

Annual Report

2018-19



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 2018-19 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

© 2019 Equal Opportunity Commission of Western Australia

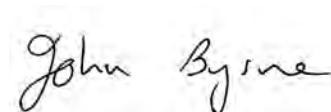
All rights reserved. This material may be reproduced in whole or in part, provided the source is acknowledged.

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 2019.

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
Acting Commissioner for Equal Opportunity

27 September 2019

Contents

About this report	i
Statement of compliance	i

About us 1

From the Acting Commissioner	1
2018-19 Snapshot	3
Operational structure	4
Organisational structure	5
Performance management framework.....	6

Our performance..... 7

Performance summary	7
Actual results versus budget targets	7
Summary of key performance indicators	7
Service 1: Provision of information and advice	8
Raising community awareness	8
Our achievements in 2018-19	9
Substantive equality	14
Community education and training	15
Service 2: Avenue of redress for unlawful discrimination	20
Enquiries and complaints	20
Handling complaints	24
Complaints referred to the State Administrative Tribunal	34

Significant issues 36

Current and emerging issues and trends	36
--	----

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
Statement of income and expenses by service	46
Schedule of assets and liabilities by service	47
Summary of consolidated account appropriations and income estimates	48
Notes to the financial statements	49

Disclosures and legal compliance (continued)

Key performance indicators	78
Certification of key performance indicators	78
Other disclosures and legal compliance	84
Ministerial directions	84
Other financial disclosures	84
Pricing policies of services provided	84
Capital works	84
Other corporate projects and initiatives	84
Employment and industrial relations	84
Unauthorised use of credit cards	85
Other legal disclosures	86
Expenditure on advertising, market research, polling and direct mail	86
Disability access and inclusion plan outcomes	86
Compliance with public sector standards and ethical codes	87
Recordkeeping plan	87
Government policy requirements	88
Substantive equality	88
Freedom of information	88
Occupational safety and health (OSH)	89

Appendices 90

Appendix A: enquiry and complaint tables	90
Appendix B: complaints received from 1985 to 2019	94
Appendix C: feedback form	95

Further enquiries 96



About us



From the Acting Commissioner

It gives me great pleasure to table the 2018-19 Annual Report of the Western Australian Equal Opportunity Commission (the Commission) for the period ending 30 June 2019, in accordance with section 95 of the *Equal Opportunity Act 1984* (the Act).

When the Act commenced there was an expectation it would contribute to educating the community about the benefits of treating people with respect and dignity as well as provide an accessible mechanism for investigating and resolving complaints of unlawful discrimination.

The WA Act with other Australian anti-discrimination legislation has contributed to some welcome changes in many areas of public life, such as reducing discrimination of people who are in employment and in access to goods and services for women, Aboriginal people, people with disability and older people. None the less, the Act may not be working as effectively as it could. For instance, in the area of employment, few complaints are lodged by job applicants since they often do not have the evidence required to substantiate their complaints. Despite the low number of complaints from people seeking employment, older people, ethnic minorities and people with disability experience high rates of unemployment and underemployment and the organisations that represent and advocate for these groups express concern about the processes and practices used by employers to recruit staff. Many workplaces have lower diversity than the general community.

The Act is now over 35 years old and was created at a time when many hotels segregated Aboriginal people, sporting clubs prevented women members playing on weekends and people of the same sex were unable to marry. The Act has remained largely unchanged since 1984.

It is now timely to review and modernise the Act. The Attorney General announced the State Government would initiate a review of the Act to be conducted by the WA Law Reform Commission.

This review is welcomed by the Commission and provides a timely opportunity to consult the community about enhancing the Act to bring it in line with Australian and international best practice regarding equal opportunity, anti-discrimination and human rights.

The Commission is an independent statutory body comprised of 20 hardworking staff. Its core functions are to prevent and redress unlawful discrimination, in accordance with the Act, across WA's diverse and widely dispersed population.

This Annual Report demonstrates the Commission continues to provide a high-quality service in its core business areas.

There have been positive trends in both the area of community education and training, and in complaint handling. In complaint handling, there has been a moderate increase in the number of new complaints lodged, with 475 complaints received in the 2018-19 financial year.

Community Education staff conducted 188 training and education sessions during the year, as well as working collaboratively with government and non-government agencies in developing and trialling customised training modules.

I am very proud of the enthusiasm and commitment shown by Commission staff. Evaluation demonstrated exceptionally high rates of satisfaction and professionalism in the services we provided in the complaints conciliation process and in our community education and outreach.

Throughout 2018-19 the Commission continued to strengthen its community presence through rebranding its information products and by attending events to recognise Harmony Week, NAIDOC week and Pride Month.

It also continued to organise events to celebrate International Women's Day, Human Rights Day and International Day of People with Disability.

The Commission progressed its annual community projects such as the Aboriginal Calendar and artwork competition, the Isabelle Lake Memorial Lecture, as well as chairing the New and Emerging Communities Reference Group.

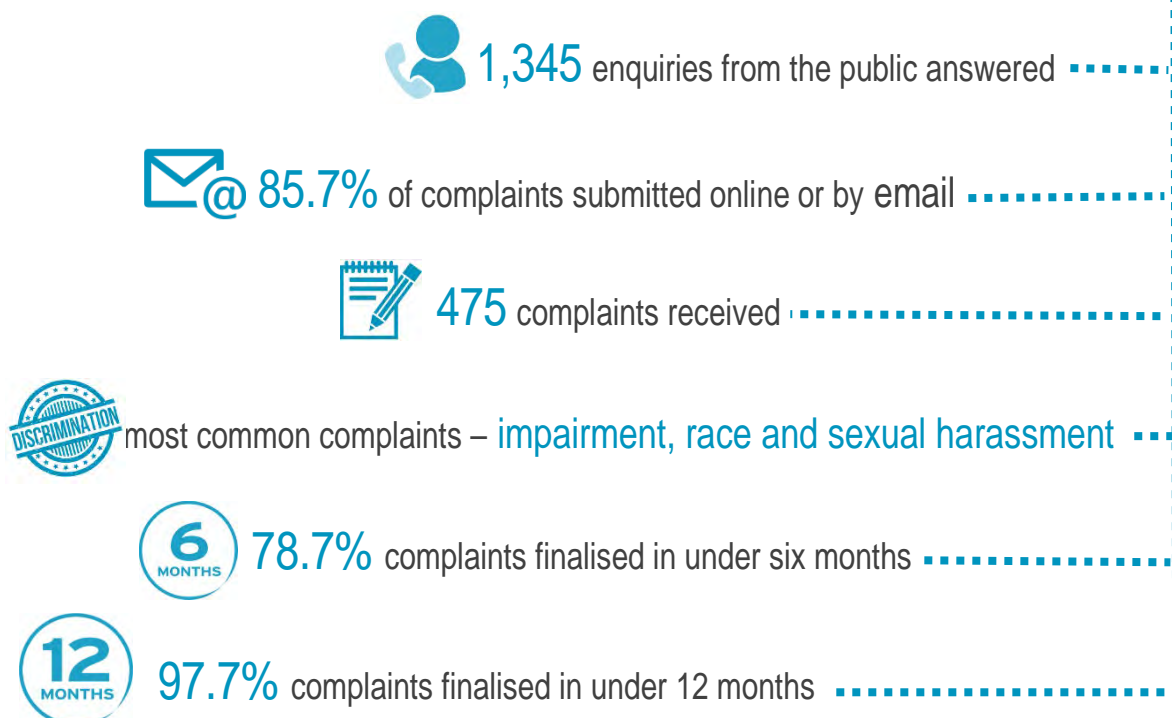
In 2018-19 the Commission also undertook a research project into discrimination against people aged over 55 and produced a report entitled Age is not a use by date. The Commission is an active member of the Australian Council of Human Rights Authorities (ACHRA) which provides a national voice for promoting a range of issues relating to vulnerable groups in a world increasingly impacted by inequity.

In the 2018-19 financial year ACHRA placed a focus on race issues and ways of addressing unconscious bias, especially in the area of employment.

2018-19 Snapshot



Avenue of redress for unlawful discrimination



Operational structure

Our vision

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

Our mission

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

Responsible Minister

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

Enabling legislation

The Office of the Commissioner for Equal Opportunity was established in 1985 under Part VII, Division I of the *Equal Opportunity Act 1984* as amended, and under the provisions of the *Public Sector Management Act 1984*.

The Commissioner for Equal Opportunity is appointed by the Governor or, in the case of an Acting Commissioner, by the Attorney General and is the accountable officer under the *Financial Management Act 2006*.

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

Administered legislation

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

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

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

State

- *Auditor General Act 2006*
- *Financial Management Act 2006*
- *Freedom of Information Act 1992*
- *Gender Reassignment Act 2000*
- *Government Employees Superannuation Act 1987*
- *Industrial Relations Act 1979*
- *Minimum Conditions of Employment Act 1993*
- *Occupational Safety and Health Act 1984*
- *Public Interest Disclosure Act 2003*
- *Public Sector Management Act 1994*
- *Salaries and Allowances Act 1975*
- *State Records Act 2000*
- *State Supply Commission Act 1991*
- *Workers Compensation and Injury Management Act 1981*

Commonwealth

- *Australian Human Rights Commission Act 1986*
- *Racial Discrimination Act 1975*
- *Sex Discrimination Act 1984*
- *Disability Discrimination Act 1992*
- *Age Discrimination Act 2004*
- *Fair Work Act 2009*

Organisational structure

Corporate executive



John Byrne – Acting Commissioner for Equal Opportunity

John commenced as Acting Commissioner in November 2016, and was seconded from the Department of Biodiversity, Conservation and Attractions where he was a Director.

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.



Diana MacTiernan – Manager Commission Services

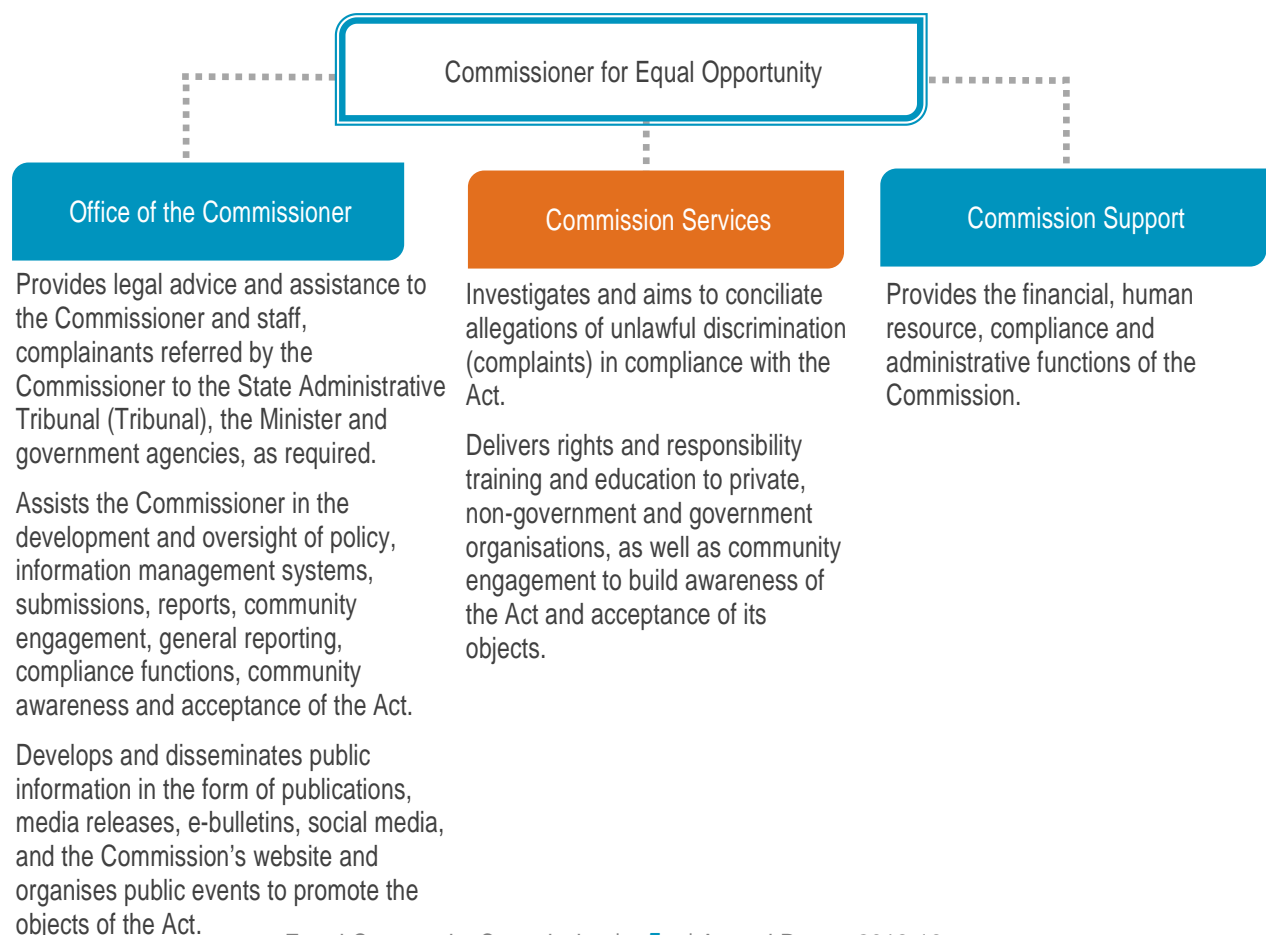
Diana was an industrial advocate for unions and employers and also worked at the WA Industrial Relations Commission before joining the Commission in 2007. She now manages Commission Services.

Zarin Milambo – Manager Commission Support

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



Organisational chart



Performance management framework

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

The Commission's work is informed by the statutory obligations under the *Equal Opportunity Act 1984*, and the activities undertaken in 2018-19 are reported in this section. The Equal Opportunity Commission delivers services through its two outcome areas:

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

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

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

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

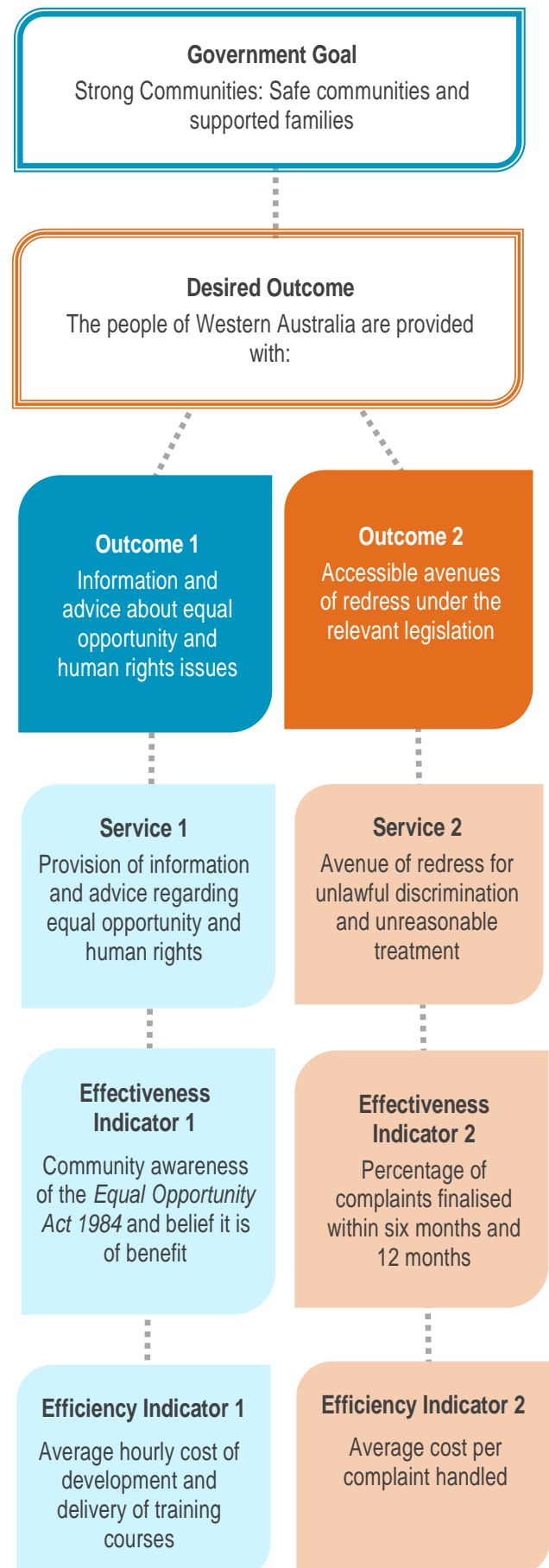
Changes to outcome based management framework

The Commission's outcome based management framework did not change during 2018-19.

Shared responsibilities with other agencies

The Commission did not share any responsibilities with other agencies in 2018-19.

Outcome based management framework





Our performance

Performance summary

Actual results versus budget targets

Financial targets

	2018-19 Target (1) \$	2018-19 Actual \$	Variance (2) \$
Total cost of services	4,041,000	3,804,748	236,252
Net cost of services	3,844,000	3,668,728	175,272
Total equity	179,000	343,106	(164,106)
Net increase/decrease in cash held	-	122,245	(122,245)
Approved salary expense level	2,344,000	1,929,475	414,525

(1) As specified in the Budget Statements.

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

Working cash targets

	2018-19 Agreed Limit \$	2018-19 Target/ Actual \$	Variance (1) \$
Agreed working cash limit (at budget)	200,000	200,000	n/a
Agreed working cash limit (at actuals)	200,000	199,062	938

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

Summary of key performance indicators

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

Key effectiveness indicators

	2018-19 Target	2018-19 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%	78.7%	-6.3%
12 months	90.0%	97.7%	+7.7%

Key efficiency indicators

	2018-19 Target	2018-19 Actual	Variance
Efficiency Indicator Service 1: Average hourly cost of development and delivery of training courses	\$1,100	\$672	-\$428
Efficiency Indicator Service 2: Average cost per complaint handled	\$2,700	\$2,294	-\$406



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
- Education for community groups and individuals on their rights and responsibilities under the Act
- Identification of potentially discriminatory policies and practices and raising these with appropriate bodies.

Raising community awareness

Key strategies include:

- Development of resources, both targeted and general information for the community about aspects of equal opportunity law and human rights in a variety of printed and electronic formats
- Raising awareness of equal opportunity and human rights issues in Western Australia through presentations, forums, guest speakers, media interviews, community information stalls and lectures using various media to promote public discussion and interest in equal opportunity issues.

Website

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

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

In the 2018-19 financial year the Commission's website received 142,910 page views. The page with the greatest number of visits was the page providing information about the *Equal Opportunity Act 1984* at 17,675 visits. Of those visiting the site, 85.7% were new visitors and 14.3% were returning visitors.

The Commission's online complaint form and contact details are now the primary avenue used to lodge complaints of unlawful discrimination. Lodgement of complaints on the website and by email continue to increase with 85.7% submitted in this way, compared to 74.9% two years ago in 2016-17. 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 over 1,800 subscribers. In 2018-19, 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. In 2018-19 there were 72 online posts, which included links to news articles relevant to the Act as well as publicising the Commission's awareness raising events, community outreach work, and human rights and equal opportunity issues.

During 2018-19 the Commission's Facebook page received 349 likes and as of 30 June 2019 has 352 followers. The most popular post, according to the number of likes received, was the repost of an ABC news story regarding private schools resisting the push to allow girls to wear pants. The post received 63 likes, 115 reactions, comments and shares and reached 2,616 people.

Awareness events

- Co-hosted the annual Isabelle Lake Memorial Lecture with University of Western Australia (UWA), featuring speaker Joey Joleen Mataele.
- Held a hypothetical discussion titled *In Two Minds* for International Day of People with Disability and Human Rights Day.

