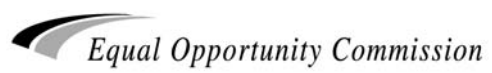


ANNUAL REPORT
2005 - 2006



ABOUT THIS REPORT

This report aims to provide an overview of our activities during 2005/06. The first chapter provides the Commissioner's overview. Details on the Commission's education and policy initiatives and services undertaken in 2005/06 are provided in the second chapter. Statistical information and analysis of trends relating to enquiries and complaints are in the third chapter. The fourth chapter outlines the operation of the Substantive Equality Unit and the fifth chapter outlines the progress of the Commission's special project. Compliance with legislation and corporate governance are outlined in the sixth chapter. Details on the Commission's Performance Indicators are provided in the seventh chapter and Financial Statements in the eighth chapter. The Commission's contribution towards the State Government's Strategic Planning Framework is contained in the final chapter. A selection of case summaries can be found throughout the Community Education and Conciliation Chapters of the Report. Other case summaries grouped in Appendix A.

This Report is available from the publication's section of the Commission's web page located at www.eoc.wa.gov.au. Printed copies may be requested from the Commission.

FEEDBACK

As the Commission is constantly striving to improve its services, any comments, observations or queries relating to the contents of this Annual Report will be appreciated.

To provide feedback on the effectiveness of the Commission's 2005/06 Annual Report, please refer to the Feedback Form in Appendix B at the end of this Report.

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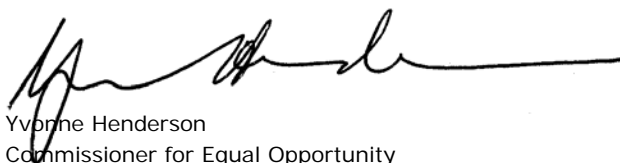
Statement of Compliance

TO THE HON JIM MCGINTY,
ATTORNEY GENERAL

I have pleasure in submitting this Annual Report for the year ended June 30, 2006, for your information and presentation to Parliament.

This report has been prepared in accordance with Section 62 of the *Financial Administration and Audit Act 1985*, section 95 of the *Equal Opportunity Act 1984*, and Section 31 of the *Public Sector Management Act 1994*.

I draw your attention to my overview that describes achievements for this financial period.



Yvonne Henderson
Commissioner for Equal Opportunity

July 31, 2006

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Commissioner's Overview

1.1 The year in review

In the 21st year of the Commission's work significant changes in the Equal Opportunity Commission's focus, flagged in last year's Annual Report, have taken shape.

The Substantive Equality Unit's first complete year of operation is now bearing fruit. By the close of the 2005/06 financial year, 21 participating departments had confirmed services areas and the Unit was helping review applicable policies, practices and procedures in relation to Substantive Equality.

A public review of the *Equal Opportunity Act 1984* closed in late May 2006, generating several hundred responses. The themes of the submissions are now being analysed and a report is expected to be completed by late 2006.

The Commission's training section continues to receive large numbers of requests for training, both general and customised.

A joint statement released by the Commission and the Department of Housing and Works foreshadows groundbreaking initiatives that will be undertaken over the coming year in implementing the recommendations of the *Finding a Place: An Inquiry into the Existence of Discriminatory Practices in relation to the Provision of Public Housing and Related Services to Aboriginal People in Western Australia*.

The Commission has streamlined the handling of discrimination and harassment complaints by bringing the parties to conciliation conferences at an early date. This model has replaced the previous emphasis on gathering evidence from the parties over an extended period. Additionally the skills of the conciliation staff are being upgraded through external training and accreditation.

After an extensive two year period of community consultation draft legislation to include a new ground of racial vilification is now ready to go to Parliament.

The Commission continues its participation in a broad range of community activities relating to discrimination and harassment including Survival Day 2006, the Disability First Stop Expo and forums on the implications of an ageing community, women working in male-dominated industries, bridging the gap between human rights and fighting terrorism, and debate surrounding the operation of single sex clubs.

These projects demonstrate the commitment of the Commission to work across Government and the Western Australian community and help remove systemic and covert discrimination where it exists. The Commission is heartened by the energy and enthusiasm it has encountered in its work with other agencies and believes this proactive approach complements the traditional individual complaint, training and education focus of the Commission.

1.1.1 Enquiries

The Commission receives public enquiries by telephone or in person during week days from 9am to 4pm. Written enquiries, including email, are also received.

The Commission responded to 3458 enquiries from the public during the 2005/06 year.

Of these enquiries 2530 (73.2%) were received by telephone, 605 (17.5%) were written enquiries, 124 (3.6%) were made by email and the balance, 199 (5.8%), were made by people visiting the Commission.

1.1.2 Complaint handling

The Commission's officers closed 504 complaints in the 2005/06 year compared to 441 complaints the previous financial year.

Of the 504 complaints closed in 2005/06, 35.1% were closed within six months and 72.4% within 12 months, a considerable improvement on previous years.

1.1.3 Education and training

During the 2005/06 financial year the Commission held 258 educational sessions and this represents a 7% increase compared to the previous year. This is a notable achievement given the Commission was one trainer short for the second half of the 2005/06 financial year.

Revenue generated by the Commission's training courses increased 61.8% between 2003/04 and 2005/06.

The Commission produced a number of brochures on various grounds of the Act in a range of languages, with this information now included on the Commission's new look website, launched in early 2005/06.

The Commission's website now includes sections on the Substantive Equality Unit and the Housing inquiry (*Finding a Place*). The website recorded a 13.2% increase in hits this financial year, and is undergoing a process of continuous improvement.

1.1.4 Legal assistance

The number of matters settled in the State Administrative Tribunal (SAT) with the assistance of a legal officer has remained fairly constant over the past three financial years, with 40 settled in 2003/04, 44 in 2004/05 and 41 this financial year.

Private law firms continue to provide pro bono legal advice and representation to a number of complainants under an arrangement between the Commissioner and participating legal firms. with special mention made of solicitors at Minter Ellison Lawyers. The assistance provided by these firms helped reduce the Tribunal related workload on the Commission's Legal Officers and this arrangement will remain in place on an 'as needs' basis.

1.1.5 Substantive Equality Unit

The Substantive Equality Unit now supports 23 departments and the Equal Opportunity Commission as they implement the *Policy Framework for Substantive Equality*. Over 240 briefing sessions were held across the Western Australian public sector this financial year, including specialist sessions for all staff involved in the implementation process.

Substantive equality recognises that some Western Australians continue to receive services which are not always appropriate to their needs, often because of unintended effects of policies, practices and procedures.

Substantive Equality at the EOC

Commission staff were provided with an overview of the Substantive Equality Unit, its aims and objectives, early in the new financial year. A senior staff member was appointed to oversee the Commission's implementation of substantive equality in the two divisional areas of Conciliation and Policy & Evaluation.

Special project: Finding a Place Inquiry

In March 2006 the Commission and the Department of Housing and Works finalised an action plan that grouped the 165 recommendations of the *Finding a Place* inquiry into three themes - promote, review and manage. In June the Commission and the department released a [joint statement](#) addressing indirect discrimination and strategies to improve housing services for Aboriginal and Torres Strait Islander people.

1.1.7 Australian Council of Human Rights Agencies (ACHRA)

The Commissioner is a member of ACHRA, a national human rights body which meets regularly to discuss current human rights issues. ACHRA made public statements on a number of issues including gay marriage, proposed anti-terrorism laws and pending industrial laws.

1.2 Achievements

- ✎ The Substantive Equality Unit completed its first year of operation. During this time it made significant advancements in its key objective, which is to promote Substantive Equality principles within the Western Australian public sector.
- ✎ The Commission streamlined conciliation of complaints of discrimination and harassment, to facilitate the quicker resolution of complaints. This will help ensure the Commission continues to provide a flexible and responsive conciliation service to the people of Western Australia.
- ✎ There was a significant increase in the revenue generated by the Commission's training programs. This revenue will be directed towards promoting the principles of equal opportunity throughout Western Australia.
- ✎ The new-look Equal Opportunity Commission website was launched early in the 2005/06 financial year and includes a new section providing information in a number of languages.

- ☛ The Commissioner accepted 27 public speaking engagements during the 2005/06 year. These included addressing the 8th Global Conference on Ageing; the Karrakatta Club; a Women in Property seminar; the launch of a report on discrimination against young gay people; a conference for women union delegates; the National Native Title Tribunal on Harmony Day; a Women in sport administration seminar; an Employment Law conference; A Work-Life Balance conference and a seminar on the need for a Human Rights Act.

1.3 Future directions

- ☛ The Commission will focus its marketing and promotional activities into targeted areas to reflect complaints received, enhance the range of courses to include train the trainer in the delivery of equal opportunity law sessions.
- ☛ The Commission will expand its fee-for-service programs into regional areas and re-focus the outreach program to include advocacy training for Aboriginal groups in the metropolitan area.
- ☛ The Commission intends to establish reference groups to help guide its rights-based training programs.

1.4 New challenges

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

Key areas of concern are:

- ☛ women continue to experience difficulties accessing maternity leave and negotiating a return to a position comparable with the one occupied prior to leave
- ☛ the need for flexible work arrangements to enable female and male workers to balance their family responsibilities and their work is a major challenge; and
- ☛ the inability of the Commission to respond to complaints of harassment by bullying, particularly in the workplace.

1.5 Financial overview

The total cost of the Commission's services increased 10% during the financial year, an increase from \$2,666,409 in 2004/05 to \$2,940,607 in 2005/06. This variation was primarily due to salary-related and operational expenses associated with the full staffing of the Substantive Equality Unit and associated costs of this unit's activities.

Commission's total revenues from ordinary activities increased by \$29,000 during the 2005/06 financial year. This resulted from increased revenues associated with fee-for-service training sessions and grants from the Commonwealth Department of Transport and Regional Services for the delivery of services to the Indian Ocean Territories.

For full details refer to the 2005/06 Financial Statements contained in the Corporate Governance and Compliance chapter of this Report.

1.6 About the Commission

1.6.1 Our vision

The Equal Opportunity Commission aims to ensure Western Australia, as part of the international community, becomes a more just and equitable society, by advancing human rights and not tolerating discrimination.

1.6.2 Strategic directions

The Equal Opportunity Commission's Strategic Directions for 2005-2006 are to:

- ☞ *develop and deliver a whole of Commission approach to Aboriginal and Torres Strait Islander people*
- ☞ *involve and engage non-government, government and business communities in the development of a human rights culture*
- ☞ *improve awareness and understanding of the role and function of the Equal Opportunity Commission*
- ☞ *use the Act proactively; and*
- ☞ *improve the way the Commission works.*

1.6.3 Our role and functions

The Commission's main role and functions are to:

- ☞ *promote recognition, awareness and acceptance of the principles of equal opportunity through a broad range of diverse activities including publications, education initiatives, training courses and events; and*
- ☞ *provide accessible avenues of redress for unlawful discriminatory practices, policies and behaviour through handling complaints.*

1.6.4 Outcomes

The Commission's two outcomes are the provision of:

1. information and advice; and
2. provide an avenue of redress where discrimination has occurred.

The Commission achieved the first outcome through the following:

1. rights-based education
2. fee-for-service training
3. answering enquiries
4. strategic policy advice
5. review of legislation, evaluation and investigation
6. publications
7. holding public forums and other information sessions
8. addressing community groups, conferences, seminars etc; and
9. up-to-date and easily accessible information on the web page.

The Commission achieved its second outcome through the following:

- ☛ investigation of complaints
- ☛ complaint handling and resolution; and
- ☛ provision of legal advice and assistance.

Community Education

2.1 Promote recognition, awareness and acceptance

The Equal Opportunity Commission continued to promote the objects of the *Equal Opportunity Act 1984* and enhance community awareness through a range of education initiatives and strategies. These strategies included:

- ☛ *delivering talks, information and training sessions throughout Western Australia including the presentation of papers and workshops at major conferences*
- ☛ *helping employer organisations with pro-active, preventative strategies to meet their policy objectives regarding equal opportunity law; and*
- ☛ *developing specialised educational materials and publications to support community education initiatives.*

During 2005/06 the Commission conducted 258 education and training sessions, guest speaker engagements and outreach programs. This represents a 7% increase from the previous year, a considerable achievement given the Commission was one trainer short for the second half of the 2005/06 financial year. Commission staff also visited Christmas Island in November 2005 and held a number of customised training courses, continuing the service delivery arrangement between the State and Commonwealth Governments.

Table 1
Education sessions
2003/04 to 2005/06

Description	2003/04	2004/05	2005/06
Calendar series of courses	17	27	21
Customised courses	48	123	135
Presentations	37	57	55
Guest Speaker	26	17	27
Community Worker Forums	1	9	1
Outreach	33	8	19
Total	162	241	258

Table 1 provides details of education sessions provided by the Commission.

Of the 19 outreach programs provided during 2005/06, six were conducted on Christmas Island, four in Kalgoorlie, seven in Kununurra and two in Wyndham.

Information is gathered from training session participants to evaluate the effectiveness of the training sessions. Of the 1658 participants who completed post-training questionnaires in 2005/06, 1626 (98.1%) stated they would be able to use what they had learnt, at work or in their daily lives, and 1603 (96.6%) would recommend the Commission's training courses to others.

COMPLAINT SUMMARY

Conciliated

Sexual harassment in the area of employment

A young woman was employed as a waiter in a café. On a number of occasions the proprietor made comments about the attractiveness of the woman's bottom. These comments culminated in an incident where the proprietor asked the woman if she "would like to feel something" and he then allegedly moved behind her, grabbed her hips and started rubbing his crotch against her bottom and slid his hand down the front of her trousers and between her legs.

She struggled and turned in an attempt to move into a public area but he restrained her and continued to rub up against her hips until she broke free.

The complainant alleged sexual harassment in the area of employment, and the matter was resolved when the respondent made an ex-gratia payment of \$3,500 to the complainant.

2.2 Training programs for employers and service providers

Training programs for small and large organisations and business and service providers were conducted on a fee-for-service basis. Such training included:

- ☛ responding to requests for customised training within individual workplaces and developing courses to meet specific organisational requirements
- ☛ delivering a calendar of training courses for employers and service providers to increase awareness of equal opportunity law, vicarious liability and identifying discriminatory behaviour, policies and procedures
- ☛ helping employers, equity and human resource practitioners to develop workplace cultures that prevent discrimination, harassment and victimisation
- ☛ helping to facilitate the integration of equal opportunity principles into organisational programs, policies, procedures and planning
- ☛ helping employers deal with enquiries and complaints within their organisation through contact, equity or grievance officer training
- ☛ preparing summary reports of training evaluations to measure the effectiveness of training, its content, learning methodology and facilitation style; and
- ☛ constantly revising and updating all courses to meet the changing needs of clients.

Revenue generated by training has significantly increased over the past three years, from \$127,364 in 2003/04 to \$206,084 in 2005/06.

The training revenue increased 38.3% between 2003/04 and 2004/05 and another 17% between 2004/05 and 2005/06. The lower (17%) revenue increase between 2004/05 and 2005/06, while still significant, can be accounted for because the Community Education section was one trainer short for the second half of the 2005/06 financial year.

2.2.1 Customised and specialist training

To ensure an organisation's training program is developed appropriately and effectively, the Commission expects organisations to complete some essential preparatory work prior to training being confirmed.

Organisations are required to have an up-to-date equal opportunity policy and grievance procedures so that:

- ☛ the trainer can direct any employee enquiries and complaints that may result from the training session to the organisation's internal procedures, should the employee choose this option; and
- ☛ contact officers, grievance officers, managers and supervisors who have a role to play in handling complaints will feel confident that equal opportunity enquiries will be handled in a fair, sensitive, prompt and confidential manner, free from victimisation.

The Commission's officers provide informal comment and suggestions on organisations' policies and procedures to ensure they are up-to-date and conform with the requirements of equal opportunity law.

The number of customised training sessions held by the Commission continues its upward trend, but at a lower rate than previously. The Commission held 48 customised training sessions in 2003/04, 123 in 2004/05 and 135 in 2005/06. The lower increase in 2005/06 is accounted for by the fact the Commission was one trainer short during the second half of the 2005/06 financial year, reducing the number of courses that could be provided.

However the number of customised training participants more than doubled between 2003/04 and 2005/06. In the 2003/04 financial year the Commission's customised courses attracted 868 participants, with 2247 participants in 2004/05 and 1971 in 2005/06.

The course *Equal Opportunity Law – An Introduction* was the most popular of the customised or externally offered courses, with 1365 participants attending 99 sessions. The second most popular customised course was *Equal Opportunity Law and the Role of the Manager/Supervisor*, with 177 participants attending 13 sessions.

The Commission delivered customised training to a wide range of organisations. Some of these included:

- ☛ *Austral Bricks*
- ☛ *Australian Hotels Association*
- ☛ *City of Stirling*
- ☛ *Corruption and Crime Commission*
- ☛ *Department of Justice*
- ☛ *Department of Corrective Services*
- ☛ *Department of Racing, Gaming and Liquor*
- ☛ *Electrical Group Training*
- ☛ *Football West*
- ☛ *Hamilton Senior High School*
- ☛ *Healthway*
- ☛ *Mirrabooka Education Support Centre*
- ☛ *Murdoch University*
- ☛ *Newmont Australia*
- ☛ *Newmont Waihi (New Zealand)*
- ☛ *Penrhos College*
- ☛ *Shire of Augusta-Margaret River*
- ☛ *St John of God Hospital*
- ☛ *Swan Education District*
- ☛ *Unions WA*
- ☛ *University of Notre Dame Australia; and*
- ☛ *West Coast College of TAFE.*

COMPLAINT SUMMARY

Conciliated

Sex and pregnancy discrimination in the area of goods, services and facilities

A woman contacted a bank's call-centre to apply for a housing loan. She advised the officer she was currently on fully paid maternity leave but would soon return to work on a full-time basis.

The complainant was told by both the officer at the call centre and a branch loans officer, that the bank had a policy of not lending money to people on maternity leave – whether it be paid or unpaid maternity leave.

In its response to the Commission the bank advised that the information provided to the complainant when she applied for the loan was inaccurate, and the bank does consider income from paid leave for assessment purposes.

The complaint was resolved when the bank agreed to refinance the woman's loan and compensated her for her out-of-pocket expenses incurred in relation to her complaint.

COMPLAINT SUMMARY

Dismissed

Impairment discrimination in the area of employment

A man alleged he was discriminated against because his hours of employment were reduced from full to part-time because of a work related injury.

An investigation by the Commission found the complainant had received an out-of-court settlement for his injury, based in part on a report supplied by the complainant's GP that indicated he was only fit for part-time duties as longer shifts could exacerbate his condition.

The then GP provided the complainant with a medical certificate stating he was now capable of resuming full-time duties.

The respondent sought clarification of the complainant's medical condition and asked him to attend an independent Occupational Physician. The complainant refused, relying on the medical certificate that stated he was capable of full-time duties.

The respondent denied discriminating against the person based on his medical condition and advised the Commission they were acting on medical advice.

The Commissioner dismissed the complaint as lacking in substance.

Feedback obtained from the training evaluation surveys completed at the end of training sessions indicates the Commission's programs were well received by participants and provided practical strategies for dealing with issues of discrimination in the workplace.

Some comments from these participants are reproduced below.

- ☞ Very good!! Straight forward and to the point
- ☞ (Trainer) was excellent
- ☞ (Trainer) has an excellent approach which maintains interest
- ☞ Excellent knowledge of subject
- ☞ Was very clear and easy to follow
- ☞ I was very impressed with what I was taught, I understood it very well
- ☞ Trainer is clear in her illustrations and examples
- ☞ The trainer is obviously very knowledgeable and able to pass on information well
- ☞ Trainer excellent and a good communicator
- ☞ Excellent
- ☞ Excellent trainer, she made it very interesting.

2.2.2 Calendar training courses

The Commission continued its in-house calendar courses in 2005/06 with half, full-day and two-day courses attended by employees, managers, employee relations, human resources and equal opportunity practitioners. The courses were:

- ☞ Equal Opportunity Law - An Introduction
- ☞ The Contact Officer Role
- ☞ Equity Complaint Handling
- ☞ Contact Officer Refresher
- ☞ Equity/Complaint Handling Refresher
- ☞ Equal Opportunity Law and the Role of the Manager/Supervisor
- ☞ Managing Staff Recruitment and Selection
- ☞ Contact/Grievance Officer Network
- ☞ Educating Staff; and
- ☞ Dealing with Harassment and Bullying.

Of the calendar series of courses, that is, those courses offered to mixed profile participants at the Commission itself, the most popular was *Equal Opportunity Law – An Introduction* with 86 participants attending seven (7) sessions.

The second most popular calendar course was *The Contact Officer Role* with 64 participants attending six (6) sessions.

Organisations the Commission trained included participants from a range of industries, including:

- ☛ *accommodation, cafes and restaurants*
- ☛ *agriculture, forestry, fishing*
- ☛ *construction*
- ☛ *corrective services*
- ☛ *cultural and recreational services*
- ☛ *education*
- ☛ *electricity, gas and water supply*
- ☛ *finance and insurance*
- ☛ *government administration*
- ☛ *government administration – defence*
- ☛ *health and community services*
- ☛ *manufacturing*
- ☛ *mining*
- ☛ *personal and other services*
- ☛ *police services*
- ☛ *property and business services*
- ☛ *transport and storage; and*
- ☛ *trade unions.*

2.3 Communicating equality of opportunity to potential complainants and the non-government sector

2.3.1 Aboriginal and Torres Strait Islander outreach program

Aboriginal and Torres Strait Islander (ATSI) people continue to face discrimination on a daily basis in many areas of public life including employment, tenancy applications and services offered to the general public. Outreach programs aim to deliver culturally appropriate education initiatives to ATSI people, communities, representative organisations and particular groups who face similar issues because of their geographic isolation.

Staff visited Kalgoorlie, Wyndham and Kununurra to meet with community representatives, take enquiries and host workshops for Indigenous people.

To promote human rights and equal opportunity, the Commission produced a 2006 Aboriginal and Torres Strait Islander Calendar, with the border and background graphics of the calendar inspired by the Kimberley and the central artwork, a handprint, being the Nyungar sign for 'Listen'.

The 4000 copies of the calendar were distributed throughout the State in late 2005 to Aboriginal organisations, regional offices of government agencies and at events such as Survival Day and International Women's Day.

COMPLAINT SUMMARY

Conciliated

Impairment and religious discrimination in the area of employment

After working for a mining company for six years a man he was unfairly treated because he was unable to complete certain training duties because of his asthma.

He also alleged he was also discriminated against because he was deliberately exposed to pornography when his co-workers knew he was of a particular religious persuasion.

The man went on extended sick leave and the matter was resolved when the respondent made an ex-gratia payment of \$60,000 to the complainant for pain and suffering.

COMPLAINT SUMMARY

Conciliated

Impairment discrimination in the area of employment

A man applied for a position as a welder and after undergoing a variety of welding tests was offered the job and told the contract would start in two months' time.

He subsequently had a minor hernia operation. When he told the company he also provided a doctor's certificate stating he would be fit for work by the contract start-up date.

The company subsequently notified him the position was no longer available.

The matter was resolved when the respondent made an ex-gratia payment of \$10,000 to the complainant.

A similarly themed set of resources (brochure, fridge magnet and wallet card) were also distributed and used to support outreach sessions in Kalgoorlie, Kununurra and Wyndham.

2.3.2 Christmas Island outreach

Under the service delivery arrangement between the State and Commonwealth, the *Equal Opportunity Act 1984* covers the Indian Ocean Territories of Christmas and Cocos Islands.

Commission staff visited Christmas Island in November 2005 and during this visit:

- ☛ provided customised training sessions to the Indian Ocean Health Service and the Christmas Island Women's Association
- ☛ two training sessions each to Christmas Island Phosphates and the Indian Ocean Territories Shire of Christmas Island (staff and management)
- ☛ participated in discussions with a range of community organisations on the provisions of the *Equal Opportunity Act 1984* and the meanings of unlawful discrimination
- ☛ liaised with administrative bodies, employer groups and unions to provide an overview of the *Equal Opportunity Act 1984*, the role and function of the Commission, vicarious liability provisions and preventative strategies for workplaces
- ☛ handled enquiries
- ☛ distributed the recently translated brochures on *Sexual Harassment*, *Sex Discrimination*, *Race Discrimination* and *Religious and Political Conviction*. Members of the Christmas Island community had requested these brochures be translated into Traditional Chinese and Malay following the successful distribution of an earlier translated brochure titled *Unlawful Discrimination*
- ☛ received a request for a translated text on workplace bullying. On return to Perth organised the translation of the Commission for Occupational Safety and Health Western Australia's publication *Dealing with Bullying at Work: A Guide for Workers* into Traditional Chinese and Malay; and
- ☛ co-ordinated follow-up training sessions to be held on Christmas Island during the second half of 2006.

