeeping offsite policy was developed to assist and to ensure staff were made aware of their recordkeeping responsibilities to ensure compliance during this sudden change.

Review of efficiency and effectiveness of recordkeeping training program

In 2019-20 the Commission conducted ongoing additional training for employees that required further training regarding individual recordkeeping and responsibilities to increase utilisation of the electronic system and to ensure standardisation of processes throughout the agency.

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 guides.

Induction sessions are conducted for all new employees upon commencement. The session covers:

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

- Maintained as a standing agenda items for staff meetings the implementation of substantive equality as well as analysis of trends and issues to identify systemic discrimination
- Identified policies requiring impact assessments.

The Commission hopes that the review of the *Equal Opportunity Act 1984* will incorporate the concept of substantive equality.

Freedom of information

The *Freedom of Information Act 1992* (FOI Act) provides the right to request personal and non-personal information held by the Commission, subject to any exemptions that may apply under the FOI Act. The Commission aims to make personal information available promptly and, wherever possible, outside the FOI Act process.

The FOI Act also enables the public to ensure that personal information retained by the Commission is accurate, complete, up-to-date, and not misleading.

The Commission receives, produces, and retains a range of documents relevant to its statutory and administrative functions, much of which can be accessed on the Commission's website.

Applications	2019-20
Received during the year	4
Finalised during the year	3
Average time to finalise in days	21

Occupational safety and health and injury management

The Commission is committed to providing an environment that is healthy, safe and promotes the welfare of the employees as well as 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 one elected OSH representatives who conducts 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 2019-20 no high-risk issues were identified. Routine low risk issues were dealt with such as ensuring items in the store room were properly 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 organisation wide assessment of the occupational safety and health management systems was last completed in 2012 using a recognised assessment tool by an independent external OSH consultancy firm. Given the passage of five years since this assessment was completed, the Commission will conduct an assessment of the occupational safety and health management systems during the 2020-21 financial year.

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 bi-monthly 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.

The following table provides actual results for the 2019-20 reporting period against targets specified in the *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
	2019-20	2018-19	
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.

Appendices

Appendix A: enquiry and complaint tables

Table 1: Enquiries received by ground

	2019-20	%	2018-19	%
Age	74	5.6	74	5.5
Breastfeeding	3	0.2	8	0.6
Bullying	25	1.9	42	3.1
Family responsibility	30	2.3	39	2.9
Family status	14	1.1	16	1.2
Gender history	5	0.4	4	0.3
Gender identity	11	0.8	9	0.7
Impairment	306	23.2	291	21.6
Marital status	2	0.2	4	0.3
Political conviction	1	0.1	3	0.2
Pregnancy	31	2.4	36	2.7
Publication of name in fines enforcement registry website	5	0.4	1	0.1
Race	180	13.7	172	12.8
Racial harassment	8	0.6	11	0.8
Racial vilification	8	0.7	10	0.7
Religious conviction	17	1.3	26	1.9
Religious vilification	1	0.1	1	0.1
Sex	60	4.6	55	4.1
Sexual harassment	66	5.0	66	4.9
Sexual orientation	13	1.0	12	0.9
Spent conviction	12	0.9	15	1.1
Victimisation PID	2	0.4	1	0.1
All grounds	120	9.1	85	6.3
Other	109	18.3	81	6.0
Not applicable	215	16.3	283	21.0
Total	1318	100	1345	100

Table 2: Enquiries received by area

	2019-20	%	2018-19	%
Access to places and vehicles	24	1.7	23	1.7
Accommodation	48	3.6	63	4.7
Clubs	20	1.5	8	0.6
Education	60	4.6	94	7.0
Employment	586	44.5	613	45.6
Goods, services and facilities	236	17.9	191	14.2
Land	1	0.1	2	0.1
Public place	10	0.8	5	0.4
Sport	7	0.5	8	0.6
All areas	102	7.7	65	4.8
Other	63	4.8	50	3.7
Not applicable	161	12.2	223	16.6
Total	1318	100	1345	100

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

	2019-20	%	2018-19	%
Born in Australia	237	57.8	292	61.5
Born outside Australia	160	39.0	172	36.2
No survey returned/unspecified	13	3.2	11	2.3
Total	410	100	475	100

What is the main language spoken at home?