Our achievements in 2018-19

In 2018-19 the Commission continued to review its range of resources and information, which are freely available in a range of formats.

Over the course of the year the Commission's seminars and other events attracted over 600 participants.

Key activities undertaken this year:

- Organised a third Speed Mentoring event for young women in recognition of International Women's Day
- Ran stalls at:
 - NAIDOC Week events in Mirrabooka and Ashfield
 - Harmony Day events at South Metropolitan TAFE and Katanning Harmony Festival
 - Pride Fair Day in Perth
- Participated in the annual Pride March
- Published *Age is not a use by date* a snapshot of discrimination experienced by older Western Australians.

WA Media Awards

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

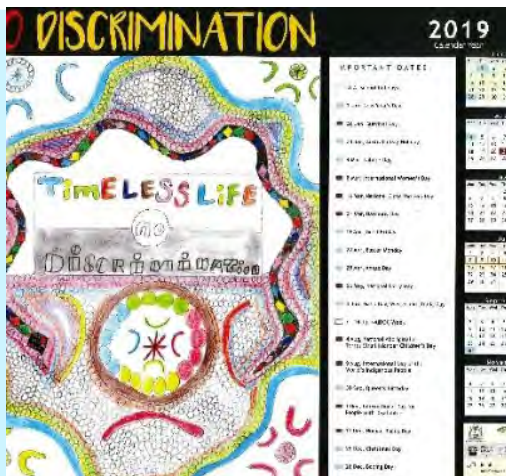
The winner of the 2018 Social Equity Report was Gabrielle Jeffery from Community Newspaper Group with her story *Till Death Do Us Part*, documenting the story of a woman whose partner used her signature while she was in a coma to sign a marriage certificate.

2019 Aboriginal Calendar

The 2019 Aboriginal Calendar artwork competition was run through Banksia Hill Detention Centre in 2018.

Community Education Officer Steve Goodall provided a training session to a group of students from the boys and girls sections at the centre prior to Communications Officer Sarah Johnston launching the competition.

The winning artist received a voucher for art supplies which was presented to him by Acting Commissioner Byrne.



2019 Aboriginal Calendar

Out in the community for NAIDOC Week

In July 2018 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.

Acting Commissioner Byrne said it was another successful NAIDOC Week at the Commission.

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.

"Every year we hold information stalls at community NAIDOC events to connect with the WA community, and it is a wonderful way to celebrate Aboriginal and Torres Strait Islander culture" he said.

"Participation in the NAIDOC Week events gives the Commission a valuable opportunity to educate people about their equal opportunity rights in a relaxed and informal way, and is beneficial to both staff and the community," he said.



Commission Services Manager Diana MacTiernan at the Mirrabooka NAIDOC Event

Pride

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

Commission officers provided information on discrimination and harassment to Pride fair-goers and listened to some of the 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.



Commission staff, family and friends at the Pride parade

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 three times in the last financial year. As well as the above objectives, members provide updates of significant developments and projects being undertaken by their organisation.

One of the major topics the group has brought to the Acting Commissioner's attention is the disadvantage experienced by refugees and asylum seekers who have been exited from federal programs due to changes in policies. There are people in our community without rights to work, study or access affordable health care.

The Acting Commissioner has written to the Minister for Health to raise the issue of health care for this cohort and urged the State Government to consider providing access to free health care to refugees and asylum seekers.

The Acting Commissioner had previously written to the Minister for Transport to seek consideration of travel concessions for people on community detention orders and bridging visas. As a result of this and approaches by other members of the Reference Group, the Public Transport Authority recently launched a special concession card for which these groups will be eligible.

Other issues discussed by the Reference Group included:

- Job Active services for migrants, refugees and humanitarian entrants
- Review of the WA Language Services Policy 2014
- Difficulties faced by Safe Haven Enterprise Visa (SHEV) holders due to Perth and suburbs not being defined as a regional area and the impact of this on visa requirements.

Australian Human Rights Commission President Rosalind Croucher met with the Reference Group in June 2019 to conduct consultations for the Australia Human Rights Commission project [*Free and Equal: An Australian conversation on human rights*](#).



Rosalind Croucher (centre) with the Commission's New and Emerging Communities Reference Group

Age is not a use by date

In 2018 the Commission published *Age is not a use by date*, a snapshot of the experiences of discrimination among WA's seniors.

The snapshot was developed by the Commission to better understand the impacts of age, and other types of discrimination, on people living in WA over the age of 55.

It captures responses from a state-wide survey, as well as consultations with seniors' representative organisations in WA and organisations providing services to seniors.



Age is not a use by date

Federal Sex Discrimination Commissioner visits the Equal Opportunity Commission

On 9 October 2018 the Federal Sex Discrimination Commissioner Kate Jenkins met with Acting Commissioner Byrne to talk about workplace sexual harassment from a complaint handling perspective.

Acting Commissioner Byrne spoke about the nature and number of sexual harassment complaints the Equal Opportunity Commission had handled in the past few years.

"We have had anti-sexual harassment laws in place for the last 34 years, however it continues to be a problem for WA workplaces," he said.

Following her meeting with Dr Byrne, Ms Jenkins held a consultation in the Equal Opportunity Commission's seminar room to discuss with industry representatives what they felt were the biggest issues around combatting workplace sexual harassment.

Such consultations are a critical part of the Sex Discrimination Commissioner's national inquiry into workplace sexual harassment and will inform the recommendations in the final report to be released in the second half of 2019.



Commissioners Kate Jenkins and John Byrne
(right) with their teams

Harmony Week in the regions

The Commission held a stall in Katanning this year for the town's Harmony Festival on 16 March 2019.

Commission Services Manager Diana MacTiernan said Katanning with its multicultural community was a fitting place to celebrate Harmony Week.

"The Katanning community really embraced Harmony Week, with many State Government and community-based stalls participating in the event," she said.



Diana MacTiernan at the Commission's stall for
the Katanning Harmony Festival

Mentoring young women for International Women's Day

To celebrate International Women's Day on 8 March 2019 the Commission held its third speed mentoring event.

This year the Commission shifted the venue to the Seminar Room at the Commission's offices where eight mentors, including WA Industrial Relations Commissioner Toni Walkington, Co-editor of the Sunday Times Magazine Nicolette Casella and Senior Reporter at The West Australian Kim Macdonald, mentored ten young women from John Curtin College of the Arts, Mercedes College and Mount Lawley Senior High School.

Manager Commission Services Diana MacTiernan was mentoring for the second time and said she was impressed with the thoughtful questions many of the young women asked.

"They are all thinking seriously about the different challenges they might face going into the workforce and genuinely want the tools to address them in the best possible way, which is really admirable," she said.



Mentors Diana MacTiernan, Toni Walkington and Royal Perth Hospital Aboriginal Intern Tamisha King with John Curtin College of the Arts mentee

In Two Minds

The Equal Opportunity Commission and Strictly Hypothetical teamed up to present an interactive hypothetical event titled *In Two Minds: brains bias and business as usual* to mark both International Day of People with Disability and Human Rights Day.

Panellists Mental Health Advocate and Consumer Consultant Andrew Markovs, Co-Director of This Working Life Julie Loveny, Psychologist and Director of Vital Conversations Peta Slocombe, Mental health peer worker, writer and comedian Michelle Woods and Crisis Support Services Manager at Lifeline WA David Kelly, discussed the hypothetical scenario of twins Amy and Jamie, who experience mental health issues that impact differently on their careers.

Acting Commissioner Byrne said the event addressed the issue of workplace bias in an entertaining and engaging way.

"The panellists portrayed their roles in the fictional scenario with such consideration and humour you could see the audience invested in the lives of Amy and Jamie and the outcome of the story.

"The hypothetical method is a marvellous way of getting the message across that impairment discrimination in the workplace is not only terrible for the person discriminated against, but also bad business for the employer," Dr Byrne said.



Dr John Byrne with panellists and Strictly Hypothetical's Elisa Williams and Katrina Berkov

A cultural exchange for Isabelle Lake Memorial Lecture

The annual Isabelle Lake Memorial Lecture is organised jointly with the University of Western Australia. The lecture is held on 17 May each year to mark IDaHOBIT (International Day against Homophobia, Biphobia, Interphobia and Transphobia).

On 17 May 2019 the lecture was given by Joey Joleen Mataele, the lead protagonist in the award-nominated film 'Leitis in Waiting'.

Joey is also the co-founder of the Pacific Sexual and Gender Diversity network and is the Pacific Island Representative for the International Gay and Lesbian Association.

Ms Mataele said the Leitis' (transgender women's) diversity and distinct behaviours often placed them outside the perceived 'normal Tongan way', which led to marginalisation.

"In Tonga and some of the Pacific Islands the transgender community, same-sex relationships and female impersonation are not recognised or protected by law.

"This lack of legal recognition contributes to social invisibility and lack of influence on policy makers responsible for resource allocation and service delivery," she said.

Acting Commissioner Byrne said the event provided audience members with a valuable opportunity to learn more about transgender issues.

“The Tongan transgender community does share many of the same issues as our own transgender community here in WA; however, it was interesting to learn how the community struggles to find its voice in Tonga without human rights laws to protect them,” he said.



Dr John Byrne with Joey Joleen Mataele and UWA Executive Director Corporate Services Mr Robert Webster

Working with the Public Sector Commission on measures intended to achieve equality

The Public Sector Commission (PSC) and the Equal Opportunity Commission worked on the content for a PSC circular, with the aim of ensuring that exceptions under the *Equal Opportunity Act 1984* are easily understood, using practical examples to assist public sector employers when advertising vacancies or putting in place employment-based policies.

The result was the Public Sector Commissioner's Circular 'Measures to achieve equality in human resource management', released in June 2018, and supported by the guideline 'Employing for diversity – equal opportunity in public employment', co-badged with the Equal Opportunity Commission.

The *Equal Opportunity Act 1984* provides for “measures intended to achieve equality” which are considered exceptions.

These exceptions enable organisations to put aside discriminatory barriers that have prevented people with particular attributes such as their race, sex, or disability from gaining and retaining employment, receiving appropriate services, or participating fully in education.

The exceptions have been in the Act since its inception in 1985 to redress inequality. To date organisations have been reluctant to use the exceptions, perhaps for fear of being perceived as favouring minority groups. Consequently, a genuine desire to make our institutions less discriminatory has been held back by risk-averse policy decision-making.

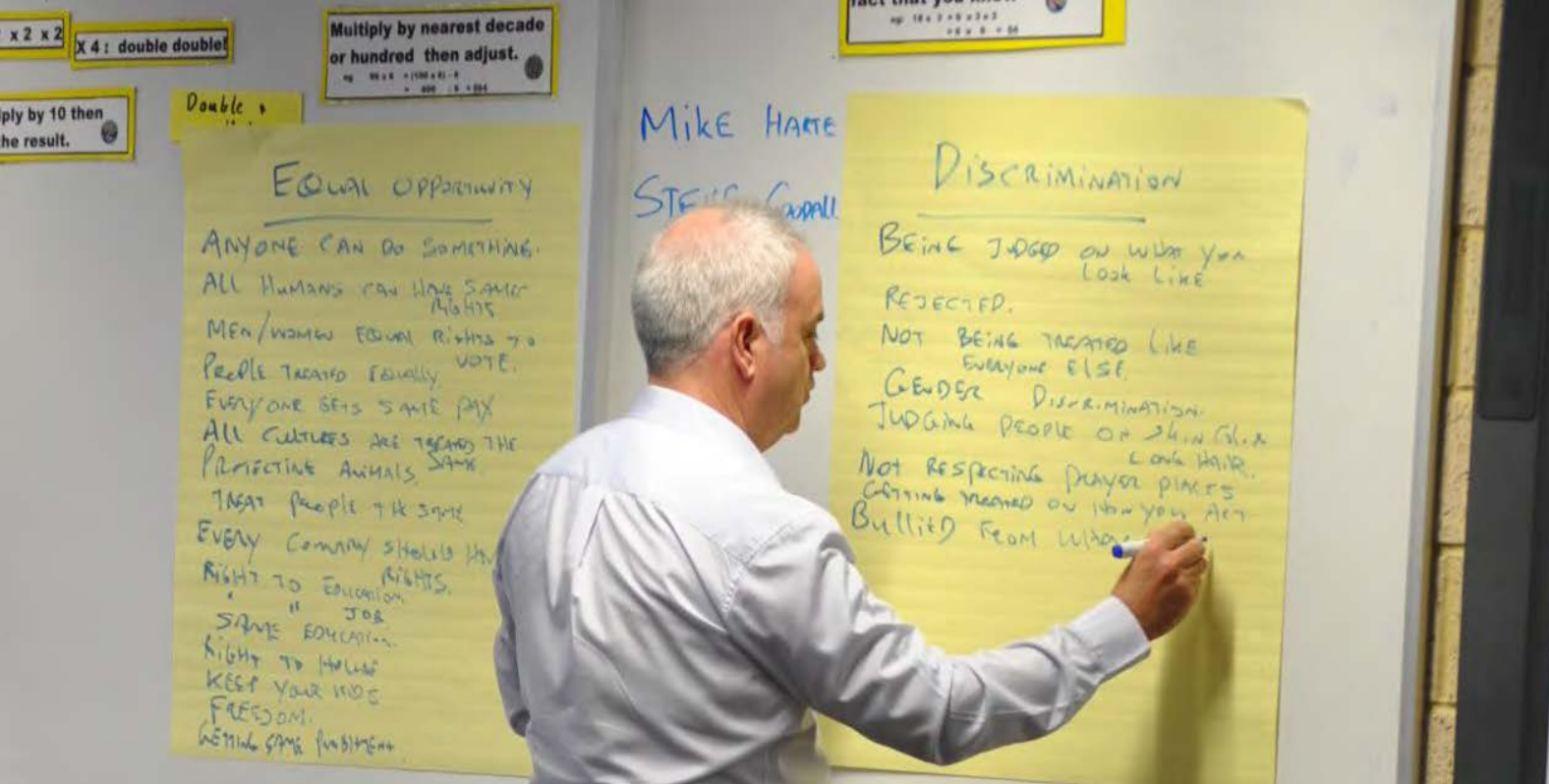
Throughout 2018-2019, the agencies continued to meet to discuss appropriate ways to promote these measures.

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.

Throughout 2018-19, where potential issues of systemic discrimination have been brought to the attention of the Commission, the Acting Commissioner had written to and met with senior officers of the relevant agency to discuss how the issues may be addressed.

Although policy and education work in this area were held in abeyance for a significant part of the year while the renewal of the Public Sector Commissioner's Policy Framework Circular was negotiated, the Commission's community education and training team conducted *Fair go for your clients – addressing systemic discrimination* courses as part of its suite of calendar courses as well as specialised courses focused specifically on Substantive Equality in the metropolitan area.



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 migrant and refugees.

Fee for service training

Training which is provided on a fee for service basis is 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 where an organisation requests a course exclusively for its staff and the course is adapted to meet the needs of the organisation.

In 2018-19 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 82 requests for fee for service training in the 2018-19 year, the same as the previous year.

The Commission continues to review and update training material to ensure course content remains relevant. The Commission is investigating and testing new ways to provide whole-of-organisation training that will prove strategic in developing workplace cultures that are inclusive and free of discriminatory practices.

Examples of organisation sessions include:

- *Equal Opportunity Essentials for Managers and Supervisors*
- *Introduction to Equal Opportunity Law*
- *Equal Opportunity Law and Workplace Culture*
- *Harassment and Bullying – Know where the line is*
- *Positive Workplace Culture*
- *Equal Opportunity in Recruitment*
- *Contact Officer Role.*

Evaluation

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

Participants are also asked to complete a post evaluation. After attending the training course, participant perceptions of having a “good to excellent knowledge and understanding about equal opportunity” had increased from 29.1% before the courses, to 89.7% after.

Perceptions before training

Participants are asked their current level of knowledge about:

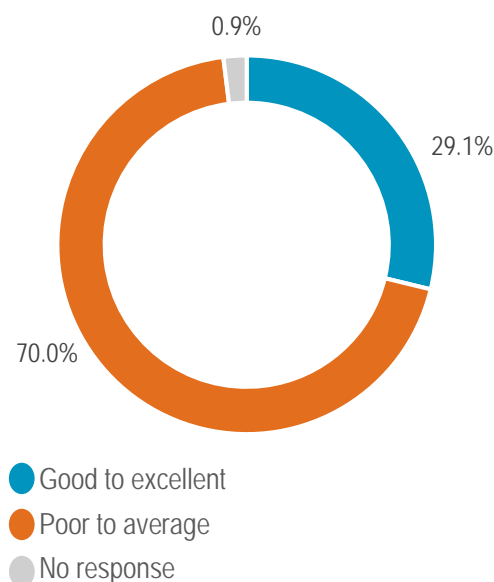
- the Equal Opportunity Act
- what unlawful discrimination is
- what can be done about it?

Of the participants who responded, 70% said they had a ‘poor to average’ knowledge while the remaining 29.1% had a ‘good’ to ‘excellent’ knowledge.

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

- “How to successfully help someone when they come to me with a problem”
- “A better understanding on what is considered discrimination and what is considered reasonable business needs”
- “A competent and approachable manner as a point of contact”.

Figure 1: Participants knowledge prior to training for 2018-19



Perceptions after training

Of the 677 people who attended fee for service training sessions, 619 (91.4%) 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, 96.3%, said they would. Some participant comments on Commission training courses were:

- “It was very informative and makes you think outside of your normal/standard mindset regarding certain behaviours and actions.” **Introduction to Equal Opportunity Law**
- “Excellent presentation style with a good mix of information and activities to deliver key messages.” **Equal Opportunity and Diversity in the Workplace**
- “If more people were trained it would assist in preventing issues escalating and improve communication.” **Equity Grievance Officer Role**

Figure 2: Participants knowledge after training for 2018-19



Perceptions about training staff

Feedback indicated that 96.4% of participants thought the trainer's facilitation style and delivery was very effective. Participants said the trainers had a:

- “Great mix of styles, very approachable for questions. Good to have examples explained.” **Contact Officer Role**
- “Trainer was very clear and videos used assisted my learning and his facilitative style.” **Introduction to Equal Opportunity Law**

Rights based education

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

The number of rights-based sessions delivered in 2018-19 in Perth and regional WA totalled 72 sessions, compared to 100 sessions in 2017-18, a reduction of 28%. The primary factor influencing this reduction in rights-based sessions include trainers conducting shorter regional outreach trips.

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

- *Equal Opportunity Law - Awareness* sessions were conducted with agencies including the Marr Mooditj training, Banksia Hill Detention Centre, North and South Metropolitan TAFEs, Legal Aid Bunbury, Curtin University, Aus Professional Bridge Association
- *Equal Opportunity Law – Information Session* - sessions were conducted with Aboriginal Legal Service in Northam and Bunbury, Shire of Kellerberrin, Merredin Community Resource Centre, Central TAFE students, Southern Aboriginal Corporation
- *Sexual Harassment - Know Where the Line Is* – sessions were conducted with University of Western Australia Guild and Colleges.

Prison visits

With the cooperation of the Department of Justice (Corrective Services), the community education team visited a number of prisons in the metropolitan and regional areas, including the Hakea Prison, Albany Regional Prison, and the Banksia Hill Detention Centre.

These prison visits allowed Commission staff to deliver tailored *Equal Opportunity Law Awareness* sessions with groups within the prisons, such as prisoners, prison officers, prisoner support officers and peer support prisoners. Prisoners were informed of their rights under the legislation and provided with an opportunity to raise issues of concern.

Prison officers were provided with advice on their obligations under the Act, as well as their rights to work in an environment free of harassment and discrimination.