2.3.3 Rights-based education

Rights-based education utilises a human rights framework and focuses on engaging categories of potential complainants who have little access to information about their rights and how to exercise those rights. The broad aim of rights-based education is to build awareness and understanding about human rights and provide participants with the skills to exercise those rights in Western Australia.

These training sessions are delivered free of charge to help those most likely to experience discrimination and to help their advocates understand the scope of the law, their rights and the Commission's complaint process.

In 2005/06 a total of 1453 participants attended 55 free presentations.

While this represents a 17% decline in the participation rate from the previous financial year, when 1748 participants attended 66 presentations, it also reveals a 27% higher participation rate when compared to the 2003/04 financial year when 1139 participants attended 38 presentations.

The Commission hosted a Community Workers' Forum in Kalgoorlie in June 2006 attended by staff working for a range of non-government organisations in the area. The forum included representatives from the family violence, women's health, housing and advocacy sectors, as well as community members.

Demand for rights-based education came mainly from the not-for-profit community sector; distinct communities such as ethnic minorities, people with disabilities and refugees; schools; TAFE; universities and trade unions.

The Commission delivered 25 community engagement and education workshops to Aboriginal people, ethnic and religious minority groups, people with disabilities and other minority groups. Many of these workshops were developed in partnership with non-government community organisations.

For example, the Commission's rights-based training section worked with the Ethnic Disability Advocacy Centre to deliver training that targeted ethnic minority communities with the aim of providing information on culture, disability and human rights in the Australian context.

Organisations with whom the Commission worked in partnership to deliver customised human rights education include:

- ☛ *Bega Garribirringu Health Services*
- ☛ *Ethnic Disability Advocacy Service Inc*
- ☛ *Disability Services Commission (local area co-ordination)*
- ☛ *Ugandan Community WA Inc*
- ☛ *Joondalup Mental Health Consumer Action Group*
- ☛ *Gosnells Community Legal Service*
- ☛ *Peel Community Legal Service*
- ☛ *Kununurra Community Legal Service; and the*
- ☛ *Eastern Goldfields Sexual Assault Resource Centre.*

2.3.4 Publications

The Commission continued to review its publications in order to provide up-to-date information about the *Equal Opportunity Act 1984*. In preparing material for new publications a priority is to continuously improve the content, language and style to meet the needs of the Commission's target audiences.

During 2005/06 the Commission produced a variety of publications, including:

- ☛ *Discrimination Matters, the Commission's quarterly newsletter, with 4000 copies printed and distributed each edition*
- ☛ *A Reference Guide. The 2006 Reference Guide is a plain English reference guide to the Equal Opportunity Act 1984 and broadly outlines how the Act is administered; the meanings of direct and indirect discrimination; the grounds and areas of public life covered; an explanation of each ground of unlawful discrimination and where protection is provided.*
- ☛ *The Reference Guide also details other behaviours or actions that are unlawful under the Act; describes what a complaint is; explains exceptions for each ground of unlawful discrimination and how to obtain an exemption from the State Administrative Tribunal.*

COMPLAINT SUMMARY

Dismissed

Race discrimination in the area of goods, services and facilities

An Aboriginal woman travelling with her husband and child sought overnight accommodation at a motel. The woman wanted to settle her account in cash but claims the motel declined to accept cash and insisted on a credit card imprint as a pre-condition for securing a room.

The woman alleged a non-Aboriginal person would have been allowed to settle their account in cash.

The respondent said the complainant was not treated any differently because of her race and that he had not insisted on a credit card imprint but had also offered to take several night's payment in cash as a 'surety against damage'. The respondent said this was standard industry policy.

A conciliation conference was held but the parties were unable to resolve their differences.

After considering all available information the Commissioner dismissed the complaint as lacking in substance.

Each person attending a Commission training course is provided with a copy of the *Reference Guide*, and the feedback has been universally positive. It has also been distributed free of charge to individuals and organisations seeking more comprehensive information than provided in individual brochures.

- ☛ The *Reference Guide* can also be accessed on the Commission's website.
- ☛ a set of Indigenous themed resources that included a brochure, fridge magnet and wallet card - *You don't have to put up with discrimination*
- ☛ a 2006 ATSI Calendar, utilising the You don't have to put up with Discrimination theme
- ☛ bi-annual training calendars outlining general training programs provided by the Commission
- ☛ four (4) brochures *Sexual Harassment, Sex Discrimination, Race Discrimination and Religious and Political Conviction* translated into Traditional Chinese and Malay. These publications are also available from the Commission's website
- ☛ produced a multilingual guide titled *Discrimination Know Your Rights*
- ☛ pull-up display posters, one covering the grounds of the Act and the second the areas of the Act which are used in training sessions, public events and displays; and
- ☛ up-dated brochures on various grounds of the Act, as required.

Literature, including complaint forms, was sent to 915 (26.4%) enquirers, an increase over the previous year when literature was sent to 803 (21.9%) enquirers. In addition, in 2005/06, Substantive Equality literature was sent to 74 (2.1%) enquirers.

There has been a consistent increase in the proportion of the Commission's clients, including training and presentation participants, complainants and respondents, who stated they found the Commission's publications useful – from 81.9% in 2003/04 to 96.5% in 2004/05 and 97.2% in 2005/06.

This significant increase in the satisfaction rate since 2003/04 is a positive reflection on the extended and up-dated range of Commission publications now available.

2.3.5 Communication online

The Commission's website continues to be used as a source of information about the *Equal Opportunity Act 1984* and the services provided by the Commission. All new and revised publications are available on the website in both text and pdf formats.

All publication requests are referred to the Commission's website, where appropriate. In 2005/06 Commission staff referred 527 (15.2%) enquirers to the Commission's website.

The Commission's website received 36,371 hits in the 2005/06 financial year, a 13.2% increase from the 32,126 hits recorded in 2004/05.

The Commission launched its new look website on July 01, 2005. It was developed to comply with the WA Government website guidelines, provides improved access for people with disabilities and incorporated the Commission's new corporate style. The website, www.eoc.wa.gov.au, has undergone continuous improvement throughout 2005/06 and this process will continue.

Additional features contained in the new look website in 2005/06 included information in a number of community languages, increasing the number of links to related sites including the *Play by the Rules* interactive website and utilising the statistical resources available from the 'Statcounter' website. A new section on the Substantive Equality Unit was included, incorporating resources for participating departments as well as general information on substantive equality.

2.4 Special events and activities

2.4.1 Launch of *Play by the Rules* website

The Equal Opportunity Commission and the WA Department of Sport and Recreation co-hosted the WA launch, on July 29, 2005, of the *Play by the Rules* website on July 29, 2005. The site was officially co-launched by then Sport and Recreation Minister Bob Kucera and Equal Opportunity Commissioner Yvonne Henderson.

The innovative and interactive website at www.playbytherules.net.au encourages fair and safe play in sport and recreation by providing a best practice range of products that will help prevent and deal with discrimination, harassment and child abuse.

2.4.2 20th Anniversary Celebrations

The Commission hosted two events in October 2005 to celebrate the 20th anniversary of the enactment in 1985 of the *Equal Opportunity Act 1984*. Both events were held in late October 2005.

The *20th Anniversary Equal Opportunity Lecture* featured keynote speaker Judge of the Western Australian Supreme Court His Honour Justice Nicholas Hasluck AM. Justice Hasluck, speaking as a former President of the Equal Opportunity Commission, titled his address *Seeing what happened* and said it was important to 'look back and see what happened in order to work out what will happen next'. Invitees included former and current community and judicial Equal Opportunity Tribunal members, officers of the Commission, Members of Parliament and equal opportunity legal practitioners. The traditional Welcome to Country was made by Ken Colbung.

The *20th Anniversary Breakfast* with keynote speaker His Honour Justice Michael Kirby of the High Court of Australia attracted a capacity crowd from government, non-government and the private sector. The Judge spoke on the role of the High Court of Australia in the protection of human rights. The traditional Welcome to Country was made by Marie Taylor.

COMPLAINT SUMMARY

Conciliated

Pregnancy discrimination in the area of employment

A woman alleged she was dismissed by her employer because she was pregnant.

The complainant's employer told her she was a liability because her office was up one flight of stairs, but the woman had a medical certificate stating she was fit and able to carry out her normal office duties.

The respondent denied he had been discriminatory and claimed to have followed the appropriate industrial relations procedures for the termination of a casual employee.

The matter was resolved when the respondent made an ex-gratia payment of \$4,000 to the complainant.

COMPLAINT SUMMARY

Lapsed

Sexual harassment, sex and age discrimination in the area of employment

A female waitress alleged she had been sexually harassed by two chefs and a kitchen hand at the restaurant where she worked.

She alleged they made unwelcome sexual advances, touched her inappropriately and sent her unwelcome text messages.

She claimed when she raised these issues with her employer he did not deal with them appropriately, and shortly afterwards she was dismissed and told 'it's more difficult to find chefs than waitresses'.

The restaurant was sold some time after the complaint was lodged and the parent company went into liquidation. The former owners of the restaurant refused to conciliate the complaint.

The complaint lapsed after letters sent to the complainant by the Commission went unanswered.

2.4.3 Launch of *Voices of Australia*

The Equal Opportunity Commission co-hosted the West Australian launch of *Voices of Australia* in November 2005, with the Office of Multicultural Affairs and the Human Rights and Equal Opportunity Commission (HREOC).

Voices of Australia, a collection of stories about cultural diversity and living together in contemporary Australia, was launched Australia-wide to mark the 30th anniversary of the *Racial Discrimination Act 1975* - Australia's first federal anti-discrimination law.

2.4.4 Survival Day

Commission staff joined thousands of others in Perth's Supreme Court Gardens on January 26 to commemorate Survival Day 2006.

The *Survival 06 Indigenous Cultural Festival* was attended by groups representing Indigenous people, including the Aboriginal Evangelical Choir, the Roebourne Healing Arts Centre, Fitzroy Express and Indigenous women who shared their stories.

The Commission staffed a stall and display, distributed a range of Commission publications and handled enquiries from the public.

2.4.5 International Women's Day

The Commission hosted its annual International Women's Day, March 08, Breakfast at the Parmelia Hilton, with the event attended by a capacity crowd of 240.

The theme of this year's breakfast was *Women in a new era of employment* and guest speakers were Gningala Yarran-Clanton, Karma Lord and Pendo Mwaiteleke, with the traditional Welcome to Country made by Janet Hayden.

2.4.6 Disability First Stop Expo

The Commission joined 50 exhibitors at the inaugural Disability First Stop Expo held in Mirrabooka during March. Commission staff provided visitors with a comprehensive range of resource material about the Commission's services.

The Expo was designed to help people with disabilities, and their families, by providing them with information on the range of services available to them, either face-to-face, by telephone or via the internet.

2.4.7 Policy Analysis – The Effects of Gender

The Commission co-hosted a breakfast seminar on May 03, titled *Policy Analysis – the effects of gender* with the Institute of Public Administration Australia (WA division), the Office for Women's Policy and the Office of Equal Employment Opportunity.

The seminar's international keynote speaker was Dr Mieke Verloo from the Netherlands, who spoke on how government agencies could incorporate Gender Based Analysis into their processes to achieve better policy and program outcomes.

2.4.8 Law Week

The Commission hosted a display in the foyer of Westralia Square, where the Commission's offices are located, to mark Law Week 2006 held during the week of May 08 - 12. This was one of various activities held in Perth to promote the week, with events co-ordinated by the Law Society of Western Australia.

The Commission's display provided members of the public who work in and visit the building with information about the *Equal Opportunity Act 1984*, the Commission and the services it provides.

2.4.9 Joint Statement by Equal Opportunity Commission and Department of Housing and Works

The Equal Opportunity Commission and the Department of Housing and Works released a [joint statement](#) in late June. The statement outlined a number of significant initiatives undertaken by the Department since the release of the Commission's *Finding a Place* report in December 2004. (See Chapter Five Special Project)

COMPLAINT SUMMARY

Referred to SAT – S90

Race discrimination in the area of accommodation

A man alleged his landlord had not undertaken required maintenance of his rental property.

The landlord denied the allegations, providing the Commission with a detailed list of maintenance carried out on the property and saying the maintenance work at the centre of his complaint was not undertaken because of the complainant's aggressive behaviour during a house inspection and had nothing to do with his race.

The matter was investigated but did not go to conciliation. It was eventually dismissed as lacking in substance.

The complainant requested the matter be referred to the State Administrative Tribunal under Section 90 of the Act.

Conciliation Services

3.1 Handling enquiries and complaints

The Commission receives enquiries from members of the public, public sector agencies, non-government and private organisations seeking information about the *Equal Opportunity Act 1984*, unlawful discrimination as defined under the Act, the complaint handling process, rights and responsibilities of complainants and respondents, community education and information on other services provided by the Commission.

Where allegations of unlawful discrimination are accepted by the Commissioner as complaints under the Act, Commission staff investigate and attempt to conciliate those complaints.

This section:

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

3.2 Answering enquiries

The Commission received 3458 enquiries from members of the public during 2005/06. Of these:

- ☞ 2530 (73.2%) were made by telephone
- ☞ 605 (17.5%) were made in writing
- ☞ 124 (3.6%) were made by e-mail; and
- ☞ 199 (5.7%) were made in person.

When compared with the previous financial year the number of telephone enquiries decreased by 16.3%. The number of written enquiries (including e-mail) increased from 574 (15.7%) in 2004/05 to 729 (21.1%) in 2005/06. This increase can in part be attributed to the establishment of the Substantive Equality Unit.

There was also an increase in the number of people visiting the Commission to make an enquiry, from 148 (4%) in 2004/05 to 199 (5.8%) in 2005/06.

Who made enquiries and what were they about?

The majority of enquiries received were from individuals, but some were also made by government departments, non-government organisations, private businesses, students and trade unions.

COMPLAINT SUMMARY

Conciliated

Age discrimination in the area of employment

A 61-year-old, long-term manufacturing worker claimed he was told the duties attached to his position were being expanded and as a result he would be made redundant, because the new position would go to a younger person.

He claimed he was not given the opportunity to upgrade his skills to suit the new position.

The matter was resolved when the respondent apologised for the redundancy process being improperly carried out and paid the complainant \$10,000 as an ex-gratia payment.

Of the 3458 enquiries received in 2005/06:

- ☛ 1845 (53.4%) were made by women
- ☛ 1281 (37%) were made by men; and
- ☛ 264 (7.6%) were made by a group or organisation.

Of the 3458 enquiries received in 2005/06, 2311 (66.8%) were about matters that fell within the jurisdiction of the *Equal Opportunity Act 1984*. The remaining 33.2% of enquiries involved concerns that did not fall within the scope of laws administered by the Commissioner. Where possible a referral to an appropriate agency or organisation was provided to those enquirers.

Of the enquiries that fell within the jurisdiction of the Commission:

- ☛ 1252 (36.2%) concerned allegations or reports of discrimination
- ☛ 825 (23.9%) were requests for information on rights from potential complainants
- ☛ 163 (4.7%) were requests for information and advice on responsibilities and obligations under the legislation; and
- ☛ 529 (15.3%) of enquirers requested an explanation of equal opportunity legislation.

Table 2
Enquiries by ground
2003/04 to 2005/06

Ground	2003/04	%	2004/05	%	2005/06	%
Age	245	6.4%	209	5.7%	189	5.5%
Family Responsibility/Status	166	4.3%	162	4.4%	165	4.8%
Gender History	19	0.5%	8	0.2%	13	0.4%
Gender Identity	6	0.2%	4	0.1%	4	0.1%
Impairment	525	13.7%	514	14.0%	456	13.2%
Marital Status	29	0.8%	28	0.8%	25	0.7%
Political Conviction	18	0.5%	4	0.1%	11	0.3%
Pregnancy	133	3.5%	137	3.7%	167	4.8%
Race *	481	12.5%	432	11.8%	638	18.4%
Racial Harassment	18	0.5%	35	1.0%	21	0.6%
Racial Vilification	17	0.4%	45	1.2%	12	0.3%
Religious Conviction	50	1.3%	43	1.2%	59	1.7%
Sex	242	6.3%	206	5.6%	214	6.2%
Sexual Harassment	239	6.2%	254	6.9%	183	5.3%
Sexual Orientation	52	1.4%	41	1.1%	32	0.9%
Spent Conviction	24	0.6%	11	0.3%	32	0.9%
All grounds	333	8.7%	264	7.2%	299	8.6%
Other	1242	32.4%	1268	34.6%	938	27.1%
Total	3839	100.0%	3665	100.0%	3458	100.0%

* The figure for race discrimination includes limited data directly relating to the newly established Substantive Equality Unit.

The five most common grounds of unlawful discrimination raised by those making enquiries were consistent with trends in previous years, although the order has varied from year to year. These grounds are as follows:

- ☛ 638 (18.4%) race
- ☛ 456 (13.2%) impairment
- ☛ 214 (6.2%) sex
- ☛ 189 (5.5%) age; and
- ☛ 183 (5.3%) sexual harassment.

Table 3
Enquiries by area
2003/04 to 2005/06

Area	2003/04	%	2004/05	%	2005/06	%
Employment	2100	54.7%	1948	53.2%	1792	51.8%
Access to Places and Vehicles	42	1.1%	44	1.2%	44	1.3%
Accommodation	199	5.2%	171	4.7%	143	4.1%
Education	136	3.5%	125	3.4%	105	3.0%
Clubs	43	1.1%	44	1.2%	57	1.6%
Goods, Services and Facilities	403	10.5%	374	10.2%	572	16.5%
Sports	14	0.4%	9	0.2%	18	0.5%
Land	3	0.1%	6	0.2%	1	0.0%
All Areas	322	8.4%	301	8.2%	298	8.6%
Other	577	15.0%	643	17.5%	428	12.4%
Total	3839	100.0%	3665	100.0%	3458	100.0%

As in past years the three most common areas of public life where enquirers sought information about unlawful discrimination were:

- ☛ 1792 (51.8%) employment
- ☛ 572 (16.5%) goods services and facilities; and
- ☛ 143 (4.1%) accommodation.

While enquiries about goods, services and facilities have been the second most common area of enquiry for each of the past three financial years, the number of enquiries about this area increased significantly from 374 (10.2%) in 2004/05 to 572 (16.5%) in 2005/06 – a 53% increase.

COMPLAINT SUMMARY

Dismissed

Impairment discrimination in the area of goods, services and facilities

A man diagnosed with a mental illness asked his treating psychiatrist to endorse his application to obtain a bus driver's licence.

The complainant alleged in the course of refusing to endorse his application the respondent acted in a discriminatory manner by treating him less favourably on the basis of his impairment. He disagreed with his doctor's opinion that it was not in his best interests to hold and use such a licence.

After unsuccessfully attempting to conciliate the matter the Commissioner dismissed the complaint as lacking in substance and found the doctor's decision was based on legitimate medical and legal considerations.

Table 4
Enquiries by ground and area
2005/06

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sports	Land	All Areas	Other	Total
Age	132	3	6	1	5	32	1	0	5	4	189
Family Responsibility/Status	127	0	9	5	3	6	0	0	6	9	165
Gender History	4	0	0	0	0	2	1	0	5	1	13
Gender Identity	0	0	1	0	0	1	0	0	0	2	4
Impairment	256	12	17	28	1	102	2	0	20	18	456
Marital Status	18	1	2	1	0	3	0	0	0	0	25
Political conviction	6	0	0	0	1	3	0	0	0	1	11
Pregnancy	164	0	1	2	0	0	0	0	0	0	167
Race	170	12	77	17	5	277	2	1	49	28	638
Racial Harassment	13	1	0	0	0	1	1	0	0	5	21
Racial Vilification	1	0	0	0	0	1	0	0	2	8	12
Religious Conviction	31	0	0	7	0	15	0	0	3	3	59
Sex	125	11	1	8	27	22	1	0	11	8	214
Sexual Harassment	161	0	2	4	3	5	0	0	2	6	183
Sexual Orientation	14	0	2	2	0	6	0	0	4	4	32
Spent Conviction	26	0	0	0	0	2	0	0	0	4	32
All grounds	89	1	4	5	5	10	2	0	179	4	299
Other	455	3	21	25	7	84	8	0	12	323	938
Total	1792	44	143	105	57	572	18	1	298	428	3458

Of the 1792 employment-related enquiries 256 (14.2%) involved impairment; 170 (9.4%) race; 164 (9.2%) pregnancy; 161 (9%) sexual harassment; 132 (7.3%) age; 127 (7%) family responsibility/family status and 125 (7%) sex.

These figures show that 286 (15.9%) of employment-related enquires involved either sexual harassment or sex discrimination.

Of the 572 goods, services and facilities enquiries 277 (30.9%) involved race discrimination and 102 (17.8%) impairment discrimination.

Of the 57 enquiries about clubs 27 (47.4%) involved sex discrimination.

Of the 143 enquiries about accommodation 77 (53.8%) involved race discrimination.

Of the 105 enquiries about education 28 (26.6%) involved impairment discrimination.

While workplace bullying is not a ground of unlawful discrimination under the *Equal Opportunity Act 1984* the Commission collected data on bullying-related enquires. In 2005/06 97 (2.8%) of enquiries related to bullying and of these enquiries 82 (84.5%) took place in the area of employment.

3.3 Written enquiries and complaints

All written correspondence received at the Commission is reviewed and acknowledged by the Commissioner. Where the written enquiry provides an arguable case of unlawful discrimination or harassment, it is accepted by the Commissioner as a complaint.

If the correspondence falls outside the Commission's jurisdiction a letter is sent explaining why the matter raised does not fall within the jurisdiction of the Act. Where possible the enquirer is referred to an appropriate organisation for assistance.

In many cases the enquirer is asked to provide additional information so that additional assessment can be made as to whether or not their concerns do come within the jurisdiction of the Act and can be accepted as a complaint.

Table 5
Written enquiries converted to formal complaints
by the Commissioner
2003/04 to 2005/06

	2003/04	%	2004/05	%	2005/06	%
Converted to a Complaint	38	6.0%	46	8.0%	35	5.8%
Total	38	6.0%	46	8.0%	35	5.8%

The Commission received 605 written enquiries in 2005/06 of which 397 (65.6%) were answered by a Commission officer, 131 (21.7%) were referred to an appropriate government department or non-government organisation and 35 (5.8%) were converted into complaints.

There was an increase in the number of enquiries referred to a government department, authority or agency, from 28 (4.9%) in 2004/05 to 72 (11.9%) in 2005/06.

COMPLAINT SUMMARY

Dismissed

Sex discrimination in the area of employment

A man was unsuccessful in obtaining employment with a community service organisation.

He alleged the organisation was biased towards women, because business cards displayed during an information session all provided the names of female staff members.

The respondent denied this allegation stating it employed people from a diverse range of backgrounds and the man's application was unsuccessful because he had not met the selection criteria for the advertised position.

The Commissioner dismissed his complaint as lacking in substance.

COMPLAINT SUMMARY

Conciliated

Impairment discrimination in the area of employment

An experienced personal care worker was unsuccessful in obtaining an advertised position in his field, allegedly due to concerns about his health.

The complainant claimed his impairment did not restrict his capacity to work effectively in the advertised position, a claim verified by medical specialists and former employers.

His complaint was resolved when the respondent offered to have the complainant assessed by an independent specialist. As a result of this assessment the complainant was offered, and accepted, a full-time position as a personal care worker with the organisation.

3.4 Handling complaints

Table 6
Number of complaints handled
2003/04 to 2005/06

Complaints Handled	2003/04	%	2004/05	%	2005/06	%
Complaints carried over from previous financial years	587	55.7%	362	44.3%	377	53.8%
Complaints Received	466	44.3%	456	55.7%	324	46.2%
Total Handled	1053	100.0%	818	100.0%	701	100.0%
Complaints Closed	691	65.6%	441	53.9%	504	71.9%
Complaints still under investigation	362	34.4%	377	46.1%	197	28.1%

In 2005/06 a total of 701 complaints were handled by the Commission. This comprised 324 new complaints and 377 complaints carried forward from 2004/05, as shown above.

The number of new complaints declined from 456 in 2004/05 to 324 in 2005/06, a 29% decline. This trend of a decline in complaints is evident across most equal opportunity jurisdictions in Australia.

The number of complaints closed during 2005/06 increased by 14%, from 441 in 2004/05 to 504 in 2005/06. This could be due, in part, to the Commission's new streamlined conciliation process introduced in May 2006.