Table 4: Language of complainant

	2019-20	%	2018-19	%
Other	34	8.3	50	10.5
English	364	88.8	416	87.6
No survey returned/unspecified	12	2.9	9	1.9
Total	410	100	475	100

Do you consider yourself to have an ethnic background?

Table 5: Ethnic background of complainant

	2019-20	%	2018-19	%
Yes	123	30.0	117	24.6
No	272	66.3	348	73.3
No survey returned/unspecified	15	3.6	10	2.1
Total	410	100	475	100

Which of the following age group do you belong?

Table 6: Age of complainant

	2019-20	%	2018-19	%
0 – 12	5	1.2	3	0.6
13 – 17	10	2.4	17	3.6
18 – 24	33	8.0	41	8.6
25 – 34	77	18.8	89	18.7
35 – 44	96	23.4	124	26.1
45 – 54	85	20.7	123	25.9
55 – 64	62	15.1	43	9.1
65 – 74	16	3.9	16	3.4
75+	7	1.7	3	0.6
No survey returned/unspecified	19	4.6	16	3.4
Total	410	100	475	100

Which of the following best describes you currently?

Table 7: Work status of complainant

	2019-20	%	2018-19	%
Homemaker	11	2.7	13	2.7
In paid employment	172	42.0	181	38.1
Looking for work	100	24.4	136	28.6
Pensioner	43	10.5	45	9.5
Retired	9	2.2	9	1.9
Student	45	11.0	57	12.0
No survey returned/unspecified	30	7.3	34	7.2
Total	410	100	475	100

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

Table 8: Disability of complainant

	2019-20	%	2018-19	%
Yes	109	26.6	138	29.1
No	278	67.8	312	65.7
No survey returned/unspecified	23	5.6	25	5.3
Total	410	100	475	100

Table 9: Complainant residence

	2019-20	%	2018-19	%
Metropolitan	312	76.1	349	73.5
Non-metropolitan	81	19.8	91	19.2
Other state/overseas	9	2.2	26	5.4
Not specified	8	2.0	9	1.9
Total	410	100	475	100

Table 10: Complainant represented

	2019-20	%	2018-19	%
Advocacy group	5	1.2	14	2.9
Community legal centre	24	5.9	17	3.6
Family member or friend	62	15.1	69	14.5
Privately funded solicitor	18	4.4	13	2.7
Professional association	5	1.2	0	0
Trade union	9	2.2	15	3.2
Not represented	287	70.0	347	73.1
Total	410	100	475	100

About the complaint

Table 11: How the complainants lodged their complaints

	2019-20	%	2018-19	%
Email	73	17.8	63	13.3
Fax	4	1.0	2	0.4
Hand	37	9.0	21	4.4
Post	34	8.3	45	9.5
Web	262	63.9	344	72.4
Total	410	100	475	100

Table 12: Complaints received by ground

	2019-20	%	2018-19	%
Age	36	8.8	33	6.9
Breastfeeding	0	0.0	3	0.6
Family responsibility	15	3.7	27	5.7
Family status	8	2.0	8	1.7
Gender history	0	0.0	1	0.2
Impairment	82	20.0	107	22.5
Marital status	5	1.2	4	0.8
Political conviction	1	0.2	5	1.1
Pregnancy	6	1.5	9	1.9
Publication of name in fines enforcement registry	1	0.2	1	0.2
Race	75	18.3	86	18.1
Racial harassment	14	3.4	14	2.9
Religious conviction	5	1.2	13	2.7
Sex	29	7.1	39	8.2
Sexual harassment	57	13.9	61	12.8
Sexual orientation	9	2.2	5	1.1
Spent conviction	2	0.5	3	0.6
Victimisation	64	15.6	54	11.4
Victimisation PID	1	0.2	2	0.4
Total	410	100	475	100

Table 13: Impairment complaints received – disability of complainant

	2019-20	%	2018-19	%
Blind and vision impairment	1	1.2	2	1.9
Deaf and hearing	1	1.2	0	0
HIV or other organisms	1	1.2	2	1.9
Imputed impairment	6	7.3	2	1.9
Intellectual disability	15	18.3	7	6.5
Mental health/psychosocial	35	42.7	40	37.4
Physical disability	20	24.4	52	48.6
Not specified	3	3.7	2	1.9
Total	82	100	107	100