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

Positive gender discrimination up for debate

The community education team Diana MacTiernan and Mike Harte adjudicated a debate between students of Curtin University's Built Environment faculty on the topic '*Do strategies for positive discrimination for women create good outcomes?*'

Following the debate where students covered topics such as quotas for women, family responsibilities and the gender pay gap, Diana and Mike gave feedback, taking the opportunity to educate the students on discrimination and harassment.

"The students already had a solid understanding of human rights and equal opportunity concepts, and this certainly came through during the debate," Diana said.

During his feedback to help bust some myths the students held about traditional gender roles, Mike spoke about his experience as primary carer for his children while his wife returned to work full-time.

"It was interesting that none of the students spoke about flexible work strategies for men so women could remain in the workforce full-time," he said.

He said for many this idea was still not on the radar.

"I think it is important that we weave this into more conversations about gender equity.

"Workplaces need to put strategies in place to encourage men to take on more family responsibilities, and from my experience, I would say most men would be grateful for that opportunity," he said.

Following the debate the officers conducted an interactive education session to expand students' knowledge on what types of discrimination and harassment are considered unlawful under the *Equal Opportunity Act 1984*.

“As the students had already researched and spoken about equal opportunity laws it was timely to hold this session as there was strong participation from the class,” Diana said.



Commission staff giving feedback

Equal opportunity in sport

In 2018-19 the Commission continued its long-standing partnership with the Department of Sport and Recreation and the West Australian Sports Federation by:

- Facilitation of the National Member Protection Information Officer Course through conducting metropolitan workshops
- Continued sponsorship of the Australian Sports Commission's Play by the Rules website
- Being a point of contact for sports associations and clubs for enquiries relating to discrimination law
- Presenting to sports clubs where particular issues have arisen.

Outreach program in Regional WA

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

Each trip involves a mixture of fee for service and rights-based sessions. In the past year, the Commission has made a number of sessions free when usually a fee would apply.

The Commission is also contracted from time to time by organisations to provide onsite fee for service training in regional and remote areas. This has assisted the Commission to undertake trips additional to the regional plan, and, where possible, to conduct additional training, networking and community development activities in these regions.

South West

A member of the community education team travelled to Albany in March 2019 to conduct free training on *Equal Opportunity Essentials* aimed at people with a general interest in discrimination issues. A series of meetings were also held with community organisations.

These regional visits provide valuable insights into issues that affect communities in different parts of WA. Issues impacting on the South West included access to accommodation, for ethnically and linguistically diverse and Aboriginal families. A further issue raised in some regional centres was limited or no public transport which restricted access to services, education and employment.

In March 2019 the Commission also attended an annual Harmony Festival in Katanning and participated with a stall to provide information on discrimination, harassment and the complaints handling process.

Wheatbelt

In May 2019 community education officers visited WA's Wheatbelt to conduct community consultations and provide education to the communities of Merredin, Northam, Cunderdin and Kellerberrin.

Issues raised in the Wheatbelt included unlawful discrimination in accommodation and employment.

Kimberley

In August 2018 the Commission conducted fee for service training on *Positive Workplace Cultures* with a public sector organisation in Broome.

Indian Ocean Territories

The Equal Opportunity Commission conducted a biennial community outreach trip to the Indian Ocean Territories (IOT) from 30 November to 7 December 2018. This outreach work is undertaken in accordance with a service delivery arrangement with the Federal Government.

Christmas and Cocos Islands have a unique and diverse community and these outreach trips are important to ensure continued awareness about the Act and avenues of redress for managing acts of unlawful discrimination, and human rights protections.

Two Commission officers conducted 32 training and community outreach sessions while on Christmas and Cocos Islands. The sessions included combined information forums, organisational and community meetings, and handling enquiries from community members. Two *Equal Opportunity Law Awareness* sessions were conducted, and updated resources were disseminated to the IOT communities.

The Commission utilises a collaborative training model working with other state government organisations. During the visit to the IOT, Commission officers provided training in conjunction with officers from the Department of Local Government, Sport and Cultural Industries, and the Department of Communities.

Figure 3: Regional visits for 2018-19



Commission staff working on Cocos (Keeling) Islands



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 Act, including allegations of unfair dismissal, victimisation and bullying. Commission officers attempt 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, involving students in education, or employees with impairments, or access to buildings, where federal legislation provides greater protections, and in those cases enquirers may be advised to contact the Australian Human Rights Commission.

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 complaints on behalf of the Commissioner.

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

Enquiry case summary

Race discrimination in the area of accommodation

A property owner wanted to exclude Asians and Africans from applying to be boarders in his home, as he claimed in his experience Asians and Africans cook with ingredients which smell offensive.

The property owner was advised his proposed restrictions were arguably discriminatory on the ground of race.

The property owner asked if the Act applied to private homes. He was advised while the Commission encouraged people not to discriminate because of race, under section s47(3) of the Act, if the landlord resided in the home, and rented rooms to less than four people, the Act would not apply.

Enquiry case summary

Sex discrimination in the area of employment

A labour hire business wanted to hire 11 women trainees in an industry where women made up fewer than 10% of the workforce. The business was worried about breaching sex discrimination laws.

The business 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.

Answering enquiries from the community

The Commission received 1,345 enquiries during 2018-19 from people who phoned the enquiries line, sent a written enquiry electronically or by hardcopy or visited the Commission's office in person. The number of enquiries received has followed a pattern by gradually declining over time. The number of enquiries received this financial year was 13% lower than the 1,546 enquiries received in the 2017-18 financial year.

Nearly two thirds of all enquiries (64.1%) received in 2018-19 were by telephone.

Of the 455 written enquiries received, 86.6% were lodged via the Commission's website or by email.

Enquiry case summary

Age discrimination in the area of goods, services and facilities

A 75-year-old man attempted to hire a car and was told "none were available" for driver's over the age of 65. He felt this may be untrue, and it was his age that was at issue.

He was advised actuarial or statistical data and any other relevant factors can be used as a defence by an insurer to a complaint of age discrimination in the area of insurance services, however the insurer must prove the defence applies.

Nature of enquiries

Of the enquiries received in 2018-19, 61.8% were about matters that fell within the jurisdiction of the Act. If an enquiry was not within the jurisdiction of the Act, a referral to an appropriate state or federal agency or non-government organisation was provided where possible.

The two most common grounds of discrimination cited by enquirers were impairment and race. These grounds have consistently been the two grounds with the highest number of enquiries for the past three years. Discrimination on the grounds of impairment and race were also the most common grounds of discrimination received as complaints by the Commission in 2018-19.

The areas of discrimination mentioned by enquirers in 2018-19 were consistent with the areas mentioned in previous years, with nearly half of the enquiries handled relating to the area of work (45.6%). Enquiries regarding provision of goods, services and facilities were the next largest area (14.2%), followed by education (7.0%).

Figure 4: Top six grounds of enquiries received 2018-19

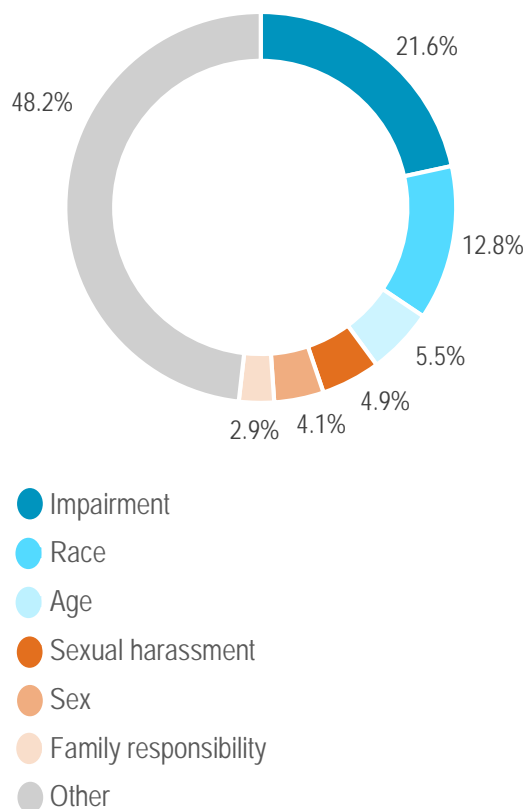
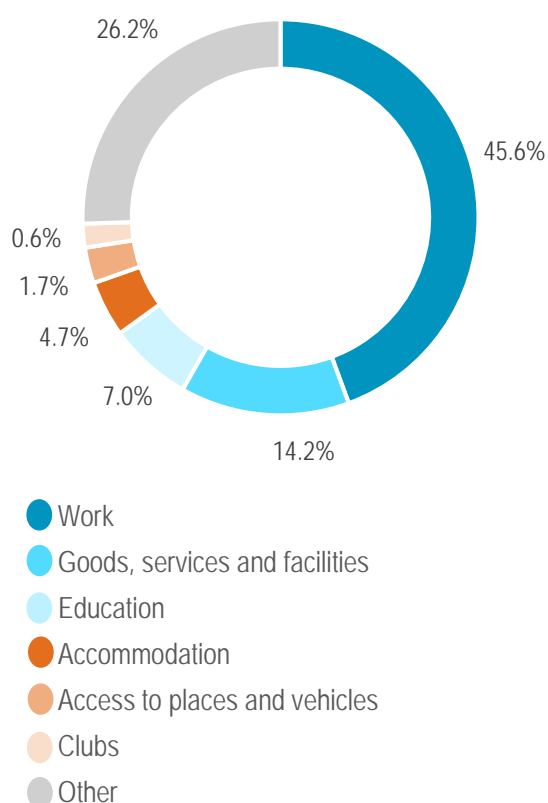


Figure 5: Top six areas of enquiries received 2018-19



In 2018-19 a majority of the enquiries were from individuals (81.7%). The next highest number of enquiries were from public sector organisations (8.4%), and the remainder were from organisations, mixed group or unspecified, including enquiries from:

- Private enterprise (3.3%)
- Non-government organisations (2.9%)
- Prisoners (2.3%)

Over forty per cent of all enquiries (40.4%) were people reporting allegations of discrimination, whilst a slightly smaller number were requesting information about potential complaints (37%). Other enquiries related to employers and potential respondents seeking information about their responsibilities under the Act (4.5%), and a smaller number of enquirers requested Commission publications (2.5%).

Of 1345 enquiries received, 77% were answered. Of the remaining enquiries, 19.1% were referred to other organisations including:

- Other WA government departments or agencies (7%)
- Non-government organisations (5.2%) (mainly community legal centres)
- Australian Human Rights Commission (4.5%)
- Department of Mines, Industry Regulation and Safety (1.5%) (mainly Worksafe division).

Enquiry case summary

Impairment discrimination in the area of employment

A man applied for a mining job and successfully passed all medical and other pre-employment tests. When the employer discovered the applicant had made a workers' compensation claim eight years ago the application was discontinued.

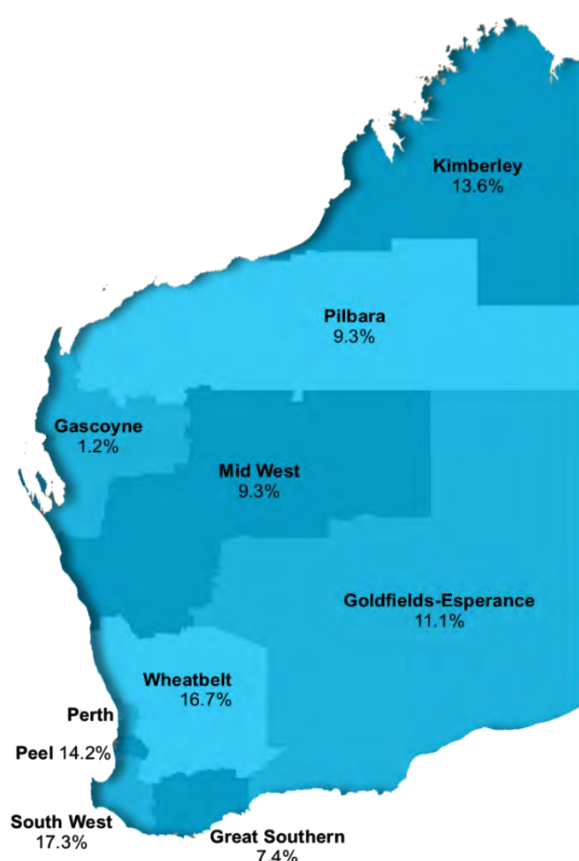
The man was advised it is unlawful under the Act for an employer to discriminate against an applicant or employee on the ground of a past or present injury, whether temporary or not, provided he could fulfil the requirements of the job.

Residence of enquirers

Of the 656 enquirers who nominated a place of residence, 70.4% resided in the metropolitan region and 25.5% lived outside the metropolitan region (including the Indian Ocean Territories). Of the remainder, 3.7% were from other states and 0.5% from overseas.

Of the enquirers from non-metropolitan regions a total of 17.3% lived in the South West region, 16.7% in the wheatbelt, 14.2 % in Peel and 13.6% in the Kimberley.

Figure 6: Regional enquiries received 2018-19



Enquiry case summary

Religious conviction discrimination in the area of access to places and vehicles

Aboriginal Elders in a remote Aboriginal community wanted to ban a group of Christians who had been coming onto the community's land to convert community members away from their traditional Aboriginal culture to Christianity.

The community was advised if the Christians were banned from entering the community, and subsequently lodged a complaint of religious conviction discrimination, the allegation would likely not be accepted, as the ground of religious conviction does not apply to the area of access to places.

Enquiry case summary

Sexual harassment discrimination in the area of employment

A woman was worried because a chef behaved in a sexually inappropriate way towards female staff. When the chef cooked meat balls for staff lunches, he made lewd comments about his "tasty balls". When the woman voiced her objection about his behaviour, the chef criticised her work, then sacked her.

The woman was advised although her job had been terminated, she could lodge a complaint of sexual harassment and victimisation against the chef and his employer.

Enquiry case summary

Family status discrimination in the area of goods, services and facilities

A shop refused to serve a woman whose daughter had fraudulently used a credit card in the store.

The woman was advised that discrimination on the ground of being related to a particular person (family status) is unlawful under the Act, but only in the areas of employment and education, not the provision of goods and services.

Handling complaints

Nature of complaints

If a person alleges they have been discriminated against on one or more of the 16 grounds and in one or more of the relevant areas under the Act, then those allegations need to be accepted by the Commissioner as a complaint, irrespective of how much supporting information is provided. Some grounds do not apply in some areas, therefore allegations with a ground but without an appropriate area, cannot be accepted.

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*.

Before the matter can progress however 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.

Should the Commissioner, after investigating, determine the complaint is to be dismissed under section 89 of the Act as lacking in substance, vexatious, frivolous or misconceived, then the complainant has the right to have the matter referred to the Tribunal for determination.

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

Numbers of complaints

In 2018-19 the Commission received 475 new complaints. This is marginally higher than the 472 complaints received in 2017-18. When looked at over a 30-year period, the number of complaints received has risen and fallen over time with 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 to 2013, a result of increased activity by some advocacy agencies. Over this period there have been different methodologies in accepting complaints, which also impacts on numbers.

Of the various grounds under the Act, complaints of impairment discrimination have consistently been the highest for many years, followed by race. This year 22.5% of complaints lodged related to impairment, race complaints were second (18.1%), and sexual harassment (12.8%) was the third highest ground of alleged discrimination. Figure 7 shows the six highest grounds received.

Figure 7: Top six grounds of complaints received 2018-19

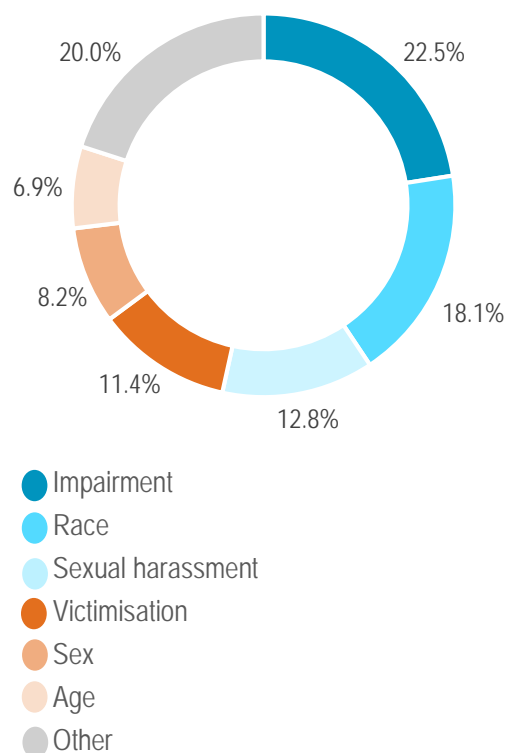
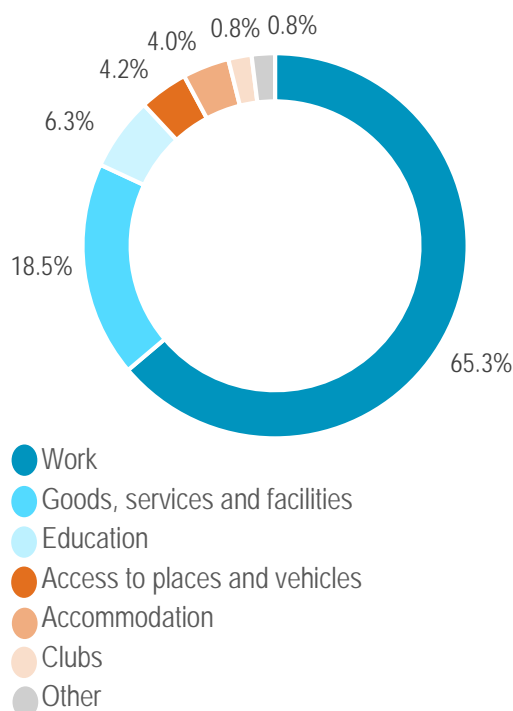


Figure 8: Top six areas of complaints received 2018-19



Work is the area of public life which has the highest number of allegations of unlawful discrimination and in 2018-19 a total of 65.3% of all complaints related to work (Figure 8).

In the Act, 'Work' includes seven categories with employment (employees and applicants) being the most significant category.

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 applying for jobs, but primarily from people already in employment. These included people with physical, mental, sensory or other impairments, as well as complainants with an injury.

Case summary

Impairment discrimination in the area of employment

A woman alleged after working for the respondent for decades in one location she applied for a similar position within the same organisation in a different location. She was told she had been successful. Shortly afterwards, the employer allegedly discovered the woman had previous medical issues, and the job offer was withdrawn.

Outcome: At the conciliation conference the employer provided an apology and agreed to pay compensation of \$10,000.

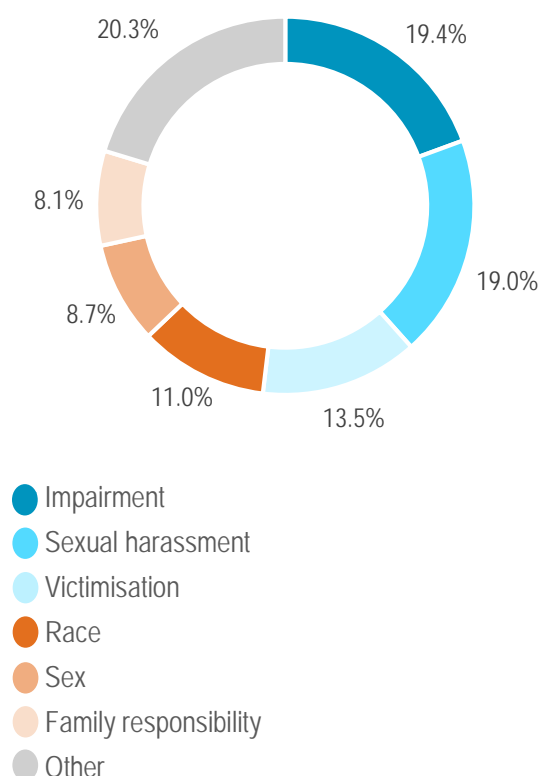
Case summary

Sexual harassment in the area of employment

A woman working in a professional capacity in a company alleged she was sexually harassed by her line manager, who was also a founding director of the company. She alleged he initially groomed her, and then on interstate and overseas work trips coerced her into an unwelcome sexual relationship. She had then rejected his sexual advances, but he kept pressuring her, and placing her in compromising situations such as booking only a single room when they were working away from Perth. As a result of the man's persistent, unwelcome sexual conduct, the woman resigned her position after three years with the company.