Of the 701 complaints handled during 2005/06, 504 (71.9%) were closed the same financial year. This represented a substantial increase compared to the previous year when 441 (53.9%) of total complaints were closed.

The remaining 197 (28.1%) complaints handled were still under investigation at the end of the 2005/06 financial year.

Grounds and areas of complaints

Table 7
Complaints by ground
2003/04 to 2005/06

Ground	2003/04	%	2004/05	%	2005/06	%
Age	39	8.4%	35	7.7%	17	5.2%
Family Responsibility	15	3.2%	17	3.7%	19	5.9%
Family Status	9	1.9%	10	2.2%	5	1.5%
Gender History	0	0.0%	1	0.2%	0	0.0%
Impairment	106	22.7%	86	18.9%	68	21.0%
Marital Status	7	1.5%	8	1.8%	6	1.9%
Political Conviction	0	0.0%	2	0.4%	0	0.0%
Pregnancy	20	4.3%	25	5.5%	14	4.3%
Race	104	22.3%	91	20.0%	81	25.0%
Racial Harassment	10	2.1%	10	2.2%	13	4.0%
Religious Conviction	4	0.9%	6	1.3%	6	1.9%
Sex	57	12.2%	62	13.6%	29	9.0%
Sexual Harassment	58	12.4%	68	14.9%	40	12.3%
Sexual Orientation	6	1.3%	7	1.5%	6	1.9%
Spent Conviction	0	0.0%	0	0.0%	1	0.3%
Victimisation	31	6.7%	26	5.7%	19	5.9%
Victimisation - PID	0	0.0%	2	0.4%	0	0.0%
Total	466	100.0%	456	100.0%	324	100.0%

During 2005/06 the most common grounds of alleged unlawful discrimination cited in complaints were as follows:

- ☛ 81 (25%) race
- ☛ 68 (21%) impairment
- ☛ 40 (12.3%) sexual harassment; and
- ☛ 29 (9%) sex.

COMPLAINT SUMMARY

Lapsed

Race discrimination in the area of employment

A woman of Aboriginal descent rang up seeking additional information about an advertised vacancy in a small business.

The conversation appeared to be going well and the applicant was suited to the vacancy, but when the prospective employer became aware the caller was of Aboriginal descent she said she would not employ a person of Aboriginal descent because of a past negative experience.

The complaint lapsed as the woman was unable to be contacted.

COMPLAINT SUMMARY

Conciliated

Race discrimination in the area of employment

An African male nurse was sponsored to work for a local organisation and claimed he experienced racist comments from his co-workers, that he was treated less favourably than others because his co-workers made complaints about him in front of patients and other staff and that he was subjected to greater supervision than other staff.

The respondent denied the allegations and the complaint was resolved when the complainant agreed to accept \$24,000 as full and final settlement of all claims against the respondent.

Table 8
Complaints by area
2003/04 to 2005/06

Area	2003/04	%	2004/05	%	2005/06	%
Employment	288	61.8%	301	66.0%	203	62.7%
Access to Places and Vehicles	20	4.3%	27	5.9%	12	3.7%
Accommodation	31	6.7%	26	5.7%	32	9.9%
Education	17	3.6%	12	2.6%	9	2.8%
Clubs	0	0.0%	1	0.2%	4	1.2%
Goods, Services and Facilities	108	23.2%	86	18.9%	64	19.8%
Sport	0	0.0%	1	0.2%	0	0.0%
Victimisation	2	0.4%	2	0.4%	0	0.0%
Total	466	100.0%	456	100.0%	324	100.0%

Table 8 provides details of complaints by area. Nearly two thirds of all complaints were in the area of employment. The second most common area was goods, services and facilities (19.8%) followed by accommodation (9.9%). This is consistent with previous years, although there has been an increase in the proportion of accommodation-related complaints.

Table 9
Complaints by ground and area
2005/06

Ground	Employment	Access to Places and Vehicles	Accommodation	Education	Clubs	Goods, Services and Facilities	Sports	Sports	Total
Age	15	0	1	0	0	1	0	0	17
Family Responsibility	17	0	0	2	0	0	0	0	19
Family Status	5	0	0	0	0	0	0	0	5
Gender History	0	0	0	0	0	0	0	0	0
Impairment	35	5	5	3	1	19	0	0	68
Marital Status	3	0	2	0	1	0	0	0	6
Political Conviction	0	0	0	0	0	0	0	0	0
Pregnancy	14	0	20	0	0	0	0	0	34
Race	21	7	2	0	2	31	0	0	63
Racial Harassment	11	0	0	0	0	0	0	0	11
Religious Conviction	3	0	0	2	0	1	0	0	6
Sex	24	0	2	1	0	2	0	0	29
Sexual Harassment	40	0	0	0	0	0	0	0	40
Sexual Orientation	1	0	0	0	0	5	0	0	6
Spent Conviction	1	0	0	0	0	0	0	0	1
Victimisation	13	0	0	1	0	5	0	0	19
Total	203	12	32	9	4	64	0	0	324

In 2005/06 22.8% of all complaints involved either race discrimination or racial harassment, similar to the 22.5% recorded in 2004/05.

Of the 203 employment related complaints, the largest number involved sexual harassment (19.7%), then impairment discrimination (17.2%) and race-related complaints (15.7%), similar to previous years.

Of the 324 new complaints received in 2005/06 64 (19.8%) related to the provision of goods, services and facilities, with race being the most common ground at 48.4%, similar to previous years.

Of the 12 complaints received in 2005/06 that involved access to places and vehicles, seven (7) alleged race discrimination and five (5) impairment discrimination.

COMPLAINT SUMMARY

Conciliated

Family responsibility in the area of employment

The complainant alleged her employer had discriminated against her after they failed to help her access a part-time position within the organisation when she was due to return from maternity leave.

She alleged prior to going on maternity leave she had discussed the option of part-time employment on her return with various supervisors, and there did not appear to be any problem with the concept.

When she rang to finalise arrangements for her return to work, the respondent initially agreed to her working three days a week in a job-share arrangement, but several days later rang to say that was no longer acceptable and offered her either full-time employment or a position less than comparable to her previous position. She subsequently resigned.

The complaint was resolved when the respondent paid the complainant an ex-gratia payment of \$4,000.

Complaints of victimisation

As well as receiving complaints on the various grounds under the *Equal Opportunity Act 1984*, the Commission receives complaints of victimisation lodged under Section 67 of the Act. This section of the Act renders it unlawful to threaten or subject a person to any detriment because they have made a complaint of discrimination, or propose to make a complaint of discrimination.

It is also unlawful to victimise someone who has provided information or proposes to provide any information or documents to the Commission's officers while they are performing any function under the Act.

Victimisation may also occur if someone is shown to have suffered any detriment because they have agreed to appear or have appeared as a witness before the State Administrative Tribunal (SAT), if someone attempts to assert the rights of another person under the Act or has made an allegation that a person has done something that is unlawful under the Act.

The number of complaints on the ground of victimisation declined this financial year, from 26 in 2004/05 to 19 in 2005/06.

There were no complaints of victimisation lodged under the *Public Interest Disclosure Act* in 2005/06, compared to two complaints the previous year.

3.5 Who lodged complaints?

The Commission also collects information from complainants, on a voluntary basis, about their age, ethnicity, occupation, whether they speak a language other than English at home and whether they have a disability.

A total of 267 of the 324 complainants surveyed in 2005/06 returned completed questionnaires, yielding a response rate of 82.4% (error rate of 1.97 %).

Gender of complainants

Table 10
Complaints by gender of complainants
2003/04 to 2005/06

Gender	2003/04	%	2004/05	%	2005/06	%
Female	297	63.7%	295	64.7%	186	57.4%
Male	161	34.5%	149	32.7%	136	42.0%
Mixed Group	8	1.7%	12	2.6%	2	0.6%
Total	466	100.0%	456	100.0%	324	100.0%

Consistent with previous years the larger proportion of complaints was lodged by women (57.4%) compared to men (42%), with the balance being a mixed group, that is where a number of people joined to lodge a complaint.

Table 11
Complaints by ground and gender of complainants
2005/06

Ground	Female	Male	Mixed Group	Total	%
Age	4	13	0	17	5.2%
Family Responsibility	12	6	1	19	5.9%
Family Status	5	0	0	5	1.5%
Gender History	0	0	0	0	0.0%
Impairment	27	40	1	68	21.0%
Marital Status	2	4	0	6	1.9%
Political Conviction	0	0	0	0	0.0%
Pregnancy	14	0	0	14	4.3%
Race	48	33	0	81	25.0%
Racial Harassment	1	12	0	13	4.0%
Religious Conviction	4	2	0	6	1.9%
Sex	22	7	0	29	9.0%
Sexual Harassment	32	8	0	40	12.3%
Sexual Orientation	5	1	0	6	1.9%
Spent Conviction	1	0	0	1	0.3%
Victimisation	9	10	0	19	5.9%
Total	186	136	2	324	100.0%

The most frequent grounds on which women lodged complaints were:

- ☛ 26% (48) race discrimination
- ☛ 17% (32) sexual harassment
- ☛ 14.5% (27) impairment discrimination; and
- ☛ 12% (22) sex discrimination.

This differs from last year when the most common grounds on which women lodged complaints were sexual harassment (55), race (53), sex (49) and impairment (41).

The most frequent grounds on which men lodged complaints in 2005/06 were the same as in 2004/05, and they were:

- ☛ 29.4% (40) impairment discrimination
- ☛ 22% (33) race discrimination; and
- ☛ 9.5% (13) age discrimination.

The number of complaints lodged by men and women on the grounds of marital status and religious conviction were similar.

COMPLAINT SUMMARY

Conciliated

Sexual harassment and sex discrimination in the area of employment

A woman complained she had been sexually harassed by a colleague following a business trip and experienced sex discrimination when her employer would not act on her reports of harassment.

The complainant told management the alleged harasser had spread rumours to the effect he had sex with her while on the business trip.

The complainant claimed she subsequently discovered the company had done nothing to discipline the alleged harasser and several managers had contributed to spreading these rumours within the company.

The complainant claimed the rumours had undermined her standing and reputation at work and subsequently she resigned.

The matter was resolved when the respondent paid the complainant an ex-gratia payment of \$10,000.

COMPLAINT SUMMARY

Referred to SAT – S93

Impairment discrimination in the area of goods, services and facilities

A woman was denied income protection insurance because she had previously experienced mild depression.

She had been prescribed medication for her depression and her doctor provided a certificate stating she was free from any medical symptoms and able to lead a full and successful social and professional life.

At no time had she taken time off work because of this medical condition, but when she applied for income protection insurance her application was refused because of her medical history.

The respondent defended their refusal to insure her based on Section 66T of the *Equal Opportunity Act 1984*, which allows for insurance to be denied when 'based upon actual or statistical data from a source on which it is reasonable to rely'.

The complaint was unable to be conciliated and the Commissioner referred the matter to the State Administrative Tribunal. The complaint was resolved through mediation and the complainant received a financial settlement and apology prior to the matter being heard by the Tribunal.

Women lodged a higher number of complaints than men in the following grounds:

- ☛ 32 of the 40 complaints of sexual harassment
- ☛ 22 of the 29 complaints of sex discrimination
- ☛ 48 of the 81 complaints of race discrimination
- ☛ 5 of the 6 complaints of sexual orientation discrimination
- ☛ 12 of the 19 complaints of family responsibility discrimination; and
- ☛ All 5 of the family status discrimination complaints were lodged by women.

Men lodged a higher number of complaints than women in the following grounds:

- ☛ 13 of the 17 complaints of age discrimination
- ☛ 12 of the 13 grounds of racial harassment; and
- ☛ 40 of the 67 complaints of impairment discrimination.

Age of complainants

Table 12
Complainants by age
2003/04 to 2005/06

Age	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
0 - 14	12	2.6%	1	0.2%	6	1.9%
15 - 19	32	6.9%	37	8.1%	14	4.3%
20 - 39	198	42.5%	194	42.5%	109	33.6%
40 - 64	112	24.0%	120	26.3%	103	31.8%
65+	10	2.1%	7	1.5%	13	4.0%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	102	21.9%	97	21.3%	79	24.4%
Total	466	100.0%	456	100.0%	324	100.0%

In 2005/06, 57 (17.6%) of the 324 complainants did not complete a questionnaire and an additional 22 (6.8%) declined to provide information about their age.

Of the 267 complainants who did complete this section of the questionnaire 20 (7.5%) were less than 20 years of age, compared to 38 (9.9%) the previous year.

There was also a decline in the number of people in the 20 to 39 year old age bracket, from 194 (50.4%) in 2004/05 to 109 (40.8%) in 2005/06.

The number of complainants in the 40 to 64 year old age bracket remained similar to previous years, with 112 (27.5%) in 2003/04, 120 (31.2%) in 2004/05 and 103 (38.6%) in 2005/06.

Birthplace and ethnicity of complainants

Table 13
Complainants by birthplace
2003/04 to 2005/06

Birthplace	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Australia - Non Aboriginal	186	39.9%	212	46.5%	112	34.6%
Australia - Aboriginal	88	18.9%	76	16.7%	71	21.9%
Eastern Europe	10	2.1%	5	1.1%	3	0.9%
Middle East	11	2.4%	1	0.2%	3	0.9%
Southeast Asia	10	2.1%	8	1.8%	7	2.2%
Southern and East Africa	5	1.1%	11	2.4%	5	1.5%
Southern Asia	14	3.0%	5	1.1%	2	0.6%
United Kingdom	50	10.7%	49	10.7%	37	11.4%
Other	29	6.2%	17	3.7%	26	8.0%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	63	13.5%	72	15.8%	58	17.9%
Total	466	100.0%	456	100.0%	324	100.0%

In 2005/06, of the 266 complainants who were surveyed and provided information about their birthplace:

- ☛ 183 (68.8%) indicated they were born in Australia, compared to 288 (75%) the previous year
- ☛ Of this 183, 112 (61.2%) indicated they were non-Aboriginal and 71 (38.8%) indicated they were Aboriginal; and
- ☛ 37 (13.9%) of those who responded to this section of the questionnaire indicated they were born in the United Kingdom or Ireland.
- ☛ In 2005/06, 233 (71.9%) of all complainants lived in the metropolitan area, 70 (21.6%) lived in a non-metropolitan area and 21 (6.5%) gave their residence as 'other'.
- ☛ Over the past three financial years there has been a slight percentage increase in the number of complainants living in a non-metropolitan area, from 17.8% in 2003/04 to 18.4% in 2004/05 and 21.6% in 2005/06.

COMPLAINT SUMMARY

Lapsed

Impairment discrimination in the areas of access to a vehicle and provision of a service

The complainant, who has a physical impairment, claimed he was denied access to a bus because the bus driver accused him of being drunk.

The respondent investigated a complaint made by the complainant within 24 hours of the incident and instigated training for the bus driver, and apologised to the complainant.

The complainant lodged a complaint with the Commission and the complainant received a comprehensive response from the respondent. The complainant did not respond to correspondence from the Commission and the complaint lapsed.

Complainants by occupation

Table 14
Complainants by occupation
2003/04 to 2005/06

Occupation	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Looking for work	114	24.5%	102	22.4%	71	21.9%
Student	43	9.2%	33	7.2%	16	4.9%
Retired	7	1.5%	3	0.7%	2	0.6%
Pensioner	23	4.9%	15	3.3%	27	8.3%
Homemaker	25	5.4%	19	4.2%	13	4.0%
In paid employment	136	29.2%	174	38.2%	102	31.5%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	118	25.3%	110	24.1%	93	28.7%
Total	466	100.0%	456	100.0%	324	100.0%

In 2005/06, 57 (17.6%) of the 324 complainants did not complete a questionnaire and an additional 36 (11.1%) declined to provide information about their occupation.

Of the 231 complainants who did complete this section of the questionnaire 102 (44.2%) indicated they were in paid employment; 71 (30.7%) were looking for work; 27 (11.7%) were pensioners and 16 (6.9%) were students.

Complainants with a disability

Table 15
Complainants by disability
2003/04 to 2005/06

Disability	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Yes	68	14.6%	67	14.7%	48	14.8%
No	300	64.4%	298	65.4%	188	58.0%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	98	21.0%	91	20.0%	88	27.2%
Total	466	100.0%	456	100.0%	324	100.0%

In 2005/06, 57 (17.6%) of the 324 complainants did not complete a questionnaire and an additional 31 (9.6%) declined to provide information about whether or not they had a disability.

Of the 236 complainants who did complete this section of the questionnaire 48 (20.3%) indicated they had a disability, compared to 67 (18.4%) of those who completed this section of the questionnaire the previous year.

3.6 Respondents to complaints

Industry sector and size of respondent organisations

Using classifications developed by the Australian Bureau of Statistics the Commission collects information on the industry or organisations against which complaints are lodged. This information helps the Commission produce publications, conduct seminars and develop relevant, industry specific training programs.

Table 16
Complaints by industry
2003/04 to 2005/06

Industry Type	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Accommodation/Cafes/Restaurants	42	9.0%	57	12.5%	36	11.1%
Agriculture/Forestry/Fishing	3	0.6%	3	0.7%	4	1.2%
Communication Services	1	0.2%	8	1.8%	9	2.8%
Construction	11	2.4%	22	4.8%	9	2.8%
Cultural and Recreational Services	38	8.2%	25	5.5%	16	4.9%
Education - Pre, School and Post	30	6.4%	36	7.9%	29	9.0%
Finance and Insurance	25	5.4%	13	2.9%	9	2.8%
Health and Community Services	37	7.9%	43	9.4%	21	6.5%
Manufacturing	23	4.9%	20	4.4%	15	4.6%
Mining	26	5.6%	11	2.4%	13	4.0%
Personal and Other Services including corrective and police services	47	10.1%	53	11.6%	45	13.9%
Property and Business Services	67	14.4%	36	7.9%	41	12.7%
Retail Trade	72	15.5%	74	16.2%	34	10.5%
Transport and Storage	14	3.0%	32	7.0%	25	7.7%
Wholesale Trade	12	2.6%	9	2.0%	7	2.2%
Other Industry	18	3.9%	14	3.1%	11	3.4%
Total	466	100.0%	456	100.0%	324	100.0%

COMPLAINT SUMMARY

Withdrawn

Age discrimination in the area of employment

A 42-year old long-term employee of an entertainment venue claimed her weekly hours were being gradually reduced, while those of her junior-age co-workers were being gradually increased.

Following a conciliation conference parties to the dispute agreed to monitor the complainant's employment situation to determine if she was being treated less fairly than her co-workers.

She subsequently notified the Commissioner she was satisfied with the outcome of the investigation and withdrew her complaint.

COMPLAINT SUMMARY

Lapsed

Family responsibility in the area of employment

A female teacher had been on maternity leave for four years and had three children under the age of four.

When she contacted her school seeking to return to work in a part-time capacity her request was denied. The school principal told her there were no part-time vacancies and she either had to return to work in a full-time capacity or resign.

She was subsequently approached by another teacher at the school and asked if she would be prepared to job-share, but when they approached the principal he refused to approve the job-share arrangement.

The the complaint lapsed when the complainant found other employment.

In 2005/06, respondents with the highest number of complaints were from the following industries:

- ☛ 45 (13.9%) were from the personal and other services, including corrective services and police, compared to 53 (11.6%) in 2004/05
- ☛ 41 (12.7%) were from property and business services, compared with 36 (7.9%) in 2004/05
- ☛ 36 (11.1%) were from the accommodation, café and restaurant industries, compared with 57 (12.5%) in 2004/05; and
- ☛ 34 (10.5%) were from the retail trade, compared to 74 (16.2%) in 2004/05.

Table 17

Complaints by size of respondent's organisation
2003/04 to 2005/06

Size of Organisation	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Less than 5	23	4.9%	28	6.1%	8	2.5%
5 - 19	104	22.3%	105	23.0%	21	6.5%
20 - 99	115	24.7%	98	21.5%	53	16.4%
100 - 499	58	12.4%	65	14.3%	49	15.1%
500+	130	27.9%	120	26.3%	105	32.4%
Not known	36	7.7%	40	8.8%	88	27.2%
Total	466	100.0%	456	100.0%	324	100.0%

Analysis of respondent industries by organisational size shows:

- ☛ The number of respondent industries with between 5 and 19 staff dropped substantially, from 104 (22.3%) in 2003/04 and 105 (23%) in 2004/05 to 21 (6.5%) in 2005/06.
- ☛ The number of respondent industries with between 100 and 499 staff has remained fairly static with 58 (12.4%) in 2003/04, 65 (14.3%) in 2004/05 and 49 (15.1%) in 2005/06.

3.7 How complaints were finalised

Table 18
Outcome of complaints closed
2003/04 to 2005/06

Disability	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Yes	68	14.6%	67	14.7%	48	14.8%
No	300	64.4%	298	65.4%	188	58.0%
Not applicable	0	0.0%	0	0.0%	0	0.0%
No survey returned or did not respond to question	98	21.0%	91	20.0%	88	27.2%
Total	466	100.0%	456	100.0%	324	100.0%

While the most frequent outcome is for complaints to be conciliated, they may also be withdrawn at any stage by the complainant; dismissed or lapsed by the Commissioner; or referred to the State Administrative Tribunal (SAT) for determination where the parties do not agree to a resolution to the complaint.

The Commissioner may refer a complaint where she believes there is an arguable case or the complainant may ask for a dismissed complaint to be referred to the SAT.

Withdrawn complaints

Complainants can choose to withdraw their complaints for a number of reasons. Throughout the complaint handling process conciliation officers discuss the strengths and weaknesses of a complaint with all parties. In some instances complainants do not have sufficient evidence to substantiate their claim of unlawful discrimination, and on that basis decide not to proceed with their complaint. In other cases complainants choose to withdraw their complaint if they are satisfied with the respondent's reply to their allegations or following a conciliation conference.

There were 74 (14.7%) complaints withdrawn in 2005/06, similar to 2004/05 when 73 (16.6%) of complaints were withdrawn.

Dismissed complaints

Under the *Equal Opportunity Act 1984* the Commissioner may dismiss complaints that are found to be lacking in substance, frivolous, vexatious or misconceived.

There were 46 complaints dismissed in 2005/06, the same number as were dismissed in 2004/05.

COMPLAINT SUMMARY

Lapsed

Family responsibility in the area of employment

A woman had been employed by the respondent company as a casual for five years and stopped work just prior to the birth of her second child.

She unsuccessfully applied for a different position within the company when she was ready to return to work, and alleged her employer told her that he believed a mother's place was at home with her children.

She acknowledged she had been offered additional hours in her original position if she wanted them.

The respondent claimed the complainant's job application for the second position was unsuccessful because she did not have the necessary qualifications.

The complainant was provided with a copy of the response to her allegations but did not respond. Subsequent attempts to contact her failed and her complaint lapsed.

Lapsed complaints

Complaints are considered to have lapsed when complainants abandon their complaint, or do not wish to proceed with it and have not advised the Commissioner, in writing, as required under the *Equal Opportunity Act 1984*. In some instances the Commission has been unable to maintain contact with the complainant and after a period of time the complaint lapses. Before the Commissioner makes a decision to lapse a complaint, the Commission's officers attempt to make contact with the complainant either by letter or telephone, or a combination of both. In other cases complainants do not continue with their complaints because they are able to resolve the dispute themselves. Others are satisfied with the Commissioner's correspondence to the respondent and the respondent's explanation.

Some complainants are disheartened by the onus of proof requirement that complainants support their allegations with evidence such as witness statements and documents.

There was a 30% decrease in the number of lapsed complaints between 2004/05 and 2005/06, down from 101 (22.9%) in 2004/05 to 71 (14.1%) in 2005/06.

Conciliated complaints

After seeking a written statement from the complainant and respondent, the Commission attempts a conciliation process either by the parties attending a formal conciliation conference, participating in a teleconference or negotiation through the exchange of letters and telephone conversations. Sometimes the complainant and respondent meet privately and come to an agreement themselves. In some circumstances the Commissioner can require the parties to attend a conference. Wherever possible a face-to-face conciliation conference between the parties is held, facilitated by a Commission officer.

The aim of a conciliation conference is to give the parties an opportunity to discuss the complaint itself and, where appropriate, the issues that led to it. Its aim is to help the parties find a fair and equitable way of resolving the complaint. A conciliation conference provides an opportunity for the parties to reach an understanding, although not necessarily agreement, about what happened.

Conciliation can provide an opportunity for the parties to reach a mutual agreement in a non-legal setting, settle the complaint confidentially and cost-effectively and bring the dispute to an end.