Table 14: Complaints received by area

	2019-20	%	2018-19	%
Access to places and vehicles	11	2.7	20	4.2
Accommodation	26	6.3	19	4.0
Clubs	14	3.4	4	0.8
Education	18	4.4	30	6.3
Employment	265	64.6	310	65.3
Goods, services and facilities	73	17.8	88	18.5
Sport	2	0.5	2	0.4
Victimisation	1	0.2	2	0.4
Not specified	0	0	0	0
Total	410	100	475	100

Table 15: Employment complaints received – employment status of complainant

	2019-20	%	2018-19	%
Casual	49	18.5	31	10.0
Fixed-term contract	9	3.4	24	7.7
Full-time	114	43.0	118	38.1
Part-time	4	1.5	24	7.7
Permanent	19	7.2	14	4.5
Unemployed	58	21.9	60	19.4
Other	1	0.4	1	0.3
Not specified	11	4.2	38	12.2
Total	265	100	310	100

About the respondents

Table 16: Respondent industry

	2019-20	%	2018-19	%
Accommodation and food services	31	7.6	52	10.9
Administrative and support services	19	4.6	20	4.2
Agriculture, forestry and fishing	1	0.2	5	1.1
Arts and recreation services	21	5.1	24	5.1
Construction	8	2.0	8	1.7
Education and training – school, tertiary other education	39	9.5	56	11.8
Electricity, gas, water and waste services	8	2.0	6	1.3
Financial and insurance services	13	3.2	17	3.6
Health care and social assistance	53	12.9	73	15.4
Information media and telecommunications	3	0.7	9	1.9
Manufacturing	6	1.5	7	1.5
Mining	31	7.6	21	4.4
Professional, scientific and technical services	7	1.7	15	3.2
Public administration and safety	28	6.8	34	7.2
- Correctional and detention services	9	2.2	12	2.5
- Police services	16	3.9	8	1.7
Rental, hiring and real estate services	33	8.0	25	5.3
Retail trade	54	13.2	45	9.5
Transport, postal and warehousing	12	2.9	23	4.8
Wholesale trade	10	2.4	6	1.3
Other services	7	1.7	9	1.9
Not specified	1	0.2	0	0
Total	410	100	475	100

Table 17: Respondent identity

	2019-20	%	2018-19	%
Club	11	2.7	13	2.7
Non-government organisation	17	4.1	39	8.3
Private enterprise	251	61.2	280	58.9
State government department/agency/authority/local	125	30.5	137	28.8
Trade union	0	0	3	0.6
Other	6	1.5	3	0.6
Total	410	100	475	100