Outcome: Financial compensation of \$40,000.

Figure 9: Top six grounds in work 2018-19



Lodgement of complaints

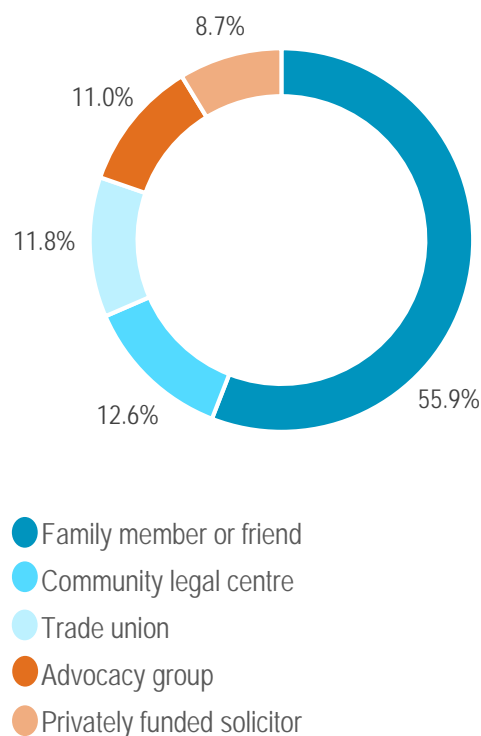
The Act requires complaints to be in writing, and written complaints can be lodged by email, fax, in person, by post or via the website. Complainants who have difficulty writing may be assisted by the Commission. Complaints may be in any language and their translation to English is arranged by the Commission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

Lodgement of complaints on the website and by email continues to increase with 85.7% submitted online this year, compared to 79.4% in 2017-18 and 74.9% in 2016-17.

The number of hard copy complaints arriving by mail has declined with 9.5% submitted this year, compared to 14% in 2017-18 and 17.4% in 2016-17.

As in past years, most complainants (73.3%) are not represented. Figure 10 shows the breakdown of complainants who are represented.

Figure 10: Complainant representation 2018-19



Case summary

Race and religious conviction discrimination in the area of employment

An employee lodged a complaint alleging work colleagues made comments to him about being Egyptian, being Muslim, and because he was older than the people he worked with.

The man mentioned work colleagues would 'joke' to him about a connection between his ethnicity and religion and terrorism. He felt because of his ethnicity and religion they didn't trust him or give him the same level of respect. He claimed his work was also placed under comparatively more scrutiny than work by Anglo-Australian work colleagues.

Outcome: *The employer provided a verbal apology at the conciliation conference for the manner in which work colleagues had treated him. The employer said they would monitor the workplace to ensure there was no further adverse treatment of the complainant. In addition, the man was given a permanent role in the organisation.*

Case summary

Sexual orientation discrimination and victimisation in the area of goods, services and facilities

Following the marriage equality referendum, a woman decided to include decorative displays at her post wedding reception. She alleged sexual orientation discrimination when a company she contacted about the decorative display declined to provide a service because the business owner objected to same sex marriages on religious grounds.

Outcome: *The respondent apologised for the hurt she caused and agreed to review the words she used when speaking to same sex marriage participants and agreed to get legal advice on how people can be treated fairly and in a non-discriminatory way.*

Complainants

The Commission primarily receives complaints 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 continually improve the complaint handling service.

Case summary

Sex discrimination in the area of goods, services and facilities

A man alleged sex discrimination when he was denied access to a bar because he was wearing a football jumper without a t-shirt underneath. He noticed women were being allowed entry wearing exactly the same jumper, and with no t-shirt. When asked why women were allowed entry he was told “*because they are women*”.

The bar owners said their staff member had acted unilaterally, and the man should not have been denied entry.

Outcome: *The bar owners apologised, and offered the complainant a voucher, and advised they would ensure all staff were briefed on their non-discriminatory policy.*

Characteristics of complainants

Gender

In 2018-19 a marginally higher number of women lodged complaints (51.8%) compared to men (47.6%). This is consistent with previous years. Two grounds are usually gender specific, these being pregnancy and breastfeeding, and in the current financial year 12 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.

For instance, of the 61 sexual harassment complaints lodged this financial year, 46 were lodged by women (75.4%) and 15 by men (24.6%). Of the 27 family responsibility complaints, 19 were lodged by women (70.4%) and 8 by men (29.6%).

The only ground on which a significantly higher proportion of complaints were lodged by men was on the ground of impairment, where men lodged 67 (62.6%) of the 107 complaints, and women lodged 39 (36.4%). But with most other grounds of unlawful discrimination, such as race, sex and age, the numbers of male and female complainants were fairly even.

Case summary

Sex discrimination in the area of goods, services and facilities

A woman lodged a complaint on the grounds of sex in the area of the provision of goods and services when she was denied a fuel card. The woman's husband had applied in both their names for a fuel card, and his application was immediately accepted, but hers was rejected two weeks later.

The company said the decision to reject the woman's application was based on different commercial credit activity, however the woman was able to demonstrate a similar history to her husband.

Outcome: *The matter resolved in conciliation with the woman being provided a fuel card. The company also provided an assurance it would not disclose to any third party its original decision on its credit report showing an initial decline of the complainant's application for a fuel card.*

Birthplace

As with past years most complaints were lodged by people born in Australia (59.2%). This includes Aboriginal and Torres Strait Islander people who lodged 12.8% of all complaints.

Thirty-six per cent of complaints (171 people) were lodged by people born outside Australia, which is slightly above the proportion of the Western Australian overseas born population (33.3%) according to the 2016 Census.

Of the 171 complainants born overseas the highest number were born in the following countries: UK (23), France (13), New Zealand (11), Malaysia (11) and India (11).

With regard to geographical regions of those born outside Australia, the complainants came from Europe, including the British Isles (41.5%), Asia (31.0%), Africa and the Middle East (19.3 %), and Oceania (7.6%).

Case summary

Race discrimination and racial harassment in the area of employment

A woman alleged race discrimination and racial harassment against her supervisor and employer.

She claimed throughout her employment her supervisor would refer to her ethnicity, and use racially aggressive language to her and other workers, such as, "Fxxxxxx Asians", and "You Filipinos eat cats, dogs and sxxx", and the supervisor would also say from time to time people from her country were prostitutes.

Outcome: *Financial compensation of \$38,000.*

Case summary

Sex discrimination, sexual harassment and victimisation in the area of employment

A woman employed in a recreational club was subject to sexual harassment by two male managers. When she complained to senior management, her shifts were reduced and then ceased. She alleged sexual harassment and then victimisation for being subjected to a detriment for raising the issue of sexual harassment.

Outcome: *The worker was paid compensation of \$10,000 and provided letters of apology from the two managers and the employer. The employer also agreed to initiate staff training on discrimination, bullying and harassment in the workplace and also provided a written statement of reference to the complainant.*

Language

Fifty complainants (10.5%), said they preferred to communicate in a language other than English. The languages nominated by complainants were Arabic (12%), Burmese (10%), and 8% from each of the following four language groups - Chinese (primarily Mandarin), Farsi, Malayalam and Tamil.

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

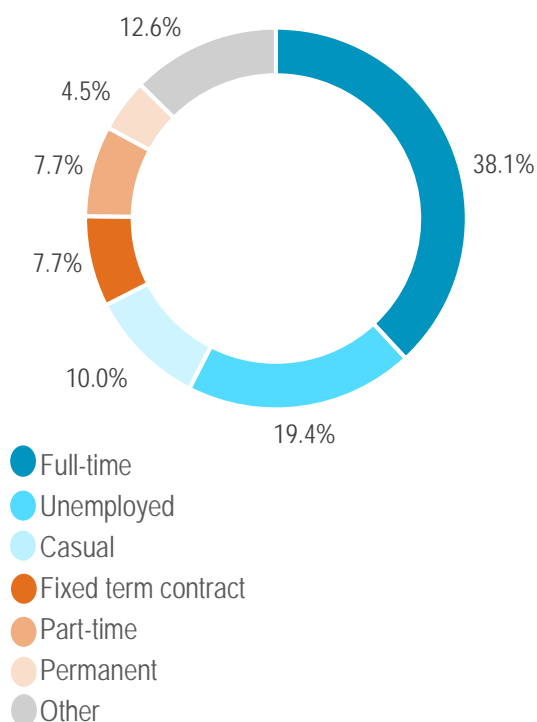
Accredited interpreters were used as required in meetings and conferences and accredited translators were engaged when complaint statements and other documents were submitted in languages other than English or needed to be translated into a complainant's preferred language.

Work status

Of the 310 complaints in the area of employment in the public and private sector, the highest number of complainants listed their work status as being 'full time employment' 118 complainants (38.1%). The number of complainants who listed their status as unemployed increased in the current reporting period was 60 (19.4%).

The increased number of unemployed complainants may be attributable to the increased pressure placed on Newstart and other Centrelink recipients to find work, and then encountering employers who may have discriminated unlawfully.

Figure 11: Complainant employment status 2018-19



Case summary

Impairment discrimination in the area of employment

A worker with a physical impairment had a valid ACROD parking permit but was denied access to an ACROD parking bay in the employer's staff carpark.

Outcome: The complaint resolved when the employer agreed to make the ACROD bay available to the complainant.

Case summary

Age discrimination in the area of goods, services and facilities

WA residents born before 1957 can apply for a Seniors Card at 62 years of age and receive the subsidies and benefits which accrue from this card. People born after 1957 have to wait till they are over 63 years of age before they can apply for the card.

A man born after 1957 alleged age discrimination because of this sliding eligibility scale. He withdrew his complaint when advised the WA Equal Opportunity Act provided a defence against his allegation, as it allowed for "bonafide benefits, including concessions provided to a person by reason of (their) age".

Outcome: When advised of the legal defence to this allegation, the complainant withdrew the complaint.

Age

The highest number of complaints were lodged by people aged 35-44 years (25.9%), followed by 45-54 years (24.8%) and 25-34 (17.9%). A very small number of complaints were lodged on behalf of people under 12 years of age (0.6%), or by people over 75 years (0.6%).

There were some differences on 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 – 40% race and 35% impairment
- 18-24 years – 39% sexual harassment
- 25-34 years – 17.6% impairment and 17.6% race
- 35-44-years – 19.5% race and 18.7% impairment
- 45-54 years – 28.8% impairment and 20.3% race
- 55-64 years – 33.3% impairment
- 65-74 years – 37.5% age
- 75+ years – 66.7% age.

Complainants with impairments

This year 28% of complainants stated that they have a disability.

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

Over 22% of complaints lodged with the Commission were on the ground of impairment, of which 56.1% were in the area of employment and 24.3% in the area of the provision of goods services and facilities.

Of these complaints 48.6% related to a physical impairment, 37.4% to a mental health/psychosocial condition, 6.5% to an intellectual impairment, and 1.9% imputed, vision, hearing and other impairments.

Case summary

Impairment discrimination in the area of goods, services and facilities

A woman with mobility issues visited a large shopping centre which had advertised it had wheelchairs and mobility scooters available for hire. When the woman attempted to hire a scooter, she was told she needed a current motor vehicle licence.

The woman lodged a complaint of indirect impairment discrimination because she said many people with mobility issues would not have a motor vehicle licence.

In their response to the allegation, the shopping centre said the staff member was wrong in asking for a driver's licence as there was no such requirement.

Outcome: *The shopping centre apologised, sent the woman flowers and reimbursed her for the cost of having goods couriered to her home.*

Residence of complainants

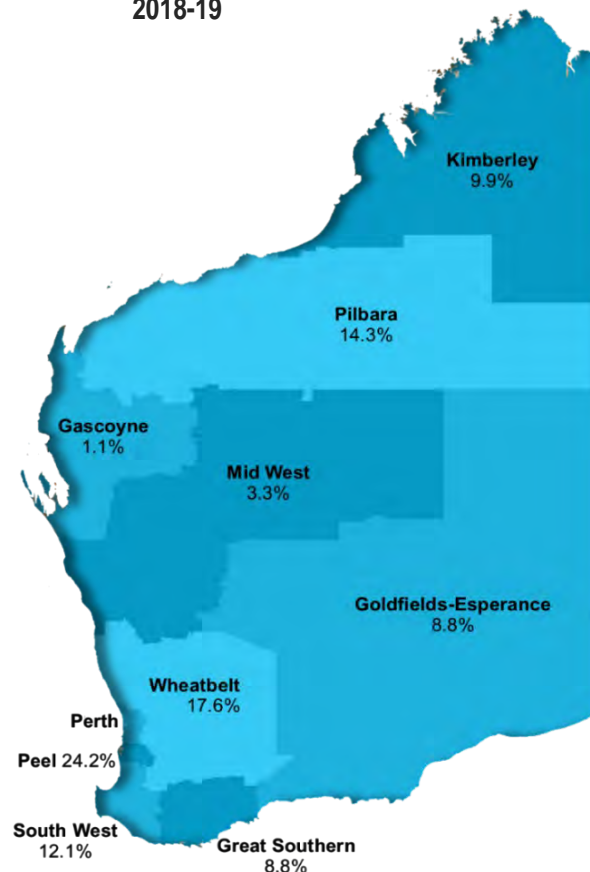
Over 73% of complainants lived in the metropolitan area, a moderate reduction on the past two years, 80.5% (2017-18) and 76% (2016-17).

Of the 91 complaints lodged by people living outside the metropolitan areas, the largest percentage lived in Peel (24.2%), the Wheatbelt (17.6%), Pilbara (14.3%), and the South West (12.1%).

There was a significant decrease in complaints from the Goldfields-Esperance region from 25.3% last financial year to 8.8% this year. The reason for this reduction of complaints from the Goldfields was due to a number of complaints lodged by groups of people against the same respondent in the previous year.

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

Figure 12: Regional complaints received 2018-19



Characteristics of respondents

As with the past two years, the industry group against which the highest number of complaints has been lodged was *Health Care and Social Assistance* at 15.4%, which encompasses a broad range of government, private sector and community sector organisations. In the current financial year this was followed by the *Accommodation and Food Services* sector with 10.9% of complaints.

Other respondent groups included:

- Retail trade (9.5%)
- Public administration and safety (7.2%)
- Rental hiring and real estate services (5.3%).

More than half of all complaints were lodged against private sector employers and service providers (58.9%), ranging from large ASX listed corporations to single person small businesses. There has been a 17.1% increase in complaints against private sector employers.

Complaints against public sector employers and service providers, including state government departments and local government, comprised 28.8% of all complaints, down from 37.5% in the previous financial year, a reduction of 22.5%.

A smaller number of complaints were lodged against non-government organisations (8.3%) and clubs (2.7%).

Case summary

Impairment discrimination in the area of employment

After being away from work on workers compensation for a lengthy period of time, a woman attempted to return to work.

The woman alleged impairment discrimination when her employer did not allow the return to work. The employer disputed impairment discrimination as the woman had signed off on her workers compensation, and as part of that agreement she freely and knowingly resigned from her employment. This was disputed by the complainant, but the workers compensation documentation was signed and dated by her.

Outcome: *The complaint was dismissed as lacking in substance given the evidence of the agreement.*

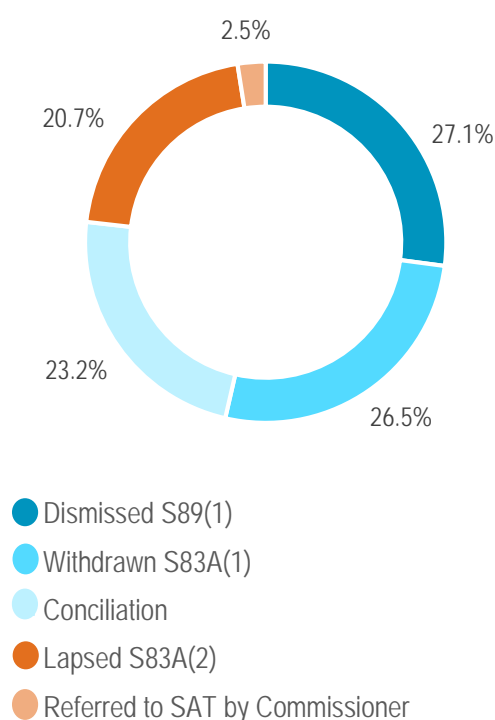
Complaints resolution

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

- **Lapsed** by the Commissioner if there is no response to attempts by the Commission's conciliation officers to contact the complainant, or if the person does not provide information to actively pursue the complaint
- **Withdrawn** by the complainant at any time. This can occur following the initial response from the respondent, elected to move to another jurisdiction, or cannot provide evidence
- **Resolved by conciliation** when both complainant and respondent achieve mutually agreed outcome or outcomes
- **Referred to the State Administrative Tribunal** by the Commissioner if it cannot be conciliated and the Commissioner believes there is an arguable case
- **Dismissed** by the Commissioner if it is lacking in substance, misconceived, vexatious or frivolous. A complainant can in writing require that a dismissed complaint be referred to the Tribunal.

A total of 483 complaints were finalised, of these 112 complaints were resolved through conciliation (23.2%), whilst 131 were dismissed (27.1%), 128 were withdrawn by complainants (26.5%), and 100 (20.7%) were lapsed. The remaining 12 were referred to the Tribunal for investigation (2.5%). These outcomes are similar to the outcome of complaints in past years.

Figure 13: Outcome of complaints closed 2018-19



Job applicant

The Commission undertook an analysis of complaints filed in the area of employment to ascertain the percentage of complaints from people who were applicants for positions compared to existing employees.

In the past 12 months people applying for jobs lodged fewer complaints of unlawful discrimination (62 or 20%) compared to those who were already employed by the respondent (248 or 80%). It was also found more complaints by employees conciliate successfully (22.5%) compared to the number of successful conciliations of job applicants (11.1%).

The explanation for this significant difference may be that employees have greater access to evidence to substantiate their complaints. Those applying for positions may have a strong sense they have been discriminated against, however their ability to provide evidence is often limited.

For those complaints from job seekers that are conciliated there is usually evidence that the applicant was successful but the employer withdrew the offer at a late stage. For example applicants are sometimes in the final stages of the selection process when a higher level manager intervenes and discontinues the recruitment process. In some cases the process is discontinued following a medical check that identifies an impairment that does not affect the ability of the job seeker to perform the job.

Case summary

Impairment discrimination in the area of employment

An experienced and truck driver with a neurological disorder had his condition stabilised with medication prescribed by his psychiatrist.

He applied for a job driving heavy vehicles at a mine site, and disclosed he took prescription medication for his condition. He successfully passed all fitness and other recruitment processes and was advised he had the job subject to passing a final medical clearance. He was then asked to provide a urine sample, which registered positive due to the prescribed medication he was taking. A doctor reviewed the test and said he 'couldn't determine conclusively if the positive reading was because of the prescription medication, or due to illicit drugs'. The driver provided further proof his prescription medicine was causing the positive urine reading, but due to the confusion over the urine sample, he could not get clearance to work on the mine site and for this reason the truck company withdrew the offer of employment.