There has been an increase in the number of complaints closed through conciliation in 2005/06 compared to the previous year, from 140 (31.7%) in 2004/05 to 166 (32.9%) in 2005/06.

Complaints referred to the Tribunal

Referral of complaints to the State Administrative Tribunal (SAT) can occur in one of two ways. The Commissioner may refer a complaint or the complainant may refer the complaint themselves. The Commissioner may refer a complaint to the Tribunal where she is of the view the complaint cannot be resolved by conciliation, or has attempted to resolve the complaint by conciliation but has been unsuccessful, or is of the opinion the nature of the complaint is such the matter should be referred to the Tribunal.

In 2005/06 147 (29.1%) of complaints were referred to the Tribunal compared to 81 (18.4%) the previous financial year, a 55% increase.

Where a complaint has been dismissed by the Commissioner the complainant may, within 21 days of the notice of dismissal, require the Commissioner to refer the complaint to the Tribunal.

In 2005/06 22 (15%) of the 147 complaints referred to the Tribunal were dismissed complaints referred at the request of the complainant. The previous financial year 19 (23.5%) of the 81 complaints were referred to the Tribunal at the request of the complainant.

Types of outcomes in conciliated complaints

Outcomes that can be negotiated during the conciliation of complaints include:

- ☛ *introducing or improving equal opportunity practices*
- ☛ *providing staff training programs on equal opportunity and discrimination*
- ☛ *compensating for a specific loss, for example income or medical expenses*
- ☛ *compensating for pain, suffering, hurt or humiliation*
- ☛ *making and receiving an apology, and*
- ☛ *making something available that was previously refused such as, accommodation, admission to a course or access to a shop or nightclub.*

It is common for one or more of these outcomes are negotiated in conciliation.

In 2005/06 the most common types of outcomes negotiated during the conciliation of complaints included:

- ☛ *83 (31.3%) monetary settlement*
- ☛ *68 (25.7%) apology*
- ☛ *20 (7.5%) private settlement*
- ☛ *20 (7.5%) policy change; and*
- ☛ *17 (6.4%) provision of accommodation.*

Case studies of complaints handled

As part of the Commission's community education focus, case studies of complaints handled by the Commission are provided throughout this Annual Report and in Appendix A. These case studies demonstrate the various outcomes of complaints lodged with the Commission.

COMPLAINT SUMMARY

Withdrawn

Age discrimination in the area of employment

A 57-year-old man alleged he was discriminated against when a job he applied for was given to a younger person.

The respondent denied the complainant's job application was unsuccessful because of his age, claiming it was simply a matter of him not being the successful applicant.

The company provided details of the number of people they employ over the age of 60, and the complainant subsequently withdrew his complaint.

Time taken to close complaints

Table 19
Time taken to close complaints
2003/04 to 2005/06

Outcome of Complaints Closed	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
0 - 6 months	202	29.2%	212	48.1%	177	35.1%
7 - 12 months	197	28.5%	145	32.9%	188	37.3%
13 - 18 months	224	32.4%	37	8.4%	77	15.3%
19 - 24 months	62	9.0%	12	2.7%	35	6.9%
2 years or more	6	0.9%	35	7.9%	27	5.4%
Total	691	100.0%	441	100.0%	504	100.0%

Of the 504 complaints closed in 2005/06, 177 (35.1%) were closed within six months and 188 (37.3%) were closed within twelve months, resulting in 72.4% of complaints being finalised within twelve months in 2005/06.

The Commission's complaint handling process continues to be reviewed with the aim of helping the parties move through the process expeditiously.

3.7 Provision of legal assistance

Legal assistance was provided to complainants whose complaints the Commissioner referred to the State Administrative Tribunal for determination.

The Commissioner only provides assistance in relation to complaints she considers as having substance under the provisions of the Equal Opportunity Act 1984.

TABLE 20
Number of matters by legal assistance
2003/04 to 2005/06

Legal Assistance	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Number of matters referred by the Commissioner and carried over from previous financial years	58	50.0%	54	60.0%	28	29.8%
Number of appeals to the Supreme Court or Exemption Orders carried over from previous financial years	0	0.0%	1	1.1%	2	2.1%
Number of matters referred by the Commissioner each financial year	55	47.4%	32	35.6%	62	66.0%
Number of appeals to the Supreme Court or Exemption Orders received each financial years	3	2.6%	3	3.3%	2	2.1%
Total number of matters handled each financial year	116	100.0%	90	100.0%	94	100.0%

The number of legal matters handled in 2005/2006 is shown in Table 20. A matter means a single inquiry by the Tribunal into all complaints made by one or more complainants.

TABLE 21
Outcomes of matters by legal assistance
2003/04 to 2005/06

Outcome of Matters	2003/04		2004/05		2005/06	
	Number	%	Number	%	Number	%
Withdrawn	4	3.4%	6	6.7%	9	9.6%
Settled before hearing by Legal Officers	17	14.7%	15	16.7%	22	23.4%
Settled at Tribunal mediation by Legal Officers	23	19.8%	29	32.2%	19	20.2%
Upheld by the Tribunal	4	3.4%	0	0.0%	1	1.1%
Dismissed by the Tribunal	3	2.6%	6	6.7%	1	1.1%
Discontinued Assistance	8	6.9%	2	2.2%	6	6.4%
Number of matters heard and decided by the Supreme Court	1	0.9%	1	1.1%	0	0.0%
Number of Writ of Summons, Interim Appeals finalised and Exemption Orders	1	0.9%	1	1.1%	3	3.2%
Total number of matters finalised	61	52.6%	60	66.7%	61	64.9%
Number of matters referred by the Commissioner and outstanding at the Tribunal and Supreme Court	55	47.4%	30	33.3%	33	35.1%
Total number of matters handled each financial year	116	100.0%	90	100.0%	94	100.0%

The most significant trend to note from Table 21 is that the number of matters carried over into 2005/06 was down on the previous year by almost half, from 54 to 28. This decline has reversed the trend in recent years of a steady increase in the number of matters carried over from one year to the next. A reduction in the number of matters referred to the Tribunal in 2004/05, combined with a high rate of settlement in the Tribunal during the same period, accounts for the sharp decline in matters carried over.

However, the number of matters carried over into 2006/2007 is expected to increase again due to the high number of matters referred to the Tribunal in 2005/06, from 32 in 2004/05 to 62. As a proportion of matters handled by Legal Officers, this represents an increase from 35.6% to 64%. At the same time, the number of matters resolved with the assistance of Legal Officers at mediation conferences and in negotiations, as a proportion of all matters finalised in 2005/06 remained steady at 44.9%, down slightly from 49.9% in 2004/05.

COMPLAINT SUMMARY

Referred to SAT – S93

Sexual orientation discrimination in the area of employment

A gay man applied for a caretaker vacancy in a block of flats. The position was advertised as being suitable for a couple.

The strata company manager interviewed him on behalf of the body corporate and gave him the impression his application was successful, bar the formalities, but when the strata manager was advised the man was gay his application went no further.

The complainant alleged when he asked the strata company manager if he had been unsuccessful because of his sexuality the manager stated 'Well, yes'.

The respondent claimed the complainant's employment application was unsuccessful as the vacancy was for two people living as a couple, and the complainant did not provide his partner's resume as requested.

The complaint was unable to be conciliated and the Commissioner referred the matter to the State Administrative Tribunal.

Consequently, it is expected that Legal Officers will handle more matters in 2006/07 compared to the previous year.

The Commission has continued its relationship with a number of private law firms, which provide pro bono legal assistance to selected complainants in the Tribunal. Special mention should go to the solicitors at Minter Ellison Lawyers, who are particularly helpful in this regard. The arrangement has helped reduce the workload of the Commission's Legal Officers, while enabling private practitioners to acquire skills in advocating for complainants.

The figures in Table 21 demonstrate that the Commission's Legal Officers have been effective in maintaining the proportion of matters finalised through mediation and negotiation, principles that the Commission and the Tribunal consider are at the core of the Act's objects. Legal Officers will have to maintain the emphasis on negotiated outcomes in order to manage and contain the number of matters outstanding at the end of the financial year.

The demand for assistance provided by the Commission's Legal Officers in 2006/07 is expected to increase as the section absorbs the corresponding increase in the number of referrals to the Tribunal in 2005/06.

Substantive Equality Unit

If you want to treat me equally, you may have to be prepared to treat me differently.

4.1 Definition of Substantive Equality

Substantive equality recognises that entitlements, opportunities and access are not equally distributed throughout the community and there may be barriers to service provision resulting in unequal outcomes for particular groups.

It acknowledges that where service delivery agencies tailor their services to the needs of the majority group, other people with different needs may miss out on essential services.

Equal treatment, therefore, is not about treating all people the same, it is about treating people differently in order to cater for different needs.

4.2 Policy Framework for Substantive Equality

The Policy Framework addresses systemic forms of discrimination and is designed to ensure all people have access to public services that best meet the different needs of WA's diverse community. This model of service provision is based on substantive equality. The Policy Framework is an expression of the principles in [The Western Australian Charter of Multiculturalism](#) and the *Equal Opportunity Act 1984*.

4.2.1 Background

In 2003 the Western Australian Government embarked on a program of reform to ensure services are both accessible and responsive to the needs and aspirations of all Western Australians.

In late 2003 a Program Partnership was established through the signing of a Memorandum of Understanding between five bodies with legislative authority and accountability for guaranteeing equality of service across the public sector in Western Australia. They were the Department of Premier and Cabinet; Equal Opportunity Commission; Office of Equal Employment Opportunity; Office of Multicultural Interests and Department of Indigenous Affairs.

A Program Committee was established under the auspices of the Premier's Anti-Racism Strategy, to facilitate the development of the *Policy Framework for Substantive Equality* and support its take-up across the public sector. The Policy Framework was successfully piloted by the Department of the Premier and Cabinet; Western Australian Police; Department for Community Development and Department of Justice, and has since been introduced to 23 more government departments and the Equal Opportunity Commission.

In December 2004 the *Policy Framework* was endorsed as official Government policy and in April 2005 the Substantive Equality Unit was established and formally located in the Equal Opportunity Commission.

The *Policy Framework* acknowledges Indigenous peoples as the first Australians and recognises it is no longer sufficient to provide equal access to services but to ensure these services adequately meet the needs of both individuals and groups of people.

Objectives

The Indigenous and cultural diversity of Western Australians is acknowledged in the *Equal Opportunity Act 1984* which makes it unlawful to discriminate on the ground of race in certain areas of public life. These areas include employment, education, accommodation, the provision of goods, services and facilities, clubs, access to places and vehicles, application forms, advertisements and the disposal of land.

Specifically the Act makes it unlawful to discriminate on the ground of race in service delivery:

- ☛ by refusing to provide goods or services or to make facilities available
- ☛ in the terms and conditions upon which those goods or services or facilities are made available; or
- ☛ in the manner in which those goods or services or facilities are provided or made available.

The *Equal Opportunity Act 1984* provides an effective legal framework for the Western Australian public sector to meet its obligations in relation to unlawful discrimination. Application of the Act in the public sector has focused primarily on equal access to public services and diversity in the workforce.

The objective of the *Policy Framework* is to achieve substantive equality in the Western Australian public sector. This will be done by:

- ☛ eliminating systemic racial discrimination in the provision of public sector services; and
- ☛ promoting sensitivity to the different needs of client groups.

Benefits

The benefits of the *Policy Framework* include:

- ☛ a public sector that reflects and is responsive to the different needs of a diverse community
- ☛ increased client confidence and satisfaction with the delivery of public services
- ☛ compliance with the objects of the *Equal Opportunity Act 1984* in relation to the provision of services
- ☛ a public sector with the competence to meet the needs of individuals and communities; and
- ☛ improved efficiencies through better targeted services.

Process

- ☞ *The Policy Framework relates to a process of continuous improvement towards achieving substantive equality and addressing systemic racism and discrimination. The framework recognises the scale and graduated pace of change that engages staff and encourages learning. Within the next five years each department is required to have commenced implementation in all of its divisions and/or business areas.*
- ☞ *The scope of implementation focuses on the review and reform of all policies and practices within nominated areas of service. It assesses all major initiatives including new policies, practices and procedures to ensure they do not have a harmful effect on any group within the community.*

4.3 Current status - implementation

The implementation of the *Policy Framework* began in early 2005 and the Substantive Equality Unit now supports 23 departments and the Equal Opportunity Commission, as they implement the Policy. Over 240 briefing sessions were held across the sector including specialist sessions for all staff involved in the implementation. A Senior Officer has been appointed within each of the departments to oversee the implementation, with guidance and support from the Substantive Equality Unit. Departments are expected to start implementing the *Policy Framework* in all service/divisional areas over a five year period.

The Departments involved in the Implementation Phase are:

- ☞ *Agriculture*
- ☞ *Attorney General*
- ☞ *Community Development*
- ☞ *Conservation and Land Management (1)*
- ☞ *Consumer and Employment Protection*
- ☞ *Corrective Services*
- ☞ *Culture and the Arts*
- ☞ *Disability Services Commission*
- ☞ *Education and Training*
- ☞ *Environment (1)*
- ☞ *Fisheries*
- ☞ *Health*
- ☞ *Housing and Works*
- ☞ *Indigenous Affairs*
- ☞ *Industry and Resources*
- ☞ *Local Government and Regional Development*
- ☞ *Planning and Infrastructure*
- ☞ *Sport and Recreation*
- ☞ *Premier and Cabinet*
- ☞ *Racing, Gaming and Liquor*

- ☛ Treasury and Finance
- ☛ Western Australian Police Service and
- ☛ Equal Opportunity Commission.

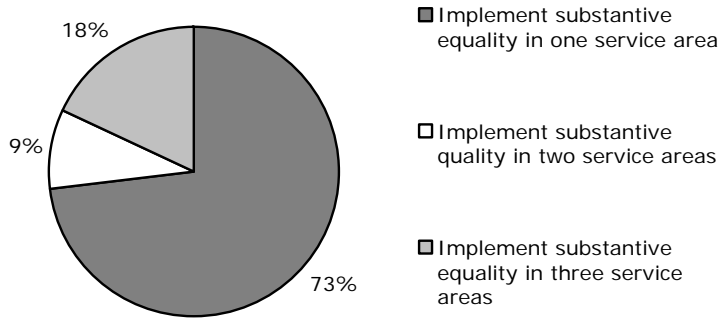
(1) The Department of Conservation and Land Management and the Department of Environment ceased to exist on June 30, 2006. They will be replaced with the Department of Environment and Conservation and the Department of Water, both of which become operational on July 1, 2006.

By the end of the 2005/06 financial year the Substantive Equality Unit had started helping the majority of departments review all their policies, practices and procedures relating to their nominated service areas and locations. This was done using the initial screening process contained in the Needs and Impact Assessment Tool.

4.3.1 Selection and number of service areas within participating departments

The Equal Opportunity Commissioner required that all departments confirm their service areas by June 30, 2006. This was done by all departments, with the exception of those that were merged post June 30, 2006.

Chart 1
Number of service areas selected
2005/06



Participating departments were able to select the number of service areas (and locations) in which they would implement substantive equality.

- ☛ 73% chose to implement substantive equality in one service area
- ☛ 9% chose to implement substantive quality in two areas. They are the Equal Opportunity Commission and the Department of Racing Gaming and Liquor; and
- ☛ 18% chose to implement substantive equality in three areas. They are the Departments of Community Development; Conservation and Land Management; Consumer and Employment Protection and Planning and Infrastructure.

4.4 Future directions

When adopting and implementing the *Policy Framework* departments will progress through five levels. The five level process consists of:

1. A commitment to implementing the Policy Framework for Substantive Equality
2. Identifying clients and their needs
3. Setting objectives and developing strategies to meet those needs
4. Monitoring strategies; and
5. Review and evaluation.

Progress to date shows that some departments are currently entering the second of the five levels of the *Policy Framework*. Progressing through level two will enable them to identify any gaps in the services they provide to their Indigenous and ethnic clients.

While departments are expected to start implementing the *Policy Framework* in all service and divisional areas over a five year period, this timeline does not relate to the five levels of the implementation process referred to above.

4.5 Publications

Copies of the following SEU publications can be viewed and downloaded from the Commission's website at www.eoc.wa.gov.au:

- ☞ [Understanding the Policy Framework for Substantive Equality – Key Terms](#)
- ☞ [The Public Sector Anti-Racism and Equality Program](#)
- ☞ [The Policy Framework for Substantive Equality](#)
- ☞ [A Summary Guide for Chief Executive Officers](#)
- ☞ [The Western Australian Charter of Multiculturalism](#)

4.6 Tools

- ☞ [Preparing your Implementation Plan for Substantive Equality: A Summary Guide](#)
- ☞ [Needs and Impact Assessment Tool \(Initial Screening: Impact Assessment Form / Full Assessment: Impact Assessment Form\)](#)
- ☞ *Implementation Guide: only available (in hardcopy) to participating departments.*

Special Project

5.1 Finding a Place. An Inquiry into the Existence of Discriminatory Practices in Relation to the Provision of Public Housing and Related Services to Aboriginal People in Western Australia

The Equal Opportunity Commissioner is appointed to administer the *Equal Opportunity Act 1984*. The purposes of the Act are detailed in Section 3 of the Act and aim:

"... to eliminate, so far as is possible, discrimination against persons on the ground of sex, marital status or pregnancy, family responsibility or family status, sexual orientation, race, religious or political conviction, impairment, age or, in certain cases, gender history in the areas of work, accommodation, education, the provision of goods, facilities and services and the activities of clubs."

The Commission released its report into the existence of discriminatory practices in relation to the provision of public housing and related service to Aboriginal and Torres Strait Islander people in Western Australia in late 2004.

The 286 page report titled *Finding a Place*, plus an accompanying video and DVD contained 165 recommendations.

One of the report's key recommendations was for the establishment of a broadly-based Implementation and Monitoring Group. The first priority of this group was to produce a program for the implementation, monitoring and review of recommendations contained in the report.

The Section 80 Implementation and Monitoring Committee held its inaugural meeting in May 2005. Other meetings were held in June, September and November 2005, and February and May 2006.

5.2 Joint Statement on Aboriginal housing

A joint statement addressing indirect discrimination and strategies to improve housing and housing services for Aboriginal and Torres Strait Islander people was released in June 2006. The statement was signed by Equal Opportunity Commissioner Yvonne Henderson and Department of Housing and Works Director General Bob Mitchell.

The joint statement was prefaced by the following:

"Safe and appropriate housing is essential to the well-being of all people. Without adequate housing, health is at risk and people are unable to make the most of the education, training and employment opportunities that will help them and their families get on in life".

The joint statement detailed a number of significant improvements in services that will have a positive impact on Aboriginal clients of the Department of Housing and Works. These improvements include:

- ✦ maintenance services
- ✦ capital works programs
- ✦ employment of five regional Aboriginal tenancy advocates
- ✦ development of an In Home Practical Support Program
- ✦ dtandardisation of property conditions reports
- ✦ dmproved career structure for Accommodation Managers
- ✦ Aboriginal Customer Support Officers to be located in Canning, Fremantle and Mirrabooka offices
- ✦ participation in regional Strong Family meetings
- ✦ continuation of objective to employ Aboriginal people in 10% of positions. As a move towards reflecting its client base
- ✦ provide opportunities for Aboriginal trainees and support them via mentoring; and
- ✦ on-going commitment that all staff participate in cross-cultural training.

5.3 Action plan

In October 2005 the Equal Opportunity Commission and the Department of Housing and Works (DHW) drafted an action plan, finalised in March 2006, that grouped the Inquiry's 165 recommendations into three themes:

- ✦ promote Aboriginal accessibility, staff awareness and understanding
- ✦ review policy which impacts differentially on Aboriginal clients; and
- ✦ manage property and administer services mindful of Aboriginal culture/issues.
- ✦ DHW will progress these goals using five strategies:
 1. Training – looking at better ways of delivering services to Aboriginal and Torres Strait Islander people
 2. Communicating – improving ways and means of talking and writing to Aboriginal and Torres Strait Islander clients and their advocates
 3. Responsiveness – seeking input through local consultation, complaints and suggestions for improvement, appropriate planning
 4. Review and Reform – new policy and procedures to improve mainstream Aboriginal housing and remote area Aboriginal community housing
 5. Buiding on the best – better styles of housing and housing service in urban and remote settings that customise design to Aboriginal and Torres Strait Islander families and people.
- ✦ A number of different work plans will be implemented to progress these five strategies.

5.4 Housing Implementation and Monitoring Committee

This committee met four times during the 2005/06 year. The committee met at the Department of Indigenous Affairs and used its video conferencing facilities to link to committee members living in Albany, Katanning, Kalgoorlie, Shark Bay, Port Hedland, Roebourne and Kununurra.

Organisations represented on the committee are:

- ☞ *Aboriginal Legal Service*
- ☞ *CPSU/CSA*
- ☞ *Deaths in Custody Watch Committee*
- ☞ *Department for Community Development*
- ☞ *Department of Consumer and Employment Protection*
- ☞ *Department of Education and Training*
- ☞ *Department of Indigenous Affairs*
- ☞ *Disability Services Commission*
- ☞ *Equal Opportunity Commission*
- ☞ *Gordon Implementation Program*
- ☞ *Indigenous Women's Congress*
- ☞ *Jackaranda Community Centre*
- ☞ *Kalgoorlie Indigenous Advocates*
- ☞ *Katanning Aboriginal Corporation*
- ☞ *Kimberley Community Legal Service*
- ☞ *Noongar Mia Mia*
- ☞ *Tenancy Advice Service*
- ☞ *Perth – community representative*
- ☞ *Perth – Section 80 Reference Group*
- ☞ *Port Hedland – community representative*
- ☞ *Roebourne – Women for Stronger Communities*
- ☞ *Shelter WA*
- ☞ *Telethon Institute for Child Health Research; and*
- ☞ *WACOSS*

The monitoring committee formed a sub-committee to examine the approach being taken by DHW in the development of plain English letters. This committee also examined the draft Housing Strategy for Western Australia and provided key input and recommendations for consideration. The sub-committee also held a stakeholder forum, jointly sponsored by the Commission and Shelter WA for Indigenous input into the Housing Strategy. (A one page summary of the [EOC Housing Strategy submission](#) is available on the Commission's website.)

5.5 Access to the Finding a Place report

A copy of the *Finding a Place* report can be downloaded from the Commission's website at www.eoc.wa.gov.au/pdf/findingaplace.pdf

The report and DVD is also available on request from the Commission.

Corporate Compliance and Governance

6.1 Compliance with relevant written laws

There are a number of Acts that govern or affect the Commission's operations. This section briefly describes those Acts and the Commission's compliance with other specific laws.

6.1.1 Enabling legislation

The Office of the Commissioner for Equal Opportunity is established under Part VII, Division I of the *Equal Opportunity Act 1984* as amended, and under the provisions of the *Public Sector Management Act 1994*.

The Commissioner for Equal Opportunity is appointed by the Governor and is the Accountable Officer under the *Financial Administration and Audit Act 1985*.

6.1.2 Legislation administered

The Commissioner administers the:

- ☞ *Equal Opportunity Act 1984 (as amended in 1988, 1992 and 2001) – Parts I-VII and X; and the*
- ☞ *Spent Convictions Act 1988 – Division 3*

Enquiries concerning Commonwealth human rights and anti-discrimination laws are referred directly to the Commonwealth Human Rights and Equal Opportunity Commission (HREOC) in Sydney, New South Wales.

6.1.3 Legislation affecting the Commission's activities

In the performance of its functions, the Equal Opportunity Commission complies with the following relevant State and Commonwealth written laws.

State

- ☞ *Disability Services Act 1993*
- ☞ *Electoral Act 1907*
- ☞ *Financial Administration and Audit Act 1985*
- ☞ *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
- ☛ Spent Convictions Act 1988
- ☛ State Records Act 2000
- ☛ State Supply Commission Act 1991; and
- ☛ Workers Compensation and Rehabilitation Act 1981.