Table 18: Size of organisation

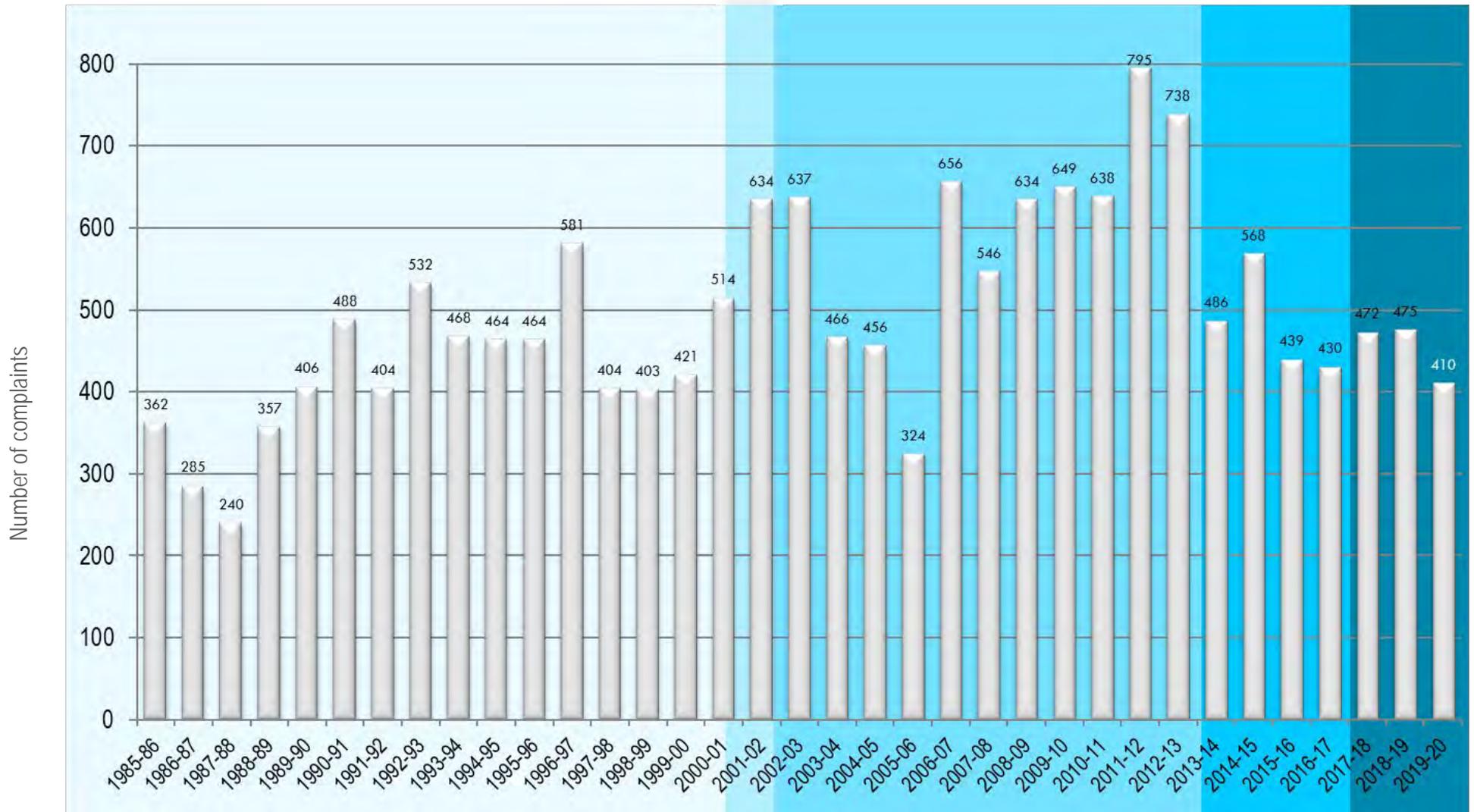
	2019-20	%	2018-19	%
Less than 5	3	0.4	15	3.2
5 - 19	25	4.7	17	3.6
20 - 99	58	15.4	103	21.7
100 - 499	85	13.2	88	18.5
500+	137	41.4	183	38.5
Not specified	102	24.9	69	14.5
Total	410	100	475	100

How complaints were handled

Table 19: Outcome of complaints closed

	2019-20	%	2018-19	%
Conciliated	82	20.7	112	23.2
Dismissed	96	24.2	131	27.1
Lapsed	79	19.9	100	20.7
Withdrawn	136	34.3	128	26.5
Referred to Tribunal by Commissioner	4	1.0	12	2.5
Total	397	100	483	100

Appendix B: complaints received from 1985 to 2020



○ June Williams

● Moria Rayner

● Yvonne Henderson

● Allannah Lucas

● John Byrne

Note: 2000/01 financial year the Commission ceased co-operative arrangements with the Australian Human Rights Commission, the figures shown from 1985/86 to 1999/00 are the total number of complaints received.

Appendix C: feedback form



The Commission is interested in receiving your feedback regarding our 2019-20 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 2019-20 Annual Report?

Excellent	Good	Average	Fair	Poor
1	2	3	4	5

2. How could we improve our Annual Report?

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

4. Any other comments?

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

- Complainant
- Respondent
- Training participant: private sector
- Training participant: community sector
- Training participant: public sector
- Student
- Advocate
- Legal firm
- e-bulletin recipient
- Website browser

Please return this form:

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

Thank you for your feedback

Further enquiries

Commission staff deal with any general concerns or queries about rights and responsibilities under equal opportunity laws.

You can ring us for information on:

Telephone and facsimile numbers

Telephone: 9216 3900

Toll Free: Freecall from landline non-metro 1800 198 149

You can also email us:

Electronic access

Internet: www.eoc.wa.gov.au

Email: eoc@eoc.wa.gov.au



@EOCWA