Outcome: *The employer apologised, agreed to pay compensation of \$25,000, and to provide future references for a job.*

Case summary

Impairment discrimination in the area of goods, services and facilities

A woman who was deaf sought IT support from her telecommunications provider by submitting her request on an online email form. She specified she was deaf on this form, and in subsequent follow-up messages. None the less, the telecommunications provider did not respond to her by email, and continued to attempt to contact her by telephone.

Outcome: *Respondent acknowledged they had unreasonably failed the complainant and apologised. The complaint resolved when the woman was allocated a dedicated IT support worker who was made available to assist her, via email, to get connected.*

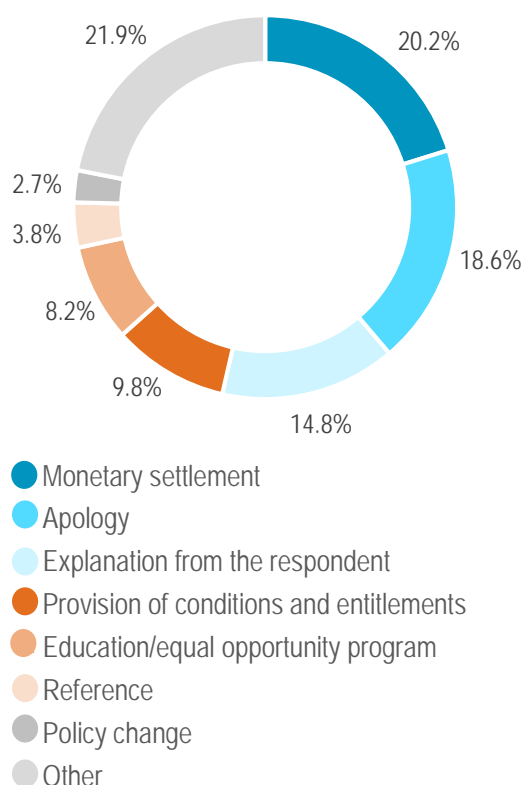
Conciliated complaints

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 112 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 20.5% this year compared to 20.2% in the previous year. The second most common outcome was an apology (18.6%), which was significantly lower than the previous year (27.5%). This year a higher percentage of complaints accepted the respondent's explanation (14.8%) compared to the previous year (5.3%).

Figure 14: Conciliated outcomes of complaints closed 2018-19



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 2018-19 78.7% complaints resolved in under six months, and 97.7% in under 12 months. The average length of time taken to resolve complaints has increased to 4.1 months compared to the previous year's average of 3.9 months; this is due to the increasing complexity of issues raised.

Case summary

Breastfeeding discrimination in the area of employment

A woman alleged that after she returned to work from maternity leave her employer was not supportive of her decision to express milk during work hours. She said she needed to express milk in order to have sufficient milk available to feed her baby. In addition, the woman said her manager had made inappropriate and insensitive comments concerning her decision to express milk.

Outcome: *The employer agreed to communicate to employees that the business is a breastfeeding friendly workspace. They confirmed the woman would be supported and entitled to express milk during her breaks, could reasonably extend rest breaks if required, and make up time at end of shift.*

The employer agreed to arrange supported mediation between the woman and her manager.

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

Of the complaints referred to the Tribunal under section 93 of the Act, 50.0% were finalised with the assistance of the Commission's legal officers, 33.3% were withdrawn and 16.7% were discontinued.

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

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

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

Legal case summary

Sexual harassment in the area of employment

The complainant, a young woman of Hong Kong Chinese descent and a pastry chef by training, was in Australia on a working holiday. In March 2017, she commenced employment as a casual meatpacker with the first respondent (R1).

Around June 2017, the second respondent (R2), a male, commenced working for the R1. The complainant alleged a couple of days later, R2 started harassing her, repeatedly asking her if she loved him and stating that he loved her. He also poked her with his finger, and would often touch her arms, back, and shoulders.

At first, the complainant tried to ignore his approaches, thinking he would give up, but when his behaviour persisted, she told him to stop and to leave her alone. R2 apologised, saying he would stop, but his behaviour resumed a few days later and continued on an almost daily basis. The complainant did not report R2's behaviour to management because she thought he would eventually stop. She was also fearful as to how her employer might respond.

One morning R2 approached the complainant from behind and poked her in the ribs. When she turned around to confront him, her left hand was pierced by the knife R2 was holding, cutting tendons in her index and middle fingers. The complainant underwent surgery and was advised that she needed to rest her hand for three months. This affected her ability to work and to carry out basic functions at home. The complainant lodged a workers' compensation claim against R1.

In the complaint, the complainant alleged R1 was vicariously liable for the conduct of R2. During conciliation, the complainant appeared to have resolved her complaint against R2, whereby R2 agreed to pay her compensation. However, he subsequently failed to pay her and was unable to be contacted.

The Commissioner was unable to conciliate the complaint against R1, so referred the complaint to the State Administrative Tribunal, pursuant to s.93 of the *Equal Opportunity Act 1984* (WA). The complainant was represented before the Tribunal by the Commission's Senior Legal Officer. The Tribunal listed the complaint for mediation, at which the parties settled the matter. R1 agreed to pay the complainant \$3,000, provide her with a statement of service, and arranged for her to access counselling through its employee assistance program, with the aid of a Cantonese interpreter.

Legal case summary

Sexual harassment in the area of employment

The complainant, a male, commenced employment as a food and beverage worker with the respondent (R1) in June 2017. The respondent operates several bars and food venues in Western Australia. The second respondent (R2), a female, was also employed by R1 as a food and beverage worker. The complainant and R2 were rostered to work together at one of R1's venues.

The complainant alleged that in August 2017, he and R2 were working together when R2 began demonstrating how a previous manager would touch the area around her vagina to find out if there was money hidden in the pockets of her apron. As part of the demonstration, R2 grabbed the complainant's penis through his pants. The complainant, although shocked, did not object to being touched by R2, as it had not happened before and it was part of her demonstration about the way her 'boss' used to touch her.

However, during August and September 2017, R2 grabbed the Applicant's penis through his pants several more times. On each of these occasions, the complainant objected and asked R2 to stop. Following the last incident, the complainant reported what happened to his duty manager, who referred his grievance to R1's HR manager. A couple of weeks later, the HR manager informed the complainant that R2 would be moved to a different shift after she returned from holidays, so they would not be working together.

In October 2017, R2 returned from holidays and commenced working the same shift as the complainant, as before. A few days later, the complainant learned from a co-worker he was rostered to work at another venue. The complainant had not been informed of this by R1. He asked the HR manager why he had been transferred. The manager informed him that after speaking with other employees, it was apparent the complainant wished to work in another venue, so it was easier to transfer him rather than R2. The complainant asked why he had not been consulted, to which the manager allegedly responded the employer does not consult first. The complainant was dismissed from his employment in early November for an unrelated incident.

The complainant lodged a complaint of sexual harassment against R1 and R2 with the Commission in November 2017. In the complaint, the complainant alleged R1 was vicariously liable for the conduct of R2. During conciliation, the complainant settled his complaint with R2, but not with R1, which denied it was vicariously liable for R2's conduct, or that the complainant had been transferred because he had complained about the harassment.

The Commissioner referred the complaint against R1 to the State Administrative Tribunal, pursuant to s.93 of the *Equal Opportunity Act 1984*. The complainant was represented before the Tribunal by the Commission's Senior Legal Officer. The Tribunal listed the complaint for mediation, at which the parties settled the matter. R1 agreed to pay the complainant \$1,400 and provide him with a statement of service.



Significant issues

Current and emerging issues and trends

[Review of the *Equal Opportunity Act 1984*](#)

The Act has remained largely unchanged since 1984, and changes are required to improve the Act's effectiveness and simplify its application. The Government's announcement in October 2018 of a wide-ranging review, to be conducted by the Law Reform Commission of WA, provides a welcome opportunity to consider ways the Act can be improved, with community input and consideration of Australian and international best practice regarding equality and anti-discrimination.

One of the terms of reference for the review is the onus of proof. The Commission receives allegations of discrimination from job applicants who are objectively well qualified and experienced, but these complaints often cannot be resolved because the Act requires complainants to substantiate their allegations with evidence of discrimination (see commentary on page 32). A mechanism for enabling these allegations to be investigated and resolved would be to place some responsibility on employers to show they have not unlawfully discriminated against a job applicant. This would be facilitated by a change to the onus of proof.

[Community education and training](#)

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.

Over the past year the Commission has worked with various government and community agencies to develop different formats to promote discussion and understanding of equal opportunity and the impacts of unlawful discrimination. This remains a challenge to organisations which may have equal opportunity policies and guidelines yet are confronted by some staff with negative entrenched behaviours, prejudices and unconscious bias.

The Community Education team have joined a network of educators from other anti-discrimination jurisdictions to share resources and knowledge to produce quality material to more effectively deal with the challenges outlined above.

[Complaint Management System](#)

An efficient, configurable and reliable complaints management system is essential to the investigation, management and reporting of complaints of unlawful discrimination, which is one of the Commission's core functions. The Commission's current system, which has been in service for over 20 years, requires replacement by one that can guarantee ongoing support by the underpinning software. During the past year the Commission has invested considerable time in exploring procurement and other options and aims to be successfully operating on a new system by mid-2020.



Disclosures and legal compliance

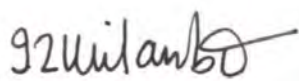
Financial statements

[Certification of financial statements](#)

for the year ended 30 June 2019

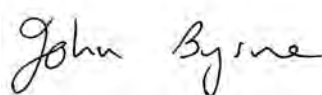
The accompanying financial statements of the Commissioner for Equal Opportunity have been prepared in compliance with the provisions of the *Financial Management Act 2006* from proper accounts and records to present fairly the financial transactions for the reporting period ended 30 June 2019 and the financial position as at 30 June 2019.

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



J.Z. Milambo
Chief Finance Officer

24 September 2019



John Byrne
Acting Commissioner for Equal Opportunity

24 September 2019



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 2019, the Statement of Comprehensive Income, Statement of Changes in Equity, Statement of Cash Flows, Schedule of Income and Expenses by Service, Schedule of Assets and Liabilities by Service, and Summary of Consolidated Account Appropriations and Income Estimates for the year then ended, and Notes comprising a summary of significant accounting policies and other explanatory information.

In my opinion, the financial statements are based on proper accounts and present fairly, in all material respects, the operating results and cash flows of the Commissioner for Equal Opportunity for the year ended 30 June 2019 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 agency's ability to continue as a going concern, disclosing, as applicable, matters related to going concern and using the going concern basis of accounting unless the Western Australian Government has made policy or funding decisions affecting the continued existence of the Commissioner.

Auditor's Responsibility for the Audit of the Financial Statements

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

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

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

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

Report on Controls

Opinion

I have undertaken a reasonable assurance engagement on the design and implementation of controls exercised by the Commissioner for Equal Opportunity. The controls exercised by the Commissioner are those policies and procedures established by the Commissioner to ensure that the receipt, expenditure and investment of money, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions (the overall control objectives).

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

In my opinion, in all material respects, the controls exercised by the Commissioner for Equal Opportunity are sufficiently adequate to provide reasonable assurance that the receipt, expenditure and investment of money, the acquisition and disposal of property and the incurring of liabilities have been in accordance with legislative provisions during the year ended 30 June 2019.

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 the controls, necessary to achieve the overall control objectives, were implemented as designed.

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

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

Limitations of Controls

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

Report on the Key Performance Indicators

Opinion

I have undertaken a reasonable assurance engagement on the key performance indicators of the Commissioner for Equal Opportunity for the year ended 30 June 2019. The key performance indicators are the key effectiveness indicators and the key efficiency indicators that provide performance information about achieving outcomes and delivering services.

In my opinion, in all material respects, the key performance indicators of the Commissioner for Equal Opportunity are relevant and appropriate to assist users to assess the Commissioner's performance and fairly represent indicated performance for the year ended 30 June 2019.

The Commissioner's Responsibility for the Key Performance Indicators

The Commissioner is responsible for the preparation and fair presentation of the key performance indicators in accordance with the *Financial Management Act 2006* and the Treasurer's Instructions and for such internal control as the Commissioner determines necessary to enable the preparation of key performance indicators that are free from material misstatement, whether due to fraud or error.

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

Auditor General's Responsibility

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

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

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

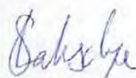
I believe that the evidence I have obtained is sufficient and appropriate to provide a basis for my opinion.

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

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

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

This auditor's report relates to the financial statements and key performance indicators of the Commissioner for Equal Opportunity for the year ended 30 June 2019 included on the Commissioner's website. The Commissioner's management is responsible for the integrity of the Commissioner's website. This audit does not provide assurance on the integrity of the Commissioner's website. The auditor's report refers only to the financial statements and key performance indicators described above. It does not provide an opinion on any other information which may have been hyperlinked to/from these financial statements or key performance indicators. If users of the financial statements and key performance indicators are concerned with the inherent risks arising from publication on a website, they are advised to refer to the hard copy of the audited financial statements and key performance indicators to confirm the information contained in this website version of the financial statements and key performance indicators.



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

24 September 2019

	Note	2019 \$	2018 \$
Cost of services			
Expenses			
Employee benefits expense	6	2,224,361	2,520,718
Supplies and services	8	491,141	458,011
Depreciation and amortisation expense	9	15,407	49,430
Accommodation expenses	10	961,201	955,751
Other expenses	11	112,638	37,193
Total cost of services		3,804,748	4,021,103
Income			
<i>Revenue</i>			
User charges and fees	13	97,272	117,916
Commonwealth grants and contributions	14	33,211	4,305
Other revenue	15	5,537	3,049
Total revenue		136,020	125,270
Total income other than income from State Government		136,020	125,270
Net cost of services		3,668,728	3,895,833
Income from State Government			
Service appropriation	16	3,753,000	3,898,000
Service received free of charge	16	36,154	41,388
Total income from State Government		3,789,154	3,939,388
Surplus/(deficit) for the period		120,426	43,555
Total comprehensive income for the period		120,426	43,555

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

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

Commissioner for Equal Opportunity
Statement of financial position as at 30 June 2019

	Note	2019 \$	2018 \$
Assets			
Current assets			
Cash and cash equivalents	27	490,672	375,427
Receivables	18	32,898	68,227
Amounts receivable for services	19	33,000	28,000
Other current assets	20	11,764	12,630
Total current assets		568,334	484,284
Non-current assets			
Restricted cash and cash equivalents	17,27	23,000	16,000
Amounts receivable for services	19	449,000	438,000
Property, plant and equipment	21	55,778	71,186
Intangible assets	22		
Total non-current assets		527,778	525,186
Total assets		1,096,112	1,009,470
Liabilities			
Current liabilities			
Payables	24	121,484	142,811
Provisions	25	520,995	573,729
Total current liabilities		642,479	716,540
Non-current liabilities			
Provisions	25	110,527	70,250
Total non-current liabilities		110,527	70,250
Total liabilities		753,006	786,790
Net assets		343,106	222,680
Equity			
Contributed equity	26	604,000	604,000
Accumulated surplus/(deficit)		(260,894)	(381,320)
Total equity		343,106	222,680

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

Commissioner for Equal Opportunity

Statement of changes in equity for the year ended 30 June 2019

	Note	equity \$	deficit \$	Total equity \$
Balance at 1 July 2017	26	604,000	(424,875)	179,125
Surplus/(deficit)			43,555	43,555
Total comprehensive income for the period		604,000	(381,320)	222,680
Transactions with owners in their capacity as owners:				
Capital appropriations		-	-	-
Total		-	-	-
Balance at 30 June 2018		604,000	(381,320)	222,680
Balance at 1 July 2018		604,000	(381,320)	222,680
Surplus/(deficit)			120,426	120,426
Total comprehensive income for the period		604,000	(260,894)	343,106
Transactions with owners in their capacity as owners:				
Capital appropriations		-	-	-
Total		-	-	-
Balance at 30 June 2019		604,000	(260,894)	343,106

Commissioner for Equal Opportunity
Statement of cash flows for the year ended 30 June 2019

	Notes	2019 \$	2018 \$
Cash flows from State Government			
Service appropriation		3,709,000	3,826,000
Holding account drawdown		28,000	42,000
Net cash provided by State Government		3,737,000	3,868,000
<i>Utilised as follows:</i>			
Cash flows from operating activities			
Payments			
Employee benefits		(2,239,463)	(2,600,026)
Supplies and services		(588,170)	(468,837)
Accommodation		(963,745)	(956,000)
GST payments on purchases		(100,453)	(149,559)
Receipts			
Grants and subsidies		33,211	4,305
Receipts from services		137,266	88,979
GST receipts on sales		10,183	13,494
GST receipts from taxation authority		96,416	136,465
Net cash provided by/(used in) operating activities	27	(3,614,755)	(3,931,179)
Cash flows from investing activities			
Payments			
Purchase of non-current assets		0	(32,798)
Net cash provided by/(used in) investing activities		0	(32,798)
Net increase/(decrease) in cash and cash equivalents		122,245	(95,976)
Cash and cash equivalents at the beginning of the period		391,427	487,403
Cash and cash equivalents at the end of the period	27	513,672	391,427

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

Commissioner for Equal Opportunity

Statement of income and expenses by service for the year ended 30 June 2019

	Service 1 Provision of Information		Service 2 Avenue for Redress		Total	
	2019	2018	2019	2018	2019	2018
	\$	\$	\$	\$	\$	\$
Cost of services						
Expenses						
Employee benefit expense	1,038,776	1,323,377	1,185,585	1,197,341	2,224,361	2,520,718
Supplies and services	229,363	240,456	261,778	217,555	491,141	458,011
Depreciation and amortisation expense	7,195	25,951	8,212	23,479	15,407	49,430
Accommodation expenses	448,881	501,769	512,320	453,982	961,201	955,751
Other expenses	52,602	19,526	60,036	17,667	112,638	37,193
Total cost of services	1,776,817	2,111,079	2,027,931	1,910,024	3,804,748	4,021,103
Income						
User charges and fees	97,272	117,916	-	-	97,272	117,916
Commonwealth grants and contributions	33,211	4,305	-	-	33,211	4,305
Other revenue	5,537	3,049	-	-	5,537	3,049
Total income other than income from State Government	136,020	125,270	-	-	136,020	125,270
Net cost of services	1,640,797	1,985,809	2,027,931	1,910,024	3,668,728	3,895,833
Income from State Government						
Service appropriation	1,752,651	2,046,450	2,000,349	1,851,550	3,753,000	3,898,000
Services received free of charge	16,884	21,729	19,270	19,659	36,154	41,388
Total income from State Government	1,769,535	2,068,179	2,019,619	1,871,209	3,789,154	3,939,388
Surplus/(deficit) for the period	128,738	82,370	(8,312)	(38,815)	120,426	43,555

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

Commissioner for Equal Opportunity

Schedule of assets and liabilities by service as at 30 June 2019

	Service 1 Provision of Information		Service 2 Avenue for Redress		Total	
	2019	2018	2019	2018	2019	2018
	\$	\$	\$	\$	\$	\$
Assets						
Current assets	265,412	254,249	302,922	230,035	568,334	484,284
Non-current assets	246,472	275,723	281,306	249,463	527,778	525,186
Total assets	511,884	529,972	584,228	479,498	1,096,112	1,009,470
Liabilities						
Current liabilities	300,038	376,184	342,441	340,356	642,479	716,540
Total non-current liabilities	51,616	36,881	58,911	33,369	110,527	70,250
Total liabilities	351,654	413,065	401,352	373,725	753,006	786,790
Net assets	160,230	116,907	182,876	105,773	343,106	222,680

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

Commissioner for Equal Opportunity

Summary of consolidated account appropriations and income estimates for the year ended 30 June 2019

	2019 Estimate \$	2019 Actual \$	Variance \$	2019 Actual \$	2018 Actual \$	Variance \$
Delivery of services						
Item 51 Net amount appropriated to deliver services	3,502,000	3,705,000	203,000	3,705,000	3,898,000	(193,000)
Amount authorised by Other Statutes						
- <i>Salaries and Allowances Act 1975</i>	300,000	48,000	(252,000)	48,000	-	48,000
Total appropriations provided to deliver services	3,802,000	3,753,000	(49,000)	3,753,000	3,898,000	(145,000)
Capital						
Capital appropriations	-	-	-	-	-	-
Grand total	3,802,000	3,753,000	(49,000)	3,753,000	3,898,000	(145,000)
Details of expenses by service						
Service 1 - Provision of Information	2,070,000	1,776,817	(293,183)	1,776,817	2,111,079	(334,262)
Service 2 - Avenue of Redress	1,971,000	2,027,931	56,931	2,027,931	1,910,024	117,907
Total cost of services	4,041,000	3,804,747	(236,253)	3,804,747	4,021,103	(216,356)
Less total income	(197,000)	(136,020)	60,980	(136,020)	(125,270)	(10,750)
Net cost of services	3,844,000	3,668,728	(175,272)	3,668,728	3,895,833	(227,105)
Adjustments	-	-	-	-	-	-
Total appropriations provided to deliver services	3,844,000	3,668,728	(175,272)	3,668,728	3,895,833	(227,105)
Capital expenditure						
Purchase of non-current assets	-	-	-	-	-	-
Adjustments for other funding sources	-	-	-	-	-	-
Capital appropriations	-	-	-	-	-	-

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

Note 31 'Explanatory statement' provides details of any significant variations between estimates and actual results for 2019 and between the actual results for 2019 and 2018.