Commonwealth

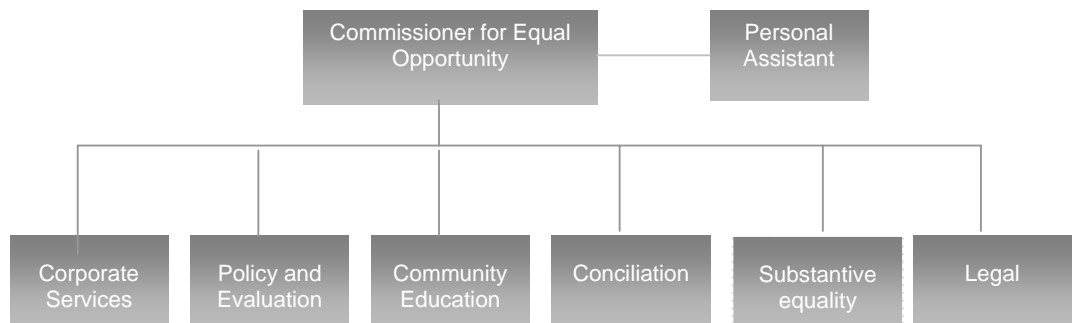
- ☛ Age Discrimination Act 2004
- ☛ Disability Discrimination Act 1992
- ☛ Human Rights and Equal Opportunity Act 1986
- ☛ Racial Discrimination Act 1975
- ☛ Sex Discrimination Act 1984
- ☛ Workplace Relations Act 1996; and
- ☛ Workplace Relations Amendment (Work Choices) Act 2005.

6.1.4 Organisational Structure

The Commission's organisational structure is shown in Figure 1.

Figure 1

The Equal Opportunity Commission's organisational structure



The functions of the Commission's sections are shown in Table 22.

Table 22
Functions of the Commission

Community Education	Promotes equal opportunity through training, presentations and outreach programs.
Conciliation	Handles complaints and enquiries alleging discrimination.
Corporate Services	Manages administration, financial and human resources.
Legal	Provides legal advice and assistance
Policy and Evaluation	Identifies discriminatory practices, develops strategic policy options, conducts research and evaluations, produces publications and manages information technology.
Substantive Equality	Supports implementation of the Premier's Anti-racism project

6.2 Legislative compliance and governance

6.2.1 Meeting the needs of Western Australians

The Commission's Customer Service Charter states:

"Our aim is to help you in a friendly and efficient way. We will offer you fair and accurate advice and will endeavour to respond to your needs as promptly as possible. Your complaints and inquiries will be treated in confidence.

The Commission meets the requirements of the:

- ☛ *Disability service plan*
- ☛ *Plan for women*
- ☛ *Equal employment opportunity*
- ☛ *Language and cultural diversity and*
- ☛ *Youth.*

By:

- ☛ *actively supporting the principles and practices of equal opportunity*
- ☛ *ensuring that services provided by the Commission are fully accessible to people with disabilities and their families and carers*
- ☛ *providing translated information and interpreter services as needed*
- ☛ *encouraging feedback from the public regarding our service delivery; and*
- ☛ *employing a diverse range of people, in a variety of positions".*

Details of special initiatives and programs targetting our customer groups are as follows.

6.2.2 Disability service plan

In order to meet the needs of our diverse customers key publications are available in audio format and Translation Interpreter Services are used in presentations and complaint handling as required. Auslan interpreters are also engaged when appropriate.

The Commission refers enquirers and complainants to appropriate disability advocacy and support services where required.

During 2005/06 the Commission continued to use the video *A Class Divided* in its Equal Opportunity Law training sessions. This video has been captioned to accommodate those who are deaf or hard of hearing.

The Commission's Community Education and Training section delivered two sessions to the NICAN National Conference on *Tourism and People With Disabilities* as well as participating in the working group leading up to the conference.

Conciliation officers continue to use the Human Rights and Equal Opportunity Commission's video *Pathways to Resolution*, with text, to help those with hearing impairments utilise the conciliation process.

When working with hearing impaired people conciliation officers follow the client's direction regarding their preferred choice or type of interpreter. Conciliators use phone and face-to-face interpreters in the complaint handling and conciliation process as required.

The Commission's new look website, operational from July 2005, reflects the *Guidelines for State Government Websites* and provides improved access to people with disabilities.

6.2.3 Plan for women

As part of its commitment to promoting equal opportunities and equality for women, the Commission continued to organise its successful International Women's Day function. During this year's International Women's Day Breakfast three young women spoke on how the changes in the workplace affect women. Presentations were also made to the Anna Stewart Memorial Project for women trade unionists, the Women in Male Dominated Industries Conference and the Work-life Balance Conference convened by the Department of Consumer and Employment Protection.

6.2.4 Equal employment opportunity

During 2005/06 the Commission provided training to organisations on issues relating to equal employment opportunities, including staff recruitment and selection; equal opportunity law and the manager's role; equal employment obligations; equal employment law and diversity; and managing discrimination in the workforce.

6.2.5 Cultural diversity and language services

Commission trainers have worked with Farsi interpreters to deliver equal opportunity information to people from Afghanistan.

After the successful translation of its brochure *Unlawful Discrimination* into Traditional Chinese and Malay last financial year, residents of the Indian Ocean Territories of Christmas and Cocos Islands asked the Commission to translate a range of other material relating to the *Equal Opportunity Act 1984*. In 2005/06 the Commission translated the brochures *Sex Discrimination*, *Race Discrimination*, *Sexual Harassment* and *Religious and Political Discrimination* into Traditional Chinese and Malay.

The Commission also produced a multilingual brochure on the Commission. The eight (8) languages used in this brochure were spoken by the eight most recently arrived communities in Western Australia.

These translated brochures, and the multilingual guide, are all available on the Commission's new look website.

Clients can submit complaints, responses and other documents in languages other than English. These documents are then professionally translated.

Correspondence to enquirers, complainants and respondents are translated into languages other than English as required.

6.2.6 Youth

During 2005/06 2192 participants attended speaking engagements, training sessions, and forums in 258 sessions aimed at advancing human rights and promoting the objects of the *Equal Opportunity Act 1984*. These training sessions are delivered free of charge to assist those most likely to experience discrimination, and their advocates, to understand the scope of the law, their rights and the Commission's complaint process.

6.2.7 Information statement

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

- ☛ *written complaints, responses to complaints and attached documentation*
- ☛ *correspondence related to complaint-handling, administrative matters, and government affairs*
- ☛ *legal documents and correspondence; and*
- ☛ *administrative documentation and educational materials.*

The Commission's educational materials, newsletters, annual report, and occasional reports into various discrimination issues are available free of charge in print form or can be downloaded from the Commission's website. Other documents fall under the *Freedom of Information Act 1992* (FOI). A request to view documents or amend personal information subject to FOI must be made in writing to the Commissioner. The Commission's Senior Legal Officer can be contacted on (08) 9216 3900 for assistance in relation to an FOI request.

Under Section 167 of the *Equal Opportunity Act 1984*, the Commissioner cannot disclose private information acquired about a person by reason of her office unless the disclosure is in the exercise of a power or duty under the Act. Such information is also exempt under FOI.

For the year ending June 30, 2006, the Commission received five (5) applications for access to information in accordance with FOI. One (1) request was carried over from the previous year, one (1) request was refused and all others were granted in full or with amendments.

6.2.8 Substantive Equality

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

The areas of focus through which the Commission implements substantive equality are:

- ☛ assessing the accessibility of the Commission's complaint process; and
- ☛ assessing and monitoring the effectiveness of Indigenous promotional activities, including publications.

The Commission has developed a draft five-year Implementation Plan and will conduct a consultation with staff to further refine and define the service areas to be addressed.

6.2.9 Record keeping plan

The Commission's Retention and Disposal Schedule was approved by the State Records Office. Work is continuing on updating the Plan which is expected to be finalised by April 2007.

Consistent with Standard 2: Principle 6, the Commission conducts periodic staff training on record keeping practices that are appropriate to its functions and operations. All new employees are advised of their roles and responsibilities in relation to their compliance with the Plan. These activities are evaluated as required. Furthermore the Commission manages all its record keeping functions in accordance with its cleared Record Keeping Plan.

6.3. Public sector standards and ethical codes

6.3.1 Human resource management standards

The Equal Opportunity Commissioner has complied with Section 31(1) of the *Public Sector Management Act 1994* in the administration of the Commission's human resource management practices relating to the *Public Sector Standards, Western Australian Public Sector Code of Ethics* and the Commission's *Code of Ethics and Code of Conduct*.

The Commission's human resource management principles have adequate checks in place to ensure compliance requirements are met. No applications or claims for breach of standards were received during the reporting year.

6.3.2 Code of Ethics and Code of Conduct

The Commission's *Code of Ethics* and *Code of Conduct* are available to all employees and are also accessible on the Commission's intranet. The Senior Legal Officer represented the Commission on the Senior Officers Integrity Network and attended scheduled meetings throughout the year.

Compliance is monitored and assessed by Corporate Executive. There have been no complaints about non-compliance received during the reporting year.

6.3.3 Corruption Prevention

Commission staff attended a briefing session hosted by the Corruption and Crime Commission. Staff were informed about what constitutes misconduct and the role and function of the Corruption and Crime Commission. As a result of this review the Commission conducted a review of its *Risk Management Policy* to ensure compliance.

6.3.4 Grievance policy

The Commission's *Grievance Policy* is accessible to all staff on the Commission's intranet.

6.3.5 Public interest disclosures

Under the Public Interest Disclosure Act 2003 (PID), the Commissioner is obliged to establish guidelines and procedures to enable employees to become aware of their rights and responsibilities under the Act. The Commissioner is also obliged to create the position of Public Interest Disclosure officer, currently the Senior Legal Officer. If an employee at the Commission has an enquiry about the Act, or wishes to make a disclosure under the Act, then this can be done with the assistance of the PID officer, in confidence.

The PID guidelines are available to the Commission's staff on the Commission's intranet. In 2005/06 no claims were handled under the Act by the Commission.

6.3.6 Advertising and sponsorship

In accordance with Section 175ZE of the Electoral Act 1907, the Commission incurred expenditure in advertising, market research, polling, direct mail and media advertising, as set out in Table 23 below.

Table 23
Advertising and sponsorship
2005/06

1. Total expenditure for 2005/06 was \$11,122.96			
2. Expenditure was incurred in the following areas			
Item	Cost	Provider	Total Cost
Advertising Agencies	Nil	Nil	Nil
Market Research Organisations	Nil	Nil	Nil
Polling Organisations	Nil	Nil	Nil
Direct Mail Organisations	Nil	Nil	Nil
Media Advertising Organisations		Marketforce Advertising Ltd	\$6,247.96
		Telstra White Pages	\$4,875.00

6.3.7 Waste paper recycling

Consistent with the Government's commitment to waste reduction and recycling, the Commission's Code of Conduct stipulates that all staff members follow the guidelines for recycling. Waste paper recycling is made easy through the provision of paper collection bins located throughout the Commission's offices.

The Commission continued its participation in the Government's recycling program by:

- ☛ recycling all waste paper
- ☛ recycling toner cartridges; and
- ☛ using a minimum of 50% recycled content in the Commission's publications (e.g. newsletters, brochures and Reference Guide).

During 2005/06 the Commission provided 1400 kilograms of waste paper to be recycled, a 67% increase from the 940 kilograms recycled in 2004/05.

6.3.8 Energy Smart policy

The *Energy Smart Government Policy* applies to all general government sector agencies with 25 or more full-time equivalent staff.

In accordance with this commitment the Commission participated in a Level 3 Energy Audit, conducted by Lincolne Scott, a consulting organisation. This audit identified a number of energy saving actions that have a potential energy cost saving of 11.0% with a return on investment in 2.27 years.

Improved control of tenancy lighting and reduced energy consumption by computers were identified as the primary areas for savings. Replacement of existing computer monitors with energy efficient, flat-styled liquid crystal display (LCD) computer monitors was completed during 2005/06 as recommended.

6.3.9 Regional development policy

For the purposes of extending the Commission's services to regional areas, and to promote human rights and equal opportunity to Aboriginal and Torres Strait Islanders, the Commission produced a 2006 Indigenous Calendar which was distributed throughout the State.

On a number of occasions during 2005/06 conciliation officers convened conferences outside the metropolitan area, including in Albany, Katanning and Port Hedland.

The Commission also began planning the extension of its calendar series of training courses to selected regional centres.

Commission staff visited Kalgoorlie, Wyndham and Kununurra where they met with community groups, handled enquiries and held community workshops for local Indigenous people on their equal opportunity rights.

6.3.10 Sustainability

As a non-State Executive Service (SES) organisation, the Commission is not required to produce a Sustainability Action Plan (Premier's Circular 2004/14, Sustainability Code of Practice for Government agencies). Notwithstanding this the Commission is committed to the principles embodied in the State Sustainability Strategy. This Annual Report reflects these principles throughout, in particular by its reporting against the Strategic Planning Framework: Better Planning, Better Services, Community education and Corporate compliance and governance.

The Commission's Corporate Executive is continuing to address the application of the State Sustainability Strategy and its implementation with particular reference to its relationship to the substantive equality project being overseen by the Commission.

6.4 Other corporate issues

6.4.1 Workplace relations

Industrial relations

All staff are employed under the provisions of the Public Sector Management Act 1994, the Public Sector Award 1992 and the Public Sector General Agreement 2004.

Employee assistance

To help resolve work-related and personal issues the Commission provides a free, confidential counselling service to all employees and their families. The service is provided by Prime Corporate Psychology Services Pty Ltd through a common use arrangement.

6.4.2 Corporate support

The Commissioner for Equal Opportunity receives corporate support from the Department of Attorney General which is administered and formalised through a Service Level Agreement. This arrangement defines the services provided during the year, including personnel and payroll services as well as a range of financial management functions.

The Commission continues to receive online access to the Department of Attorney General's HR Web Kiosk, which was upgraded in 2005. This online facility has improved the delivery of relevant personnel and payroll information to staff and managers.

The Commissioner acknowledges the valuable and ongoing contribution made by staff within the Department of Attorney General for the provision of these services during 2005/06.

6.4.3 Occupational safety and health

The Commission is committed to meeting its obligations and responsibilities under the Occupational Safety and Health Act 1984 and Occupational Safety and Health Regulations 1996 in such a manner it ensures the provision and maintenance of a safe and healthy work environment for all its employees and the members of the general public who visit the Commission's office. There are two designated Occupational Safety and Health representatives (OS&H) who formally met on four (4) occasions and continued to monitor the workplace for potential hazards on an ongoing basis.

During 2005 a safety audit was conducted which involved a visual inspection of all offices, meeting rooms, kitchen and other facilities. Staff were observed at their workstations and consulted about office lighting, seating, frequently used equipment and perceptions about OS&H risk areas and issues.

In response to the findings of this audit, an OS&H ergonomic consultant was engaged to conduct detailed individual assessments on 14 staff members and, where appropriate, made recommendations on how to rectify OS&H deficiencies.

To re-enforce the importance of OS&H issues a DVD on OS&H was purchased for use as a staff education tool. A segment of this DVD was shown during one of two staff meeting where OS&H issues were an agenda item.

The Commission held an Office Clean-up Day in May 2006, with all staff responsible for removing potential hazards from their immediate and common work areas.

A building audit of toxic substances identified tins of old paint, cleaning liquids, spray on lubricants and a range of other substances in individual offices and common use areas. Substances were not in use were removed from the office.

There was one worker's compensation claim lodged during the year.

6.4.4 Employee profile

Table 24 illustrates the Commission's gender and salary profile of permanent and contract staff during the 2005/06 financial year.

Table 24
Staff Profile by gender and salary
2005/06

2005/2006			
Salary Range	Female	Male	Total
\$0 - \$38,660	2	0	2
\$38,661 - \$44,542	3	0	3
\$44,543 - \$50,155	2	0	2
\$50,156 - \$55,794	2	1	3
\$55,795 - \$64,927	1	3	4
\$64,928 - \$75,658	7	2	9
\$75,659 - \$85,692	3	1	4
\$85,693 - \$98,179	1	1	2
\$98,180 - \$111,508	0	0	0
>\$111,509	1	0	1
Total	22	8	30

The Commissioner employed 30 staff at June 30, 2006, including three (3) Indigenous officers and six (6) officers from culturally diverse backgrounds.

This representation, which is 10% and 20% respectively of the total Commission workforce, compares favourably against the Government's 2005 objectives. In addition women accounted for 73% of the Commission's workforce, with 10% working part-time during the 2005/06 financial year.

6.4.5 Annual surveys and evaluations

Each year annual surveys are conducted to establish the demographic profile of individuals and organisations that use the services of the Commission, their expectations and preferred means of obtaining information about the Act. The survey findings provide valuable feedback about how our services can be improved. These are incorporated into the way the Commission delivers its services to promote equal opportunity and resolve complaints of discrimination. Survey instruments are under review to improve their efficacy, and any changes are expected to be implemented during the 2006/07 financial year.

To ensure programs and initiatives are relevant and appropriate the Commission convenes community consultative committees as required. Committee representatives come from a variety of community organisations. These include women, Indigenous people, people with disabilities, people from culturally and linguistically diverse backgrounds as well as young and mature people.

6.4.6 Complaints

The Commission has a commitment to the Western Australian Government's Customer Focus Strategy, launched in 1994, including client feedback. Under this strategy the Commission developed its Customer Service Charter in 2000 which invites complaints about our services.

The Charter states:

"In order to provide the best possible service, we need to hear from you with any complaints, suggestions for improvement, or praise for services that meet your needs".

The Commission also receives client feedback from complainants and respondents (through the Survey of Services) and from participants attending the Commission's training courses, through pre- and post-evaluations. Feedback received through these processes is used to improve services. Amendments to reflect these on the Commission's website have also been approved.

A Complaints Handling Policy was developed in 2002/03 to record all other written complaints received. In 2005/06 the Commission received four (4) written complaints compared with none the previous financial year.

6.5 Outcome based management

The Commission has two key outcomes that are linked to government priorities and strategic objectives. These outcomes seek to achieve the Commission's two Services of providing information and advice about equal opportunity and human rights issues, and provide accessible avenues of redress under relevant legislation.

6.5.1 Outcome 1 – Provision of information and advice

Provision of information and advice regarding equal opportunity and human rights.

This outcome involves the dissemination of relevant and appropriate information on the Equal Opportunity Act 1984, other relevant laws, human rights issues generally, and the provision of accurate advice on equal opportunity matters and the identification of discriminatory policies and practices.

Table 25 provides details against the Commission's Outcome 1 – Provision of information and advice.

Table 25
Outcome 1 – Provision of information and advice

Key Efficiency Indicators	2005/06 Budget	2005/06 Target
Average cost per enquiry	\$105.00	\$91.00
Average cost per presentation	\$2,558	\$2,718
Average cost per publication	\$7,279	\$12,109
Average cost per advice and review	\$1,056	\$2,611

The variance between actual and targeted average costs is largely due to the full operation of the Substantive Equality Unit and the increase in salaries which resulted from reclassification of Conciliation Officer levels.

Effectiveness

A survey is conducted regularly to measure the community's attitudes towards equal opportunity. The last survey revealed 93.0% of survey participants in Western Australia believed it is of benefit to have an Act that deals with discrimination and 82.2% recognised one or more of the grounds of discrimination specified in the Act. The results of the next survey will be available in the 2006/07 financial year.

6.5.2 Outcome 2 – Avenue of redress

Avenue of redress for unlawful discrimination and unreasonable treatment.

This outcome involves investigating and attempting to conciliate complaints that fall within the jurisdiction of the *Equal Opportunity Act 1984* and other legislation administered by the Commission, and the provision of assistance to complainants when their complaints were referred to the State Administrative Tribunal.

Table 26 provides details against the Commission's Outcome 2 – Avenue of redress

Table 26
Outcome 2 – Avenue of redress

Key Efficiency Indicators	2005/06 Budget	2005/06 Target
Average cost per complaint	\$1,337	\$912
Average cost per case referred to the Equal Opportunity Tribunal	\$3,177	\$2,991

Effectiveness


Results of the Commissions' survey of services in 2005/06 indicate that:

- ☛ *of those who completed the survey, 77% of complainants and 64% of respondents believed the complaint handling process was reasonable*
- ☛ *80% of complainants and 77% of respondents believed they were treated impartially during the complaint handling process; and*
- ☛ *75% of complainants and 61% of respondents think the Equal Opportunity Act 1984 provides a good way of resolving cases of discrimination.*

6.5.3 Compliance statement

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

I have complied with the Public Sector Standards in Human Resource Management, the Western Australian Public Sector Code of Ethics and the Commission's Code of Conduct. Procedures and appropriate internal assessments have been conducted to ensure compliance. At the date of signing, I was not aware of any circumstances that would render the particulars of this statement to be misleading or inaccurate.



Yvonne Henderson
COMMISSIONER FOR EQUAL OPPORTUNITY

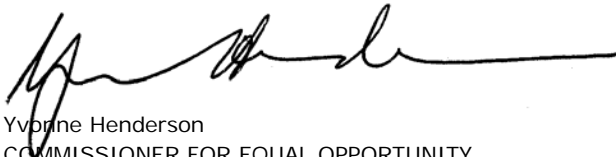
July 31, 2006

Performance Indicators

7.1 Certification of Performance Indicators for the year ended June 30, 2006

COMMISSIONER FOR EQUAL OPPORTUNITY
CERTIFICATION OF PERFORMANCE INDICATORS
FOR THE YEAR ENDED JUNE 30, 2006

I hereby certify that the performance indicators are based on proper records, are relevant and appropriate for assisting users to assess the Equal Opportunity Commission's performance, and fairly represent the performance of the Commissioner for Equal Opportunity for the financial year ended June 30, 2006.



Yvonne Henderson
COMMISSIONER FOR EQUAL OPPORTUNITY

July 31, 2006

7.2 Performance Indicators

The outcomes of the Equal Opportunity Commission are that:

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.

The Commissioner for Equal Opportunity provides information on equal opportunity and human rights issues as well as avenues of redress to individuals who experience unlawful discrimination.

The Commission's effectiveness indicators demonstrate the extent to which the Commissioner for Equal Opportunity promotes equality of opportunity, provides remedies in respect to discrimination and raises awareness of the *Equal Opportunity Act 1984* within the Western Australian community.

7.2.1 EFFECTIVENESS INDICATORS OF RECOGNITION, ACCEPTANCE AND PUBLIC AWARENESS

The extent to which equality of opportunity within the Western Australian community is recognised and accepted has been measured by conducting surveys every three years to ascertain community attitudes to equal opportunity.

7.2.1.1 Indicators of public awareness, recognition and acceptance

Between May 19 and May 25, 2003, Patterson Market Research undertook a *Survey of Community Awareness* across Western Australia to ascertain the public's levels of awareness and views of the Act and equal opportunity. The methodology comprised a telephone survey of a random sample of the adult population and a total of 400 interviews were completed, 291 in the metropolitan area (population size 1,361,250) and 109 in country areas (population size 370,055) at an error rate of 4.9% at the 95% level of confidence. The population was based on the 2001 ABS Census data.

The results of a follow up survey were not available at the time of preparing this Annual Report.

Results of the *2003 Survey of Community Awareness* are presented in Table 1.

Table 1
Public awareness, recognition and acceptance of the
Act and equal opportunity

Proportion of the public:	1997 Survey Perth %	2000 Survey Perth %	2000 Survey Kimberley %	2003 Survey Perth %	2003 Survey Whole of WA %
Who had heard of the Act	71.6	73.0	68.0	84.1	82.2
Who recognised one or more grounds of discrimination	78.5	81.0	82.1	84.1	82.2
Who believed that people are generally very or quite concerned about equal opportunity issues	54.5	54.0	56.0	57.7	56.2
Who were generally very or quite concerned about equal opportunity issues	67.1	67.0	66.0	71.4	70.5
Who believe that it is of benefit to have Act that deals with discrimination	90.2	92.0	87.0	93.4	93.0

7.2.1.2 Indicators of employers' and employees' acceptance

As 62.7% of complaints relate to work or employment, increasing rates of awareness and acceptance of equal opportunity issues in workplaces is a major focus of the Commission.

- ☛ *The proportion of employer respondents to complaints who have revised their policies and/or implemented equal opportunity programs as an outcome of their conciliated complaints has increased from 10% in 2004/05 to 18.6% in 2005/06, as shown in Table 2.*

Table 2
Employer respondents' acceptance of the Act and
equal opportunity

Employer Respondents	2002/03 %	2003/04 %	2004/05 %	2005/06 %
Employer respondents who have revised their policies and/or implemented equal opportunity programs	18.2	30.6	10.0	18.6

Employee's acceptance of the Act and equal opportunity is also ascertained by the extent to which participants who attended training courses state they would recommend the Commission's training to others and that they would be able to utilise what they had learnt at their work or in their daily life.

Based on feedback participants provide in post-training evaluation questionnaires, there has been a consistently high level of recognition of the value of the training, which confirms the continuing effectiveness of the Commission's training programs.

- the proportion of training participants who would recommend the Commission's training courses to has increased; and
- there was a small decrease in the number of participants who indicated they would use what they had learnt at work or in their daily life, from 97.5% in 2004/05 to 96.6% in 2005/06.