Note 1 Australian Accounting Standards

General

The Commission's financial statements for the year ended 30 June 2019 have been prepared in accordance with Australian Accounting Standards. The term 'Australian Accounting Standards' includes Standards and Interpretations issued by the Australian Accounting Standards Board (AASB).

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

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 Application of Australian Accounting Standards and Other Pronouncements. There has been no early adoption of Australian Accounting Standards that have been issued or amended (but not operative) by the Commission for the annual reporting period ended 30 June 2019.

Note 2 Summary of significant accounting policies

(a) General statement

The Commission is a not-for-profit reporting entity that prepares general purpose financial statements in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB as applied by the Treasurer's instructions. Several of these are modified by the Treasurer's instructions to vary application, disclosure, format and wording.

The *Financial Management Act 2006* and the Treasurer's instructions impose legislative provisions that govern the preparation of financial statements and take precedence over Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the AASB.

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

(b) Basis of preparation

The financial statements have been prepared on the accrual basis of accounting using the historical cost convention, except for land, buildings and infrastructure which have been measured at fair value.

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

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

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

Note 4 'Key sources of estimation uncertainty' discloses key assumptions made concerning the future, and other key sources of estimation uncertainty at the end of the reporting period, that have a significant risk of causing a material adjustment to the carrying amounts of assets and liabilities within the next reporting period.

(c) Reporting entity

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

Mission

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

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

Services

The Commission provides the following services:

Service 1: Provision of Information - Comprises information and advice regarding equal opportunity and human rights.

Service 2: Avenue of Redress - Comprises avenue of redress for unlawful discrimination and unreasonable treatment.

(d) Contributed equity

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

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

(e) Income

Revenue recognition

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

Sale of goods

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

Provision of services

Revenue is recognised by reference to the stage of completion of the transaction.

Interest

Revenue is recognised as the interest accrues.

Service appropriations

Service Appropriations are recognised as revenues at fair value in the period in which the Commission gains control of the appropriated funds. The Commission gains control of appropriated funds at the time those funds are deposited to the bank account or credited to the 'Amounts receivable for services' (holding account) held at Treasury.

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

- Cash component; and
- A receivable (asset).

The receivable comprises the following:

- The budgeted depreciation expense for the year

Net appropriation determination

The Treasurer may make a determination providing for prescribed receipts to be retained for services under the control of the Commission. In accordance with the most recent determination, as quantified in the 2018-19 Budget Statements, the Commission retained \$136,020 (\$125,270 in 2018) from the following:

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

Grants, donations, gifts and other non-reciprocal contributions

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

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

The Commission received \$33,211 funding from the Commonwealth for the provision of service for the Indian Ocean Territories in 2019, (\$4,305 in 2018).

Gains

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

(f) Plant and equipment

Capitalisation/expensing of assets

Items of plant and equipment costing \$5,000 or more are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of plant and equipment costing less than \$5,000 are immediately expensed direct to the Statement of Comprehensive Income.

Initial recognition and measurement

All items of plant and equipment are initially recognised at cost.

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

Subsequent measurement

Subsequent to initial recognition as an asset, the historical cost model is used for plant and equipment. All items of plant and equipment are stated at historical cost less accumulated depreciation and accumulated impairment losses.

Depreciation

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

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

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

(g) Intangible assets

Capitalisation/expensing of assets

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

Intangible assets are initially recognised at cost. For assets acquired at no cost or for nominal cost, the cost is their fair value at the date of acquisition.

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

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

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

Website costs	3 years
Software (a)	3-5 years

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

Website costs

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

Computer software

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

(h) Impairment of assets

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

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

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

(i) Leases

The Commission has not entered into any finance leases.

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

(j) Financial instruments

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

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

Financial instruments have been disaggregated into the following classes:

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

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

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

(k) Cash and cash equivalents

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

(l) Accrued salaries

Accrued salaries represent the amount due to staff but unpaid at the end of the financial year. Accrued salaries are settled within a fortnight of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to its net fair value (refer Note 24).

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

(m) Amounts receivable for services (holding account)

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

(n) Receivables

Receivables are recognised at original invoice amount less an allowance for any uncollectable amounts (i.e. impairment). The maximum exposure to credit risk at the end of the reporting period for trade receivables is the carrying amount of the asset inclusive of any allowance for impairment as shown in the table at Note 32(c) 'Financial instruments disclosures'. The Agency does not hold any collateral as security or other credit enhancements for trade receivables.

(o) Payables and Accrued expenses

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

(p) Provisions

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

Provisions – employee benefits

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

Annual leave

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

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

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

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

Long service leave

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

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

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

Unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the end of the reporting period. Pre-conditional and conditional long service leave provisions are classified as non-current liabilities because the Commission has an unconditional right to defer the settlement of the liability until the employee has completed the requisite years of service.

Purchased leave

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

Superannuation

The Government Employees Superannuation Board (GESB) and other fund providers administer public sector superannuation arrangements in Western Australia in accordance with legislative requirements. Eligibility criteria for membership in particular schemes for public sector employees vary according to commencement and implementation dates.

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

Employees commencing employment prior to 16 April 2007 who were not members of either the Pension Scheme or the GSS became non-contributory members of the West State Superannuation Scheme (WSS). Employees commencing employment on or after 16 April 2007 became members of the GESB Super Scheme (GESBS). From 30 March 2012, existing members of the WSS or GESBS and new employees have been able to choose their preferred superannuation fund provider. The Commission makes contributions to GESB or other fund provider on behalf of employees in compliance with the Commonwealth Government's *Superannuation Guarantee (Administration) Act 1992*. These contributions extinguish the liability for superannuation charges in respect of employees who are not members of Pension Scheme or GSS.

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

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

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

Provisions – other

Employment on-costs

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

(q) Superannuation expense

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

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

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

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

(s) Comparative figures

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

Note 3 Judgements made by management in applying accounting policies

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

Operating lease commitments

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

Note 4 Key sources of estimation uncertainty

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

Long service leave

Several estimations and assumptions used in calculating the Commission's long service leave provision include expected future salary rates, discount rates, employee retention rates and expected future payments. Changes in these estimations and assumptions may impact on the carrying amount of the long service leave provision. Any gain or loss following revaluation of the of the present value of long service leave liabilities is recognised as employee benefits expense.

Note 5 Disclosure of changes in accounting policy and estimates

Initial application of an Australian Accounting Standard

The Commission has applied the following Australian Accounting Standards effective, or adopted, for annual reporting periods beginning on or after 1 July 2016 that impacted on the Commission.

Application of Australian Accounting Standards

This Standard lists the application paragraphs for each other Standard (and Interpretation), grouped where they are the same. There is no financial impact.

AASB 9 – Financial Instruments

AASB 9 Financial instruments replaces AASB 139 Financial instruments: Recognition and Measurements for annual reporting periods beginning on or after 1 January 2018, bringing together all three aspects of the accounting for financial instruments: classification and measurement; impairment; and hedge accounting.

The Commission applied AASB 9 prospectively, with an initial application date of 1 July 2018. The adoption of AASB 9 has resulted in changes in accounting policies but no adjustments to the amounts recognised in the financial statements.

In accordance with AASB 9.7.2.15, the Commission has not restated the comparative information which continues to be reported under AASB 139.

The effect of adopting AASB 9 as at 1 July 2018 was assessed as not material, and therefore no adjustment was required to be recognised in Accumulated surplus\deficit directly. The nature of the changes is described below.

(a) Classification and measurement.

Under AASB 9, financial assets are subsequently measured at amortised cost, fair value through other comprehensive income (fair value through OCI) or fair value through profit or loss (fair value through P/L). The classification is based on two criteria: the Commission's business model for managing the assets; and whether the assets' contractual cash flows represent "solely payments of principal and interest" on the principal amount outstanding.

The assessment of the Commission's business model was made as of the date of initial application, 1 July 2018. The assessment of whether contractual cash flows on financial assets are solely comprised of principal and interest was made based on the facts and circumstances as at the initial recognition of the assets.

The classification and measurement requirements of AASB 9 did not have a significant impact to the Commission. The following are the changes in the classification of the Commission's financial assets:

- Receivables and Amounts receivable for services classified as loans and receivables as at 30 June 2018 are held to collect contractual cash flows and give rise to cash flows representing solely payments of principal and interest. These are classified and measured as Financial assets at amortised cost beginning 1 July 2018.
- The Commission did not designate any financial assets as at fair value through P/L.

In summary, upon the adoption of AASB 9, the Commission had the following reclassifications as at 1 July 2018:

	AASB 9 category		
	Amortised cost	Fair value through OCI	Fair Value through P/L
	\$	\$	\$
AASB 139 category			
Loans and Receivables	43,614	-	-
Amounts receivable for Services	466,000	-	-
Carrying amount at end of period	509,614	-	-

(b) Impairment

The adoption of AASB 9 has fundamentally changed the Commission's accounting for Impairment losses for financial assets by replacing AASB 139's incurred loss approach with a forward-looking expected credit loss (ECL) approach.

Upon adoption of AASB 9, the effect was not considered to be material, therefore no adjustment was made.

Future impact of Australian Accounting Standards not yet operative

The Agency cannot early adopt an Australian Accounting Standard unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements' or by an exemption from TI 1101. Where applicable, the Agency plans to apply the following Australian Accounting Standards from their application date.

AASB 15 - Revenue from Contracts with Customers

Operative for reporting periods beginning on/after 1 January 2019

Nature of Change	This Standard establishes the principles that the Commission shall apply to report useful information to users of financial statements about the nature, amount, timing and uncertainty of revenue and cash flows arising from a contract with a customer. The mandatory effective date of this Standard is currently 1 January 2019 after being amended by AASB 2016-7.
Impact	The Commission's income is principally derived from appropriations which will be measured under AASB 1058 and will be unaffected by this change. Although the recognition of 'user charges and fees' and 'sales' revenues will be deferred until the agency has discharged its performance obligations, these revenues are expected to be fully recognised at year-end and no contract liability will exist.
Transition	The Commission will adopt the modified retrospective approach on transition to AASB 15. No comparative information will be restated under this approach, and the agency will recognise the cumulative effect of initially applying the Standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application.

AASB 16 - Leases

Operative for reporting periods beginning on/after 1 January 2019

Nature of Change	This Standard introduces a single lessee accounting model and requires a lessee to recognise assets and liabilities for all leases with a term of more than 12 months, unless the underlying asset is of low value.
Impact	AASB 16 is currently being assessed, the entity currently has commitments for \$578,459 worth of non cancellable operating leases which will mostly be brought onto the Statement of Financial Position. Interest and amortisation expense will increase and rental expense will decrease.
Transition	The Commission will adopt the modified retrospective approach on transition to AASB 16. No comparative information will be restated under this approach, and the agency will recognise the cumulative effect of initially applying the Standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application.

AASB 1058 – Income of Not-for-Profit Entities

Operative for reporting periods beginning on/after 1 January 2019

Nature of Change	This Standard clarifies and simplifies the income recognition requirements that apply to not for profit (NFP) entities, more closely reflecting the economic reality of NFP entity transactions that are not contracts with customers. Timing of income recognition is dependent on whether such a transaction gives rise to a liability or other performance obligation (a promise to transfer a good or service), or a contribution by owners, related to an asset (such as cash or another asset) received by an Agency.
Impact	The Commission anticipates that the application will not materially impact appropriations or untied grant revenues.
Transition	The Commission will adopt the modified retrospective approach on transition to AASB 1058. No comparative information will be restated under this approach, and the agency will recognise the cumulative effect of initially applying the Standard as an adjustment to the opening balance of accumulated surplus/(deficit) at the date of initial application.

AASB 1059 – Service Concession Arrangements: Grantors

Operative for reporting periods beginning on/after 1 January 2020

Nature of Change	This Standard addresses the accounting for a service concession arrangement (a type of public private partnership) by a grantor that is a public sector agency by prescribing the accounting for the arrangement from the grantor's perspective. Timing and measurement for the recognition of a specific asset class occurs on commencement of the arrangement and the accounting for associated liabilities is determined by whether the grantee is paid by the grantor or users of the public service provided.
Impact	The mandatory effective date of this Standard is currently 1 January 2020 after being amended by AASB 2018-5. The Commission does not manage any public private partnership that is within the scope of the Standard.

AASB 2016-8 – Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not for Profit Entities

Operative for reporting periods beginning on/after 1 January 2019

Nature of Change	This Standard inserts Australian requirements and authoritative implementation guidance for not-for-profit entities into AASB 9 and AASB 15. This guidance assists not-for-profit entities in applying those Standards to particular transactions and other events. There is no financial impact.
------------------	---

AASB 2018-4 – Amendments to Australian Accounting Standards – Australian Implementation Guidance for Not-for-Profit Public Sector Licensors

Operative for reporting periods beginning on/after 1 January 2019

Nature of Change	This standard amends AASB 15 to add requirements and authoritative implementation guidance for application by not-for-profit public sector licensors to transactions involving the issue of licenses. There is no financial impact as the Commission does not issue licenses.
------------------	---

AASB 2018-5 – Amendments to Australian Accounting Standards – Deferral of AASB 1059

Operative for reporting periods beginning on/after 1 January 2019

Nature of Change	This Standard amends the mandatory effective date of AASB 1059 so that AASB 1059 is required to be applied for annual reporting periods beginning on or after 1 January 2020 instead of 1 January 2019. There is no financial impact.
------------------	---

Note 6 Employee benefits expense

	2019 \$	2018 \$
Wages and salaries (a)	1,976,903	2,276,628
Superannuation – defined contribution plans (b)	232,109	235,891
Other related expenses	15,349	8,199
	2,224,361	2,520,718

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

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

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

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

Note 7 Compensation of key management personnel

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

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

Compensation Band (\$)	2019 No of officers	2018 No of officers
140,001 – 150,000	2	-
150,001 – 160,000	-	1
160,001 – 170,000	-	1
190,001 – 200,000	1	-
200,001 – 210,000	-	1
240,001 – 250,000	-	1
270,001 – 280,000	1	-
Short-term employee benefits	590,201	621,313
Post-employment benefits	82,139	77,069
Other long-term benefits	78,283	71,847
Termination benefits	-	-
Total remuneration of senior officers	750,623	770,229

Note 8 Supplies and services

	2019 \$	2018 \$
Communications	61,537	39,796
Consultants and contractors	349,216	328,896
Consumables	6,982	10,213
Materials	416	3,972
Travel	14,391	20,327
Other	58,599	54,807
	491,141	458,011

Note 9 Depreciation and amortisation expense

	2019 \$	2018 \$
<u>Depreciation</u>		
Office equipment	8,546	7,646
Computer hardware	-	1,711
Furniture fixtures and fittings	6,861	31,015
Total depreciation	15,407	40,372
<u>Amortisation</u>		
Intangible assets	-	9,058
Total amortisation	-	9,058
Total depreciation and amortisation	15,407	49,430

Note 10 Accommodation expenses

	2019 \$	2018 \$
Building rental operating lease expense	961,201	955,751
	961,201	955,751

Note 11 Other expenses

	2019 \$	2018 \$
Other expenses (a)	112,638	37,193
	112,638	37,193

(a) Other expenses includes audit fees and land tax.

Note 12 Related party transactions

The Agency is a wholly owned and controlled entity of the State of Western Australia. In conducting its activities, the Agency is required to pay various taxes and levies based on the standard terms and conditions that apply to all tax and levy payers to the State and entities related to State. Related parties of the Agency include:

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

The Commission transacts with a number of WA State Government agencies. The total annual transactions with these agencies in excess of \$50,000 include;

Significant transactions with Government-related entities

- service appropriations and resources received free of charge (Note 16);
- training course fees (Note 13);
- lease rentals and accommodation outgoings to the Department of Finance (Note 10); and
- commitments for future lease payments to the Department of Finance (Note 28).

Material transactions with related parties

- superannuation payments to GESB (Note 6).

The Commission had no other material related party transaction with Ministers, senior officers or their close family members or their controlled (or jointly controlled) entities.

Note 13 User charges and fees

	2019 \$	2018 \$
Training course fees	97,272	117,916
	97,272	117,916

Note 14 Commonwealth grants and contributions

	2019 \$	2018 \$
Grant from Commonwealth – Indian Ocean Territories	33,211	4,305
	33,211	4,305

Note 15 Other revenue

	2019 \$	2018 \$
Recoups	2,037	-
Other revenues (a)	3,500	3,049
	5,537	3,049

(a) GVS employee contributions, proceeds on disposal and refunds.

Note 16 Income from State Government

	2019 \$	2018 \$
Appropriation received during the period:		
Service appropriations (a)	3,753,000	3,898,000
	3,753,000	3,898,000
Services received free of charge (b)		
Determined on the basis of the following estimates provided by agencies:		
Department of Communities - Financial Business Support Service	23,966	-
Department of Finance – Leasing	12,125	12,356
Department of Local Government, Sport and Cultural industries - Financial Management Service	-	29,032
State Solicitor's Office - Legal Services	63	-
	36,154	41,388
	3,789,154	3,939,388

- (a) Service appropriations fund the net cost of services delivered. Appropriation revenue comprises a cash component and a receivable (asset). The receivable (holding account) comprises the depreciation expense for the year and any agreed increase in leave liability during the year.
- (b) Assets or services received free of charge or for nominal cost are recognised as revenue at fair value of the assets and/or services that can be reliably measured and which would have been purchased if they were not donated.

Contributions of assets or services in the nature of contributions by owners are recognised direct to equity.

Note 17 Restricted cash and cash equivalents

	2019 \$	2018 \$
<u>Non-Current</u>		
Accrued salaries suspense account (a)	23,000	16,000
	23,000	16,000

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

Note 18 Receivables

	2019 \$	2018 \$
<u>Current</u>		
Trade receivables	9,157	43,614
Allowance for impairment of trade receivables	-	-
GST receivable	23,741	24,613
Total current	32,898	68,227

Note 19 Amounts receivable for services (Holding Account)

	2019 \$	2018 \$
Current	33,000	28,000
Non-current	449,000	438,000
	482,000	466,000

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

Note 20 Other assets

	2019 \$	2018 \$
Prepayments	11,764	12,630
Total current	11,764	12,630

Prepayments represents 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 21 Plant and equipment

	2019 \$	2018 \$
<u>Office equipment</u>		
At cost	62,934	62,934
Accumulated depreciation	(36,741)	(28,194)
	26,193	34,740
<u>Furniture fixtures and fittings</u>		
At cost	341,863	341,863
Accumulated depreciation	(312,278)	(305,417)
	29,585	36,446
<u>Computer hardware</u>		
At cost	32,814	32,814
Accumulated depreciation	(32,814)	(32,814)
	-	-
	55,778	71,186

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

	Office equipment \$	Furniture fixture and fittings \$	Computer hardware \$	Total \$
2019				
Carrying amount at start of period	34,740	36,446	-	71,186
Additions	-	-	-	-
Depreciation	(8,547)	(6,861)	-	(15,408)
Carrying amount at end of period	26,193	29,585	-	55,778
2018				
Carrying amount at start of period	9,781	67,460	1,711	78,952
Additions	32,606	-	-	32,606
Depreciation	(7,646)	(31,015)	(1,711)	(40,372)
Carrying amount at end of period	34,741	36,445	-	71,186

Note 22 Intangible assets

Computer software

At cost

Accumulated amortisation

Reconciliations:

Computer software

Carrying amount at start of period

Amortisation expense

Carrying amount at end of period

	2019 \$	2018 \$
	95,094	95,094
	(95,094)	(95,094)
	-	-
	-	9,058
	-	(9,058)
	-	-
	-	-

Note 23 Impairment of assets

There were no indications of impairment to plant and equipment and intangible assets at 30 June 2019.

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

Note 24 Payables

	2019 \$	2018 \$
Current		
Accrued salaries	6,914	10,659
Accrued expenses	60,762	84,969
Trade payables	53,808	47,183
Total current	121,484	142,811

Note 25 Provisions

	2019 \$	2018 \$
<u>Current</u>		
<i>Employee benefit provision</i>		
Annual leave (a)	178,240	167,723
Long service leave (b)	346,511	411,189
Purchased leave (c)	(4,664)	(6,300)
	520,087	572,612
<i>Other provisions</i>		
Employment on-costs (d)	908	1,117
	908	1,117
Total current provisions	520,995	573,729
<u>Non-Current</u>		
<i>Employee benefit provision</i>		
Long service leave (b)	110,342	70,118
	110,342	70,118
<i>Other provisions</i>		
Employment on-costs (d)	185	132
	185	132
Total non-current provisions	110,527	70,250

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

	2019 \$	2018 \$
Within 12 months of the end of the reporting period	161,919	154,738
More than 12 months after the end of the reporting period	16,321	12,985
	178,240	167,723

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

	2019 \$	2018 \$
Within 12 months of the end of the reporting period	195,668	211,032
More than 12 months after the end of the reporting period	261,185	270,275
	456,853	481,307

- (c) Purchased leave scheme liabilities have been classified as current where there is no unconditional right to defer settlement for at least 12 months after the end of the reporting period. Officers can purchase up to 10 weeks leave in any calendar year. This arrangement usually entered into from the 1st Pay in January however it is not limited to this and staff can purchase leave at any time during the year. Leave purchased can be taken at any time during the calendar year which may result in arrears balances to the Commission owing to timing differences between the reporting period and the calendar year. Actual settlement of liabilities is expected to occur as follows:

	2019 \$	2018 \$
Within 12 months of the end of the reporting period	(4,663)	(6,300)
	(4,663)	(6,300)

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

The associated expense, apart from unwinding of the discount (finance cost), is disclosed in note 11 'Other expenses'.

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

	2019 \$	2018 \$
<u>Employment on-cost provision</u>		
Carrying amount at start of period	1,249	1,556
Additional/(reversals of) provisions recognised	(156)	(307)
Carrying amount at end of period	1,093	1,249

Note 26 Equity

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

	2019 \$	2018 \$
Contributed equity		
Balance at start of period	604,000	604,000
<u>Contributions by owners</u>		
Capital appropriation	-	-
Total contribution by owners	-	-
Balance at end of period	604,000	604,000
Accumulated surplus/(deficit)		
Balance at start of year	(381,320)	(424,875)
Result for the period	120,426	43,555
Balance at end of period	(260,894)	(381,320)
Total equity at end of period	343,106	222,680

Note 27 Notes to the statement of cash flows

Reconciliation of cash

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

	2019 \$	2018 \$
Cash and cash equivalents	490,672	375,427
Restricted cash and cash equivalents (Note 17 'Restricted cash and cash equivalents')	23,000	16,000
	513,672	391,427

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

	2019 \$	2018 \$
Net cost of services	(3,668,728)	(3,895,833)
<u>Non-cash items</u>		
Depreciation and amortisation expense	15,407	49,430
Services received free of charge	36,154	41,388
<u>(Increase)/decrease in assets:</u>		
Current receivables (a)	34,457	(31,586)
Other current assets	867	3,719
<u>Increase/(decrease) in liabilities:</u>		
Current payables (a)	(15,567)	(21,940)
Current provisions	(52,734)	(104,880)
Non-current provisions	40,278	28,123
Net GST receipts/(payments) (b)	(4,889)	400
Net cash provided by/(used in) operating activities	(3,614,755)	(3,931,179)

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

Note 28 Commitments

The commitments below are inclusive of GST where relevant.

	2019 \$	2018 \$
Non-cancellable operating lease commitments		
Commitments for minimum lease payments are payable as follows:		
Within 1 year	578,459	693,209
Later than 1 year and not later than 5 years	-	578,459
	578,459	1,271,668

The Commission has entered into a property lease which is a non-cancellable lease with a five year term, with rent payable monthly in advance. Contingent rent provisions with the lease agreement require that the minimum lease payments shall be increased by 4.5% to a maximum of 9% per annum. An option exists to renew the lease at the end of the five year term for an additional term of five years.

Note 29 Contingent liabilities and contingent assets

There are no contingent liabilities or contingent assets as at 30 June 2019.

Note 30 Event occurring after the balanced sheet date

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

Note 31 Explanatory statement

All variances between estimates (original budget) and actual results for 2019 and between the actual results for 2019 and 2018 are shown below. Narratives are provided for selected major variances, which are generally greater than:

- 5% and \$76,095 for the Statements of Comprehensive Income and Cash Flows; and
- 5% and \$21,922 for the Statement of Financial Position.

	Variance Note	Estimate 2019 \$	Actual 2019 \$	Actual 2018 \$	Variance between estimates and actual \$	Variance between actual results for 2019 and 2018 \$
Expenses						
Employee benefits expense	1,A	2,620,000	2,224,361	2,520,718	(395,639)	(296,357)
Supplies and services	2	343,000	491,141	458,011	148,141	33,130
Depreciation and amortisation expense		63,000	15,407	49,430	(47,593)	(34,023)
Accommodation expenses		904,000	961,201	955,751	57,201	5,450
Other expenses		111,000	112,638	37,193	1,638	75,445
Total cost of services		4,041,000	3,804,748	4,021,103	(236,252)	(216,355)
Income						
<i>Revenue</i>						
User charges and fees		162,000	97,272	117,916	(64,728)	(20,644)
Commonwealth grants and contributions		35,000	33,211	4,305	(1,789)	28,906
Other revenue		-	5,537	3,049	5,537	2,488
Total revenue		197,000	136,020	125,270	(60,980)	10,750
Total income other than income from State Government		197,000	136,020	125,270	(60,980)	10,750
Net cost of services		3,844,000	3,668,728	3,895,833	(175,272)	(227,105)
Income from State Government						
Service appropriation		3,802,000	3,753,000	3,898,000	(49,000)	(145,000)
Service received free of charge		42,000	36,154	41,388	(5,846)	(5,234)
Total income from State Government		3,844,000	3,789,154	3,939,388	(54,846)	(150,234)
Surplus/(deficit) for the period		-	120,426	43,555	120,426	76,871
Total comprehensive income for the period		-	120,426	43,555	120,426	76,871

Commissioner for Equal Opportunity

Notes to the financial statements for the year ended 30 June 2019

	Variance Note	Estimate 2019 \$	Actual 2019 \$	Actual 2018 \$	Variance between estimates and actual \$	Variance between actual results for 2019 and 2018 \$
Assets						
Current assets						
Cash and cash equivalents	B	479,000	490,672	375,427	11,672	115,245
Receivables	C	39,000	32,898	68,227	(6,102)	(35,329)
Amounts receivable for services		42,000	33,000	28,000	(9,000)	5,000
Other current assets		16,000	11,764	12,630	(4,236)	(866)
Total current assets		576,000	568,334	484,284	(7,666)	84,050
Non-current assets						
Restricted cash and cash equivalents		8,000	23,000	16,000	15,000	7,000
Amounts receivable for services		459,000	449,000	438,000	(10,000)	11,000
Plant and equipment	3	14,000	55,778	71,186	41,778	(15,408)
Intangible assets		9,000	-	-	(9,000)	-
Total non-current assets		490,000	527,778	525,186	37,778	2,592
Total assets		1,066,000	1,096,112	1,009,470	30,112	86,642
Liabilities						
Current liabilities						
Payables	4,D	169,000	121,484	142,811	(47,516)	(21,327)
Provision	5,E	676,000	520,995	573,729	(155,005)	(52,734)
Total current liabilities		845,000	642,479	716,540	(202,521)	(74,061)
Non-current liabilities						
Provisions	6,F	42,000	110,527	70,250	68,527	40,277
Total non-current liabilities		42,000	110,527	70,250	68,527	40,277
Total liabilities		887,000	753,006	786,790	(133,994)	(33,784)
Net assets		179,000	343,106	222,680	164,106	120,426
Equity						
Contributed equity		604,000	604,000	604,000	-	-
Accumulated surplus/(deficit)		(425,000)	(260,894)	(381,320)	164,106	120,426
Total equity		179,000	343,106	222,680	164,106	120,426

	Variance Note	Estimate 2019 \$	Actual 2019 \$	Actual 2018 \$	Variance between estimates and actual \$	Variance between actual results for 2019 and 2018 \$
Cash flows from state government						
Service appropriation		3,739,000	3,709,000	3,826,000	(30,000)	(117,000)
Holding account drawdown		28,000	28,000	42,000	-	(14,000)
Net cash provided by State Government		3,767,000	3,737,000	3,868,000	(30,000)	(131,000)
Cash flows from operating activities						
Payments						
Employee benefits	7,G	(2,655,000)	(2,239,463)	(2,600,026)	415,537	360,563
Supplies and services	8,H	(272,000)	(588,170)	(468,837)	(316,170)	(119,333)
Accommodation		(904,000)	(963,745)	(956,000)	(59,745)	(7,745)
GST payments on purchases		(204,000)	(100,453)	(149,559)	103,547	49,106
Receipts						
Grants and subsidies		35,000	33,211	4,305	(1,789)	28,906
Receipts from services		162,000	137,266	88,979	(24,734)	48,287
GST receipts on sales		78,000	10,183	13,494	(67,817)	(3,311)
GST receipts from taxation authority		21,000	96,416	136,465	75,416	(40,049)
Net cash provided by/(used in) operating activities		(3,739,000)	(3,614,755)	(3,931,179)	124,245	316,424
Cash flows from investing activities						
Payments						
Purchase of non-current assets		(28,000)	-	(32,798)	28,000	32,798
Net cash provided by/(used in) investing activities		(28,000)	-	(32,798)	28,000	32,798
Net increase/(decrease) in cash and cash equivalents		-	122,245	(95,976)	122,245	218,221
Cash and cash equivalents at the beginning of period		487,000	391,427	487,403	(95,573)	(95,976)
Cash and cash equivalents at the end of the period	I	487,000	513,672	391,427	26,672	122,245

Major Estimate and Actual (2019) Variance Narratives

Statement of Comprehensive Income

1. Reduced due to the transfer in of leave balances for the acting Commissioner, and the salary costs in 2018 included VTSS separation payments resulting in increased employee benefits payments.
2. Increased IT consultancy costs and temporary staffing costs to back fill key staff in periods of leave.

Statement of Financial Position

3. Purchase of essential additional equipment during 2018-2019.
4. Majority of invoices related to expenses of 2018-2019 were paid within terms.
5. Provisions are aligned with actuarial assessment based on current staffing levels. The budget estimate overstated the projected expenditure in this area.
6. Provisions are aligned with actuarial assessment based on current staffing levels. The budget estimate understated the projected expenditure in this area.

Statement of Cash Flows

7. The salary costs in 2018 included VTSS separation payments resulting in increased employee benefits payments, and one employee was absent on parental leave.
8. Increased IT consultancy costs and temporary staffing costs to back fill key staff in periods of leave.

Major Actual (2019) and Comparative (2018) Variance Narratives

Statement of Comprehensive Income

- A. The salary costs in 2018 included VTSS separation payments resulting in increased employee benefits payments.

Statement of Financial Position

- B. Received cash from Acting Commissioner's former agency for transfer of leave balances in 2019.
- C. A significant amount of 2017-2018 debts recovered during 2018-2019 financial year.
- D. Majority of invoices related to expenses of 2018-2019 were paid within terms.
- E. Provisions are aligned with actuarial assessment based on reduced staffing levels.
- F. Provisions are aligned with actuarial assessment based on current staffing levels.

Statement of Cash Flows

- G. Refer to note 7.
- H. Refer to note 8.
- I. Refer to note B.

Note 32 Financial instruments

(a) Financial risk management objectives and policies

Financial instruments held by the Commission are cash and cash equivalents, restricted cash and cash equivalents, receivables and payables. The Commission has limited exposure to financial risks. The Commission's overall risk management program focuses on managing the risks identified below.

Credit risk

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

Credit risk associated with the Commission's financial assets is minimal because the main receivable is the amounts receivable for services (holding account). For receivables other than government, the Commission trades only with recognised, credit worthy third parties. The Commission has policies in place to ensure that services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an on-going basis with the result that the Commission's exposure to bad debts is minimal. Debt will be written-off against the allowance account when it is improbable or uneconomical to recover the debt. At the end of the reporting period there were no significant concentrations of credit risk.

Liquidity risk

Liquidity risk arises when the Commission is unable to meet its financial obligations as they fall due.

The Commission is exposed to liquidity risk through its trading in the normal course of business.

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

Market risk

Market risk is the risk that changes in market prices such as foreign exchange rates and interest rates will affect the Commission's income or value of its holdings of financial instruments. The Commission does not trade in foreign currency and is not materially exposed to other price risks.

(b) Categories of financial instruments

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

	2019 \$	2018 \$
Non-cancellable operating lease commitments		
<u>Financial Assets</u>		
Cash and cash equivalents	490,672	375,427
Restricted cash and cash equivalents	23,000	16,000
Receivables	-	509,614
Financial assets at amortised cost (a)	491,157	-
<u>Financial Liabilities</u>		
Payables	121,484	142,811

(a) The financial assets at amortised cost excludes GST recoverable from the ATO (statutory receivable) and includes receivables and amounts receivable for services.

(c) Financial instrument disclosures

Credit risk

Credit risk was assessed using the write offs of revenue published for the previous five reporting periods calculated as a percentage of user charges and fees for the same period. The credit risk was assessed as nil.

Liquidity risk and interest rate exposure

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

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

						Maturity dates					
	Weighted average effective interest rate %	Carrying amount \$	Fixed interest rate \$	Variable interest rate \$	Non- interest bearing \$	Nominal amount \$	Up to 1 month \$	1-3 months \$	3 months to 1 year \$	1-5 years \$	More than 5 years \$
2019											
Financial Assets											
Cash and cash equivalents		490,672	-	-	490,672	490,672	490,672	-	-	-	-
Restricted cash and cash equivalents		23,000	-	-	23,000	23,000	-	-	-	-	23,000
Receivables (a)		9,157	-	-	9,157	9,157	8,541	386	257	-	-
Amounts receivable for services		482,000	-	-	482,000	482,000	-	-	33,000	449,000	-
		1,004,829	-	-	1,004,829	1,004,829	499,186	386	33,257	449,000	23,000
Financial Liabilities											
Payables		121,484	-	-	121,484	121,484	121,484	-	-	-	-
		121,484	-	-	121,484	121,484	121,484	-	-	-	-
2018											
Financial Assets											
Cash and cash equivalents		375,427	-	-	375,427	375,427	375,427	-	-	-	-
Restricted cash and cash equivalents		16,000	-	-	16,000	16,000	-	-	-	-	16,000
Receivables (a)		43,614	-	-	43,614	43,614	41,237	678	-	1,699	-
Amounts receivable for services		466,000	-	-	466,000	466,000	-	-	28,000	438,000	-
		901,041	-	-	901,041	901,041	416,664	678	28,000	439,699	16,000
Financial Liabilities											
Payables		142,811	-	-	142,811	142,811	142,811	-	-	-	-
		142,811	-	-	142,811	142,811	142,811	-	-	-	-

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

Interest rate sensitivity analysis

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

Fair Values

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

Note 33 Remuneration of Auditor

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

	2019 \$	2018 \$
Auditing the accounts, financial statements and key performance indicators	34,650	34,138
	34,650	34,138

Note 34 Indian Ocean Territories

	2019 \$	2018 \$
Balance at the start of the period	1,347	(1,006)
Receipts	33,211	4,305
Payments	(30,779)	(1,952)
Balance at the end of period	3,779	1,347

Note 35 Supplementary financial information

Write offs

During the 2019 financial year total debt of \$609 was written off by the Commission (2018: \$NIL).

Losses through theft, defaults and other causes

No theft, defaults during the year.

Gifts of public property

No gift of public property during the year.



Key performance indicators

Certification of key performance indicators

for the year ended 30 June 2019

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 2019.

A handwritten signature in black ink that reads "John Byrne". The signature is written in a cursive style.

John Byrne
Acting Commissioner for Equal Opportunity

24 September 2019

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 2018-19 Budget Papers, Vol 1, Division 8, part 11.

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 undertakes a range of community education and training programs, as well as social media and an e-newsletter, to raise awareness and promote equality of opportunity. The effectiveness of this program is measured by a survey of community awareness which is undertaken on a triennial basis.

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

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

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

Table 1
Awareness of the *Equal Opportunity Act 1984*
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 wave: It commenced in 1997 and most recently conducted in May 2018.

In 2018 Patterson Research Group (PRG) was engaged by the Equal Opportunity Commission to undertake a survey across Western Australia to assess public levels of awareness and views of the Act and its provisions, as well as levels of community concern for equal opportunity and human rights issues.

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

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

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

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

Previous surveys in the period 1997 to 2015 were conducted by a telephone survey of a random sample of the adult population. In total 400 respondents were then interviewed, with 300 from the Perth 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	Perth	Whole of WA	Perth	Whole of WA	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%).

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

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

Outcome 2: 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 78.7% were finalised in six (6) months, 97.7% in 12 months.

This represents a decrease of 6% of complaints finalised in six (6) months compared to the previous financial year and below the budget target of 85%. Those completed within 12 months is only marginally less than the previous year and exceeds the target figure by 7.7%. The average time taken to finalise complaints was 4.1 months.

Complaints are now taking longer to close before the six-month timeframe mainly due to a 11% reduction in the number of conciliation staff which came into full effect in this period. Staff however have strived to complete in as timely manner as possible as shown by the average figure.

Table 3
Percentage of complaints finalised within six and 12 months
2015-16 to 2018-19

Percentage of complaints finalised within:	2015-16 %	2016-17 %	2017-18 %	2018-19 Budget Target %	2018-19 Actual %
Six months	97.5	89.6	84.7	85	78.7
12 months	100	99.7	98.5	90	97.7

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. 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 2019, was 667.5 hours which is lower than the previous year's total of 774 hours. The total cost of providing fee-for-service training however was also lower at \$448,273 compared with \$534,872 in the previous year.