Details of training participants' feedback are provided in Table 3.

Table 3
Employees' acceptance of the Act and equal opportunity

Training Participants	2002/03 1	2003/04 2	2004/05 3	2005/06 4
	%	%	%	%
Participants who would recommend the Commission's training courses.	94.1	96.5	96.8	98.0
Participants who stated that they would be able to use what they have learnt at work or their daily life.	94.4	95.5	97.5	96.6

1. 02/03 - 919 participants attended training, and only 612 participants completed evaluation surveys as the new "Sexual Orientation and Gender History" training course did not use evaluation surveys. The response rate was 66.5% at an error rate of 2.29%.

2. 03/04 - 1105 participants attended training sessions, 630 participants received an evaluation survey and 600 were completed. The response rate was 54.2% at an error rate of 2.7%. As a number of training sessions conducted attracted large numbers of participants, evaluation surveys were not distributed for these sessions. A review of evaluating training programs was undertaken to examine ways of increasing the response rate. Results of the review have been implemented.

3. 04/05 - 2487 participants received an evaluation survey and 2039 were completed. The response rate was 81.9% at an error rate of 0.92%.

4. 05/06 - 2192 participants received an evaluation survey and 1658 were completed. The response rate was 75.6% at an error rate of 1.19%

7.2.2 EFFECTIVENESS INDICATORS OF REDRESS FOR UNLAWFUL DISCRIMINATORY BEHAVIOUR

The extent to which redress for unlawful discriminatory practices, policies and behaviour is consistent with the objects of the *Equal Opportunity Act 1984*, is accessible and meets the needs of complainants and respondents in a timely and effective manner.

7.2.2.1 Conciliation and legal assistance as a means of redress

The extent to which complaints are conciliated, in comparison to those that are referred to the State Administrative Tribunal (SAT), indicates the degree to which the complaint handling model is seen, and used as an effective means of resolving complaints of unlawful discrimination. During 2005/06 the Commission handled 701 complaints. Rates of conciliation and referral to the Tribunal are shown in Table 4 below.

Table 4
Rates of conciliation and referral to the State
Administrative Tribunal

Rates of conciliation and referral to the Tribunal	2002/03	2003/04	2004/05	2005/06
	%	%	%	%
Proportion of closed complaints conciliated	29.6	21.7	31.7	32.9
Proportion of closed complaints referred to the State Administrative Tribunal	26.2	15.1	18.4	29.2

The total number of complaints that were conciliated or referred to the Tribunal during 2005/06 was 166 and 147 respectively. During this period the decline in the number of lapsed complaints continued (refer to Table 5 below). The proportion of conciliated complaints remained much the same but there was a significant increase in the proportion of complaints referred to the Tribunal.

Table 5
Details of the outcomes of the remaining closed
complaints

Details of Remaining Complaints	2002/03	<u>2003/04</u> ⁵	2004/05	2005/06
	%	%	%	%
Lapsed	15.0	51.8	22.9	14.1
Dismissed	11.2	5.5	10.4	9.1
Withdrawn	18.0	5.9	16.6	14.7

⁵ This one-off increase was due to changes in the manner in which complaints were determined to be lapsed.

The extent to which Legal Officers settle complaints referred to the Tribunal before it hears the matter indicates the effectiveness of providing legal assistance to complainants. In 2005/06 there was a 5% decrease in the settlement rate of cases referred to the Tribunal. This occurred because of an increase in the numbers of cases in which legal assistance was discontinued, from 2 (3.4%) in 2004/05 to 6 (10.3%) in 2005/06. Table 6 below provides the rates of settlement.

Table 6
Settlement Rate, through mediation, of complaints referred to the State Administrative Tribunal

Settlement rate of cases referred to the State Administrative Tribunal	2002/03	2003/04	2004/05	2005/06
Settlement rate	73.5	67.7	75.9	70.7

During the 2005/06 financial year:

- ☛ 32.9% of closed complaints were conciliated (refer to Table 4)
- ☛ 70.7% of cases referred to the Tribunal were settled through mediation (refer to Table 6)
- ☛ 78.3% of conciliated complaints were settled through conciliation conferences; and
- ☛ the average time taken to reach a conciliation conference was 8.6 months.

7.2.3. SERVICE 1: PROVISION OF INFORMATION AND ADVICE REGARDING EQUAL OPPORTUNITY AND HUMAN RIGHTS

- ☛ These indicators measure the average cost of delivering training courses/seminars, answering enquiries, providing policy advice, conducting reviews and producing publications. They are calculated by dividing the total cost of each type of service by the total number of services provided each year.
- ☛ Each initiative or service contributes and enhances the public's awareness and acceptance of equal opportunity. Table 7 provides the average cost of training, enquiries, policy advice and review, and publications.

Table 7
Average cost of training, enquiries, policy advice and review, and publications

	2002/03	2003/04	2004/05	2005/06	2005/06
	\$	\$	\$	\$	Target
Average cost per presentation/seminar/workshop	3,086.56	3,027.20	2,224.56	2,558.00	2,718.00
Average cost per enquiry	68.74	83.87	88.24	105.00	91.00
Average cost per policy advice and review	695.01	1,258.68	2,343.84	1,056.00	2,611.00
Average cost per publication	14,173.60	14,522.66	6,542.33	7,279.00	12,109.00

- ☛ *The average cost of presentations was slightly less than estimated as initial data collected from the newly established SEU was refined and adjusted during the year. There was an overall 19.5% increase in the number of presentations from 241 in 2004/05 to 288 in 2005/06.*
- ☛ *The increase in the average cost per enquiry is due to a decrease in number of enquiries (from 3457 in 2004/05 to 3257 in 2005/06) and the reclassification of salary levels of the Conciliation Officers.*
- ☛ *The fall in the number of enquiries could be accounted for by the increasing use of the website, upgraded at the beginning of the financial year. The website was accessed 36,371 times in the 2005/06 financial year, a 13.2% increase from the 32,126 hits recorded in 2004/05.*
- ☛ *There was also a readjustment of data collected for the SEU which transferred some items, initially enquiries, to Policy and Advice and Review.*
- ☛ *Policy advice and review is dependent on requests received from individuals and organisations (e.g. draft replies for the Minister, submissions on government policies, legislation reviews and papers presented by the Commissioner).*
- ☛ *The number of policy advice and reviews more than doubled from 218 in 2004/05 to 505 in 2005/06. This was largely due to the full operation of the Substantive Equality Unit and the implementation of the recommendations of the Finding a Place report, with a consequent decrease in the average cost per policy advice. The target set did not foresee the extent of the increase in this item.*
- ☛ *The number of publications produced continues to increase, from 28 in 2004/05 to 31 in 2006/05. This includes updated reviews of existing publications, a range of multilingual resources and the revamped, expanded Reference Guide. The Substantive Equality Unit also produced three new publications to support its program.*

7.2.4. SERVICE 2: AVENUES OF REDRESS FOR UNLAWFUL DISCRIMINATION AND UNREASONABLE TREATMENT

These indicators measure the average cost of resolving complaints and the average cost of cases referred to the Tribunal. It is calculated by dividing the total cost of complaints/cases by the number of complaints/cases. Table 8 below provides details of the average cost per complaint handled and the average cost per case referred by the Commissioner to the Tribunal.

Table 8
Average cost per complaint and average cost per case referred by the Commissioner to the Tribunal

	2002/03	2003/04	2004/05	2005/06	2005/06
	\$	\$	\$	\$	Target
Average cost per complaint	736.13	923.38	1,042.83	1,337.00	912.00
Average cost per case referred to the Tribunal by the Commissioner	2,627.21	2,375.57	3,089.66	3,177.00	2,991.00

- The increase in the average cost per complaint is due to a decrease in the number of complaints handled (from 818 in 2004/05 to 701 in 2005/06) as well as the reclassification of salary levels of the Conciliation Officers.
- The average cost per case referred to the Tribunal increased slightly despite an increase in the number of complaints referred, up from 90 in 2004/05 to 94 in 2005/06.

Financial Statements

8.1 Certification of Financial Statements for the year ended June 30, 2006

COMMISSIONER FOR EQUAL OPPORTUNITY
CERTIFICATION OF FINANCIAL STATEMENTS
FOR THE YEAR ENDED JUNE 30, 2006

The accompanying financial statements of the Commissioner for Equal Opportunity have been prepared in compliance with the provisions of the *Financial Administration and Audit Act 1985* from proper accounts and records to present fairly the financial transactions for the financial year ending 30 June 2006 and financial position as at 30 June 2006.

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.

Graeme Doyle
A/DIRECTOR FINANCIAL MANAGEMENT
Principal Accounting Officer

August 15, 2006



Yvonne Henderson
COMMISSIONER
Accountable Officer

August 15, 2006



AUDITOR GENERAL

INDEPENDENT AUDIT OPINION

To the Parliament of Western Australia

COMMISSIONER FOR EQUAL OPPORTUNITY FINANCIAL STATEMENTS AND PERFORMANCE INDICATORS FOR THE YEAR ENDED 30 JUNE 2006

Audit Opinion

In my opinion,

- (i) the financial statements are based on proper accounts and present fairly the financial position of the Commissioner for Equal Opportunity at 30 June 2006 and its financial performance and cash flows for the year ended on that date. They are in accordance with applicable Accounting Standards and other mandatory professional reporting requirements in Australia and the Treasurer's Instructions;
- (ii) the controls exercised by the Commissioner provide reasonable assurance that the receipt and expenditure of moneys, the acquisition and disposal of property, and the incurring of liabilities have been in accordance with legislative provisions; and
- (iii) the key effectiveness and efficiency performance indicators of the Commissioner are relevant and appropriate to help users assess the Commissioner's performance and fairly represent the indicated performance for the year ended 30 June 2006.

Scope

The Commissioner is responsible for keeping proper accounts and maintaining adequate systems of internal control, for preparing the financial statements and performance indicators, and complying with the Financial Administration and Audit Act 1985 (the Act) and other relevant written law.

The financial statements consist of the Income Statement, Balance Sheet, Statement of Changes in Equity, Cash Flow Statement, Schedule of Expenses and Revenues by Service, Summary of Consolidated Fund Appropriations and Income Estimates, and the Notes to the Financial Statements.

The performance indicators consist of key indicators of effectiveness and efficiency.

Summary of my Role

As required by the Act, I have independently audited the accounts, financial statements and performance indicators to express an opinion on the financial statements, controls and performance indicators. This was done by testing selected samples of the evidence. Further information on my audit approach is provided in my audit practice statement. Refer "<http://www.audit.wa.gov.au/pubs/Audit-Practice-Statement.pdf>".

An audit does not guarantee that every amount and disclosure in the financial statements and performance indicators is error free. The term "reasonable assurance" recognises that an audit does not examine all evidence and every transaction. However, my audit procedures should identify errors or omissions significant enough to adversely affect the decisions of users of the financial statements and performance indicators.

JOHN DOYLE
ACTING AUDITOR GENERAL
11 September 2006

COMMISSIONER FOR EQUAL OPPORTUNITY
Income Statement
for the year ended 30 June 2006

	Note	2006 \$	2005 \$
COST OF SERVICES			
Expenses			
Employee benefits expense	5	2,026,755	1,750,038
Supplies and services	6	345,921	341,632
Depreciation expense	7	36,978	27,140
Accommodation expenses	8	264,633	288,690
Grants and subsidies	9	-	17,000
Loss on sale of assets	13	4,271	-
Other expenses	10	262,049	241,909
Total cost of services		<u>2,940,607</u>	<u>2,666,409</u>
Income			
User charges and fees	11	240,663	178,574
Commonwealth grants and contributions	12	26,369	49,500
Other revenue	14	1,773	1,369
Total income other than Income from State Government		<u>268,805</u>	<u>229,443</u>
NET COST OF SERVICES		<u>2,671,802</u>	<u>2,436,966</u>
INCOME FROM STATE GOVERNMENT			
	15		
Service appropriation		2,727,000	2,408,000
Resources received free of charge		110,518	109,578
Total income from State Government		<u>2,837,518</u>	<u>2,517,578</u>
SURPLUS/(DEFICIT) FOR THE PERIOD		165,716	80,612

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

COMMISSIONER FOR EQUAL OPPORTUNITY
Balance Sheet
As at 30 June 2006

	Note	2006 \$	2005 \$
ASSETS			
Current Assets			
Cash and cash equivalents	25(a)	504,816	326,258
Receivables	16	83,232	54,814
Amounts receivable for services	17	37,000	33,000
Other current assets	18	11,801	6,634
Total Current Assets		<u>636,849</u>	<u>420,706</u>
Non-Current Assets			
Restricted cash and cash equivalents	19	6,430	-
Property, plant and equipment	20	146,095	123,381
Total Non-Current Assets		<u>152,525</u>	<u>123,381</u>
TOTAL ASSETS		<u>789,374</u>	<u>544,087</u>
LIABILITIES			
Current Liabilities			
Payables	21	23,267	60,595
Provisions	22	303,388	280,369
Other current liabilities	23	30,582	1,210
Total Current Liabilities		<u>357,237</u>	<u>342,174</u>
Non-Current Liabilities			
Provisions	22	115,744	112,236
Total Non-Current Liabilities		<u>115,744</u>	<u>112,236</u>
Total Liabilities		<u>472,981</u>	<u>454,410</u>
Net Assets		<u>316,393</u>	<u>89,677</u>
Equity			
Contributed equity	24	290,000	229,000
Accumulated surplus / (deficiency)		26,393	(139,323)
Total equity		<u>316,393</u>	<u>89,677</u>
TOTAL LIABILITIES AND EQUITY		<u>789,374</u>	<u>544,087</u>

The Balance Sheet should be read in conjunction with the accompanying notes.

COMMISSIONER FOR EQUAL OPPORTUNITY
Statement of Changes in Equity
For the year ended 30 June 2006

	Note	2006	2005
		\$	\$
Balance of equity at start of period		89,677	(85,935)
CONTRIBUTED EQUITY			
Balance at start of period	24	229,000	134,000
Capital contribution		<u>61,000</u>	<u>95,000</u>
Balance at end of period		<u>290,000</u>	<u>229,000</u>
ACCUMULATED SURPLUS			
Balance at start of period	24	(139,323)	(219,935)
Surplus/(deficit) for the period		<u>165,716</u>	<u>80,612</u>
Balance at end of period		<u>26,393</u>	<u>(139,323)</u>
Balance of equity at end of period		<u><u>316,393</u></u>	<u><u>89,677</u></u>
Total income and expense for the period		165,716	80,612

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

COMMISSIONER FOR EQUAL OPPORTUNITY

Cash Flow Statement

For the year ended 30 June 2006

	Note	2006 \$	2005 \$
CASH FLOWS FROM STATE GOVERNMENT			
Service appropriation		2,689,000	2,374,000
Capital Contributions		61,000	95,000
Holding Account drawdowns		34,000	31,000
Net cash provided by State Government		<u>2,784,000</u>	<u>2,500,000</u>
Utilised as follows:			
CASH FLOWS FROM OPERATING ACTIVITIES			
Payments			
Accommodation		-	-
Employee benefits		(1,784,404)	(1,654,877)
Supplies and services		(992,261)	(945,496)
GST payments on purchases		(107,111)	(103,004)
GST payments to taxation authority		-	-
Receipts			
Receipts from services		237,964	222,507
GST receipts on sales		24,044	81,960
GST receipts from taxation authority		86,719	19,625
Net cash provided by/(used in) operating activities	25(b)	<u>(2,535,049)</u>	<u>(2,379,285)</u>
CASH FLOWS FROM INVESTING ACTIVITIES			
Proceeds from sale of non-current physical assets		3,987	-
Purchase of non-current physical assets		(67,950)	(64,368)
Net cash provided by/(used in) investing activities		<u>(63,963)</u>	<u>(64,368)</u>
Net increase/(decrease) in cash and cash equivalents		184,988	56,347
Cash and cash equivalents at the beginning of period		<u>326,258</u>	<u>269,911</u>
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	25(a)	<u>511,246</u>	<u>326,258</u>

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

1 Commissioner for Equal Opportunity mission and funding

The mission of the Commissioner for Equal Opportunity (the "Commission" for the purpose of these notes) is to ensure that people in the Western Australian community are treated on their merits, free from assumptions based on prejudice or unlawful discrimination.

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

2 First time adoption of Australian equivalents to International Financial Reporting Standards

General

This is the Commission's first published financial statements prepared under Australian Equivalents to International Financial Reporting Standards (AIFRS). AASB 1 'First-time adoption of Australian Equivalents to International Financial Reporting Standards' has been applied in preparing these financial statements. The financial statements of the Commission until 30 June 2005 had been prepared under the previously Australian Generally Accepted Accounting Principles (AGAAP).

The Australian Accounting Standards Board (AASB) adopted the Standards of the International Accounting Standards Board (IASB) for application to reporting periods beginning on or after 1 January 2005 by issuing AIFRS which comprise a Framework for the Preparation and Presentation of Financial Statements, Australian Accounting Standards and the Urgent Issues Group (UIG) Interpretations.

In accordance with the option provided by AASB 1 paragraph 36A and exercised by Treasurer's Instruction (TI) 1101 'Application of Australian Accounting Standards and Other Pronouncements', financial instrument information prepared under AASB 132 and AASB 139 will apply from 1 July 2005 and consequently comparative information for financial instruments is presented on the previous AGAAP basis. All other comparative information has been prepared under the AIFRS basis.

Early adoption of standards

The Commission cannot early adopt an Australian Accounting Standard or UIG Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. This TI requires the early adoption of revised AASB 119 'Employee Benefits' as issued in December 2004, AASB 2004-3 'Amendments to Australian Accounting Standards' and 2005-3 'Amendments to Australian Accounting Standards [AASB 119]'; AASB 2005-4 'Amendments to Australian Accounting Standard [AASB 139, AASB 132, AASB 1, AASB 1023 & AASB 1038]' and AASB 2005-6 'Amendments to Australian Accounting Standards [AASB 3]' to the annual reporting period beginning 1 July 2005. AASB 2005-4 amends AASB 139 'Financial Instruments: Recognition and Measurement' so that the ability to designate financial assets and financial liabilities at fair value is restricted. AASB 2005-6 excludes business combinations involving common control from the scope of AASB 3 'Business Combinations'.

3 Summary of significant accounting policies

(a) General Statement

The financial statements constitute a general purpose financial report which has been prepared in accordance with Australian Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board as applied by the Treasurer's Instructions. Several of these are modified by the Treasurer's Instructions to vary the application, disclosure, format and wording.

The Financial Administration and Audit Act and the Treasurer's Instructions are legislative provisions governing the preparation of financial statements and take precedence over the Accounting Standards, the Framework, Statements of Accounting Concepts and other authoritative pronouncements of the Australian Accounting Standards Board. The modifications are intended to fulfil the requirements of general application to the public sector, together with the need for greater disclosure and also satisfy accountability requirements.

Where any such modification is required and has a material or significant financial effect upon the reported results, details of that modification and where practicable, the resulting financial effect is disclosed in individual notes to the financial statements.

(b) Basis of preparation

The financial statements have been prepared in accordance with Accounting Standard AAS29 'Financial Reporting by Government Departments' on the accrual basis of accounting using the historical cost convention, modified by the revaluation of 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.

(c) Reporting entity

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

(d) Contributed Equity

UIG 1038 "Contributions by Owners Made to Wholly-Owned Public Sector Entities" transfers in the nature of equity contributions must 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 in the financial statements. Capital contributions (appropriations) have been designated as contributions by owners and have been credited directly to Contributed Equity.

(e) Income

Revenue

Revenue is measured at the fair value of consideration received or receivable. Revenue is recognised for the major business unit 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.

Rendering of services

Revenue is recognised upon delivery of the service to the client or by reference to the stage of completion.

Interest

Revenue is recognised as the interest accrues.

Service Appropriations

Service Appropriations are recognised as revenue 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 into the Commission's bank account or credited to the holding account held at the Department of Treasury and Finance.

Net Appropriation Determination

The Treasurer may make a determination providing for prescribed revenues to be retained for services under the control of the Commission. In accordance with the determination specified in the 2005-2006 Budget Statements, the Commission retained \$268805 million in 2006 (\$229,443 in 2005) from the following:

- proceeds from the provision of Community Education Services;

Retained revenues may only be applied to the services specified in the 2005-2006 Budget Statements.

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 which is 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.

Where contributions recognised as revenues during the reporting period were obtained on the condition that they be expended in a particular manner or used over a particular period, and those conditions were undischarged as at the reporting date, the nature of, and amounts pertaining to, those undischarged conditions are disclosed in the notes.

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

Gains

Gains may be realised or unrealised and are usually recognised on a net basis. These include gains arising on the disposal of non-current assets and some revaluations of non-current assets.

(f) Property, Plant and Equipment

Capitalisation/Expensing of assets

Items of property, plant and equipment costing over \$1,000 are recognised as assets and the cost of utilising assets is expensed (depreciated) over their useful lives. Items of property, plant and equipment costing less than \$1,000 are immediately expensed direct to the Income Statement (other than where they form part of a group of similar items which are significant in total).

Initial recognition and measurement

All items of property, plant and equipment are initially recognised at cost. For items of property, plant and equipment acquired at no cost or for nominal consideration, the cost is their fair value at the date of acquisition.

Subsequent measurement

After recognition as an asset, the Commission uses the cost model for property, plant and equipment. Items of property, plant and equipment are carried at historical cost less accumulated depreciation and accumulated impairment losses.

Refer to note 20 'Property, plant and equipment' for further information on revaluations.

Assets acquired at no cost or for nominal consideration, are initially recognised at their fair value at the date of acquisition.

Depreciation

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

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

Office equipment	10 years
Computers	5 years
Leasehold improvements	10 years

(g) Impairment of Assets

Property, plant and equipment assets are tested for any indication of impairment at each reporting date. 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 or where the replacement cost is falling. Each relevant class of assets is reviewed annually to verify that the accumulated depreciation/amortisation reflects the level of consumption or expiration of 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 each reporting date irrespective of whether there is any indication of impairment.

The recoverable amount of assets identified as surplus assets is the higher of fair value less costs to sell and the present value of future cash flows expected to be derived from the asset. Surplus assets carried at fair value have no risk of material impairment where fair value is determined by reference to market evidence. Where fair value is determined by reference to depreciated replacement cost, surplus assets are at risk of impairment and the recoverable amount is measured. Surplus assets at cost are tested for indications of impairment at each reporting date.

(h) Leases

The Commission has entered into operating lease arrangements for buildings and motor vehicles. The lessors effectively retain all of the risks and benefits incidental to ownership of the items held under the operating leases. Lease payments are expensed on a straight line basis over the lease term as this is representative of the pattern of benefits to be derived from the leased property.

(i) Financial Instruments

The Commission has two categories of financial instrument:

- Loans and receivables (cash and cash equivalents, receivables); and
- Non-trading financial liabilities (payables, Treasurer's advance).

(j) Cash and Cash Equivalents

For the purpose of the Cash Flow Statement, cash and cash equivalents includes restricted cash and cash equivalents. These are comprised of 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.

(k) Accrued salaries

The accrued salaries suspense account (refer note 16 'Restricted cash and cash equivalents') 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 in that year instead of the normal 26. No interest is received on this account.

Accrued salaries (refer note 23 'Other liabilities') represent the amount due to staff but unpaid at the end of the financial year, as the end of the last pay period for that financial year does not coincide with the end of the financial year. Accrued salaries are settled within a few days of the financial year end. The Commission considers the carrying amount of accrued salaries to be equivalent to the net fair value.

(l) Receivables

Receivables are recognised and carried at original invoice amount less an allowance for uncollectible amounts (i.e. impairment). The collectability of receivables is reviewed on an ongoing basis and any receivables identified as uncollectible are written-off. The allowance for uncollectible amounts (doubtful debts) is raised when there is objective evidence that the Commission will not be able to collect the debts. The carrying amount is equivalent to fair value as it is due for settlement within 30 days.

(m) Payables

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

(n) Provisions

Provisions are liabilities of uncertain timing and amount and are recognised where there is a present legal, equitable or constructive obligation as a result of a past event and when the outflow of economic benefits is probable and can be measured reliably. Provisions are reviewed at each balance sheet reporting date. See note 22 'Provisions'.

Provisions- Employee Benefits

Annual Leave and Long Service Leave

This entitlement is recognised at the reporting date in respect to employees' services up to that date and is measured at the nominal amounts expected to be paid when the liabilities are settled.

A liability for long service leave is recognised after an employee has completed four years of service. An actuarial assessment of long service leave undertaken by Price Waterhouse Coopers in 2004 determined that the liability measured using the short hand method was not materially different from the liability measured using the present value of expected future payments.

This method of measurement of the liability is consistent with the requirements of Australian Accounting Standards AASB 119 "Employee Benefits".

All annual leave and unconditional long service leave provisions are classified as current liabilities as the Commission does not have an unconditional right to defer settlement of the liability for at least 12 months after the reporting date.

Superannuation

The Government Employees Superannuation Board (GESB) administers the following superannuation schemes. Employees may contribute to the Pension Scheme, a defined benefit pension scheme now closed to new members or the Gold State Superannuation Scheme (GSS), a defined benefit lump sum scheme also closed to new members. The Commission has no liabilities for superannuation charges under the Pension or the GSS Schemes as the liability has been assumed by Treasurer.

Employees who are not members of either the Pension or the GSS Schemes become non-contributory members of the West State Superannuation Scheme (WSS), an accumulation fund. The Commission makes concurrent contributions to GESB on behalf of employees in compliance with the Commonwealth Government's Superannuation Guarantee (Administration) Act 1992. These contributions extinguish the liability for superannuation charges in respect of the WSS Scheme. The GESB makes all benefit payments in respect of the Pension and GSS Schemes, and is recouped by the Treasurer for the employer's share.

(o) Superannuation expense

The superannuation expense is comprised of the following elements:

- (i) Defined benefit plans- Change in the unfunded employer's liability in respect of current employees who are members of the Pension Scheme and current employees who accrued a benefit on transfer from that Scheme to the Gold State Superannuation Scheme; and
- (ii) Defined contribution plans- Employer contributions paid to the Gold State Superannuation Scheme and West State Superannuation Scheme.

The superannuation expense does not include payment of pensions to retirees, as this does not constitute part of the cost of services provided by the Commission in the current year.

A revenue "Liabilities assumed by the Treasurer" equivalent to (i) is recognised under Revenues from State Government in the Statement of Financial Performance as the unfunded liability is assumed by the Treasurer. The GESB makes the benefit payments and is recouped by the Treasurer.

Defined contribution plans - in order to reflect the Commission's true cost of services, the Commission is funded for the equivalent of employer contributions in respect of the GSS Scheme (excluding transfer benefits). These contributions were paid to the GESB during the year and placed in a trust account administered by the GESB on behalf of the Treasurer. The GESB subsequently paid these employer contributions in respect of the GSS Scheme to the Consolidated Fund.

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

(p) Resources Received Free of Charge or for Nominal Cost

Resources received free of charge or for nominal value which can be reliably measured are recognised as revenues and as assets or expenses as appropriate, at fair value.

(q) Comparative Figures

Comparative figures have been restated on the AIFRS basis except for financial instruments information, which has been prepared under the previous AGAAP Australian Accounting Standard AAS 33 'Presentation and Disclosure of Financial Instruments'. The transition date to AIFRS for financial instruments is 1 July 2005 in accordance with the exemption allowed under AASB 1, paragraph 36A and Treasurer's Instruction 1101.

4 Services of the Commissioner for Equal Opportunity

Information about the Commission's services is set out in the Schedule of Expenses and Revenues by Service.

The services for the Equal Opportunity Commission are:

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, and the 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 Equal Opportunity Tribunal.

The Department of the Attorney General provides overall corporate support in human resources and financial services (refer to note 15 for details of charge).

5 Disclosure of changes in accounting policy and estimates

Future impact of Australian Accounting Standards not yet operative

The Commission cannot early adopt an Australian Accounting Standard or UIG Interpretation unless specifically permitted by TI 1101 'Application of Australian Accounting Standards and Other Pronouncements'. As referred to in Note 2, TI 1101 has only mandated the early adoption of revised AASB 119, AASB 2004-3, AASB 2005-3, AASB 2005-4 and AASB 2005-6. Consequently, the Commission has not applied the following Australian Accounting Standards and UIG Interpretations.

1. AASB 7 'Financial Instruments: Disclosures' (including consequential amendments in AASB 2005-10 'Amendments to Australian Accounting Standards [AASB 132, AASB 101, AASB 114, AASB 117, AASB 133, AASB 139, AASB 1, AASB 4, AASB 1023 & AASB 1038]'). This Standard requires new disclosures in relation to financial instruments. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2007. The Standard is considered to result in increased disclosures of an entity's risks, enhanced disclosure about components of financial position and performance, and changes to the way of presenting financial statements, but otherwise there is no financial impact.

2. AASB 2005-9 'Amendments to Australian Accounting Standards [AASB 4, AASB 1023, AASB 139 & AASB 132]' (Financial guarantee contracts). The amendment deals with the treatment of financial guarantee contracts, credit insurance contracts, letters of credit or credit derivative default contracts as either an "insurance contract" under AASB 4 'Insurance Contracts' or as a "financial guarantee contract" under AASB 139 'Financial Instruments: Recognition and Measurement'. The Commission does not undertake these types of transactions resulting in no financial impact when the Standard is first applied. The Standard is required to be applied to annual reporting periods beginning on or after 1 January 2006.

3. UIG Interpretation 4 'Determining whether an Arrangement Contains a Lease'. This Interpretation deals with arrangements that comprise a transaction or a series of linked transactions that may not involve a legal form of a lease but by their nature are deemed to be leases for the purposes of applying AASB 117 'Leases'. At reporting date, the Commission has not entered into any arrangements as specified in the Interpretation resulting in no impact when the Interpretation is first applied. The Interpretation is required to be applied to annual reporting periods beginning on or after 1 January 2006.

	2006	2005
	\$	\$
5 Employee Benefits Expenses		
Salaries and wages	1,563,253	1,435,046
Annual and long service leave	275,820	150,054
Superannuation - Gold State		
Superannuation -West State	175,837	155,821
Other related expenses	11,845	9,117
	<u>2,026,755</u>	<u>1,750,038</u>
6 Supplies and Services		
Goods and supplies	71,414	55,482
Services and contracts	163,989	176,572
Resources received free of charge (note 15)	110,518	109,578
	<u>345,921</u>	<u>341,632</u>
7 Depreciation expense		
Equipment	33,806	26,083
Leasehold Improvements	3,172	1,057
	<u>36,978</u>	<u>27,140</u>
8 Accommodation expenses		
Building rental operating lease expense	<u>264,633</u>	<u>288,690</u>
9 Grants and subsidies		
Department for Community Development	-	2,000
Attorney General's Department South Australia	-	15,000
	<u>-</u>	<u>17,000</u>
10 Other expenses		
Communication expenses	43,977	40,439
Rates and taxes	34,057	30,309
Printing and binding	39,749	41,352
Equipment and vehicles operating lease expense	7,407	9,093
Electricity and water	10,139	13,561
Insurance	-	21,578
Advertising and promotion	8,552	4,749
Building, equipment and vehicles repairs and maintenance	21,345	14,712
Employment on - costs	-	-
Other expenses (a)	96,823	66,116
	<u>262,049</u>	<u>241,909</u>
(a) Includes workers compensation insurance, facilities, equipment and plant hire, staff travel and accommodation and staff training.		
11 User charges and fees		
Training course fees	204,855	176,139
Other services provided	35,808	2,435
	<u>240,663</u>	<u>178,574</u>
12 Commonwealth Grants and Contributions		
Grant from Commonwealth - Indian Ocean Territories	26,369	49,500
Grant from Commonwealth - Other	-	-
	<u>26,369</u>	<u>49,500</u>

	2006	2005
	\$	\$
13 Net gain/(loss) on disposal of non-current assets		
<u>Loss on Disposal of Non-Current Assets</u>		
Equipment	(4,271)	-
Net gain / (loss)	<u>(4,271)</u>	<u>-</u>
14 Other revenues		
Seminars and miscellaneous revenue	<u>1,773</u>	<u>1,369</u>
15 Income from State Government		
Appropriation revenue received during the year:		
Service appropriations (I)	<u>2,727,000</u>	<u>2,408,000</u>
	2,727,000	2,408,000
The following liabilities have been assumed by the Treasurer during the financial year:		
Resources received free of charge (II)		
Determined on the basis of the following estimates provided by agencies:		
Department of the Attorney General		
- corporate services	104,680	104,912
Department of the Housing & Works		
- notional management fee based on lease payments	<u>5,838</u>	<u>4,666</u>
	110,518	109,578
	<u>2,837,518</u>	<u>2,517,578</u>
<p>(I) Service appropriations are accrual amounts reflecting the full cost of services delivered. The 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.</p> <p>(II) Where assets or services have been received free of charge or for nominal consideration, the Commissioner recognises revenues (except where the contributions of assets or services are in the nature of contributions by owners in which case the Commissioner shall make a direct adjustment of equity) equivalent to the fair value of the assets and/or the fair value of those services that can be reliably determined and which would have been purchased if not donated, and those fair values shall be recognised as assets or expenses, as applicable.</p>		
16 Receivables		
Trade debtors	70,878	38,806
GST receivable	<u>12,354</u>	<u>16,008</u>
	<u>83,232</u>	<u>54,814</u>
17 Amounts receivable for services		
Current	<u>37,000</u>	<u>33,000</u>
	<u>37,000</u>	<u>33,000</u>

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

	2006 \$	2005 \$
18 Other assets		
Prepayments	<u>11,801</u>	<u>6,634</u>
19 Restricted cash and cash equivalents		
Non-current		
Accrued salaries suspense account (I)	<u>6,430</u>	<u>-</u>
	<u>6,430</u>	<u>-</u>

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

20 Property, plant and equipment

Equipment		
At cost	235,686	212,470
Accumulated depreciation	<u>(117,079)</u>	<u>(119,749)</u>
	<u>118,607</u>	<u>92,721</u>
Leasehold Improvements		
At cost	31,717	31,717
Accumulated depreciation	<u>(4,229)</u>	<u>(1,057)</u>
	<u>27,488</u>	<u>30,660</u>

Reconciliation

Reconciliation of the carrying amount of Property, plant and equipment at the beginning and end of the current financial year are set out below.

Equipment		
Carrying amount at start of year	92,721	93,127
Additions	67,951	25,677
Disposals	(8,258)	-
Depreciation	<u>(33,806)</u>	<u>(26,083)</u>
Carrying amount at end of year	<u>118,608</u>	<u>92,721</u>
Leasehold Improvements		
Carrying amount at start of year	30,660	-
Additions		31,717
Disposals	-	-
Depreciation	<u>(3,172)</u>	<u>(1,057)</u>
Carrying amount at end of year	<u>27,488</u>	<u>30,660</u>

	2006	2005
	\$	\$
21 Payables		
Trade and other creditors	23,267	60,595
	<u>23,267</u>	<u>60,595</u>
22 Provisions		
<u>Current</u>		
Employee benefits provision		
Annual leave	89,933	81,737
Long service leave	177,402	172,026
Superannuation on-cost	27,372	18,443
	<u>294,707</u>	<u>272,206</u>
Other provisions		
Other employee on-costs		
Carrying amount at start of year	8,163	9,189
Additional provisions recognised	518	(1,026)
Carrying amount at end of year	<u>8,681</u>	<u>8,163</u>
	<u>303,388</u>	<u>280,369</u>
<u>Non-current</u>		
Long service leave	101,532	98,455
Superannuation on-cost	10,885	10,555
	<u>112,417</u>	<u>109,010</u>
Other Provisions		
Other employee on-costs		
Carrying amount at start of year	3,226	3,115
Additional provisions recognised	101	111
Carrying amount at end of year	<u>3,327</u>	<u>3,226</u>
	<u>115,744</u>	<u>112,236</u>
23 Other liabilities		
<u>Current</u>		
Accrued salaries		
The last pay day of the 2005/06 financial year was on 29 June 2006. A salary accrual of one working day's pay was required to be taken up. (2005, Nil working days accrued to 30 June 2005).		
	28,142	-
Revenue received in advance		
Training revenue received in advance	2,440	1,210
	<u>30,582</u>	<u>1,210</u>

24 Equity

Liabilities exceed assets for the Office and there is therefore no residual interest in the assets of the Office. This deficiency arose through expenses such as depreciation and accrual of employee entitlements for leave not involving the payment of cash in the current period being recognised in the Income Statement.

Contributed equity		
Balance at start of period	229,000	134,000
Capital contributions (I)	61,000	95,000
Balance at end of period	<u>290,000</u>	<u>229,000</u>

(I) Capital Contributions have been designated as contributions by owners and are credited straight to equity in the Balance Sheet.

Accumulated surplus / (deficiency)		
Balance at start of period	(139,323)	(219,935)
Operating surplus / (deficit)	165,716	80,612
Balance at end of period	<u>26,393</u>	<u>(139,323)</u>

2006	2005
\$	\$

25 Notes to the Statement of Cash Flows

(a) Reconciliation of cash

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

Cash and cash equivalents	504,816	326,258
Restricted cash assets (refer note 19)	6,430	-
	<u>511,246</u>	<u>326,258</u>

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

Net cost of services	(2,671,802)	(2,436,966)
Non cash items:		
Depreciation expense	36,978	27,140
Resources received free of charge	110,518	109,578
Net (gain)/loss on sale of property, plant and equipment	4,271	-
(Increase)/decrease in assets:		
Current receivables	(32,072)	(6,936)
Other current assets	(5,167)	(2,403)
Increase/(decrease) in liabilities:		
Current payables	(37,328)	1,498
Current provisions	23,019	(26,191)
Other current liabilities	28,142	(51,898)
Non-current provisions	3,508	8,312
Revenue Received in Advance	1,230	-
Change in GST receivables/payables	3,654	(1,419)
Net cash provided by/(used in) operating activities	<u>(2,535,049)</u>	<u>(2,379,285)</u>

26 Commitments for expenditure

Lease commitments

Commitments in relation to leases contracted for at the reporting date but not recognised as liabilities are payable:

Within 1 year	233,092	385,295
Later than 1 year and not later than 5 years	<u>10,977</u>	<u>223,202</u>
	<u>244,069</u>	<u>608,497</u>

27 Explanatory Statement

The Summary of Consolidated Fund Appropriations and Income Estimates discloses appropriations and other statutes expenditure estimates, the actual expenditures made and revenue estimates and payments into Consolidated Fund. Appropriations are now on an accrual basis.

The following explanations are provided in accordance with Treasurers Instruction 945. Significant variations are considered to be those greater than 10% and \$20,000.

(i) Significant variances between estimate and actual - Total Appropriation to deliver services:

Total appropriations provided to deliver services	Over	\$56,000
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The variance relates to a decision handed down from the Western Australian Industrial Relations Commission to reclassify all the Conciliators within the Commission from the Level 5 to Level 6.

(ii) Significant variances between actual and prior year actual - Total appropriation to deliver services:

Total income other than income from State Government	Increase	\$39,362
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Variance relates to increase in revenues derived from service training fees \$33,373, the disposal of assets \$4,271 and other miscellaneous income of \$1,773.

(iii) Significant variances between actual and prior year actual - Capital Contribution:

Decrease	\$34,000
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Capital replacement is based on a rolling replacement of assets and as such the differences will depend on the equipment scheduled to be replaced in that particular year.

28 Financial instruments

(a) Financial Risk Management Objectives and Policies

Financials instruments held by the Commission are cash and cash equivalents, finance leases, Treasurer' advances and 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

The Commission trades only with recognised, creditworthy third parties. The Commission has policies in place to ensure that sales of products and services are made to customers with an appropriate credit history. In addition, receivable balances are monitored on an ongoing basis with the result that the Commission's exposure to bad debts is minimal. There are no significant concentrations of credit risk.

Liquidity risk

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

Cash flow interest rate risk

The Commission is not exposed to interest rate risk because cash and cash equivalents and restricted cash are non-interest bearing and have no borrowings other than the Treasurer's advance (non-interest bearing).

29 Remuneration of Senior Officers

Remuneration

The number of senior officers whose total of fees, salaries, superannuation and other benefits for the financial year, fall within the following bands are:

\$	2006	2005
30,001 - 40,000	1	-
40,001 - 50,000	-	1
60,001 - 70,000	1	-
70,001 - 80,000	1	1
80,001 - 90,000	2	2
90,000 - 100,000	1	1
100,001 - 110,000	1	1
150,001 - 160,000	-	-
180,001 - 190,000	-	1
190,001 - 200,000	1	-
Total remuneration of senior officers:	<u>\$734,524</u>	<u>\$672,174</u>

The superannuation included here represents the superannuation expense incurred by the Commission in respect of senior officers.

No senior officers are members of the Pension Scheme.

30 Remuneration of Auditor

Remuneration to the Auditor General for the financial year is as follows:

Auditing the accounts, financial statements and performance indicators	<u>\$0</u>	<u>\$19,000</u>
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31 Supplementary financial information

- . There were no gifts of public property by the Commissioner for Equal Opportunity during the financial year (2005, nil).
- . There were no losses of public moneys and other public property through theft or default during the financial year (2005, nil).
- . There were no income nor debts due to the state that were written off for the financial year (2005, nil).
- . The Commissioner for Equal Opportunity had no related bodies during the financial year (2005, nil).
- . The Commissioner for Equal Opportunity had no affiliated bodies during the financial year (2005, nil).
- . Monies received by the Commissioner for Equal Opportunity for Community Education Services are subject to net appropriation.

	2006 \$	2005 \$
32 Commonwealth Grant - Indian Ocean Territories		
Balance at start of year	9,130	(18,550)
Adjustment to opening balance	-	-
	<u>9,130</u>	<u>(18,550)</u>
Receipts		
Commonwealth Grants	-	49,500
Other income	-	-
Payments		
Operating Costs	<u> </u>	<u>(21,820)</u>
Balance at end of year	<u>9,130</u>	<u>9,130</u>

COMMISSIONER FOR EQUAL OPPORTUNITY
Notes to the Financial Statements
for the year ended 30 June 2006

28 Financial Instruments

(b) Financial Instrument disclosures

Financial instrument information for the year ended 2005 has been prepared under the previous AGAAP Australian Accounting Standard AAS 33 'Presentation and Disclosure of Financial Instruments'. Financial instrument information from 1 July 2005 has been prepared under AASB 132 'Financial Instruments: Presentation' and AASB 139 'Financial Instruments: Recognition and Measurement'.

Interest rate risk exposure

The Department's exposure to interest rate risk, repricing maturities and the weighted average interest rates on financial instruments at balance date are as follows:

	Weighted average interest rate	Floating interest rate	Fixed interest rate maturities			Non interest bearing	Total
			1 year or less	2 to 5 years	Over 5 years		
2006	%	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000
Financial assets							
Cash and cash equivalent assets						504,816	504,816
Restricted cash and cash equivalent assets						6,430	6,430
Receivables						83,232	83,232
Other assets						48,801	48,801
Total financial assets		-	-	-	-	643,279	643,279
Liabilities							
Payables						23,267	23,267
Finance lease liabilities							-
Provisions						419,132	419,132
Other liabilities						30,582	30,582
Total financial liabilities		-	-	-	-	472,981	472,981
Net financial asset/(liabilities)		-	-	-	-	170,298	170,298
2005							
Financial assets						420,706	420,706
Financial liabilities			171	895	12,104	454,410	467,580
Net financial assets/(liabilities)		-	(171)	(895)	(12,104)	(33,704)	(46,874)

(c) Net fair values

The carrying amount of financial assets and financial liabilities recorded in the financial statements are not materially different from their net fair values.

COMMISSIONER FOR EQUAL OPPORTUNITY
Schedule of Income and Expenses by Service
for the year ended 30 June 2006

	Provision of Information		Avenue for Redress		TOTAL	
	2006	2005	2006	2005	2006	2005
	\$	\$	\$	\$	\$	\$
COST OF SERVICES						
Expenses						
Employee benefits expense	1,175,599	1,021,743	851,156	728,295	2,026,755	1,750,038
Supplies and services	192,917	190,526	153,004	151,106	345,921	341,632
Depreciation expense	20,622	15,136	16,356	12,004	36,978	27,140
Accommodation expenses	150,541	164,775	114,092	123,915	264,633	288,690
Grants and subsidies	-	17,000	-	-	-	17,000
Loss on sale of assets	2,382	-	1,889	-	4,271	-
Other expenses	149,071	138,074	112,978	103,835	262,049	241,909
Total cost of services	1,691,132	1,547,254	1,249,475	1,119,155	2,940,607	2,666,409
Income						
User charges and fees	240,663	178,574	-	-	240,663	178,574
Commonwealth grants and contributions	18,063	33,907	8,306	15,593	26,369	49,500
Other revenue	-	-	1,773	1,369	1,773	1,369
Total income other than Income from State Government	258,726	212,481	10,079	16,962	268,805	229,443
NET COST OF SERVICES	1,432,406	1,334,773	1,239,396	1,102,193	2,671,802	2,436,966
INCOME FROM STATE GOVERNMENT						
Service appropriation	1,445,310	1,276,240	1,281,690	1,131,760	2,727,000	2,408,000
Resources received free of charge	64,105	63,976	46,413	45,602	110,518	109,578
Total Income from State Government	1,509,415	1,340,216	1,328,103	1,177,362	2,837,518	2,517,578
Surplus/(deficit) for the period	77,009	5,443	88,707	75,169	165,716	80,612

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

COMMISSIONER FOR EQUAL OPPORTUNITY
Summary of Consolidated Fund Appropriations and Income Estimates
for the year ended 30 June 2006

	2006 Estimate \$	2006 Actual \$	Variation \$	2006 Actual \$	2005 Actual \$	Variation \$
DELIVERY OF SERVICES						
Item 60 Net amount appropriated to deliver services	2,493,000	2,554,000	61,000	2,554,000	2,235,000	319,000
Amount Authorised by Other Statutes - Salaries and Allowances Act 1975	178,000	173,000	(5,000)	173,000	173,000	-
Total appropriations provided to deliver services	2,671,000	2,727,000	56,000	2,727,000	2,408,000	319,000
CAPITAL						
Item 135 Capital Contribution	61,000	61,000	-	61,000	95,000	(34,000)
GRAND TOTAL OF APPROPRIATIONS	2,732,000	2,788,000	56,000	2,788,000	2,503,000	285,000
Details of Expenses by Service						
Provision of Information	1,663,000	1,691,132	28,132	1,691,132	1,547,254	143,878
Avenue of Redress	1,234,000	1,249,475	15,475	1,249,475	1,119,155	130,320
Total Cost of Services	2,897,000	2,940,607	43,607	2,940,607	2,666,409	274,198
Less total income other than income from State Government	(155,000)	(268,805)	(113,805)	(268,805)	(229,443)	(39,362)
Net Cost of Services	2,742,000	2,671,802	(70,198)	2,671,802	2,436,966	234,836
Adjustment (I)	(71,000)	55,198	(126,198)	55,198	(28,966)	(84,164)
Total appropriations provided to deliver services	2,671,000	2,727,000	56,000	2,727,000	2,408,000	319,000
Capital expenditure						
Purchase of non-current physical assets	95,000	67,950	(27,050)	67,950	64,368	3,582
Repayment of borrowings	-	-	-	-	-	-
Adjustment for other funding sources	(34,000)	(6,950)	27,050	(6,950)	30,632	(37,582)
Capital Contribution (appropriation)	61,000	61,000	-	61,000	95,000	(34,000)

(I) Adjustments are related to movements in cash balances and accrual items such as receivables, payables and superannuation

The Summary of Consolidated Fund Appropriations, Variance to Budget and Actual should be read in conjunction with the accompanying notes.

This Summary provides the basis for the Explanatory Statement information requirements of TI 945, set out in Note 27.