There was a slight reduction of \$19.00 in the average hourly cost of training courses between 2018-19 and 2017-18.

The variation from the budget target of \$1,100 for the hourly cost of developing and delivering training was due to further revision of the methodology in the way hours are recorded. In addition to including travel and time for co-trainers the hours undertaken in non-presentation time to develop new courses, or tailor courses to meet the specific training needs of public, private and not for profit organisations was standardised and properly accounts for all pre-delivery work. The input of each staff member in fee for service training was also recalibrated to make costings associated in delivering training courses more accurate.

Table 4
Average hourly cost of development and delivery of training courses
2015-16 to 2018-19

	2015-16 \$	2016-17 \$	2017-18 \$	2018-19 Budget Target \$	2018-19 Actual \$
Average hourly cost of development and delivery of training courses	1,113	1,057	691	1,100	672

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 lodged by members of the community. It is based on the total number of complaints handled, including those closed and those still under investigation in the financial year. Details of this process can be found in the Report on Operations chapter of this report.

As at 30 June 2019, 652 complaints were handled in 12 months a number almost identical to the 647 complaints handled in 2017-18. The total staff cost of handling complaints in 2018-19 was \$1,495,672, a slight increase on the \$1,449,915 in the previous financial year. This increase was due to a recalibration of the input of each staff member associated with complaint handling to improve relevant costings.

The 15% variation between the cost of complaints handled and the budget target was due to the budgeted target being retained as per forward estimates, however the cost outcome for each complaint handled is similar to the previous year.

The average cost of complaints handled in 2018-19 was \$2,294, comparable to the previous year's cost of \$2,241.

Table 5
Average cost per complaint handled
2015-16 to 2018-19

	2015-16 \$	2016-17 \$	2017-18 \$	2018-19 Budget Target \$	2018-19 Actual \$
Average cost per complaint handled	3,251	2,869	2,241	2,700	2,294



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 is still in progress. Work is expected to continue into the 2019-20 financial year.

Information and communication technologies

The Commission is continuing to migrate 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 2019

	Number of staff (FTE)	
	2018-19	2017-18
Full-time permanent	16	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	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:

- Firewarden training
- Chief Finance Officer Forum
- Law Society of WA. Advocacy training workshop
- Aurion training - Aurion payroll efficiency workshop
- Managing Challenging Behaviours Workshop conducted by Brain Ambulance
- Keeping sane in a busy workplace by Brain Ambulance
- Parliamentary seminar
- Randstad - Cultural intelligence & diversity workshop
- MS Excel Intermediate
- Confidence and Influence in the Workplace
- Enquiry HPECM Training
- Contract Management Awareness session

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.

	2018-19
Aggregate amount of personal use expenditure for the reporting period	\$181.55
Aggregate amount of personal use expenditure settled by the due date (within 5 working days)	\$181.55
Aggregate amount of personal use expenditure settled by the due date (after 5 working days)	n/a
Aggregate amount of personal use expenditure outstanding at balance date	n/a

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 2018-19 was \$2,196.34
Expenditure was incurred in the following areas.

	2018-19
Advertising agencies	Nil
Market research organisation	Nil
Polling organisation	
• Survey Monkey	\$763.64
Direct mail organisation	
• Mail Chimp	\$849.20
Media advertising organisations	
• West Regional Newspaper	\$247.50
• Cocos (K) Islands Community Resource Centre	\$336.00
Total (ex gst)	\$2,196.34

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 2018-19 the Commission reviewed and endorsed the following policies and plans:

- Style Guide - 2018
- Security Procedures Policy
- ICT Acceptable Use Policy

Recordkeeping plan

[Evaluation of the efficiency and effectiveness of recordkeeping systems](#)

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

The Commission continued work on the retention and disposal of Commission's records as a priority to move old records to offsite storage. The Commission's Retention and Disposal Plan has had some minor amendments that were submitted to the State Records Officer for review and approval.

[Nature and extent of recordkeeping training program](#)

The Commission has continued its individual and group records awareness and recordkeeping process training for all staff ensuring that employees are aware of their responsibilities and how to use the electronic records management system (HPE Content Manager).

Review of efficiency and effectiveness of recordkeeping training program

In 2018-19 the Commission conducted additional training for employees regarding individual recordkeeping and responsibilities to increase utilisation of the electronic system and to ensure standardisation 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 guide.

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:

- Continued to revise its substantive equality implementation plan
- 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 Commission aims to make information available promptly and at the least possible cost. Whenever possible documents will be provided outside the FOI process.

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

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

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

Applications	2018-19
Received during the year	3
Finalised during the year	3
Average time to finalise in days	7

Occupational safety and health (OSH)

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 two elected OSH representatives who conduct regular office inspections, and during these inspections consult staff and seek feedback on workstation and work related ergonomic and other OSH issues. Any urgent issues are documented and submitted for action.

In the 2018-19 no high-risk issues were identified. Routine low risk issues were dealt with such as ensuring items such as chairs were properly stacked and stored safely and slip risks removed from floors. The OSH representatives take responsibility for conducting the OSH component during the induction of new staff.

An 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 2019-20 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 quarterly to corporate executive

- Accidents are recorded in the accident report register either by the injured party, the first aider or an OSH representative
- If an injury requires any treatment it is reported to the OSH representative and the manager commission support.

The following table provides actual results for the 2018-19 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
	2018-19	2017-18	
Number of fatalities	0	0	0
Lost time injury and/or disease incidence rate	0	0	0
Lost time injury and/or disease severity rate	0	0	0
Percentage of injured workers returned to work:			
(i) Within 13 weeks	0	0	0
(ii) Within 26 weeks	0	0	0
Percentage of managers trained in occupational safety, health and injury management responsibilities	0	0	0*

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

Appendices

Appendix A: enquiry and complaint tables

Table 1: Enquiries received by ground

	2018-19	%	2017-18	%
Age	74	5.5	90	5.8
Breastfeeding	8	0.6	3	0.2
Bullying	42	3.1	50	3.2
Family responsibility	39	2.9	43	2.8
Family status	16	1.2	22	1.4
Gender history	4	0.3	4	0.3
Gender identity	9	0.7	17	1.1
Impairment	291	21.6	310	20.1
Marital status	4	0.3	8	0.5
Political conviction	3	0.2	4	0.3
Pregnancy	36	2.7	38	2.5
Publication of name in fines enforcement registry	1	0.1	4	0.3
Race	172	12.8	226	14.6
Racial harassment	11	0.8	11	0.8
Racial vilification	10	0.7	11	0.7
Religious conviction	26	1.9	17	1.1
Religious vilification	1	0.1	3	0.2
Sex	55	4.1	77	5.0
Sexual harassment	66	4.9	73	4.7
Sexual orientation	12	0.9	20	1.3
Spent conviction	15	1.1	9	0.6
Victimisation PID	1	0.1	5	0.3
All grounds	85	6.3	128	8.3
Other	81	6.0	90	5.8
Not applicable	283	21.0	283	18.3
Total	1345	100	1546	100

Table 2: Enquiries received by area

	2018-19	%	2017-18	%
Access to places and vehicles	23	1.7	34	2.2
Accommodation	63	4.7	70	4.5
Clubs	8	0.6	30	1.9
Education	94	7.0	81	5.2
Employment	613	45.6	743	48.1
Goods, services and facilities	191	14.2	228	14.7
Land	2	0.1	1	0.1
Public place	5	0.4	5	0.3
Sport	8	0.6	12	0.8
All areas	65	4.8	108	7.0
Other	50	3.7	39	2.5
Not applicable	223	16.6	195	12.6
Total	1345	100	1546	100

About the complainant

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

In which country where you born?

Table 3: Birthplace of complainant

	2018-19	%	2017-18	%
Born in Australia	281	59.2	297	62.9
Born outside Australia	171	36.0	159	33.7
No survey returned/unspecified	23	4.8	16	3.4
Total	475	100	472	100

What is the main language spoken at home?

Table 4: Language of complainant

	2018-19	%	2017-18	%
Other	50	10.5	40	8.5
English	404	85.1	418	88.6
No survey returned/unspecified	21	4.4	14	3.0
Total	475	100	472	100

Do you consider yourself to have an ethnic background?

Table 5 Ethnic background of complainant

	2018-19	%	2017-18	%
Yes	116	24.4	138	29.2
No	337	70.9	319	67.6
No survey returned/unspecified	22	4.6	15	3.2
Total	475	100	472	100

Which of the following age group do you belong?

Table 6: Age of complainant

	2018-19	%	2017-18	%
0 – 12	3	0.6	6	1.3
13 – 17	17	3.6	19	4.0
18 – 24	41	8.6	42	8.9
25 – 34	85	17.9	109	23.1
35 – 44	123	25.9	116	24.6
45 – 54	118	24.8	90	19.1
55 – 64	42	8.8	56	11.9
65 – 74	16	3.4	11	2.3
75+	3	0.6	8	1.7
No survey returned/unspecified	27	5.7	15	3.2
Total	475	100	472	100

Which of the following best describes you currently?

Table 7: Work status of complainant

	2018-19	%	2017-18	%
Homemaker	13	2.7	20	4.2
In paid employment	178	37.5	176	37.3
Looking for work	129	27.2	120	25.4
Pensioner	44	9.3	46	9.7
Retired	9	1.9	7	1.5
Student	57	12.0	61	12.9
No survey returned/unspecified	45	9.5	42	8.9
Total	475	100	472	100

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

Table 8: Disability of complainant

	2018-19	%	2017-18	%
Yes	133	28.0	148	31.4
No	305	64.2	297	62.9
No survey returned/unspecified	37	7.8	27	5.8
Total	475	100	472	100

Table 9: Complainant residence

	2018-19	%	2017-18	%
Metropolitan	349	73.5	380	80.5
Non-metropolitan	91	19.2	83	17.6
Other state/overseas	26	5.4	7	1.5
Not specified	9	1.9	2	0.4
Total	475	100	472	100

Table 10: Complainant represented

	2018-19	%	2017-18	%
Advocacy group	14	2.9	24	5.1
Community legal centre	16	3.4	33	7.0
Family member or friend	71	14.9	26	5.5
Privately funded solicitor	11	2.3	26	5.5
Professional association	0	0	0	0
Trade union	15	3.2	6	1.3
Not represented	348	73.3	357	75.6
Total	475	100	472	100

About the complaint

Table 11: How complainants lodged their complaints

	2018-19	%	2017-18	%
Email	63	13.3	123	26.1
Fax	2	0.4	0	0
Hand	21	4.4	31	6.6
Post	45	9.5	66	14.0
Web	344	72.4	252	53.4
Total	475	100	472	100

Table 12: Complaints received by ground

	2018-19	%	2017-18	%
Age	33	6.9	38	8.1
Breastfeeding	3	0.6	1	0.2
Family responsibility	27	5.7	17	3.6
Family status	8	1.7	6	1.3
Gender history	1	0.2	2	0.4
Impairment	107	22.5	125	26.5
Marital status	4	0.8	5	1.1
Political conviction	5	1.1	2	0.4
Pregnancy	9	1.9	22	4.7
Publication of name in fines enforcement registry website	1	0.2	1	0.2
Race	86	18.1	87	18.4
Racial harassment	14	2.9	14	3.0
Religious conviction	13	2.7	9	1.9
Sex	39	8.2	34	7.2
Sexual harassment	61	12.8	48	10.2
Sexual orientation	5	1.1	11	2.3
Spent conviction	3	0.6	2	0.4
Victimisation	54	11.4	41	8.7
Victimisation PID	2	0.4	7	1.5
Total	475	100	472	100

Table 13: Impairment complaints received - disability of complainant

	2018-19	%	2017-18	%
Blind and vision impairment	2	1.9	3	2.4
Deaf and hearing impairment	0	0	4	3.2
HIV or other organisms	2	1.9	0	0
Imputed impairment	2	1.9	6	4.8
Intellectual disability	7	6.5	8	6.4
Mental health/psychosocial	40	37.4	49	39.2
Physical disability	52	48.6	51	40.8
Not specified	2	1.9	4	3.2
Total	107	100	125	100

Table 14: Complaints received by area

	2018-19	%	2017-18	%
Access to places and vehicles	20	4.2	20	4.2
Accommodation	19	4.0	37	7.8
Clubs	4	0.8	7	1.5
Education	30	6.3	26	5.5
Employment	310	65.3	264	55.9
Goods, services and facilities	88	18.5	115	24.4
Sport	2	0.4	1	0.2
Victimisation	2	0.4	0	0.0
Not specified	0	0	2	0.4
Total	475	100	472	100

Table 15: Employment complaints received - employment status of complainant

	2018-19	%	2017-18	%
Casual	31	10.0	53	20.1
Fixed term contract	24	7.7	29	11.0
Full-time	118	38.1	72	27.3
Part-time	24	7.7	12	4.5
Permanent	14	4.5	8	3.0
Unemployed	60	19.4	19	7.2
Other	1	0.3	1	0.4
Not specified	38	12.2	70	26.5
Total	310	100	264	100

About the respondents

Table 16: Respondent industry

	2018 -19	%	2017 -18	%
Accommodation & food services	52	10.9	41	8.7
Administrative and support services	20	4.2	13	2.8
Agriculture, forestry & fishing	5	1.1	3	0.6
Arts & recreation services	24	5.1	44	9.3
Construction	8	1.7	7	1.5
Education & training:				
Tertiary education	23	4.8	24	5.1
School education	24	5.1	17	3.6
Adult, community and other education	9	1.9	4	0.8
Electricity, gas, water & waste services	6	1.3	2	0.4
Financial and insurance services	17	3.6	5	1.1
Health care and social assistance	73	15.4	79	16.7
Information media & telecommunications	9	1.9	0	0
Manufacturing	7	1.5	2	0.4
Mining	21	4.4	16	3.4
Professional, scientific & technical services	15	3.2	15	3.2
Public administration and safety	34	7.2	37	7.8
Correctional and detention services	12	2.5	17	3.6
Police services	8	1.7	16	3.4
Rental, hiring & real estate services	25	5.3	50	10.6
Retail trade	45	9.5	48	10.2
Transport, postal & warehousing	23	4.8	19	4.0
Wholesale trade	6	1.3	5	1.1
Other services	9	1.9	7	1.5
Not specified	0	0	1	0.2
Total	475	100	472	100

Table 17: Respondent identity

	2018 -19	%	2017 -18	%
Club	13	2.7	8	1.7
Non-government organisation	39	8.3	48	10.1
Private enterprise	280	58.9	239	50.6
State government department/agency/authority/local	137	28.8	177	37.5
Trade union	3	0.6	0	0
Other	3	0.6	0	0
Total	475	100	472	100

Table 18: Size of organisation

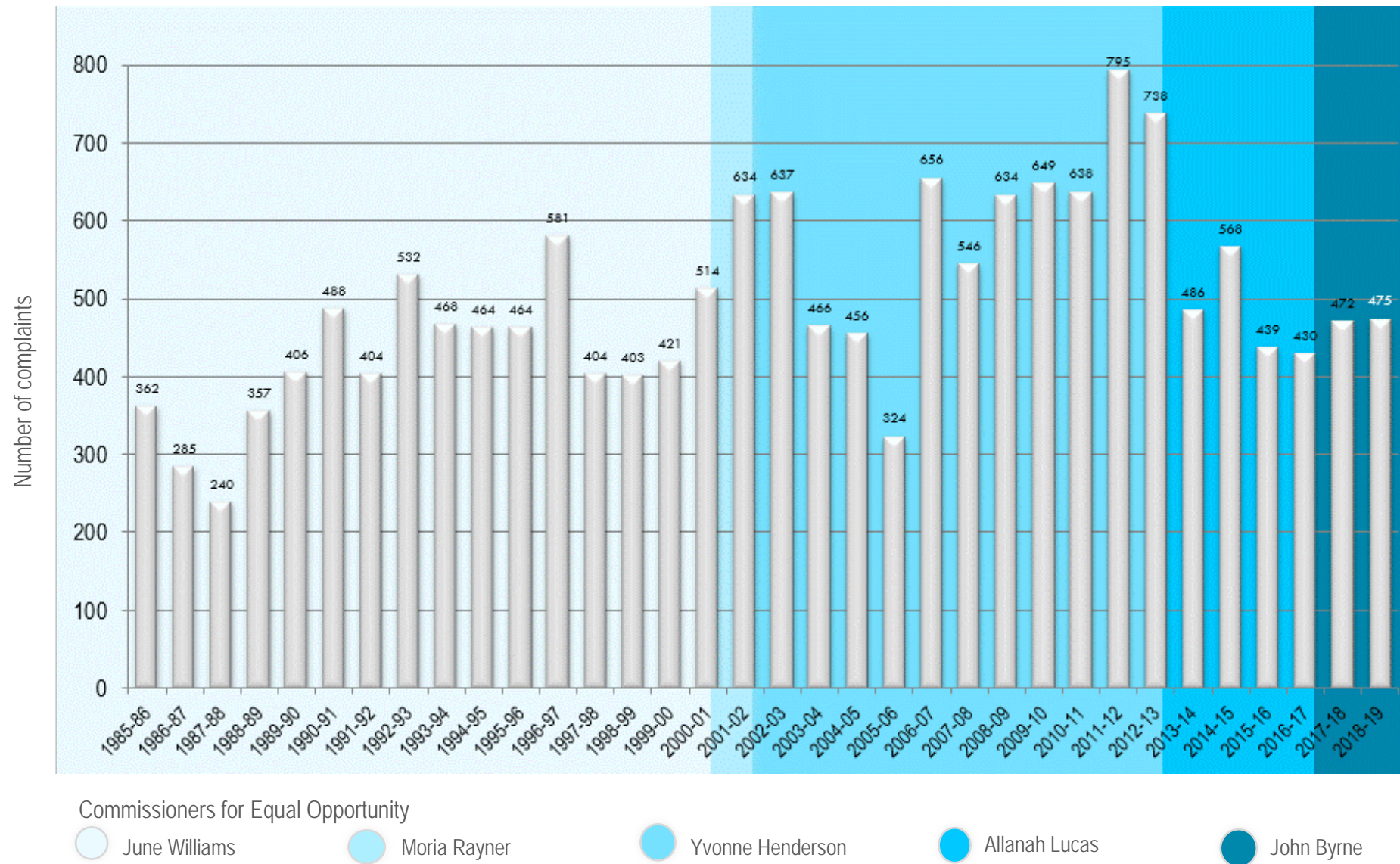
	2018- 19	%	2017 -18	%
Less than 5	15	0.4	8	0.4
5 - 19	16	4.7	24	4.7
20 - 99	102	15.4	72	15.4
100 - 499	88	13.2	49	13.2
500+	182	41.4	213	41.4
Not specified	72	24.9	106	24.9
Total	475	100	472	100

How complaints were handled

Table 19: Outcome of complaints closed

	2018 -19	%	2017 -18	%
Conciliated	112	23.2	139	29.6
Dismissed	131	27.1	121	25.7
Lapsed	100	20.7	86	18.3
Withdrawn	128	26.5	114	24.3
Referred to Tribunal by Commissioner	12	2.5	10	2.1
Total	483	100	470	100

Appendix B: complaints received from 1985 to 2019



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 2018-19 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 2018-19 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

TTY Number: 9216 3936

Facsimile: 9216 3960

You can also email us:

Electronic access

Internet: www.eoc.wa.gov.au

Email: eoc@eoc.wa.gov.au



@EOCWA

Or drop into our office at:

Street address

Level 2
141 St Georges Terrace
Westralia Square
PERTH WA 6000

Postal address

PO Box 7370
Cloisters Square
PERTH WA 6850