COMMISSIONER FOR EQUAL OPPORTUNITY
RECONCILIATION OF INCOME STATEMENT UNDER AGAAP TO AIFRS
AS AT 30 JUNE 2005

	Note	AGAAP	ADJUSTMENTS	AIFRS
		2005		2005
		\$		\$
COST OF SERVICES				
Expenses				
Employee benefits expense		1,792,353		1,792,353
Supplies and services		341,632		341,632
Depreciation expense		27,140		27,140
Accommodation expenses		288,690		288,690
Grants and contributions		17,000		17,000
Other expenses		199,594		199,594
Total cost of services		2,666,409	-	2,666,409
Income				
User charges and fees		178,574		178,574
Commonwealth grants and contributions		49,500		49,500
Proceeds from disposal of non-current assets		-		-
Other revenues		1,369		1,369
Total Income other than Income from State Government		229,443	-	229,443
NET COST OF SERVICES		2,436,966	-	2,436,966
INCOME FROM STATE GOVERNMENT				
Service appropriation		2,408,000		2,408,000
Resources received free of charge		109,578		109,578
Total income from State Government		2,517,578	-	2,517,578
SURPLUS/DEFICIT FOR THE PERIOD		80,612	-	80,612

COMMISSIONER FOR EQUAL OPPORTUNITY
RECONCILIATION OF EQUITY UNDER AGAAP TO AIFRS
AS AT 30 JUNE 2005

Note	AGAAP		AIFRS
	2005	RECLASSIFY	2005
	\$	EMPLOYEE	\$
		BENEFITS	
		AASB 119	
Current assets			
Cash and Cash Equivalents	326,258		326,258
Receivables	54,814		54,814
Amounts receivable for services	33,000		33,000
Other current assets	6,634		6,634
Total Current Assets	420,706	-	420,706
Non-Current Assets			
Property, plant and equipment	123,381		123,381
Total Non-Current Assets	123,381	-	123,381
TOTAL ASSETS	544,087	-	544,087
Current Liabilities			
Payables	60,595		60,595
Provisions	219,934	60,435	280,369
Other current liabilities	1,210		1,210
Total Current Liabilities	281,739	60,435	342,174
Non-Current Liabilities			
Provisions	172,671	(60,435)	112,236
Total Non-Current Liabilities	172,671	(60,435)	112,236
Total Liabilities	454,410	-	454,410
Net Assets	89,677	-	89,677
Equity			
Contributed equity	229,000		229,000
Accumulated surplus / (deficiency)	(139,323)		(139,323)
Total Equity	89,677	-	89,677
TOTAL LIABILITIES AND EQUITY	544,087	-	544,087

EQUAL OPPORTUNITY COMMISSION

RECONCILIATION OF EQUITY AT DATE OF TRANSITION TO AIFRS:1 JULY 2004

	Note	AGAAP		AIFRS
		1 July 2004	RECLASSIFY EMPLOYEE BENEFITS AASB 119	1 July 2004
		\$		\$
Current assets				
Cash and cash equivalents		116,102		116,102
Restricted cash		153,809		153,809
Receivables		46,459		46,459
Amounts receivable for services		30,000		30,000
Other current assets		4,231		4,231
Total Current Assets		350,601	-	350,601
Non-Current Assets				
Amounts receivable for services		-		-
Property, plant and equipment		93,127		93,127
Intangible assets		-		-
Total Non-Current Assets		93,127	-	93,127
TOTAL ASSETS		443,728	-	443,728
Current Liabilities				
Payables		66,071		66,071
Borrowings		-		-
Provisions		264,304	42,256	306,560
Other current liabilities		53,108		53,108
Total Current Liabilities		383,483	42,256	425,739
Non-Current Liabilities				
Borrowings		-		-
Provisions		146,180	(42,256)	103,924
Total Non-Current Liabilities		146,180	(42,256)	103,924
Total Liabilities	al Liabilities	529,663	-	529,663
Net Assets		(85,935)	-	(85,935)
Equity				
Contributed equity		134,000		134,000
Reserves		-		-
Accumulated surplus / (deficiency)		(219,935)		(219,935)
Total Equity		(85,935)	-	(85,935)
TOTAL LIABILITIES AND EQUITY		443,728	-	443,728

COMMISSIONER FOR EQUAL OPPORTUNITY
RECONCILIATION OF CASH FLOW STATEMENT UNDER AGAAP TO AIFRS
AS AT 30 JUNE 2005

	Note	AGAAP 30 June 2005 \$	ADJUSTMENTS	AIFRS 30 June 2005
CASH FLOWS FROM STATE GOVERNMENT				
Service appropriation		2,374,000	-	2,374,000
Capital contributions		95,000	-	95,000
Holding Account drawdowns		31,000	-	31,000
Net cash provided by State Government		<u>2,500,000</u>	<u>-</u>	<u>2,500,000</u>
Utilised as follows:				
CASH FLOWS FROM OPERATING ACTIVITIES				
Payments				
Accommodation		-	-	-
Employee benefits		(1,654,877)	-	(1,654,877)
Supplies and services		(945,496)	-	(945,496)
GST payments on purchases		(103,004)	-	(103,004)
GST payments to taxation authority		-	-	-
Receipts				
Receipts from services		222,507	-	222,507
GST receipts on sales		101,585	-	101,585
GST receipts from taxation authority		-	-	-
Net cash provided by/(used in) operating activities	25(b)	<u>(2,379,285)</u>	<u>-</u>	<u>(2,379,285)</u>
CASH FLOWS FROM INVESTING ACTIVITIES				
Proceeds from sale of non-current physical assets		-	-	-
Purchase of non-current physical assets		(64,368)	-	(64,368)
Net cash provided by/(used in) investing activities		<u>(64,368)</u>	<u>-</u>	<u>(64,368)</u>
Net increase/(decrease) in cash and cash equivalents		56,347	-	56,347
Cash and cash equivalents at the beginning of period		<u>269,911</u>	<u>-</u>	<u>269,911</u>
CASH AND CASH EQUIVALENTS AT THE END OF PERIOD	25(a)	<u>326,258</u>	<u>-</u>	<u>326,258</u>

Better Planning: Better Services

This chapter reflects how the Commission actively supports the Western Australian Government's objective to improve the quality of life for all Western Australians and is based on the five strategic goals contained in the State Government's *Better Planning: Better Services – A Strategic Planning Framework for the Western Australian Public Sector*. The five goals are:

- ☛ *People and Communities*
- ☛ *the Economy*
- ☛ *the Environment*
- ☛ *the Regions and*
- ☛ *Governance*

The Commission's contribution towards achieving these goals during 2005/06 are set out below.

Goal 1 - People and Communities

Substantive Equality

Substantive equality recognises that entitlements, opportunities and access are not equally distributed throughout the community and there may be barriers to service provision resulting in unequal outcomes for particular groups.

It acknowledges that where service delivery agencies tailor services to the needs of the majority group, other people with different needs may miss out on essential services.

Achieving equity in the provision of services, therefore, is not always about treating people the same, it is about treating people differently in order to cater for different needs.

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

The areas of focus through which the Commission implements substantive equality are:

- ☛ *Assessing the accessibility of the Commission's complaint process; and*
- ☛ *Assessing and monitoring the effectiveness of Indigenous promotional activities, including publications.*

Promoting safe and secure communities

Through education and training programs the Commission promotes the importance of a safe and secure workplace that is free from discrimination and harassment. The Commission's training programs focus on preventative strategies that individuals, small business and organisations can implement to ensure they provide a culture that is inclusive of all employees and co-workers.

Enhancing the safety, security and wellbeing of the vulnerable within our community

Conciliation and Legal Officers provide help to complainants who believe, on substantial grounds, they have been discriminated against within the jurisdiction of the *Equal Opportunity Act 1984*. Many of these people have a disability or are sole parents, elderly, from non-English speaking backgrounds or of Aboriginal or Torres Strait Islander descent and are considered to be among the most vulnerable members of the community.

Optimising opportunities for health, participation and security in order to enhance quality of life as people age

Conciliation and Legal Officers provide help to complainants who allege they were discriminated against because they were considered too old to be employed, hire a car or play competitive sport. The Commission's Legal Officers enable these people to assert their rights within the justice system.

Providing a positive difference to the lives of people with disabilities, their families and carers

The video *A Class Divided* is used in the Commission's equal opportunity law training sessions and has been captioned to accommodate people with impaired hearing.

Auslan interpreters have been utilised on a number of occasions during 2005/06, including during the Commission's annual International Womens' Day Breakfast and during both rights-based and fee-for-service training programs.

To help people with hearing impairments in the conciliation process, conciliation officers used the Human Rights and Equal Opportunity Commission's video *Pathways to Resolution*, which includes text.

Commission staff referred enquirers and complainants to the appropriate disability advocacy and support services as required.

When working with hearing impaired people, Conciliation Officers follow the client's direction regarding their preferred interpreter.

The report *Finding a Place*, which inquired into discrimination in public housing for Aboriginal and Torres Strait Islander people, included several recommendations regarding the accommodation needs of people with disabilities (see the Commission's website for the complete report – www.eoc.wa.gov). The report, plus accompanying DVD, continues to be distributed during training sessions and community education and information events.

By helping Aboriginal and Torres Strait Islander people and people with disabilities, the Commission's officers have enabled them to proceed with claims of discrimination at little or no expense to themselves, in circumstances where they could not otherwise afford to do so.

Addressing contributing factors to social and economic disadvantage in our community

Following the release of the *Finding a Place* report in December 2004, Commission staff continued to work closely with senior staff from the Department of Housing and Works (DHW) to implement recommendations which will reduce indirect discrimination towards Indigenous tenants and clients.

This partnership successfully produced a *Joint Statement on Aboriginal Housing* co-signed by Equal Opportunity Commissioner Yvonne Henderson and DHW Director General Bob Mitchell.

The *Joint Statement* was distributed throughout the State in June 2006, with copies also sent to those who made submissions to the *Finding a Place* Report. The *Joint Statement* reaffirmed that the Commission and DHW will continue to work together, and with Aboriginal people, to make the best use of their combined resources to address the housing needs of Aboriginal people.

The Substantive Equality Unit (SEU) was established within the Commission in early 2005, to support the Western Australian Government's aim of ensuring public sector services are accessible and responsive to the needs and aspirations of all Western Australians.

The Unit facilitated the production of a *Policy Framework for Substantive Equality* which is initially being implemented by 23 State Government departments and the Commission.

The objective of the *Policy Framework* is to achieve substantive equality in the Western Australian public sector. This will be done by:

- *eliminating systemic racial discrimination in the provision of public sector services; and*
- *promoting sensitivity to the different needs of client groups.*

Helping provide a society where indigenous Australians have greater economic and social opportunities and the capacity to determine their own lives

By helping Aboriginal and Torres Strait Islander people access the Commission's services, Commission officers have enabled them to proceed with claims of discrimination at little or no expense to themselves, in circumstances where they could otherwise not have an avenue of redress.

The partnership between the Commission and the Department of Housing and Works, following the release of the *Finding a Place* report, has resulted in the development of a framework that will provide improved housing services to Indigenous people statewide.

Helping ensure a society that is free from racism and empowers members of all communities as full and equal members of the Australian community

The *Equal Opportunity Act 1984* promotes equality of opportunity in Western Australia and provides remedies in respect to discrimination on the grounds of sex, marital status, pregnancy, sexual orientation, family responsibility or family status, race, religious or political conviction, impairment or age, or involving sexual or racial harassment or, in certain cases, on gender history grounds.

In the Commission's training sessions with both Aboriginal and mixed profile groups training staff highlight the importance of the special measure provisions of the legislation and the differences between formal equality (treating everyone the same) and substantive equality (treating people differently because of their different needs and different past experiences). In particular the Commission has conducted a number of workshops over the past year in Equal Opportunity and Diversity where Commission staff and participants discuss the positive contributions people from diverse groups can make to an organisation.

Conciliators use phone and face-to-face interpreters in the complaint handling and conciliation process as required. During 2005/06 conciliators used Amharic, Cantonese, Portuguese, Kurdish and Serbian translators, plus used sign language (AUSLAN) interpreters on several occasions.

Clients can submit complaints, responses and other documents in languages other than English. These documents are then professionally translated. In addition correspondence to enquirers, complainants and respondents are translated into languages other than English, as required.

A series of resources specifically targeting Aboriginal and Torres Strait Islander people has been developed and distributed throughout Western Australia. They include a brochure, wallet card and fridge magnet all utilising the *You don't have to put up with Discrimination* theme.

The Substantive Equality Unit see Chapter 4 of this Annual Report is implementing the State Government's anti-racism strategy across the public sector.

Helping society recognise the varying contributions of its diverse population and responding effectively to the needs of its diverse population

By helping complainants who are making discrimination complaints because their special needs are not being met, the Commission's Legal Officers are able to provide assistance to people who, because of their disadvantage, are not in a position to do so themselves.

During 2005/06 the Commission translated four brochures into Traditional Chinese and Malay to meet the needs of people living in the Indian Ocean Territories of Christmas and Cocos Islands. Those four brochures were *Sexual Harassment*, *Sex Discrimination*, *Race Discrimination* and *Political and Religious Conviction*.

The Commission printed a multilingual brochure titled *Discrimination Know Your Rights* that used eight (8) languages used by the most recently arrived communities in Western Australia. Those languages were Vietnamese, Chinese, Farsi, Dari, Arabic, Malay, Somalian and Swahili.. This multilingual information was also included in the Commission's revised website launched early in the 2005/06 financial year.

The Commission translated the Commission for Occupational Safety and Health Western Australia's publication *Dealing with Bullying at Work: A Guide for Workers* into Traditional Chinese and Malay.

Commission Correspondence to enquirers, complainants and respondents is translated into languages other than English as required.

Goal 2 - The Economy

Helping ensure an efficient labour market that utilises a fair but flexible system of employment

The Commission's conciliation officers help conciliate complaints that relate to discrimination in the area of employment. More complaints about employment were received than in any other area. During the 2005/06 year 62.7% of new complaints related to employment.

The Commission's Legal Officers helped those complainants whose complaints were unable to be conciliated, and were subsequently referred to the State Administrative Tribunal, produce submissions and legal arguments regarding a range of issues affecting disadvantaged groups in the workplace.

In this way the Commission's Conciliation and Legal Officers have been able to highlight the importance of fair workplace practices.

Helping ensure plentiful and diversified employment opportunities for Indigenous peoples

The *Equal Opportunity Act 1984* promotes equality of opportunity in Western Australia and provides remedies in respect to discrimination on a number of grounds, including race discrimination and racial harassment, and in a number of areas, including employment.

In 2005/06 22.8% of all new complaints were racially based, involving either race discrimination or racial harassment, with 15.8% of all complaints in the area of employment racially based.

Helping ensure a workforce that reflects the State's diverse population

By helping members of the community who allege they have been discriminated against on the ground of race discrimination or racial harassment in employment, through conciliation and/or the legal process, the Commission promoted diversified employment opportunities for Indigenous peoples and for others from culturally diverse backgrounds.

Similarly the Commission's training program, particularly courses attended by employers, emphasised the need for non-discriminatory recruitment and workplace practices.

Goal 3 - The Environment

Helping ensure effective waste avoidance, resource recovery and waste management

The Commission continued its participation in Government's recycling program by recycling all waste paper, toner cartridges and using a minimum of 50% recycled content in all our publications (for example in the Commission's newsletters, brochures and the 2006 Reference Guide) where appropriate. During 2005/06 the Commission provided 1400 kilograms of waste paper to be recycled, a 67% increase from 2004/05.

In 2005/06 the Commission implemented a number of recommendations contained in a Level 3 Energy Audit held in 2003/04, namely ensuring improved control of tenancy lighting and reducing energy consumption by replacing all computers monitors with new flat-screened LCD monitors.

Goal 4 - The Regions

Helping provide an enhanced government decision-making process based on a thorough understanding of regional issues

The Commission conducted conciliation conferences outside the metropolitan area as required and conducted training courses in the Goldfields and Kimberley regions.

Helping provide effective government service delivery to regions, responsive to the needs of diverse communities

The Commission's Conciliation and Legal Officers achieved success in resolving discrimination complaints lodged by people in the regions, particularly Aboriginal and Torres Strait Islander people, through teleconference facilities and attending conciliation and mediation conferences in regional centres.

The Commission's *Unlawful Discrimination, Sex Discrimination, Sexual Harassment, Race Discrimination, Religious and Political Conviction* brochures were translated into Traditional Chinese and Malay to accommodate the needs of the people in the Indian Ocean Territories of Christmas and Cocos Islands. The Equal Opportunity Commission organised to translate the Commission for Occupational Safety and Health Western Australia's publication *Dealing with Bulling at Work: A Guide for Workers* into Traditional Chinese and Malay.

The Commission produced a themed set of resources using the statement *You don't have to put up with discrimination* as the core message. The resources included a brochure that utilised visual imagery and outlined the areas and grounds of the *Equal Opportunity Act 1984*, a matching fridge magnet and a wallet card that also contained the Commission's contact details. The Commission's annual calendar was also linked to the *You don't have to put up with discrimination* theme.

The Commission published a multilingual guide titled *Discrimination Know Your Rights* in eight (8) languages namely Vietnamese, Traditional Chinese, Farsi, Dari, Arabic, Malay, Somalian and Swahili. This information was placed on the Commission's website (under the Community Languages link on the Commission's website www.eoc.wa.gov.au) to provide those living in rural and remote areas access to information about the Commission in a range of community languages.

Safe and cohesive regional communities

The Commission provides an enquiry service between 9am and 4pm Monday to Friday, with staff rostered to answer any queries the public may have in relation to equal opportunity issues, including the grounds and areas under the Act. If not covered by the Act, where appropriate, they are referred to the appropriate agency, government or non-government authority.

An updated *Referral Directory of Government Agencies Guide* was researched and developed by a University of Western Australia law student during a short-term work experience placement at the Commission.

Goal 5 - Governance

Co-ordinated, integrated, high quality service delivery to the community

During 2005/06 the Commission's Legal Officers continued to provide high quality legal assistance and information to individuals, government and non-government bodies within the scope of the *Equal Opportunity Act 1984*.

Staff development continues to be a priority with staff attending in-house and external training sessions to enhance their skills and knowledge.

Effective partnerships with federal and local governments, private sector and the wider community

The Commission's legal section continued its arrangement with a number of private law firms through which legal advice and assistance was provided to selected complainants on a pro bono basis. The arrangement is mutually beneficial in that the demands on the Commission's resources are reduced while affording private legal practitioners the opportunity to advocate in the anti-discrimination jurisdiction.

Both the legal and the community education sections work closely with non-government agencies which provide important advocacy services to disadvantaged people.

Staff are encouraged to build links with non-government organisations and are active in fund raising for a range of community groups, including the Muscular Dystrophy Society.

Appendix A

10.1 Case studies for conciliated complaints

10.1.1 Impairment discrimination in the area of access to places and vehicles

An apartment owner confined to a wheelchair alleged impairment discrimination after she was unable to easily access the venue for the Annual General Meeting of the strata company.

The strata company manager acknowledged the woman's progressive disability and the matter was resolved with an agreement to hold the complex's next Annual General Meeting in the complainant's apartment.

10.1.2 Racial harassment and race discrimination in the area of employment

An Aboriginal man lodged a complaint of racial harassment and race discrimination in the area of employment after receiving racially motivated and abusive taunts from his employer.

The matter was resolved when the respondent agreed he had used abusive, racially-based language in the complainant's presence and unreservedly apologised for any pain he had caused.

The respondent said he now realised his language was offensive but he had not meant to cause the complainant any offence.

10.1.3 Sex discrimination in the area of employment

A woman was appointed to a supervisory position in a male dominated area and was subjected to on-going and unacceptable behaviour by her colleagues and subordinates.

This took the form of her work colleagues and subordinates by-passing her in the line of command and reporting directly to her supervisor; ignoring her when she spoke; organising, attending and cancelling meetings and appointments without her knowledge or consent; deliberately misleading her about aspects of her work duties; and withholding reports and documents necessary for her to complete her work related duties.

These behaviours took place over a 13-month period during which time they started to impact upon her health and she became sick, depressed and took sick leave, eventually transferring to another division of the organisation.

The complainant reported these incidents to the organisation's chief executive but little was done to deal with or resolve the issues.

The matter was resolved following conciliation and resulted in multiple outcomes. The complainant received an ex-gratia payment of \$15,000 for loss of reputation, pain and suffering; her work colleagues were urged to attend mediation with the complainant to ensure they would work with her in a professional and respectful manner in the future; the organisation would establish a peer support and contact officer network for all staff; the complainant would receive career coach and management training; and equal opportunity training would be provided to the organisation's management.

10.1.4 Sexual harassment, sex discrimination and victimisation in the area of employment

A young female shop assistant lodged a complaint of sexual harassment, sex discrimination and victimisation after her older male supervisor repeatedly made inappropriate comments of a sexual nature to her; inappropriately touched her and threatened her job security if she made a complaint.

When she complained to store management he harassed her by ringing her mobile phone number numerous times, demanding to know what she had told them. The supervisor's employment was immediately terminated by the company.

The matter was resolved when the complainant received an ex-gratia payment of \$20,000.

10.2 Case studies of lapsed complaints

10.2.1 Sexual harassment in the area of employment

A 29-year-old man alleged he was sexually harassed by a co-worker and his employer did not help and support him when told of this harassment, although the alleged harasser was immediately suspended and shortly afterwards resigned.

The complainant said he was promptly relocated to another worksite after informing the company of the sexual harassment, but just days after he left site the alleged harasser returned to work.

The complainant said he suffered stress related illnesses, hurt and humiliation and was treated by a psychiatrist as a result of this harassment.

The respondent company claimed it acted immediately when it heard of the alleged sexual harassment by suspending the alleged harasser and conducting interviews with all parties in line with its policies and procedures.

The complainant was provided with the company's response to his allegations but made no further contact with the Commission, and his complaint subsequently lapsed.

10.3 Case studies of withdrawn complaints

10.3.1 Family responsibility discrimination in the area of education

A student with two teenaged children alleged she was indirectly discriminated against on the ground of family responsibility, by both her university and her professional association, because there was a policy that all students in her course undertake one unpaid placement.

After investigating the matter and acknowledging it was not necessarily family responsibility discrimination because other mature aged students could also be adversely affected by this policy, the complainant withdrew her complaint.

The complainant said she would raise the issue of unpaid placement with her professional association.

10.4 Case studies of dismissed complaints

10.4.1 Race discrimination in the area of goods, services and facilities

A non-Aboriginal man alleged he had been discriminated against when he was told he was not eligible to participate in a particular forklift driving course.

The respondent advised the complainant the course he wanted to enrol in was specifically targeted at Aboriginal people to ensure 'they are afforded access to opportunities to meet their special needs'.

The respondent advised the complainant a non-Indigenous forklift driving course was available a short time later.

The respondent denied discriminating against the man on the basis of his race, claiming it had acted in accordance with Section 51 (Measures intended to achieve equality) of the *Equal Opportunity Act 1984*.

The Commissioner dismissed the complaint as being misconceived, under Section 89 of the Act.

10.5 Case studies of complaints referred to the Tribunal by the Commissioner under Section 93 of the Act

10.5.1 Pregnancy discrimination in the area of employment

A woman lodged a complaint of pregnancy discrimination against her employer, after receiving a 'Notice of termination of employment' while on maternity leave.

The complainant claimed when she sought to return to work earlier than the previously agreed 12 months, she was told her position was being restructured and she was offered another position at less pay. The complainant formally wrote to her employer asking to return to her original position and also asked what other options were available.

She received no response to this letter, instead receiving a notice that her employment had being terminated.

The respondent claimed to have discussed the restructuring of the position with the complainant before she went on maternity leave, a claim disputed by the complainant.

The complaint was unable to be conciliated and the Commissioner referred the matter to the State Administrative Tribunal. The complaint was settled at mediation, prior to being heard by the Tribunal.

10.6 Case studies of complaints referred to the Tribunal at requirement of complainant under Section 90 of the Act

10.6.1 Age and impairment discrimination in the area of the provision of a service

A 65-year-old man stated he had a physical impairment and claimed the withdrawal of a bus route was discriminatory on the basis of his age and impairment.

The matter was investigated, did not go to conciliation and was eventually dismissed as lacking in substance.

The reasons given for dismissing the complaints were the fact there were equivalent bus and train services available that provided commuters access to the same places and services previously accessed by the discontinued bus route, and the fact the respondent had reacted positively to complaints about the withdrawal of the service by extending a consultation period and trialling alternate bus routes.

Within 21 days of his complaints being dismissed the complainant notified the Commissioner he wished the matters referred to the State Administrative Tribunal for hearing under Section 90 of the Act.



Appendix B

11.1 Feedback Form

EQUAL OPPORTUNITY COMMISSION

The Commission is interested in receiving your feedback regarding our 2005/06 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 2005/06 Annual Report?

Excellent	Good	Average	Fair	Poor
1	2	3	4	5

2. How could we improve our Annual Report?

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

4. Any other comments?

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

- | | |
|--|---|
| <input type="radio"/> Complainant | <input type="radio"/> Advocate |
| <input type="radio"/> Respondent | <input type="radio"/> Legal Firm |
| <input type="radio"/> Training participant: private sector | <input type="radio"/> Training participant: public sector |
| <input type="radio"/> Training participant: community sector | <input type="radio"/> Newsletter recipient |
| <input type="radio"/> Student | <input type="radio"/> Website browser |
| <input type="radio"/> Other (please specify) _____ | |

Please return this form:

by Post to:

Commissioner for Equal Opportunity, Equal Opportunity Commission,
PO Box 7370, Cloisters Square, PERTH WA 6850, or
by Facsimile to: (08) 9216 3960.
THANK YOU FOR YOUR FEEDBACK